

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, MAY 22, 2013

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING
of
Wednesday, May 22, 2013, 3:21 p.m.*

The President Pro Tempore (Council Member Rivera)
Acting Presiding Officer

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	Rosie Mendez
Charles Barron	Sara M. Gonzalez	James S. Oddo
Gale A. Brewer	David G. Greenfield	Annabel Palma
Fernando Cabrera	Daniel J. Halloran III	Diana Reyna
Margaret S. Chin	Vincent M. Ignizio	Donovan Richards
Leroy G. Comrie, Jr.	Robert Jackson	Joel Rivera
Elizabeth S. Crowley	Letitia James	Ydanis A. Rodriguez
Inez E. Dickens	Andy King	Deborah L. Rose
Erik Martin Dilan	Peter A. Koo	Eric A. Ulrich
Daniel Dromm	G. Oliver Koppell	James Vacca
Mathieu Eugene	Karen Koslowitz	Peter F. Vallone, Jr.
Julissa Ferreras	Bradford S. Lander	Albert Vann
Lewis A. Fidler	Jessica S. Lappin	James G. Van Bramer
Helen D. Foster	Stephen T. Levin	Mark S. Weprin
Daniel R. Garodnick	Melissa Mark-Viverito	Jumaane D. Williams
James F. Gennaro	Darlene Mealy	Ruben Wills

Excused: Council Members Nelson and Recchia.

The Majority Leader (Council Member Rivera) assumed the Chair as the President Pro Tempore and Acting Presiding Officer.

After being informed by the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the President Pro Tempore (Council Member Rivera).

There were 49 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, N.Y., N.Y. 10007.

INVOCATION

The Invocation was delivered by Rev. Msgr. Alfred P. LoPinto, The Roman Catholic Diocese of Brooklyn, 310 Prospect Park West, Brooklyn, NY 11215.

Recognizing the different faiths and traditions
represented in this chamber,
let us join in a moment
of silent prayer and reflection.
Let's ask God's blessing on the members of the Council

and on their work on behalf of our great city,
its citizens, institutions and organizations.
Let the members of the Council
be blessed with wisdom, compassion and understanding
in conducting their business.
The great diversity of our city
continued to be a cause for celebrating
the magnificence of that rare place on earth
where people from all over the world
gather to live in harmony with one another.
Let the members of the Council
Be filled with the spirit of generous service
that our city may continue to be
a place of hope for all,
especially the young and elderly,
along with all who are vulnerable
in our complex environment.
Let us pray that the work of this Council
to promote harmony, peace and tranquility,
that communities of justice might flourish
throughout the five boroughs of this great city.
Finally, as we continue with our city's recovery
from the devastation wrought by Sandy,
let us be mindful of our sisters and brothers
in Moore and in other parts of the Midwest,
suffering from the effects
of the tornadoes and storms
that have brought destruction, death and injury
into their lives.
Amen.

Council Member Levin moved to spread the Invocation in full upon the Record.

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individuals:

The Speaker (Council Member Quinn) offered her thoughts and prayers to those injured or killed in the U.S. mid-west by the catastrophic tornadoes of May 20, 2013. In particular, the hardest hit spot of Moore, Oklahoma was mentioned, with twenty four confirmed dead including nine children. The great devastation suffered in Moore included the destruction of two elementary schools in the direct path of the storm.

Mark Carson, 32, and D'aja Robinson, 14, were two New Yorkers murdered by gun violence on May 18, 2013. Mark Carson, 32, and D'aja Robinson, 14, were two New Yorkers murdered by gun violence on May 18, 2013. Mr. Carson, was reportedly shot in the face at point blank range on Eighth Street in Manhattan because he was a gay man. Ms. Robinson was killed by a hail of gunfire fired into the bus she was on in South Jamaica, Queens. The Speaker (Council Member Quinn) commended Council Member Wills for being very supportive and helpful to Ms. Robinson's family who are residents of his Council district.

* * *

ADOPTION OF MINUTES

Council Member Barron moved that the Minutes of the Stated Meetings of March 20 and April 9, 2013 be adopted as printed.

LAND USE CALL UPS

M-1157

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 622 10th Avenue, Community Board No. 4, Application no. 20135454 TCM shall be subject to review by the Council.

Coupled on Call-up vote.

LAND USE CALL UP VOTE

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such motion which was decided in the **affirmative** by the following vote:

Affirmative —Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Palma, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) — 49.

At this point, the President Pro Tempore (Council Member Rivera) declared the aforementioned item **adopted** and referred this item to the Committee on Land Use and to the appropriate Land Use subcommittee.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Consumer Affairs

Report for Int. No. 1035-A

Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the mandatory revocation of an amusement arcade or gaming café license for offering cash prizes or engaging in other unlawful gambling activity.

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on April 9, 2013 (Minutes, page 1072), respectfully

REPORTS:

I. INTRODUCTION

On Tuesday, May 21, 2013, the Committee on Consumer Affairs, chaired by Council Member Daniel R. Garodnick, will vote on Proposed Introductory Bill Number 1035 (“Proposed Intro. 1035”), a Local Law to amend the Administrative Code of the City of New York, in relation to the mandatory license revocation of an amusement arcade or gaming café license for offering cash prizes or engaging in other unlawful gambling activity. The Committee previously heard this bill on April 18, 2013.

II. BACKGROUND

There are 58 gaming cafes licensed by the Department of Consumer Affairs (“DCA”) in New York City.¹ The Administrative Code defines a gaming cafe as “a place where, for a fee charged directly or indirectly, persons are provided access to three or more computers or electronic devices in which games software has been installed by or for the owner or operator for the purpose of playing a game on the premises.”² In order to obtain a license to operate a gaming cafe, applicants pay a biennial licensing fee of \$340.³ The premises intended for cafe use must be approved by the fire department and undergo an electrical inspection.⁴ Applications for gaming cafe licenses are reviewed by the relevant Council Member and community

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¹ Dep’t of Consumer Affairs, *Instant License Check, Gaming Café*, at <https://a866-bportal.nyc.gov/BCPortals/LicenseCheckResults.aspx?EntityName=&LicenseNumber=&Zip=&LicCat=129>, (accessed April 17, 2013).

² N.Y.C. Admin. Code § 20-211(i).

³ N.Y.C. Admin. Code § 20-213(c).

⁴ Dep’t of Consumer Affairs, *Business Toolbox, Gaming Cafe*, at <http://www.nyc.gov/html/dca/html/licenses/129.shtml> (accessed April 15, 2013).

board, and the member and board can make comments to DCA before a license is granted.⁵

Because gaming cafes have traditionally appealed to youth, the City created time and place restrictions on cafe operations to prevent truancy and neighborhood disturbance. Gaming cafes are subject to zoning restrictions,⁶ and cafe operators are prohibited from serving individuals under the age of 18 between the hours of 9:00 a.m. and 3:00 p.m. on weekdays during the school year.⁷ The Administrative Code also prohibits these establishments from offering patrons monetary prizes.⁸

Despite the aforementioned restriction, several gaming cafes in New York City—both licensed and unlicensed—have reportedly begun offering “Vegas-style” computer games, complete with the potential to win money. Such establishments, known as “internet sweepstakes cafes,” have been opening in locations throughout the country. They offer patrons a service, such as internet access, which entitles the consumer to a certain number of entries in a sweepstakes.⁹ The consumer can then play a casino-like game on a computer console, the outcome of which will reveal whether or not the consumer possesses the winning entry.¹⁰ Winning will result in additional entries, which can then be redeemed for cash prizes at the conclusion of the patron’s experience.¹¹

Gambling is illegal under the Constitution of the State of New York, unless a local legislature permits and sets parameters for exceptions like horse racing or gaming associated with some form of charity, such as lottery and bingo.¹² On “sweepstakes” specifically, the State General Business Law permits them, but describes sweepstakes as “gifts, prizes or gratuities” associated with “the promotion, advertising or sale of consumer products or services” and requires filing with the Secretary of State and a payment of a bond if the value of the prizes offered is in excess of \$5,000.¹³

Members of the internet sweepstakes cafe industry claim that, despite the lure of cash prizes, these games do not amount to gambling because the winners are predetermined and the outcomes are not influenced by the games being played.¹⁴ Moreover, because entries are sold alongside a service, supporters of the industry compare this practice to that employed by fast-food restaurants, which occasionally sell game-pieces along with their food.¹⁵ They also suggest that these establishments offer an opportunity for senior citizens to socialize in a group environment.¹⁶ Nevertheless, the awarding of cash prizes by internet sweepstakes cafes appears to be a clear violation of the City’s gaming cafe laws.¹⁷

Opponents of internet sweepstakes cafes accuse the cafes of engaging in illegal gambling. The American Gaming Association (“AGA”), an organization representing the commercial casino entertainment industry, has characterized the internet sweepstakes cafe industry as one that earns \$10 billion a year,¹⁸ and redirects “billions of consumer dollars away from state lotteries and regulated gambling businesses that statutorily provide funding for public education, health care and programs for the elderly.”¹⁹ The AGA also disputes the notion that the internet cafes are engaging in a sweepstakes akin to a fast-food restaurant. Unlike a traditional sweepstakes, the sweepstakes offered at the cafes are ongoing, associated with a product that is seldom used by the consumer, and represent a significant proportion of the cafes’ revenue.²⁰ AGA further alleges that by characterizing themselves as “sweepstakes” these businesses are trying to evade “state antigambling laws and gambling license restrictions.”²¹ The National Council on Problem Gamblers (“NCPG”), a gambling addiction advocacy organization, also noted that internet sweepstakes cafes are often located in low-income neighborhoods and that beyond the presumed illegality these establishments are also predatory.²² According to NCPG, internet sweepstakes are exploitative of those with gambling addictions.²³ In May 2010, the Florida Council on Compulsive Gambling reported that, over the course of nine months, they had received dozens of complaints about internet sweepstakes cafes, the majority of which were low-income women who had gambled an average of \$13,000.²⁴

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⁵ N.Y.C. Admin. Code § 20-214(a)(3).

⁶ N.Y.C. Admin. Code § 20-214(a)(2).

⁷ N.Y.C. Admin. Code § 20-214(c)(4).

⁸ N.Y.C. Admin. Code § 20-214(c)(3).

⁹ Ott, T., “Internet cafes are popular, but are they really gambling? Booming sweepstakes businesses facing increasing scrutiny,” *Plain Dealer*, September 30, 2012, at A1.

¹⁰ “Allied Veterans Accused of Scam,” *Tampa Bay Times*, March 13, 2013, at 3B.

¹¹ “Two Internet Café Owners Hit With Gambling Charges,” *Tampa Pay Times*, July 27, 2012, at 5.

¹² N.Y. Constitution Art. I § 9.

¹³ Gen. Bus. § 369-e.

¹⁴ Gillispie, M., “Sweepstakes café operator fights Mason’s order to close,” *Plain Dealer*, June 6, 2012, at B1.

¹⁵ *Id.*

¹⁶ Rossetter, S. and Paquette, D., “Cafes Brace for the End,” *Tampa Pay Times*, April 6, 2013, at 1A.

¹⁷ See N.Y.C. Admin Code § 20-214(c)3 (“no amusement arcade or gaming cafe owner or amusement operator in the amusement arcade or gaming cafe shall offer money prizes or awards or such other prizes or awards which are redeemable or may be redeemed in money at the amusement arcade or gaming cafe or any other establishment, or which may be used as a credit or allowance or which may be exchanged for any money, credit or allowance.”)

¹⁸ Stewart, D. O., “Internet Sweepstakes Cafes: Unregulated Storefront Gambling in the Neighborhood,” *American Gaming Association White Paper*, at 1.

¹⁹ *Id.*, at 3.

²⁰ *Id.*, at 8.

²¹ “Internet Sweepstakes Cafes,” *American Gaming Association*, at <http://www.americangaming.org/node/2314>, (accessed April 15, 2013).

²² Johnson, A., “DISPATCH ANALYSIS: ‘STRIP MALL CASINOS’; Internet cafes spreading across Ohio offer a form of gambling that no one oversees or regulates,” *The Columbus Dispatch*, July 29, 2012, at 1A.

²³ *Id.*

²⁴ Saulny, S., “Internet Cafes Thrive With ‘Sweepstakes,’ Despite Police Misgivings,” *N.Y. Times*, May 7, 2010, at A15.

Several states have taken steps to stem the spread of internet sweepstakes cafes, most recently Florida and Ohio. On April 10, 2013, Florida Governor Rick Scott signed into law a bill that outlaws slot machines unless authorized by the legislature, bans arcades and gaming cafes from offering gift cards as prizes, requires “games of skill” to be coin-operated, and caps potential winnings to seventy-five cents per round.²⁵ In March 2013, the Ohio 8th District Court of Appeals found that three internet sweepstakes cafes in Cleveland were engaged in illegal gambling.²⁶ The Ohio state legislature is currently considering legislation that would limit the prize an internet sweepstake cafe can dispense to ten dollars, but the bill is not expected to be voted on until next year.²⁷ In April 2013, Ohio Attorney General Mike DeWine announced that he would use the March decision to pursue legal action against these businesses.²⁸ The AGA reports that other states have been successful in eliminating internet sweepstakes cafes, either through state and local legislatures, as in the cases of Mississippi and California, or through the courts, as in the cases of Pennsylvania and North Carolina.²⁹

III. PROPOSED INTRO 1035-A

In order to ensure strict enforcement against establishments that engage in unauthorized gambling, Intro. 1035-A would require mandatory revocation of a license to operate a gaming cafe or an amusement arcade if either: (i) cash prizes are offered; or (ii) other unlawful gambling activity in violation of the penal law occurs at the cafe or arcade. Currently, it is at the discretion of the DCA commissioner to revoke these licenses for this type of activity.³⁰ DCA can also issue a fine of up to \$500.³¹

The Administration testified in support of the previous iteration of Proposed Intro. 1035-A at the Committee’s April hearing on Internet sweepstakes cafes.

(The following is the text of the Fiscal Impact Statement for Int. No. 1035-A:)



THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 PRESTON NIBLACK, DIRECTOR
 JEFFREY RODUS, FIRST DEPUTY DIRECTOR
 FISCAL IMPACT STATEMENT
 PROPOSED INTRO. NO: 1035-A
 COMMITTEE:
 Consumer Affairs

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the mandatory revocation of an amusement arcade or gaming cafe license for offering cash prizes or engaging in other unlawful gambling activity.

SPONSOR(S): Council Members Williams, Fidler, Comrie, Gennaro, Gentile, Greenfield, King, Koo, Lander, Palma and Rose

SUMMARY OF LEGISLATION: Proposed Intro. 1035-A would require mandatory revocation of a license to operate a gaming cafe or an amusement arcade if either: (i) cash prizes are offered; or (ii) other unlawful gambling activity in violation of the penal law occurs at the cafe or arcade. The license will be revoked after a notice and hearing. It is already illegal, under the administrative code, for gaming cafes or arcades to offer cash prizes, and gambling is prohibited by the penal code. This legislation would facilitate stricter enforcement by the Department of Consumer Affairs (DCA). Currently, it is at the discretion of the DCA Commissioner to revoke these licenses for this type of activity. DCA can also issue a fine of up to \$500.

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²⁵ Haughney, K., “Gov. Rick Scott signs bill banning Internet cafes,” *Orlando Sentinel*, April 10, 2013, Available at http://articles.orlandosentinel.com/2013-04-10/news/os-scott-signs-internet-cafe-ban-20130410_1_florida-arcade-association-group-allied-veterans-gale-fontaine, Accessed on April 16, 2013.
²⁶ See *Cleveland v. Thorne*, 2013-Ohio-1029.
²⁷ Johnson, A., “Gambling dispute; DeWine going after Internet cafes,” *The Columbus Dispatch*, April 11, 2013, at 1B.
²⁸ *Id.*
²⁹ “Internet Sweepstakes Cafes,” *American Gaming Association*, Available at <http://www.americangaming.org/node/2314>, Accessed on April 15, 2013.
³⁰ See N.Y.C. Admin. Code § 20-204; N.Y.C Charter § 2203.
³¹ N.Y.C Charter § 2203(g)(1).

EFFECTIVE DATE: This local law would take effect one hundred twenty days after its enactment into law, provided, however, that the DCA Commissioner would take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2014

FISCAL IMPACT STATEMENT:

	Effective Fiscal 2014	FY Succeeding Effective Fiscal 2015	Full Fiscal Impact Fiscal 2014
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be no impact on revenues resulting from the enactment of this legislation. The fines imposed are meant to deter, not generate revenues.

IMPACT ON EXPENDITURES: There would be no impact on expenditures resulting from the enactment of this legislation. DCA has the current appropriate staff needed to implement this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Department of Consumer Affairs
 New York City Council Finance Division

ESTIMATE PREPARED BY: Ralph P. Hernandez, Principal Legislative Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
 Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Intro. 1035 was introduced by Council and referred to the Committee on Consumer Affairs on April 9, 2013. The Committee held a hearing on Intro. 1035 on April 18, 2013, and the bill was laid over. An amendment was done, and Proposed Intro. 1035-A would be voted on by the Committee on May 21, 2013 and by the Full Council on May 22, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1035-A:)

Int. No. 1035-A

By Council Members Williams, Fidler, Comrie, Gennaro, Gentile, Greenfield, King, Koo, Lander, Palma, Rose, Arroyo, Barron, Jackson, Mark-Viverito, Weprin and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to the mandatory revocation of an amusement arcade or gaming cafe license for offering cash prizes or engaging in other unlawful gambling activity.

Be it enacted by the Council as follows:

Section 1. Paragraph three of subdivision c of section 20-214 of the administrative code of the city of New York, as amended by local law number 58 for the year 2005, is amended to read as follows:

(3) Where the amusement arcade or gaming cafe owner or the amusement operator in the amusement arcade or gaming cafe offers free games or prizes, signs shall be required to set out with clarity the number of wins or the score required to obtain a free game or prize; provided, however, that no amusement arcade or gaming cafe owner or amusement operator in the amusement arcade or gaming cafe shall offer money prizes or awards or such other prizes or awards which are redeemable or may be redeemed in money at the amusement arcade or gaming cafe or any other establishment, or which may be used as a credit or allowance or which may be exchanged for any money, credit or allowance. *Any license to operate an amusement arcade or gaming cafe issued pursuant to subdivision c of section 20-212 of this subchapter shall be revoked, after notice and hearing, where (i) the department finds that the owner or operator of such arcade or cafe or an employee thereof has permitted on the premises of such arcade or cafe the offering or distribution of such prizes or awards; or (ii) the owner or operator of such arcade or cafe, or an employee thereof, is convicted of violating any section of article 225 of the penal law*

or of a lesser offense in satisfaction of a criminal charge pursuant to article 225 of the penal law, for conduct occurring on the premises of such arcade or cafe.

§ 2. This local law shall take effect one hundred twenty days after its enactment into law; provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

DANIEL R. GARODNICK, Chairperson; CHARLES BARRON, LEROY G. COMRIE, Jr., G. OLIVER KOPPELL, JULISSA FERRERAS, KAREN KOSLOWITZ; Committee on Consumer Affairs, May 21, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Reports of the Committee on Finance

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for L.U. No. 833

Report of the Committee on Finance in favor of approving 500 Trinity Avenue Portfolio, Block 2557 Lot 56 & 78, Block 2578 Lot 06, Block 2580 Lot 26, Bronx, Community District No. 1, Council District No. 17

The Committee on Finance, to which the annexed resolution was referred on May 22, 2013, respectfully

REPORTS:

(The following is a Memo to the Finance Committee from the Finance Division of the New York City Council)

May 22, 2013

TO: Hon. Domenic M. Recchia, Jr.
Chair, Finance Committee

Members of the Finance Committee

FROM: Amy Stokes, Finance Division

RE: Finance Committee Agenda of May 22, 2013 - Resolution approving tax exemptions for three preconsidered Land Use Items (Council District 17, Council District 49)

500 Trinity (Block 2557, Lot 56 & 78; Block 2578, Lot 6; Block 2580, Lot 26) in the Bronx consists of four buildings with 188 units of housing for low income families. Under the proposed project, the Jackson-Trinity Housing Development Fund Company, Inc. ("HDFC") will acquire the Exemption Area and 500 Trinity LLC ("Company"), a limited liability company, will be the beneficial owner and will operate the Exemption Area. The HDFC and the Company (collectively, "Owner") will finance the acquisition and rehabilitation of the property with loans from a private lender and the City of New York Department of Housing Preservation and Development ("HPD"). The Owner and HPD will enter into a regulatory agreement establishing certain controls upon the operation of the Exemption Area. The Exemption Area currently does not receive any exemption from real property taxation. In order to facilitate the project, HPD respectfully requests that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, an exemption from real property taxation.

This item has the approval of Councilmember Arroyo.

Longwood Residences (Block 2720, Lot 80, 84, 88 & 93; Block 2723, Lot 6, Block 2724, Lot 1 & 101) in the Bronx consists of nine buildings with 359 units of housing for low income families. Under the proposed project, Longwood Residences Housing Development Fund Company, Inc. ("HDFC") will acquire the Exemption Area and Longwood Residences, L.P. ("Partnership"), a limited partnership, will be the beneficial owner and will operate the Exemption Area. The HDFC and the Partnership (collectively, "Owner") will finance the acquisition and rehabilitation of the property with a loan from the New York City Housing Development Corporation ("HDC") and low income housing tax credits. The Owner and HDC will enter into a 37 year regulatory agreement providing that all units must be rented to families whose incomes do not exceed 60% of area median income. Eligible tenants will receive Section 8 rental assistance. The Exemption Area currently receives an abatement from real property taxation pursuant to Section 489 of the Real Property

Tax Law ("J-51 Benefits"). In order to facilitate the project, HPD is requesting an Article XI exemption for the Exemption Area providing for an annual partial tax payment that will not be reduced by the J-51 Benefits. In order to facilitate the project, HPD respectfully requests that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, an exemption from real property taxation.

This item has the approval of Councilmember Arroyo.

Terrace Gardens (Block 2893, Lot 1; Block 2894, Lot 1) in Staten Island consists of two buildings with 198 units of housing for low income families. Under the proposed project, Terrace Gardens Housing Development Fund Corp., ("HDFC") will acquire the Exemption Area and Terrace Gardens Housing Limited Partnership ("Partnership"), a limited partnership will be the beneficial owner and will operate the Exemption Area. The HDFC and the Partnership (collectively, "Owner") will finance the acquisition and rehabilitation of the property with a loan from the New York State Housing Finance Agency ("HFA") and low income housing tax credits. The Owner and HFA will enter into a thirty year regulatory agreement providing that all units must be rented to families whose incomes do not exceed 60% of area median income. The Owner and the City of New York Department of Housing Preservation and Development ("HPD") also will enter into a regulatory agreement establishing certain controls on the Exemption Area. Eligible tenants will receive Section 8 rental assistance. The Exemption Area currently receives an abatement from real property taxation pursuant to Section 489 of the Real Property Tax Law ("J-51 Benefits") and may apply for future benefits pursuant to Section 489 of the Real Property Tax Law ("J-51 Program") for other rehabilitation work. In order to facilitate the project, HPD is requesting an Article XI exemption for the Exemption Area providing for an annual partial tax payment that will not be reduced by the J-51 Benefits. However, the aggregate exemption from and abatement of real property taxation due to any future benefits pursuant to the J-51 Program shall not exceed fifty percent of the annual partial tax payment provided for herein. In order to facilitate the project, HPD respectfully requests that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, an exemption from real property taxation.

This item has the approval of Councilmember Rose.

(For text of the coupled resolution of LU No. 833, please see immediately below; for text of the coupled resolutions of the other LUs, please see, respectively, the Reports of the Committee on Finance for LU Nos. 834 and 835 printed in these Minutes)

Accordingly, this Committee recommends the adoption of LU Nos. 833, 834, and 835.

In connection herewith, Council Members Comrie and Levin offered the following resolution:

Res. No. 1773

Resolution approving an exemption from real property taxes for property located at (Block 2557, Lot 56 & 78; Block 2578, Lot 6; Block 2580, Lot 26) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 833).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated April 9, 2013 that the Council take the following action regarding a housing project to be located at (Block 2557, Lot 56 & 78; Block 2578, Lot 6; Block 2580, Lot 26) the Bronx ("Exemption Area"):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

WHEREAS, the Council has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - (a) "Company" shall mean 500 Trinity LLC.
 - (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.

- (c) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (d) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2557, Lots 56, & 78, Block 2578, Lot 06 and Block 2580, Lot 26, on the Tax Map of the City of New York.
- (e) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-two (32) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (f) "HDFC" shall mean the Jackson-Trinity Housing Development Fund Company, Inc.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) "Owner" shall mean, collectively, the HDFC and the Company.
- (i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- b. The Exemption shall not apply to any building constructed on the Exemption Area that did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.
- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the Owner, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

KAREN KOSLOWITZ Acting Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, May 22, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for L.U. No. 834

Report of the Committee on Finance in favor of approving Longwood Residences, Block 2720 Lots 80, 84, 88 & 93, Block 2723 Lot 6, Block 2724, Lots 1 & 101, Bronx Community District No. 2, Council District No. 17

The Committee on Finance, to which the annexed resolution was referred on May 22, 2013, respectfully

REPORTS:

(For text of the Memo, please see the Report of the Committee on Finance for LU No. 833 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Members Comrie and Levin offered the following resolution:

Res. No. 1774

Resolution approving an exemption from real property taxes for property located at (Block 2720, Lot 80, 84, 88 & 93; Block 2723, Lot 6, Block 2724, Lot 1 & 101) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 834).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated April 22, 2013 that the Council take the following action regarding a housing project to be located at (Block 2720, Lot 80, 84, 88 & 93; Block 2723, Lot 6, Block 2724, Lot 1 & 101) the Bronx ("Exemption Area"):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

WHEREAS, the Council has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:

- (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HDC and the Owner enter into the Regulatory Agreement.
- (b) "Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2720, Lots 80, 84, 88 & 93, Block 2723, Lot 6, and Block 2724, Lots 1 & 101 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-seven (37) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "HDC" shall mean the New York City Housing Development Corporation.
- (f) "HDFC" shall mean Longwood Residences Housing Development Fund Company, Inc.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) "J-51 Benefits" shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective

Date.

