

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
THURSDAY, AUGUST 22, 2013

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING
of
Thursday, August 22, 2013, 2:40 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	Michael C. Nelson
Charles Barron	Sara M. Gonzalez	James S. Oddo
Gale A. Brewer	David G. Greenfield	Annabel Palma
Fernando Cabrera	Vincent M. Ignizio	Domenic M. Recchia, Jr.
Margaret S. Chin	Robert Jackson	Diana Reyna
Leroy G. Comrie, Jr.	Letitia James	Donovan Richards
Elizabeth S. Crowley	Andy King	Joel Rivera
Inez E. Dickens	Peter A. Koo	Ydanis A. Rodriguez
Erik Martin Dilan	G. Oliver Koppell	Deborah L. Rose
Daniel Dromm	Karen Koslowitz	Eric A. Ulrich
Mathieu Eugene	Bradford S. Lander	James Vacca
Julissa Ferreras	Jessica S. Lappin	Albert Vann
Lewis A. Fidler	Stephen T. Levin	James G. Van Bramer
Helen D. Foster	Melissa Mark-Viverito	Mark S. Weprin
Daniel R. Garodnick	Darlene Mealy	Jumaane D. Williams
James F. Gennaro	Rosie Mendez	Ruben Wills

Excused: Council Members Halloran and Vallone, Jr..

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, New York, N.Y. 10007.

INVOCATION

The Invocation was delivered by Minister Brandon Keith Washington, Memorial Baptist Church, 141 Bishop Preston R. Washington Sr. Place, New York, NY 10026.

Recognizing Speaker Christine Quinn

and the members of City Council
and those that are assembled
if all hearts and minds are clear.

Dear Lord.
This City Council is grateful
to have the opportunity
to come together this afternoon.
We call on your great name,
the God of All Creation and Humanity,
to make your presence known here today
and to help us accomplish
all that is set before us
with grace and assurance.
We pray for all the leaders and continued unity,
such that our differences and distinctions
may only be a reflection of your goodness and mercy.
Bless us with your spirit of cooperation
and heart of concern for people
of this great city and one another.
Guide our thoughts and our actions as we ask
for your assistance, protection and vision,
power and peace, inspiration and illumination.
Bless each person on my left and on my right
with your goodness, your strength, your courage,
your health, wisdom and all knowledge,
such that we will remain focus.

God bless this city.

We pray these things in your mighty name.
Amen.

Council Member Dickens 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:

Liz Berger, 53, the president of the Downtown Alliance, and for thirty years a fixture in both city government and outside as a government relation expert, passed away on August 5, 2013 after a ten year battle with pancreatic cancer. After becoming the president of the Downtown Alliance BID in 2007, she worked on projects rebuilding the downtown neighborhood including the Fulton Center Transportation Hub and the reconstruction of Fiterman Hall which was damaged on 9/11. Liz Berger is survived by her husband Fred Kaufman and their teenage children Phoebe and Julian. At this point the Speaker (Council Member Quinn) yielded the floor to Council Member Chin who spoke in respectful memory of Ms. Liz Berger. Former Deputy Mayor Bill Lynch, 72, considered a giant in New York City government, politics, and activism for decades, passed away on August 9, 2013 due to complications from kidney disease. He helped form the historic multiethnic coalition that elected David Dinkins in 1989 as New York City's first African-American mayor. Mr. Lynch subsequently served as Deputy Mayor for Intergovernmental Affairs under Mayor Dinkins. After leaving public service, he became an advisor and co-chair of many city, state and presidential campaigns. He is survived by his wife Mary, son William Lynch III, and daughter Stacey. At this point, the Speaker (Council Member Quinn) yielded the floor to Council Member Dickens who spoke in respectful memory of Mr. Bill Lynch.

At this point, Council Member Dickens noted that political activist Joseph Wardally had passed away on August 21, 2013. Mr. Wardally was the father of

former Council Director of Member Services and former Council Deputy Chief of Staff Kevin Wardally.

* * *

ADOPTION OF MINUTES

At this point, the Speaker (Council Member Quinn) moved that the Minutes of the Stated Meeting of June 26, 2013 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-1238

Communication from the Department of Housing Preservation & Development – Submitting a withdrawal Letter for L.U. 874, 360 Preservation, 176-184 Hopkinson Avenue, Borough of Brooklyn.

August 22, 2013

Hon. Domenic Recchia, Chairman
City Council Finance Committee
250 Broadway
New York, New York

Dear Chairman Recchia:

On behalf of the New York City Department of Housing Preservation and Development, I hereby request the withdrawal of Finance Committee item T2013-6711, 360 Preservation, 176-184 Hopkinson Avenue, Borough of Brooklyn, under HPD's Article XI Program, which is currently before your committee for consideration.

Thank you for your assistance in this matter.

Sincerely,

Christopher Gonzalez

Received, Ordered, Printed and Filed.

LAND USE CALL UPS

M-1239

By the Chair of the Land Use Committee Council Member Comrie:

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application Nos. C 130216 ZSM, C130217 ZSM, C 130218 ZSM and C130219 PPM shall be subject to Council review. These items are related to Application Nos. C 130214 ZMM and N 130215 ZRM which is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote.

M-1240

By the Chair of the Land Use Committee Council Member Comrie:

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application Nos. C 130222 ZSQ, C 130223 ZSQ, C 130224 ZSQ, C130225 ZSQ and M 080221(A) MMQ shall be subject to Council review. These items are related to Application No. N 130220 ZRQ which is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote.

M-1241

By the Chair of the Land Use Committee Council Member Comrie:

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application No. C 120326 MMK shall be subject to Council review. This item is related to Application No. C 130306 ZMK which is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote.

M-1242

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 56 9th Avenue, Community Board No. 4, Application no. 20135019 TCM, shall be subject to review by the Council.

Coupled on Call – Up Vote.

M-1243

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 190 6th Avenue, Community Board No. 2, Application no. 20135747 TCM, shall be subject to review by the Council.

Coupled on Call – Up Vote.

M-1244

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 1186 Broadway, Community Board No. 5, Application no. 20135608 TCM, shall be subject to review by the Council.

Coupled on Call – Up Vote.

M-1245

By Council Member Arroyo:

Pursuant to Rule 11.20(b) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure, on property located at 731 Southern Boulevard (Block 2720, Lot 28), Community District 2, Borough of the Bronx, Application No. C 110154 ZSX, a disposition by lease of city-owned property, shall be subject to Council Review.

Coupled on Call – Up Vote.

M-1246

By Council Member Dickens:

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 2847 Broadway, Community District 9, Application no. 20135625 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 motions 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, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, 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 items **adopted** and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittee.

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Environmental Protection

Report for Int. No. 218-A

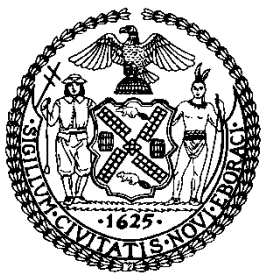
Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the use of auxiliary power units in ambulances.

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on May 12, 2010 (Minutes, page 1684), respectfully

REPORTS:

(For text of report, please see the **Report of the Committee on Environmental Protection for Int No. 1061-A**)

(The following is the text of the Fiscal Impact Statement for Int. No. 218-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR
FISCAL IMPACT STATEMENT

INTRO. NO: 218-A
COMMITTEE: Committee on Environmental Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the use of auxiliary power units in ambulances.

SPONSOR(S): Council Members Koppell, Chin, Comrie, Fidler, Foster, Gentile, Lander, Nelson, Levin, Gennaro, Dromm, Van Bramer, and Rose.

SUMMARY OF LEGISLATION: Proposed Int. No. 218-A would amend New York City’s Administrative code in relation to the use of auxiliary power units in ambulances.

This legislation requires the New York City Fire Department (FDNY) to develop and implement a pilot project to ascertain the benefits and reliability of utilizing auxiliary power units in ambulances operated by the City of New York. The pilot project shall employ auxiliary power units to power the ambulance’s electrical load, diagnostic devices, ancillary electrical equipment, tools and cabin temperature without the need to engage the engine or use another source of power. The pilot must be underway by January 1, 2014 and continue for at least one year.

The legislation also requires that the FDNY submit a report to the Mayor and the City Council Speaker no later than July 1, 2015 detailing the findings of the pilot

project. The report should include data on actual reduction in vehicular emission, and a cost-benefit analysis for equipping the entire ambulance fleet with auxiliary power units.

EFFECTIVE DATE: This law shall take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2014

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: N/A

IMPACT ON EXPENDITURES: There would be no impact on expenditures because the City has already purchased some auxiliary power units that could be used in a pilot program and the report could be completed with existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Mayor’s Office of Management and Budget (OMB)
 Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: Kate Seely-Kirk, Senior Legislative Financial Analyst

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

LEGISLATIVE HISTORY: On May 12, 2010, Intro. 218 was introduced by the Council and referred to the Committee on Environmental Protection. On June 6, 2013 the Committee held a hearing regarding this legislation, which was then laid over and subsequently amended. The Committee will consider an amended version of the legislation, Proposed Intro. 218-A, on August 21, 2013. Following a successful Committee vote, the Full Council will vote on Proposed Int. 218-A on August 22, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 218-A:)

Int. No. 218-A
 By Council Members Koppell, Chin, Comrie, Fidler, Foster Gentile, Lander, Nelson, Levin, Gennaro, Vallone, Jr., Brewer and Eugene.

A Local Law to amend the administrative code of the city of New York, in relation to the use of auxiliary power units in ambulances.

Be it enacted by the Council as follows:

Section 1. Subchapter seven of chapter one of title 24 of the administrative code of the city of New York is amended by adding a new section 24-163.10 to read as follows:

§24-163.10 Use of auxiliary power units in ambulances. a. When used in this section, “auxiliary power unit” means a device located on or in a vehicle that supplies cooling, heating and electrical power to such vehicle while the vehicle’s engine is turned off. Not later than January first, two thousand fourteen, the fire department shall develop and implement a pilot project for a period of not less than one year to ascertain the benefits and reliability of utilizing auxiliary power units in ambulances operated by the city of New York. Such pilot project shall employ auxiliary power units to power the ambulance’s electrical load, diagnostic devices, ancillary electrical equipment, tools and cabin temperature without the need to engage the engine or use another source of power.

b. Not later than July first, two thousand fifteen, the fire department shall submit a report to the mayor and the speaker of the council detailing the findings of such pilot project, including but not limited to data on actual reduction in vehicular emissions, and a cost-benefit analysis for equipping the entire ambulance fleet with auxiliary power units.

§ 2. This local law shall take effect immediately.

JAMES F. GENNARO, Chairperson; G. OLIVER KOPPELL, ELIZABETH S. CROWLEY, BRADFORD S. LANDER, STEPHEN T. LEVIN; DONOVAN RICHARDS; Committee on Environmental Protection, August 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).

Report for Int. No. 1061-A

Report of the Committee on Environmental Protection 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 reducing the emissions of pollutants from vehicles used by or on behalf of the city of New York.

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on June 12, 2013 (Minutes, page 1936), respectfully

REPORTS:

Introduction

On August 22, 2013, the Environmental Protection Committee will vote on the five above-listed items, all of which pertain to reducing emissions in vehicles that operate in the City of New York. The Committee heard a previous version of these bills on June 6, 2013, and amendments reflect information gathered at that hearing.

Background on Air Pollution

General

In 1970, Congress passed the Clean Air Act to respond to health and environmental threats presented by polluted air. Since passage of the Clean Air Act, numerous research studies have documented a variety of deleterious health effects associated with exposure to air pollution. A major source of air pollution is diesel exhaust from motor vehicles.

Exposure to diesel exhaust includes exposure to particulate matter, nitrogen oxides and sulfur dioxides. In addition to containing particulate matter, nitrogen oxides and sulfur dioxides, diesel exhaust contains air toxins, such as benzene (a carcinogen), formaldehyde (a probable carcinogen) and dioxin (known for its non-cancer and reproductive health effects).¹

Health Effects

The adverse health effects from breathing polluted air include increased mortality, respiratory diseases and hospitalizations, changes in lung function, asthma attacks and lost days from school or work.² Associations have also been documented between air pollution and cardiopulmonary mortality as well as lung cancer mortality.³ Air pollution may also increase blood pressure,⁴ alter the electrical functioning of the heart,⁵ which is particularly dangerous for people with pre-existing coronary artery disease, and may actually cause asthma.⁶ Exposure to diesel exhaust was found by one study to promote myocardial ischemia and to inhibit the body's ability to dispel blood clots.⁷

Everyone is impacted by poor air quality but certain groups experience more serious impacts than others due to greater susceptibility to the same levels of air pollution. Most studies have found greater susceptibility to air pollution in

for the Lower Ma_____

1. Control of Emissions of Air Pollution from Nonroad Diesel Engines and Fuel at 28,338, Federal Register: June 29, 2004 Volume 69, Number 124.

2. Wong RY, Gohlke J, Griffith WC, Farrow S, Faustman, EM, Economic Benefits of Air Pollution Reductions for Children, Environ. Health Perspect. 2004, Feb; 112(2):226-232.

3. Pope CA 3rd, Burnett RT, Thun MJ, Calle EE, Krewski D, Ito K, Thurston GD, Lung Cancer, cardiopulmonary mortality and long term exposure to fine particulate air pollution, Journal of the American Medical Association. 2002 Mar 6;287(9):1132-1141.

4. Sun Q, Yue P, Ying Z, Cardiunel AJ, Brook RD, Devlin R, Hwand JS, Zweier JL, Chen LC, Rajagopalan S, Air Pollution Exposure Potentiates Hypertension Through Reactive Oxygen Species-Mediated Activation of RHO/ROCK, Arterioscler Thromb Vasc Biol. 2008 Jul 3.

5. Chuang KJ, Coull BA, Zabobetti A, Suh H, Schwartz J, Stone PH, Litonjua A, Speozer FE, Gold DR. Particulate air pollution as a risk factor for SR-segment depression in patients with coronary artery disease. 2008 Sep 23 ;(118):1314-20.

6. Air Pollution and Respiratory Disease, National Institute of Environmental Health Sciences, www.niehs.nih.gov/health/impacts; George D. Thurston, David V. Bates, Air Pollution as an Underappreciated Cause of Asthma Symptoms, Journal of the American Medical Association, October 8, 2003;290:1915-1917.

7. Joan Stephenson Ph.D., Diesel Smog and Blood Clots, Journal of the American Medical Association, October 17, 2007:298:1752.

vulnerable populations including, but not limited to the elderly and children⁸. Of all groups disproportionately impacted by air pollution studied, the most research has involved adverse health impacts to children.

Adverse Impacts on Children

Children are more susceptible to air pollution than adults because they take in more air per unit of body weight than adults; children spend more time outdoors than adults and children do not respond to air pollution the same way as adults do.⁹ As children, they are the least able to mitigate the impacts of air pollution. Recent studies that examined the impact of air pollution on children exposed prenatally found that children heavily exposed to polycyclic aromatic hydrocarbons or exposed to black carbon scored lower on intelligence tests than children with low exposures¹⁰. Children exposed to pollution from traffic were also found to have reduced lung function.¹¹ Children exposed to even low levels of ozone are at significant risk for respiratory symptoms and for rescue medication use.¹² Among obese children, more pronounced deficits in lung function have been observed in response to air pollution than among children of normal weight.¹³ Air pollution likely increases airway oxidative stress and decreases small airway function in asthmatic children.¹⁴

Proposed Int. No. 1061-A

The Council has previously acted to require the use of best retrofit technologies and ultra-low sulfur diesel in various diesel vehicles operating in the City, including those owned and operated by City agencies (Local Law number 39 of 2004), those operating under solid waste and recycling contracts with the City (Local Law number 40 of 2005), school buses (Local Law number 42 of 2005), and sightseeing buses (Local Law number 41 of 2005). For each fleet owned or operated by the City, the proposed legislation would require the use of a biodiesel blend of B5 (5% biodiesel) by FY 2015, and a blend of B20 (20% biodiesel) is required for the months of April to November by FY 2017, and would require the installation of best available retrofit technology (BART) that would meet the highest emissions reductions (the level 4 emission control strategy) or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter. Sightseeing buses, and vehicles used pursuant to solid waste and recycling materials contracts entered after the effective date of this bill, would have the same retrofit requirements or 2007 EPA standards but would not be required to use biodiesel. The retrofit requirement would be phased in over time until 100% compliance is achieved by 2017.

Biodiesel is a fuel produced from any of a variety of plant oils, animal fats, or used cooking grease or oils. Raw vegetable oils and animal fats are converted to biodiesel through a process called transesterification, wherein the oil and fat react with an alcohol (normally methanol) in the presence of a catalyst such as lye (sodium hydroxide) to produce biodiesel.¹⁵ Glycerin is a co-product of the process, and is sometimes sold by biodiesel producers for use in cosmetics or pharmaceutical goods. On average, 100 pounds of oil or fat, along with 10 pounds of alcohol, produces 100 pounds of biodiesel and 10 pounds of glycerin.¹⁶ The raw material used to produce biodiesel is referred to as its "feedstock". Oil from soy beans is the most common feedstock for biodiesel in the United States, though biodiesel can also be made from a variety of other plant oils such as cottonseed and canola, from recycled cooking grease and oil, or from animal fats such as beef tallow and lard.¹⁷ Biodiesel is typically blended with regular diesel, and the biodiesel blend is labeled based on the percentage of biodiesel in the fuel, such that "B5" contains 5% biodiesel, "B10" contains 10% biodiesel, and so on. According to the United State Department of Energy, the use of B20 blends in diesel for vehicles has been shown to reduce

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⁸ Id.; Redim J. Sram, Blanka Binkova, Jan Dejmeck, and Martin Bobak, Ambient Air Pollution and Pregnancy Outcomes: A review of the Literature, Environmental Health Perspectives, Volume 113, Number 4, April 2005; PennEnvironment, 500 Premature Deaths from Air Pollution in PA, www.pennenvironment.org/in-the-news/clean-air.

⁹ Michael T. Kleinman, Ph.D., The Health Effects of Air pollution on Children, www.aqmd.gov/forstudents/health_effects_on_children.html

¹⁰ Suglia SF, Gryparis A, Wright RO, Schwartz J, and Wright RJ, Association of black carbon with cognition among children in prospective birth cohort study, Am J Epidemiol. 2008 Feb 1;167(3):280-6; Frederica P. Perera, DrPh, Zhigang Li, MPS, Robin Whyatt, DrPH, Lori Hoepner MPH, Shuang Wang PhD, David Camann MS and Virginia Rauh, Scd, Prenatal Airborne Polycyclic Aromatic Hydrocarbon Exposure and Child IQ at Age 5 Years, Pediatrics Published online July 20, 2009 doi:10.1542/10.154/peds.2008-3506).

¹¹ W. James Gauderman, Ph.D., Rob McConnell, MD, Frank Gilliland, MD, Ph.D., Duncan Thomas, Ph.D., Edward Avol, MS, Nino Kuenzli, MD, Ph.D., Michael Jerrett Ph.D. and John Peters, MD, SC.D., Effect of exposure to traffic on lung development from 10-18 years of age: a cohort study, Lancet. 2007 Feb 17;369(9561):571-7; Tracy Hampton, Smog Stunts Lung Growth in Young, Journal of the American Medical Association, October 27, 2004.

¹² Gent, JF, Triche EW, Holford TR, Belanger K, Braken MB, Beckett WS and Leaderer, BP, Ph.D., Association of Low-Level Ozone and Fine Particles with Respiratory Symptoms in Children with Asthma, JAMA.2003; 290:1859-1867.

¹³ Luttmann-Gibson H, Dockery DW. Short-term effects of air pollution on lung function: Are obese children at higher risk? Paper presented at: annual meeting of the American Thoracic Society; May 23, 2004; Orlando.

¹⁴ Linh Lui, Raymond Poon, Li Chen, Anna-Maria Fresurea, Paolo Montuschi, Giovanni Ciabattani, Amada Wheller, and Robert Dales, Acute Effects of Air Pollution on Pulmonary Function, Airway Inflammation, and Oxidative Stress in Asthmatic Children, Environmental Health Perspective, Volume 117, Number 4, April 2009; David V. Bates, The Effects of Ari Pollution on Children, Environmental Health Perspectives, Volume 103, Supplement 6, November 1995.

¹⁵ Vermont School of Law, Institute for Energy and the Environment, Energy Solutions for Independent Farmers, Glossary of Terms. http://www.agenergysolutions.org/site/?page_id=30.

¹⁶ United States Department of Energy, Energy Efficiency, Alternative Fuels Data Center, Biodiesel Production and Distribution, http://www.afdc.energy.gov/fuels/biodiesel_production.html.

¹⁷ Id.

emissions of particulate matter (PM) by 10%, carbon monoxide (CM) by 11%, and unburned hydrocarbons (HCs) by 21%.¹⁸

Of the various devices that can be installed on diesel vehicles to reduce emissions such as particulate matter, Diesel Particulate Filters (DPFs) are the most effective. DPFs are exhaust after-treatment devices that can be retrofitted onto existing vehicles and must be used in conjunction with ultra-low-sulfur diesel. DPFs can reduce PM pollution by 85-95%, CO pollution by 85-95%, and HCs by 50-90%. They are most suitable for engines produced after 1995 and can cost \$8,000 to \$50,000 in materials.¹⁹

Bill section one would amend subdivision (a) of section 24-163.4 of the Administrative Code of the City of New York (Ad. Code) by adding a new paragraph 8 that defines “biodiesel.”

Bill section two would amend paragraph one of subdivision (b) of section 24-163.4 of the Ad. Code by specifying the required phased increase of certain biodiesel mixed with diesel for diesel-powered vehicles owned or operated by a City agency so that the fuel mix will contain 5% biodiesel starting in fiscal year (FY) 2015, and 20% by FY 2016 for the months of April through November and 5% for the rest of the year.

Bill section three would amend subdivision (b) of section 24-163.4 of the Ad. Code by adding a new paragraph three to require that covered vehicles use BART that meets level 4 emission control strategy or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter. The section also sets a phased schedule to comply with this provision so that 50% of all vehicles meet the standard by January 1, 2014; 70% by January 1, 2015; 80% by January 1, 2016; and 90% by January 1, 2017.

Bill section four would amend subdivision (f) of section 24-163.4 of the Ad. Code by adding two new paragraphs, 2 and 3, and by numbering the existing paragraph as 1. New paragraph 2 allows the commissioner to issue a waiver if an agency claims in writing that there are insufficient quantities of the appropriate biodiesel blend, and new paragraph 3 allows the commissioner to grant a waiver if an agency applies in writing that the use of a biodiesel blend would void a manufacturer’s warranty for a vehicle.

Bill section five would amend section 24-163.4 of the Ad. Code by adding a new subdivision (i) that establishes a pilot program for the use of B20 in the winter months. Under the pilot, at least 5% of covered vehicles from a range of City agencies would have to test a biodiesel mix of at least 20% from March to December. The Commissioner of the Department of Citywide Administrative Services would issue a report on the pilot, which would last for two winter seasons, for months after the end of the pilot, including recommendations for the future use of biodiesel during the colder months.

Bill section 6 would amend subdivision (b) of section 24-163.5 of the Ad. Code by adding a new paragraph 3 that would require all vehicles used pursuant to solid waste and recycling materials contracts entered after the effective date of this bill would have to use BART that meets level 4 emissions controls or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent.

Bill Section 7 would amend subdivision (b) of section 24-163.6 by numbering the existing paragraph as 1 and by adding a new paragraph 2 that requires sightseeing buses licensed in the City to use BART that meets level 4 emissions controls or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent.

Bill section 8 provides the enactment clause and states that this local law would take effect immediately upon enactment.

Changes From the Original

- The biodiesel requirement was changed from B20 year-round by FY 2016 to B20 in FY 2016 for the months of April through November because of concerns that B20 fuel would freeze in the winter.
- A pilot program was added to explore the use of B20 during the winter.
- The biodiesel requirements no longer apply to school buses.
- The phase in for BART originally culminated in 100% compliance by 2017. Now, there is an additional requirement to achieve 80% compliance by 2016 and final compliance in 2017 only applies to 90% of covered vehicles.
- The new bill adds a process for agencies to get waivers from the biodiesel requirements under certain circumstances.
- The requirement that school buses be equipped with level 4 emissions control devices was removed.

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¹⁸ United State Department of Energy, Energy Efficiency and Renewable Energy, Alternative Fuels Data Center, Biodiesel Benefits and Considerations. http://www.afdc.energy.gov/fuels/biodiesel_benefits.html.

¹⁹ USEPA, National Clean Diesel Campaign, Technologies: Diesel Retrofit Technologies. http://www.afdc.energy.gov/fuels/biodiesel_benefits.html.

Proposed Int. No. 1062-A

This bill relates to the renewal of waivers issued for certain diesel-powered vehicles unable to adopt best available retrofit technology. These waivers are allowed to be renewed every three years. This bill would, after January 1, 2014, prohibit the renewal of waivers for applicable vehicles operating under solid waste and recycling contracts with the city and sightseeing buses. This action is intended to ensure that the 100% level 4 BART retrofit requirement will be achieved by all such vehicles.

Bill section one would amend subdivision (h) of section 24-163.5 of the Ad. Code to preclude, after January 1, 2014, the renewal of waivers for BART compliance requirements for diesel fuel-powered motor vehicles or diesel fuel-powered non-road vehicles operating under solid waste and recycling contracts with the City.

Bill section two would amend subdivision (e) of section 24-163.6 of the Ad. Code to preclude after, January 1, 2014, the renewal of waivers for BART compliance requirements for sight-seeing buses.

Bill section three provides the enactment clause and states that this local law would take effect immediately upon enactment.

Changes From the Original

- This bill no longer applies to school buses.

Proposed Int. No. 1074-A

This bill would create a new reporting requirement related to the fuel efficiency of light-duty and medium-duty vehicles in the City’s fleet. Ascertaining this information would aid in assessing the actual efficiency of the fleet. Therefore, this proposed law would require the City to calculate its fleet’s use-based efficiency by dividing the total number of miles travelled by its light- and medium-duty vehicles by the total amount of fuel used for each year and reporting the results to the Speaker of the City Council and the Comptroller.

Bill section one would amend subdivision (a) of section 24-163.1 of the Ad. Code to add a new paragraph 13 to define the term “use-based fuel economy” to mean “the total number of miles driven by all light-duty and medium-duty vehicles in the city fleet during the previous fiscal year divided by the total amount of fuel used by such vehicles during the previous fiscal year.”

Bill section two would amend subdivision (e) of section 24-163.1 of the Ad. Code to add a new paragraph three requiring that no later than January 1, 2016, and no later than January 1 of each subsequent year, the Mayor submit to the Speaker of the City Council and the Comptroller a report on the “use-based fuel economy” of the City’s vehicle fleet as well as publish the information in that report in the Preliminary and Final Mayor’s Management Report.

Changes From the Original

- The starting date for the reporting requirement changed from January 1, 2015 to January 1, 2016.

Proposed Int. No. 1084-A

The bill pertains to the minimum average fuel economy of light-duty vehicles purchased by the City. Currently, all such vehicles purchased after July 1, 2004, are required to be on an annual basis 20% more fuel efficient than similar vehicles purchased by the City prior to such date. Existing law required certain annual fuel efficiency increases beginning in 2006 and certain increases each year thereafter. This proposed legislation would, beginning in 2016, continue these increases by 5% every two years until a 40% increase over the 2004 efficiency level is achieved by FY 2022. The bill adds new subparagraphs viii through xiv to paragraph 2 of subdivision (d) of section 24-163.1 of the Ad. Code to accomplish this result for vehicles purchased in FY 2016 through FY 2022.

Bill section two provides the enactment clause and states that this local law would be effective immediately upon enactment.

Changes From the Original

- The increase to fleet efficiency was changed from 3% every year to a total of 41% by 2022, to an increase of 5% every two years to achieve a total of 40% by 2022.

Proposed Int. No. 218-A

Proposed Int. No. 218-A pertains to the use of idle reduction technology in ambulances. This legislation would require the Fire Department to implement a pilot study of at least one year to test verified idle reduction technology for ambulances operated by or for the City. Ambulances, when not in active use by patients, spend a lot of time idling so that they can continue to operate various electrical systems while waiting to respond to calls. Verified idle reduction technology, in general, can be installed on a vehicle and allow the vehicle operator to run needed electrical systems without running the engine, thereby reducing emissions. The United States Environmental Protection Agency has evaluated a wide range of these technologies and recognizes that effective ones exist in a range of costs. In addition, reducing long-duration idling saves money on fuel costs, engine wear, and health impacts.²⁰ A report would be required detailing the pilot’s findings.

Bill section one would amend subchapter seven of chapter one of the Ad. Code to add a new section 24-163.10 which would define “Auxiliary power unit” and

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²⁰ USEPA, Transportation and Air Quality, Smartway Technology Programs, Verified Idling Reduction Technologies. <http://www.epa.gov/smartway/technology/idling.htm>.

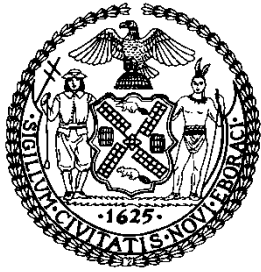
“Verified idle reduction technology,” respectively, and require the Fire Department develop and put in place a pilot program, starting no later than January 1, 2014, and lasting at least a year, to study the efficacy of using verified idle reduction technology in ambulances operated by or on behalf of the City. The Fire Department would be required to report on the pilot study no later than July 1, 2015.

Bill section two would provide the enactment clause and states that this local law will become effective immediately upon enactment.

Changes From the Original Bill

- The definition for “verified idling technology” was removed.
- The requirement that ambulances use auxiliary power units was changed to a pilot program to study the effectiveness.
- A report on the pilot program, including a cost-benefit analysis, was added.

(The following is the text of the Fiscal Impact Statement for Int. No. 1061-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**

**PRESTON NIBLACK,
DIRECTOR**
**JEFFREY RODUS, FIRST
DEPUTY DIRECTOR**

FISCAL IMPACT STATEMENT

INTRO. NO: 1061-A

**COMMITTEE: Committee on
Environmental Protection**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to reducing the missions of pollutants from vehicles used by or on behalf of the city of New York.

SPONSOR(S): Council Members Gennaro, Levin, Eugene, Fidler, Mark-Viverito, Mendez, Palma, Richards, Chin, Dromm, Van Bramer, Nelson, Lander, and Rose.

SUMMARY OF LEGISLATION: Proposed Int. No. 1061-A would amend New York City’s Administrative code in relation to in relation to reducing the missions of pollutants from vehicles used by or on behalf of the city of New York.

This legislation would require that each diesel fuel-powered motor vehicle owned or operated by a city agency shall be powered by an ultra-low sulfur diesel fuel blend containing biodiesel as follows:

- For Fiscal Years 2015 and 2016 an ultra-low sulfur diesel fuel blend containing at least five percent biodiesel (B5) by volume
- For Fiscal Year 2017 and after, an ultra-low sulfur diesel fuel blend containing at least twenty percent biodiesel (B20) by volume should be used from April through the end of November. An ultra-low sulfur diesel fuel blend containing at least five percent biodiesel (B5) by volume should be used from December through the end of March.

Diesel fuel-powered motor vehicles having a gross vehicle weight rating of more than 8,500 pounds that are owned or operated by City agencies shall utilize the best available retrofit technology that meets the level 4 emission control strategy, or be equipped with an engine certified to the applicable 2007 United States Environmental Protection Agency (U.S. EPA) standard for particulate matter, pursuant to the following schedule:

- 50% of all such motor vehicles by January 1, 2014;
- 70% of all such motor vehicles by January 1, 2015;
- 80% of all such motor vehicles by January 1, 2016; and
- 90% of all such motor vehicles by January 1, 2017.

This legislation would allow for the New York City Department of Environmental Protection’s (DEP) Commission to issue a waiver for the use of an ultra-low sulfur diesel fuel blend that contains biodiesel at the level described above if a City agency provides written record that there is an insufficient quantity to meet the requirements. Such a waiver would expire in two months unless the agency submits an additional written request and the DEP Commissioner approves it.

A waiver would also be allowed if the agency can show that the use of the biodiesel in a particular type of motor vehicle would void the manufacturer’s warranty for the vehicle.

This legislation would also require a B20 winter pilot program. By December 1, 2016 the Commissioner of the NYC Department of Citywide Administrative Services

(DCAS) would establish a pilot program to determine the feasibility of utilizing an ultra-low sulfur diesel fuel blend containing at least twenty percent biodiesel (B20) by volume in city-owned diesel fuel-powered motor vehicles during the months of December through the end of March. The pilot would include no less than five percent of the City’s total diesel fuel-powered motor vehicle fleet, and would be representative of the vehicle types and operating conditions of the fleet as a whole. It would include vehicles from DCAS, DEP, the NYC Department of Parks and Recreation, the NYC Department of Sanitation, and the NYC Department of Transportation, as well as vehicles from other City agencies at the discretion of the DCAS Commissioner. The pilot program would continue until March 31, two calendar years after its initiation. Within four months of the pilot’s conclusion the DCAS Commissioner would issue a report to the Mayor and the Speaker of the New York City Council detailing the pilot’s findings and recommendations for use of B20 ultra low sulfur diesel biodiesel blend for any city-owned diesel fuel-powered motor vehicles during the months of December through the end of March.

Solid Waste and Recyclable Materials Contracts

Any solid waste contract or recyclable materials contract entered into through bids and Requests for Proposals issued after the effective date of this local law would specify that as of January 1, 2017 all diesel fuel-powered motor vehicles used to execute the contracts would use the best available retrofit technology that meets the level 4 emission control strategy or be equipped with an engine certified to the applicable 2007 U.S. EPA standard for particulate matter. All contractors used to execute the contracts would need to comply with the specifications.

Sight-Seeing Bus Contracts

Any diesel fuel-powered sight-seeing bus that is licensed would need to utilize the best available retrofit technology that meets the level 4 emission control strategy or be equipped with an engine certified to the applicable 2007 U.S. EPA standard for particulate matter by January 1, 2017.

EFFECTIVE DATE: This local law shall take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2014

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: N/A

IMPACT ON EXPENDITURES: The B5 and B20 biodiesel blend requirements do not trigger any new costs because they are currently in use. This legislation codifies current administration practices. There may be a de minimis price increase or decrease as a result of the B20 biodiesel blend winter months pilot program based on market fluctuations in cost between the B5 and B20 biodiesel blends. It is anticipated that the difference will not be more than a few cents per gallon, affecting approximately five percent of the City’s fleet.

The engine requirements for sight-seeing bus contracts are not expected to have a cost to the City. Sight-seeing buses are licensed by the NYC Department of Consumer Affairs and it is at the City’s discretion to set any requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: NYC Department of Sanitation
Mayor’s Office of Management and Budget (OMB)
Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: Kate Seely-Kirk, Senior Legislative Financial Analyst

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

LEGISLATIVE HISTORY: On June 6, 2013, the Committee on Environmental Protection held a hearing on this legislation as a pre-considered intro. It was subsequently introduced as Intro. 1061 by the Council on June 12, 2013 and referred to the Committee on Environmental Protection. The Committee will consider an amended version of the legislation, Proposed Intro. 1061-A, on August 21, 2013. Following a successful Committee vote, the Full Council will vote on Proposed Int. 1061-A on August 22, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1061-A:)

Int. No. 1061-A

By Council Members Gennaro, Levin, Eugene, Fidler, Mark-Viverito, Mendez, Palma, Richards, Chin, Gentile, Vallone, Jr. and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to reducing the emissions of pollutants from vehicles used by or on behalf of the city of New York.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 24-163.4 of the administrative code of the city of New York is amended by adding a new paragraph 8 to read as follows:

(8) "Biodiesel" means a fuel, designated B100, that is composed exclusively of mono-alkyl esters of long chain fatty acids derived from feedstock and that meets the specifications of the American society of testing and materials designation D 6751-12.

§ 2. Paragraph 1 of subdivision b of section 24-163.4 of the administrative code of the city of New York, as added by local law number 39 for the year 2005, is amended to read as follows:

b. (1) Each diesel fuel-powered motor vehicle owned or operated by a city agency shall be powered by an ultra low sulfur diesel fuel blend containing biodiesel as follows:

i. for the fiscal years beginning July 1, 2014, and July 1, 2015, an ultra low sulfur diesel fuel blend containing at least five percent biodiesel (B5) by volume; and
ii. for the fiscal year beginning July 1, 2016, and thereafter, between the months of April to November, inclusive, an ultra low sulfur diesel fuel blend containing at least twenty percent biodiesel (B20) by volume, and between the months of December to March, inclusive, an ultra low sulfur diesel fuel blend containing at least five percent biodiesel (B5) by volume.

§ 3. Subdivision b of section 24-163.4 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

(3) Notwithstanding any provision of subdivision c of this section, diesel fuel-powered motor vehicles having a gross vehicle weight rating of more than 8,500 pounds that are owned or operated by city agencies shall utilize the best available retrofit technology that meets the level 4 emission control strategy as defined in subdivision d of this section, or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent, pursuant to the following schedule:

i. 50% of all such motor vehicles by January 1, 2014;
ii. 70% of all such motor vehicles by January 1, 2015;
iii. 80 % of all such motor vehicles by January 1, 2016; and
iv. 90 % of all such motor vehicles by January 1, 2017.

§ 4. Subdivision f of section 24-163.4 of the administrative code of the city of New York, as added by local law number 39 for the year 2005, is amended to read as follows:

f. (1) The commissioner may issue a waiver for the use of ultra low sulfur diesel fuel where a city agency makes a written finding, which is approved, in writing, by the commissioner, that a sufficient quantity of ultra low sulfur diesel fuel, or diesel fuel that has a sulfur content of no more than thirty parts per million where a determination is in effect pursuant to subdivision e of this section, is not available to meet the requirements of this section, provided that such agency, to the extent practicable, shall use whatever quantity of ultra low sulfur diesel fuel or diesel fuel that has a sulfur content of no more than thirty parts per million is available for its diesel fuel-powered motor vehicles. Any waiver issued pursuant to this [subdivision] paragraph shall expire after two months, unless the city agency renews the finding, in writing, and the commissioner approves such renewal, in writing.

(2) The commissioner may issue a waiver for the use of an ultra low sulfur diesel fuel blend that contains the amount of biodiesel required pursuant to subdivision b of this section where a city agency makes a written finding, which is approved, in writing, by the commissioner, that a sufficient quantity of such ultra low sulfur diesel fuel blend containing biodiesel is not available to meet the

requirements of this section. Any waiver issued pursuant to this paragraph shall expire after two months, unless the city agency renews the finding, in writing, and the commissioner approves such renewal, in writing.

(3) The commissioner may issue a waiver for the use of an ultra low sulfur diesel fuel blend that contains the amount of biodiesel required pursuant to subdivision b of this section where a city agency makes a written finding, which is approved, in writing, by the commissioner, that the use of biodiesel in a particular type of motor vehicle would void the manufacturer's warranty for such vehicle.

§ 5. Section 24-163.4 of the administrative code of the city of New York is amended by adding a new subdivision i to read as follows:

i. B20 winter pilot program. Not later than December 1, 2016, the commissioner of citywide administrative services shall establish a pilot program to determine the feasibility of utilizing an ultra low sulfur diesel fuel blend containing at least twenty percent biodiesel (B20) by volume in city-owned diesel fuel-powered motor vehicles during the months of December to March, inclusive. The pilot program shall include not less than five percent of the city's total diesel fuel-powered motor vehicle fleet, which shall be representative of the vehicle types and operating conditions of the fleet as a whole, and shall include vehicles from the department of citywide administrative services, department of environmental protection, department of parks and recreation, department of sanitation, and department of transportation and vehicles from other city agencies at the discretion of the commissioner of citywide administrative services. Such pilot program shall continue until March 31 of the second calendar year after such pilot program was initiated, and within four months of the conclusion of such pilot program, the commissioner of citywide administrative services shall issue a report to the mayor and the speaker of the council detailing the findings of such pilot program with recommendations for the use of an ultra low sulfur diesel fuel blend containing at least twenty percent biodiesel (B20) by volume in city-owned diesel fuel-powered motor vehicles during the months of December to March, inclusive.

§ 6. Subdivision b of section 24-163.5 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

(3) Notwithstanding any provision of subdivision c of this section, any solid waste contract or recyclable materials contract entered into pursuant to requests for bids and/or requests for proposals issued after the effective date of the local law that added this paragraph shall specify that, as of January 1, 2017, all diesel fuel-powered motor vehicles used in the performance of such contract that operate primarily within the city of New York shall utilize the best available retrofit technology that meets the level 4 emission control strategy as defined in subdivision d of this section, or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent, and all contractors in the performance of such contract shall comply with such specification.

§ 7. Subdivision b of section 24-163.6 of the administrative code of the city of New York, as added by local law number 41 for the year 2005, is amended to read as follows:

b. (1) Beginning January 1, 2007, any diesel fuel-powered sight-seeing bus that is licensed pursuant to subchapter 21 of chapter 2 of title 20 of the administrative code and that is equipped with an engine that is over three years old shall utilize the best available retrofit technology.

(2) Notwithstanding any provision of subdivision c of this section, any diesel fuel-powered sight-seeing bus that is licensed pursuant to subchapter 21 of chapter 2 of title 20 of the administrative code shall utilize the best available retrofit technology that meets the level 4 emission control strategy as defined in subdivision d of this section, or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent, by January 1, 2017.

§ 8. This local law shall take effect immediately.

JAMES F. GENNARO, Chairperson; G. OLIVER KOPPELL, ELIZABETH S. CROWLEY, BRADFORD S. LANDER, STEPHEN T. LEVIN; DONOVAN RICHARDS; Committee on Environmental Protection, August 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).

Report for Int. No. 1062-A

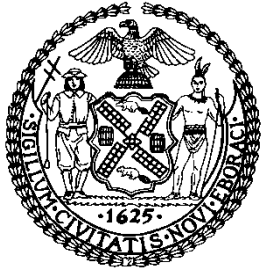
Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to renewal of waivers issued for certain diesel-powered vehicles unable to adopt best available retrofit technology.

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on June 12, 2013 (Minutes, page 1939), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Environmental Protection for Int No. 1061-A)

(The following is the text of the Fiscal Impact Statement for Int. No. 1062-A:)



THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY
DIRECTOR
FISCAL IMPACT STATEMENT

INTRO. NO: 1062-A
COMMITTEE: Committee on
Environmental Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to renewal of waivers issued for certain diesel-powered vehicles unable to adopt best available retrofit technology.

SPONSOR(S): Council Members Gennaro, Levin, Fidler, Lander, Mendez, Palma, Richards, Dromm, Van Bramer, and Rose.

SUMMARY OF LEGISLATION: Proposed Int. No. 1082-A would amend New York City’s Administrative code in relation to renewal of waivers issued for certain diesel-powered vehicles unable to adopt best available retrofit technology. This legislation would prohibit the renewal of waivers after January 1, 2014 which would delay the use of best available retrofit technology by diesel fuel-powered non-road vehicles for solid waste or recyclable materials contracts issued. It would also prohibit the renewal of waivers after January 1, 2014 which would delay the use of best available retrofit technology by diesel fuel-powered sight-seeing buses.

EFFECTIVE DATE: This local Law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2014

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: N/A

IMPACT ON EXPENDITURES: The cessation of the issuance of waivers for the requirement that best available retrofit technology be used for diesel fuel-powered motor vehicles or diesel fuel-powered nonroad vehicles for solid waste and recyclables collection contracts creates a risk that some contractors may attempt to pass the cost of retrofits along to the City. However, as the life cycle replacement schedules of the current vehicles come up any new vehicles purchased would meet the requirements. The waivers currently in place last three years giving contractors time to finish retrofitting their equipment and spreading their costs across nearly three years based on when the waivers are issued. This legislation would stop any further renewals after January 1, 2014.

Ending the ability to grant a waiver for the requirement that best available retrofit technology be used for diesel fuel-powered sight-seeing buses is not expected to have a cost to the City. Sight-seeing buses are licensed by the NYC Department of Consumer Affairs and it is at the City’s discretion to set any requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: NYC Department of Sanitation
Mayor’s Office of Management and Budget (OMB)

Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: Kate Seely-Kirk, Senior Legislative Financial Analyst

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

LEGISLATIVE HISTORY: On June 6, 2013, the Committee on Environmental Protection held a hearing on this legislation as a pre-considered intro. It was subsequently introduced as Intro. 1062 by the Council on June 12, 2013 and referred to the Committee on Environmental Protection. The Committee will consider an amended version of the legislation, Proposed Intro. 1062-A, on August 21, 2013. Following a successful Committee vote, the Full Council will vote on Proposed Int. 1062-A on August 22, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1062-A:)

Int. No. 1062-A

By Council Members Gennaro, Levin, Fidler, Lander, Mendez, Palma, Richards, Gentile, Vallone, Jr., Brewer and Eugene.

A Local Law to amend the administrative code of the city of New York, in relation to renewal of waivers issued for certain diesel-powered vehicles unable to adopt best available retrofit technology.

Be it enacted by the Council as follows:

Section 1. Subdivision h of section 24-163.5 of title 24 of the administrative code of the city of New York is amended to read as follows:

h. The commissioner may issue a waiver for the use of the best available retrofit technology by a diesel fuel-powered motor vehicle or diesel fuel-powered nonroad vehicle where the city agency that has entered into the applicable solid waste contract or recyclable materials contract makes a written finding, which is approved, in writing, by the commissioner, that such technology is unavailable for purchase for such vehicle, in which case the contractor shall be required to use the technology for reducing the emission of pollutants that would be the next best best available retrofit technology and that is available for purchase for such vehicle. Any waiver issued pursuant to this subdivision shall expire after three years. *The commissioner shall not renew any waiver issued pursuant to this subdivision after January 1, 2014.*

§ 2. Subdivision e of section 24-163.6 of title 24 of the administrative code of the city of New York is amended to read as follows:

e. The commissioner may issue a waiver for the use of the best available retrofit technology by a diesel fuel-powered sight-seeing bus where the department of consumer affairs makes a written finding, which is approved, in writing, by the commissioner, that such technology is unavailable for purchase for such bus, in which case the owner or operator of such bus shall be required to use the technology for reducing the emission of pollutants that would be the next best best available retrofit technology and that is available for purchase for such bus. Any waiver issued pursuant to this subdivision shall expire after three years. *The commissioner shall not renew any waiver issued pursuant to this subdivision after January 1, 2014.*

§ 3. This local law shall take effect immediately.

JAMES F. GENNARO, Chairperson; G. OLIVER KOPPELL, ELIZABETH S. CROWLEY, BRADFORD S. LANDER, STEPHEN T. LEVIN; DONOVAN RICHARDS; Committee on Environmental Protection, August 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).

Report for Int. No. 1074-A

Report of the Committee on Environmental Protection 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 calculation of and reporting on the use-based fuel economy of light-duty and medium-duty vehicles in the city fleet.

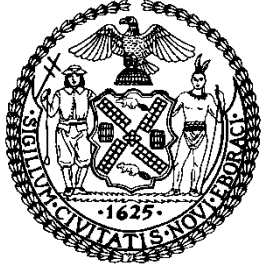
The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on June 12, 2013 (Minutes, page 1961), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Environmental Protection for Int No. 1061-A)

Tanisha Edwards, Finance Counsel

(The following is the text of the Fiscal Impact Statement for Int. No. 1074-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO: 1074-A
COMMITTEE: Committee on Environmental Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the calculation of and reporting on the use-based fuel economy of light-duty and medium-duty vehicles in the city fleet.

SPONSOR(S): Council Members Richards, Levin, Chin, Comrie, James, Koppell, Lander, Palma, Dromm, Van Bramer, and Rose.

SUMMARY OF LEGISLATION: Proposed int. No. 1074-A would amend New York City's Administrative code in relation to requiring the calculation of and reporting on the use-based fuel economy of light-duty and medium duty vehicles in the city fleet.

This legislation requires the Mayor to submit a report to the Comptroller and the City Council Speaker regarding the use-based fuel economy for the previous fiscal year. "Use based fuel economy" means the total number of miles driven by all light-duty and medium-duty vehicles in the city fleet during the previous fiscal year divided by the total amount of fuel used by such vehicles during the previous fiscal year. The report will be due no later than January 1, 2016 and not later than January 1 of each following year. The information contained in the report shall also be included in the Preliminary Mayor's Management Report and the Mayor's Management Report for the relevant fiscal year.

EFFECTIVE DATE: This Local Law shall take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2014

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: N/A

IMPACT ON EXPENDITURES: No impact on expenditures is expected. The New York City Department of Citywide Administrative Services has already purchased a fuel tracking system capable of reporting this metric. The report could be completed using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Mayor's Office of Management and Budget (OMB)
Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: Kate Seely-Kirk, Senior Legislative Financial Analyst

ESTIMATED REVIEWED BY: Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: On June 6, 2013 the Committee on Environmental Protection held a hearing on this legislation as a pre-considered intro. It was subsequently introduced as Intro. 1074 by the Council on June 12, 2013 and referred to the Committee on Environmental Protection. The Committee will consider an amended version of the legislation, Proposed Intro. 1074-A. on August 21, 2013. Following a successful Committee vote, the Full Council will vote on Proposed Int. 1074-A on August 22, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1074-A:)

Int. No. 1074-A

By Council Members Richards, Levin, Chin, Comrie, James, Koppell, Lander, Palma, Vallone, Brewer and Eugene.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the calculation of and reporting on the use-based fuel economy of light-duty and medium-duty vehicles in the city fleet.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 24-163.1 of the administrative code of the city of New York is amended by adding a new paragraph 13 to read as follows:

(13) "Use-based fuel economy" means the total number of miles driven by all light-duty and medium-duty vehicles in the city fleet during the previous fiscal year divided by the total amount of fuel used by such vehicles during the previous fiscal year.

§ 2. Subdivision e of section 24-163.1 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

(3) Not later than January 1, 2016, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the use-based fuel economy for the immediately preceding fiscal year. The information contained in such report shall also be included in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year.

§ 3. This local law shall take effect immediately.

JAMES F. GENNARO, Chairperson; G. OLIVER KOPPELL, ELIZABETH S. CROWLEY, BRADFORD S. LANDER, STEPHEN T. LEVIN; DONOVAN RICHARDS; Committee on Environmental Protection, August 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).

Report for Int. No. 1082-A

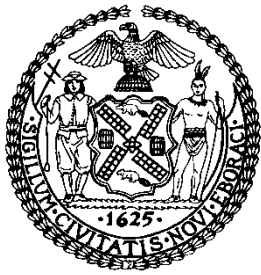
Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to minimum average fuel economy of light-duty vehicles purchased by the city.

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on June 12, 2013 (Minutes, page 1981), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Environmental Protection for Int No. 1061-A)

(The following is the text of the Fiscal Impact Statement for Int. No. 1082-A:)



THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY
DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO: 1082-A
COMMITTEE: Committee on
Environmental Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to minimum average fuel economy of light-duty vehicles purchased by the city.

SPONSOR(S): Council Members Wills, Levin, Chin, Palma, Gonzalez, Dromm, Van Bramer, Lander, and Rose.

SUMMARY OF LEGISLATION: Proposed Int. No. 1082-A would amend New York City’s Administrative code in relation to minimum average fuel economy of light-duty vehicles purchased by the city.

This legislation requires the city to achieve the following minimum percentage increases in the average fuel economy of all light-duty vehicles purchased by the city during the following fiscal years, relative to the average fuel economy of all such vehicles purchased by the city during the fiscal year beginning July 1, 2004:

- For the fiscal year beginning July 1, 2006, five percent;
- For the fiscal year beginning July 1, 2007, eight percent;
- For the fiscal year beginning July 1, 2008, ten percent;
- For the fiscal year beginning July 1, 2009, twelve percent;
- For the fiscal years beginning July 1, 2010 and July 1, 2011, fifteen percent;
- For the fiscal years beginning July 1, 2012, July 1, 2013 and July 1, 2014, eighteen percent;
- For the fiscal years beginning July 1, 2015, twenty percent;
- For the fiscal year beginning July 1, 2016, twenty percent;
- For the fiscal year beginning July 1, 2017, twenty-five percent;
- For the fiscal year beginning July 1, 2018, twenty-five percent;
- For the fiscal year beginning July 1, 2019, thirty percent;
- For the fiscal year beginning July 1, 2020, thirty percent;
- For the fiscal year beginning July 1, 2021, thirty-five percent; and
- For the fiscal year beginning July 1, 2022, and for each fiscal year thereafter, forty percent.

EFFECTIVE DATE: This local law shall take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2014

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: N/A

IMPACT ON EXPENDITURES: No Impact on expenditures is expected. This legislation amends Local Law 130 of 2005 to build upon benchmarks that the City is already working to achieve.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Mayor’s Office of Management and Budget (OMB)
Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: Kate Seely-Kirk, Senior Legislative Financial Analyst

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

LEGISLATIVE HISTORY: On June 6, 2013, the Committee on Environmental Protection held a hearing on this legislation as a pre-considered intro. It was subsequently introduced as Intro. 1082 by the Council on September 12, 2013 and referred to the Committee on Environmental Protection. The Committee will consider an amended version of the legislation, Proposed Intro. 1082-A, on August 21, 2013. Following a successful Committee vote, the Full Council will vote on Proposed Int. 1082-A on August 22, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1082-A:)

Int. No. 1082-A

By Council Members Wills, Levin, Chin, Palma, Gentile, Vallone, Jr., Brewer and Eugene.

A Local Law to amend the administrative code of the city of New York, in relation to minimum average fuel economy of light-duty vehicles purchased by the city.

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision d of section 24-163.1 of the administrative code of the city of New York, as amended by local law number 130 for the year 2005, is amended to read as follows:

(2) The city shall achieve the following minimum percentage increases in the average fuel economy of all light-duty vehicles purchased by the city during the following fiscal years, relative to the average fuel economy of all such vehicles purchased by the city during the fiscal year beginning July 1, 2004, calculated pursuant to paragraph one of this subdivision:

- (i) For the fiscal year beginning July 1, 2006, five percent;
- (ii) For the fiscal year beginning July 1, 2007, eight percent;
- (iii) For the fiscal year beginning July 1, 2008, ten percent;
- (iv) For the fiscal year beginning July 1, 2009, twelve percent;
- (v) For the fiscal [year] years beginning July 1, 2010 and July 1, 2011, fifteen percent;
- (vi) For the fiscal [year] years beginning July 1, 2012, July 1, 2013 and July 1, 2014, eighteen percent; [and]
- (vii) For the fiscal year beginning July 1, 2015, [and for each fiscal year thereafter,] twenty percent[.];
- (viii) For the fiscal year beginning July 1, 2016, twenty percent;
- (ix) For the fiscal year beginning July 1, 2017, twenty-five percent;
- (x) For the fiscal year beginning July 1, 2018, twenty-five percent;
- (xi) For the fiscal year beginning July 1, 2019, thirty-percent;
- (xii) For the fiscal year beginning July 1, 2020, thirty-percent;
- (xiii) For the fiscal year beginning July 1, 2021, thirty-five percent; and
- (xiv) For the fiscal year beginning July 1, 2022, and for each fiscal year thereafter, forty percent.

§ 2. This local law shall take effect immediately.

JAMES F. GENNARO, Chairperson; G. OLIVER KOPPELL, ELIZABETH S. CROWLEY, BRADFORD S. LANDER, STEPHEN T. LEVIN; DONOVAN RICHARDS; Committee on Environmental Protection, August 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).

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

Report for Res. No. 1894

Report of the Committee on Environmental Protection in favor of approving a Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 1061-A.

The Committee on Environmental Protection, to which the annexed resolution was referred on August 22, 2013, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Environmental Protection for Int No. 1061-A)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1894:)

Res. No. 1894

Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 1061-A.

By Council Members Gennaro, Arroyo and Palma.