- (i) "Maximum Shelter Rent Tax" shall mean \$712,664, plus an amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of December 31, 2013.
 - (j) "Owner" shall mean, collectively, the HDFC and the Partnership.
 - (k) "Partnership" shall mean Longwood Residences, L.P.
 - (l) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of 37 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Maximum Shelter Rent Tax. Such payments shall not be reduced by reason of any J-51 Benefits. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
 - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation, other than the J-51 Benefits, which may be authorized under any existing or future local, state or federal law, rule or regulation.

KAREN KOSLOWITZ Acting Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, May 22, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for L.U. No. 835

Report of the Committee on Finance in favor of approving Terrace Gardens, Block 2893 Lot 1, Block 2894 Lot 1, Staten Island, Community District No. 1, Council District No.49

The Committee on Finance, to which the annexed resolution was referred on May 22, 2013, respectfully

REPORTS:

(For text of the Memo, please see the Report of the Committee on Finance for LU No. 833 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Members Comrie and Levin offered the following resolution:

Res. No. 1775

Resolution approving an exemption from real property taxes for property located (Block 2893, Lot 1; Block 2894, Lot 1) Staten Island, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 835).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated March 29, 2013 that the Council take the following action regarding a housing project to be located at (Block 2893, Lot 1; Block 2894, Lot 1) Staten Island ("Exemption Area"):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

WHEREAS, the Council has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, (ii) the date that HFA and the Owner enter into the HFA Regulatory Agreement, or (iii) the date that HPD and the Owner enter into the HPD Regulatory Agreement.
 - (b) "Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (c) "Exemption Area" shall mean the real property located in the Borough of Staten Island, City and State of New York, identified as Block 2893, Lot 1 and Block 2894, Lot 1 on the Tax Map of the City of New York.
 - (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty years from the Effective Date, (ii) the date of the expiration or termination of the HFA Regulatory Agreement, (iii) the date of the expiration or termination of the HPD Regulatory Agreement, or (iv) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (e) "HDFC" shall mean Terrace Gardens Housing Development Fund Corp.
 - (f) "HFA" shall mean the New York State Housing Finance Agency.
 - (g) "HFA Regulatory Agreement" shall mean the regulatory agreement between HFA and the Owner providing that, for a term of thirty years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.

- (h) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (i) "HPD Regulatory Agreement" shall mean a regulatory agreement between HPD and the Owner establishing certain controls on the Exemption Area during the term of the Exemption.
- (j) "J-51 Benefits" shall mean any tax benefits pursuant the J-51 Program which are in effect on the Effective Date.
- (k) "J-51 Program" shall mean the program of exemption from or abatement of real property taxation authorized pursuant to Real Property Tax Law Section 489 and New York City Administrative Code Section 11-243.
- (l) "Maximum Shelter Rent Tax" shall mean \$225,000, plus an amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized on December 31, 2013.
- (m) "Owner" shall mean, collectively, the HDFC and the Partnership.
- (n) "Partnership" shall Terrace Gardens Housing Limited Partnership.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Maximum Shelter Rent Tax. Such payments shall not be reduced by reason of the J-51 Benefits. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HFA Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of the HPD Regulatory Agreement, (iv) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation, other than the J-51 Benefits, which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the foregoing, the Exemption Area may receive additional exemptions from and/or abatements of real property taxation pursuant to the J-51 Program after the Effective Date, provided, however, that the aggregate exemption from and abatement of real property taxation pursuant to the J-51 Program in any twelve month period shall not exceed fifty percent of the Maximum Shelter Rent Tax for such twelve month period pursuant to the

Exemption.

KAREN KOSLOWITZ Acting Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, May 22, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report of the Committee on Juvenile Justice

Report for Int. No. 981-A

Report of the Committee on Juvenile Justice in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children's services to publish demographic data and incident reports on youth detained and placed in its juvenile facilities, and to repeal chapter 2 of title 9 of the administrative code of the city of New York, relating to the department of juvenile justice.

The Committee on Juvenile Justice, to which the annexed amended proposed local law was referred on December 10, 2012 (Minutes, page 4557), respectfully

REPORTS:

I. INTRODUCTION

On May 21, 2013, the Committee on Juvenile Justice, chaired by Council Member Sara M. Gonzalez, will hold a hearing on Proposed Introduction No. 981-A ("Proposed Int. 981-A"), which would require the Administration for Children's Services ("ACS") to periodically publish certain demographics data for youth held in its detention and placement facilities and safety indicators concerning: (1) the use of physical restraint, mechanical restraint, and room confinement; (2) injuries to children; (3) bias-based incidents; and (4) allegations and findings of child abuse and neglect. The Committee held a hearing on the previous version of the bill on February 28, 2013. Among those who testified were ACS, The Legal Aid Society, The Correctional Association of New York and Children's Defense Fund.

II. BACKGROUND

In December of 2010, the New York City Council enacted Local Law 61 of 2010. Local Law 61 amended the New York City Charter to formally effectuate the merger of Department of Juvenile Justice ("DJJ") into ACS. With the enactment of Local Law 61, the Commissioner of ACS is responsible for all the duties and responsibilities of the former DJJ Commissioner. Furthermore, ACS inherited all DJJ obligations, including the reporting of certain information to the public. The impetus of the merger was to integrate child welfare programs in the long-term planning for youth as soon as the youth enter the juvenile justice system, with the goal of improving outcomes for juveniles and decreasing the City's use of detention.¹ The merger combined two agencies that served overlapping populations.

Prior to the merger, the Council enacted Local Law 12 and Local Law 14 of 2010. Previously, there were no requirements that DJJ publish data about youth detained in its facilities. Though the demographic indicators in the Preliminary Mayor's Management Report ("PMMR") and the Mayor's Management Report ("MMR") gave a general view of the DJJ population, they provided very little information about detained youth themselves. Specifically, the data provided was too general to be useful for the determination of detention trends, for oversight purposes, or to assist in the development of juvenile justice policies. In order to have a better understanding about the youth who were detained in DJJ facilities, the Council enacted Local Law 12 to require DJJ to report on a number of more specific demographic indicators than those previously contained in the MMR and PMMR, such as age, gender, and race. Additionally, the enactment of Local Law 14 provided the Council a better understanding concerning the safety of detained youth by requiring DJJ to report information concerning a number of safety indicators, such as the use of restraints, injuries to children, and allegations and findings of child abuse and neglect by staff.

The merger having been completed, ACS is now charged with coordinating the detention of the City's justice involved youth. Juveniles, ages 7 through 15, who are detained in ACS facilities include alleged juvenile delinquents and offenders whose cases are pending before the courts, and those whose cases have been adjudicated and are awaiting transfer to placement facilities.² ACS manages two full service secure detention facilities: Horizon and Crossroads.³ Secure detention facilities are characterized by locks on the doors and other restrictive hardware designed to limit the movement of the residents and to protect public safety. Additionally, ACS oversees 15 non-secure detention facilities located throughout the City, two of which are run directly by ACS.⁴

On March 30, 2012, Governor Andrew M. Cuomo signed into law the Close to Home legislation.⁵ Prior to Close to Home, New York City children who were adjudicated to be juvenile delinquents were placed in facilities operated by the New York State Office of Children and Family Services ("OCFS"), often far away from

their families. While OCFS continues to provide secure placement⁶ services for adjudicated juvenile delinquents, Close to Home authorized the City to oversee non-secure⁷ and limited secure⁸ placement services for adjudicated juvenile delinquents from New York City.⁹ Pursuant to Close to Home, ACS began operating non-secure placement facilities on September 1, 2012.¹⁰ ACS is currently planning for the second phase of Close to Home – limited secure placement – which is anticipated to begin services in the fall of 2013.¹¹

III. PROPOSED INT. 981-A

Local Law 12 and Local Law 14 require ACS to publish demographic data and incident reports on youth detained in its secure and non-secure detention facilities.¹² Proposed Int. 981-A would essentially require ACS to report similar data on youth who are or will be placed in its non-secure and limited secure placement facilities pursuant to Close to Home.¹³

A. Admissions Data

Local Law 12 of 2010¹⁴ currently requires that ACS, on a yearly basis, post a report containing the total number of admissions to its detention facilities in the previous fiscal year, disaggregated by the following indicators: (i) age; (ii) gender; (iii) race; (iv) zip code of residence; (v) for youth remanded to a detention facility by a court, the most serious charged offense on the court petition, complaint or indictment at the time ACS assumed custody; and (vi) for youth brought to detention by police, whether the top arrest charge was a misdemeanor or a felony at the time ACS assumed custody.¹⁵ Proposed Int. 981-A would amend the current law to require ACS to further break down the above data into secure and non-secure detention facilities. In addition, it would require ACS to post a yearly report containing the total number of admissions to its non-secure and limited secure placement facilities in the previous year, disaggregated by the following indicators: (i) age; (ii) gender; (iii) race; (iv) zip code of residence; (v) youth who were detained at a detention facility immediately prior to being ordered to a placement facility by a court; (vi) youth who were not detained at a detention facility immediately prior to being ordered to a placement facility by a court; (vii) youth who were transferred to an ACS placement facility from the custody of OCFS pursuant to Close to Home;¹⁶ and (viii) for youth ordered to a placement facility by a court, the most serious offense adjudicated against such youth by the court.

B. Demographic Data

In addition, Local Law 12 of 2010 currently requires that ACS, on a yearly basis, post a report on its website containing the average daily population in its secure and non-secure detention facilities.¹⁷ Int. No. 981 would similarly require ACS to report the average daily population in its non-secure and limited secure placement facilities.

Currently, ACS must also report on the total number of admitted youth who spent time either in non-secure detention only, secure detention only, or both non-secure detention and secure detention in the previous fiscal year, disaggregated by the following indicators: (i) age; (ii) gender; (iii) race; (iv) zip code of residence; (v) for youth remanded to a detention facility by a court, the most serious charged offense on the court petition, complaint or indictment at the time ACS assumed custody; and (vi) for youth brought to detention by police, whether the top arrest charge was a misdemeanor or a felony at the time ACS assumed custody.¹⁸ Proposed Int. 981-A would create a similar obligation on ACS to report on the population in its placement facilities, by requiring it to publish data on the total number of admitted youth who spent time either in non-secure placement only, limited secure placement only, or both non-secure and limited secure placement, during the reporting period, disaggregated by the following: (i) age; (ii) gender; (iii) race; (iv) zip code of residence; and (v) for youth ordered to a placement facility by a court, the most serious offense adjudicated against such youth by the court.

C. Data on Transfers

A key difference between Proposed Int. 981-A and the legislation as it was introduced is the addition of a metric to require ACS to publish data, on a yearly basis, on the total number of youth who have been transferred to another facility due to a modification (i.e. stepping up or stepping down) of their detention or placement. The metric was added after the Committee heard testimony from the public regarding the lack of publicly available information on modifications and how such data would further the Council's oversight objective by identifying any trends or patterns. Specifically, ACS would have to post a report regarding the number of youth who have been transferred during each fiscal year from (i) a non-secure detention facility to a secure detention facility; (ii) a secure detention facility to a non-secure detention facility; (iii) a non-secure placement facility to a limited secure placement facility; (iv) a non-secure placement facility to a secure placement facility; (v) a limited secure placement facility to a non-secure placement facility; (vi) a limited secure placement facility to a secure placement facility; (vii) a secure placement facility to a limited secure placement facility; and (viii) a secure placement facility to a non-secure placement. Such data would be disaggregated by (i) age; (ii) gender; and (iii) race.

D. Quarterly Incident Reports

Local Law 14 of 2010¹⁹ currently requires ACS to report information concerning a number of safety indicators, disaggregated by each ACS secure detention facility and in the aggregate for all non-secure detention facilities. Specifically, Local Law 14 requires that ACS report on its website, on a quarterly basis, information concerning: (i) the use of physical restraint by ACS staff on children; (ii) physical injuries or impairment to children as a result of the use of physical restraint; (iii) use of mechanical restraint by staff on children; (iv) physical injuries or impairment to children as a result of the use of mechanical restraint; (v) fights and altercations between children; (vi) physical injuries or impairment to children as a result of fights with other children; (vii) physical injuries or impairment

to children resulting from any other means not previously mentioned; and (viii) the number of room confinements and the length of stay for each instance.²⁰

Proposed Int. 981-A would require ACS to report the same quarterly data for its non-secure and limited secure placement facilities. In addition, a key metric has been added to the proposed law after it was first introduced to require ACS to report, on a quarterly basis, the number of bias-based incidents, defined as those incidents, including fights or altercations between a child and another child or staff, that arose in whole or in part due to a child's perceived or actual sexual orientation, gender expression or gender identity, if the information was voluntarily reported by the child. Advocates' testimonies have highlighted the need to collect and publish such data, as there is evidence that lesbian, gay, bisexual, transgender, and question ("LGBTQ") youth might be at a higher risk of maltreatment within the juvenile justice system. Such data would be useful in identifying incidents of maltreatment and implementing policies and practices to better serve this at-risk population.

E. Annual Incident Reports

Local Law 14 of 2012 further requires ACS to report, on a yearly basis, the following information: (i) the number of allegations made during the last fiscal year that a child in a detention facility was a neglected or abused child; and (ii) the number of findings made during the fiscal year by OCFS substantiating allegations that a child in a detention facility was a neglected or abused child (including findings made during the fiscal year that substantiated allegations made prior to the fiscal year).²¹ Proposed Int. 981-A would similarly require ACS to report allegations and findings of child of abuse or neglect for children placed in its non-secure and limited secure placement facilities.

F. Effective Date and Interim Reports

Proposed Int. 981-A would become effectively immediately. For its detention facilities, ACS will continue to report the same data that it has been reporting pursuant to Local Laws 12 and 14 of 2010. The situation is more complicated with respect to the new placement facilities pursuant to Close to Home. While ACS began to assume custody of youth ordered to non-secure placement in September 2012, much of the data concerning non-secure placement facilities are in flux, due to the fact the process of transferring young people from OCFS facilities upstate to ACS facilities takes months. Similarly, ACS has not yet begun operating limited secure placement facilities, and it is expected that the initial data would fluctuate until the population stabilizes. Because of concerns about how representative such initial data would be, Proposed Int. 981-A contemplates giving ACS additional time before it would be required to begin reporting certain data. In the meantime, ACS would post certain interim reports. In addition, with respect to the new metrics, Proposed Int. 981-A would push back the timing of the initial reports. As amended, Proposed Int. 981-A would become effective immediately, provided that the following timeframes apply as to when certain initial and interim reports would be due:²²

- For limited secure placement facilities, ACS will post:
 - the first annual report on admissions data (as described in Section III.A) by September 30, 2015;
 - the first annual report on average daily population (as described in Section III.B) by September 30, 2015;
 - the first annual report on the number of youth admitted who spent time either in non-secure placement only, limited secure placement only, or both non-secure and limited secure placement (as described in Section III.B) by September 30, 2015;
 - the first quarterly incident report (as described in Section III.D) and annual incident report (as described in Section III.E) by September 30, 2014; and
 - a one-time interim report, no more than a year after ACS begins operating limited secure placement facilities, containing the following data:
 - the total number of admissions to limited secure placement facilities in the first nine months of their operation, disaggregated by (i) age; (ii) gender; (iii) race; and (iv) youth who were transferred to an ACS placement facility from the custody of OCFS pursuant to Close to Home;
 - the total population in limited secure facilities as of the last day of every month during the first nine months of their operation; and
 - the number of youth admitted to limited secure placement facilities during the first nine months of their operation who, during that period, spent time either in non-secure placement only, limited secure placement only, or both non-secure and limited secure placement, disaggregated by the following factors: (i) age; (ii) gender; (iii) race; (iv) zip code of residence; and (v) for youth ordered to a placement facility by a court, the most serious offense adjudicated against such youth.
- For non-secure placement facilities, ACS will post:
 - the first annual report on average daily population (as described in Section III.B) by September 30, 2014; and
 - a one-time interim report regarding the total population in its non-secure placement facilities, as of the last day of every month during the previous fiscal year by September 30, 2013.

- ACS will post its first annual report for data on transfers (as described in Section III.C) by September 30, 2014.
- ACS will post its first quarterly report for data regarding bias-based incidents (as described in Section III.D) for all detention and placement facilities by September 30, 2014.

¹ See New York City Administration for Children’s Services, *Children’s Services and Juvenile Justice to Integrate Operations*, available at http://www.nyc.gov/html/acs/html/about/news_djj.shtml (last accessed on May 10, 2013).

² See N.Y. Exec. Law §502(3).

³ See New York City Administration for Children’s Services, *Division of Youth and Family Justice*, available at http://www.nyc.gov/html/acs/html/yfj/juvenile_resident_info.shtml (Last accessed on May 10, 2013).

⁴ *Id.*

⁵ See New York City Administration for Children’s Services, *Close to Home*, available at http://www.nyc.gov/html/acs/html/close_to_home/close_to_home.shtml (Last accessed on May 10, 2013).

⁶ A secure facility means a residential facility that is characterized by physically restricting construction, hardware and procedures. N.Y. Exec. Law §504-a.

⁷ A non-secure facility means a residential facility that is characterized by the absence of physically restricting construction, hardware and procedures. See N.Y. Fam. Ct. Act §301.2(5).

⁸ The term “limited secure placement” is not defined by state law or regulations. It is commonly used to refer to facilities with a security level somewhere between that of a non-secure facility and a secure facility.

⁹ See New York City Administration for Children’s Services, *Close to Home*, available at http://www.nyc.gov/html/acs/html/close_to_home/close_to_home.shtml (Last accessed on May 10, 2013).

¹⁰ Testimony by ACS Commissioner Ronald E. Richter, before the Committees on General Welfare, Juvenile Justice, Women’s Issues and Finance, at the FY 2014 Preliminary Budget Hearing, on March 18, 2013, p.4.

¹¹ *Id.* at 5.

¹² ACS assumed DJJ’s reporting obligations after DJJ’s merger into ACS in 2010.

¹³ The 2 local laws, Local Law 12 of 2010 and Local Law 14 of 2010, were codified in chapter 2 of title 9 of the New York City Administrative Code (“Admin. Code”), as the chapter related to the former DJJ. The local laws were enacted before DJJ’s merger into ACS in December 2010. Int. No. 981 seeks to repeal chapter 2 of title 9 of the Admin. Code, as DJJ no longer exists, and to codify the reporting requirements currently imposed by Local Law 12 and Local Law 14 in chapter 9 of title 21 of the Admin. Code, as the chapter relates to ACS.

¹⁴ Codified as N.Y.C. Admin. Code §9-201.

¹⁵ N.Y.C. Admin Code §9-201(a).

¹⁶ As original introduced, the legislation provided that the reporting of the number of youth who were transferred from an OCFS to an ACS placement facility pursuant to Close to Home will expire 2 years after the enactment of the local law. The amended legislation changed the sunset provision to 3 years.

¹⁷ N.Y.C. Admin Code §9-201(b).

¹⁸ N.Y.C. Admin Code §9-201(b).

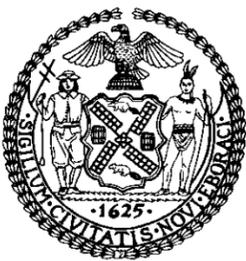
¹⁹ Codified as N.Y.C. Admin. Code §9-201. Note that there are duplicate sections of §9-201.

²⁰ N.Y.C. Admin Code §9-201(b).

²¹ N.Y.C. Admin Code §9-201(c).

²² Notwithstanding the timeframes provided in this section, ACS will not have to publish data on its limited-secure placement facilities until ACS has begun operating them for 3 months.

(The following is the text of the Fiscal Impact Statement for Int. No. 981-A:)



THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY
DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 981-A
COMMITTEE:
Juvenile Justice

TITLE: To amend the administrative code of the city of New York, in relation to requiring the administration for children’s services to publish demographic data and incident reports on youth detained and placed in its juvenile facilities, and to REPEAL chapter 2 of title 9 of the administrative code of the city of New York, relating to the department of juvenile justice.

SPONSOR(S): Rose, Brewer, Eugene, James, Mendez, Vann, Williams, Dromm, Rodriguez, Gonzalez, Palma, Van Bramer, Lander, nelson, Gennaro, Chin and Arroyo

SUMMARY OF LEGISLATION:

ACS is currently required by local laws to post on its website the following data on youth remanded to its non-secure and secure detention facilities:

- (1) Annual reports on the total number of admissions, disaggregated by (i) age; (ii) gender; (iii) race; (iv) zip code of residence; (v) for youth remanded to detention

by a court, the most serious charged offense; and (vi) for youth brought to detention by police, whether the top arrest charge was a misdemeanor or a felony;

(2) Annual reports regarding the average daily population and the number of youth who spent time either in non-secure detention only, secure detention only, or both types of facilities, disaggregated by (i) age; (ii) gender; (iii) race; (iv) zip code of residence; (v) for youth remanded to detention by court, the most serious charged offense; and (vi) for youth brought to detention by police, whether the top arrest charge was a misdemeanor or a felony;

(3) Quarterly incident reports concerning (i) the use of physical restraint, mechanical restraints and room confinement; (ii) fights and altercations between children; and (iii) physical injuries or impairment to children as a result of the use of restraints, fights or other incident; and

(4) Annual incident reports regarding allegations and findings of child abuse and neglect.

Proposed Int. 981-A would require the Administration for Children’s Services (ACS) to report similar information as reported for youth in its non-secure and secure detention facilities, for youth who are or will be placed in its non-secure and limited secure placement facilities pursuant to Governor Cuomo’s Close to Home Initiative. ACS began operating non-secure placement facilities in September 2012, and it is currently developing a plan to operate limited secure placement facilities, which are expected to begin to provide services this fall.

In addition, Proposed Int. 981-A would add two additional reporting requirements for youth placed in ACS’ detention or placement facilities:

- Quarterly incident reports on the total number of bias-based incidents that arose due to a child’s perceived or actual sexual orientation, gender expression or gender identity, as reported by the child; and
- Annual reports on the number of youth who have been transferred to a different facility due to a modification of their detention or placement (i.e. stepping up or stepping down to a different level of care).

EFFECTIVE DATE: This legislation would take immediately after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY14
Revenues	\$0	\$0	\$0
Expenditures	\$7,412	\$64,240	\$64,240
Net	\$7,412	\$64,240	\$64,240

IMPACT ON REVENUES: This legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: ACS will hire an additional full-time employee in an effort to execute the above-mentioned data analysis as required in this bill, incurring a cost of \$64,240, including fringe, for Fiscal 2014. The impact on expenditures reflects only 50 percent of the proposed employee’s time; the other 50 percent will be dedicated to other duties and responsibilities in ACS’ Policy Planning and Measurement Division.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: The Administration for Children’s Services

SOURCE OF INFORMATION: The Administration for Children’s Services

ESTIMATE PREPARED BY: Norah Yahya, Legislative Financial Analyst

ESTIMATED REVIEWED BY: Latonia McKinney, Deputy Director
Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on December 10, 2012 as Int. 981 and referred to the Committee on Juvenile Justice. On February 28, 2013, the Committee on Juvenile Justice held a hearing on this legislation and the bill was laid over. An amended version of the legislation, proposed Intro 981-A, will be considered by the Committee on Juvenile Justice on May 21, 2013 and upon successful vote, the bill will be submitted to the full Council for a vote at the Stated meeting held on May 22, 2013.

DATE SUBMITTED TO COUNCIL: MAY 22, 2013

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 981-A:)

Int. No. 981-A

By Council Members Rose, Brewer, Eugene, James, Mendez, Vann, Williams, Dromm, Rodriguez, Gonzalez, Palma, Van Bramer, Foster, Lander, Nelson, Gennaro, Chin, Arroyo, Barron, Jackson, Mark-Viverito, Mealy and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children's services to publish demographic data and incident reports on youth detained and placed in its juvenile facilities, and to repeal chapter 2 of title 9 of the administrative code of the city of New York, relating to the department of juvenile justice.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 9 of the administrative code of the city of New York, as added by local law number 12 for the year 2010, is REPEALED.

§ 2. Chapter 2 of title 9 of the administrative code of the city of New York, as added by local law number 14 for the year 2010, is REPEALED.

§ 3. Section 21-901 of the administrative code of the city of New York, as added by local law number 20 for the year 2006, is amended to read as follows:

§ 21-901. Definitions.

Whenever used in this chapter, the terms set forth below are defined as follows:

"Abused child" means a child or youth who has been subjected to "physical abuse," "sexual abuse" and/or "psychological abuse" as defined in section four hundred eighty-eight of the New York state social services law while in the custody of ACS.

[1.] "ACS" means the administration for children's services, or any successor agency charged with operating the city's child welfare system.

"Bias-based incidents" means incidents, including fights or altercations between a child and another child or staff, that arose in whole or in part due to a child's perceived or actual sexual orientation, gender expression or gender identity, as reported by such child.

[2.] "Case worker" means a diagnostic child protective specialist assigned to a zone.

"Child" means "youth" as defined in this section.

[3.] "Commissioner" means the commissioner of ACS.

"Detention" means the temporary care and maintenance of youth held:

1. away from their homes pursuant to article three or seven of the family court act; or

2. pending a hearing for an alleged violation of the conditions of release from the New York state office of children and family services or ACS facility or authorized agency; or

3. pending a hearing for an alleged violation of a condition of parole as a juvenile offender; or

4. pending a return to a jurisdiction other than the one in which the youth is held; or

5. pursuant to a securing order of a criminal court if the youth named therein as principal is charged as a juvenile offender; or

6. pending a hearing on an extension of placement; or

7. pending transfer to a facility upon commitment or placement by a court.

"Detention facility" means a facility, certified by the New York state office of children and family services, for the care of youth detained in accordance with the provisions of the family court act, regulations of the New York state office of children and family services, and the criminal procedure law.

[4.] "Entry order" means an order entered pursuant to subdivision two of section ten hundred thirty-four of the family court act to enter specific premises where there is probable cause to believe an abused or neglected child may be found.

"Fiscal year" means the fiscal year for the city of New York.

[5.] "IRT investigation" means an instant response team investigation conducted pursuant to the Administration for Children's Services and Law Enforcement Instant Response Teams Protocol dated February 1998 or any protocol hereafter promulgated that sets forth guidelines for the use of interdisciplinary instant response teams.

"Limited secure placement facility" means a placement facility characterized by physically restricting construction, hardware and procedures which are less restrictive than the construction, hardware and procedures of a secure placement facility.

"Mechanical restraint" means the use of a mechanical device to restrict the movement or normal function of a portion of a child's body, including but not limited to, handcuffs, leg cuffs, daisy chains or waist restraint.

"Neglected child" means a child or youth who has been subjected to neglect as defined in section four hundred eighty-eight of the New York state social services law while in the custody of ACS.

"Non-secure detention or placement facility" means a detention or placement facility characterized by the absence of physically restricting construction, hardware

and procedures.

"Physical injury or impairment" means any confirmed harm, hurt or damage resulting in a significant worsening or diminution of a child's physical condition.

"Physical restraint" means the use of bodily force to limit a child's freedom of movement during a physical confrontation or to prevent a confrontation.

"Placement" means the temporary care and maintenance of adjudicated youth held away from their homes pursuant to article three of the family court act.

"Placement facility" means a facility, certified by the New York state office of children and family services, for the care of youth placed in accordance with the provisions of the family court act and the regulations of the New York state office of children and family services.

"Room confinement" means the confinement of a child in a room, including but not limited to the child's own room, when locked or when the child is authoritatively told not to leave.

"Secure detention or placement facility" means a detention or placement facility characterized by physically restricting construction, hardware and procedures.

"Youth" means a person who resides in a juvenile detention or placement facility in the custody of ACS.

[6.] "Zone" means one of no fewer than 13 divisions of ACS child protective services headed by a deputy director who exercises oversight over the work of child protective managers, supervisors and child protective specialists in a specific geographic area, or the Office of Confidential Investigations.

§ 4. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-905 to read as follows:

§21-905. Demographic Data.

a. Admissions to Detention Facilities.

1. By September 30 of each year, ACS shall post a report on its website regarding the total number of admissions in the previous fiscal year to the following facilities:

i. secure detention facilities; and

ii. non-secure detention facilities.

2. The data provided pursuant to paragraph one of subdivision a of this section shall be disaggregated by the following factors:

i. age;

ii. gender;

iii. race;

iv. zip code of residence, except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol;

v. for youth remanded to a detention facility by a court, the most serious charged offense on the court petition, complaint or indictment at the time ACS assumed custody; and

vi. for youth brought to detention by police, whether the top arrest charge was a misdemeanor or a felony at the time ACS assumed custody.

b. Demographic Data for Detention Facilities.

1. By September 30 of each year, ACS shall post a report on its website regarding the average daily population in the previous fiscal year in the following facilities:

i. secure detention facilities; and

ii. non-secure detention facilities.

2. By September 30 of each year, ACS shall post a report on its website regarding the number of youth admitted to a detention facility during the previous fiscal year who spent time either in non-secure detention only, secure detention only, or both non-secure and secure detention, disaggregated by the following factors:

i. age;

ii. gender;

iii. race;

iv. zip code of residence, except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol;

v. for youth remanded to a detention facility by a court, the most serious charged offense on the court petition, complaint or indictment at the time ACS assumed custody; and

vi. for youth brought to detention by police, whether the top arrest charge was a misdemeanor or a felony at the time ACS assumed custody.

c. Admissions to Placement Facilities.

1. By September 30 of each year, ACS shall post a report on its website regarding the total number of admissions in the previous fiscal year to the following facilities:

i. non-secure placement facilities; and

ii. limited-secure placement facilities.

2. The data provided pursuant to paragraph one of subdivision c of this section shall be disaggregated by the following factors:

i. age;

ii. gender;

iii. race;

iv. zip code of residence, except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol;

v. youth who were detained at a detention facility immediately prior to being ordered to a placement facility by a court pursuant to the family court act;

vi. youth who were not detained at a detention facility immediately prior to being ordered to a placement facility by a court pursuant to the family court act;

vii. youth who were transferred to an ACS placement facility from the custody of

the New York state office of children and family services in accordance with subdivision six of section four hundred and four of the New York state social services law; and

viii. for youth ordered to a placement facility by a court, the most serious offense adjudicated against such youth by the court.

d. *Demographic Data for Placement Facilities.*

1. By September 30 of each year, ACS shall post a report on its website regarding the average daily population in the previous fiscal year in the following facilities:

- i. non-secure placement facilities; and
- ii. limited-secure placement facilities.

2. By September 30 of each year, ACS shall report on its website the number of youth admitted to a placement facility during the previous fiscal year who spent time either in non-secure placement only, limited secure placement only, or both non-secure and limited secure placement, disaggregated by the following factors:

- i. age;
- ii. gender;
- iii. race;
- iv. zip code of residence, except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol; and
- v. for youth ordered to a placement facility by a court, the most serious offense adjudicated against such youth by the court.

e. *Data on Transfers.*

1. By September 30 of each year, ACS shall post a report on its website regarding the total number of youth who have been transferred during the previous fiscal year from:

- i. a non-secure detention facility to a secure detention facility;
- ii. a secure detention facility to a non-secure detention facility;
- iii. a non-secure placement facility to a limited secure placement facility;
- iv. a non-secure placement facility to a secure placement facility;
- v. a limited secure placement facility to a non-secure placement facility;
- vi. a limited secure placement facility to a secure placement facility;
- vii. a secure placement facility to a limited secure placement facility; and
- viii. a secure placement facility to a non-secure placement facility.

2. The data provided pursuant to paragraph one of subdivision e of this section shall be disaggregated by the following factors:

- i. age;
- ii. gender; and
- iii. race.

f. *Interim Reports.*

1. On or before September 30, 2013, ACS shall post a report on its website regarding the total population in non-secure placement facilities as of the last day of every month during the previous fiscal year.

2. No more than one year after ACS begins operating limited secure placement facilities, ACS shall post a report on its website regarding:

i. the total number of admissions to such facilities in the first nine months of their operation, disaggregated by the following factors:

- (a) age;
- (b) gender;
- (c) race; and

(d) youth who were transferred to an ACS placement facility from the custody of the New York state office of children and family services in accordance with subdivision six of section four hundred and four of the New York state social services law;

ii. the total population in such facilities as of the last day of every month during the first nine months of their operation; and

iii. the number of youth admitted to such facilities during the first nine months of their operation who, during that period, spent time either in non-secure placement only, limited secure placement only, or both non-secure and limited secure placement, disaggregated by the following factors:

- (a) age;
- (b) gender;
- (c) race;
- (d) zip code of residence except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol; and

(e) for youth ordered to a placement facility by a court, the most serious offense adjudicated against such youth by the court.

§ 5. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-906 to read as follows:

§21-906. *Incident Reports.*

a. *Quarterly Incident Reports.*

1. Within sixty days after the end of each quarter of the fiscal year, ACS shall post a report on its website, based on data from the previous quarter, that shall contain the number of the following incidents:

- i. use of physical restraint by staff on children;
- ii. physical injuries or impairment to children as a result of the use of physical restraint;
- iii. use of mechanical restraint by staff on children;
- iv. physical injuries or impairment to children as a result of the use of mechanical restraint;
- v. fights and altercations between children;
- vi. physical injuries or impairment to children as a result of fights with other

children;

vii. physical injuries or impairment to children resulting from any other means not previously mentioned;

viii. biased-based incidents as reported by a child; and

ix. the number of room confinements and the length of stay for each confinement.

2. The data provided pursuant to paragraph one of subdivision a of this section shall be disaggregated by the following factors:

- i. each secure detention facility;
 - ii. non-secure detention facilities;
 - iii. non-secure placement facilities; and
 - iv. limited secure placement facilities.
- b. Annual incident reports.

1. Within sixty days after the end of each fiscal year, ACS shall post a report on its website containing the following data:

i. the number of allegations made during the fiscal year that a child in a detention or placement facility was a neglected or abused child; and

ii. the number of findings made during the fiscal year by the New York state office of children and family services substantiating allegations that a child in a detention or placement facility was a neglected or abused child, including findings that substantiated allegations made prior to the fiscal year.

2. The data provided pursuant to paragraph one of subdivision b of this section shall be disaggregated by the following factors:

- i. each secure detention facility;
- ii. non-secure detention facilities;
- iii. non-secure placement facilities; and
- iv. limited secure placement facilities.

§ 6. This local law shall take effect immediately, provided that:

a. the requirement to report on admissions data regarding limited secure placement facilities described in subparagraph ii of paragraph one of subdivision c of section 21-905, as added by section four of this local law, shall take effect in the report due by September 30, 2015;

b. the requirement to report on the average daily population in non-secure placement facilities, as described in subparagraph i of paragraph one of subdivision d of section 21-905, as added by section four of this local law, shall take effect in the report due by September 30, 2014;

c. the requirement to report on the average daily population in limited-secure placement facilities, as described in subparagraph ii of paragraph one of subdivision d of section 21-905, as added by section four of this local law, shall take effect in the report due by September 30, 2015;

d. the requirement to report on the number of youth admitted who spent time either in non-secure placement only, limited secure placement only, or both non-secure and limited secure placement, as described in paragraph two of subdivision d of section 21-905, as added by section four of this local law, shall take effect in the report due by September 30, 2015;

e. the requirement to report on transfers, as described in subdivision e of section 21-905, as added by section four of this local law, shall take effect in the report due by September 30, 2014;

f. the requirement to disaggregate incident data by limited secure placement facilities, as described in subparagraph iv of paragraph two of subdivisions a and b of section 21-906, as added by section five of this local law, shall take effect in the report due by September 30, 2014;

g. the requirement to publish data regarding bias-based incidents that occur in detention and placement facilities, pursuant to subparagraph viii of paragraph one of subdivision a of section 21-906, as added by section five of this local law, shall take effect in the report due by September 30, 2014; and

h. the requirement to disaggregate data by youth transferred to an ACS placement facility, as described in subparagraph vii of paragraph two of subdivision c of section 21-905, as added by section four of this local law, shall expire three years after it shall have become a law.

Notwithstanding the preceding sentence, the requirement to report on limited-secure placement facilities shall not take effect until such facilities have been operational for a period of three months.

SARA M. GONZALEZ Chairperson; MARIA del CARMEN ARROYO, FERNANDO CABRERA, DANIEL DROMM; DONOVAN RICHARDS; Committee on Juvenile Justice, May 21, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Reports of the Committee on Land Use

Report for L.U. No. 802

Report of the Committee on Land Use in favor of approving Application No. N 130134 ZRQ submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning

Resolution, relating to Article I, Chapter 4 and Article XI, Chapter 7, to modify certain provisions related to sidewalk cafes and to height and setback provisions of the Queens Plaza Subdistrict of the Special Long Island City Mixed Use District, in the Borough of Queens, Community Districts 1 and 2, Council District 26.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 25, 2013 (Minutes, page 1180), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for LU No. 802 & Res. No. 1792 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS,; Committee on Land Use, May 14, 2013.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 803

Report of the Committee on Land Use in favor of approving Application No. C 130064 ZMX submitted by NR Property 2 LLC pursuant to Section 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 6a, changing an M1-2 District to an R7-A District, and establishing within the proposed R7-A District a C2-4 District to facilitate the development of a seven-story mixed use development located at 580 Gerard Avenue, Borough of Bronx, Community Board 4, Council District 17.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 25, 2013 (Minutes, page 1181), respectfully

REPORTS:

SUBJECT

BRONX CB - 4

C 130064 ZMX

City Planning Commission decision approving an application submitted by NR Property 2 LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the amendment of the Zoning Map, Section No. 6a:

1. changing from an M1-2 District to an R7A District property bounded by a line 360 feet northerly of East 150th Street, a line midway between Gerard Avenue and Walton Avenue, East 150th Street, and Gerard Avenue; and
2. establishing within a proposed R7A District a C2-4 District a line 360 feet northerly of East 150th Street, a line midway between Gerard Avenue and Walton Avenue, East 150th Street, and Gerard Avenue;

as shown on a diagram (for illustrative purposes only) dated November 13, 2012 and subject to the CEQR Declaration E-292.

INTENT

This action, changing an M1-2 district to an R7A district with a C2-4 overlay, along with the related text amendment action, would facilitate the construction of a seven-story, 147,821 square foot, mixed use development with 124 residential units and ground floor retail located at the corner of East 150th Street and Gerard Avenue (Block 2353, Lot 1).

PUBLIC HEARING

DATE: May 13, 2013

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 13, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Reyna, Comrie, Vann, Garodnick, Lappin, Wills, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: May 14, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills

Against: None

Abstain: None

In connection herewith, Council Members Comrie and Levin offered the following resolution:

Res. No. 1776

Resolution approving the decision of the City Planning Commission on ULURP No. C 130064 ZMX, a Zoning Map amendment (L.U. No. 803).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on April 12, 2013 its decision dated April 10, 2013 (the "Decision"), on the application submitted by NR Property 2 LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 6a, to change an M1-2 district to an R7A district with a C2-4 overlay, which along with its related text amendment action would facilitate the construction of a seven-story, 147,821 square foot, mixed use development with 124 residential units and ground floor retail located at the corner of East 150th Street and Gerard Avenue (Block 2353, Lot 1) in Community District 4 (ULURP No. C 130064 ZMX), Borough of the Bronx (the "Application");

WHEREAS, the Application is related to application N 130065 ZRX (L.U. No. 804), a zoning text amendment to apply the Inclusionary Housing Program to the proposed R7A district;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 13, 2013;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, the negative declaration (CEQR No. 11DCP143X) issued on November 13, 2012 (the "Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration and subject to CEQR Declaration E-292.

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 130064 ZMX, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6a:

1. changing from an M1-2 District to an R7A District property bounded by a line 360 feet northerly of East 150th Street, a line midway between Gerard Avenue and Walton Avenue, East 150th Street, and Gerard Avenue; and

2. establishing within a proposed R7A District a C2-4 District a line 360 feet northerly of East 150th Street, a line midway between Gerard Avenue and Walton Avenue, East 150th Street, and Gerard Avenue;

as shown on a diagram (for illustrative purposes only) dated November 13, 2012 and subject to the CEQR Declaration E-292, Community District 4, Borough of the Bronx.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS,; Committee on Land Use, May 14, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 804

Report of the Committee on Land Use in favor of approving Application No. N 130065 ZRX submitted by NR Property 2 LLC pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, concerning Appendix F (Inclusionary Housing Designated Areas) to facilitate the development of a seven-story mixed use development locate at 580 Gerard Avenue, Borough of Bronx, Community Board 4, Council District 17.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 25, 2013 (Minutes, page 1181), respectfully

REPORTS:

SUBJECT

BRONX CB - 4

N 130065 ZRX

City Planning Commission decision approving an application submitted by NR Property 2 LLC pursuant to Section 201 of the New York City Charter for the amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing Designated Areas) in Community District 4.

INTENT

This text amendment action along with its related zoning map amendment action, will make the Inclusionary Housing Program applicable in a proposed R7A zoning district to facilitate the development of a seven-story 147,821 square foot mixed use development with 100 residential units and 24 affordable units located at the corner of East 150th Street and Gerard Avenue (Block 2353, Lot 1) in Community District 4.

PUBLIC HEARING

DATE: May 13, 2013

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 13, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor: Weprin, Reyna, Comrie, Vann, Garodnick, Lappin, Wills, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: May 14, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills

Against: None

Abstain: None

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1777

Resolution approving the decision of the City Planning Commission on Application No. N 130065 ZRX, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing Designated Areas) in Community District 4, Borough of the Bronx (L.U. No. 804).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on April 12, 2013 its decision dated April 10, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by NR Property 2 LLC, for an amendment of the text of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing Designated Areas), in a proposed R7A zoning district to facilitate the development of a seven-story 147,821 square foot mixed use development with 100 residential units and 24 affordable units located at the corner of East 150th Street and Gerard Avenue (Block 2353, Lot 1) in Community District 4 (Application No. N 130065 ZRX), Borough of the Bronx (the "Application");

WHEREAS, the Application is related to application N 130064 ZMX (L.U. No. 803), a zoning map amendment changing from M1-2 to an R7A zoning district with a C2-4 overlay;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 13, 2013;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, the negative declaration (CEQR No. 11DCP143X) issued on November 13, 2012 (the "Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration and subject to CEQR Declaration E-292.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 130065 ZRX, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter Underlined is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicate where unchanged text appears in the Zoning Resolution

APPENDIX F

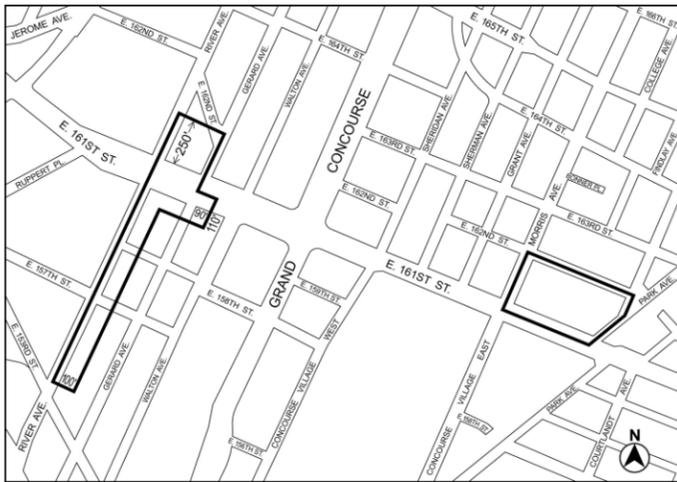
Inclusionary Housing Designated Areas

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#. Where #Inclusionary Housing designated areas# are mapped in #Commercial Districts#, the residential district equivalent has instead been specified for each map.

The Bronx, Community District 4

In the R7A, R8A and R9D Districts within the areas shown on the following Map 1:

**EXISTING
(TO BE DELETED)
Map 1 (9/30/09)**



Portion of Community District 4, The Bronx

**PROPOSED
(TO REPLACE EXISTING)
Map 1 (x/xx/xx)**



Portion of Community District 4, The Bronx

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS.; Committee on Land Use, May 14, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 805

Report of the Committee on Land Use in favor of approving Application No. N 130202 HKQ, pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of Firehouse, Engine Company 268, Hook & Ladder Company 137, located at

2-59 Beach 116 Street (Tax Map Block 16212, Lot 14) (Designation List 462, LP-2527), Borough of Queens, Community Board 14, Council District 32, as a historic landmark.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 25, 2013 (Minutes, page 1182), respectfully

REPORTS:

SUBJECT

QUEENS CB - 14

20135414 HKQ (N 130202 HKQ)

Designation by the Landmarks Preservation Commission (List 462/LP-2527), pursuant to Section 3020 of the New York City Charter, of the landmark designation of Firehouse, Engine Company 268, Hook & Ladder Company 137, located at 2-59 Beach 116th Street (Tax Map Block 16212, Lot 14), as an historic landmark.

PUBLIC HEARING

DATE: May 13, 2013

Witnesses in Favor: One **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: May 13, 2013

The Subcommittee recommends that the Land Use Committee affirm the designation.

In Favor: Lander, Arroyo, Williams

Against: None

Abstain: None

COMMITTEE ACTION

DATE: May 14, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills

Against: None

Abstain: None

In connection herewith, Council Members Comrie and Lander offered the following resolution:

Res. No. 1778

Resolution affirming the designation by the Landmarks Preservation Commission of the Firehouse, Engine Company 268/Hook & Ladder Company 137, located at 2-59 Beach 116th Street (Tax Map Block 16212, Lot 14), Borough of Queens, Designation List No. 462, LP-2527 (L.U. No. 805; 20135414 HKQ; N 130202 HKQ).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on February 22, 2013 a copy of its designation dated February 12, 2013 (the "Designation"), of the Firehouse, Engine Company 268, Hook & Ladder Company 137, located at 2-59 Beach 116th Street, Community District 14, Borough of Queens as a landmark and Tax Map Block 16212, Lot 14, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on April 12, 2013, its report on the Designation dated April 10, 2013 (the "Report");

Witnesses in Favor: One **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: May 13, 2013

The Subcommittee recommends that the Land Use Committee affirm the designation.

In Favor: Lander, Arroyo, Williams

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: May 14, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills

Against: *None*

Abstain: *None*

In connection herewith, Council Members Comrie and Lander offered the following resolution:

Res. No. 1780

Resolution affirming the designation by the Landmarks Preservation Commission of the Firehouse, Engine Company 73 and Hook & Ladder Company 42, located at 655-659 and 661 Prospect Avenue, East 152nd Street (Block 2675, Lot 33), Borough of the Bronx, Designation List No. 462, LP-2524 (L.U. No. 807; 20135411 HKX; N 130199 HKX).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on February 22, 2013 a copy of its designation dated February 12, 2013 (the "Designation"), of the Firehouse, Engine Company 73 and Hook & Ladder Company 42, located at 655-659 and 661 Prospect Avenue, East 152nd Street, Community District 1, Borough of the Bronx as a landmark and Tax Map Block 2675, Lot 33, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on April 12, 2013, its report on the Designation dated April 10, 2013 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on May 13, 2013; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Designation;

RESOLVED:

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS,; Committee on Land Use, May 14, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 808

Report of the Committee on Land Use in favor of approving Application No. N 130200 HKK, pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of Firehouse, Engine Company 28 (now Engine Company 228), located at 436 39 Street (Tax Map Block 709, Lot 19) (Designation List 462, LP-2525), Borough of Brooklyn, Community Board 7, Council District 38, as a historic landmark.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 25, 2013 (Minutes, page 1183), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 7

20135412 HKK (N 130200 HKK)

Designation by the Landmarks Preservation Commission (List No. 462/LP-2525), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Firehouse, Engine Company 28 (now Engine Company 228), located at 436 39th Street (Block 709, Lot 19), as an historic landmark.

PUBLIC HEARING

DATE: May 13, 2013

Witnesses in Favor: One

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: May 13, 2013

The Subcommittee recommends that the Land Use Committee affirm the designation.

In Favor: Lander, Arroyo, Williams

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: May 14, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, , Rivera, Reyna, Barron, Vann, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills

Against: *None*

Abstain: *None*

In connection herewith, Council Members Comrie and Lander offered the following resolution:

Res. No. 1781

Resolution affirming the designation by the Landmarks Preservation Commission of the Firehouse, Engine Company 28 (now Engine Company 228), located at 436 39th Street (Block 709, Lot 19), Borough of Brooklyn, Designation List No. 462, LP-2525 (L.U. No. 808; 20135412 HKK; N 130200 HKK).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on February 22, 2013 a copy of its designation dated February 12, 2013 (the "Designation"), of the Firehouse, Engine Company 28 (now Engine Company 228), located at 436 39th Street, Community District 7, Borough of Brooklyn as a landmark and Tax Map Block 709, Lot 19, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

Area Project and related tax exemption for property located at 847 Fox Street, Borough of Bronx, Community Board 2, Council District 17, pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

INTENT

To approve an Urban Development Action Area Project and a real property tax exemption for a building which after rehabilitation would provide approximately 8 affordable cooperative dwelling units.

PUBLIC HEARING

DATE: May 13, 2013

Witnesses in Favor: Two **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: May 13, 2013

The Subcommittee recommends that the Land Use Committee approve the requests made by the Department of Housing Preservation and Development.