Whereas, The enactment of Proposed Int. No. 1061-A is an "action" as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

Whereas, an Environmental Assessment Statement for these bills was prepared on behalf of the Office of the Mayor and the Council, which are co-lead agencies pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, and Article 8 of the New York State Environmental Conservation Law, section 617.7 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review; and

Whereas, The Council, as a co-lead agency has considered the relevant environmental issues as documented in the Environmental Assessment Statement attendant to such enactment and in making its findings and determinations under the Rules of Procedure for City Environmental Quality Review and the State Environmental Quality Review Act, the Council has relied on that Environmental Assessment Statement; and

Whereas, After such consideration and examination, the Council has determined that a Negative Declaration should be issued; and

Whereas, The Council has examined, considered and endorsed the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

(1) the requirements of The State Environmental Quality Review Act, Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review have been met; and

(2) as documented in the annexed Environmental Assessment Statement, the proposed action is one which will not result in any significant adverse environmental impacts; and

(3) the annexed Negative Declaration constitutes the written statement of facts and conclusions that form the basis of this determination.

JAMES F. GENNARO, Chairperson; G. OLIVER KOPPELL, ELIZABETH S. CROWLEY, BRADFORD S. LANDER, STEPHEN T. LEVIN; DONOVAN RICHARDS; Committee on Environmental Protection, August 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 Res. No. 1903

Report of the Committee on Finance in favor of approving a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

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

REPORTS:

Introduction. The Council of the City of New York (the "Council") annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 27, 2013, the Council adopted the expense budget for fiscal year 2014 with various programs and initiatives (the "Fiscal 2014 Expense Budget"). On June 28, 2012, the Council adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 Expense Budget"). On June 29, 2011, the Council adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget").

Analysis. This Resolution, dated August 22, 2013, approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2014, Fiscal 2013 and Fiscal 2012 Expense Budgets, and approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in such budgets, and amends the description for the Description/Scope of Services of certain organizations receiving local, aging and youth discretionary funding in accordance with the Fiscal 2014 and Fiscal 2013 Expense Budgets. Additionally, this resolution changes the Description/Scope of Services of the Senior Centers and Programs Restoration Initiative to, "To fund and support senior centers or programs for the elderly."

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2014, Fiscal 2013 and Fiscal 2012 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 1; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 2; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 3; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2014 Expense Budget, as described in Charts 4-20; sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2013 Expense Budget, as described in Chart 21; sets forth new designations and specific changes in the designation of certain organizations receiving pursuant to certain initiatives in the Fiscal 2013 Expense Budget, as described in Charts 22-24; sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2012 Expense Budget, as described in Chart 25; amends the description for the Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding pursuant to the Fiscal 2014 Expense Budget as described in chart 26; and amends the description for the Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding pursuant to the Fiscal 2013 Expense Budget as described in chart 27.

The charts, attached to the Resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2014 Expense Budget, dated June 27, 2013, and Adjustments Summary/Schedule C/ Fiscal 2013 Expense Budget, dated June 28, 2012, and the Adjustments Summary/Schedule C/ Fiscal 2012 Expense Budget, dated June 29, 2011.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 2 sets forth the new designation and changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 4 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Senior Centers and Programs Restoration Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Middle School Quality Initiative Expanded Learning Time Pilot Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 6 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to Anti-Gun Violence Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the OST Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 8 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Housing Preservation Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 9 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Community Consultant Contracts Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 10 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Obesity Prevention Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 11 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the IDUHA Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 12 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 13 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV Prevention – Evidence Based Behavioral Interventions Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 14 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Communities of Color Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 15 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 16 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 17 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Discretionary Child Care Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 18 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the DYCD Food Pantries Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 19 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the IOI/Legal Services Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 20 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the IOI/ESL Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 21 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget.

Chart 22 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Administrative Prosecution Unit (APU) Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 23 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Obesity Prevention Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 24 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 25 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget.

Chart 26 amends the description for the Description/Scope of Services for certain organizations receiving local, aging, youth and initiative discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 27 amends the description for the Description/Scope of Services for certain organizations receiving local, aging, youth and initiative discretionary funding in accordance with the Fiscal 2013 Expense Budget.

It is to be noted that organizations identified in the attached Charts with an asterisk (*) have not yet completed or began the prequalification process conducted by the Mayor's Office of Contract Services (for organizations to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

It should be further noted that funding for organizations in the attached Charts with a double asterisk (**) will not take effect until the passage of a budget modification.

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2014, 2013, 2012 and 2010 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res No. 1903:)

Res. No. 1903

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

By Council Members Recchia, Comrie and Rose.

Whereas, On June 27, 2013 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2014 with various programs and initiatives (the “Fiscal 2014 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

Whereas, On June 28, 2012 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2013 with various programs and initiatives (the “Fiscal 2013 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

Whereas, On June 29, 2011 the Council adopted the expense budget for fiscal year 2012 with various programs and initiatives (the “Fiscal 2012 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving aging discretionary funding in

accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Senior Centers and Programs Restoration Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Middle School Quality Expanded Learning Time Pilot Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to Anti-Gun Violence Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the OST Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Housing Preservation Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Community Consultant Contracts Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to Obesity Prevention Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the IDUHA Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV Prevention - Evidence Based Behavioral Interventions Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Communities of Color Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Discretionary Child Care Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the DYCD Food Pantries Initiative in

accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the IOI/Legal Services Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the IOI/ESL Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Administrative Prosecution Unit (APU) Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Obesity Prevention Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 26.

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 27.

KAREN KOSLOWITZ Acting Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, August 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. 875

Report of the Committee on Finance in favor of approving Seagirt Apartments, Block 15610, Lot 1, Queens, Community District No. 14, Council District No. 31

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

REPORTS:

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

August 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 August 22, 2013 - Resolution approving tax exemptions for one Preconsidered Land Use Items (Council District 31)

Seagirt Apartments (Block 15610, Lot 1) in Queens consists of four buildings with 916 units of housing for low-income families and four superintendent units. Under the proposed project, the Exemption Area was acquired by Sandcastle Towers Housing Development Fund Corporation, the fee owner ("HDFC") and Sarasota Gold LLC ("Company"), the beneficial owner who operates the Exemption Area (collectively, the "Owner").

On June 12, 2013 the City Council approved Resolution No. 1815, which authorized a new tax exemption pursuant to Section 577 of the Private Housing Finance Law for the Exemption Area (the "Prior Resolution"). The Prior Resolution provided for a full exemption from real property taxation, followed by payment of a Shelter Rent Tax plus an additional amount constituting the Shelter Rent Tax that was to be deferred during the initial years of tax exemption authorized thereunder. Owner has asked that the Prior Resolution be amended to provide for payment of the same Shelter Rent Tax throughout the entire 25-year tax exemption period.

This project has the approval of Councilmember Richards.

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

Res. No. 1907

Resolution approving an exemption from real property taxes for property located at (Block 15610, Lot 1) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 875).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated July 15, 2013 that the Council take the following action regarding a housing project to be located at (Block 15610, Lot 1) Queens ("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 Sarasota Gold LLC.
 - (b) Intentionally omitted.
 - (c) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - (d) "Exemption" shall mean the exemption from real property taxation provided hereunder.
 - (e) "Exemption Area" shall mean the real property located in the Borough of Queens, City and State of New York, identified as

Block 15610, Lot 1 on the Tax Map of the City of New York.

- (f) "Expiration Date" shall mean the earlier to occur of (i) a date which is twenty-five (25) 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.
 - (g) "HDFC" shall mean Sandcastle Towers Housing Development Fund Corporation.
 - (h) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (i) "Owner" shall mean, collectively, the HDFC and the Company.
 - (j) "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.
 - (k) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
 - (l) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.
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 annual real property tax payments in the amount of the Shelter Rent Tax.
 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 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, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, August 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).

Reports of the Committee on Land Use

Report for L.U. No. 816

Report of the Committee on Land Use in favor of approving Application No. 20135531 HAQ 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 142-05 Rockaway Boulevard, Borough of Queens, Community Board 12, Council District 28. 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

Proposal 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>
142-05 Rockaway Blvd Queens	12036/99	20135531 HAQ	816	Asset Sales

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

PUBLIC HEARING

Date: August 19, 2013

Witnesses In Favor: One **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

Date: August 19, 2013

The Subcommittee recommends that the Committee approve the proposal and grant the requests made by HPD.

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

COMMITTEE ACTION

DATE: August 20, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Jackson, Vann, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Ignizio

Against: None

Abstain: None

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

Res. No. 1908

Resolution approving an Urban Development Action Area Project located at 142-05 Rockaway Boulevard (Block 12036/Lot 99), Borough of Queens, 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 (L.U. No. 816; 20135531 HAQ).

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 142-05 Rockaway Boulevard (Block 12036/Lot 99), Community District 12, Borough of Queens (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 August 19, 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 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.

ATTACHMENT:

PROJECT SUMMARY

20135531 HAQ
Page 1 of 1
L.U. No. 816

- 1. PROGRAM: ASSET SALES PROGRAM
- 2. PROJECT: 142-05 Rockaway Boulevard
- 3. LOCATION:
 - a. BOROUGH: Queens
 - b. COMMUNITY DISTRICT: 12
 - c. COUNCIL DISTRICT: 28
 - d. DISPOSITION AREA:

BLOCK	LOT	ADDRESS
12036	99	142-05 Rockaway Boulevard
- 4. BASIS OF DISPOSITION PRICE: Negotiated
- 5. TYPE OF PROJECT: Conservation
- 6. APPROXIMATE NUMBER OF BUILDINGS: 1 Private Dwelling
- 7. APPROXIMATE NUMBER OF UNITS: 2 Residential units
- 8. HOUSING TYPE: 2 Family
- 9. ESTIMATE OF INITIAL RENTS AND INCOME TARGETS: The Disposition Area contains one vacant building.
- 10. PROPOSED FACILITIES: None
- 11. PROPOSED CODES/ORDINANCES: None
- 12. ENVIRONMENTAL STATUS: Type II
- 13. PROPOSED TIME SCHEDULES: Not Applicable

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, August 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 for L.U. No. 821

Report of the Committee on Land Use in favor of approving Application no. 20135563 GFY, Authorizing franchises for telecommunication services.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 25, 2013 (Minutes, page 1187), respectfully

REPORTS:

SUBJECT

CITYWIDE 20135563 GFY

Authorizing Resolution to permit the Department of Information Technology and Telecommunications (DoITT) to grant franchises for cable television service.

INTENT

To authorize franchises for telecommunications services.

PUBLIC HEARING

DATE: May 13, 2013

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

SUBCOMMITTEE RECOMMENDATION

DATE: August 20, 2013

The Subcommittee recommends that the Land Use Committee approve the Authorizing Resolution.

In Favor: Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Lappin, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: August 20, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Jackson, Vann, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Ignizio

Against: None

Abstain: None

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

Res. No. 1909

Resolution authorizing franchises for telecommunications services.

By City Council Members Comrie and Weprin (at the request of the Mayor).

WHEREAS, by Executive Order 25, dated August 23, 1995, the Mayor has designated the Department of Information Technology and Telecommunications as the responsible agency for the granting of telecommunications franchises; and

WHEREAS, pursuant to Section 363 of the Charter (the "Charter") of the City of New York ("the City"), the Commissioner of the Department of Information Technology and Telecommunications has made the initial determination of the need for franchises for telecommunications services; and

WHEREAS, the Mayor has submitted to the Council a proposed authorizing resolution for such franchises pursuant to Section 363 of the Charter; and

WHEREAS, the Council has determined that the granting of such franchises will promote the public interest, enhance the health, welfare and safety of the public and stimulate commerce by assuring the widespread availability of telecommunications services;

The Council hereby resolves that:

A. The Council authorizes the Department of Information Technology and Telecommunications to grant non-exclusive franchises for the installation of cable, wire or optical fiber and associated equipment on over and under the inalienable property of the City (including through pipes, conduits, sewers and similar improvements thereto) to be used in providing one or more telecommunications services (as that term is defined in Section C. of this resolution) in the City.

B. For purposes of this resolution, "inalienable property of the City" shall mean the property designated as inalienable in Section 383 of the Charter.

C. The public services to be provided under such franchises shall be one or more "telecommunications services", defined for purposes of this resolution as the transmission of voice, data, information service and/or video signals, or any other form of wire communications or radio communications (as such terms are defined in subsections (40) and (59) of Section 3 of the federal Communications Act of 1934, as amended, or successor provisions thereto) but for purposes of this resolution "telecommunications services" shall not include any of the following: (i)

“cable television services” as defined in the authorizing resolution adopted by the Council on May 15, 2012 as Resolution No. 1334, or any successor resolution thereto; (ii) “mobile telecommunications services” as defined in the authorizing resolution adopted by the Council on August 25, 2010 as Resolution No. 191 or any successor resolution thereto; and (iii) “public pay telephones” as defined in the authorizing resolution adopted by the Council on December 21, 2009 as Resolution No. 2309 or any successor resolution thereto.

D. All franchises granted pursuant to this resolution shall require the approval of the Franchise and Concession Review Committee and the separate and additional approval of the Mayor.

E. The authorization to grant franchises pursuant to this resolution shall expire on the fifth anniversary of the date on which this resolution was adopted by the Council (the “Expiration Date”). No franchises shall be approved pursuant to this resolution by the Department of Information Technology and Telecommunications, the Franchise and Concession Review Committee, or the Mayor pursuant to this resolution after the Expiration Date.

F. Prior to the grant of any such franchise, a Request for Proposals (“RFP”) or other solicitation shall be issued by the Department of Information Technology and Telecommunications. Prior to issuing any such RFP or other solicitation, all necessary environmental and land use review shall be conducted in accordance with City Environmental Quality Review (“CEQR”) and Section 197-c of the Charter. The criteria to be used by the Department of Information Technology and Telecommunications to evaluate response to such RFPs or other solicitations shall include, but not be limited to, the following to the extent permitted by law:

- (1) The adequacy of the proposed compensation to be paid to the City, and
- (2) The ability of the applicant(s) to maintain the property of the City in good condition throughout the term of the franchise and in a manner consistent with the City’s management of the public rights-of-way.

In no event, however, shall the Department of Information Technology and Telecommunications include any criteria in any such RFP or other solicitation which the City would be preempted, pursuant to federal law, from thus including: and in no event shall the Department of Information Technology and Telecommunications apply any criteria to be included in any such RFP or other solicitation in a manner which the City would be preempted, pursuant to federal law, from thus applying.

G. Any franchise granted pursuant to this authorizing resolution shall be by written agreement which shall include, but not be limited to, the following terms and conditions to the extent permitted by law (provided however, that no term or condition, whether or not listed hereinafter, shall be included in a written franchise agreement if the City is preempted, by federal law, from including such a term or condition in such agreement, and provided that no term or condition, whether or not listed hereinafter, shall be included in a written agreement in a form or manner which the City is preempted by federal law from using with respect to such agreement):

- (1) the term of the franchise, including options to renew if any, shall not exceed fifteen (15) years;
- (2) the compensation to be paid to the City shall be adequate and may include the provision of facilities or services to the City or both;
- (3) the franchise may be terminated or cancelled in the event of the franchisee’s failure to comply with the material terms and conditions of the agreement;
- (4) a security fund shall be established to ensure the performance of the franchisee’s obligations under the agreement;
- (5) the City shall have the right to inspect the facilities of the franchisee located on the inalienable property of the City and to order the relocation of such facilities at the direction of the Department of Information Technology and Telecommunications;
- (6) there shall be adequate insurance and indemnification requirements to protect the interests of the public and the City;

(7) all franchisees shall be required to maintain complete and accurate books of account and records for purposes of reviewing and/or enforcing compliance with the franchise agreement;

(8) there shall be provisions to ensure quality workmanship and construction methods in the use of the inalienable property;

(9) there shall be provisions that include the agreements required pursuant to paragraph 6 of subdivision (h) of Section 363 of the Charter relating to collective bargaining and other matters;

(10) there shall be provisions requiring the franchisee to comply with City laws, regulations and policies related to, but not limited to, employment purchasing and investigations;

(11) there shall be provisions to ensure adequate oversight of the franchisee’s performance of its franchise obligations;

(12) there shall be provisions to restrict the assignment or other transfer of the franchise without the prior written consent of the city and provisions to restrict changes in control of the franchisee without the prior written consent of the City;

(13) there shall be remedies to protect the City’s interest in the event of the franchisee’s failure to comply with the terms and conditions of the agreement;

(14) all franchisees shall have been subject, prior to the commencement of the franchise term, to review under the City’s Vendor Information Exchange System (“VENDEX”) or any successor system;

(15) all franchisees shall include provisions incorporating the MacBride Principles;

(16) there shall be provisions preserving the right of the City to perform public works or public improvements in and around those areas subject to the franchise;

(17) there shall be provisions requiring the franchisee to protect the property of the city, and the delivery of public services through, along or across such property, from damage or interruption of operation, as a result of the construction, operation, maintenance, repair and/or removal of franchisee’s facilities in the inalienable property of the City; and

(18) there shall be provisions designed to minimize the extent to which the public use of the street of the City are disrupted in connection with the construction, installation, use operation, maintenance and/or removal of franchisee’s facilities in the inalienable property.

H. The Department of Information Technology and Telecommunications shall file with the Council the following documents:

- (1) within fifteen (15) days of issuance, a copy of each RFP or other solicitation issued pursuant to this resolution;
- (2) within (15) days of approval by the Mayor, a copy of the agreement for each franchise granted pursuant to this resolution; and
- (3) on or before July 1 of each year, a report detailing the revenues received by the City from each franchise granted pursuant to this resolution during the preceding calendar year.

I. If any clause, sentence, paragraph, section or part of this resolution shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this resolution or the application thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

eastern property line 417 Marcus Garvey Boulevard, easterly along the northern property lines of 351 through 403 Macon Street, northerly along part of the western property line of 364 Lewis Avenue and the western property lines of 362 through 354-356 Lewis Avenue (aka 468-476 Halsey Street) to the southern curblineline of Halsey Street, easterly along the southern curblineline of Halsey Street, easterly across Lewis Avenue to its intersection with the eastern curblineline of Lewis Avenue, northerly across Halsey Street, northerly along the eastern curblineline of Lewis Avenue, easterly to the northern property line of 437 Halsey Street (aka 343-351 Lewis Avenue), easterly along the northern property lines of 437 Halsey Street (aka 343-351 Lewis Avenue) through 503 Halsey Street, northerly along the western property lines of 308 through 302 Stuyvesant Avenue (aka 568 Hancock Street), northerly across Hancock Street, northerly along the western property lines of 300 Stuyvesant Avenue (aka 561 Hancock Street) through 284 Stuyvesant Avenue (aka 624-632 Jefferson Avenue) to the southern curblineline of Jefferson Avenue, easterly along the southern curblineline of Jefferson Avenue, easterly across Stuyvesant Avenue, easterly along the southern curblineline of Jefferson Avenue, southerly to the eastern property line of 273-279 Stuyvesant Avenue (aka 634 Jefferson Avenue), southerly along the eastern property line of 273-279 Stuyvesant Avenue (aka 634 Jefferson Avenue), easterly along part of the northern property line of 281 Stuyvesant Avenue, southerly along the eastern property lines of 281 Stuyvesant Avenue and 575 Hancock Street (aka 285 Stuyvesant Avenue), southerly across Hancock Street, southerly along the eastern property lines of 291 Stuyvesant Avenue (aka 576 Hancock Street) through 297 Stuyvesant Avenue and part of the eastern property line of 299 Stuyvesant Avenue, easterly along the northern property lines of 525 through 533 Halsey Street, southerly along part of the eastern property line of 553 Halsey Street, easterly along the northern property lines of 553A and 555 Halsey Street, northerly along part of the western property line of 557 Halsey Street, easterly along the northern property lines of 557 through 559 Halsey Street, southerly along part of the eastern property lines of 559 Halsey Street, easterly along the northern property lines of 561 through 573 Halsey Street and part of the northern property line of 254 Malcolm X Boulevard, northerly along the western property lines of 248 through 240 Malcolm X Boulevard (aka 654 Hancock Street) to the southern curblineline of Hancock Street, easterly along the southern curblineline of Hancock Street, and southerly along the western curblineline of Malcolm X Boulevard to the point of the beginning.

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 June 21, 2013, its report on the Designation dated June 19, 2013 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on August 19, 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, ROBERT JACKSON, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, August 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 for L.U. No. 867

Report of the Committee on Land Use in favor of approving Application No. 20135776 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 211 West 147th Street, Borough of Manhattan, Community Board 10, Council District 7. 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 June 26, 2013 (Minutes, page 2694), respectfully

REPORTS:

SUBJECT

Proposal 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>
211 West 147th Street Manhattan	2033/21	20135776 HAM	867	Tenant Interim Lease

INTENT

HPD requests that the Council:

1. Find that the present status of the Disposition/Project Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Projects are 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 project as Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 577 of the Private Housing Finance Law.

PUBLIC HEARING

Date: August 19, 2013

Witnesses In Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

Date: August 19, 2013

The Subcommittee recommends that the Committee approve the proposal and grant the requests made by HPD.

In Favor: Levin, Gonzalez, Koo

COMMITTEE ACTION

DATE: August 20, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Jackson, Vann, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Ignizio

Against: None

Abstain: None

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

Res. No. 1911

Resolution approving an Urban Development Action Area Project located at 211 West 147th Street (Block 2033, Lot 21), Borough of Manhattan; 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 tax exemption pursuant to

Section 577 of the Private Housing Finance Law (L.U. No. 867; 20135776 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 20, 2013 its request dated June 10, 2013 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 211 West 147th Street (Block 2033, Lot 21), Community District 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, 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 August 19, 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 an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

- a. All of the value of the property in the Disposition 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 later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area ("Effective Date") and terminating upon the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the regulatory agreement between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company ("Expiration Date").

- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition 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 Disposition Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area 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.
- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, 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.

ATTACHMENT:

20135776 HAM
L.U. No. 867
Page 1 of 1

PROJECT SUMMARY

1. PROGRAM:	Tenant Interim Lease Program
2. PROJECT:	211 West 147 th Street
3. LOCATION:	
a. BOROUGH:	Manhattan
b. COMMUNITY DISTRICT:	10
c. COUNCIL DISTRICT:	7
d. DISPOSITION AREA:	<u>BLOCKS</u> <u>LOTS</u> <u>ADDRESSES</u> 2033 21 211 West 147 th Street
4. BASIS OF DISPOSITION PRICE:	Nominal (\$1.00 per building). The Sponsor will also deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of up to forty (40) years following cooperative conversion, the Land Debt will be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven in the 40 th year.
5. TYPE OF PROJECT:	Rehabilitation
6. APPROXIMATE NUMBER OF BUILDINGS:	1 Multiple Dwelling
7. APPROXIMATE NUMBER OF UNITS:	12
8. HOUSING TYPE:	Cooperative. If units remain unsold at the end of the marketing period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the building may be operated as rental housing in accordance with the written instructions of HPD.
9. ESTIMATE OF INITIAL PRICE:	\$2,500 for current residents who purchase initial coop shares. Vacant units, if any, will be affordable to the targeted income groups.
10. INCOME TARGETS:	The Disposition Area contains an occupied building which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 165% of the area median.
11. PROPOSED FACILITIES:	None
12. PROPOSED CODES/ORDINANCES:	None
13. ENVIRONMENTAL STATUS:	Negative Declaration
14. PROPOSED TIME SCHEDULE:	Approximately six months from authorization to sale.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, August 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 for L.U. No. 868

Report of the Committee on Land Use in favor of approving Application No. 20135773 HAK submitted by the New York City Department of Housing Preservation and Development (“HPD”), for an exemption of real property taxes for property located at 640 Broadway, Borough of Brooklyn, Community Board 1, Council District 33. 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 June 26, 2013 (Minutes, page 2695), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

20135773 HAK

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 640 Broadway (Block 2270, Lot 10), Borough of Brooklyn, Council District 33.

INTENT

To approve an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law for a building that will provide rental housing for low-income and homeless families.

PUBLIC HEARING

DATE: August 19, 2013

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

SUBCOMMITTEE RECOMMENDATION

DATE: August 19, 2013

The Subcommittee recommends that the Land Use Committee approve the tax exemption for the Exemption Area.

In Favor: Levin, Gonzalez, Koo

Against: None

Abstain: None

COMMITTEE ACTION

DATE: August 20, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Jackson, Vann, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Ignizio

Against: None

Abstain: None

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

Res. No. 1912

Resolution approving a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for the property located at 640 Broadway (Block 2270, Lot 10), Borough of Brooklyn (L.U. No. 868; 20135773 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on June 14, 2013 its request dated June 10, 2013 that the Council take the following actions regarding a tax exemption for real property (the “Project”) located at 640 Broadway (Block 2270, Lot 10), Community District 1, Borough of Brooklyn (the “Exemption Area”):

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on August 19, 2013; and

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

RESOLVED:

The Council approves the Tax Exemption for the Exemption Area 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 Sponsor, and (ii) the date that HPD and Sponsor enter into the Regulatory Agreement.
- (b) “Exemption” shall mean the exemption from real property taxation provided hereunder.
- (c) “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 2270, Lot 10 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 (30) 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 company.
- (e) “HDFC” shall mean 640 Broadway Housing Development Fund Corporation.
- (f) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) “Owner” shall mean the HDFC or any future owner of the Exemption Area.
- (h) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the HDFC 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 Expiration Date.

3. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder (“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.

4. In consideration of the Exemption, the owner of the Exemption Area (i) shall execute and record the Regulatory Agreement, and (ii) 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, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, August 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 for L.U. No. 873

Report of the Committee on Land Use in favor of approving Application No. 20145031 PNM, pursuant to § 1301(2)(f) of the New York City Charter concerning the proposed maritime lease agreement between the City of New York, acting through the Department of Small Business Services, as landlord, and Hornblower New York, LLC, as tenant, for certain City-owned berth areas and other improvements located on Pier 15 (Block 73, part of Lot 2), Borough of Manhattan, Community Board 1, Council District 1.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on July 24, 2013 (Minutes, page 3154), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 1

20145031 PNM

Application pursuant to §1301(2)(f) of the New York City Charter concerning the proposed maritime lease agreement between the City of New York (the "City"), acting by and through its Department of Small Business Services, as landlord ("Landlord"), and Hornblower New York, LLC, as tenant ("Tenant"), for certain City-owned berth areas and other improvements located along the East River Waterfront Esplanade on Pier 15 (Block 73, part of Lot 2), in Manhattan, Community Board 1, Council District 1.

INTENT

To approve a lease agreement between the City of New York, as landlord, and Hornblower New York, LLC, as tenant.

PUBLIC HEARING

DATE: August 19, 2013

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: August 19, 2013

The Subcommittee recommends that the Land Use Committee approve the lease agreement between the City of New York and Hornblower New York, LLC.

In Favor: Lander, Palma, Arroyo, Mendez, Williams

Against: None

Abstain: None

COMMITTEE ACTION

DATE: August 20, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Jackson, Vann, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Ignizio

Against: None

Abstain: None

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

Res. No. 1913

Resolution approving the lease agreement of the real property located at Block 73, portion of Lot 2, in the Borough of Manhattan, City and State of New York, known as a portion of Pier 15 (20145031 PNM; L.U. No. 873).

By Council Members Comrie and Lander.

WHEREAS, the Department of Small Business Services filed with the Council on July 19, 2013 pursuant to Section 1301(2)(f) of the New York City Charter, a lease agreement (the "Lease") between the City of New York, acting by and through its Department of Small Business Services, as landlord and Hornblower New York, LLC, as tenant, for certain berth areas and other improvements at Pier 15, located at Block 73, portion of Lot 2, Community District 1, Borough of Manhattan (as such premises are more particularly described in the Lease, a copy of which is attached hereto);

WHEREAS, the Lease is subject to review and action by the Council pursuant to Section 1301(2)(f) of the New York City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Lease on August 19, 2013;

WHEREAS, the Council has considered the relevant environmental review (CEQR No. 13SBS003M) and the fact that a Negative Declaration was issued on April 22, 2013;

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

RESOLVED:

The Council finds that the action described herein shall have no significant effect on the environment.