In Favor: Levin, Gonzalez, Dickens, Koo

Against: Barron

Abstain: None

COMMITTEE ACTION

DATE: May 14, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Vann, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills

Against: Barron

Abstain: None

In connection herewith, Council Members Comrie and Levin offered the following resolution:

Res. No. 1783

Resolution approving an Urban Development Action Area Project located at 847 Fox Street (Block 2709/Lot 34), Borough of the Bronx; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure; and granting a real estate tax exemption pursuant to Article 16 of New York General Municipal Law (L.U. No. 810; 20135524 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 5, 2013 its request dated March 25, 2013 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 847 Fox Street (Block 2709/Lot 34), Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;

4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and

5. Approve the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption").

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 13, 2013;

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Project;

RESOLVED:

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

The Council approves the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - (i) "Effective Date" shall mean the later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and Sponsor enter into the Regulatory Agreement.
 - (ii) "Exemption" shall mean the exemption from real property taxation provided hereunder.
 - (iii) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2709, Lot 34 on the Tax Map of the City of New York.
 - (iv) "Expiration Date" shall mean the earlier to occur of (a) a date which is forty (40) years from the Effective Date, (b) the date of the expiration or termination of the Regulatory Agreement, or (c) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (v) "Regulatory Agreement" shall mean the regulatory agreement between HPD and Sponsor establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
 - (vi) "Owner" shall mean Sponsor or any future owner of the Exemption Area.
 - (vii) "Sponsor" shall mean Restoring Communities Housing Development Fund Corporation.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified herein, the Exemption shall prospectively terminate.
 - b. Nothing herein shall entitle the Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - c. The Exemption shall not apply to any building on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
4. In consideration of the Exemption, Owner, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS,; Committee on Land Use, May 14, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 812

Report of the Committee on Land Use in favor of approving Application No. 20135525 HAX submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 748 Beck Street, Borough of Bronx, Community Board 2, Council District 17. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 25, 2013 (Minutes, page 1184), respectfully

REPORTS:

SUBJECT

BRONX CB - 2

20135525 HAX

Application submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 748 Beck Street,

Borough of Bronx, Community Board 2, Council District 17, pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

INTENT

To approve an Urban Development Action Area Project and an exemption from real property taxes for a building which after rehabilitation would provide approximately 10 affordable cooperative dwelling units.

PUBLIC HEARING

DATE: May 13, 2013

Witnesses in Favor: Two **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: May 13, 2013

The Subcommittee recommends that the Land Use Committee approve the requests made by the Department of Housing Preservation and Development.

In Favor: Levin, Gonzalez, Dickens, Koo

Against: Barron

Abstain: None

COMMITTEE ACTION

DATE: May 14, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Vann, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills

Against: Barron

Abstain: None

In connection herewith, Council Members Comrie and Levin offered the following resolution:

Res. No. 1784

Resolution approving an Urban Development Action Area Project located at 748 Beck Street (Block 2707/Lot 42), Borough of the Bronx; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure pursuant to Article 16 of New York General Municipal Law; and granting a real estate tax exemption pursuant to Section 577 of the Private Housing Finance Law (L.U. No. 812; 20135525 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 5, 2013 its request dated March 25, 2013 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 748 Beck Street (Block 2707/Lot 42), Borough of the Bronx (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;

4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption").

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, and consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 13, 2013;

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Project;

RESOLVED:

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

The Council approves the Tax Exemption for the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - (i) "Effective Date" shall mean the later of (i) the date of conveyance of the Disposition Area to Sponsor, or (ii) the date that HPD and Sponsor enter into the Regulatory Agreement.
 - (ii) "Exemption" shall mean the exemption from real property taxation provided hereunder.
 - (iii) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2707, Lot 42 on the Tax Map of the City of New York.
 - (iv) "Expiration Date" shall mean the earlier to occur of (a) a date which is forty (40) years from the Effective Date, (b) the date of the expiration or termination of the Regulatory Agreement, or (c) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (v) "Regulatory Agreement" shall mean the regulatory agreement between HPD and Sponsor establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
 - (vi) "Owner" shall mean Sponsor or any future owner of the Exemption Area.
 - (vii) "Sponsor" shall mean Restoring Communities Housing Development Fund Corporation.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified herein, the Exemption shall prospectively terminate.
 - b. Nothing herein shall entitle Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - c. The Exemption shall not apply to any building on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building.
 - c. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
4. In consideration of the Exemption, Owner, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS.; Committee on Land Use, May 14, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 814

Report of the Committee on Land Use in favor of approving Application No. 20135529 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 244-246 Elizabeth Street, Borough of Manhattan, Community Board 2, Council District 1. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 25, 2013 (Minutes, page 1184), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20135529 HAM

Application submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action

Area Project and related tax exemption for property located at 244-246 Elizabeth Street, Borough of Manhattan, Community Board 2, Council District 1, pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

INTENT

To approve an Urban Development Action Area Project and a real property tax exemption for a building which would provide after rehabilitation one building with approximately 19 affordable cooperative dwelling units and 1 storefront commercial space.

PUBLIC HEARING

DATE: May 13, 2013

Witnesses in Favor: Two **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

DATE: May 13, 2013

The Subcommittee recommends that the Land Use Committee approve the requests made by the Department of Housing Preservation and Development.

In Favor: Levin, Gonzalez, Dickens, Koo
Against: Barron
Abstain: None

COMMITTEE ACTION

DATE: May 14, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Vann, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills
Against: Barron
Abstain: None

In connection herewith, Council Members Comrie and Levin offered the following resolution:

Res. No. 1785

Resolution approving an Urban Development Action Area Project located at 244-246 Elizabeth Street (Block 507/Lot 10), Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure; and granting a real estate tax exemption pursuant to Article 16 of New York General Municipal Law (L.U. No. 814; 20135529 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 5, 2013 its request dated March 25, 2013 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 244-246 Elizabeth Street (Block 507/Lot 10), Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;

4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption").

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 13, 2013;

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Project;

RESOLVED:

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

The Council approves the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - (i) "Effective Date" shall mean the later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and Sponsor enter into the Regulatory Agreement.
 - (ii) "Exemption" shall mean the exemption from real property taxation provided hereunder.
 - (iii) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 507, Lot 10 on the Tax Map of the City of New York.
 - (iv) "Expiration Date" shall mean the earlier to occur of (a) a date which is forty (40) years from the Effective Date, (b) the date of the expiration or termination of the Regulatory Agreement, or (c) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (v) "Regulatory Agreement" shall mean the regulatory agreement between HPD and Sponsor establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
 - (vi) "Owner" shall mean Sponsor or any future owner of the Exemption Area.
 - (vii) "Sponsor" shall mean Restoring Communities Housing Development Fund Corporation.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified herein, the Exemption shall prospectively terminate.
 - b. Nothing herein shall entitle Owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - c. The Exemption shall not apply to any building on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
4. In consideration of the Exemption, Owner, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS,; Committee on Land Use, May 14, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 815

Report of the Committee on Land Use in favor of approving Application No. 20135532 HAR submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project for property located at 176 Dewey Avenue, Borough of Staten Island, Community Board 3, Council District 51. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 25, 2013 (Minutes, page 1185), respectfully

REPORTS:

SUBJECT

Proposals subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"),

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON-ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
176 Dewey Avenue Staten Island	4630/1	20135532 HAR	815	Tenant Ownership
201 Mother Gaston Blvd.	1450/10	20135526 HAK	817	New Foundations
203 Mother Gaston Blvd	1450/9			
205 Mother Gaston Blvd.	1450/8			
2396 Dean Street Brooklyn	1450/11			

INTENT

HPD requests that the Council:

1. Find that the present status of the Disposition/Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law for L.U. No. 817.

PUBLIC HEARING

Date: May 13, 2013

Witnesses In Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

Date: May 13, 2013

The Subcommittee recommends that the Committee approve the proposals, grant the requests made by the Department of Housing Preservation and Development, and make the findings required by Article 16 of the General Municipal Law.

In Favor: Levin, Barron, Gonzalez, Dickens, Koo

Against: None

Abstain: None

COMMITTEE ACTION

Date: May 14, 2013

The Committee recommends that the Council approve the attached resolutions.

In Favor: Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills

Against: None

Abstain: None

In connection herewith, Council Members Comrie and Levin offered the following resolution:

Res. No. 1786

Resolution approving an Urban Development Action Area Project located at 176 Dewey Avenue (Block 4630/Lot 1), Borough of Staten Island, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Article 16 of the General Municipal Law (L.U. No. 815; 20135532 HAR).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 5, 2013 its request dated March 25, 2013 that the Council take the following actions regarding an Urban Development Action Area Project (the "Project") located at 176 Dewey Avenue (Block 4630/Lot 1), Community District 3, Borough of Staten Island (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law; and
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

WHEREAS, the Project is to be developed on land that is now an eligible area as defined in Section 692 of the General Municipal Law, and consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 13, 2013;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Project;

RESOLVED:

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the area designation requirement of the Disposition Area as an urban development action area under Section 693 of the General Municipal Law pursuant to said Section.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Project shall be disposed of and developed upon the terms and conditions in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS,; Committee on Land Use, May 14, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 817

Report of the Committee on Land Use in favor of approving Application No. 20135526 HAK submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 201, 203, 205 Mother Gaston Blvd., and 2396 Dean Street, Borough of Brooklyn, Community Board 16, Council District 37. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 25, 2013 (Minutes, page 1186), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 815 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Members Comrie and Levin offered the following resolution:

Res. No. 1787

Resolution approving an Urban Development Action Area Project located at 201 Mother Gaston Boulevard (Block 1450/Lot 10), 203 Mother Gaston Boulevard (Block 1450/Lot 9), 205 Mother Gaston Boulevard (Block 1450/Lot 8), and 2396 Dean Street (Block 1450/Lot 11), Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Article 16 of the General Municipal Law (L.U. No. 817; 20135526 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 5, 2013 its request dated March 25, 2013 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 201 Mother Gaston Boulevard (Block 1450/Lot 10), 203 Mother Gaston Boulevard (Block 1450/Lot 9), 205 Mother Gaston Boulevard (Block 1450/Lot 8), and 2396 Dean Street (Block 1450/Lot 11), Community District 16, Borough of Brooklyn (the "Exemption Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").

WHEREAS, the Project is to be developed on land that is now an eligible area as defined in Section 692 of the General Municipal Law, and consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 13, 2013;

WHEREAS, the Council has considered the land use, environmental and financial implications and other policy issues relating to the Project;

RESOLVED:

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

The Council approves the Tax Exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law is approved as follows:

- a. All of the value of the buildings, structures, and other improvements situated on the Disposition Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the July 1st following the date of issuance of the first temporary or permanent Certificate of Occupancy for a building located on the Disposition Area, during the last ten years of which such exemption shall decrease in equal annual decrements.
- b. The partial tax exemption granted hereunder shall terminate with respect to all or any portion of the Disposition Area if the Department of Housing Preservation and Development determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York. The Department of Housing Preservation and Development shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS,; Committee on Land Use, May 14, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 818

Report of the Committee on Land Use in favor of filing Application No. 20135521 HAX submitted by the New York City Department of Housing Preservation and Development (“HPD”), for an exemption of real property taxes for property located at 2600 Briggs Avenue (Block 3293, Lot 39), Borough of Bronx, Community Board 7, Council District 15. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 25, 2013 (Minutes, page 1186), respectfully

REPORTS:

SUBJECT

BRONX CB - 7

20135521 HAX

Application submitted by the New York City Department of Housing Preservation and Development (“HPD”), for an exemption of real property taxes pursuant to Section 577 of the Private Housing Finance Law for property located at 2600 Briggs Avenue (Block 3293, Lot 39), Borough of the Bronx, Community Board 7, Council District 15 (the “Application”).

The Application was introduced in duplicate, as L.U. 818 (which was referred to the Subcommittee on Planning, Dispositions and Concessions) and as Preconsidered L.U. 824 (which was referred to the Committee on Finance). The application was heard, considered and approved by the Committee on Finance as L.U. 824, and approved by the Council on May 8, 2013 (Resolution No. 1753).

A motion to file in accordance with Rule 7.90 of the Rules of the Council is required to remove L.U. 818 from the calendar.

SUBCOMMITTEE RECOMMENDATION

DATE: May 13, 2013

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to Rule 7.90 of the Rules of the City Council.

In Favor: Levin, Barron, Gonzalez, Dickens, Koo

Against: None

Abstain: None

COMMITTEE ACTION

DATE: May 14, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills

Against: None

Abstain: None

In connection herewith, Council Members Comrie and Levin offered the following resolution:

Res. No. 1788

Resolution approving a motion to file L.U. 818 concerning an application for a tax exemption pursuant to Section 577 of the Private Housing Finance Law for a project located at 2600 Briggs Avenue (Block 3293, Lot 39), Borough of the Bronx (L.U. No. 818; 20135521 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on April 8, 2013 its request dated March 25, 2013 (the “Application”) that the Council take the following actions regarding the following Urban Development Action Area Project (the “Project”) located at 2600 Briggs Avenue (Block 3293, Lot 39), Community District 7, Borough of the Bronx (the “Exemption Area”):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the “Tax Exemption”);

WHEREAS, the Application was introduced in duplicate, as L.U. 818 (which was referred to the Subcommittee on Planning, Dispositions and Concessions) and as Preconsidered L.U. 824 (which was referred to the Committee on Finance);

WHEREAS, the Application was heard, considered and approved by the Committee on Finance as L.U. 824, and approved by the Council on May 8, 2013 (Resolution No. 1753);

WHEREAS, L.U. 818 will be filed pursuant to a motion to file in accordance with Rule 7.90 of the Rules of the Council;

RESOLVED:

The Council approves the motion to file in accord with Rules 6.40a, 7.90 and 11.80 of the Rules of the Council.

DATE: May 13, 2013

Witnesses in Favor: One Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 13, 2013

The Subcommittee recommends that the Land Use Committee approve the Petition.

In Favor: Weprin, Reyna, Comrie, Vann, Garodnick, Lappin, Wills, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: May 14, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills

Against: None

Abstain: None

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1790

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 623 Grand Street, Borough of Brooklyn (20135399 TCK; L.U. No. 822).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on April 15, 2013 its approval dated April 12, 2013 of the petition of Ahshi Global, Inc., d/b/a Williamsburg Café, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 623 Grand Street, Community District 1, Borough of Brooklyn (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(e) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on May 13, 2013; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Petition;

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS,; Committee on Land Use, May 14, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report of the Committee on Rules, Privileges and Elections

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-1158

Report of the Committee on Rules, Privileges and Elections approving the recommendation by the Council of Erika Larsen as a member of the New York City Youth Board.

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on May 22, 2013, respectfully

REPORTS:

Topic: New York City Youth Board – (Council recommendation subject to appointment by the Mayor)

• **Erika Larsen [Pre-considered M 1158]**

Section 734 of the *New York City Charter* ("Charter") states that there shall be a youth board, which shall serve as a forum for representatives of disciplines concerned with the welfare of youth [Charter §734(a)]. The Board must be representative of the community, and is required to include persons representing the areas of social service, health care, education, business, industry and labor [Charter §734(b)].

The Board serves as an advisory body to the Commissioner of the Department of Youth and Community Development ("DYCD") with respect to the development of programs and policies relating to youth in the City of New York pursuant to Chapter 30 of the *Charter*, Chapter 4, Title 21 of the *Administrative Code*, Article 19-G of the *New York State Executive Law*, and regulations promulgated by the Director of the Division of Youth pursuant to such Article codified at Title 9 of the *Official Compilation of Codes, Rules and Regulations of the State of New York* ("NYCRR") Part 164, Subpart 165-1 [New York City Youth Board By-laws, Article II]. According to Article II of the Board's By-Laws, the powers, duties and responsibilities of the Board are to:

(i) After consultation with the Commissioner of the Department of Youth and Community Development, recommend policies and/or plans, which promote youth development and prevent delinquency.

(ii) Advocate for youth with the executive, administrative and legislative bodies and the community at large regarding the development of services and strategies which address locally identified youth problems and needs.

(iii) Establish closer cooperation among employees, labor, school, churches, recreation and/or youth commission, service clubs, youth and family service providers and other public and private agencies to encourage youth programs on the basis of local community planning.

(iv) Review and analyze grants given in the Department of Youth and Community Development from federal, state and City governments and from private individuals, corporations and associations, and assist the Commissioner in developing criteria for their allocation.

(v) In cooperation with the Commissioner of the Department of Youth and Community Development, review, analyze and recommend the acceptance or rejection of, proposals for the creation or expansion of recreational services and youth service projects or other youth programs as defined by laws of the State of New York, and make appropriate recommendations to the Mayor.

(vi) Receive, review and analyze statistical records and data, including those that reflect the incidence and trends of delinquency and youthful crimes and offenses in the City.

(vii) Appoint such advisory groups and committees as may be necessary to carry out the powers and duties of the Board.

(viii) Assist in the development of a comprehensive planning process, except as provided in section 165.2 (a)(4)(I)(a) and (b) of Part 164 of Title 9 of the NYCRR.

The Board consists of up to 28 members appointed by the Mayor, 14 of whom are appointed upon recommendation of the City Council¹ [Charter §734(c)]. The Mayor designates one of the members of the Board to serve as its Chair [Charter §734(d)]. The members of the Board are required to meet at least quarterly [Charter §734(f)], and serve without compensation [Charter §734(e)]. The *Charter* does not define member terms of office.

If recommended by the Council and subsequently appointed by the Mayor, Ms. Larsen, a resident of Staten Island, will fill a vacant position and be eligible to serve for an undefined term. Copies of Ms. Larsen's résumé and Committee report/resolution are annexed to this briefing paper.

¹ The Council's current recommended members are: Craig Eaton (Brooklyn); Anthony Sumpter (Brooklyn); Dr. Sibyl Silbertstein (Queens); Anna Garcia-Reyes (Manhattan); Rev. William F. Perry (Manhattan); Lynette C. Velasco (Queens); Victoria Sammartino (Bronx); and Kimberley Hayes (Manhattan).

(After interviewing the candidate and reviewing the relevant material, this Committee decided to approve the appointment of the nominee Erika Larsen [M-1158])

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 734 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the recommendation by the Council of Erika Larsen as a member of the New York City Youth Board to serve for an undefined term.

This matter was referred to the Committee on May 22, 2013.

In connection herewith, Council Member Rivera offered the following resolution:

Res. No. 1791

RESOLUTION APPROVING THE RECOMMENDATION BY THE COUNCIL OF ERIKA LARSEN AS A MEMBER OF THE NEW YORK CITY YOUTH BOARD.

By Council Member Rivera.

RESOLVED, that pursuant to § 734 of the *New York City Charter*, the Council does hereby approve the recommendation by the Council of Erika Larsen as a member of the New York City Youth Board to serve for an undefined term.

JOEL RIVERA, Chairperson; ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, May 22, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report of the Committee on Transportation

Report for Int. No. 591-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to post a link to and information about passenger carrier safety.

The Committee on Transportation, to which the annexed amended proposed local law was referred on June 14, 2011 (Minutes, page 1949), respectfully

REPORTS:

INTRODUCTION

On May 20, 2013, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 591-A, a Local Law to amend the Administrative Code of the City of New York, in relation to requiring the New York City Department of Transportation (DOT) to post a link to and information about passenger carrier safety. This will be the second hearing on this bill. The first hearing was held on April 10, 2013 at which the Committee heard testimony from DOT and Greyhound Lines, Inc. Amendments have been made to the bill since that hearing.

BACKGROUND

The intercity bus industry in New York City has greatly expanded in recent years, providing often low-cost bus service between Manhattan and cities throughout the Northeast.¹

This industry has at times prompted complaints from Manhattan's Chinatown community, from where many intercity buses operate, and elsewhere related to idling, congestion, pollution, and interference with pedestrians and businesses.²

Until recently, the intercity bus industry operated with relatively little regulation. In an attempt to improve oversight, while allowing the industry to continue to meet the growing demand of passengers, the New York State Legislature passed, and the Governor signed, legislation (S.4313B-2011/A.4578A-2011) in August 2012 authorizing the City to create the first-ever permit system for intercity buses.³ The legislation aims to, among other things, allow local communities to have a say in where intercity bus stops are located and require transparency on the part of bus companies, mandating that they provide various information about the buses they are using, such as passenger capacity and where they would be parked when not in use.⁴ On May 10, 2013, DOT published in the City Record proposed rules under which it plans to implement the permit system; a public hearing on the proposed rules is scheduled for June 10, 2013.⁵

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) regulates bus and truck safety. The FMCSA website contains passenger carrier information for consumers, including safety ratings and violation histories of individual carriers.⁶ The federal Moving Ahead for Progress in the 21st Century Act (MAP-21), signed into law in July 2012, gave FMCSA new authority to "revoke the operating authority registration of a motor carrier that fails to comply with an administrative subpoena or a letter demanding release of company safety records."⁷ According to FMCSA, this new authority was first used in March 2013 to shut down Fung Wah Bus Transportation, which had provided low-cost bus service between Boston and New York.⁸ FMCSA stated that Fung Wah was "an imminent hazard to public safety" that had "failed to inspect, repair and maintain its vehicles, falsified inspection records, failed to ensure its drivers were qualified and complied with hours-of-service regulations, and failed to meet drug and alcohol testing requirements."⁹

There are also other recent examples of regulatory actions taken against allegedly unscrupulous bus operators. In March 2013, FMCSA shut down Ming An, which had run routes to cities including Atlanta, GA and Greenville, SC from its stop at 59 Canal Street in Manhattan.¹⁰ And in May 2012, the federal government shut down 26 low-cost intercity bus lines that had run through New York City, due to safety issues.¹¹ In that case, individual owners, as opposed to just the bus companies, were cited in an attempt to prevent drivers, staff, and buses affiliated with shuttered companies from simply reappearing under a different company name, as had been the case in some past investigations.¹²

In addition to regulatory crackdowns, there have also been several tragic incidents in recent years involving intercity buses. In March 2011, a World Wide Travel bus crashed on I-95 in the Bronx killing 15 people.¹³ Despite the fact that federal regulators shut down World Wide Travel due to serious safety violations in the wake of the incident, according to published reports the owner continued to operate other bus companies, using buses that had belonged to World Wide Travel.¹⁴ Two days after the World Wide Travel incident, a bus operated by Super Luxury Tours traveling from New York's Chinatown to Philadelphia crashed on the New Jersey Turnpike, killing two people and injuring 40.¹⁵

ANALYSIS

Section one of Proposed Int. No. 591-A would amend Chapter 5 of Title 19 of the Administrative Code by adding a new Section 19-539.

New section 19-539 would require DOT to make available on the Internet through a web portal that is linked to nyc.gov or any successor website maintained by, or on behalf, of the City, a link to FMCSA's website and a description of the safety information and data available on such website, including but not limited to a list of and a link to the federal passenger carrier safety ratings and a link to FMCSA's Safety and Fitness Electronic Records (SAFER) system.¹⁶

Section two of Proposed Int. No. 591-A **states that the** local law would take effect sixty days following enactment.

¹ <http://www.nysenate.gov/press-release/senator-squadron-assembly-speaker-silver-dot-commissioner-sadik-khan-and-council-membe>

² *Id.*

³ <http://open.nysenate.gov/legislation/bill/S4313B-2011>

⁴ *Id.*

⁵ <http://www.nyc.gov/html/dcas/downloads/pdf/cityrecord/cityrecord-5-10-13.pdf>

⁶ <http://www.fmcsa.dot.gov/safety-security/pcs/Index.aspx>

⁷ <http://www.fmcsa.dot.gov/about/news/news-releases/2013/FMCSA-Shuts-Down-Fung-Wah.aspx>

⁸ *Id.*

⁹ <http://www.fmcsa.dot.gov/about/news/news-releases/2013/Fung-Wah-shutdown.aspx>

¹⁰ <http://www.dnainfo.com/new-york/20130308/chinatown/feds-shut-down-another-chinatown-bus-company-over-safety-violations>

¹¹ <http://www.dnainfo.com/new-york/20120531/chinatown/feds-shut-down-26-bus-lines-with-chinatown-links>

¹² *Id.*

¹³ <http://www.nytimes.com/2011/03/13/nyregion/13crash.html?ref=nyregion>

¹⁴ <http://www.nytimes.com/2011/10/05/nyregion/bus-company-shut-after-i-95-crash-reappears-under-new-name.html>

¹⁵

http://www.nypost.com/p/news/local/another_town_death_smash_K8UdV5s2UXsGjVPgIB8IDK

(The following is the text of the Fiscal Impact Statement for Int. No. 591-A:)



**THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 591-A

COMMITTEE: Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Transportation to post a link to and information about passenger carrier safety.

SPONSORS: Council Members Chin, Vacca, Brewer, Cabrera, Dromm, Fidler, Gentile, James, Koppell, Koslowitz, Lander, Mendez, Rose, Van Bramer, Williams, Nelson, Koo, Eugene and Gennaro

SUMMARY OF LEGISLATION: This legislation would amend chapter five of title 19 of the Administrative Code of the city of New York by adding a new section 19-539 to require that the Department of Transportation make available on the Internet through a web portal that is linked to nyc.gov or any successor website maintained by, or on behalf, of the city of New York, a link to the federal motor carrier safety administration’s website and a description of the safety information and data available on such administration’s website, including but not limited to a list of and a link to the federal passenger carrier safety ratings and a link to such administration’s safety and fitness electronic records system.

EFFECTIVE DATE: This legislation would take effect sixty days after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015.

FISCAL IMPACT STATEMENT:

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY15
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: Because the Department will use existing resources to implement this local law, it is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division
NYC Department of Transportation

ESTIMATE PREPARED BY: Chima Obichere, Unit Head
ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director and Tanisha Edwards, Finance Counsel

HISTORY: Introduced as Intro. 591 by the Council on June 14, 2011 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on April 10, 2013. An amended version of the legislation, Proposed Intro. 591-A, will be considered by the Committee on May 20, 2013 and upon successful vote, the bill would be submitted to the full Council for a vote.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 591-A:)

Int. No. 591-A

By Council Members Chin, Vacca, Brewer, Cabrera, Dromm, Fidler, Gentile, James, Koppell, Koslowitz, Lander, Mendez, Rose, Van Bramer, Williams, Nelson, Koo, Eugene, Gennaro, Arroyo, Greenfield, Barron, Jackson, Mealy, Wills and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to post a link to and information about passenger carrier safety.

Be it enacted by the Council as follows:

Section 1. Chapter five of title 19 of the administrative code of the city of New York is amended by adding a new section 19-539 to read as follows:

§ 19-539 *Passenger carrier information for consumers.* The department of transportation shall make available on the Internet through a web portal that is linked to nyc.gov or any successor website maintained by, or on behalf, of the city of New York, a link to the federal motor carrier safety administration’s website and a description of the safety information and data available on such administration’s website, including but not limited to a list of and a link to the federal passenger carrier safety ratings and a link to such administration’s safety and fitness electronic records system.

§2. This local law shall take effect sixty days after its enactment into law.

JAMES VACCA, Chairperson; GALE A. BREWER, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, May 20, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report of the Committee on Veterans

Report for Int. No. 480-A

Report of the Committee on Veterans in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the mayor's office of veterans' affairs and the establishment of veteran liaisons.

The Committee on Veterans, to which the annexed amended proposed local law was referred on February 16, 2011 (Minutes, page 401), respectfully

REPORTS:

INTRODUCTION

On May 20, 2013, the Committee on Veterans, chaired by Council Member Mathieu Eugene, held a hearing on Proposed Int. No. 480-A, a Local Law to amend the administrative code of the city of New York, in relation to the Mayor's Office of Veterans' Affairs (MOVA) and the establishment of veteran liaisons. This was the second hearing on this legislation. The first hearing was held on June 23, 2011. Presenting testimony at the first hearing was MOVA, Iraq and Afghanistan Veterans of America (IAVA), and Warrior Gateway. Amendments were made to the legislation after that hearing. At the second hearing, the Committee voted 6-0 in favor of the legislation.

BACKGROUND

New York City’s five boroughs are home to approximately 210,000 veterans.¹ Although the overall veteran population is projected to decrease as World War II, Korea, and Vietnam veterans age,² many of those who served in Operation Enduring Freedom (OEF) in Afghanistan and Operation Iraqi Freedom (OIF) will separate from the military in the coming years. This new generation of veterans, along with their counterparts from prior conflicts, is eligible for an array of services and benefits provided by City agencies, some provided exclusively to veterans and others offered to the general public. In addition, veterans employed at City agencies are afforded certain benefits and protections, such as reemployment rights following military service, waiver of civil service examination fees, and a point preference over non-veteran applicants in hiring and promotion for civil service positions.³ However, navigation of these benefits and services can prove challenging.

Veterans in New York City may seek information on or assistance with benefits and services from the Mayor’s Office of Veterans Affairs (MOVA). MOVA, established in 1987, serves as the City’s chief military liaison to veterans, veterans’ organizations, and other entities that serve New York City’s veteran population.⁴ Under the City Charter, MOVA is tasked with assisting members of the armed forces, veterans, and their families with issues such as educational training and retraining services; health, medical and rehabilitation services; advocacy to passage of federal, state and local laws and regulations that will grant special rights and privileges to veterans and their families; and employment and re-employment services.⁵

In January 2008, Mayor Michael Bloomberg issued Executive Order No. 110, required the coordination of City-wide services for veterans through MOVA and which established agency coordinators for veterans’ services.⁶ According to the Order, such action was needed due to the large population of veterans, active duty service members, and reservists in the City, combined with the “significant number” of veterans employed by the City.⁷ Under the Order, each City agency is directed to assign a senior staff member to serve as a MOVA liaison, but testimony during the first hearing on this legislated suggested that many agencies are unaware of the

liaisons' exact role.⁸ Further, Executive Orders issued by a New York City Mayor may be revoked, revised, or superseded by orders issued by subsequent Mayors.⁹

ANALYSIS

Section one of Int. No. 480-A would amend chapter one of title three of the Administrative Code (the Code) to add a new section 3-131 in relation to MOVA and the establishment of veteran liaisons. The head of each City agency would be required to designate an employee to serve as a veteran liaison and provide that liaison's contact information to MOVA. The new section would require veteran liaisons to advise veterans employed by at each liaison's agency as to benefits and services that veterans may be eligible for, as well as personnel policies that apply to veterans employed at the agency. Additionally, the new section provides MOVA with the authority to request that liaisons confer with the Office and to be made available for periodic training. MOVA must post online the names of all veteran liaisons.

Section two of Int. No. 480-A provides that the law would take effect thirty days following its enactment.

¹ U.S. Veterans Administration, Population Table: Counties: Living, http://www.va.gov/VETDATA/docs/Demographics/New_Vetpop_Model/91VetPop11_County.xlsx (last accessed Mar. 20, 2013).

² *Id.*

³ Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Ch. 38; N.Y.C. Department of Citywide Administrative Services, Fee Waiver FAQ, <https://a856-eeexams.nyc.gov/OLEE/oasys/FAQFeeWaiver.aspx> (last accessed Mar. 7, 2013); N.Y. State Cont., Art. V, § 6; N.Y. Civil Service Law §§ 85-88.

⁴ N.Y.C. Charter § 14(c).

⁵ *Id.*

⁶ Executive Order No. 110, Jan. 17, 2008, available at http://www.nyc.gov/html/om/pdf/eo/eo_110.pdf.

⁷ *Id.*

⁸ Testimony of IAVA Senior Legislative Associate Tom Tarantino before the City Council Committee on Veterans, Jun. 23, 2011.

⁹ N.Y.C. Charter § 8(f); N.Y.C. Department of Records, Executive Orders, http://www.nyc.gov/html/records/html/executive_orders/executive_orders.shtml (last accessed May 9, 2013).

(The following is the text of the Fiscal Impact Statement for Int. No. 480-A:)



TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the Mayor's Office of Veterans' Affairs and the establishment of veteran liaisons.

SUMMARY OF LEGISLATION: This legislation would amend the Administrative Code to add a new section in relation to Mayor's Office of Veterans' Affairs (MOVA) and the establishment of veteran liaisons. The head of each City agency would be required to designate an employee to serve as a veteran liaison and provide that liaison's contact information to MOVA. The new section would require veteran liaisons to advise veterans employed by at each liaison's agency as to benefits and services that veterans may be eligible for, as well as personnel policies that apply to veterans employed at the agency. Additionally, the new section provides MOVA with the authority to request that liaisons confer with the Office and to be made available for periodic training. MOVA must post online the names of all veteran liaisons.

EFFECTIVE DATE: This local law would take effect thirty days after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: N/A

FISCAL IMPACT STATEMENT:

	Effective FY 14	FY Succeeding Effective FY 15	Full Fiscal Impact FY 14
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: This legislation would have no impact on

expenditures. Since Executive Order No. 110 of 2008 already directs each City agency to assign a senior staff member to serve as a MOVA liaison, existing resources would be used to comply with this local law

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Finance Division,

ESTIMATE PREPARED BY: John Russell, Principal Financial Legislative Analyst

ESTIMATE REVIEWED BY: Latonia McKinney, Deputy Director and Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on February 16, 2011 as Intro. 480 and referred to the Committee on Veterans. The Committee on Veterans held a hearing on Intro. 480 on July 23, 2011 and the legislation was laid over. An amended version of the legislation, Proposed Intro. 480-A, will be considered by the Committee on May 20, 2013, and upon successful vote of the Committee, Proposed Intro. 480-A will be submitted to the Full Council for a vote.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 480-A:)

Int. No. 480-A

By Council Members Gentile, Eugene, Barron, Dromm, Fidler, Gonzalez, Jackson, James, Koppell, Mark-Viverito, Mendez, Recchia, Rose, Van Bramer, Vann, Williams, Foster, Lander, Nelson, Gennaro, Chin, Dilan, Arroyo, Cabrera, Greenfield, Mealy, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to the mayor's office of veterans' affairs and the establishment of veteran liaisons.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-131 to read as follows:

§3-131 *Veteran liaisons.* The head of each city agency shall designate an employee to act as liaison with veterans within such agency and shall notify the office of veterans' affairs of the name and contact information of such liaison. Such liaison shall advise veterans within such agency of benefits and services available to veterans at such agency and employee personnel policies applicable to veterans at such agency. At the request of the office of veterans' affairs, the head of each city agency shall make such liaison available to confer with and receive periodic training from the office of veterans' affairs. The office of veterans' affairs shall post on its website the names of persons designated to act as such liaison within each agency.

§2. This local law shall take effect thirty days after it shall have been enacted into law.

MATHIEU EUGENE, Chairperson; LEWIS A. FIDLER, VINCENT J. GENTILE, FERNANDO CABRERA, DANIEL DROMM, DAVID G. GREENFIELD; Committee on Veterans, May 20, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

GENERAL ORDER CALENDAR

Report for L.U. No. 802 & Res. No. 1792

Report of the Committee on Land Use in favor of approving Application No. N 130134 ZRQ submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, relating to Article I, Chapter 4 and Article XI, Chapter 7, to modify certain provisions related to sidewalk cafes and to height and setback provisions of the Queens Plaza Subdistrict of the Special Long Island City Mixed Use District, in the Borough of Queens, Community Districts 1 and 2, Council District 26.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 25, 2013 (Minutes, page 1180), respectfully

REPORTS:

SUBJECT

QUEENS CB - 1 and 2

N 130134 ZRQ

Application submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article I, Chapter 4 and Article XI, Chapter 7, to modify certain provisions related to sidewalk cafés and to height and setback provisions of the Queens Plaza Subdistrict of the Special Long Island City Mixed Use District.

INTENT

To allow sidewalk cafes on certain streets within the Special Long Island City Mixed Use District (LIC District) and the Special Planned Community Preservation District [PC District (Sunnyside Gardens)] and to establish a minimum base height in Section 117-532 of the LIC District for two blocks of Area C in the Queens Plaza Subdistrict.

PUBLIC HEARING

DATE: May 13, 2013

Witnesses in Favor: One Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 13, 2013

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission with modifications.

In Favor: Weprin, Reyna, Comrie, Vann, Garodnick, Lappin, Wills, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: May 14, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Wills

Against: None

Abstain: None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on May 15, 2013. The City Planning Commission filed a letter with the Council on May 20, 2013, dated May 20, 2013, referring to its May 20, 2013 Review Session, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1792

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 130134 ZRQ, for an amendment of the Zoning Resolution of the City of New York, relating to Article I, Chapter 4 and Article XI, Chapter 7, to modify certain provisions related to sidewalk cafés and to height and setback provisions of the Queens Plaza Subdistrict of the Special Long Island City Mixed Use District, Borough of Queens (L.U. No. 802).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on April 12, 2013 its decision dated April 10, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, relating to Article I, Chapter 4 and Article XI, Chapter 7, to modify certain provisions related to sidewalk cafés and to height and setback provisions of the Queens Plaza Subdistrict of the Special Long Island City Mixed Use District to allow sidewalk cafes on certain streets within the Special Long Island City Mixed Use District (LIC District) and the Special Planned Community Preservation District [PC District (Sunnyside Gardens)] and to establish a minimum base height in Section 117-532 of the LIC District for two blocks of Area C in the Queens Plaza Subdistrict (Application No. N 130134 ZRQ), Community Districts 1 and 2, Borough of Queens (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 13, 2013;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, and the negative declaration (CEQR No. 13DCP054Q) issued on December 17, 2012 (the "Negative Declaration");

RESOLVED:

The Council finds that the action described herein with modifications will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 130134 ZRQ, incorporated by reference herein, the Council approves the Decision with modifications.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter in [] is deleted by City Council;

Matter in **bold double underline** is new, added by City Council;

Matter with # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

14-43**Locations Where Only Small Sidewalk Cafes Are Permitted**

#Small sidewalk cafes# may be located wherever #sidewalk cafes# are permitted, pursuant to Section 14-011 (Sidewalk cafe locations). In addition, only #small sidewalk cafes# shall be allowed on the following #streets#, subject to the underlying zoning.

* * *

Queens:

Queens Boulevard - from a line 100 feet west of 39th Place to 48th Street

~~Skillman Avenue from 45th Street to a line 100 feet east of 46th Street, south side only~~

~~Skillman Avenue from 48th Street to 52nd Street.~~

[Skillman Avenue from 45th Street to a line 100 feet east of 51st Street, including that portion within the Special Planned Community Preservation District (Sunnyside Gardens).]

North side of Skillman Avenue from 45th Street to a line 100 feet east of 51st Street, including that portion within the Special Planned Community Preservation District

South side of Skillman Avenue from 45th Street to 51st Street, excluding that portion within the Special Planned Community Preservation District

North side of Jackson Avenue from 44th Drive to the prolongation of Dutch Kills Street

Queens Plaza North from 23rd Street to Northern Boulevard

Queens Plaza South from 23rd Street to Jackson Avenue

* * *

**14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

Queens	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Forest Hills District ¹	No	Yes
Downtown Jamaica District	No	Yes
<u>Long Island City Mixed Use District²</u>	<u>No</u>	<u>Yes</u>
Southern Hunters Point District	No	Yes
Willetts Point District	No	Yes

¹ #Sidewalk cafes# are not allowed on Austin Street

² See Appendix A in Article XI, Chapter 7

* * *

Article XI - Special Purpose Districts

**Chapter 7
Special Long Island City Mixed Use District**

* * *

**117-03
District Plan and Maps**

The regulations of this Chapter implement the #Special Long Island City Mixed Use District# Plan.

The District Plan includes the following maps in Appendices A, B and C:

Appendix A ~~Map of the~~ #Special Long Island City Mixed Use District# and Subdistricts Plan Map, Including Permitted Sidewalk Cafe Locations

Appendix B Court Square Subdistrict Plan Map and Description of Improvements

Appendix C Queens Plaza Subdistrict Plan Maps:
Map 1 - Designated Districts within the Queens Plaza Subdistrict

Map 2 - Ground Floor Use and Frontage

Map 3 - Sidewalk Widening, Street Wall Location and Ground Floor Use.

The maps are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

* * *

**117-05
Permitted Sidewalk Cafe Locations**

#Unenclosed sidewalk cafes#, including #small sidewalk cafes#, shall be permitted in the #Special Long Island City Mixed Use District# only on the #streets#

indicated on the map in Appendix A (Special Long Island City Mixed Use District and Subdistricts Plan Map, including Permitted Sidewalk Cafe Locations) of this Chapter, subject to all other applicable regulations of Article I, Chapter 4.

* * *

**117-532
Setback regulations for buildings that exceed the maximum base height**

All portions of #buildings or other structures# that exceed the maximum base height specified in the table in this Section shall comply with the following provisions:

- (a) At a height not lower than the minimum base height or higher than the maximum base height specified in the table for the applicable area, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street# and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.

Area	Minimum Base Height [±]	Maximum Base Height
A-1	60	---
A-2	60	---
	150	---
B	100	---
	150	---
C*	60	100

~~* except that there shall be no minimum base height for #buildings or other structures# on those #blocks# in Area C adjacent to a #narrow street# along which there is an elevated structure.~~

* for #buildings or other structures# on Davis Street located 75 feet or more from Jackson Avenue, the minimum base height shall be 40 feet.

* * *

**117-56
Special Permit for Bulk Modifications on Blocks 86/72 and 403**

For any #development# or #enlargement# on a #zoning lot# that has at least 50,000 square feet of #lot area# located on #Block# 86/72 or #Block# 403 in Area C as shown on Map 1 (Designated Districts within the Queens Plaza Subdistrict) in Appendix C of this Chapter, the City Planning Commission may increase the #floor area ratio# up to a maximum of 8.0 and may modify the #street wall# regulations of paragraphs (a) and (b) of Section 117-531 (Street wall location) and paragraph (a) of Section 117-532 (Setback regulations for buildings that exceed the maximum base height), provided that:

- (a) a public open area of not less than 20,000 square feet and a #public parking garage# containing no fewer than 250 spaces shall be included on the #zoning lot#, and further provided the Commission finds that:
 - (1) the public open area is designed so that it provides recreational opportunities for the community;
 - (2) the portion of the #development# or #enlargement# adjacent to the public open area shall be either a retail #use#, other #use# or treatment that complements the open area;
 - (3) such modification of the #street wall# requirements is necessary to accommodate the public open area or the #public parking garage# and will result in a better site plan;
 - (4) the #public parking garage# is located and designed in such a way so that it shall not adversely affect the quality of the design, access to, or use of the public open area; and
 - (5) where the Commission permits parking on the roof of such #public parking garage#, such roof parking shall be so located as not to impair the essential character or future use or development of adjacent areas.

Design elements of the open area including lighting, paving, seating, #signs# and planting areas shall be specified in the application. The provisions of Section 37-751 (Public space signage systems) and 37-77 (Maintenance) shall apply.

- (b) The #public parking garage# shall be subject to the following conditions:

- (1) the floor space on one or more #stories# of the #public parking garage#, up to a height of 23 feet above #curb level# shall be exempt from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS);
- (2) the entrances and exits shall be located so that they will not be hazardous to traffic safety nor likely to unduly inhibit pedestrian movement; and
- (3) at the vehicular entrances, a minimum of 12 reservoir spaces shall be provided and the total number of reservoir spaces shall be equivalent to five percent of any spaces in excess of 250, up to a maximum of 50 reservoir spaces.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for sanitation and security, which may include conditions for lighting and landscaping or limitations on the manner and/or hours of operation.

Any building on Block 86/72 for which an application for a special permit for #bulk# modifications has been filed with the Department of City Planning, pursuant to this Section, prior to (effective date of this amendment), may be started or continued pursuant to the regulations in effect at the time of such application and, if such application is granted by the City Planning Commission and the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit, including minor modifications thereto and, to the extent not modified under the terms of such permit, in accordance with the regulations in effect at the time of such application.

* * *

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS,; Committee on Land Use, May 14, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

Approved New Applicant's Report

Name	Address	District #
Katherine Broeksmit	1185 Park Avenue #15D New York, N.Y. 10128	4
Robert Hart	91 Central Park West #9C New York, N.Y. 10023	6
Eva Vaillancourt	221 Seaman Avenue #F14 New York, N.Y. 10034	7
Carlos Melendez	500 East 165 th Street #7N Bronx, N.Y. 10456	16
Vera Ling Tu	35-32 157 th Street Flushing, N.Y. 11354	19
Oswald Joseph Bien-Aime	23-61 Jackson Mill Road Queens, N.Y. 11369	21
Danielle Pagano	21-68 31 st Street #1 Queens, N.Y. 11105	22
Vanta Azulai	199-24 Romeo Court Hollis, N.Y. 11423	23
Katherine Cruz	87 Seigel Street #1 Brooklyn, N.Y. 11206	34
Krista Kano	411 Suydam Street #1R Brooklyn, N.Y. 11237	34
Brenai Campbell	1680 Bedford Avenue #3B Brooklyn, N.Y. 11225	35
Ben Herrington-Gilmore	9 Monroe Street #1 Brooklyn, N.Y. 11238	36

Eva Arteaga	56 Grant Avenue Brooklyn, N.Y. 11208	37
Cassandra Watson	505 East 22 nd Street #4R Brooklyn, N.Y. 11226	40

Approved New Applicants and Reapplicants

Dennis A. Campanaro	100 Beekman Street #10G New York, N.Y. 10038	1
Lin Yong Luo	207 Madison Street #16 New York, N.Y. 10002	3
Diane Blair	940 St. Nicholas Avenue #1K New York, N.Y. 10032	7
Aishah Fields	247 West 145 th Street #4A New York, N.Y. 10039	7
Cynthia Blandino	1019 East 216 th Street Bronx, N.Y. 10469	12
Anna Radcliffe	14 A Debs Place Bronx, N.Y. 10475	12
Francisco Sosa	3253 Eastchester Road #2 Bronx, N.Y. 10469	12
Natalie O. Spencer	3301 Palmer Avenue Bronx, N.Y. 10475	12
Ruthan Williams	716 East 231 st Street #1 Bronx, N.Y. 10466	12
Dameka Dowdy	1820 Water Loo Place Bronx, N.Y. 10460	15
Eileen Gonzalez	596 East 139 th Street Bronx, N.Y. 10454	17
Millicent Martin	2017 Ceaser Place #5 Bronx, N.Y. 10473	18
Cesar A. Riofrio	1369 Leland Avenue Bronx, N.Y. 10460	15
Sarah J. Shea	146-11 Booth Memorial Avenue Flushing, N.Y. 11355	20
Christina H. Fiore	30-16 42 nd Street #1L Astoria, N.Y. 11103	22
Annette M. Hill	93-07 210 th Place Queens Village, N.Y. 11428	23
Kelly McCord	61-10 173rd Street Queens, N.Y. 11365	24
Cindy Garcia	43-19 39 th Place #11 Sunnyside, N.Y. 11104	26
Walter Gottschalk	38-20 47 th Avenue Queens, N.Y. 11101	26
Unjuma Rahana K. Hanif	34-43 Crescent Street#3T Queens, N.Y. 11106	26
Ladania M. Bailey	221-19 114 th Street Queens, N.Y. 11411	27
Carol Bell	190-36 118 th Road St. Albans, N.Y. 11412	27
Jean Frantz Noel	163-27 130 th Avenue #2B Jamaica, N.Y. 11434	28
Hans G. Seidemann	112-24 68 th Avenue Flushing, N.Y. 11375	29
Graciela M. Gutierrez	78-32 68 th Avenue Middle Village, N.Y. 11379	30
Arlene Matos	64-04 Palmetto Street #1 Queens, N.Y. 11385	30
Pauline Getz	1246 Sage Street Queens, N.Y. 11691	31
Vania Vertus Joseph	128-24 234 th Street Rosedale, N.Y. 11422	31
Carol McPherson	257-45 149 th Avenue Rosedale, N.Y. 11422	31
Pandit Ramlall	129-20 Hook Creek Blvd. Queens, N.Y. 11422	31
Awilda Hidalgo	289 South Street #1C Brooklyn, N.Y. 11211	34
Katrina E. Banks	25 Monument Walk #11H Brooklyn, N.Y. 11205	35
Kimberly Eldridge	961 Washington Avenue #3F	35

Lelia Frison	Brooklyn, N.Y. 11225 170 South Portland Avenue Brooklyn, N.Y. 11217	35
Charlena Lowery	309 Lafayette Avenue #17K Brooklyn, N.Y. 11238	35
Debbie Williams	217 Washington Avenue Brooklyn, N.Y. 11205	35
Olubukola Ajayi	1338 Bergen Street #3 Brooklyn, N.Y. 11213	36
Kim Best-Simms	181A Halsey Street Brooklyn, N.Y. 11216	36
Beverly Black	339 Macon Street Brooklyn, N.Y. 11216	36
Delores Crawford	730 Gates Avenue #2B Brooklyn, N.Y. 11221	36
Myra Radden	816 Putnam Avenue Brooklyn, N.Y. 11221	36
Gary Eric Xavier	22 Halsey Street #4A Brooklyn, N.Y. 11216	36
Diana Alvarez	125 Richmond Street Brooklyn, N.Y. 11208	37
Willie G. Mack	173 Van Siclen Avenue Brooklyn, N.Y. 11207	37
Elent Mantoulides	1074 64 th Street Brooklyn, N.Y. 11219	38
Joan Cantwell	931 51 st Street #2F Brooklyn, N.Y. 11219	39
James D. Noble	151 Dahill Road Brooklyn, N.Y. 11218	39
Stephanie D. Jones	155 East 43 rd Street Brooklyn, N.Y. 11203	41
Paul Carisle	641 East 92 nd Street Brooklyn, N.Y. 11236	42
John Foster Jr.	250 Wortman Avenue #8F Brooklyn, N.Y. 11207	42
Shermaine Gressom	2075 Rockaway Parkway #6G Brooklyn, N.Y. 11236	42
Lorraine Richards-Hanberry	357 Wortman Avenue #4A Brooklyn, N.Y. 11207	42
Joseph R. Aievoli Jr.	1054 83 rd Street Brooklyn, N.Y. 11228	43
Donald Frangipani	6912 17 th Avenue Brooklyn, N.Y. 11214	43
John Quaglione	138 82 nd Street Brooklyn, N.Y. 11209	43
Patricia Anne Rizzo	283 81 st Street #5A Brooklyn, N.Y. 11209	43
Ilene P. Sacco	290 Dahlgren Place Brooklyn, N.Y. 11228	43
Andrea J. Thompson	1123 East 53 rd Street Brooklyn, N.Y. 11234	46
Marina Urrnan	2056 East 56 th Street Brooklyn, N.Y. 11234	46
Sara L. Beden	165 St. Marks Place #3F Staten Island, N.Y. 10301	49
Carlmais Johnson	536 Richmond Terrace Staten Island, N.Y. 10301	49
Nickcole Darnelle Rivera	185 St. Marks Place #12B Staten Island, N.Y. 10301	49
Daniel Williams	85 Parkhill Court Staten Island, N.Y. 10304	49
Nancy Bennett	147 Winham Avenue Staten Island, N.Y. 10306	50
Lisa DeGratto	28 Bogota Street Staten Island, N.Y. 10314	50
Karen Scallo	64 Bellhaven Place Staten Island, N.Y. 10314	50
Harry Helfenbaum	64 Annadale Road Staten Island, N.Y. 10312	51
Barbara Tonrey	92 Token Street Staten Island, N.Y. 10312	51
Gary A. Tucker	105 Peare Place Staten Island, N.Y. 10312	51