Pursuant to Section 1301(2)(f) of the New York City Charter, the Council approves the Lease upon the terms and substantially in the form set forth in the copy of the Lease attached hereto.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, August 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).

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

Report for L.U. No. 894

Report of the Committee on Land Use in favor of approving Application No. 130170 ZMQ submitted by St. Francis Preparatory School pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 10d and 11b, by changing from an R3-2 District to an R4 District property bounded by the southeasterly service road of the Horace Harding Expressway, Francis Lewis Boulevard, the northeasterly centerline prolongation of 67th Avenue and Peck Avenue, Borough of Queens, Community District 8, Council District 23.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013, respectfully

REPORTS:

SUBJECT

QUEENS CB - 8

C 130170 ZMQ

City Planning Commission decision approving an application submitted by St. Francis Preparatory School pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 10d and 11b, by changing from an R3-2 District to an R4 District property bounded by the southeasterly service road of the Horace Harding Expressway, Francis Lewis Boulevard, the northeasterly centerline prolongation of 67th Avenue and Peck Avenue, as shown on a diagram (for illustrative purposes only), dated March 18, 2013, and subject to the conditions of CEQR Declaration E-301.

INTENT

To amend the Zoning Map, Section Nos. 10d and 11b, to facilitate the expansion of St. Francis Preparatory School building which would accommodate new science, music and physical education facilities.

PUBLIC HEARING

DATE: August 19, 2013

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: August 19, 2013

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

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

Against: None**Abstain:** NoneCOMMITTEE ACTION

DATE: August 20, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Jackson, Vann, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Ignizio

Against: None**Abstain:** None

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

Res. No. 1914

Resolution approving the decision of the City Planning Commission on ULURP No. C 130170 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 894).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on July 26, 2013 its decision dated July 24, 2013 (the "Decision"), on the application submitted by St. Francis Preparatory School, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section Nos. 10d and 11b, to change one full block and one partial block from an R3-2 District to and R4 District to facilitate the expansion of a private high school in the Fresh Meadows section of Queens, Community District 8 (ULURP No. C 130170 ZMQ), 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 August 19, 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. 13DCP081Q) issued on March 18, 2013 (the "Negative Declaration") which included an (E) designation text related to noise ("CEQR Declaration E-301");

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 CEQR Declaration E-301.

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 130170 ZMQ, 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 Nos. 10d and 11b, from an R3-2 District to an R4 District property bounded by the southeasterly service road of the Horace Harding Expressway, Francis Lewis Boulevard, the northeasterly centerline prolongation of 67th Avenue and Peck Avenue, as shown on a diagram (for illustrative purposes only) dated March 18, 2013 and subject to the conditions of CEQR Declaration E-301, Community District 8, Borough of Queens.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, August 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).

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

Report for L.U. No. 895

Report of the Committee on Land Use in favor of approving Application No. 20135751 HKM (N 130348 HKM) pursuant to Section 3020 of the New York City Charter regarding the designation by the Landmarks Preservation Commission of the Bialystoker Center and Home for the Aged (Designation List No. 464/LP-2529) located at 228 East Broadway aka 228-230 East Broadway (Tax Map Block 315, Lot 45), as an historic landmark, Borough of Manhattan, Community District 3, Council District 1.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013, respectfully

REPORTS:SUBJECT

MANHATTAN CB - 3

20135751 HKM (N 130348 HKM)

Designation by the Landmarks Preservation Commission (List No. 464/LP-2529) pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Bialystoker Center and Home for the Aged located at 228 East Broadway aka 228-230 East Broadway (Tax Map Block 315, Lot 45), as an historic landmark.

PUBLIC HEARING

DATE: August 19, 2013

Witnesses in Favor: Six

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: August 19, 2013

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

In Favor: Lander, Palma, Arroyo, Mendez, Williams

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: August 20, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Jackson, Vann, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Ignizio

Against: *None*

Abstain: *None*

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

Res. No. 1915

Resolution affirming the designation by the Landmarks Preservation Commission of the Bialystoker Center and Home for the Aged located at 228 East Broadway aka 228-230 East Broadway (Tax Map Block 315, Lot 45), Borough of Manhattan, Designation List No. 464, LP-2529 (Preconsidered L.U. No. 895; 20135751 HKM; N 130348 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on May 30, 2013 a copy of its designation dated May 21, 2013 (the "Designation"), of the Bialystoker Center and Home for the Aged located at 228 East Broadway aka 228-230 East Broadway, Community District 3, Borough of Manhattan as a landmark and Tax Map Block 315, Lot 45, 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 July 26, 2013, its report on the Designation dated July 24, 2013 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on August 19, 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, ROBERT JACKSON, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, August 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).

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

Report for L.U. No. 896

Report of the Committee on Land Use in favor of approving Application No. 20145045 HHM submitted by the New York Health and Hospitals Corporation pursuant to §7385(6) of its Enabling Act requesting the approval of the surrender to the City of New York of an approximately 9.9 acre parcel of land and buildings, on Block 1373, Lot 20, located on the campus of Goldwater Specialty Hospital and Nursing Facility, One Main Street, Roosevelt Island, Borough of Manhattan, Community District 8, Council District 5.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5

20145045 HHM

Application submitted by the New York Health and Hospitals Corporation (HHC) pursuant to §7385(6) of its Enabling Act requesting the approval of the surrender to the City of New York of an approximately 9.9 acre parcel of land and buildings, on Block 1373, Lot 20, located on the campus of Goldwater Specialty Hospital and Nursing Facility, One Main Street, Roosevelt Island, Borough of Manhattan.

INTENT

To approve the surrender of property, known as Goldwater Hospital, located on Roosevelt Island, which is no longer needed by HHC.

PUBLIC HEARING

DATE: August 19, 2013

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: August 19, 2013

The Subcommittee recommends that the Land Use Committee approve the surrender of the property.

In Favor: Lander, Palma, Arroyo, Mendez, Williams

Against: *None*

Abstain: *None*

COMMITTEE ACTION

DATE: August 20, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Jackson, Vann, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Ignizio

Against: *None*

Abstain: *None*

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

Res. No. 1916

Resolution approving the surrender of real property to the City of New York of an approximately 9.9 acre parcel of land and buildings, on Block 1373, Lot 20, located on the campus of Goldwater Specialty Hospital and Nursing Facility, One Main Street, Roosevelt Island, Borough of Manhattan, (20145045 HHM; Preconsidered L.U. No. 896).

By Council Members Comrie and Lander.

WHEREAS, the New York City Health and Hospitals Corporation (HHC), filed with the Council on July 26, 2013 notice of the Board of Directors authorization dated July 26, 2013 of the surrender to the City of New York of an approximately 9.9 acre parcel of land and buildings on Block 1373, Lot 20, located on the campus of Goldwater Specialty Hospital and Nursing Facility, One Main Street, Roosevelt Island, upon terms and conditions set forth in the Health and Hospitals Corporation resolution authorizing the surrender, a copy of which is attached hereto (the "Surrender"), Community District 8, Borough of Manhattan;

WHEREAS, the Surrender is being made pursuant to Section 7387(4) of HHC's Enabling Act which permits a surrender of land to the City of New York which HHC determines is not required for its corporate purposes, subject to the provisions of Section 7385(6) of the Enabling Act;

WHEREAS, the Surrender is subject to review and action by the Council pursuant to Section 7385(6) of the HHC Enabling Act;

WHEREAS, upon due notice, the Council held a public hearing on the Surrender on August 19, 2013; and

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

RESOLVED:

Pursuant to Section 7385(6) of the Health and Hospitals Corporation Act, the Council approves the Surrender upon the terms and conditions set forth in the Board of Directors' resolution authorizing the surrender, a copy of which is attached hereto.

ATTACHMENT:

SURRENDER OF LAND

GOLDWATER CAMPUS

COLER-GOLDWATER SPECIALTY HOSPITAL AND NURSING FACILITY

RESOLUTION

Authorizing the President of the New York City Health and Hospitals Corporation (the "Corporation") to surrender to the City of New York a parcel of land and buildings, Block 1373, Lot 20, located on the campus of Goldwater Specialty Hospital and Nursing Facility, One Main Street, Roosevelt Island, New York ("the Facility").

WHEREAS, the subject parcel and improvements are currently under the jurisdiction of the Corporation, and are deemed surplus by the Corporation for its corporate purposes; and

WHEREAS, the Facility shall be decommissioned and the land and buildings surrendered to the City of New York for disposition to Cornell University and Technion - Israel Institute of Technology to develop the Applied Sciences NYC project;

WHEREAS, Section 7385.6 and Section 7387.4 of the Corporation's enabling act authorize the surrender of property to the City of New York, which is fee owner of the Facility, after a public hearing, which was held July 11, 2013.

NOW, THEREFORE, be it

RESOLVED, that the President of the New York City Health and Hospitals Corporation (the "Corporation") be and hereby is authorized to surrender to the City of New York a parcel of land and buildings, Block 1373, Lot 20, located on the campus of Goldwater Specialty Hospital and Nursing Facility, One Main Street, Roosevelt Island, New York (the "Facility")

EXECUTIVE SUMMARY

PROPERTY SURRENDER

GOLDWATER SPECIALTY HOSPITAL AND NURSING FACILITY
THE GOLDWATER CAMPUS

The President seeks authorization from the Board of Directors of the Corporation to surrender to the City of New York a parcel of land and buildings, Block 1373, Lot 20, located on the campus of Goldwater Specialty Hospital and Nursing Facility, One Main Street, Roosevelt Island, New York (the "Facility")

The site measures approximately 9.8 acres and is located on the southern portion of Roosevelt Island south of the Ed Koch Queensboro Bridge. Goldwater Hospital opened on the island in 1939 as a chronic care and nursing facility. The Goldwater campus consists of the original six-building complex (Buildings A through F) and a circa 1971 addition (Building J). The Corporation will relocate activities from the Goldwater campus to other facilities and decommission the site. The land and buildings will be surrendered to the City of New York for disposition to Cornell University and Technion - Israel Institute of Technology to develop the Applied Sciences NYC project.

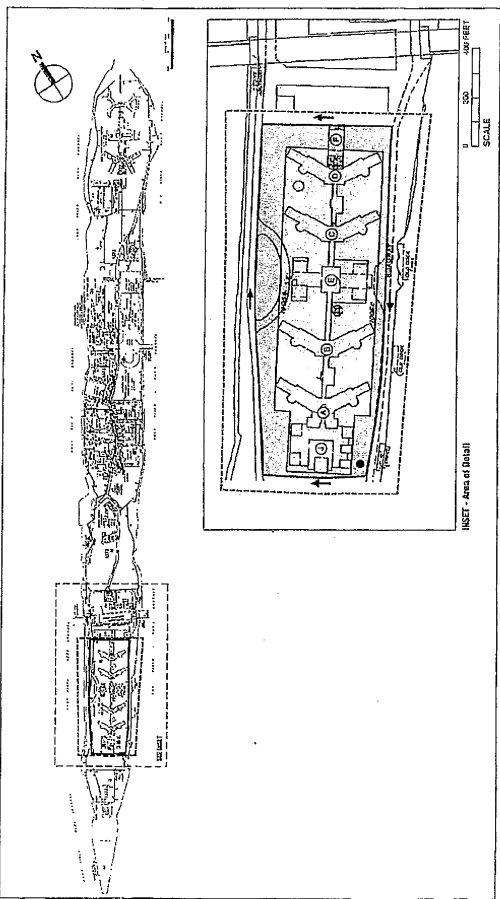
Section 7385.6 and Section 7387.4 of the Corporation's enabling act empower HHC to surrender real estate to the City of New York when such property is no longer utilized for its corporate purposes. The surrender process includes a public hearing, approval by the Board of Directors, and subsequent approval by the City Council. The public hearing was held July 11, 2013.

METES & BOUNDS DESCRIPTION
LOT 20, BLOCK 1373
ROOSEVELT ISLAND
BOROUGH OF MANHATTAN
CITY, COUNTY & STATE OF NEW YORK

BEGINNING AT A POINT ON THE SOUTHWESTERLY MOST CORNER OF LOT 20, BLOCK 1373 HAVING A COORDINATE VALUE OF NORTH 10731.04, EAST 15442.79, SAID POINT BEING SOUTH 73 DEGREES - 32 MINUTES - 13 SECONDS EAST, A DISTANCE OF 215.99 FEET FROM A POINT ALONG THE NORTHEASTERLY LINE OF THE EAST RIVER WEST CHANNEL HAVING A COORDINATE VALUE OF NORTH 10792.14, EAST 15236.04 AND FROM SAID BEGINNING POINT, THE FOLLOWING TWELVE (12) COURSES ALONG THE PERIMETER OF LOT 20, BLOCK 1373:

1. NORTH 35 DEGREES - 27 MINUTES - 04 SECONDS EAST, A DISTANCE OF 228.61 FEET TO A POINT, THENCE;
2. NORTH 54 DEGREES - 32 MINUTES - 56 SECONDS WEST, A DISTANCE OF 65.25 FEET TO A POINT, THENCE;
3. NORTH 35 DEGREES - 27 MINUTES - 04 SECONDS EAST, A DISTANCE OF 1,005.50 FEET TO A POINT, THENCE;
4. SOUTH 54 DEGREES - 32 MINUTES - 56 SECONDS EAST, A DISTANCE OF 153.75 FEET TO A POINT, THENCE;
5. NORTH 35 DEGREES - 27 MINUTES - 04 SECONDS EAST, A DISTANCE OF 93.50 FEET TO A POINT, THENCE;
6. SOUTH 54 DEGREES - 32 MINUTES - 56 SECONDS EAST, A DISTANCE OF 61.00 FEET TO A POINT, THENCE;
7. SOUTH 35 DEGREES - 27 MINUTES - 04 SECONDS WEST, A DISTANCE OF 93.50 FEET TO A POINT, THENCE;
8. SOUTH 54 DEGREES - 32 MINUTES - 56 SECONDS EAST, A DISTANCE OF 153.75 FEET TO A POINT, THENCE;
9. SOUTH 35 DEGREES - 27 MINUTES - 04 SECONDS WEST, A DISTANCE OF 1,005.50 FEET TO A POINT, THENCE;
10. NORTH 54 DEGREES - 32 MINUTES - 56 SECONDS WEST, A DISTANCE OF 65.25 FEET TO A POINT, THENCE;
11. SOUTH 35 DEGREES - 27 MINUTES - 04 SECONDS WEST, A DISTANCE OF 228.61 FEET TO A POINT, THENCE;
12. NORTH 54 DEGREES - 32 MINUTES - 56 SECONDS WEST, A DISTANCE OF 238.00 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 430,639 SQUARE FEET OR 9.8861 ACRES



Project Site: Current Ownership
 Figure 1-2
 Owned by: City of New York
 Occupied by: Goldwater Memorial Hospital (NYCHHC)
 Owned by: City of New York
 Leased to: RUC
 Block 1373 Lot 20
 Block 1373 Lot 1 (portion)
 Project Site
 Rezoning Area (Special Southern Roosevelt Island District)
 Goldwater Hospital Building Name
 DEP South Piers Station
 Traffic Direction
 Cornell NYC Tech

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, August 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).

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

Report for L.U. No. 897
Report of the Committee on Land Use in favor of approving Application No. 20145044 HAK submitted pursuant to Article 16 of the New York General Municipal Law and Section 422 of the New York Real Property Tax Law by the New York City Department of Housing Preservation and Development for approval of an Urban Development Action Area Project and related tax exemption for a Section 202 Supportive Housing Program for the Elderly project located at 137 Jamaica Avenue (Block 3487, part of Lot 20), Borough of Brooklyn, Community District 5, Council District 37.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 5

20145044 HAK

Application submitted pursuant to Article 16 of the New York General Municipal Law and Section 422 of the New York Real Property Tax Law 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 a Section 202 Supportive Housing Program for the Elderly project located at 137

Jamaica Avenue (Block 3487, part of Lot 20), Borough of Brooklyn, Council District 37.

INTENT

To approve an Urban Development Action Area Project and related exemption from real property taxes for a building that will provide 53 units of rental housing for elderly persons of low-income.

PUBLIC HEARING

DATE: August 19, 2013

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

SUBCOMMITTEE RECOMMENDATION

DATE: August 19, 2013

The Subcommittee recommends that the Land Use Committee approve HPD's requests for the project and related tax exemption.

In Favor: Levin, Gonzalez, Koo

Against: None

Abstain: None

COMMITTEE ACTION

DATE: August 20, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Jackson, Vann, Arroyo, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Ignizio

Against: None

Abstain: None

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

Res. No. 1917

Resolution approving an Urban Development Action Area Project located at 137 Jamaica Avenue (Block 3487, part of Lot 20), Borough of Brooklyn; 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 tax exemption pursuant to the Real Property Tax Law Section 422 (Preconsidered L.U. No. 897; 20145044 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on July 23, 2013 its request dated July 8, 2013 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 137 Jamaica Avenue (Block 3487, part of Lot 20), Borough of Brooklyn (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 a partial exemption of the Project from real property taxes pursuant to Section 422 of the Real Property Tax 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 of the construction of no more than ninety dwelling units financed by the federal government and restricted to occupancy by the elderly 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 August 19, 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 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 set forth in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

The Council approves a partial Tax Exemption as follows:

- a. All of the value of the property included in the housing project, including both Disposition Area and improvements, shall be exempt from real property taxes, other than assessments for local improvements, from the date of conveyance of the land to the Sponsor until the date of issuance of the temporary or permanent Certificate of Occupancy for the housing project.
- b. All of the value of the property included in the housing project (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxes, other than assessments for local improvements, commencing upon the date of issuance of the temporary or permanent Certificate of Occupancy for the housing project (or, if the housing project is constructed in stages, upon the date of issuance of the temporary or permanent Certificate of Occupancy for each such stage) ("Effective Date") and terminating upon the earlier to occur of (i) the date the HUD mortgage is satisfied, or (ii) a date which is forty (40) years from the Effective Date ("Expiration Date"); provided, however, that the Sponsor shall make an annual real estate tax payment commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the Sponsor shall make real estate tax payments in the sum of (i) \$39,225, which is ten percent (10%) of the annual shelter rent for the housing project, as determined by HPD in accordance with the formula agreed upon with HUD, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project 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 the Effective Date. Notwithstanding the foregoing, the total annual real estate tax payment by the Sponsor shall not at any time exceed the lesser of either (i) seventeen percent (17%) of the contract rents, or (ii) the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by any existing or future local, state, or federal law, rule or regulation.

- d. In consideration of such tax exemption, the Sponsor, for so long as the partial tax exemption provided hereunder shall remain in effect, shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule or regulation.

ATTACHMENT:

20145044 HAK
PAGE 1 OF 1
PRE. L.U. No. 227

PROJECT SUMMARY

- | | |
|-------------------------------------|--|
| 1. PROGRAM: | SECTION 202 SUPPORTIVE HOUSING PROGRAM FOR THE ELDERLY |
| 2. PROJECT: | Cypress Hills Senior Housing |
| 3. LOCATION: | |
| a. BOROUGH: | Brooklyn |
| b. COMMUNITY DISTRICT: | 5 |
| c. COUNCIL DISTRICT: | 37 |
| d. DISPOSITION AREA: | <u>BLOCK</u> <u>LOT</u> <u>ADDRESS</u> |
| | 3487 p/o 20 137 Jamaica Avenue |
| 4. BASIS OF DISPOSITION PRICE: | Nominal (\$1 per tax lot) |
| 5. TYPE OF PROJECT: | New construction |
| 6. APPROXIMATE NUMBER OF BUILDINGS: | One Multiple Dwelling |
| 7. APPROXIMATE NUMBER OF UNITS: | 53, plus one unit for a superintendent |
| 8. HOUSING TYPE: | Rental |
| 9. ESTIMATE OF INITIAL RENT: | \$1,089 per month per unit. Tenants will pay a maximum of 30% of their monthly adjusted income. The project will receive funds from a Project Rental Assistance Contract with HUD. |
| 10. INCOME TARGETS: | Elderly persons of very low income pursuant to HUD guidelines (single tenants with incomes no greater than \$26,900 or two person families with incomes no greater than \$30,700) |
| 11. PROPOSED FACILITIES: | None |
| 12. PROPOSED CODES/ORDINANCES: | None |
| 13. ENVIRONMENTAL STATUS: | Negative Declaration |
| 14. PROPOSED TIME SCHEDULE: | Approximately 24 months from closing to completion of construction. |

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, August 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).

Reports of the Committee on Rules, Privileges & Elections

Report for M-1179

Report of the Committee on Rules, Privileges and Elections in favor of approving the re-appointment by the Mayor of Philip E. Aarons as a member of the New York City Art Commission.

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on July 24, 2013 (Minutes, page 2798), respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-1247 printed in these Minutes)

The Committee on Rules, Privileges and Elections, which was referred to on July 24, 2013, respectfully reports:

Pursuant to §§ 31 and 851 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Mayor of Philip E. Aarons as a member of the New York City Art Commission to serve for the remainder of a three-year term that expires on December 31, 2015.

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

Res. No. 1918

RESOLUTION APPROVING THE RE-APPOINTMENT BY THE MAYOR OF PHILIP E. AARONS, AS A MEMBER OF THE NEW YORK CITY ART COMMISSION.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 851 of the *New York City Charter*, the Council does hereby approve the re-appointment by the Mayor of Philip E. Aarons as a member of the New York City Art Commission for the remainder of a three-year term that expires on December 31, 2015.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ROBERT JACKSON, ALBERT VANN, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, August 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 for M-1180

Report of the Committee on Rules, Privileges and Elections in favor of approving the re-appointment of Lynne D. Richardson, M.D. as a member of the New York City Board of Health.

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on July 24, 2013 (Minutes, page 2798), respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-1247 printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 553 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Mayor of Dr. Lynne D. Richardson as a member of the New York City Board of Health to serve for the remainder of a six-year term that expires on May 31, 2018.

The matter was referred to the Committee on July 24, 2013.

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

Res. No. 1919

RESOLUTION APPROVING THE RE-APPOINTMENT BY THE MAYOR OF DR. LYNNE D. RICHARDSON AS A MEMBER OF THE NEW YORK CITY BOARD OF HEALTH.

By Council Member Rivera.

RESOLVED, that pursuant to Section 31 and Section 553 of the *New York City Charter*, the Committee on Rules, Privileges and Elections hereby approves the re-appointment by the Mayor of Dr. Lynne D. Richardson as a member of the New York City Board of Health for the remainder of a six-year term, which will expire on May 31, 2018.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., 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, August 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 for M-1181

Report of the Committee on Rules, Privileges and Elections in favor of approving the re-appointment by the Mayor of Roberta Washington as a member of the New York City Landmarks Preservation Commission.

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on July 24, 2013 (Minutes, page 2798), respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-1247 printed in these Minutes)

The Committee on Rules, Privileges and Elections which was referred to on July 24, 2013 respectfully

REPORTS

Pursuant to §§ 31 and 3020 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Mayor of Roberta Washington as a member of the New York City Landmarks Preservation Commission to serve for the remainder of a three- year term expiring on June 28, 2015.

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

Res. No. 1920

RESOLUTION APPROVING THE RE-APPOINTMENT BY THE MAYOR OF ROBERTA WASHINGTON AS A MEMBER OF THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 3020 of the New York City Charter, the Council does hereby approve the re-appointment by the Mayor of Roberta Washington as a member of the New York City Landmarks Preservation Commission for the remainder of a three-year term expiring on June 28, 2015.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., 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, August 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 Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-1247

Report of the Committee on Rules, Privileges and Elections in favor of approving the recommendation of Briana M. Thompson 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 August 22, 2013, respectfully

REPORTS:

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

• **Briana M. Thompson [Pre-considered M-1247]**

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. Thompson, a resident of Brooklyn, will fill a vacant position and be eligible to serve for an undefined term. Copies of Ms. Thompson’s résumé and Committee report/resolution are annexed to this briefing paper.

Topic II: New York City Art Commission – (Mayor’s nominee for appointment upon advice and consent of the Council)

• **Philip E. Aarons [M-1179]**

The New York City Art Commission, also known as the Public Design Commission² (“*Commission*”) reviews permanent works of art, architecture and landscape architecture proposed on or over City-owned property. Projects include construction, renovation or restoration of buildings, such as museums and libraries; creation or rehabilitation of parks and playgrounds; installation of lighting and other streetscape elements; and design, installation and conservation of artwork³

The Commission itself does not contract for any artwork, nor does it select contractors, negotiate fees, or otherwise involve itself in the selection or approval of

contracts. The Commission brings its expertise to the process by reviewing submitted plans or work in accordance with standards enumerated in the *Charter*. Commission members have no say in what projects are initiated, or how City funds are allocated. The *Charter* states that the Commission has general advisory oversight over all works of art belonging to the City, and advises agencies having jurisdiction over them as to methods and procedures for their proper maintenance. [*Charter* § 857 (a).]

The Commission is composed of the Mayor or his representative, the President of the Metropolitan Museum of Art, the President of the New York Public Library, the President of the Brooklyn Museum, one painter, one sculptor, one architect, one landscape architect, all of whom shall be residents of the City, and three other residents of the City who cannot be painters, sculptors, architects, landscape architects, or active members of any other profession in the fine arts. *Charter* § 851 (a). The Mayor and the museum and library presidents serve in an ex-officio capacity. Section 31 of the *Charter* states that the Council performs an advice and consent review of mayoral appointees for membership on the Commission. The Council does not review ex-officio members. [*Charter* § 851 (a).]

The appointive members whose service is not ex-officio are chosen from a list submitted by the Fine Arts Federation of not less than three times the number to be appointed. If the Federation fails to present a list of nominees within three months from the time when a vacancy occurs, the Mayor may appoint an individual without such input. In case the Mayor fails to appoint within one year from the time when a vacancy occurs, the Commission is authorized to fill such vacancy for any balance of the un-expired term without the Council's advice and consent review. [*Charter* § 851 (b).]

All members serve on the Commission without compensation. Members serve for three-year terms, or until a successor has been appointed and qualified. [*Charter* § 851 (b).]⁴

Mr. Aarons is scheduled to appear before the Committee on Rules, Privileges, and Elections on August 22, 2013. Upon re-appointment by the Mayor with the advice and consent of the Council, Mr. Aarons, a resident of Manhattan, will serve as a Lay Member for the remainder of a three-year term that expires on December 31, 2015. Copies of Mr. Aarons' résumé and report/resolution are annexed to this Briefing paper.

Topic III: New York City Board of Health – (Mayor's nominee for appointment upon advice and consent of the Council)

• **Lynne Richardson, M.D. [M-1180]**

Pursuant to *New York City Charter* (“the *Charter*”) § 553, there shall be in the New York City Department of Health and Mental Hygiene (“the Department”)⁵ a Board of Health (“the Board”)⁶, the Chairperson of which shall be the Commissioner of the Department.

The main function of the Board is to promulgate the *New York City Health Code* (“Code”), which can encompass any matter within the jurisdiction of the Department, and has “the force and effect of law.” [*Charter* § 558.] The Board may legislate on “all matters and subjects to which the power and authority of the Department extends.” [*Charter* § 558(c).] The jurisdiction of the Department is among the most extensive and varied of all City agencies. Except as otherwise provided by law, the Department has jurisdiction to regulate all matters affecting health in the City and to perform all those functions and operations performed by the City that relate to the health of the people of the City, including but not limited to the mental health, mental retardation, alcoholism and substance abuse related needs of the people of the City. [*Charter* § 556.] The scope of the Department's jurisdiction includes such diverse disciplines as communicable diseases, environmental health services, radiological health, food safety, veterinary affairs, water quality, pest control and vital statistics. New emerging pathogens and biological warfare are the most recent additions to the Department's roster of concerns.

In addition to its primary legislative function in relation to the *Code*, the Board is charged with certain administrative responsibilities. The Board may issue, suspend or revoke permits (e.g., food vendor permits) or may delegate this duty to the Commissioner, in which case a party aggrieved by the decision of the Commissioner has a right of appeal to the Board. [*Charter* § 561.] The Board may declare a state of “great and imminent peril” and take appropriate steps subject to Mayoral approval. [*Charter* § 563.] Other administrative functions of the Board are contained in the *Administrative Code of the City of New York*. One important function is to declare conditions as public nuisances and to order that such conditions be abated or otherwise corrected. [*Administrative Code* § 17-145.]