Julia Zimmerman 216 Sneden Avenue 51
Staten Island, N.Y. 10312

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)**

- (1) **M 1158 & Res 1791 - Erika Larsen – Council Candidate - New York City Youth Board**
- (2) **Int 480-A - In relation to the mayor's office of veterans' affairs and the establishment of veteran liaisons.**
- (3) **Int 591-A - In relation to requiring the department of transportation to post a link to and information about passenger carrier safety.**
- (4) **Int 981-A - In relation to requiring the administration for children's services to publish demographic data and incident reports on youth detained and placed in its juvenile facilities, and to repeal chapter 2 of title 9 of the administrative code of the city of New York, relating to the department of juvenile justice.**
- (5) **Int 1035-A - In relation to the mandatory revocation of an amusement arcade or gaming cafe license for offering cash prizes or engaging in other unlawful gambling activity.**
- (6) **L.U. 802 & Res 1792 - App. N 130134 ZRQ, Queens Plaza Subdistrict of the Special Long Island City Mixed Use District, in the Borough of Queens, Community Districts 1 and 2, Council District 26.**
- (7) **L.U. 803 & Res 1776 - App. C 130064 ZMX, 580 Gerard Avenue, Borough of Bronx, Community Board 4, Council District 17.**
- (8) **L.U. 804 & Res 1777 - App. N 130065 ZRX, 580 Gerard Avenue, Borough of Bronx, Community Board 4, Council District 17.**
- (9) **L.U. 805 & Res 1778 - App. N 130202 HKQ, 2-59 Beach 116 Street (Tax Map Block 16212, Lot 14) (Designation List 462, LP-2527), Borough of Queens, Community Board 14, Council District 32, as a historic landmark.**
- (10) **L.U. 806 & Res 1779 - App. N 130198 HKX, 451-453 East 176 Street (Tax Map Block 2909, Lot 40) (Designation List 462, LP-2523), Borough of Bronx, Community Board 6, Council District 15, as a historic landmark.**
- (11) **L.U. 807 & Res 1780 - App. N 130199 HKX, 655-659 and 661 Prospect Avenue, East 152 Street (Tax Map Block 2675, Lot 33) (Designation List 462, LP-2524), Borough of Bronx, Community Board 1, Council District 17, as a historic landmark.**
- (12) **L.U. 808 & Res 1781 - App. N 130200 HKK, Firehouse, Engine Company 28 (now Engine Company 228), located at 436 39 Street (Tax Map Block 709, Lot 19) (Designation List 462, LP-2525), Borough of Brooklyn, Community Board 7, Council District 38, as a historic landmark.**
- (13) **L.U. 809 & Res 1782 - App. N 130201 HKK, 1307-1309 Prospect Avenue (Tax Map Block 5285, Lot 21) (Designation List 462, LP-2526), Borough of Brooklyn, Community Board 7, Council District 39, as a historic landmark.**
- (14) **L.U. 810 & Res 1783 - App. 20135524 HAX, 847 Fox Street, Borough of Bronx, Community Board 2, Council District 17.**
- (15) **L.U. 812 & Res 1784 - App. 20135525 HAX, 748 Beck Street,**

- Borough of Bronx, Community Board 2, Council District 17.
- (16) L.U. 814 & Res 1785 - App. 20135529 HAM, 244-246 Elizabeth Street, Borough of Manhattan, Community Board 2, Council District 1.
- (17) L.U. 815 & Res 1786 - App. 20135532 HAR, 176 Dewey Avenue, Borough of Staten Island, Community Board 3, Council District 51.
- (18) L.U. 817 & Res 1787 - App. 20135526 HAK, 201, 203, 205 Mother Gaston Blvd., and 2396 Dean Street, Borough of Brooklyn, Community Board 16, Council District 37
- (19) L.U. 818 & Res 1788 - App. 20135521 HAX, 2600 Briggs Avenue (Block 3293, Lot 39), Borough of Bronx, Community Board 7, Council District 15 (Coupled to be Filed).
- (20) L.U. 820 & Res 1789 - App. 20135404 TCM, 255 Fifth Avenue, Borough of Manhattan, Community District 5, Council District 3.
- (21) L.U. 822 & Res 1790 - App. 20135399 TCK, 623 Grand Street, Borough of Brooklyn, Community District 1, Council District 34.
- (22) L.U. 833 & Res 1773 - 500 Trinity Avenue Portfolio, Block 2557 Lot 56 & 78, Block 2578 Lot 06, Block 2580 Lot 26, Bronx, Community District No. 1, Council District No. 17
- (23) L.U. 834 & Res 1774 - Longwood Residences, Block 2720 Lots 80, 84, 88 & 93, Block 2723 Lot 6, Block 2724, Lots 1 & 101, Bronx Community District No. 2, Council District No. 17
- (24) L.U. 835 & Res 1775 - Terrace Gardens, Block 2893 Lot 1, Block 2894 Lot 1, Staten Island, Community District No. 1, Council District No.49
- (25) Resolution approving various persons Commissioners of Deeds.

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such reports which were decided in the affirmative by the following vote:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Palma, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 49.

The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for LU No. 810 & Res No. 1783, LU No. 812 & Res No. 1784, and LU No. 814 & Res No. 1785:

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Palma, Recchia, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn). – 48.

Negative – Barron – 1.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 480-A, 591-A, 981-A and 1035-A.

For **Introduction and Reading of Bills**, see the material following the **Resolutions** section below:

RESOLUTIONS

Presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote Res. No. 1155-A

Report of the Committee on Education in favor of approving, as amended, a Resolution calling upon the New York State legislature to pass and the Governor to sign legislation amending the New York State Education Law to afford houses of worship equal access to school property.

The Committee on Education, to which the annexed amended resolution was referred on December 8, 2011 (Minutes, page 5234), respectfully

REPORTS:

I. INTRODUCTION

On May 21st, 2013 the Education Committee, chaired by Council Member Robert Jackson, will consider Proposed Resolution No. 1155-A. This resolution would call upon the New York State legislature to pass and the Governor to sign legislation amending the New York State Education Law to afford houses of worship equal access to school property. The Committee held a hearing on the original resolution on February 2, 2012.

II. BACKGROUND

Pursuant to the New York State Education Law, the Department of Education (DOE) may permit its facilities to be used outside of school hours for purposes such as “social, civic and recreational meetings and entertainments, and other uses pertaining to the welfare of the community; but such meetings...shall be non-exclusive and shall be open to the general public.”¹ The law gives the DOE the authority to determine the “appropriateness” of the use of school property for any reason other than school purposes and also the authority to determine the terms and conditions for using the school property.² In 1994, The Bronx Household of Faith, a Christian church, applied for a permit from the DOE to use space in a Bronx middle school for its Sunday morning “church service.” At that time, the DOE’s Standard Operating Procedures (SOP) prohibited outside organizations from conducting “religious services or religious instruction” on school premises after school, however, the SOP did permit the use of school property for “the purposes of discussing religious material or material which contains a religious viewpoint.”³ The DOE denied the application based on the SOP and Bronx Household of Faith sued the DOE. The lawsuit was dismissed in 1996 in favor of the DOE, because the DOE’s exclusion of religious services and religious instruction was “viewpoint-neutral and reasonable...”⁴

In 2001, the U.S. Supreme Court ruled in *Good News Club v. Milford Central School* that it was unconstitutional for a public school in Milford, New York to prohibit the Good News Club, a private Christian organization, from using space in a school building after hours to “sing songs, read bible lessons, memorize scripture and pray.”⁵ The Supreme Court concluded that the Good News Club was teaching ““morals and character, from a religious standpoint”” and the school’s denial of their application constituted “impermissible viewpoint discrimination.”⁶

Following the Court’s decision in *Good News Club*, Bronx Household of Faith applied to the DOE again, was denied, and therefore, again sued the DOE. In 2002, the DOE was temporarily enjoined from denying the permit, and Bronx Household of Faith was permitted to use P.S. 15 in the Bronx for its Christian worship services on Sunday.⁷

The DOE revised the language in the SOP to prohibit using a school for ““religious worship services, or otherwise using a school as a house of worship””⁸ and asked the court to permanently adjudicate the issue based on the revised SOP, although the DOE had not yet applied the new procedure. The lower court ruled in favor of Bronx Household of Faith, permanently enjoining the DOE from enforcing the newly revised SOP. The DOE, however, appealed the decision and the Court of Appeals for the Second Circuit vacated the permanent injunction and remanded the case to the lower court.

In 2007, the DOE formally adopted the new SOP, Bronx Household of Faith applied for a permit to use P.S. 15 under the revised SOP, and the DOE denied the application. The lower court again ruled in favor of Bronx Household and enjoined the DOE from enforcing the revised SOP. In June of 2011, the Court of Appeals ruled in favor of the DOE.

Bronx Household of Faith petitioned to have the case heard by the U.S. Supreme Court, however in December, 2011 the U.S. Supreme Court declined to review the case. Subsequently, the DOE gave notice that, starting February 12th, 2012, it will no longer allow outside organizations to use school property for religious worship services. As a result, at least 60 organizations that have been using public school space for worship services will need to find new space.⁹

In June of 2012, The U.S. District Court for the Southern District held that he DOE’s regulation prohibiting worship services on school premises was unconstitutional because it violated the Free Exercise and Establishments clause and resulted in an “impermissible degree of [government] entanglement” with religion.¹⁰ For that reason, the Court permanently enjoined the DOE from enforcing the policy. The DOE filed an appeal and a decision is currently pending.

III. ANALYSIS OF PROPOSED RES. NO. 1155-A

Proposed Resolution No. 1155-A would point out that section 414(1)(c) of the New York State Education Law currently allows school property to be used for

social, civic and recreational meetings and entertainment, as well as for other uses pertaining to the welfare of the community.

Proposed Resolution No. 1155-A would also point out that State law further holds that such meetings, entertainment and uses shall be non-exclusive and shall be open to the general public.

Proposed Resolution No. 1155-A would note that Section 414(1)(c) of the State Education Law also indicates that civic meetings shall include, but not be limited to meetings of parent associations and parent teacher associations.

Proposed Resolution No. 1155-A would acknowledge that the rules promulgated pursuant to this section have had a more restrictive effect on religious organizations seeking to use school property than would appear to be required by the Establishment Clause of the United States Constitution.

Proposed Resolution No. 1155-A would note that in 1994, the Bronx Household of Faith church (“Bronx Household”), based in New York City, was not permitted to use space in a Bronx public middle school for its Sunday morning worship service because the City’s Department of Education (“DOE”) had a policy that prohibited school property from being used for religious services or instruction.

Proposed Resolution No. 1155-A would state that when Bronx Household sued the DOE, arguing that its policy constituted viewpoint discrimination in violation of the First Amendment of the U.S. Constitution, a federal district court disagreed and upheld the DOE’s policy, a decision that was later affirmed by the U.S. Court of Appeals for the Second Circuit (“Second Circuit”).

Proposed Resolution No. 1155-A would acknowledge that the law has evolved, and in 2001 the U.S. Supreme Court ruled in Good News Club vs. Milford Central School that it was unconstitutional for a public school district in upstate New York to exclude from its facilities “a private Christian organization for children.”

Proposed Resolution No. 1155-A would also acknowledge that the Supreme Court reasoned in the Good News Club case that Milford’s policy constituted viewpoint discrimination in violation of the First Amendment because it denied the club access to the school’s limited public forum on the ground that the club was religious in nature.

Proposed Resolution No. 1155-A would note that subsequent to the Supreme Court’s holding in the Good News Club case, the DOE denied Bronx Household’s re-application to utilize school property for religious services, leading Bronx Household to file a new lawsuit and ultimately obtain permission, on a temporary basis during the pendency of the litigation, to use the school for its Christian worship service on Sundays.

Proposed Resolution No. 1155-A would also note that during the litigation, the DOE revised its old policy and replaced it with a new one, which prohibits the use of school property for “religious worship services, or otherwise using a school as a house of worship,” while allowing that “[p]ermits may be granted to religious clubs for students that are sponsored by outside organizations . . . on the same basis that they are granted to other clubs for students that are sponsored by outside organizations.”

Proposed Resolution No. 1155-A would point out that ultimately, on June 2, 2011, the Second Circuit upheld the DOE’s new policy and its decision to deny Bronx Household’s re-application under the new policy, reasoning that the policy did not constitute viewpoint discrimination because “While the conduct of religious services undoubtedly *includes* expressions of a religious point of view, it is not the expression of that point of view that is prohibited by the rule. Prayer, religious instruction, expression of devotion to God, and the singing of hymns, whether done by a person or group, do not constitute the conduct of worship services. Those activities are not excluded.”

Proposed Resolution No. 1155-A would also point out that in addition, the Court held that the policy was reasonable because, by excluding religious worship services, the DOE was properly trying to avoid violating the Establishment Clause of the U.S. Constitution.

Proposed Resolution No. 1155-A would note that specifically, the Court expressed concerns that using school premises for religious worship services may violate the Establishment Clause when: the school facilities are “principally available for public use on Sundays [which] results in an unintended bias in favor of Christian religions;” the school bears the majority of the cost for the space, including rental fees and utility costs, which means “[t]he City thus foots a major portion of the costs of the operation of a church;” and on an indefinite basis, worship services take place in schools at the same time and day every week, which could lead to “long-term conversion of schools into state-subsidized churches on Sundays.”

Proposed Resolution No. 1155-A would point out that the U.S. Supreme court declined to hear the case.

Proposed Resolution No. 1155-A would acknowledge that in June of 2012, the U.S. District Court for the Southern District held that the DOE’s regulation prohibiting worship services on school premises did not pass constitutional standards because it violated the Free Exercise clause and the Establishment clause and resulted in an “impermissible degree of [government] entanglement” with religion.

Proposed Resolution No. 1155-A would point out that in light of the aforementioned reasons, the court permanently enjoined the DOE from enforcing a policy that would deny an application of an individual or entity to rent space on school premises for meetings that include religious worship.

Proposed Resolution No. 1155-A would also point out that there is a pending appeal of the District Court’s decision.

Proposed Resolution No. 1155-A would acknowledge that providing access to school facilities to the general public, including but not limited to houses of worship, promotes the laudable and worthy goal of maximizing the utilization of

public space for multiple purposes, and for all groups, which is especially necessary in New York City, where such space is at a premium.

Proposed Resolution No. 1155-A would point out that the Second Circuit’s latest decision may leave room for the State to clarify and amend the Education Law to afford houses of worship the utmost access to schools in a manner consistent with the Establishment Clause, for example, by ensuring that access is offered to all religious groups, that the public does not bear an undue share of the costs of utilizing the space, and that no one house of worship can permanently occupy the space.

Proposed Resolution No. 1155-A would note that Assemblyman Marcus Crespo has sponsored legislation A00265, that would amend Section 414 of the New York State Education Law to authorize religious meetings and worship on school property.

Proposed Resolution No. 1155-A would acknowledge that such amendment would specify that school facilities may be utilized during non-school hours for religious activities, including “meetings, services, and worship.”

Proposed Resolution No. 1155-A would also acknowledge that the proposed legislation would also provide that in New York City, the community school board may adopt regulations governing when school property may be used for such religious activities, and the community school board may not prohibit the use of school property for religious activities that would otherwise be legally permissible.

Proposed Resolution No. 1155-A would state that the proposed legislation would provide the New York City Department of Education with the opportunity to allow religious houses of worship maximum access to school property, while still complying with constitutional mandates.

Finally, Proposed Resolution No. 1155-A would provide that the New York City Council calls upon the State legislature to pass and the Governor to sign legislation amending the New York State Education Law to afford houses of worship equal access to school property.

¹ NY Educ. §414(1)(c)

² NY Educ §414(k) and §414(2)

³ *The Bronx Household of Faith v. Board of Education of the City of New York and Community School District No. 10*, 650 F.3d 30 (2d Cir.2011).

⁴ *Id* at 34 .

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id* at 34-35.

⁹ Blain, Glenn, “Bill Lets Churches Stay in City Schools,” *N.Y. Daily News*, January 31, 2012

¹⁰ *The Bronx Household of Faith v. Board of Education of the City of New York and Community School District No. 10*, 876 F.Supp.2d 419 (S.D.N.Y 2012)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1155-A:)

Res. No. 1155-A

Resolution calling upon the New York State legislature to pass and the Governor to sign legislation amending the New York State Education Law to afford houses of worship equal access to school property.

By Council Members Cabrera, Arroyo, Chin, Comrie, Crowley, Dickens, Dilan, Foster, Gentile, Greenfield, James, Lander, Levin, Mealy, Nelson, Palma, Reyna, Rodriguez, Rose, Vallone, Vann, Williams, Wills, Vacca, Jackson, Weprin, Barron, Ferreras, Fidler, Eugene, King, Halloran, Ignizio, Koo, Oddo, Ulrich and the Public Advocate (Mr. de Blasio).

Whereas, Section 414(1)(c) of the New York State Education Law currently allows school property to be used for social, civic and recreational meetings and entertainment, as well as for other uses pertaining to the welfare of the community; and

Whereas, State law further holds that such meetings, entertainment and uses shall be non-exclusive and shall be open to the general public; and

Whereas, Section 414(1)(c) of the State Education Law also indicates that civic meetings shall include, but not be limited to meetings of parent associations and parent teacher associations; and

Whereas, However, the rules promulgated pursuant to this section have had a more restrictive effect on religious organizations seeking to use school property than would appear to be required by the Establishment Clause of the United States (U.S.) Constitution; and

Whereas, For example, in 1994, the Bronx Household of Faith church (“Bronx Household”), based in New York City, was not permitted to use space in a Bronx public middle school for its Sunday morning worship service because the City’s Department of Education (“DOE”) had a policy that prohibited school property from being used for religious services or instruction; and

Whereas, When Bronx Household sued the DOE, arguing that its policy constituted viewpoint discrimination in violation of the First Amendment of the U.S. Constitution, a federal district court disagreed and upheld the DOE’s policy, a decision that was later affirmed by the U.S. Court of Appeals for the Second Circuit (“Second Circuit”); and

Whereas, Since then, however, the law has evolved, and in 2001 the U.S. Supreme Court ruled in Good News Club vs. Milford Central School that it was

unconstitutional for a public school district in upstate New York to exclude from its facilities “a private Christian organization for children;” and

Whereas, The Supreme Court reasoned in the Good News Club case that Milford’s policy constituted viewpoint discrimination in violation of the First Amendment because it denied the club access to the school’s limited public forum on the ground that the club was religious in nature; and

Whereas, Subsequent to the Supreme Court’s holding in the Good News Club case, the DOE denied Bronx Household’s re-application to utilize school property for religious services, leading Bronx Household to file a new lawsuit and ultimately obtain permission, on a temporary basis during the pendency of the litigation, to use the school for its Christian worship service on Sundays; and

Whereas, During the litigation, the DOE revised its old policy and replaced it with a new one, which prohibits the use of school property for “religious worship services, or otherwise using a school as a house of worship,” while allowing that “[p]ermits may be granted to religious clubs for students that are sponsored by outside organizations . . . on the same basis that they are granted to other clubs for students that are sponsored by outside organizations;” and

Whereas, Ultimately, on June 2, 2011, the Second Circuit upheld the DOE’s new policy and its decision to deny Bronx Household’s re-application under the new policy, reasoning that the policy did not constitute viewpoint discrimination because “While the conduct of religious services undoubtedly *includes* expressions of a religious point of view, it is not the expression of that point of view that is prohibited by the rule. Prayer, religious instruction, expression of devotion to God, and the singing of hymns, whether done by a person or group, do not constitute the conduct of worship services. Those activities are not excluded.”; and

Whereas, In addition, the Court held that the policy was reasonable because, by excluding religious worship services, the DOE was properly trying to avoid violating the Establishment Clause of the U.S. Constitution; and

Whereas, Specifically, the Court expressed concerns that using school premises for religious worship services may violate the Establishment Clause when: the school facilities are “principally available for public use on Sundays [which] results in an unintended bias in favor of Christian religions;” the school bears the majority of the cost for the space, including rental fees and utility costs, which means “[t]he City thus foots a major portion of the costs of the operation of a church;” and on an indefinite basis, worship services take place in schools at the same time and day every week, which could lead to “long-term conversion of schools into state-subsidized churches on Sundays;” and

Whereas, The U.S. Supreme Court declined to hear the case; and

Whereas, In June of 2012, the U.S. District Court for the Southern District held that the DOE’s regulation prohibiting worship services on school premises did not pass constitutional standards because it violated the Free Exercise clause and the Establishment clause and resulted in an “impermissible degree of [government] entanglement” with religion; and

Whereas, In light of the aforementioned reasons, the court permanently enjoined the DOE from enforcing a policy that would deny an application of an individual or entity to rent space on school premises for meetings that include religious worship; and

Whereas, There is a pending appeal of the District Court’s decision; and

Whereas, However, providing access to school facilities to the general public, including but not limited to houses of worship, promotes the laudable and worthy goal of maximizing the utilization of public space for multiple purposes, and for all groups, which is especially necessary in New York City, where such space is at a premium; and

Whereas, The Second Circuit’s decision may leave room for the State to clarify and amend the Education Law to afford houses of worship the utmost access to schools in a manner consistent with the Establishment Clause, for example, by ensuring that access is offered to all religious groups, that the public does not bear an undue share of the costs of utilizing the space, and that no one house of worship can permanently occupy the space; and

Whereas, Assemblyman Marcus Crespo has sponsored legislation A00265, that would amend Section 414 of the New York State Education Law to authorize religious meetings and worship on school property; and

Whereas, Such amendment would specify that school facilities may be utilized during non-school hours for religious activities, including “meetings, services, and worship”; and

Whereas, The proposed legislation would also provide that in New York City, the community school board may adopt regulations governing when school property may be used for such religious activities, and the community school board may not prohibit the use of school property for religious activities that would otherwise be legally permissible; and

Whereas, The proposed legislation would provide the New York City Department of Education with the opportunity to allow religious houses of worship equal access to school property, while still complying with constitutional mandates; now, therefore, be it

Resolved, That the New York City Council calls upon the New York State legislature to pass and the Governor to sign legislation amending the New York State Education Law to afford houses of worship equal access to school property.

ROBERT JACKSON, Chairperson; CHARLES BARRON, LEWIS A. FIDLER, HELEN D. FOSTER, ALBERT VANN, JAMES VACCA, FERNANDO CABRERA, MARGARET S. CHIN, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK S. WEPRIN, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH; Committee on Education, May 21 2013.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following 11 Council Members formally voted against this item: The Speaker (Council Member Quinn), Council Members Brewer, Dromm, Garodnick, Gennaro, Koppell, Koslowitz, Lappin, Mark-Viverito, Mendez and Van Bramer.

Adopted by the Council by voice-vote.

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Education and had been favorably reported for adoption.

Report for voice-vote Res. No. 1767

Report of the Committee on Education in favor of approving a Resolution calling on the New York State Department of Education to immediately stop all stand-alone field testing for students.

The Committee on Education, to which the annexed resolution was referred on May 22, 2013, respectfully

REPORTS:

On Tuesday, May, 21, 2013, the City Council’s Committee on Education, chaired by Council Member Robert Jackson, will conduct a hearing on Preconsidered Res. No. 1767, a resolution calling on the New York State Department of Education to immediately stop all stand-alone field testing for students.

Background

In April 2013, New York City students in grades 3-8, took state mandated standardized English language arts and math tests. While testing is not new to students, this year’s test was particularly difficult as it was aligned to the new and more rigorous “Common Core” standards adopted by New York State. Although the State adopted these standards in 2011¹, the curriculum has not yet been implemented (according New York City Department of Education, New York City will fully implement the Common Core standards in the 2014-15 school year).² In addition, the rigor of the exams has caused education officials to warn parents, teachers and students to expect declining test scores.³

While debates about the merits of standardized testing are common, these discussions have primarily focused on the actual exams, how the results are scored, what those results are used for, and the effects of testing on students and education. However, an additional layer to standardized testing is known as “field testing.” Field testing is used to measure testing accuracy and to prepare for future exams. One method of field testing is implemented by embedding trial questions into actual exams, while another method, called “stand-alone” testing requires students to take a mock exam under exam conditions. Field tests are used essentially for research purposes by the test publishing companies; the results of the tests do not count towards a student’s score.

Although April’s exams included field test questions, New York City has plans to administer stand-alone testing in English and math in all elementary and middle schools the week of June 5, 2013.

Preconsidered Res. No. 1767

Preconsidered Res. No. 1767 would state that New York State’s school children just completed mandatory standardized testing at the end of April. The Resolution would note that these standardized tests are used to measure students in a variety of ways and are sometimes referred to as “high stakes” tests because, for example, they determine whether a student passes to the next grade and are used to determine admission to a particular school. The Resolution would indicate that New York State recently adopted the federal government’s more rigorous “Common Core” standards, which will be fully implemented in 2015.

The Resolution would note that to prepare for the implementation, this year’s tests were tougher than any in the recent past and State education officials expect scores to drop as a result. The Resolution would further note that many parents, educators and students have expressed heightened anxiety due to the use of more stringent standards and increased reliance on test scores to measure academic performance, including of students, schools and teachers.

Preconsidered Res. No. 1767 would state that as the State and its school districts work on how to administer these standards, it is proposing to administer additional field tests which help check the methodology, design and legitimacy of future tests. The Resolution would note that field testing can be implemented by

embedding questions into regular exams or by staging “stand-alone” tests that are used exclusively to help formulate future tests. The Resolution would point out that the results of field test questions or stand-alone tests are not used to measure students or teachers in any manner.