In addition to the Chairperson, the Board consists of ten members, five of whom shall be doctors of medicine who shall each have had not less than ten years experience in any or all of the following: clinical medicine, neurology, psychiatry, public health administration or college or university public health teaching. The other five members need not be physicians. However, non-physician members shall hold at least a Masters degree in environmental, biological, veterinary, physical, or

behavioral health or science, or rehabilitative science or in a related field, and shall have at least ten years experience in the field in which they hold such a degree. The Chairperson of the Mental Hygiene Advisory Board⁷ sits as one of the ten board members, provided that such individual meets the requirements for Board membership of either a physician or non-physician member.

The nine Board members other than the Chairperson and the member who shall be the Chairperson of the Mental Hygiene Advisory Board shall serve without compensation and shall be appointed by the Mayor, each for a term of six-years.⁸ In the case of a vacancy, the Mayor shall appoint a member to serve for the un-expired term. [*Charter* § 553(b).] The Mayor's appointees are subject to the advice and consent of the New York City Council as set forth in *Charter* § 31.

The Commissioner shall designate such Department employees as may be necessary to the service of the Board, including an employee designated by him to serve as the Secretary to the Board. [*Charter* § 553 (c).]

Pursuant to *Charter* § 554, a member of the Board other than the Chairperson may be removed by the Mayor upon proof of official misconduct or of negligence in official duties or of conduct in any manner connected with his/her official duties, that tends to discredit his/her office, or of mental or physical inability to perform his/her duties. Prior to removal, however, the Board member shall receive a copy of the charges and shall be entitled to a hearing before the Mayor and to the assistance of counsel at such hearing.

If re-appointed, Dr. Richardson, a resident of Manhattan, will serve the remainder of a six-year term that will expire on May 31, 2018. A copy of Dr. Richardson's résumé and report/resolution is annexed to this briefing paper.

Topic IV: New York City Landmark Preservation Commission – (Candidate for re-appointment upon advice and consent review by the Council)

• **Roberta Washington [M-1181]**

Pursuant to *New York City Charter* (“*Charter*”) § 3020, the New York City Landmarks Preservation Commission (“LPC”), which consists of 11 members, is responsible for establishing and regulating landmarks, portions of landmarks, landmark sites, interior landmarks, scenic landmarks and historic districts. Also, LPC regulates alterations to designated buildings. The *Charter* requires that LPC's membership include at least three architects, one historian qualified in the field, one city planner or landscape architect, and one realtor. Prior to appointing an architect, historian, city planner or landscape architect, the Mayor may consult with the Fine Arts Federation of New York or any other similar organization. By statute, LPC's membership must have at least one resident from each of the five boroughs.

The Mayor appoints members of LPC for staggered three-year terms. Each member continues to serve as a commissioner until his or her successor is appointed and qualified. The Mayor designates one of the members to serve as Chair of LPC, and another to serve as Vice Chair. Both of these appointees serve until a successor is designated. Members other than the Chair serve without compensation, but are reimbursed for expenses necessarily incurred in the performance of their duties. The Chair's salary is currently \$192,198. The LPC appoints a full-time executive director. The LPC may employ technical experts and such other employees as may be required to perform its duties.

As enumerated in the *Charter*, LPC is required to provide opportunities for comment in advance of any hearing on a proposed designation of a landmark, landmark site, interior landmark, scenic landmark, or historic district.⁹ Notices of proposed designation must be sent to the New York City Planning Commission (“CPC”), all affected Community Boards, and the Office of the Borough President in whose borough the property or district is located.

Within ten days of making a designation, LPC is required to file a copy of the designation with CPC and the City Council. Within 60 days after the filing, CPC must hold a hearing and submit a report to the City Council with its recommendations. The City Council may modify or disapprove by majority vote any designation of LPC within 120 days after having received such designation, provided that either CPC has submitted the required report on the designation or at least sixty days has elapsed since the original filing of the designation. A City Council vote shall be filed with the Mayor who has five days to disapprove. If the Mayor disapproves, the Council may override within ten days by a two-thirds vote.

In addition to the designation of landmarks, LPC may at any time make recommendations to CPC regarding amendments to *Zoning Resolution* provisions applicable to improvements in historic districts. [*Administrative Code* § 25-303(i).] Moreover, LPC is responsible for determining whether a proposed alteration or demolition affecting a landmark is consistent with the *Landmarks Preservation and Historic Districts* chapter of the *Administrative Code*. In instances where LPC determines that the proposed change complies with the *Code*, it may grant a *Certificate of Appropriateness*. Otherwise, LPC may deny the applicant's request. [*Administrative Code* § 25-307.]

A five-member Hardship Appeals Panel, independent of LPC, reviews appeals from determinations of LPC denying applications for *Certificates of Appropriateness* on the grounds of hardship. The Panel's review is applicable only to tax exempt properties.

If re-appointed, Ms. Washington, a Manhattan resident, will be eligible to complete the remainder of a three-year term that expires on June 28, 2015. Copies of Ms. Washington's résumé and the proposed Committee report/resolution are annexed to this briefing paper.

¹ The Council's current recommended members are: Anthony Sumpter (Brooklyn); Dr. Sibyl Silbertstein (Queens); Anna Garcia-Reyes (Manhattan); Victoria Sammartino (Bronx); and Kimberley Hayes (Manhattan).

² On July 21, 2008, Mayor Michael R. Bloomberg issued Executive Order No. 119, which changed the name of the Art Commission of the City of New York to the Public Design Commission of the City of New York, except in court documents, contracts and any other situation where the name "Art Commission" is legally required.

³ <http://www.nyc.gov/html/artcom/html/about/about.shtml>

⁴ The current appointed members are: Maria Elena Gonzales, Sculptor; Byron Kim, Painter; Signe Nielson, Landscape Architect; Guy Nordenson, Lay Member; James Polshak, Architect; Paula Scher, Lay Member; and Philip E. Aarons.

⁵ On November 6, 2001, the voters of New York City approved the merger of the New York City Department of Health and the New York City Department of Health, Mental Retardation and Alcoholism Services to create a new agency called the Department of Public Health. The agency is presently known as the Department of Health and Mental Hygiene.

⁶ The ballot proposal approved by the City's voters on November 6, 2001, expanded the Board's membership from five to eleven members (including the Commissioner), while maintaining the current ratio of medical to non-medical personnel. Also, member terms were reduced from eight years to six years, and staggered to assure continuity. The Charter Revision Commission (the "Commission") asserted that these changes would ensure that the Board is better able to address today's "more complex public health threats and meet the new and emerging public health challenges of the future." Also, the Commission reasoned that the expansion of the Board would "provide the opportunities to increase the variety of expertise represented, and allow for inclusion of representatives with experience relating to special health needs of different racial and cultural groups in the City." Moreover, the Commission felt "a larger Board would also bring to bear greater diversity of academic, clinical and community perspectives on the broad spectrum of public health problems and issues that need to be addressed." Report of the New York City Charter Revision Commission, *Making Our City's Progress Permanent*, pp69-70 (September 5, 2001).

⁷ This body advises the Commissioner of Health and Mental Hygiene and the Deputy Commissioner for Mental Hygiene Services in the development of community mental health, mental retardation, alcoholism and substance abuse facilities and services and programs related thereto. Charter § 568.

⁸ The term of the Board of Health Chair, who is the Commissioner of Health, is not specified. The Chair of the Mental Hygiene Advisory Board can serve an unlimited number of four-year terms on that advisory Board and, thus, on the New York City Board of Health as well. Mental Hygiene Law § 41.11(d) and Charter § 568(a)(1).

⁹ Landmarks are not always buildings. A landmark may be a bridge, a park, a water tower, a pier, a cemetery, a building lobby, a sidewalk clock, a fence, or even a tree. A property or object is eligible for landmark status when at least part of it is thirty years old or older.

After interviewing the candidates and reviewing the submitted material, this Committee decided to approve the appointments of the nominees (for nominees Philip E. Aarons [M-1179], Lynne Richardson, M.D. [M-1180], Roberta Washington [M-1181], please see the Reports of the Committee on Rules, Privileges and Elections for M-1179, M-1180, and M-1181, respectively, printed in these Minutes; for nominee Briana M. Thompson [Pre-considered M 1247], please see below:)

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 Briana Thompson as a member of the New York City Youth Board to serve for an undefined term.

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

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

Res. No. 1921

RESOLUTION APPROVING THE RECOMMENDATION BY THE COUNCIL OF BRIANA M. THOMPSON 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 of Briana M. Thompson as a member of the New York City Youth Board to serve for an undefined term.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., 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, August 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 of the Whole

Override Report for Int. No.1079

Report of the Committee of the Whole in favor of approving and adopting, notwithstanding the objection of the Mayor, a Local Law to amend the New York city charter, in relation to the investigating, reviewing, studying, and auditing of and making of recommendations relating to the operations, policies, programs and practices of the new york city police department by the commissioner of the department of investigation.

The Committee on Public Safety, to which the annexed proposed local law was referred on June 12, 2013 (Minutes, page 1972), before being discharged from further consideration on June 24, 2013 (please see M-1167, Minutes, p. 2034) and which was originally adopted by the Council on June 26, 2013 (Minutes, page 2623) before being vetoed by the Mayor on July 23, 2013 and then referred to the Committee of the Whole on July 24, 2013 (please see M-1183, Minutes, page 2799), respectfully

REPORTS:

I. INTRODUCTION

On August 22, 2013 the Committee of the Whole will meet to consider whether to recommend the override of the Mayor's veto of Introduction No. ("Intro.") 1079: A Local Law to amend the New York city charter, in relation to the investigating, reviewing, studying, and auditing of and making of recommendations relating to the operations, policies, programs and practices of the New York City Police Department by the commissioner of the department of investigation, and whether to recommend that veto message M-1183-2013 be filed.

On June 12, 2013 Intro. 1079 was introduced and referred to the Committee on Public Safety. Thereafter, on June 24, 2013 Intro. 1079 was discharged from the Committee on Public Safety and summarily submitted to the full Council for a vote. The legislation was then passed by the Council on June 26, 2013 by a vote of 40 in the affirmative and 11 in the negative. On July 23, 2013, the Mayor issued a message of disapproval for Intro. 1079 and the Mayor's veto message, M-1183-2013 (attached hereto as Appendix A), was formally accepted by the Council and referred to the Committee of the Whole at the Council's stated meeting held on July 24, 2013.

The question before the Committee of the Whole today is whether to recommend that Intro. 1079 should be re-passed notwithstanding the objections of the Mayor, and whether to recommend that the Mayor's veto message, M-1183-2013, should be filed.

II. BACKGROUND

There are long-standing concerns about the New York City Police Department's ("NYPD") use of stop-and-frisk tactics and the impact of this practice on communities of color.¹

¹ A more detailed background on stop, question, and frisk practices is provided in an October 10, 2012 report of the Public Safety Committee at pp. 4-8 and 12-15, available at

The practice of briefly stopping an individual for questioning, and possibly patting him or her down for weapons, commonly referred to as "frisking," was officially recognized by the Supreme Court of the United States in 1968 as an exception to the requirement that police officers must have "probable cause" to seize and search a person or his or her effects.² The New York case of *People v. De Bour* stated that the police must have a "founded suspicion that criminal activity is present" before they may stop a person "pursuant to the common-law right to inquire."³ Under New York Criminal Procedure law, a "stop" is only allowed when an officer "reasonably suspects that" a "person is committing, has committed or is about to commit" a crime.⁴

The number of individuals stopped by the NYPD steadily rose for many years – from under 470,000 stops in 2007 to over 680,000 stops in 2011 – before declining in 2012 with 533,042 stops.⁵ NYPD data shows that blacks and Hispanics are more likely than others to be stopped by the NYPD. Of those who were stopped in 2011, approximately 87% were either black or Hispanic. In 2012 it was approximately 85%.⁶

In response to the concerns surrounding the NYPD's use of stop-and-frisk,

among other things, and also its surveillance of the City's Muslim community, many have called for additional oversight over the policies and practices of the NYPD. The bill being considered today is designed by the sponsors to respond to these concerns.

<http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1078151&GUID=D1949816-2C35-46C8-B8A9-897A3EFAFFD&Options=ID|Text|&Search=800>.

² *Terry v. Ohio*, 392 U.S. 1 (1968).

³ *People v. De Bour*, 40 N.Y.2d 210, 215 (1976).

⁴ N.Y. Crim. Proc. Law § 140.50(1).

⁵ Based upon data provided by the New York City Police Department to the New York City Council and on file with the Committee on Public Safety.

⁶ *Id.*

III. PROPOSED LEGISLATION – INTRO. 1079

Although there are several entities that are tasked with some aspect of oversight over the NYPD, such as the Internal Affairs Bureau (“IAB”), the New York City Civilian Complaint Review Board (“CCRB”), the Commission to Combat Police Corruption (“CCPC”), the various local and federal prosecutors, and indeed even the New York City Council,⁷ there is currently no entity with an institutional focus on systemic issues within the NYPD.

The Commissioner of the Department of Investigation (“DOI”), however, is uniquely positioned to take on this role due to DOI’s broad charter mandate to “make any study or investigation which in [the Commissioner’s] opinion may be in the best interests of the city, including but not limited to investigations of the affairs, functions, accounts, methods, personnel or efficiency of any agency.”⁸ Although DOI has traditionally satisfied this obligation by focusing on investigating, and referring for criminal prosecution, cases of fraud, corruption and unethical conduct by all City employees, contractors, or any others who receive City money,⁹ the authority conferred on DOI by the charter certainly contemplates the possibility of a more expansive role.

Law enforcement agencies in other cities, and within the federal government, have worked successfully with monitors tasked with somewhat similar duties to those of the monitor envisioned by Intro. 1079. Overall, these oversight entities have improved the performance and transparency of the agencies they monitor. In Los Angeles, for example, a consent decree with the Department of Justice (“DOJ”) led to the implementation of an independent monitor to oversee the Los Angeles Police Department (“LAPD”) from 2001 until 2009.¹⁰ A study undertaken by the Harvard Kennedy School of Government showed that public satisfaction with the LAPD increased in the eight years the decree was in effect.¹¹ Specifically, the number of people who thought that LAPD officers were more likely to bring offenders to justice while respecting their rights and complying with the law doubled from 2006 to 2009.¹² The study also showed that the quantity and the quality of pedestrian and motor vehicle stops generally increased under the monitor, as a higher proportion of stops resulted in arrest and most arrests resulted in felony charges.¹³ Additionally, the work of the independent monitor does not appear to have impeded the LAPD’s ability to fight crime, as evidenced by the fact that crime dropped by 33% while the monitor was in place.¹⁴

⁷ More detail on the role and activities of other entities in overseeing actions of the NYPD is provided in the October 10, 2012 report of the Public Safety Committee at pp. 8-12, available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1138391&GUID=46EF84F3-F4D4-4B84-BCB2-042A5AC7E674&Options=ID|Text|&Search=881>.

⁸ NYC Charter § 803(b).

⁹ “Our Mission,” Department of Investigation, available at <http://www.nyc.gov/html/doi/html/about/mission.shtml>.

Federal Inspectors General have proven to be beneficial despite the fact that the 1978 Inspector General Act¹⁵ was at first met with resistance because it was seen as an “intrusion into executive branch operations.”¹⁶ By investigating fraud and waste as well as misconduct, Inspectors General have saved citizens money and also ensured their liberty and security.

¹⁰ See LAPD Consent Decree, June 15, 2001, available at:

http://www.lapdonline.org/assets/pdf/final_consent_decree.pdf. The decree was entered into in 2001 and was supposed to last five years, unless the DOJ made a motion to extend. Ultimately the decree remained in effect until 2009, when U.S. District Court Judge Gary Feess permitted it to expire. See Joel Ruben, *U.S. Judge ends Federal oversight of the LAPD*, LA Times, July 18, 2009, available at: <http://articles.latimes.com/2009/jul/18/local/meconsent-decree18>.

¹¹ Christopher Stone, Todd Foglesong, and Christine M. Cole, *Policing Los Angeles Under a Consent Decree: The Dynamics of Change at the LAPD*, Harvard Kennedy School of Government Program in Criminal Justice Policy and Management, May 2009, (hereinafter “Kennedy School

Report”) available at: http://www.hks.harvard.edu/var/ezp_site/storage/fckeditor/file/pdfs/centers-programs/programs/criminal-justice/Harvard_LAPD_Report.pdf.

¹² *Id.* at pages 6-7.

¹³ *Id.* at page i.

¹⁴ *Id.* at pages 6-7.

¹⁵ Inspector General Act of 1978, Pub. L. No. 95-452, 92 Stat. 1101 (codified as amended at 5 U.S.C. App. 3).

¹⁶ See, See James R. Ives, “Inspectors General: Prioritizing Accountability,” p. 26 (Fall/Winter 2009-2010).

Consequently, both the duties and the number of the Federal Inspectors General have been expanded, frequently in ways that pertain to matters of public safety and security.¹⁷

For example, the DOJ’s Inspector General (“OIG”) oversees multiple entities, including the Federal Bureau of Investigation (“FBI”).¹⁸ The OIG’s duties were expanded in 2001 as part of the Patriot Act, when the office was given the responsibility of receiving complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice.¹⁹ In carrying out this mandate, which is manifestly broader than simply reviewing allegations of waste, corruption, and misconduct, the OIG must investigate such complaints and report to Congress detailing any abuses found.²⁰ The OIG has released several reports that exposed security flaws, privacy violations, and behaviors that compromised civil rights and civil liberties, and that have led to meaningful change.²¹

¹⁷ When the Department of Homeland Security (“DHS”) was created in 2002, for instance, an Inspector General for the Agency was also created. See “Homeland Security Act of 2002,” Pub. L. No. 107-296 § 103, (codified in scattered sections of U.S.C.).

¹⁸ See, Reports by Component, available at <http://www.justice.gov/oig/reports/>.

¹⁹ Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001, Pub. L. No. 107-56, § 1001 (codified as amended in scattered sections of U.S.C.).

²⁰ *Id.*

²¹ One such report was the OIG’s 2002 review of the FBI’s threat assessment, strategic planning, and resource management with respect to counterterrorism. The report investigated, among other things, the progress and sufficiency of the FBI’s actions in identifying and qualifying terrorist threats. As a result of the investigation, the OIG made several recommendations for improvements in the FBI’s identification of terrorist threats, which the FBI agreed with and planned to implement. See Department of Justice, Office of the Inspector General, “A Review of the Federal Bureau of Investigation’s Counterterrorism Program: Threat Assessment, Strategic Planning, and Resource Management,” Audit Report 02-38 (September 2002) available at <http://www.justice.gov/oig/reports/FBI/a0238.htm>. Additionally, the OIG conducted investigations and released reports relating to the FBI’s procedures for the use of the National Security Letters and “Exigent Letters” that were contemplated under the Patriot Act. See Department of Justice, Office of the Inspector General, “A Review of the Federal Bureau of Investigation’s Use of National Security Letters,” Special Report (March 2007) available at <http://www.justice.gov/oig/special/s0703b/final.pdf>, “A Review of the FBI’s Use of National Security Letters: Assessment of Corrective Actions and Examination of NSL Usage in 2006,” Special Report (March 2008) available at <http://www.justice.gov/oig/special/s0803b/final.pdf>, and “A Review of the Federal Bureau of Investigation’s Use of Exigent Letters and Other Informal Requests for Telephone Records,” Redacted Version (January 2010) available at <http://www.justice.gov/oig/special/s1001r.pdf>. After the OIG’s first report, the FBI “ended the use of exigent letters; issued clear guidance on the use of National Security Letters,” directed that certain personnel receive certain trainings; and “expended significant effort to determine whether or not certain records should be retained or purged from FBI databases.” Statement of Glenn A. Fine, Inspector General, in front of U.S. Department of Justice, House Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Civil Liberties (April 14, 2010), available at <http://www.justice.gov/oig/testimony/t1004.pdf>.

Mindful of the positive effects external oversight of law enforcement has provided in other jurisdictions, Intro. 1079 seeks to provide similar benefits to the people of New York City. Specifically, the bill would amend section 803 of chapter 34 of the New York City Charter to task the Commissioner of DOI with the duty to “investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices” of the NYPD.

The bill would not create a new office, but rather would make sure that the Commissioner of DOI performs these tasks or appoints a current or new member of his or her staff to do so. If the latter course is chosen, the Commissioner is required to report to the Council regarding the identity and qualifications of the individual responsible for these duties. Ideally, such person should be chosen without regard to political affiliation and solely on the basis of integrity, a demonstrated ability in law, public administration or investigations and a demonstrated commitment to the protection of civil liberties and civil rights.

In order to promote transparency and communication within the department, Intro. 1079 would impose a reporting requirement on the executive director of the CCRB and the chief of the IAB in the event they become aware of any problems or deficiencies that: (i) relate to the NYPD’s programs or policies; and (ii) provide reason to believe the effectiveness of the department, public safety, the exercise of civil liberties and civil rights, or the public’s confidence in the police force, could be adversely affected. Specifically, if these problems or deficiencies are relevant to the duties of the monitor, they must be reported to the Commissioner of DOI. Additionally, to ensure the public is able to communicate its own concerns, individuals would be able to anonymously report problems via the DOI’s website. Lastly, to foster an open environment of information sharing, Intro. 1079 explicitly states that any city employee making a complaint or sharing information with DOI would be covered by the city’s whistleblower law, found at section 12-113 of the administrative code.

Intro. 1079 would require DOI to produce two types of reports, provide such reports to the mayor, the council, and the police commissioner, and promptly

post such reports on the DOI’s website. First, DOI is required to prepare a written report or statement of findings at the conclusion of any review, study or audit it undertakes pursuant to the law. The police commissioner would be required to respond to these reports within ninety days. Second, annual summary reports are also required. These reports must contain: (i) a description of all significant findings from the investigations, reviews, studies, and audits conducted in the preceding year; (ii) a description of the recommendations for corrective action made in the preceding year; (iii) an identification of each recommendation described in previous annual reports on which corrective action was not implemented or completed; and (iv) an accounting of the number of open investigations, reviews, studies, or audits along with information about how long they have been open.

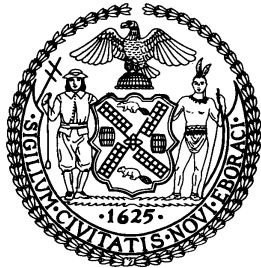
Finally, in order to ensure that safety and security of the City is not compromised, the Mayor, in consultation with DOI and the NYPD, will decide how sensitive information – which includes security threats, intelligence work, and ongoing investigations, among other things – should be treated, and will create guidelines regarding such information and share them with the Council.

If passed, the law would take effect on January 1, 2014.

APPENDIX A to the Committee Report

(please see M-1183, the Mayor’s Veto and Disapproval Message for Int No. 1079, printed in the Minutes of the July 24, 2013 Stated Meeting, page 2799)

(The following is the text of the Fiscal Impact Statement for Int. No. 1079:)



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

**INTRO. NO: Intro. 1079
COMMITTEE: Committee of the
Whole**

TITLE: To amend the New York city charter, in relation to the investigating, reviewing, studying, and auditing of and making of recommendations relating to the operations, policies, programs and practices of the new york city police department by the commissioner of the department of investigation.

SPONSORS: Council Members Williams, Lander, Quinn, Mark-Viverito, Mendez, Cabrera, Jackson, Arroyo, Barron, Brewer, Chin, Comrie, Dickens, Dromm, Ferreras, Foster, Garodnick, James, King, Koppell, Lappin, Levin, Palma, Reyna, Richards, Rodriguez, Rose, Van Bramer, Vann, Weprin, Wills, Mealy, Eugene, Koslowitz, Gonzalez, the Public Advocate (Mr. de Blasio), Greenfield, and Halloran.

SUMMARY OF LEGISLATION: This proposed legislation would require the Commissioner of the Department of Investigation (“DOI”) to review, study, audit and make recommendations relating to the operations, policies, programs and practices of the New York City Police Department (“NYPD” or “the Department”) including ongoing partnerships between the NYPD and other law enforcement agencies with the goal of enhancing the overall effectiveness of the Department with regard to fighting crime and improving the quality of the relationship between the Police Department and the larger New York City community.

No later than ninety days after the effective date of this legislation, the Commissioner of DOI would be required to report to the Council the identity and qualifications of the individual designated to carry out the relevant oversight duties related to the NYPD along with any additional staff hired to assist this individual in carrying out these duties and the details of the management structure governing the work of the individual selected and their staff.

The Mayor, in consultation with the NYPD and DOI, will decide how sensitive information related to oversight of the NYPD should be treated and would create guidelines regarding such information and share them with the Council. “Sensitive” information would include any information concerning the following: any ongoing civil or criminal investigations or proceedings; any undercover operations; the identity of confidential sources, including protected witnesses; intelligence or counterintelligence matters; and other matters which if disclosed would constitute a serious threat to national security or the safety of the people of the city of New York.

This bill would also require the Executive Director of the Civilian Complaint Review Board as well as the Chief of the NYPD’s Internal Affairs Bureau, to report any problems or deficiencies to the DOI Commissioner, or their designee, which they believe would adversely affect the NYPD’s operations, policies or programs. It would also stipulate that any individual who chooses to report such problems to the DOI Commissioner or their designee, or assist the DOI in its work, not be retaliated against by any employee or agency within city government.

In addition, this proposed legislation would require the DOI to submit two types of reports to the Mayor, Council, and Police Commissioner. First, DOI would be required to release a statement of findings, or a written report, at the conclusion of each review, audit or investigation it undertook under the provisions of this bill. Second, DOI would be required to prepare a report of the past year’s activities, including, among other things, a description of significant findings from the reviews, audits or investigations conducted by the office.

EFFECTIVE DATE: This bill would take effect on January 1, 2014.

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

FISCAL IMPACT STATEMENT:

	Effective FY 14	FY Succeeding Effective FY 15	Full Fiscal Impact FY 15
Revenues	\$0	\$0	\$0
Expenditures	\$1,282,320	\$1,964,640	\$1,964,640
Net	\$1,282,320	\$1,964,640	\$1,964,640

IMPACT ON REVENUES: N/A

IMPACT ON EXPENDITURES: Proposed Intro. 1079 would require additional expenditures of \$1.96 million annually for DOI to employ the additional staff needed to implement the provisions of this bill. This estimate assumes that the NYPD oversight unit within the DOI would require an investigative and support staff of 19 with a personal services budget of \$1,794,640 including fringe and an additional \$170,000 in OTPS costs. In Fiscal 2014 only a half-year of funding would be required with an additional \$300,000 in OTPS funding for start-up costs.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A.

SOURCE OF INFORMATION: New York City Department of Investigation and City Council Finance Division.

ESTIMATE PREPARED BY: Regina Poreda Ryan, Deputy Director

LEGISLATIVE HISTORY: On June 12, 2013, Intro. 1079 was introduced to the Council and assigned to the Committee on Public Safety. A motion to discharge Intro. 1079 from the Committee was approved by the Council on June 22, 2013, and the Council approved Intro. 1079 on June 26, 2013. On July 23, 2013 the Mayor issued a message of disapproval, vetoing the legislation. The Committee of the Whole will consider Intro. 1079 on August 22, 2013 notwithstanding the objections of the Mayor.

Notwithstanding the objection of the Mayor, this Committee recommends the re-adoption of Int No. 1079.

(The following is the text of Int. No. 1079:)

Int. No. 1079

By Council Members Williams, Lander, the Speaker (Council Member Quinn), Mark-Viverito, Mendez, Cabrera, Jackson, Arroyo, Barron, Brewer, Chin, Comrie, Dickens, Dromm, Ferreras, Foster, Garodnick, James, King, Koppell, Lappin, Levin, Palma, Reyna, Richards, Rodriguez, Rose, Van Bramer, Vann, Weprin, Wills, Mealy, Eugene, Koslowitz, Gonzalez, the Public Advocate (Mr. de Blasio), Greenfield and Halloran.

A Local Law to amend the New York city charter, in relation to the investigating, reviewing, studying, and auditing of and making of recommendations relating to the operations, policies, programs and practices of the new york city police department by the commissioner of the department of investigation.

Be it enacted by the Council as follows:

Section 1. Section 803 of chapter 34 of the New York city charter is amended by adding a new subdivision c, relettering current subdivisions c through e as new subdivisions d through f, and amending relettered subdivision d to read as follows:

c. 1. *The commissioner shall, on an ongoing basis, investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices, including ongoing partnerships with other law enforcement agencies, of the new york city police department with the goal of enhancing the effectiveness of the department, increasing public safety, protecting civil liberties and civil rights, and increasing the public's confidence in the police force, thus building stronger police-community relations.*

2. *Not later than ninety days after the effective date of the local law that added this subdivision, the commissioner shall report to the council regarding the identity and qualifications of the individual responsible for overseeing the implementation of the duties described in paragraph 1 of this subdivision, the number of personnel assigned to assist that individual, and the details of the management structure covering them. Upon removal or replacement of the individual responsible for overseeing the implementation of the duties described in paragraph 1 of this subdivision, notification of that removal or replacement, and the identity and qualifications of the new individual responsible for overseeing the implementation of the duties described in paragraph 1 of this subdivision, shall be provided to the council.*

3. *The Mayor, in consultation with the department and the new york city police department, shall have the discretion to determine how sensitive information provided to the department in connection with any investigation, review, study, or audit undertaken pursuant to this section shall be treated. The Mayor shall provide the Council with any guidelines, procedures, protocols or similar measures related to the treatment of sensitive information that he or she puts in place. Sensitive information shall mean information concerning (a) ongoing civil or criminal investigations or proceedings; (b) undercover operations; (c) the identity of confidential sources, including protected witnesses; (d) intelligence or counterintelligence matters; or (e) other matters the disclosure of which would constitute a serious threat to national security or to the safety of the people of the city of New York.*

4. *The executive director of the civilian complaint review board and the chief of the new york city police department's internal affairs bureau shall report to the commissioner any problems and deficiencies relating to the new york city police department's operations, policies, programs and practices that he or she has reason to believe would adversely affect the effectiveness of the department, public safety, the exercise of civil liberties and civil rights, or the public's confidence in the police force, and that would be relevant to the duties of the commissioner as described in paragraph 1 of this subdivision.*

5. *No officer or employee of an agency of the city shall take any adverse personnel action with respect to another officer or employee in retaliation for his or her making a complaint to, disclosing information to, or responding to queries from the commissioner pursuant to activities undertaken under paragraph 1 of this subdivision unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity. Any officer or employee who believes he or she has been retaliated against for making such complaint to, disclosing such information to, or responding to such queries from the commissioner may report such action to the commissioner as provided for in subdivision c of section 12-113 of the administrative code.*

6. *The department's website shall provide a link for individuals to report any problems and deficiencies relating to the new york city police department's operations, policies, programs and practices. Individuals making such reports shall not be required to provide personally identifying information.*

d[c]. 1. For any investigation made pursuant to subdivision a or b of this section, the commissioner shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the requesting party, if any. In the event that [the] any matter investigated, reviewed, studied, or audited pursuant to this section involves or may involve allegations of criminal conduct, the commissioner,

upon completion of the investigation, review, study, or audit, shall also forward a copy of his or her written report or statement of findings to the appropriate prosecuting attorney, or, in the event the matter investigated, reviewed, studied, or audited involves or may involve a conflict of interest or unethical conduct, to the conflicts of interest board [of ethics].

2. *For any investigation, review, study, or audit made pursuant to paragraph one of subdivision c of this section, the commissioner shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the mayor, the council, and the police commissioner upon completion. Within ninety days of receiving such report or statement, the police commissioner shall provide a written response to the commissioner, the mayor, and the council. Each such written report or statement, along with a summary of its findings, as well as the reports described in paragraph 3 of this subdivision, shall be posted on the department's website in a format that is searchable and downloadable and that facilitates printing no later than ten days after it is delivered to the mayor, the council, and the police department. All such reports, statements, and summaries so posted on the department's website shall be made easily accessible from a direct link on the homepage of the website of the department.*

3. *In addition to the reports and statements of findings to be delivered to the mayor, the council, and the police commissioner pursuant to paragraph 2 of this subdivision, there shall be an annual summary report on the activities undertaken pursuant to paragraph 1 of subdivision c of this section containing the following information: (a) a description of all significant findings from the investigations, reviews, studies, and audits conducted in the preceding year; (b) a description of the recommendations for corrective action made in the preceding year; (c) an identification of each recommendation described in previous annual reports on which corrective action has not been implemented or completed; and (d) the number of open investigations, reviews, studies, or audits that have been open, as of the close of the preceding calendar year, for a time period of 1) six months up to and including one year, 2) more than one year up to and including two years, 3) more than two years up to and including three years, and 4) more than three years. The annual summary report required by this paragraph shall be completed and delivered to the mayor, the council, and the police commissioner on April 1, 2015 and every April 1 thereafter.*

e[d]. The jurisdiction of the commissioner shall extend to any agency, officer, or employee of the city, or any person or entity doing business with the city, or any person or entity who is paid or receives money from or through the city or any agency of the city.

f[e]. The commissioner shall forward to the council and to the mayor a copy of all reports and standards prepared by the corruption prevention and management review bureau, upon issuance by the commissioner.

§ 2. Section 804 of chapter 34 of the New York City charter is amended to read as follows:

§ 804. Complaint bureau. There shall be a complaint bureau in the department which shall receive complaints from the public, including, but not limited to, complaints about any problems and deficiencies relating to the new york city police department's operations, policies, programs and practices.

§ 3. This local law shall take effect on January 1, 2014.

SPEAKER CHRISTINE C. QUINN, Chairperson; MARIA DEL CARMEN ARROYO, CHARLES BARRON, GALE A. BREWER, FERNANDO CABRERA, MARGARET S. CHIN, LEROY G. COMRIE, Jr., INEZ E. DICKENS, ERIK MARTIN DILAN, DANIEL DROMM, MATHIEU EUGENE, JULISSA FERRERAS, HELEN D. FOSTER, DANIEL R. GARODNICK, SARA M. GONZALEZ, DAVID GREENFIELD, ROBERT JACKSON, LETITIA JAMES, ANDY KING, G. OLIVER KOPPELL, KAREN KOSLOWITZ, BRAD S. LANDER, JESSICA S. LAPPIN, STEPHEN T. LEVIN, MELISSA MARK-VIVERITO, DARLENE MEALY, ROSIE MENDEZ, ANNABEL PALMA, DIANA REYNA, DONOVAN RICHARDS, JOEL RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES VACCA, JAMES G. VAN BRAMER, ALBERT VANN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS; Committee of the Whole, August 22, 2013.

Coupled on the General Order Calendar for an Override Vote.

Report for M-1183

Report of the Committee of the Whole in favor of filing the Mayor's veto and disapproval message of Introductory Number 1079 - in relation to the investigating, reviewing, studying, and auditing of and making of recommendations relating to the operations, policies, programs and practices of the New York City police department by the commissioner of the department of investigation.

The Committee of the Whole, to which the annexed communication was referred on July 24, 2013 (Minutes, page 2799), respectfully

REPORTS:

(For related text, please see the Report of the Committee on Whole for Int No. 1079 printed in this General Order Calendar section)

Accordingly, this Committee recommends the filing of M-1183.

SPEAKER CHRISTINE C. QUINN, Chairperson; MARIA DEL CARMEN ARROYO, CHARLES BARRON, GALE A. BREWER, FERNANDO CABRERA, MARGARET S. CHIN, LEROY G. COMRIE, Jr., INEZ E. DICKENS, ERIK MARTIN DILAN, DANIEL DROMM, MATHIEU EUGENE, JULISSA FERRERAS, HELEN D. FOSTER, DANIEL R. GARODNICK, SARA M. GONZALEZ, DAVID GREENFIELD, ROBERT JACKSON, LETITIA JAMES, ANDY KING, G. OLIVER KOPPELL, KAREN KOSLOWITZ, BRAD S. LANDER, JESSICA S. LAPPIN, STEPHEN T. LEVIN, MELISSA MARK-VIVERITO, DARLENE MEALY, ROSIE MENDEZ, ANNABEL PALMA, DIANA REYNA, DONOVAN RICHARDS, JOEL RIVERA, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES VACCA, JAMES G. VAN BRAMER, ALBERT VANN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS; Committee of the Whole, August 22, 2013.

Coupled to be Filed.

Override Report for Int. No.1080

Report of the Committee of the Whole in favor of approving and adopting, notwithstanding the objection of the Mayor, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting bias-based profiling.

The Committee on Public Safety, to which the annexed proposed local law was referred on June 12, 2013 (Minutes, page 1972), before being discharged from further consideration on June 24, 2013 (please see M-1168, Minutes, p. 2036) and which was originally adopted by the Council on June 26, 2013 (Minutes, page 2630) before being vetoed by the Mayor on July 23, 2013 and then referred to the Committee of the Whole on July 24, 2013 (please see M-1184, Minutes, page 2802), respectfully

REPORTS:

I. INTRODUCTION

On August 22, 2013 the Committee of the Whole will meet to consider whether to recommend the override of the Mayor's veto of Introduction No. ("Intro.") 1080: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting bias-based profiling, and whether to recommend that veto message M-1184-2013 be filed.

On June 12, 2013 Intro. 1080 was introduced and referred to the Committee on Public Safety. Thereafter, on June 24, 2013 Intro. 1080 was discharged from the Committee on Public Safety and summarily submitted to the full Council for a vote. The legislation was then passed by the Council on June 26, 2013 by a vote of 34 in the affirmative and 17 in the negative. On July 23, 2013, the Mayor issued a message of disapproval for Intro. 1080 and the Mayor's veto message, M-1184-2013 (attached hereto as Appendix A), was formally accepted by the Council and referred to the Committee of the Whole at the Council's stated meeting held on July 24, 2013.

The question before the Committee of the Whole today is whether to recommend that Intro. 1080 should be re-passed notwithstanding the objections of the Mayor, and whether to recommend that the Mayor's veto message, M-1184-2013, should be filed.

II. BACKGROUND

There are long-standing concerns about the New York City Police Department's ("NYPD") use of stop-and-frisk tactics and the impact of this practice on communities of color.¹ The practice of briefly stopping an individual for questioning, and possibly patting him or her down for weapons, commonly referred to as "frisking," was officially recognized by the Supreme Court of the United States in 1968 as an exception to the requirement that police officers must have "probable cause" to seize and search a person or his or her effects.² The New York case of *People v. De Bour* stated that the police must have a "founded suspicion that criminal activity is present" before they may stop a person "pursuant to the common-law right to inquire."³ Under New York Criminal Procedure law, a "stop" is only allowed when an officer "reasonably suspects that" a "person is committing, has committed or is about to commit" a crime.⁴

The number of individuals stopped by the NYPD steadily rose for many years – from under 470,000 stops in 2007 to over 680,000 stops in 2011 – before declining in 2012 with 533,042 stops.⁵ NYPD data shows that blacks and Hispanics are more likely than others to be stopped by the NYPD. Of those who were stopped in 2011, approximately 87% were either black or Hispanic. In 2012 it was approximately 85%.⁶

In response to the concerns surrounding, among other things, the NYPD's use of stop-and-frisk, many have called for a mechanism by which the city's existing prohibition on racial profiling can be enforced. The bill being considered today is

designed by the sponsors to respond to these concerns. prohibited act as "bias-based profiling;" and (2) characteristics that may not be used as the determinative factor in initiating law enforcement action against an individual as "actual or perceived race, national origin, color, creed, age, alienage or citizenship status, gender, sexual orientation, disability, or housing status." Additionally, Intro. 1080 would further amend section 14-151 of the Administrative Code of the City of New York to create two causes of action. Specifically, the legislation creates:

¹ A more detailed background on stop, question, and frisk practices is provided in an October 10, 2012 report of the Public Safety Committee at pp. 4-8 and 12-15, available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1078151&GUID=D1949816-2C35-46C8-B8A9-897A3EFFA9FD&Options=ID|Text|&Search=800>.

III. PROPOSED LEGISLATION – INTRO. 1080

Intro. 1080 would amend the city's current prohibition on racial profiling, codified in section 14-151 of the Administrative Code of the City of New York, to re-define the: (1)

² *Terry v. Ohio*, 392 U.S. 1 (1968).

³ *People v. De Bour*, 40 N.Y.2d 210, 215 (1976).

⁴ N.Y. Crim. Proc. Law § 140.50(1).

⁵ Based upon data provided by the New York City Police Department to the New York City Council and on file with the Committee on Public Safety.

⁶ *Id.*

(1) a cause of action that may be brought if either a governmental body or an individual law enforcement officer has intentionally engaged in bias-based profiling and the governmental body cannot prove that the profiling was necessary and narrowly tailored to achieve a compelling governmental interest or the individual officer cannot prove that his or her action was justified by a factor (or factors) unrelated to unlawful discrimination; and

(2) a cause of action that may be brought if an NYPD policy or practice regarding the initiation of law enforcement action has had a disparate impact on subjects of that law enforcement action who are covered by the prohibition such that the policy or practice has the effect of bias-based profiling. In order for this claim to prevail, the police department must fail to plead and prove as an affirmative defense that the policy or practice at issue bears a significant relationship to advancing a significant law enforcement objective or does not contribute to the disparate impact; provided, however, that if a policy or practice is demonstrated to result in a disparate impact under the bill, it shall be deemed unlawful if the person bringing the action produces substantial evidence that an alternative policy or practice with less disparate impact is available and the police department fails to prove that such alternative policy or practice would not serve the law enforcement objective as well.

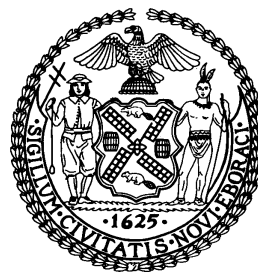
(3) If a claim alleges disparate impact, the mere existence of a statistical imbalance between the demographic composition of the subjects of the challenged law enforcement action and the general population would not alone be sufficient to establish a prima facie case of disparate impact violation unless: (i) the general population is shown to be the relevant pool for comparison; (ii) the imbalance is shown to be statistically significant; and (iii) there is an identifiable policy or practice or group of policies or practices that allegedly causes the imbalance.

(4) Intro. 1080 would allow those who choose to seek enforcement of this law to either bring a civil action or to file a complaint with the New York City Commission on Human Rights. In either case, the remedy is limited to injunctive and declaratory relief; provided that, in a civil action for claims brought under this law, a court may allow a prevailing plaintiff reasonable attorney's fees, including expert fees. If passed, the law would take effect ninety days after it is enacted.

APPENDIX A to the Committee Report

(please see M-1184, the Mayor's Veto and Disapproval Message for Int No. 1080, printed in the Minutes of the July 24, 2013 Stated Meeting, page 2802)

(The following is the text of the Fiscal Impact Statement for Int. No. 1080:)



THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY
DIRECTOR
FISCAL IMPACT STATEMENT

INTRO. NO: 1080

Committee: Committee of the
Whole

TITLE: To amend the administrative code of the city of New York, in relation to prohibiting bias-based profiling.

SPONSORS: Williams, Mark-Viverito, Mendez, Lander, Cabrera, Jackson, Arroyo, Barron, Brewer, Chin, Comrie, Dickens, Dromm, Ferreras, Foster, Garodnick, James, King, Koppell, Lappin, Levin, Palma, Reyna, Richards, Rodriguez, Rose, Van Bramer, Vann, Weprin, Wills, Mealy, Eugene, Gonzalez, and the Public Advocate (Mr. de Blasio).

Summary of Legislation: This legislation would amend the city’s current prohibition on racial profiling, codified in section 14-151 of the Administrative Code of the City of New York, to re-define the: (1) prohibited act as “bias-based profiling;” and (2) characteristics that may not be used as the determinative factor in initiating law enforcement action against an individual as “actual or perceived race, national origin, color, creed, age, alienage or citizenship status, gender, sexual orientation, disability, or housing status.” It would also create a private right of action that would enable individuals to bring suit based upon a claim of bias-based profiling.

This legislation would allow an individual to bring suit when an individual law enforcement officer or a governmental body has intentionally engaged in bias-based profiling and the governmental body fails to prove that doing so was necessary and was narrowly tailored to achieve a compelling governmental interest or the individual officer cannot prove that his or her action was justified by a factor or factors unrelated to unlawful discrimination.

The bill would also establish a claim of bias-based profiling when a policy or practice or group of policies or practices of the police department is shown to have created a disparate impact on the subjects of the law enforcement action which would have the effect of bias-based profiling. If a claim alleges disparate impact, the mere existence of a statistical imbalance between the demographic composition of the subjects of the challenged law enforcement action and the general population would not alone be sufficient to establish a prima facie case of disparate impact violation unless: (i) the general population is shown to be the relevant pool for comparison; (ii) the imbalance is shown to be statistically significant; and (iii) there is an identifiable policy or practice or group of policies or practices that allegedly causes the imbalance.

An individual who alleges that he has been subjected to bias-based profiling as defined within this bill may file a complaint with the New York City Human Rights Commission or bring a civil action against: any governmental body that employs any law enforcement officer who has engaged, is engaging, or continues to engage in bias-based profiling; any law enforcement officer who has engaged, is engaging, or continues to engage in bias-based profiling; and the police department, where it has engaged, is engaging, or continues to engage in bias-based profiling or policies or practices that have the effect of bias-based profiling.

This legislation would only make injunctive and declaratory remedies available in civil actions brought under its terms. Monetary judgments would be limited to reasonable attorney’s fees and expert fees.

EFFECTIVE DATE: This legislation would take effect ninety 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 16
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$1,256,250	\$2,075,000
Net	\$0	\$1,256,250	\$2,075,000

IMPACT ON REVENUES: N/A.

IMPACT ON EXPENDITURES: Intro. 1080 would likely have an impact on the City’s expenditures. The fiscal impact would be due to awards of attorney and expert witness fees in cases where plaintiffs prevail. This legislation might also impose additional workload burdens on the Commission on Human Rights (“CHR”), the Law Department and the Police Department. The CHR might experience a modest increase in its caseload, but the Commission should have sufficient resources to handle an increase. Likewise, the Law Department might be required to defend additional cases against the Police Department, but its staff currently assigned to handle police matters should be able to handle the additional workload. Additionally, court decisions mandating injunctive and declaratory

relief could impose costs upon the police department to implement. Such measures might include training requirements, staffing shifts, or procedural changes. It is unlikely, however that any such orders would be imposed in the near term, and there is no certainty that any will ever be imposed. If any are, given the substantial resources of the Department it is likely that the Department could implement any court-ordered adjustments using its existing resources. Therefore this fiscal impact estimate does not include any costs associated with injunctive or declaratory relief ordered under the provision of this legislation.

This estimate of the fiscal impact of Intro. 1080 focuses on the potential attorneys’ fees and other costs that might be awarded in cases where plaintiffs prevail. In order to estimate the number of people who might seek to file a claim of bias-based profiling against a law enforcement officer or the Police Department, the number of people who file complaints with the Civilian Complaint Review Board (“CCRB”) was examined. In 2012, CCRB received complaints from about 900 people who had been stopped, questioned, and searched by police. This pool of individuals, a very small subset of the approximately 532,000 people who were subjected to stops and frisks by the NYPD in 2012, is a reasonable proxy for the probable number of plaintiffs who might bring suit under this newly enacted legislation. Not all people who file such CCRB complaints would also bring suit under the proposed legislation, but based on the additional categories of individuals who will now have a basis to bring a cause of action, some additional number of people might. Without any true gauge to project that number, this fiscal impact statement relies on the 900 CCRB complainants as the best estimate for the number of people who may seek to sue under this legislation.

If 900 people were to initiate bias-based claims against the Police Department, a very low percentage would be likely to prevail. We estimate that from five to ten percent, or 45 to 90 of the 900 complaints would be successful each year. Based on awards of attorneys’ fees made in civil rights cases in the Southern and Eastern Districts of New York during the past decade, a typical award is approximately \$25,000 per case. Using \$25,000 as an average award in each prevailing case we estimate that individual claims of bias based profiling by the Police Department could generate between \$1.125 million and \$2.25 million each year.

Additionally, we estimate that this proposed legislation could generate a large scale disparate impact claim every three to four years. If such case were to succeed and award of attorneys’ fees would total approximately \$400,000. Given the time it typically takes to resolve similar cases, this estimate projects a \$400,000 impact in Fiscal 2016.

Given the range of the potential fiscal impact and uncertainty in understanding what might motivate individuals to file claims, a reasonable fiscal impact for Intro. 1080 is about midway between the lower bound of \$1.125 million and the upper bound of \$2.25 million – this gives us a fiscal impact of \$1.675 million. Due to the time it takes to initiate and settle a claim, the full fiscal impact would not be felt until at least a year subsequent to enactment. This would take us into the beginning of the second quarter of Fiscal 2015 and gives a value for three quarters of that fiscal, with the first full year impacting in Fiscal 2016. This includes the larger class action suit in the final year, which brings the total fiscal impact for Fiscal 2016 to \$2.075 million.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A.

SOURCE OF INFORMATION: City Council Office of the General Counsel; Office of the NYC Comptroller; NYC Department of Investigation; Independent Budget Office; City Council Finance Division.

ESTIMATE PREPARED BY: Regina Poreda Ryan, Deputy Director.

LEGISLATIVE HISTORY: On June 12, 2013, Intro. 1080 was introduced to the Council and assigned to the Committee on Public Safety. A motion to discharge Intro. 1080 from the Committee was approved by the Council on June 22, 2013, and the Council approved Intro. 1080 on June 26, 2013. On July 23, 2013 the Mayor issued a message of disapproval, vetoing the legislation. The Committee of the Whole will consider Intro. 1080 on August 22, 2013 notwithstanding the objections of the Mayor.

Notwithstanding the objection of the Mayor, this Committee recommends the re-adoption of Int No. 1080.

(The following is the text of Int. No. 1080:)

Int. No. 1080

By Council Members Williams, Mark-Viverito, Mendez, Lander, Cabrera, Jackson, Arroyo, Barron, Brewer, Chin, Comrie, Dickens, Dromm, Ferreras, Foster, Garodnick, James, King, Koppell, Lappin, Levin, Palma, Reyna, Richards, Rodriguez, Rose, Van Bramer, Vann, Weprin, Wills, Mealy, Eugene, Gonzalez and the Public Advocate (Mr. de Blasio).

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting bias-based profiling.

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Intent and Findings. The City Council finds that bias-based policing endangers New York City's long tradition of serving as a welcoming place for people of all backgrounds. The Council further finds that the people of the City of New York are in great debt to the hard work and dedication of police officers in their daily duties. The name and reputation of these officers should not be tarnished by the actions of those who would commit discriminatory practices. By passing this legislation, it is the intent of the City Council to create a safer city for all New Yorkers.

The City Council expresses deep concern about the impact of NYPD practices on various communities in New York City. In particular, the Council expresses concern about the NYPD's growing reliance on stop-and-frisk tactics and the impact of this practice on communities of color. In 2002, the NYPD made approximately 97,000 stops. By 2010, the number of stops had increased to more than 601,000. Black and Latino New Yorkers face the brunt of this practice and consistently represent more than 80 percent of people stopped despite representing just over 50 percent of the city's population. Moreover, stop-and-frisk practices have not increased public safety, as year-after-year nearly 90 percent of individuals stopped are neither arrested nor issued a summons.

Bias-based profiling by the police alienates communities from law enforcement, violates New Yorkers' rights and freedoms, and is a danger to public safety. It is the Council's intent that the provisions herein be construed broadly, consistent with the Local Civil Rights Restoration Act of 2005, to ensure protection of the civil rights of all persons covered by the law.

§ 2. Section 14-151 of the administrative code of the City of New York is amended to read as follows:

§ 14-151 [Racial or Ethnic]Bias-based Profiling Prohibited. a. Definitions. As used in this section, the following terms have the following meanings:

1. "[Racial or ethnic]Bias-based profiling" means an act of a member of the force of the police department or other law enforcement officer that relies on *actual or perceived* race, [ethnicity, religion or] national origin, *color, creed, age, alienage or citizenship status, gender, sexual orientation, disability, or housing status* as the determinative factor in initiating law enforcement action against an individual, rather than an individual's behavior or other information or circumstances that links a person or persons [of a particular race, ethnicity, religion national origin] to suspected unlawful activity.

2. "Law enforcement officer" means (i) a peace officer or police officer as defined in the Criminal Procedure Law who is employed by the city of New York; or (ii) a special patrolman appointed by the police commissioner pursuant to section 14-106 of the administrative code.

3. The terms "national origin," "gender," "disability," "sexual orientation," and "alienage or citizenship status" shall have the same meaning as in section 8-102 of the administrative code.

4. "Housing status" means the character of an individual's residence or lack thereof, whether publicly or privately owned, whether on a temporary or permanent basis, and shall include but not be limited to:

- (i) an individual's ownership status with regard to the individual's residence;
- (ii) the status of having or not having a fixed residence;
- (iii) an individual's use of publicly assisted housing;
- (iv) an individual's use of the shelter system; and
- (v) an individual's actual or perceived homelessness.

b. Prohibition.

1. Every member of the police department or other law enforcement officer shall be prohibited from [racial or ethnic]engaging in bias-based profiling.

2. The department shall be prohibited from engaging in bias-based profiling.

c. Private Right of Action

1. A claim of bias-based profiling is established under this section when an individual brings an action demonstrating that:

(i) the governmental body has engaged in intentional bias-based profiling of one or more individuals and the governmental body fails to prove that such bias-based profiling (A) is necessary to achieve a compelling governmental interest and (B) was narrowly tailored to achieve that compelling governmental interest; or

(ii) one or more law enforcement officers have intentionally engaged in bias-based profiling of one or more individuals; and the law enforcement officer(s) against whom such action is brought fail(s) to prove that the law enforcement action at issue was justified by a factor(s) unrelated to unlawful discrimination.

2. A claim of bias-based profiling is also established under this section when:

(i) a policy or practice within the police department or a group of policies or practices within the police department regarding the initiation of law enforcement action has had a disparate impact on the subjects of law enforcement action on the basis of characteristics delineated in paragraph 1 of subdivision a of this section, such that the policy or practice on the subjects of law enforcement action has the effect of bias-based profiling; and

(ii) The police department fails to plead and prove as an affirmative defense that each such policy or practice bears a significant relationship to advancing a significant law enforcement objective or does not contribute to the disparate impact; provided, however, that if such person who may bring an action demonstrates that a

group of policies or practices results in a disparate impact, such person shall not be required to demonstrate which specific policies or practices within the group results in such disparate impact; provided further, that a policy or practice or group of policies or practices demonstrated to result in a disparate impact shall be unlawful where such person who may bring an action produces substantial evidence that an alternative policy or practice with less disparate impact is available and the police department fails to prove that such alternative policy or practice would not serve the law enforcement objective as well.

(iii) For purposes of claims brought pursuant to this paragraph, the mere existence of a statistical imbalance between the demographic composition of the subjects of the challenged law enforcement action and the general population is not alone sufficient to establish a prima facie case of disparate impact violation unless the general population is shown to be the relevant pool for comparison, the imbalance is shown to be statistically significant and there is an identifiable policy or practice or group of policies or practices that allegedly causes the imbalance.

d. Enforcement

1. An individual subject to bias-based profiling as defined in paragraph 1 of subdivision a of this section may file a complaint with the New York City Commission on Human Rights, pursuant to Title 8 of the Administrative Code of the City of New York, or may bring a civil action against (i) any governmental body that employs any law enforcement officer who has engaged, is engaging, or continues to engage in bias-based profiling, (ii) any law enforcement officer who has engaged, is engaging, or continues to engage in bias-based profiling, and (iii) the police department where it has engaged, is engaging, or continues to engage in bias-based profiling or policies or practices that have the effect of bias-based profiling.