The Resolution would note that the tests that were administered in April included field test questions that were embedded in the exam. The Resolution would further note that however, in New York State, many districts including New York City, are planning to administer stand-alone field tests for English and math in June, near the last days of the school year. The Resolution would state that many parents and advocates believe these tests would add further stress to students who just finished demanding exams while taking away from in-class instruction time. The Resolution would indicate that furthermore, numerous parents, advocates and educators believe that test preparation already narrows the curriculum by forcing teachers to prepare students for the test and that in addition, these field tests would detract from responsibilities and opportunities for teachers to engage with their students and families in a meaningful way as they prepare to end the school year.

Preconsidered Res. No. 1767 would point out that stand-alone tests are neither mandated nor necessary and their validity is questionable because if students know the tests do not carry any consequences they may not be motivated to perform well. The Resolution would state that if using the field questions that were embedded in the April exams is insufficient, the State should explore alternatives such as conducting field tests outside of school time while compensating the test takers, as is done for adults. Finally, Preconsidered Res. No. 1767 would state that the Council of the City of New York calls on the New York State Department of Education to immediately stop all stand-alone field testing for students.

¹New York State Education Department Press Release, January 11, 2011, Board of Regents Approve New York State P-12 Common Core Learning Standards, available at <http://www.oms.nysed.gov/press/CommonCoreStandardsP-12.html>.

²About Common Core, NYC Department of Education, available at <http://schools.nyc.gov/Academics/CommonCoreLibrary/About/default.htm>

³Chapman, B., Lestch, C., *City and state officials predict students' test scores will drop by 30%*, *New York Daily News*, April 11, 2013, accessed at <http://www.nydailynews.com/new-york/students-test-scores-expected-drop-30-article-1.1314516> on May 20, 2013.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered resolution, please see the Introduction and Reading of Bill section printed in these Minutes)

ROBERT JACKSON, Chairperson; CHARLES BARRON, LEWIS A. FIDLER, HELEN D. FOSTER, ALBERT VANN, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, FERNANDO CABRERA, MARGARET S. CHIN, DANIEL DROMM, KAREN KOSLOWITZ, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK S. WEPRIN, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH; Committee on Education, May 21, 2013.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following Council Member formally voted against this item: Council Member Koppell.

Adopted by the Council by voice-vote.

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Public Housing and had been favorably reported for adoption.

Report for voice-vote Res. No. 1770

Report of the Committee on Public Housing in favor of approving a Resolution calling upon the New York State Legislature to enact the “NYCHA Real Property Public Review Act” requiring that any disposition of land or buildings by the New York City Housing Authority be subject to and comply with the provisions of New York City’s Uniform Land Use Review Procedure.

The Committee on Public Housing, to which the annexed resolution was referred on May 22, 2013, respectfully

REPORTS:

On Tuesday, May, 21, 2013, the City Council’s Committee on Education, chaired by Council Member Robert Jackson, will conduct a hearing on Preconsidered Res. No. 1770, a resolution calling on the New York State Department of Education to immediately stop all stand-alone field testing for students.

Background

In April 2013, New York City students in grades 3-8, took state mandated standardized English language arts and math tests. While testing is not new to students, this year’s test was particularly difficult as it was aligned to the new and more rigorous “Common Core” standards adopted by New York State. Although the State adopted these standards in 2011¹, the curriculum has not yet been implemented (according New York City Department of Education, New York City will fully implement the Common Core standards in the 2014-15 school year).² In addition, the rigor of the exams has caused education officials to warn parents, teachers and students to expect declining test scores.³

While debates about the merits of standardized testing are common, these discussions have primarily focused on the actual exams, how the results are scored, what those results are used for, and the effects of testing on students and education. However, an additional layer to standardized testing is known as “field testing.” Field testing is used to measure testing accuracy and to prepare for future exams. One method of field testing is implemented by embedding trial questions into actual exams, while another method, called “stand-alone” testing requires students to take a mock exam under exam conditions. Field tests are used essentially for research purposes by the test publishing companies; the results of the tests do not count towards a student’s score.

Although April’s exams included field test questions, New York City has plans to administer stand-alone testing in English and math in all elementary and middle schools the week of June 5, 2013.

Preconsidered Res. No. 1770

Preconsidered Res. No. 1770 would state that New York State’s school children just completed mandatory standardized testing at the end of April. The Resolution would note that these standardized tests are used to measure students in a variety of ways and are sometimes referred to as “high stakes” tests because, for example, they determine whether a student passes to the next grade and are used to determine admission to a particular school. The Resolution would indicate that New York State recently adopted the federal government’s more rigorous “Common Core” standards, which will be fully implemented in 2015.

The Resolution would note that to prepare for the implementation, this year’s tests were tougher than any in the recent past and State education officials expect scores to drop as a result. The Resolution would further note that many parents, educators and students have expressed heightened anxiety due to the use of more stringent standards and increased reliance on test scores to measure academic performance, including of students, schools and teachers.

Preconsidered Res. No. 1770 would state that as the State and its school districts work on how to administer these standards, it is proposing to administer additional field tests which help check the methodology, design and legitimacy of future tests. The Resolution would note that field testing can be implemented by embedding questions into regular exams or by staging “stand-alone” tests that are used exclusively to help formulate future tests. The Resolution would point out that the results of field test questions or stand-alone tests are not used to measure students or teachers in any manner.

The Resolution would note that the tests that were administered in April included field test questions that were embedded in the exam. The Resolution would further note that however, in New York State, many districts including New York City, are planning to administer stand-alone field tests for English and math in June, near the last days of the school year. The Resolution would state that many parents and advocates believe these tests would add further stress to students who just finished demanding exams while taking away from in-class instruction time. The Resolution would indicate that furthermore, numerous parents, advocates and educators believe that test preparation already narrows the curriculum by forcing teachers to prepare students for the test and that in addition, these field tests would detract from responsibilities and opportunities for teachers to engage with their students and families in a meaningful way as they prepare to end the school year.

Preconsidered Res. No. 1770 would point out that stand-alone tests are neither mandated nor necessary and their validity is questionable because if students know the tests do not carry any consequences they may not be motivated to perform well. The Resolution would state that if using the field questions that were embedded in the April exams is insufficient, the State should explore alternatives such as conducting field tests outside of school time while compensating the test takers, as is done for adults. Finally, Preconsidered Res. No. 1770 would state that the Council of the City of New York calls on the New York State Department of Education to immediately stop all stand-alone field testing for students.

¹New York State Education Department Press Release, January 11, 2011, Board of Regents Approve New York State P-12 Common Core Learning Standards, available at <http://www.oms.nysed.gov/press/CommonCoreStandardsP-12.html>.

²About Common Core, NYC Department of Education, available at <http://schools.nyc.gov/Academics/CommonCoreLibrary/About/default.htm>

³Chapman, B., Lestch, C., *City and state officials predict students' test scores will drop by 30%*, *New York Daily News*, April 11, 2013, accessed at <http://www.nydailynews.com/new-york/students-test-scores-expected-drop-30-article-1.1314516> on May 20, 2013.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered resolution, please see the Introduction and Reading of Bill section printed in these Minutes)

ROSIE MENDEZ, Chairperson; MARIA del CARMEN ARROYO, MELISSA MARK-VIVERITO, MARGARET S. CHIN, JAMES G. VAN BRAMER; Committee on Public Housing, May 21, 2013.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Comrie) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Comrie) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Preconsidered Res. No. 1767

Resolution calling on the New York State Department of Education to immediately stop all stand-alone field testing for students.

By the Speaker (Council Member Quinn) and Council Members Jackson, Arroyo, Barron, Chin, Mark-Viverito, Mealy, Mendez and Palma.

Whereas, New York State’s school children just completed mandatory standardized testing at the end of April; and

Whereas, These standardized tests are used to measure students in a variety of ways and are sometimes referred to as “high stakes” tests because, for example, they determine whether a student passes to the next grade and are used to determine admission to a particular school; and

Whereas, New York State recently adopted the federal government’s more rigorous “Common Core” standards, which will be fully implemented in 2015; and

Whereas, To prepare for the implementation, this year’s tests were tougher than any in the recent past and State education officials expect scores to drop as a result; and

Whereas, Many parents, educators and students have expressed heightened anxiety due to the use of more stringent standards and increased reliance on test scores to measure academic performance, including of students, schools and teachers; and

Whereas, As the State and its school districts work on how to administer these standards, it is proposing to administer “field tests”, which help check the methodology, design and legitimacy of future tests; and

Whereas, Field testing can be implemented by embedding questions into regular exams or by staging “stand-alone” tests that are used exclusively to help formulate future tests; and

Whereas, The results of field test questions or stand-alone tests are not used to measure students or teachers in any manner; and

Whereas, The tests that were administered in April included field test questions that were embedded in the exam; and

Whereas, However, in New York State many districts, including New York City, are planning to administer stand-alone field tests for English and math in June, near the last days of the school year; and

Whereas, Many parents and advocates believe these tests would add further stress to students who just finished such demanding exams while taking away from in-class instruction time; and

Whereas, Furthermore, numerous parents, advocates and educators believe that test preparation already narrows the curriculum by forcing teachers to prepare students for the test and that in addition, these field tests would detract from responsibilities and opportunities for teachers to engage with their students and families in a meaningful way as they prepare to end the school year; and

Whereas, Stand-alone tests are neither mandated nor necessary and their validity is questionable because if students know the tests do not carry any consequences they may not be motivated to perform well; and

Whereas, If using the field questions that were embedded in the April exams is insufficient, the State should explore alternatives such as conducting field tests outside of school time while compensating the test takers, as is done for adults; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Department of Education to immediately stop all stand-alone field testing for students.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Education).

Int. No. 1045

By Council Members Arroyo, Barron, Cabrera, Comrie, Crowley, Dickens, Dromm, Ferreras, Gennaro, Gentile, Jackson, Koo, Koppell, Levin, Mark-Viverito, Mealy, Mendez, Recchia, Jr., Reyna, Rivera, Rodriguez, Rose, Vacca, Van Bramer, Vann, Williams and Wills.

A Local Law in relation to the naming of 49 thoroughfares and public places, Joe Perez Way, Borough of the Bronx, Yomo Toro Place, Borough of the

Bronx, La 65 de Infantería, Borough of the Bronx, African Burial Ground Square, Borough of Brooklyn, Gregory “Joeko” Jackson Boulevard, Borough of Brooklyn, Arthur Hill Way, Borough of Queens, Rev. Carl and Mother Helen Baldwin Way, Borough of Queens, Jefferson Diggs Way, Borough of Queens, Rev. Dr. John H. Boyd Sr. Way, Borough of Queens, Monsignor Robert R. McCourt Way, Borough of Queens, Lucile Hill Way, Borough of Queens, George Gibbons Jr. Way, Borough of Queens, Richard Italiano Corner, Borough of Queens, Father Eugene F. Donnelly Corner, Borough of Queens, Mary Sarro Way, Borough of Queens, Anthony “Tony” Caminiti Way, Borough of Queens, Dr. Rabbi H. Joel Laks Way, Borough of Queens, Charles Ahl Way, Borough of Brooklyn, Mildred Sutherland Way, Borough of Manhattan, Firefighter James Ruane Way, Borough of Manhattan, Willie Mays Place, Borough of Manhattan, Rev. Dr. Timothy P. Mitchell Way, Borough of Queens, Daniel Carter Beard Memorial Square, Borough of Queens, James V. Downey Way, Borough of the Bronx, St. Philip Neri Way, Borough of the Bronx, BARC Avenue, Borough of Brooklyn, Linda Ballou Way, Borough of Manhattan, Rafael Tufiño Way, Borough of Manhattan, Zurana Horton Way, Borough of Brooklyn, Officer Glen Pettit Corner, Borough of Manhattan, Paul Podhaizer Way, Borough of Brooklyn, Sister Mary Marcellus Way, Borough of Brooklyn, Pomus Place, Borough of Brooklyn, Ted Corbitt Way, Borough of Manhattan, Sgt. Jose Enrique Ulloa Way, Borough of Manhattan, Willie Mays Drive, Borough of Manhattan, Carmine Granito and William Smith Way, Borough of Staten Island, Eden II Lane, Borough of Staten Island, Ed Sadler Way, Borough of the Bronx, Dominic Castore Way, Borough of the Bronx, Carlo A. Lanzillotti Place, Borough of Queens, Sculpture Street, Borough of Queens, Sunnyside Gardens Arena Way, Borough of Queens, Benjamin Wheeler Place, Borough of Queens, Jerry Ingenito Way, Borough of Queens, Louis Rispoli Way, Borough of Queens, Bishop Luther Dingle Boulevard, Borough of Brooklyn, Yoseph Robinson Avenue, Borough of Brooklyn, Christopher Rose Way, Borough of Brooklyn and the repeal of section 24 of local law number 14 for the year 2012, section 5 of local law number 48 for the year 2012 and section 65 of local law number 3 for the year 2011.

Be it enacted by the Council as follows:

Section 1. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Joe Perez Way	Cypress Avenue	Between 138 th Street and 139 th Street

§2. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Yomo Toro Place	None	At the intersection of Ogden Avenue and East 162 nd Street

§3. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated, and one sign shall be provided at each intersection inclusive of and between the limits indicated below.

New Name	Present Name	Limits
La 65 de Infantería	Southern Boulevard	Between Bruckner Boulevard and East Fordham Road

§4. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
African Burial Ground Square	None	at the intersections of Barbey Street and New Lots Avenue, Barbey Street and Livonia Avenue, Schenck Avenue and Livonia Avenue and Schenck Avenue and New Lots Avenue

§5. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Gregory “Jocko” Jackson Boulevard	Linden Boulevard	Between Mother Gaston Boulevard and Powell Street

§6. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Arthur Hill Way	None	At the intersection of Illion Avenue and Hannibal Street

§7. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rev. Carl and Mother Helen Baldwin Way	None	At the intersection of South Road and Guy R. Brewer Boulevard

§8. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Jefferson Diggs Way	None	At the intersection of 88 th Avenue and 178 th Street

§9. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rev. Dr. John H. Boyd Sr. Way	None	At the intersection of 219 th Street and Linden Boulevard

§10. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Monsignor Robert R. McCourt Way	None	At the intersection of 199 th Street and 113 th Avenue

§11. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lucile Hill Way	None	At the intersection of 200 th Street and Linden Boulevard

§12. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
George Gibbons Jr. Way	60 th Drive	Between Fresh Pond Road and Mt. Olivet Crescent

§13. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Richard Italiano Corner	None	At the southwest corner of 102 nd Street and Strong Avenue

§14. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Father Eugene F. Donnelly Corner	None	At the southwest corner of 80 th Street and 25 th Avenue

§15. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Mary Sarro Way	73 rd Street	Between 34 th Avenue and 35 th Avenue

§16. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Anthony “Tony” Caminiti Way	None	At the intersection of 108 th Street and 51 st Avenue

§17. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dr. Rabbi H. Joel Laks Way	78 th Road	Between Parsons Boulevard and 160 th Street

§18. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Charles Ahl Way	None	At the intersection of 80 th Street and Fifth Avenue

§19. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Mildred Sutherland Way	West 152 nd Street	Between Broadway and Amsterdam

§20. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Firefighter James Ruane Way	None	the 500 block of West 150 th Street

§21. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Willie Mays Place	St. Nicholas Place	Between 153 rd Street and 155 th Street

§22. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits

Rev. Dr. Timothy P. Mitchell Way	None	At the southeast corner of Northern Boulevard and Prince Street
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§23. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Daniel Carter Beard Memorial Square	None	At the southwest corner at the intersection of Northern Boulevard and Main Street

§24. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
James V. Downey Way	Mosholu Avenue	Between West 254 th Street and West 256 th Street

§25. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
St. Philip Neri Way	Villa Avenue	Between Bedford Park Boulevard and East 204 th Street

§26. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
BARC Avenue	Wythe Avenue	Between Grand Street and N. 1 st Street

§27. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Linda Ballou Way	137 th Street	Between Brook Avenue and St. Ann's Avenue

§28. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rafael Tufiño Way	East 103 rd Street	From the west side of Third Avenue to the east side of Park Avenue

§29. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Zurana Horton Way	None	At the intersection of Watkins Street and Pitkin Avenue

§30. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Officer Glen Pettit Corner	20 th Street	Between 2 nd Avenue and 3 rd Avenue

§31. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Paul Podhaizer Way	None	At the northeast corner of Seabreeze Avenue and West 5 th Street

§32. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Sister Mary Marcellus Way	Hooper Street	Between Marcy Avenue and Harrison Avenue

§33. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Pomus Place	Manhattan Avenue	Between McKibbin Street and Boerum Street

§34. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Ted Corbitt Way	None	At the intersection of 228 th Street and Broadway

§35. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Sgt. Jose Enrique Ulloa Way	None	At the intersection of 177 th Street and Audubon Avenue

§36. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Willie Mays Drive	At the Harlem River Driveway / Polo Grounds Service Road	Between 155 th Street and 163 rd Street

§37. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Carmine Granito and William Smith Way	None	Underneath the Lafayette Avenue sign at the intersection of Brighton Avenue and Lafayette Avenue

§38. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Eden II Lane	None	Underneath the Beach Street sign at the intersection of Beach Street and Union Place

§39. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicate

New Name	Present Name	Limits
Ed Sadler Way	None	At the intersection of East Schofield Street and City Island Avenue

§40. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dominic Castore Way	Morris Park Avenue	Between Colden Avenue and Bronxdale Avenue

§41. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Carlo A. Lanzillotti Place	None	At the intersection of 41 st Street and 48 th Avenue

§42. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Sculpture Street	None	At the intersection of Purves Street and Jackson Avenue

§43. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Sunnyside Gardens Arena Way	None	At the intersection of 44 th Street and Queens Boulevard

§44. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Benjamin Wheeler Place	None	At the intersection of 41 st Street and Queens Boulevard

§45. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Jerry Ingenito Way	38 th Street	Between Greenpoint Avenue and 48 th Avenue

§46. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Louis Rispoli Way	None	At the intersection of 51 st Street and 43 rd Avenue

§47. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Bishop Luther Dingle Boulevard	Nostrand Avenue	Between Dekalb Avenue and Willoughby Avenue

§48. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Yoseph Robinson Avenue	None	At the intersection of Avenue J and Nostrand Avenue

§49. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Christopher Rose Way	None	At the intersection of Avenue D and East 40 th Street

§50. Section 24 of local law number 14 for the year 2012 is hereby REPEALED.

§51. Section 5 of local law number 48 for the year 2012 is hereby REPEALED.

§52. Section 65 of local law number 3 for the year 2011 is hereby REPEALED.

§53. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Res. No. 1768

Resolution calling upon the New York State Legislature to pass and the Governor to sign, A.6059/S. 4284, legislation that would protect student privacy by prohibiting the release of personally identifiable student information without consent.

By Council Members Brewer, Jackson, Lander, Arroyo, Barron, Chin, Comrie, Dickens, Dromm, Eugene, Gentile, James, Mark-Viverito, Palma, Rose, Williams and Wills.

Whereas, The New York State Education Department (NYSED) has partnered with inBloom Inc., a nonprofit provider of technology services that allows states and public school districts to integrate student data and third-party applications;

Whereas, According to NYSED's website, the purpose of this partnership is to assist in creating an education data portal to provide educators, students and families with "high quality data tools and educational content to support our schools in delivering excellent instruction while transitioning to the Common Core;" and

Whereas, The data is intended to be used to chart individualized progress made by students and also to be used by third parties such as commercial vendors, to solicit families based on a child's academic needs; and

Whereas, Some parents and advocates have expressed concern about using students' information in this manner; and

Whereas, In addition, numerous concerns have been raised about privacy and the system's ability to protect this data once stored in cyberspace; and

Whereas, It has been reported that inBloom, Inc. has stated that it cannot guarantee the security of the information stored or that the information will not be intercepted when it is being transmitted; and

Whereas, Furthermore, it has been noted that many parents are not even aware of these plans; and

Whereas, Due in part to these concerns, legislation has been introduced in both houses of the New York State Legislature; and

Whereas, This legislation, A.6059/S.4284, would protect student privacy by prohibiting the release of personally identifiable information about individual students to third parties unless there is parental consent, or a student who is 18 years of age or older consents, or unless certain exceptions apply; and

Whereas, While it is understandable that technology will continue to play a larger role in all aspects of education including administratively, it is imperative that families have a voice in how this is done; and

Whereas, Until more information is known about this process, the NYSED should refrain from moving forward with current plans with inBloom, Inc.; and

Whereas, Student information should be guarded fervently and shared sparingly and only when in the best interest of the student and his/her family; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State legislature to pass and the Governor to sign A.6059/S.4284, legislation that would protect student privacy by prohibiting the release of personally identifiable student information without consent.

Referred to the Committee on Education.

Int. No. 1046

By Council Members Garodnick, Chin, Comrie, Eugene, Fidler, Gentile, James, Koo, Koppell, Richards, Rose, Williams and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to notification for renewals of city issued permits and licenses.

Be it enacted by the Council as follows:

Section 1. Chapter 6 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-602 to read as follows:

§23-602 Electronic notification of permit and license renewals. a. Prior to the expiration of any permit or license issued by any city agency for which notices for renewal are issued to the holder of such permit or license, each such agency shall develop and administer a service whereby the holders of such permits or licenses can subscribe to receive renewal notices by telephone message, text message, and/or email.

b. If a holder of such permit or license subscribes to such service, such agency shall only issue permit or license renewal notices by telephone message, text message, and/or email to the telephone number and/or email address provided by the holder of the permit or license.

c. Such agency shall not be responsible for renewal notices that are sent to email addresses or telephone numbers provided by the holder of the permit or license that are inaccurate or outdated.

§ 2. This local law shall take effect ninety days after its enactment.

Referred to the Committee on Technology.

Int. No. 1047

By Council Members Gennaro, Arroyo, Barron, Brewer, Comrie, Eugene, Fidler, James, Koo, Koppell, Mark-Viverito, Mendez, Richards, Rose, Williams and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to increasing the use of biofuel in city-owned buildings.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that heating oil is a significant local source of air pollution in New York City. The space heating sector is responsible for approximately 14% of the local emissions of particulate matter, more than vehicle traffic or power plants. One immediate solution to address pollution from oil heat in the short term is to use blends of heating oil and biodiesel, known as bioheating fuel. The use of bioheating fuel would reduce emissions of air pollutants, reduce cleaning and maintenance costs, increase the viscosity and ease of handling of fuel oils, provide other operational benefits, strengthen the alternative fuels market, support regional farmers and local businesses, and increase energy independence and the diversity of our energy supply. Accordingly, another method to address pollutants from the heating oil sector is to require increased use of biofuel in city-owned buildings.

§ 2. Section 24-168.1 of the administrative code of the city of New York is amended by adding a new subdivision i to read as follows:

(i) Use of biodiesel by city buildings. (1) Use of biodiesel for heating purposes. After October first, two thousand thirteen, all no. 2, no. 4 and no. 6 heating oil purchased for use in any building owned by the city shall be bioheating fuel containing not less than five percent biodiesel by volume except that the provisions of this subdivision shall not apply to the use of emergency generators.

(2) The commissioner of citywide administrative services shall institute a pilot program to use greater amounts of biodiesel in city buildings. Such pilot program shall require that, after October first, two thousand fourteen, ten percent of the heating oil burned in city-owned buildings shall contain ten percent biodiesel (B10). Such pilot program shall terminate on October first, two thousand fifteen. Within six months of the termination of such pilot program, the commissioner shall submit a report to the mayor and the council on the utility of, and the impediments to, the use of ten percent biodiesel (B10) in city-owned buildings.

§3. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection.

Res. No. 1769

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation to amend the Vehicle and Traffic Law (VTL) to authorize the use of a photographic ticketing system to detect drivers who illegally pass school buses that are loading and unloading passengers.

By Council Members Greenfield, Comrie, Koo, Koppell, Palma, Richards, Rose and Wills.

Whereas, In 2012, the New York City Police Department issued over 3,000 summonses to vehicles that failed to stop for a school bus; and

Whereas, Under New York State Vehicle and Traffic Law (VTL) section 1174(a) a vehicle must stop when a school bus has stopped to discharge or pick-up passengers; and

Whereas, New York State Senator Gregory R. Ball has introduced S.2646 to authorize the use of school bus cameras as prima facie evidence of a violation under VTL section 1174(a); and

Whereas, Since 2003, the Governor's Traffic Safety Committee has sponsored "Operation Safe Stop Day" when enforcement is increased in order to raise awareness that vehicles must stop for school buses; and

Whereas, In 2012, "Operation Safe Stop Day" resulted in over 1,300 summonses being issued to drivers who failed to stop for a school bus; and

Whereas, School buses are equipped with special stop signs that flash when a school bus has stopped to pick up or drop off passengers; and

Whereas, Currently there is legislation pending in the New York State Legislature, A.0519 and S.0374, that would increase penalties on drivers who overtake and pass a stopped school bus in the course of receiving or discharging passengers; and

Whereas, School districts across the nation have begun to install cameras on school buses in order to catch drivers who fail to stop for buses; and

Whereas, According to USA Today, Cobb County, Georgia, installed cameras on 102 school buses, and the program has yielded over 2,000 summonses; and

Whereas, The Georgia program was instituted following a 2009 accident, where a kindergartener was killed because a driver failed to stop for a school bus; and

Whereas, Other jurisdictions that have installed cameras on school buses include Stratford, Connecticut and Falls Church, Virginia; and

Whereas, In New York City, Community Education liaisons have called for cameras to be installed on school buses, and refer to success of red light cameras in reducing traffic fatalities in support this proposal; now, therefore, be it

Resolved, That the Council of the City of New York call upon the New York State Legislature to pass and the Governor to sign legislation to amend the Vehicle and Traffic Law (VTL) to authorize the use of a photographic ticketing system to detect drivers who illegally pass school buses that are loading and unloading passengers.

Referred to the Committee on Transportation.

Int. No. 1048

By Council Members Koslowitz, Brewer, Comrie, Dromm, Fidler, James, Koo, Mendez, Palma and Richards.

A Local Law to amend the administrative code of the city of New York, in relation to the price of items sold at newsstands.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 20-231 of subchapter seven of chapter two of title 20 of the administrative code is amended to read as follows:

b. Items other than newspapers, magazines, periodicals, and prepaid telecommunication or transit cards may be offered for sale from a newsstand if they are sold for less than [five] *ten* dollars exclusive of taxes; provided, however, that apparel, jewelry, hair ornaments, handbags and video cassettes shall not be offered for sale from a newsstand and that if food items are offered for sale, they must be prepackaged.

§ 2. This local law shall take effect 90 days after its enactment into law.

Referred to the Committee on Consumer Affairs.

Preconsidered Res. No. 1770

Resolution calling upon the New York State Legislature to enact the “NYCHA Real Property Public Review Act” requiring that any disposition of land or buildings by the New York City Housing Authority be subject to and comply with the provisions of New York City’s Uniform Land Use Review Procedure.

By Council Members Mendez, The Speaker (Council Member Quinn), Chin, Mark-Viverito, Gennaro, Arroyo, Jackson, Lappin, Barron, Dickens, James, King, Koppell, Mealy, Palma, Richards, Rose and Wills.

Whereas, The New York City Housing Authority (“NYCHA”) is a public housing authority with 334 developments, 2,597 buildings, and 178,895 public housing units, making it the largest public housing provider in North America; and

Whereas, The majority of NYCHA’s housing stock is over fifty years old; and

Whereas, In 2006, a physical needs assessment conducted by NYCHA indicated that NYCHA must invest \$25 billion in capital funds over 15 years to keep its housing in a state of good repair, which includes making needed repairs and upgrades to brickwork, roofs, elevators, building systems and apartment interiors; and

Whereas, The bulk of NYCHA’s capital funds come from federal grants and these grants have declined substantially in recent years, falling from \$420 million annually in 2001 to \$270 million annually in 2012; and

Whereas, To generate revenue, NYCHA recently announced plans to lease property at certain of its housing developments to private developers who will build mostly market-rate housing units, along with some affordable housing units, upon that property; and

Whereas, Public housing authorities, such as NYCHA, must comply with the process set forth in Section 18 of the United States Housing Act of 1937 (“Section 18”) before selling, leasing or otherwise disposing of their property, which requires that disposition plans be reviewed and approved by the United States Department of Housing and Urban Development; and

Whereas, The Section 18 process requires, among other things, that NYCHA consult with residents and resident organizations regarding its plans to lease property; and

Whereas, The Section 18 process does not specify what constitutes meaningful resident consultation or expressly require consultation with other community stakeholders such as the City Council, Community Boards, Borough Boards and Borough Presidents regarding property leasing plans, and such consultation is crucial to ensuring that communities play an important role in shaping their own neighborhoods; and

Whereas, Certain land use changes, approvals, contracts, consents, permits or authorizations thereof, respecting the use, development or improvement of real property in the city are subject to the City’s Uniform Land Use Review Procedure (“ULURP”), which ensures that such plans proceed in a transparent manner by requiring, among other things, that these plans be publicly heard by and subject to recommendations from relevant Community Boards, Borough Boards, Borough Presidents in addition to the City Council and by further requiring that such plans proceed upon the approval of the City Planning Commission and the City Council; and

Whereas, Unless certain land use changes would be necessary, NYCHA is not currently required to comply with ULURP before selling, leasing or otherwise disposing of its property; and

Whereas, NYCHA has not provided public housing residents and community stakeholders with an opportunity to shape or meaningfully impact NYCHA’s recently announced property leasing plans; and

Whereas, NYCHA property is an invaluable public resource that should not be disposed of but through a transparent process giving due say to residents, the community and their representatives, particularly where such property may ultimately be used for the development of primarily market-rate housing; and

Whereas, S. 4641/A. 6964, the “NYCHA Real Property Public Review Act,” which is currently under consideration by the New York State Legislature, would require that any disposition of NYCHA property be subject to ULURP; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact the “NYCHA Real Property Public Review Act” requiring that any disposition of land or buildings by the New York City Housing Authority be subject to and comply with the provisions of New York City’s Uniform Land Use Review Procedure.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Public Housing).

Int. No. 1049

By Council Members Oddo, Ignizio, Rose, Chin, Recchia, Barron, Brewer, Cabrera, Comrie, Crowley, Dickens, Dromm, Eugene, Gentile, Gonzalez, James, Koo, Koslowitz, Mendez, Nelson, Palma, Van Bramer, Williams, Greenfield, Foster, Fidler, Vallone, Jr., Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to Staten Island ferry service.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. It shall be the policy of the city of New York that the Staten Island Ferry should operate in such a way that, absent emergencies or exigent circumstances, ferries never depart more than thirty minutes after the departure of a previous ferry. The standard of “no more than thirty minutes between departures” shall exist twenty-four hours per day, seven days a week, three hundred and sixty-five days a year.

§2. Subdivision a of section 19-305 of the administrative code of the city of New York is amended to read as follows:

§19-305[.] Staten Island Ferry service. a. Any city owned and operated ferry operating between the Whitehall terminal in the borough of Manhattan and the St. George terminal in the borough of Staten Island shall operate, at a minimum, according to the following schedule: (i) On monday through friday, except on legal holidays, a ferry shall depart from the Whitehall terminal in the borough of Manhattan every twenty minutes between 6:30 a.m. and 8:30 a.m.; every fifteen minutes between 8:30 a.m. and 9:30 a.m.; every thirty minutes between 9:30 a.m. and 4:00 p.m.; every twenty minutes between 4:00 p.m. and 5:00 p.m.; every fifteen minutes between 5:00 p.m. and 7:00 p.m.; every twenty minutes between 7:00 p.m. and 8:00 p.m.; and every thirty minutes between 8:00 p.m. and [1:30 a.m. and every hour between 2:00 a.m. and] 6:00 a.m.

(ii) On monday through friday, except on legal holidays, a ferry shall depart from the St. George terminal in the borough of Staten Island at 5:30 a.m.; every twenty minutes between 6:00 a.m. and 7:00 a.m.; every fifteen minutes between 7:00 a.m. and 9:00 a.m.; every thirty minutes between 9:00 a.m. and 3:30 p.m.; every twenty minutes between 3:30 p.m. and 5:30 p.m.; every fifteen minutes between 5:30 p.m. and 7:00 p.m.; and every thirty minutes between 7:00 p.m. and [1:00 a.m.; and every hour between 1:00 a.m. and 5:00 a.m.] 5:30 a.m.

(iii) On Saturdays, [except on legal holidays,] *Sundays, and on legal holidays*, service both to and from Manhattan’s Whitehall terminal and Staten Island’s St. George terminal shall be every [hour except between the hours of 6:00 a.m. and 7:00 p.m., in which case service shall be every] thirty minutes.

[(iv) On Sundays, except on legal holidays, service both to and from Manhattan’s Whitehall terminal and Staten Island’s St. George terminal shall be every hour except between the hours of 9:00 a.m. and 7:00 p.m., in which case service shall be every thirty minutes.

(v) On legal holidays, service both to and from Manhattan’s Whitehall terminal and Staten Island’s St. George terminal shall include ferry departures every thirty minutes between the hours of 7:00 a.m. and 7:00 p.m.]

§3. This local law shall take effect one hundred and eighty days after it is enacted into law.

Referred to the Committee on Transportation.

Res. No. 1771

Resolution calling upon the New York State Legislature to pass and the Governor to sign S.3942/A.4380, the “Engineers’, Architects’, Landscape Architects’ and Land Surveyors’ Good Samaritan Act” which would protect from liability professional engineers, architects, landscape architects and land surveyors who render voluntary services at the scene of a natural disaster or catastrophe.

By Council Members Oddo, Arroyo, Comrie, Eugene, Fidler, Gentile, James, Koo, Palma, Rose and Wills.

Whereas, Following Superstorm Sandy, the New York City Department of Buildings (DOB) was tasked with inspecting tens of thousands of properties in the floodplain in all five boroughs to determine their structural stability; and

Whereas, DOB used its teams of inspectors and contracted with engineers from a private firm to help with inspections as the demand for services exceeded the capacity of its staff; and

Whereas, DOB spent weeks assessing and tagging properties with placards to indicate whether it was safe for homeowners to reoccupy or where necessary to begin repairs to a property; and

Whereas, According to the American Institute of Architects, after Superstorm Sandy, at least 300 architects and engineers in the New York area indicated a willingness to volunteer to inspect damaged properties; and

Whereas, Currently, New York State does not provide immunity for engineers, architects, landscape architects and land surveyors from liability for volunteer services provided in response to a natural disaster or catastrophic event; and

Whereas, Without the assurance that their volunteer services would not expose them to future litigation or liability, volunteer architects and engineers were unable to assist DOB with Sandy-related inspections; and

Whereas, In 2013, Senator Kemp Hannon (R-NY) and Assembly Member Steven Englebright (D-NY) introduced S.3942 and companion bill A.4380; and

Whereas, This legislation would establish the "Engineers', Architects', Landscape Architects' and Land Surveyors' Good Samaritan Act," which would provide immunity for engineers, architects, landscape architects and land surveyors from liability for volunteer services rendered during or within 90 days of the termination of a declared natural disaster or catastrophic event when requested by or acting with approval from government officials; and

Whereas, Twenty-four other states have recognized this potential liability threat and to foster the use of these professionals after an emergency have enacted laws which provide immunity to certain professionals including engineers who provide voluntary services in response to a disaster; and

Whereas, In order to get homeowners back into their homes as quickly and safely as possible by avoiding lengthy home inspection processes in the aftermath of future disasters, engineers and architects should be protected from liability when contributing their professional services to recovery efforts; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign S.3942/A.4380, the "Engineers', Architects', Landscape Architects' and Land Surveyors' Good Samaritan Act" which would protect from liability professional engineers, architects, landscape architects and land surveyors who render voluntary services at the scene of a natural disaster or catastrophe.

Referred to the Committee on Housing and Buildings.

Int. No. 1050

By Council Members Van Bramer, Gentile, Brewer, Chin, Comrie, Dromm, Eugene, James, Koo, Koppell, Koslowitz, Mark-Viverito, Mendez, Palma, Richards and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to appropriation of funds for the operation and maintenance of the library systems.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The council finds that the public libraries of the city of New York provide essential educational and cultural services to the citizens of the city and enrich the education and well-being of the communities they serve, including children and seniors. The council further finds that without adequate and consistent funding, the libraries are unable to fulfill their mission, and the deficiency undermines their strength in the communities they serve. The council finds that each year the city's public libraries are threatened with drastic funding cuts from the city of New York, and that such threats are harmful to the operational integrity of the libraries; cause unnecessary confusion to the libraries' patrons; and anxiety to the libraries' employees. The council finds that the three public library systems serving the city's citizens receive a far smaller percentage of local support when compared to other urban library systems across the country. The council further finds that an equitable means to remedy this problem is to allocate a certain portion of the city's appropriation to ensure that the libraries and the citizens of New York City know that sufficient funds will be available each year to fund library services.

§ 2. Section 5-509 of the administrative code of the city of New York is amended by adding a new subdivision 7 to read as follows:

7. *Upon agreement between the mayor and the council, a sum representing two and one-half percent of the real property tax revenue assessed each fiscal year shall be appropriated to the operation and maintenance of the library systems.*

§ 3. This local law shall take effect immediately.

Referred to the Committee on Finance.

Res. No. 1772

Resolution calling on the New York State Senate to pass and the Governor to sign S.1416, which would establish child-sensitive arrest policies and procedures.

By Council Members Williams, Chin, Comrie, Eugene, James, Mendez, Palma, Rose and Wills.

Whereas, Witnessing an arrest can have a severe psychological impact on a child, which could lead to emotional distress such as anxiety, confusion, anger, and sadness; and

Whereas, Most children do not talk about their experience and may develop negative associations of law enforcement or figures of authority as a result of their traumatic experience; and

Whereas, According to a 2010 report on arrest protocols, when examining the relationship between witnessing arrests and elevated symptoms of post-traumatic stress, children who witnessed the arrest of someone in their household and had a parent who was recently arrested were 72% more likely to have elevated post-traumatic stress symptoms than children who did not have an arrested parent and had never witnessed an arrest; and

Whereas, In an effort to prevent post-traumatic stress symptoms in children, S.1416, currently pending in the New York State Senate, seeks to amend the New York State Executive Law and the Criminal Procedure Law, in relation to developing and instituting child-sensitive arrest policies and procedures; and

Whereas, S.1416 would amend the New York State Executive Law by requiring the superintendent of the New York State Police, in consultation with the New York State Office of Child and Family Services and the New York State Division of Criminal Justice Services, to maintain and disseminate written policies and procedures regarding child-sensitive arrest practices; and

Whereas, These policies would include, but are not limited to (i) inquiring whether an arrestee is charged with the care or custody of a child; (ii) allowing for the arrangement of temporary care for the child; (iii) education on how witnessing violence causes emotional harm to children and how law enforcement can minimize the impact of such harm; and (iv) information on the availability of access to community-based providers of crisis intervention, child protection, and other resources that could aid the child; and

Whereas, S.1416 would amend the New York State Criminal Procedure Law by requiring that state and local law enforcement officers who are arresting an individual inquire at the time of the arrest whether the individual is a parent, guardian, or person legally charged with the care or custody of a minor child who may be at risk as a result of the arrest; and

Whereas, A.1507, the companion bill to S.1416, passed the New York State Assembly on March 13, 2013 and was sent to the New York State Senate on the same day; and

Whereas, S.1416 would help to minimize child trauma and out of home placements as well as help prevent the development of negative associations with law enforcement or figures of authority; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Senate to pass and the Governor to sign S.1416, which would establish child-sensitive arrest policies and procedures.

Referred to the Committee on Fire and Criminal Justice Services.

Preconsidered L.U. No. 833

By Council Member Recchia:

500 Trinity Avenue Portfolio, Block 2557 Lot 56 & 78, Block 2578 Lot 06, Block 2580 Lot 26, Bronx, Community District No. 1, Council District No. 17

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 834

By Council Member Recchia:

Longwood Residences, Block 2720 Lots 80, 84, 88 & 93, Block 2723 Lot 6, Block 2724, Lots 1 & 101, Bronx Community District No. 2, Council District No. 17

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 835

By Council Member Recchia:

Terrace Gardens, Block 2893 Lot 1, Block 2894 Lot 1, Staten Island, Community District No. 1, Council District No.49

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 836

By Council Member Comrie:

Application no. 20135454 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 10th Avenue Group Inc., d/b/a 44&X-Hells Kitchen, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 622 Tenth Avenue, in the Borough of Manhattan, Community District 4, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 837

By Council Member Comrie:

Application No. N 130206(A) ZRM submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, relating to Article IX, Chapter I (Special Lower Manhattan District), concerning privately owned public spaces within the Borough of Manhattan, Community District 1, Council District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 838

By Council Member Comrie:

Application No. C 110398 ZMQ submitted by Vlacich, LLC, pursuant to Section 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 9c, establishing within an existing R5 district a C1-2 District bounded by a line 150 feet northeasterly of 28th Avenue, 43rd Street, 28th Avenue, and 42nd Street, in the Borough of Queens, Community District 1, Council District 22.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 839

By Council Member Comrie:

Application No. 20135674 HAX submitted by the New York City Department of Housing Preservation and Development (HPD) for a tax exemption pursuant to Section 577 of the Private Housing Finance Law for properties located at 442 East 176 Street, 446 East 176 Street, 440 East Tremont Avenue, 1842 Washington Avenue, 1991 Bathgate Avenue, and 2028 Washington Avenue, in the Borough of Bronx, Community Board 6, Council District 15.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 840

By Council Member Comrie:

Application No. 20135675 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) for termination of existing a tax exemption and granting of a new tax exemption for properties located at 1845 Park Avenue and 107 East 126 Street, Borough of Manhattan, Community Board 11, Council District 9. This matter is subject to Council review and action at the request of HPD and pursuant to Article

16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 841

By Council Member Comrie:

Application no. 20135676 HAM submitted by the New York City Department of Housing Preservation and Development for termination of existing tax exemption and granting of a new a tax exemption for property located at 112 East 128 Street and 102 East 128 Street, Community District 11, Council District 9. This matter is subject to Council review and action at the request of HPD and pursuant to Sections 123(4), 125 and 577 of the Private Housing Finance Law.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 842

By Council Member Comrie:

Application No. 20135677 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 2353 2nd Avenue, Borough of Manhattan, Community Board 11, Council District 8. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 843

By Council Member Comrie:

Application no. 20135678 HAX submitted by the New York City Department of Housing Preservation and Development for the termination of an existing tax exemption and the granting of a new tax exemption for properties located at 1604 Jesup Avenue, 1595 & 1601 Macombs Road, 1551 Shakespeare Avenue, 1685 Hoe Avenue, 1662-1698 Vyse Avenue, and 1685 & 1717 Bryant Avenue, Community Districts 3and 5, Council Districts 15 and 16, Borough of the Bronx. This matter is subject to Council review and action at the request of HPD and pursuant to Sections 123(4), 125 and 577 of the Private Housing Finance Law.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Thursday, May 23, 2013

★ Note Deferral ★★ Note Time Change

Time	Agency Testifying	Finance Committee jointly with Council Committee ★ Location: Council Chambers, City Hall
10:00 – 12:00	Police	Public Safety
12:00 – 2:00	District Attorney / Narcotics Prosecutor	Special Public Safety

★ 2:00 - 2:45	Office of Emergency Management	Public Safety
★ 2:00 - 2:30	Civilian Complaint Review Board	Public Safety

★ *Deferred*

Committee on **CIVIL RIGHTS** **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Deborah Rose, Chairperson

★ *Note Topic and Committee Addition*

Committee on **PUBLIC HOUSING** jointly with the
 ★ Committee on **SANITATION AND SOLID WASTE MANAGEMENT** **1:00 P.M.**
 ★ Oversight – Sanitation and Recycling Practices at NYCHA Developments
 Committee Room – 250 Broadway, 16th Floor Rosie Mendez, Chairperson
 Letitia James, Chairperson

Tuesday, May 28, 2013

★ *Note Location Change*

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee ★ Location: Council Chambers, City Hall
10:00 - 11:00	Medical Examiner	Health
11:00 - 12:30	Health and Hospitals Corporation	Health jointly with Mental Health, Developmental Disability, Alcoholism, Drug Abuse & Disability Services and Subcommittee on Drug Abuse
12:30 - 2:30	Health & Mental Hygiene	Health jointly with Mental Health, Developmental Disability, Alcoholism, Drug Abuse & Disability Services and Subcommittee on Drug Abuse

★ *Note Topic and Committee Additions*

Committee on **WATERFRONTS** jointly with the
 ★ Committee on **TRANSPORTATION** and the
 ★ Committee on **ECONOMIC DEVELOPMENT** **1:00 P.M.**
 ★ Oversight - Ferries: A Vital Part of New York City's Public Transit System
 Committee Room – 250 Broadway, 14th Floor Peter Koo, Chairperson
 James Vacca, Chairperson
 Karen Koslowitz, Chairperson

Wednesday, May 29, 2013

★ *Note Deferral* ★ *Note Time Change* ★ *Addition with Committee Deletion*

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee ★ Location: Council Chambers, City Hall
10:00 - 12:00	Aging	Aging and Subcommittee on Senior Centers
★ 12:00 - 2:00	Education and School Construction Authority (Capital)	Education

★ 12:00 - 1:00	Consumer Affairs	Consumer Affairs
★ 1:00 - 1:30	Business Integrity Commission	Consumer Affairs
★ 1:30 - 2:30	Information and Technology and Telecommunication	Land Use and Technology

★ *Note Topic Addition*

Committee on **TRANSPORTATION** **1:30 P.M.**
 ★ Proposed Int. No. 1042-A - By Council Members Greenfield, Gentile, Vacca, Arroyo, Barron, Cabrera, Eugene, Fidler, Gonzalez, James, King, Koo, Koppell, Palma, Recchia, Richards, Rose, Vallone, Williams and Wills - A Local Law to amend the administrative code of the city of New York, in relation to deactivating muni-meters when parking rules are not in effect or receipt paper is not available.
 Committee Room – 250 Broadway, 16th Floor James Vacca, Chairperson

★ *Note Topic Addition*

Committee on **CONTRACTS** **1:30 P.M.**
 Oversight - Bottlenecks in the Contracting Process
 Committee Room – 250 Broadway, 14th Floor Darlene Mealy, Chairperson

Thursday, May 30, 2013

★ *Note Deferral*

Time	Agency Testifying	Finance Committee jointly with Council Committee ★ Location: Council Chambers, City Hall
★ 10:00 - 1:00	Education (Expense)	Education
1:00 - 2:30	Parks and Recreation	Parks and Recreation
2:30 - 4:30	Sanitation	Sanitation and Solid Waste Management

Friday, May 31, 2013

★ *Deferred*

Committee on **TECHNOLOGY** **10:00 A.M.**
 Oversight – Mayor's Office of Media and Entertainment
 Committee Room – 250 Broadway, 14th Floor Fernando Cabrera, Chairperson

Monday, June 3, 2013

★ *Note Location Change*

Time	Agency Testifying	Finance Committee jointly with Council Committee and Select Committee ★ Location: Council Chambers, City Hall
10:00 - 11:30	Libraries	Cultural Affairs, Libraries & International Intergroup Relations jointly with Select Committee on Libraries
11:30 - 1:00	Cultural Affairs	Cultural Affairs, Libraries & International Intergroup Relations
1:00 - 1:30	Human Rights Commission	Civil Rights
1:30 - 2:00	Equal Employment Practice Commission	Civil Rights
2:00 - 4:00	NYCHA	Public Housing

Tuesday, June 4, 2013

Subcommittee on **ZONING & FRANCHISES** **9:30 A.M.**
 See Land Use Calendar Available Thursday, May 30, 2013

Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

★ Addition ★★ Note Deferral

Time	Agency Testifying	Finance Committee jointly with Council Committee ★ Location: Council Chambers, City Hall
★10:00 - 1:00	Education (Expense)	Education
1:00 – 1:30	Investigation	Oversight and Investigation
1:30 – 2:00	Conflicts of Interest	Standards and Ethics
★ ★2:00 – 3:00	City Planning	Land Use
★ ★3:00 – 4:00	Landmarks	Land Use
★ ★4:00 – 5:00	Information and Technology and Telecommunication	Land Use and Technology

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....**11:00 A.M.**
See Land Use Calendar Available Thursday, May 30, 2013
Committee Room– 250 Broadway, 16th Floor Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**.....**1:00 P.M.**
See Land Use Calendar Available Thursday, May 30, 2013
Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Wednesday, June 5, 2013

★ Note Deferral and Time Changes

Time	Agency Testifying	Finance Committee ★ Location: Council Chambers, City Hall
10:00 – 1:00	Office of Management & Budget – Overview of Budgets – Revenue, Expense, Capital & Miscellaneous Budgets, including Debt Service & Pension appropriations	Finance
1:00 – 2:30	Finance	Finance
★2:30 – 3:00	Design & Construction	Finance
★2:30 – 3:00	Comptroller	Finance
★3:00 – 3:30	Independent Budget Office	Finance
★3:30	Public	

Thursday, June 6, 2013

Committee on **LAND USE**.....**10:00 A.M.**
All items reported out of the subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, 16th Floor Leroy Comrie, Chairperson

Committee on **ENVIRONMENTAL PROTECTION** **1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor James Gennaro, Chairperson

Committee on **HOUSING AND BUILDINGS** **1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th FloorErik Martin-Dilan, Chairperson

Friday, June 7, 2013

Committee on **HEALTH**..... **10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Maria del Carmen Arroyo, Chairperson

Committee on **PARKS AND RECREATION**..... **1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor
.....Melissa Mark-Viverito, Chairperson

Monday, June 10, 2013

Committee on **GENERAL WELFARE****10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Annabel Palma, Chairperson

Committee on **IMMIGRATION****1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Daniel Dromm, Chairperson

Tuesday, June 11, 2013

Committee on **TRANSPORTATION**.....**10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th FloorJames Vacca, Chairperson

Committee on **YOUTH SERVICES**.....**1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Lewis Fidler, Chairperson

Committee on **ECONOMIC DEVELOPMENT** **1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor Karen Koslowitz, Chairperson

Wednesday, June 12, 2013

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*
.....*Agenda – 1:30 p.m.*
Location ~ *Council Chambers ~ City Hall*

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, June 12, 2013.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: *Int Nos. 984-A, 1026-A, and 1030-A, all adopted at the April 25, 2013 Stated Meeting, were signed into law by the Mayor on May 15, 2013 as, respectively, Local Laws Nos. 39, 40, and 41 of 2013.*