2. The remedy in any civil action or administrative proceeding undertaken pursuant to this section shall be limited to injunctive and declaratory relief.

3. In any action or proceeding to enforce this section, the court may allow a prevailing plaintiff reasonable attorney's fees as part of the costs, and may include expert fees as part of the attorney's fees.

e. Preservation of rights. This section shall be in addition to all rights, procedures, and remedies available under the United States Constitution, Section 1983 of Title 42 of the United States Code, the Constitution of the State of New York and all other federal law, state law, law of the City of New York or the New York City Administrative Code, and all pre-existing civil remedies, including monetary damages, created by statute, ordinance, regulation or common law.

§ 3. Section 8-502 of the administrative code of the city of New York is amended by relettering current subdivisions e and f as new subdivisions f and g, and amending relettered subdivision f to read as follows:

[e]f. The provisions of this section which provide a cause of action to persons claiming to be aggrieved by an act of discriminatory harassment or violence as set forth in chapter six of this title shall not apply to acts committed by members of the police department in the course of performing their official duties as police officers whether the police officer is on or off duty. *This subdivision shall in no way affect rights or causes of action created by Section 14-151 of the Administrative Code of the City of New York.*

[f]g. In any civil action commenced pursuant to this section, the court, in its discretion, may award the prevailing party costs and reasonable attorney's fees. For the purposes of this subdivision, the term "prevailing" includes a plaintiff whose commencement of litigation has acted as a catalyst to effect policy change on the part of the defendant, regardless of whether that change has been implemented voluntarily, as a result of a settlement or as a result of a judgment in such plaintiff's favor.

§ 4. Severability. If any provision of this bill or any other provision of this local law, or any amendments thereto, shall be held invalid or ineffective in whole or in part or inapplicable to any person or situation, such holding shall not affect, impair or invalidate any portion of or the remainder of this local law, and all other provisions thereof shall nevertheless be separately and fully effective and the application of any such provision to other persons or situations shall not be affected.

§ 5. This local law shall take effect ninety days after it is enacted.

MARIA DEL CARMEN ARROYO, CHARLES BARRON, GALE A. BREWER, FERNANDO CABRERA, MARGARET S. CHIN, LEROY G. COMRIE, JR., INEZ E. DICKENS, ERIK MARTIN DILAN, DANIEL DROMM, MATHIEU EUGENE, JULISSA FERRERAS, HELEN D. FOSTER, DANIEL R. GARODNICK, SARA M. GONZALEZ, ROBERT JACKSON, LETITIA JAMES, ANDY KING, G. OLIVER KOPPELL, BRAD S. LANDER, JESSICA S. LAPPIN, STEPHEN T. LEVIN, MELISSA MARK-VIVERITO, DARLENE MEALY, ROSIE MENDEZ, ANNABEL PALMA, DIANA REYNA, DONOVAN RICHARDS, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, ALBERT VANN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS; Committee of the Whole, August 22, 2013.

Coupled on the General Order Calendar for an Override Vote.

Report for M-1184

Report of the Committee of the Whole in favor of filing the Communication from the Mayor – Mayor's veto and disapproval message of Introductory Number 1080 - in relation to prohibiting bias-based profiling.

The Committee of the Whole, to which the annexed communication was referred on July 24, 2013 (Minutes, page 2802), respectfully

REPORTS:

(For related text, please see the Report of the Committee on Whole for Int No. 1080 printed in this General Order Calendar section)

Accordingly, this Committee recommends the filing of M-1184.

MARIA DEL CARMEN ARROYO, CHARLES BARRON, GALE A. BREWER, FERNANDO CABRERA, MARGARET S. CHIN, LEROY G. COMRIE, Jr., INEZ E. DICKENS, ERIK MARTIN DILAN, DANIEL DROMM, MATHIEU EUGENE, JULISSA FERRERAS, HELEN D. FOSTER, DANIEL R. GARODNICK, SARA M. GONZALEZ, ROBERT JACKSON, LETITIA JAMES, ANDY KING, G. OLIVER KOPPELL, BRAD S. LANDER, JESSICA S. LAPPIN, STEPHEN T. LEVIN, MELISSA MARK-VIVERITO, DARLENE MEALY, ROSIE MENDEZ, ANNABEL PALMA, DIANA REYNA, DONOVAN RICHARDS, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, ALBERT VANN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS; Committee Of The Whole, August 22, 2013.

Coupled to be Filed.

GENERAL ORDER CALENDAR

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

<u>Name</u>	<u>Address</u>	<u>District #</u>
Daniel Giansante	59 West 12 th Street #2G New York, N.Y. 10011	3
Joshua Brickell	535 East 14 th Street 410F New York, N.Y. 10009	4
Lauren Kerstein	225 East 72 nd Street 4305 New York, N.Y. 10021	4
Benjamin Wurtzel	1613 2 nd Avenue #2N New York, N.Y. 10028	5
Marisol Abreu	1430 Amsterdam Avenue 42L New York, N.Y. 10027	7
Mura Octelene	475 West 159 th Street #32 New York, N.Y. 10032	7
Arianna L. Walvin	2223 Wallace Avenue 41 Bronx, N.Y. 10467	13
Janis Tapia	2630 Kingsbridge Terrace #4K Bronx, N.Y. 10463	14
Rosa Hurtado	212 East 182 nd Street #6A Bronx, N.Y. 10457	15
Robin Y. Lane	383 East 141 st Street #6D Bronx, N.Y. 10454	17
Kelly Molloy	27-04 Parsons Blvd #2F Flushing, N.Y. 11354	20
Nicholas Bongiovanni	67-30 212 th Street Bayside, N.Y. 11364	23
Alex Chiveta	73-12 35 th Street #E65 Queens, N.Y. 11372	25
Leila M. Mottley	97-15 Horace Harding Parkway #40 Corona, N.Y. 11368	25
Matthew Ryan Rivera	34-36 83 rd Street Queens, N.Y. 11372	25
Marie Amundsen	48-07 42 nd Street #4E Sunnyside, N.Y. 11104	26
Tina Brewer	106-22 215 th Street Queens Village, N.Y. 11429	27
Rudradev A. Marraj	95-12 130 th Street	28

Dayane Washington	Queens, N.Y. 11419 172-42 133 rd Avenue #13H Jamaica, N.Y. 11434	28
Cynthia Shedly	222 North 6 th Street #1R Brooklyn, N.Y. 11211	33
Blanca I. Bonilla	384 Central Avenue #5 Brooklyn, N.Y. 11221	34
Alex O. Martinez	1251 Lincoln Place #1L Brooklyn, N.Y. 11213	35
Galen Cohee Baynes	478A Lafayette Avenue Brooklyn, N.Y. 11205	36
Maritza Ocasio	433 Lafayette Avenue #19A Brooklyn, N.Y. 11238	36
Cassandra Fendley	203 22 nd Street #1R Brooklyn, N.Y. 11232	38
Camille DeBiase	9801 Shore Road #6K Brooklyn, N.Y. 11209	43
Olga I. Castro	3845 Shore Parkway #3M Brooklyn, N.Y. 11235	46
Mark Matuza	768 West Fingerboard Road Staten Island, N.Y. 10305	50
Mary Testa	157 Darlington Avenue Staten Island, N.Y. 10312	51

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Brian Glasser	60 East 9 th Street #615 New York, N.Y. 10003	1
Rowena Ingram	502 West 143 rd Street #5D New York, N.Y. 10031	7
Albania M. Martinez	620 West 141 st Street #1C New York, N.Y. 10031	7
Kennetha Robinson	385 Edgecombe Avenue #56 New York, N.Y. 10031	7
Denise Perez	2075 3 rd Avenue #13C New York, N.Y. 10029	8
Shirley L. Guerrant	158 West 144 th Street New York, N.Y. 10030	9
Ann Roberts	380 Riverside Drive New York, N.Y. 10025	9
Yosmari A. Lotz	3671 Hudson Manor Terrace #16J Bronx, N.Y. 10463	11
Katerina Gervits	100 Dreiser Loop #21F Bronx, N.Y. 10475	12
Arnold E. Martin	100 Asch Loop #24G Bronx, N.Y. 10475	12
Olga Rodriguez	2097 Muliner Avenue #3 Bronx, N.Y. 10462	13
Stephany R. Jones	1849 Sedgwick Avenue #6F Bronx, N.Y. 10453	16
Isabel Ramos	1143 Woodycrest Avenue #BA Bronx, N.Y. 10452	16
Robertta Jackson	500 Southern Blvd #1F Bronx, N.Y. 10455	17
Madeleine L. Walton	550 Cauldwell Avenue Bronx, N.Y. 10455	17
Ismael Lopez	2218 Bruckner Blvd Bronx, N.Y. 10473	18
Christine Fenton	223-15 65 th Avenue Queens, N.Y. 11364	23
Norson Pierre-Louis	86-09 208 th Street #2F Queens, N.Y. 11427	23
Francine Anderson	148-28 88 th Avenue #7J Queens, N.Y. 11435	24
Frank R. Grillo	73-12 187 th Street Flushing, N.Y. 11366	24
Yenny C. Valero	34-55 12 th Street #4E Astoria, N.Y. 11106	26
Esthel Francis	163-17 130 th Avenue #12D Jamaica, N.Y. 11434	28

Janet L. Glenn	114-58 122 nd Street South Ozone Park, N.Y. 11420	28
Ismael Rodriguez Jr.	60-33 67 th Avenue #2R Ridgewood, N.Y. 11385	30
Stella M. Barresi	156-48 76 th Street Howard Beach, N.Y. 11414	32
Sylvester Dragon Sr.	95-24 75 th Street Ozone Park, N.Y. 11416	32
Dronrnati Singh	104-41 103 rd Street Queens, N.Y. 11417	32
Audrey M. Baker	300 Clermont Avenue Brooklyn, N.Y. 11205	35
Veronica Williams	773 Eastern Parkway #3D Brooklyn, N.Y. 11213	35
William Mathews	326 A Greene Avenue Brooklyn, N.Y. 11238	36
Reesha C. Stephens	884 Greene Avenue Brooklyn, N.Y. 11221	36
Charles Garcia	65 Hendrix Street Brooklyn, N.Y. 11207	37
Briseida J. Rodriguez	111 Truxton Street Brooklyn, N.Y. 11233	37
Jamal M. Asad	191 32 nd Street Brooklyn, N.Y. 11232	38
Danielle Carelli	438 Union Street #1F Brooklyn, N.Y. 11231	39
Alexander Dorosh	609 Greenwood Avenue Brooklyn, N.Y. 11218	39
Leah Balaban	10196 Beverly Road Brooklyn, N.Y. 11218	40
Victor Marshall Jr.	80 Maple Street Brooklyn, N.Y. 11225	40
Danny King	287 Marion Street Brooklyn, N.Y. 11233	41
Jacquelyn Orta	117 Herzl Street Brooklyn, N.Y. 11212	41
Eva Mercer-Andrews	595 Pennsylvania Avenue Brooklyn, N.Y. 11207	42
Martha Hamboussi	9021 3 rd Avenue Brooklyn, N.Y. 11209	43
Jesse Spieler-Jones	9205 Ridge Blvd #6K Brooklyn, N.Y. 11209	43
Aurelia S. Grey	8907 Avenue A Brooklyn, N.Y. 11236	45
Catherine Smalls	1372 New York Avenue #4C Brooklyn, N.Y. 11203'	45
Madonna Williams	641 East 53 rd Street Brooklyn, N.Y. 11203	45
Darnelle Antenor	1048 East 57 th Street Brooklyn, N.Y. 11234	46
Patricia Milien	6319 Avenue T Brooklyn, N.Y. 11234	46
Fred Schneider	8793 26 th Avenue Bsmt Brooklyn, N.Y. 11214	47
Irma R. Kramer	1083 East 21 st Street Brooklyn, N.Y. 11210	48
Sharon K. Mortenson	48 Westervelt Avenue Staten Island, N.Y. 10301	49
Aamer Parvez	15 Guinevere Lane Staten Island, N.Y. 10310	49
Carolyn Rodriguez	71 Forest Street Staten Island, N.Y. 10314	49
Joanne Close	54 Bowling Green Place Staten Island, N.Y. 10314	50
Suse A.M. Eppel	63 Fr. Capodanno Blvd Staten Island, N.Y. 10305	50
Julie Moll	186 Arthur Avenue Staten Island, N.Y. 10305	50
Abdalla I. Soliman	37 Hunton Street Staten Island, N.Y. 10304	50
Maria Bacigalupo	112 Ridgewood Avenue Staten Island, N.Y. 10312	51
Ingrid A. Sima	1079 Arden Avenue	51

Rosemarie Zegarski	Staten Island, N.Y. 10312 5 Windham Loop #2J Staten Island, N.Y. 10314	51
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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 1179 & Res 1918 - Philip Aarons** - New York City Art Commission.
- (2) **M 1180 & Res 1919 - Dr. Lynne D. Richardson** - New York City Board of Health.
- (3) **M 1181 & Res 1920 - Roberta Washington** - New York City Landmarks Preservation Commission.
- (4) **M 1183 - Communication from the Mayor - Mayors veto and disapproval message of Introductory Number 1079 (Coupled to be Filed).**
- (5) **M 1184 - Communication from the Mayor - Mayors veto and disapproval message of Introductory Number 1080 (Coupled to be Filed).**
- (6) **M 1247 & Res 1921 - Briana M. Thompson** - Council Candidate - Youth Board
- (7) **Int 218-A - In relation to the use of auxiliary power units in ambulances.**
- (8) **Int 1061-A - In relation to reducing the emissions of pollutants from vehicles used by or on behalf of the city of New York.**
- (9) **Int 1062-A - In relation to renewal of waivers issued for certain diesel-powered vehicles unable to adopt best available retrofit technology.**
- (10) **Int 1074-A - In relation to requiring the calculation of and reporting on the use-based fuel economy of light-duty and medium-duty vehicles in the city fleet.**
- (11) **Int 1079 - In relation to the investigating, reviewing, studying, and auditing of and making of recommendations relating to the operations, policies, programs and practices of the new york city police department by the commissioner of the department of investigation (Coupled for Override vote requiring an affirmative vote of at least two-thirds of the Council for passage).**
- (12) **Int 1080 - In relation to prohibiting bias-based profiling (Coupled for Override vote requiring an affirmative vote of at least two-thirds of the Council for passage).**
- (13) **Int 1082-A - In relation to minimum average fuel economy of light-duty vehicles purchased by the city.**
- (14) **Res 1894 - Findings of the Council concerning the environmental review conducted for Proposed Int. No. 1061-A.**
- (15) **Res 1903 - Designation of funding in the Expense Budget (Transparency Resolution).**
- (16) **L.U. 816 & Res 1908 - App. 20135531 HAQ, 142-05 Rockaway Boulevard, Borough of Queens, Community Board 12, Council District 28.**
- (17) **L.U. 821 & Res 1909 - App. 20135563 GFY, Authorizing franchises for telecommunication services.**
- (18) **L.U. 866 & Res 1910 - App. 20135631 HKK (N 130270 HKK), Bedford Stuyvesant / Expanded Stuyvesant Heights Historic District (Designation List 463, LP-2496), Borough of Brooklyn, Community Board 3, Council District 36, as a historic district.**
- (19) **L.U. 867 & Res 1911 - App. 20135776 HAM, 211 West 147th Street, Borough of Manhattan, Community Board 10, Council District 7.**
- (20) **L.U. 868 & Res 1912 - App. 20135773 HAK, 640 Broadway,**

- Borough of Brooklyn, Community Board 1, Council District 33.
- (21) **L.U. 873 & Res 1913 -** App. **20145031 PNM**, maritime lease agreement between the City of New York, acting through the Department of Small Business Services, as landlord, and Hornblower New York, LLC, as tenant, for certain City-owned berth areas and other improvements located on Pier 15 (Block 73, part of Lot 2), Borough of Manhattan, Community Board 1, Council District 1.
- (22) **L.U. 875 & Res 1907 -** Seagirt Apartments
- (23) **L.U. 894 & Res 1914 -** App. **130170 ZMQ**, amendment of the Zoning Map, Section Nos. 10d and 11b, by changing from an R3-2 District to an R4 District property bounded by the southeasterly service road of the Horace Harding Expressway, Francis Lewis Boulevard, the northeasterly centerline prolongation of 67th Avenue and Peck Avenue, Borough of Queens, Community District 8, Council District 23.
- (24) **L.U. 895 & Res 1915 -** App. **20135751 HKM (N 130348 HKM)**, 228 East Broadway aka 228-230 East Broadway (Tax Map Block 315, Lot 45), as an historic landmark, Borough of Manhattan, Community District 3, Council District 1.
- (25) **L.U. 896 & Res 1916 -** App. **20145045 HHM**, Enabling Act requesting the approval of the surrender to the City of New York of an approximately 9.9 acre parcel of land and buildings, on Block 1373, Lot 20, located on the campus of Goldwater Specialty Hospital and Nursing Facility, One Main Street, Roosevelt Island, Borough of Manhattan, Community District 8, Council District 5.
- (26) **L.U. 897 & Res 1917 -** App. **20145044 HAK**, 137 Jamaica Avenue (Block 3487, part of Lot 20), Borough of Brooklyn, Community District 5, Council District 37.
- (27) **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 (and in regard to the General Order items Int Nos. 1079 and 1080, the question put was whether these bills should pass, the objection of the Mayor notwithstanding); the items coupled on General Orders 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, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, 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 **M-1179 & Res No. 1918**:

Affirmative – Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dromm, Eugene, Ferreras, Foster, Garodnick, Gennaro, Gonzalez, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mendez, Recchia, Reyna, Richards, Rodriguez, Ulrich, Vacca, Van Bramer, Vann, Weprin, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn). – **37**.

Negative – Arroyo, Cabrera, Dilan, Fidler, Gentile Greenfield, King, Mealy, Nelson, Palma, Rose, and Williams – **12**.

The following was the vote recorded for **M-1180 & Res No. 1919**:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Foster, Garodnick, Gennaro, Gentile,

Gonzalez, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn). – **47**.

Negative – Fidler and Greenfield - **2**.

The following was the **override vote** recorded for **Int No. 1079**:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Dickens, Dilan, Dromm, Eugene, Ferreras, Foster, Garodnick, Gonzalez, Greenfield, Jackson, James, King, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Palma, Reyna, Richards, Rodriguez, Rose, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn) – **39**.

Negative – Crowley, Fidler, Gennaro, Gentile, Ignizio, Koo, Nelson, Oddo, Recchia and Ulrich.– **10**.

The following was the **override vote** recorded for **Int No. 1080**:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Dickens, Dilan, Dromm, Eugene, Ferreras, Foster, Garodnick, Gonzalez, Jackson, James, King, Koppell, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Palma, Reyna, Richards, Rodriguez, Rose, Van Bramer, Vann, Weprin, Williams and Wills– **34**.

Negative – Crowley, Fidler, Gennaro, Gentile, Greenfield, Ignizio, Koo, Koslowitz, Nelson, Recchia, Ulrich, Vacca, Oddo, Rivera and the Speaker (Council Member Quinn) – **15**.

The following was the vote recorded for **LU No. 894 & Res No. 1914**:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **47**.

Negative – Dromm and Mendez – **2**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 218-A, 1061-A, 1062-A, 1074-A, and 1082-A.

With the overrides of the Mayor's two vetoes, Int No. 1079 and Int No. 1080 were both enacted into law by the Council pursuant to the provisions of the City Charter.

INTRODUCTION AND READING OF BILLS

Int. No. 1129

By Council Members Arroyo, Barron, Chin, Comrie, Gentile, Gonzalez, Greenfield, Jackson, James, Koo, Mendez, Palma, Rose, Vallone, Jr., Vann and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to creating a food service establishment inspection ombuds office within the New York city department of health and mental hygiene.

Be it enacted by the Council as follows:

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1505 to read as follows:

§ 17-1505. *a. Food service establishment inspections ombuds office; office established. There is hereby established within the food safety program of the department a food service establishment inspections ombuds office.*

b. Food service establishment inspections ombuds office; duties and responsibilities. The duties and responsibilities of the food service establishment inspections ombuds office shall include, but not be limited to:

1. establishing a system to receive questions, comments, complaints, and compliments with respect to any food service establishment inspection, including but not limited to, the establishment, operation, and dissemination of a central telephone hotline and website to receive such questions, comments, complaints, and

compliments;

2. investigating complaints received pursuant to paragraph 1 of this subdivision and taking any appropriate action regarding such complaints, including but not limited to, withdrawing violations that concern the physical layout and/or major fixtures within a food service establishment when no prior inspection resulted in the issuance of such a violation and neither the physical layout nor the major fixtures have been altered in the intervening time period and identifying egregious inspection errors that ought to be rectified by the department in lieu of submission to the administrative tribunal;

3. issuing guidance letters on matters pertaining to food service establishment inspections, including but not limited to appropriate inspection methods and food handling techniques, either upon request or the department's own initiative. Any such guidance letter issued by the ombuds office shall be posted on the department's website upon issuance and, to the greatest extent practicable, distributed to all food service establishment operators;

4. monitoring inspection results for trends and inconsistencies, including but not limited to, via the compilation and analysis on a quarterly basis of the type and number of violations issued by each inspector; and

5. making recommendations to the commissioner regarding improvements to the food service establishment inspection process.

c. Food service establishment inspections ombuds office; departmental resources.

1. The commissioner shall appoint staff as may be necessary within the appropriations therefor to fulfill the mandate of the ombuds office.

2. The department, subject to appropriation, shall ensure that the ombuds office has sufficient funds to fulfill its mandate.

d. Food service establishment inspections ombuds office; annual report. No later than July 1, 2014, and every July 1 thereafter, the ombuds office shall submit to the mayor, commissioner, and speaker of the council an annual report regarding its activities during the previous twelve months. Such report shall include, but not be limited to: (a) the number and nature of each question, comment, complaint, and compliment received by the ombuds office, disaggregated by type of outreach; (b) the resolution of each such complaint; (c) the number of guidance letter requests received and the nature of each such request; (d) the number of guidance letters issued and a copy of each such guidance letter; (e) an analysis of inspection results in accordance with paragraph 4 of subdivision b of this section; and (f) recommendations for improvements to the food service establishment inspection process in accordance with paragraph 5 of subdivision b of this section.

§2. This local law shall take effect ninety days following its enactment.

Referred to the Committee on Health.

Res. No. 1890

Resolution designating the week of September 16th to September 20, 2013 as "Health Information Technology Week" in New York City.

By Council Members Arroyo, Comrie, Eugene, Gonzalez, Jackson, James, Koo, Koslowitz, Mendez, Palma, Rose and Wills.

Whereas, National Health Information Technology Week is organized by the Healthcare Information and Management Systems Society (HIMSS) and is supported by corporate and non-profit partners from around the country; and

Whereas, Last year, over 250 healthcare related organizations participated in National Health Information Technology Week 2012; and

Whereas, Comprehensive health care reform is not possible without the system-wide adoption of health information technology, which improves the quality of healthcare delivery, increases patient safety, decreases medical errors, and strengthens the interaction between patients and healthcare providers; and

Whereas, The Medicare and Medicaid Electronic Health Records (EHR) Incentive Programs provide financial incentives for the "meaningful use" of certified EHR technology to improve patient care; and

Whereas, New York's eligible providers and hospitals have received a significant amount of resources from the EHR Incentive Program; and

Whereas, It is necessary to recognize the many accomplishments that have already been attained with the implementation of health information technology, and to increase public awareness about the benefits of this technology to improve the quality and cost efficiency of the healthcare system; and

Whereas, The New York State Legislature passed a joint resolution on June 12, 2013, declaring September 16-20, 2013 as Health Information Technology Week in the State of New York; now, therefore, be it

Resolved, That the Council of the City of New York designates the week of September 16th to September 20, 2013 as "Health Information Technology Week" in New York City.

Referred to the Committee on Health.

Int. No. 1130

By Council Members Barron, Arroyo, Brewer, Comrie, Crowley, Dilan, Eugene, Ferreras, Foster, Gentile, Gonzalez, Jackson, James, King, Koo, Levin, Mark-Viverito, Mealy, Nelson, Recchia, Reyna, Richards, Rivera, Rodriguez, Rose, Van Bramer, Vann, Williams, Wills, Ignizio, Oddo and Ulrich.

A Local Law to amend the New York city charter, in relation to requiring council member and community board approval for shelter siting.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-316 to read as follows:

a. For the purposes of this section the following terms shall have the following meanings:

1. "Community board" shall mean the group of persons that represent the interests of a community district as defined by section 2800 of the charter of the city of New York.

2. "Shelter" shall mean temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.

b. Prior to siting any city facility for the purpose of providing shelter, the mayor or his or her designee shall obtain written consent from the council member and community board in whose district such facility would be sited. In the absence of such consent from both such council member and such community board, the mayor or his or her designee may request the full city council to approve the siting of the facility. Such approval may be granted by a majority vote of the council.

§2. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1131

By Council Members Brewer, Barron, Eugene, Fidler, Gonzalez, Jackson, James, Koppell, Mendez, Palma, Richards, Rose and Wills.

A Local Law to amend the New York city charter, in relation to requiring the department of social services to provide semiannual reports to the council regarding referrals to adult protective services.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 21 of the administrative code of the city of New York is amended by adding a new section 21-136 to read as follows:

§ 21-136. Semiannual reports regarding referrals to adult protective services. a. For the purposes of this section "adult protective services" shall mean the New York city department of social services/human resources administration case management program that arranges for services and support for physically and/or mentally impaired adults who are at risk of harm.

b. The commissioner shall provide written semiannual reports to the council regarding referrals to adult protective services. Each such report shall include, but not be limited to, the total number of referrals received by adult protective services during each six month period and the number of referred individuals who were determined ineligible during such six month period, disaggregated by the reason such individuals were determined ineligible, a general description of the source of the referrals, and the council district, community board and zip code of the referred individuals. For purposes of this subdivision, the first such report shall cover the period from July 1, 2013 to December 31, 2013 and each subsequent report shall cover the following six month period. Each six month period shall be deemed to end on June 30 and December 31 of each calendar year. Each report shall be submitted within sixty days of the end of such period. Nothing herein shall require the department to share information that identifies the subject of or the individuals who made such referrals.

§ 2. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Res. No. 1891

Resolution calling upon the United States Congress to pass, and the President to sign into law S.987, also known as "the Free Flow of Information Act of 2013", which would strengthen press freedom by protecting journalists from improper intrusion and persecution by the federal government.

By Council Members Brewer, Barron, Chin, Jackson, James, Koo, Koppell, Mendez and Palma.

Whereas, In May, 2013 the Associated Press reported that the United States Justice Department ("Justice Department") had seized records for 20 of its phone

lines operated as part of a national security leak investigation, including the mobile phone records of specific journalists and the Associated Press' main phone line in the United States House of Representatives; and

Whereas, The Justice Department obtained these phone records in secret without notifying the Associated Press that it had issued a subpoena or that an investigation was under way until 90 days afterwards; and

Whereas, The Washington Post has reported Fox News reporter James Rosen had his email and phone records subpoenaed in a separate leak investigation, including records for over 30 phone lines; and

Whereas, The New York Times disclosed that in 2011, the Justice Department subpoenaed New York Times reporter James Risen to testify in a criminal case against Jeffrey Sterling for being a source for Mr. Risen; and

Whereas, These examples illustrate an excessive and abusive use of subpoenas against journalists that imposes an immense chilling effect on the press' ability to work with sources and conduct investigative journalism; and

Whereas, According to the Huffington Post, United States President Barack Obama requested that Senator Charles Schumer introduce S.987, also known as "the Free Flow of Information Act", which would create additional protections for journalists so that similar excesses are not repeated; and

Whereas, The legislation would prohibit federal authorities from demanding source information unless a court determines that the public interest is better served by revealing such information, such as cases where disclosure would prevent a terrorist attack or other harms to national security; and

Whereas, These protections extend to information held by third parties such as requests for phone records from phone companies, and when such information is requested, the legislation requires that notice be provided to the journalists being investigated; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign into law S.987, also known as "the Free Flow of Information Act of 2013", which would strengthen press freedom by protecting journalists from improper intrusion and persecution by the federal government.

Referred to the Committee on Governmental Operations.

Res. No. 1892

Resolution calling upon the United States Congress to pass and the President to sign H.R.1668, the Safely Sheltering Disaster Victims Act of 2013.

By Council Members Chin, Mendez, Arroyo, Barron, Brewer, Comrie, Eugene, Gonzalez, Jackson, James, Koslowitz, Palma and Rose.

Whereas, Following Superstorm Sandy ("Sandy") in October 2012, Mayor Michael Bloomberg announced that the City would likely have to find housing for 30,000 to 40,000 people who were displaced from their pre-Sandy homes; and

Whereas, As housing units were made habitable by the restoration of essential services such as heat and hot water and the completion of necessary repairs, many people were able to return to their homes; and

Whereas, Due to a lack of viable housing options, others, especially renters, remained displaced for months; and

Whereas, According to a study by the Furman Center for Real Estate and Urban Policy at NYU entitled "Sandy's Effects on Housing in New York City" ("the Study"), just 22 percent of rental units in New York City are affordable to households whose annual income is below \$30,000; and

Whereas, The Study found that 55 percent of households that registered for Federal Emergency Management Agency assistance after Sandy were renters and 65 percent of those renters had household incomes of less than \$30,000 per year; and

Whereas, H.R.1668, the Safely Sheltering Disaster Victims Act of 2013 ("the Act") attempts to help low-income victims of Sandy obtain safe, affordable housing; and

Whereas, The U.S. Department of Housing and Urban Development ("HUD") runs the Community Development Block Grant ("CDBG") program which provides communities with resources to address a wide range of community development needs; and

Whereas, One type of assistance offered to cities, counties and States under the CDBG program is Community Development Block Grant Disaster Recovery ("CDBG-DR") funds; and

Whereas, To help communities recover from disasters, CDBG-DR funds may be used for recovery efforts involving housing, economic development, infrastructure and prevention of further damage to affected areas; and

Whereas, The U.S. Congress appropriated \$16 billion in CDBG-DR funds to assist communities in recovering from Hurricane Sandy; and

Whereas, The Act would transfer \$50 million from the \$16 billion CDBG-DR appropriation to the U.S. Department of Housing and Urban Development's ("HUD") Section 8 Housing Choice Voucher ("Section 8") program; and

Whereas, The Section 8 program is the federal government's major program for assisting very low-income families, the elderly and the disabled to afford housing in the private market; and

Whereas, Following Sandy, the New York City Department of Housing

Preservation and Development ("HPD") which administers HUD's Section 8 program in the City, prioritized extremely low-income victims of Sandy for approximately 150 to 200 Section 8 vouchers; and

Whereas, The demand for Section 8 housing assistance often exceeds the limited resources available to HUD and long waiting periods for such assistance are common; and

Whereas, The Act would provide rental assistance to a greater number of struggling families in Sandy-affected areas; and

Whereas, Further, the Act would allow eligible families to continue to receive rental assistance after the \$50 million is no longer available so long as appropriations are available; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign H.R.1668, the Safely Sheltering Disaster Victims Act of 2013.

Referred to the Committee on Housing and Buildings.

Res. No. 1893

Resolution calling upon the United States Congress to pass and the President to sign H.R.1669, the Public Housing Disaster Preparedness Act of 2013.

By Council Members Chin, Mendez, Arroyo, Barron, Brewer, Comrie, Eugene, Gonzalez, Jackson, James, Koslowitz, Palma, Richards and Rose.

Whereas, The New York City Housing Authority ("NYCHA") is a public housing authority with 334 developments, 2,596 buildings, and 178,914 public housing units, making it the largest public housing provider in North America; and

Whereas, Following Superstorm Sandy in 2012, over 400 NYCHA buildings, housing roughly 80,000 residents were affected significantly; and

Whereas, As a result of the storm, residents lost heat, hot water and electricity for prolonged periods of time and some experienced severe flooding causing property destruction and the loss of their homes; and

Whereas, The loss of essential services left residents, including seniors, mobility impaired residents and residents on life support, stranded in their homes without access to food and water and, in some cases, necessary medicines; and

Whereas, In order to reduce the impact of future disasters on vulnerable residents, NYCHA should assess its disaster preparedness; and

Whereas, According to the Federal Emergency Management Agency, strategic and operational planning for emergencies establishes priorities, identifies expected levels of performance and capability requirements, provides the standard for assessing capabilities and helps stakeholders learn their roles; and

Whereas, NYCHA develops and maintains numerous procedures that govern specific kinds of emergencies; and

Whereas, Such procedures should be updated with regularity and NYCHA should inform residents at various points in time including at move-in, annually and prior to a disaster of preparation and evacuation protocols to ensure their safety and preparedness; and

Whereas, H.R.1669, the Public Housing Disaster Preparedness Act of 2013 ("the Act"), requires that every public housing agency (PHA) develop a disaster response and relief plan; and

Whereas, The plan must be included in the annual and five-year PHA plans required by the United States Housing Act of 1937 and must be submitted to HUD for approval before its implementation; and

Whereas, Among other things, the plan should include protocols for: establishing communication and support, immediate disaster response and the safe evacuation of residents and staff; and

Whereas, Further, the act would require that after a disaster impacting a PHA, the Inspector General of HUD must evaluate the agency's implementation of its disaster response and relief plan and if necessary provide recommendations for improving such plan; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign H.R.1669, the Public Housing Disaster Preparedness Act of 2013.

Referred to the Committee on Public Housing.

Preconsidered Res. No. 1894

Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 1061-A.

By Council Members Gennaro, Arroyo, Palma, Richards and Wills.

Whereas, The enactment of Proposed Int. No. 1061-A is an "action" as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and

Regulations of the State of New York; and

Whereas, an Environmental Assessment Statement for these bills was prepared on behalf of the Office of the Mayor and the Council, which are co-lead agencies pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review, and Article 8 of the New York State Environmental Conservation Law, section 617.7 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review; and

Whereas, The Council, as a co-lead agency has considered the relevant environmental issues as documented in the Environmental Assessment Statement attendant to such enactment and in making its findings and determinations under the Rules of Procedure for City Environmental Quality Review and the State Environmental Quality Review Act, the Council has relied on that Environmental Assessment Statement; and

Whereas, After such consideration and examination, the Council has determined that a Negative Declaration should be issued; and

Whereas, The Council has examined, considered and endorsed the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

(1) the requirements of The State Environmental Quality Review Act, Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review have been met; and

(2) as documented in the annexed Environmental Assessment Statement, the proposed action is one which will not result in any significant adverse environmental impacts; and

(3) the annexed Negative Declaration constitutes the written statement of facts and conclusions that form the basis of this determination.

Adopted by the Council (preconsidered and approved by the Committee on Environmental Protection).

Int. No. 1132

By Council Members Gentile, Arroyo, Barron, Chin, Fidler, Greenfield, James, Koo, Palma, Rose and Vallone, Jr.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to develop and disseminate a food service establishment inspection code of conduct.

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 15 to read as follows:

CHAPTER 15

FOOD SERVICE ESTABLISHMENTS

§ 17-1501 *Definitions. As used in this Chapter the following terms shall have the following meanings:*

a. "Covered languages" shall mean Chinese, English, Haitian Creole, Korean, Bengali, Russian and Spanish, and any other language determined by the department.

b. "Critical violations" shall have the meaning it is given in title 24 of the rules of the city of New York.

c. "Food service establishment" shall mean any establishment inspected pursuant to the restaurant grading program established pursuant to subdivision a of section 81.51 of the health code of the city of New York.

d. "Food service establishment inspector" shall mean any individual employed by the department who as part of his or her duties conducts inspections of food service establishments.

e. "General violations" shall have the meaning it is given in title 24 of the rules of the city of New York.

f. "Imminent health hazard or public health hazard" shall have the meaning it is given in article 81 of the health code of the city of New York.

g. "Initial inspection" shall mean the first sanitary inspection within an inspection cycle.

h. "Inspection cycle" shall mean a series of related inspections of food service establishments consisting of at least an initial inspection and including, if triggered by the initial or any subsequent inspections within that cycle, a reinspection and any compliance inspections conducted by the department because of a previous inspection score in that cycle.

i. "Consultative inspection" shall mean an inspection of a food service establishment that is conducted in accordance with section 81.51 of the health code of the city of New York. Any consultative inspection shall be educational and shall not result in fines or a grade.

j. "Notice of violation" shall have the meaning it is given in article 7 of the

health code of the city of New York.

k. "Sanitary inspection" shall mean any on-site review by the department of a food service establishment's physical facilities, food handling operations, equipment, sanitary condition, maintenance, and worker hygiene practices. The term may include, but shall not be limited to include, initial, reinspection, compliance and pre-permit inspections.

§ 17-1502 *Food Service Establishment Inspection Code of Conduct. a. The commissioner shall develop a food service establishment inspection code of conduct. The inspection code of conduct shall be in the form of a written document, drafted in plain language, which is distributed to all food service establishment inspectors. The inspection code of conduct shall inform owners and/or operators of food service establishments of their rights as they relate to food service establishment inspections.*

b. *The department shall distribute the inspection code of conduct to all food service establishments. Food service establishment inspectors shall distribute the inspection code of conduct to food service establishment owners or operators prior to the beginning of an initial inspection. The department shall make the inspection code of conduct available on the department's website in the covered languages.*

c. *The code of conduct shall include, but not be limited to, the following:*

(1) *the food service establishment inspector must behave in a professional and courteous manner;*

(2) *upon arriving for the purposes of performing a sanitary inspection, the food service establishment inspector must immediately identify himself or herself to the staff of the food service establishment, and note the type of inspection, in a manner that does not unreasonably interfere with the dining experience of patrons;*

(3) *the food service establishment inspector must be as unobtrusive as possible during the inspection, while still conducting the required checks throughout the establishment;*

(4) *the food service establishment inspector must return any equipment moved, and reassemble any equipment disassembled, by the food service establishment inspector during the course of the inspection to its original location and state of assembly;*

(5) *the food service establishment inspector must have a sound knowledge of all relevant sanitary code provisions and any other applicable laws and regulations.*

(6) *the food service establishment inspector must be able to meaningfully communicate with the food service establishment owner or operator, and if necessary, utilize language assistance services to facilitate meaningful communication;*

(7) *the food service establishment inspector must be able to answer reasonable questions relating to the inspection;*

(8) *the food service establishment inspector must enforce agency rules in a fair and impartial manner;*

(9) *the food service establishment inspector must, upon finding a violation, explain to the food service establishment owner or operator how to remedy such violation.*

(10) *the food service establishment inspector must provide information informing the food service establishment owner or operator how such owner or operator may contest a notice of violation before the relevant local tribunal; and*

(11) *the food service establishment inspector must provide information on how the food service establishment owner or operator may file a compliment or complaint about an inspector.*

d. *The commissioner shall regularly, but no less frequently than every two years, review and update the food service establishment inspection code of conduct, as necessary.*

e. *The code of conduct shall serve as an informational document only and nothing in this subdivision or in such document shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.*

§2. This local law shall take effect ninety days following enactment.

Referred to the Committee on Health.

Int. No. 1133

By Council Member James, Barron, Chin, Eugene, Fidler, Gentile, Gonzalez, Jackson, Koo, Koppell, Mendez, Palma, Richards, Rose, Vann and Wills.

A Local Law to amend the New York city charter, in relation to the notification of elected officials of information related to polychlorinated biphenyls (PCBs) in schools.

Be it enacted by the Council as follows:

Section 1. Section 530-d of the New York city charter is hereby amended by adding new subdivision e to read as follows:

e. *The department shall also notify all elected officials representing the district in which a school is located when parents and employees of such school are notified of any inspection or testing for reportable PCB levels required pursuant to subdivision b of this section and shall include in such notification, information regarding the timeframe for addressing reportable PCB levels including, but not limited to, removal replacement or remediation. Elected officials shall be notified within the same respective timeframes as required for notification for parents and*

employees pursuant to subdivisions b, c, and d of this section.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Education.

Int. No. 1134

By Council Members Koo, Arroyo, Gentile, Gonzalez, Greenfield, Koslowitz, Palma, Rose, Vacca and Vallone, Jr.

A Local Law to amend the administrative code of the city of New York in relation to the creation of a Food Service Establishment Advisory Board.

Be it enacted by the Council as follows:

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1503 to read as follows:

§17-1503 *Food Service Establishment Advisory Board. a. There shall be an advisory board to advise the commissioner concerning matters related to the food service establishment sanitary inspection program and its effect on the restaurant industry, food safety and public health.*

b. Such advisory board shall consist of ten members as follows:

i. Five members shall be appointed by the mayor, provided that one such member shall represent a food service industry association, one such member shall have advanced specialized training in food safety, one such member shall have advanced specialized training in nutrition, and two such members shall operate food service establishments;

ii. Four members shall be appointed by the speaker of the council, provided that one such member shall represent a food service industry association, one such member shall have advanced specialized training in food safety, one such member shall have advanced specialized training in nutrition, and one such member shall operate a food service establishment;

iii. The commissioner of the department of health and mental hygiene shall serve ex officio.

c.. At the invitation of the department, at-large participants may assist the board.

d. Each member, other than the member serving in an ex officio capacity, shall serve for a term of two years, to commence after the final member of the advisory board is appointed. Any vacancies in the membership of the advisory board shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.

e. No member of the advisory board shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.

f. Members of the advisory board shall serve without compensation and shall meet no less often than every three months. At least one meeting each year shall be an open forum at which the public may submit testimony.

g. The agendas for the first four meetings of the advisory board shall include, but not be limited to:

1. a review of current health code violations for which points are assigned, including those violations that do not bear directly on food safety and public health;

2. a review of the current food safety inspector training curriculum;

3. a review of the effect of letter grading on public health and food safety, including information on the top ten most commonly cited violations in the previous year and any change in the incidences of illness from food borne pathogens; and

4. a review of the relationship between the food service industry and the department.

h. On July 1, 2014, and every year thereafter on July first, the advisory board shall submit a report to the mayor and council. Such report shall include, but not be limited to:

1. an assessment of the restaurant inspection program and its effect on the restaurant industry, public health and food safety, including information on the top ten most commonly cited violations in the previous year and any change in the incidences of illness from food borne pathogens; and

2. specific recommendations for changes and/or improvements to the restaurant inspection program and actions, if any, taken by the department in response to such recommendations.

§3. This local law shall take effect immediately.

Referred to the Committee on Health.

Res. No. 1895

Resolution expressing regret over the manner in which the body of Kevin Bell was treated by an employee of the Office of the Chief Medical Examiner after his tragic death in Woodlawn on June 16, 2013.

By Council Members Koppell, Arroyo, Chin, Comrie, Gentile, James, Mendez, Palma and Rose.

Whereas, Kevin Bell was from Newry, County Down, Ireland and was the beloved son of Collie and Eithne and cherished brother of Brendan, Sean, Ciara, Eamon, Conor and Maeve; and

Whereas, Mr. Bell was a well-known butcher in William Baird's of Newry before traveling to New York City; and

Whereas, He was a champion Irish dancer who, along with family members, represented the St. Moninna's Gaelic Athletic Club, Killeavy, for many years in the Scór competitions; and

Whereas, Dominic Bradley, a Social Democratic and Labour Party Assembly Member for Newry and Armagh, said, "Kevin was an exceptional young man who brought joy and happiness to his family and to all who knew him"; and

Whereas, Assembly Member Bradley also stated that "he had a great sense of fun and it was a pleasure to be in his company as anyone who knew him will testify"; and

Whereas, Tragically, on June 16, 2013, Mr. Bell was the victim of a fatal hit-and-run in the Woodlawn area of the Bronx; and

Whereas, Pictures after the incident show the body of the deceased being placed into a New York City Office of the Chief Medical Examiner (OCME) vehicle along with bags of empty bottles; and

Whereas, This shocking lack of respect for a newly departed person is unacceptable; and

Whereas, The deceased in our city deserve to be treated with dignity and nothing less; and

Whereas, This incident demonstrated unprofessionalism and insensitivity by a staff member of the OCME, a nationally recognized office; and

Whereas, Mr. Bell was well known and much loved both in Ireland and in New York, with hundreds in attendance at a vigil at the accident site and at a memorial service for him at St. Barnabas Church in Woodlawn, the Bronx; now, therefore, be it

Resolved, That the Council of the City of New York expresses regret over the manner in which the body of Kevin Bell was treated by an employee of the Office of the Chief Medical Examiner after his tragic death in Woodlawn on June 16, 2013.

Referred to the Committee on Health.

Res. No. 1896

Resolution calling upon the New York State Assembly to pass, the New York State Senate to introduce and pass, and the Governor to sign A.2257, legislation raising the senior citizen rent increase exemption (SCRIE) threshold and providing for increases per changes in the consumer price index.

By Council Members Koslowitz, Arroyo, Barron, Brewer, Chin, Comrie, Dickens, Dromm, Fidler, Gentile, James, Koppell, Mendez, Palma, Richards, Rose, Vacca, Wills, Weprin, Koo and Halloran.

Whereas, In 1970, New York City instituted the senior citizen rent increase exemption (SCRIE) program to help shield low-income seniors from rising housing costs; and

Whereas, Under the SCRIE program, rent increases are limited for qualifying seniors and in return, participating landlords receive a property tax abatement equal to the amount of the rent forgiven; and

Whereas, Tenants are eligible for the SCRIE program if they are at least 62 years old, have a total household income that does not exceed \$29,000, reside in a rent controlled or rent stabilized apartment, or a rent regulated residential hotel, and if the maximum rent or legal regulated rent is increased to a level that exceeds one-third of their household's income; and

Whereas, Cost of living adjustments to entitlement programs such as Social Security have caused some seniors to lose SCRIE benefits as their income levels rose above \$29,000; and

Whereas, New York State Assembly Member Dan Quart introduced A.2257 in January 2013, legislation that would amend the SCRIE program requirements to increase the maximum allowable income for SCRIE program participants to \$30,000; and

Whereas, A.2257 would require annual adjustments to the SCRIE household income limits based upon changes in the regional consumer price index and adjust the definition of income to exclude medical and prescription drug expenses which are not reimbursed or paid for by insurance; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Assembly to pass, the New York State Senate to introduce and pass, and the Governor to sign A.2257, legislation raising the senior citizen rent increase exemption (SCRIE) threshold and providing for increases per changes in the consumer price index.

Referred to the Committee on Aging.

Int. No. 1135

By Council Members Lander, Chin, Van Bramer, Dromm, Dickens, Brewer, Jackson, Levin, Palma, Koo, Mark-Viverito, Mendez and Crowley.

A Local Law to amend the administrative code of the city of New York, in relation to reducing the use of carryout bags.

Be it enacted by the Council as follows:

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-F to read as follows:

CHAPTER 4-F: CARRYOUT BAG REDUCTION

16-490 Definitions

16-491 Carryout bag fee

16-492 Additional obligations for covered stores

16-493 Exemptions

16-494 Reporting

16-495 Outreach and education

16-496 Enforcement

§ 16-490 Definitions. When used in this chapter the following terms shall have the following meanings: a. "Carryout bag" means a single-use or reusable bag that is provided by a covered store to a customer at the point of sale and is used to carry goods from such store. Such term shall not include reusable carryout bags distributed under section 16-495 of this chapter or exempt bags.

b. "Covered store" means a general vendor, green cart or a retail or wholesale establishment engaged in the sale of personal, consumer or household items including but not limited to drug stores, pharmacies, grocery stores, supermarkets, convenience food stores, or foodmarts that provide carryout bags to consumers in which to place items purchased or obtained at such establishment. Such term shall not include food service establishments including mobile food vendors that are not green carts, retail stores licensed pursuant to chapter 3-B of the state alcohol beverage control law for the sale of liquor for off-premises consumption, emergency food providers, or as set forth in section 16-493 of this chapter.

c. "Exempt bag" means any of the following: (i) a bag without handles used to carry produce, meats, dry goods or other non-prepackaged food items to the point of sale within a store or market or to prevent such food items from coming into direct contact with other purchased items; (ii) a bag provided by a pharmacy to carry prescription drugs; or (iii) any other bag to be exempted from the provisions of this chapter as determined by rule of the commissioner.

d. "Food service establishment" has the same meaning as such term is defined in section 81.03 of the health code of the city of New York or any successor provision.

e. "General vendor" has the same meaning as such term is defined in subdivision b of section 20-452 of this code.

f. "Green cart" means a green cart as such term is defined in subdivision s of section 17-306 of this code or any other non-processing mobile food vending unit in or on which non-potentially hazardous uncut fruits and vegetables are sold or held for sale or service, regardless of geographic restrictions on operation of such green cart or mobile food vending unit.

g. "Reusable carryout bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is either (i) made of cloth or other machine washable fabric, (ii) made of durable plastic that is at least 2.25 mils thick, or (iii) defined as a reusable bag by rule of the commissioner.

§ 16-491 Carryout bag fee. a. Covered stores shall charge a fee of not less than ten cents for each carryout bag provided to any person. No covered store shall be required to charge such fee for an exempt bag.

b. No covered store shall charge a carryout bag fee to persons who use a bag of any kind in lieu of a carryout bag provided by any such covered store.

c. No covered store shall prevent a person from using a bag of any kind that they have brought to any such covered store for purposes of carrying goods from such store.

§ 16-492 Additional obligations for covered stores. a. All covered stores shall post signs provided or approved by the department at or near points of sale located in such covered stores to notify customers of the provisions of this chapter.

b. No covered store shall provide a credit to any person specifically for the purpose of offsetting or avoiding the carryout bag fee required by subdivision a of section 16-491 of this chapter.

c. No covered store shall sell paper carryout bags that do not contain a minimum of forty percent post-consumer recycled content.

§ 16-493 Exemptions. All covered stores that provide carryout bags to customers shall provide carryout bags free of charge for items purchased at such covered store by any person using the New York state supplemental nutritional assistance program or New York state special supplemental nutrition program for women, infants and children as full or partial payment.

§ 16-494 Reporting. No later than March first, two thousand fifteen and annually thereafter, the commissioner, in collaboration with the commissioners of environmental protection and consumer affairs and the mayor's office of long term planning and sustainability, shall report to the mayor and the council on the

progress of carryout bag reduction including, but not limited to, the following: (i) the amount of plastic carryout bags in the residential waste and recycling streams; (ii) the amount of plastic or paper carryout bags identified as litter on streets, sidewalks and in parks; (iii) the amount of plastic or paper carryout bags found in city storm drains; (iv) the number of warning notices or notices of violation issued pursuant to this chapter, broken down by community district; (v) any cost savings for the city attributable to carryout bag reduction such as reduced contamination of the residential recycling stream or reduction in flooding or combined sewer overflows; (vi) gross revenue generated by covered stores from the sale of carryout bags, including the percent of such gross revenue attributable to paper, plastic or reusable carryout bags, respectively; and (vii) comparisons for such measures to their respective amounts at the effective date of this chapter.

§ 16-495 Outreach and education. a. The commissioner shall establish an outreach and education program aimed at educating residents and covered stores on reducing the use of single-use carryout bags and increasing the use of reusable carryout bags.

b. To the extent practicable, the commissioner shall seek the assistance of private entities and local not-for-profit organizations to provide and distribute reusable carryout bags to residents and signs compliant with subdivision a of section 16-492 to covered stores.

c. In conducting outreach and distributing reusable carryout bags to residents pursuant to this section, the commissioner shall prioritize such outreach and reusable bag distribution to residents in households with annual income below 200% of the federal poverty line and covered stores and residents within the police precincts identified in subdivision b of paragraph four of subdivision b of section 17-307 of this code.

d. No later than two months after the effective date of the local law that added this chapter, the commissioner shall distribute a multilingual letter to all covered stores informing them of their obligations to comply with the provisions of this chapter and any rules promulgated pursuant thereto. Failure to receive a letter pursuant to this subdivision shall not eliminate the obligations of a covered store pursuant to this chapter and any rules promulgated pursuant thereto.

§ 16-496 Enforcement. a. Any notice of violation issued pursuant to this chapter shall be returnable to the environmental control board, which shall have the power to impose civil penalties as provided herein.

b. The department and the department of consumer affairs shall have the authority to enforce the provisions of this chapter.

c. Beginning on the first Tuesday three months after the effective date of the local law that added this chapter any covered store that violates section 16-491 or subdivisions b or c of section 16-492 of this chapter or any rules promulgated pursuant thereto shall receive a warning notice for the first such violation.

d. Beginning nine months after the effective date of the local law that added this chapter any store that violates section 16-491 or subdivisions b or c of section 16-492 of this chapter or any rules promulgated pursuant thereto subsequent to receiving a warning notice for a first violation pursuant to subdivision c of this section shall be liable for a civil penalty of two hundred fifty dollars for the first violation after receiving a warning and five hundred dollars for any subsequent violation of the same section or subdivision of this chapter or rule promulgated pursuant thereto in the same calendar year. For purposes of this chapter, each commercial transaction shall constitute no more than one violation.

e. It shall not be a violation of this chapter for a general vendor or green cart to fail to provide a receipt to a customer with an itemized charge for a carryout bag fee.

f. No covered store that fails to post signs in compliance with subdivision a of section 16-492 of this chapter shall be liable for a civil penalty.

§2. This local law shall take effect three months after its enactment except that the commissioner shall take such measures as are necessary for its implementation including the promulgation of rules prior to such effective date.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1136

By Council Members Levin, Van Bramer, Comrie, Dickens, Eugene, James, Koo, Mendez and Palma.

A Local Law to amend the New York city charter, in relation to a comprehensive cultural plan.

Be it enacted by the Council as follows:

Section 1. Legislative Intent. The Council hereby finds that there is no comprehensive cultural plan for the City. There is no measure of what is considered an acceptable level of cultural resources and how such resources should be provided. It is important to understand the scope of cultural services throughout the City, where these services are lacking and how cultural service gaps may be filled. The cultural plan would identify the current level of service of cultural groups in each neighborhood; detail the feedback from community outreach, establish a strategy to meet the specified needs of each community; quantify the economic impact of arts and culture in the City; and ultimately put forth a targeted approach to increase cultural activity citywide, increase the economic impact of the arts and culture, and provide support to individual and emerging artists in the City.

§ 2. Chapter 67 of the charter of the city of New York is amended by adding a new section 2506 to read as follows:

§ 2506. *Cultural plan.* 1. *On or before July 1, 2015, the commissioner shall produce and post on its website a comprehensive cultural plan for New York city to be submitted to the mayor and council. Such plan shall include, but not be limited to:*

a. an outline of how the department intends to increase participation in cultural activities throughout the city and how the department intends to address what the citizens of New York city desire in art and culture policy;

b. an outline of the city's cultural policies and how the department intends to manifest such policies and study their impact by measurement or review of economic benefits, quality of life, community development, and cultural literacy;

c. a community decisionmaking process to focus on neighborhoods, to engage and encourage community input and to support access to the arts and cultural programming in such neighborhoods;

d. an analysis of whether some neighborhoods are better served than others and proposals to remedy such deficiencies; and

e. an analysis of the needs of artists and how they can remain in the city and be supported in the city's real estate environment.

2. *Such plan shall be reviewed and may be revised as appropriate every ten years.*

§ 3. This local law shall take effect immediately.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Int. No. 1137

By Council Members Levin, Dickens, James, Koo, Mendez, Palma and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to requiring monthly and annual reports concerning film shoot permits.

Be it enacted by the Council as follows:

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 8 to read as follows:

**CHAPTER 8
FILM AND TELEVISION**

§22-801 *Monthly reports of all film and television production permits approved by the city of New York. Not later than the tenth day of every calendar month, the department, or any other entity designated by the mayor to issue film and television production permits pursuant to section 1303 of the New York city charter, shall issue a report, and make it available on the city's website, containing the following information concerning all film and television production permits that have been approved by the city of New York for the previous calendar month:*

1. The filming location or locations authorized by each permit, including borough, community board district, council district, and street or streets;

2. The duration of each permit;

3. With respect to each permit, whether on-street street parking was removed from public use and, if so, the approximate number of street parking spots so removed; and

4. The network, studio, or company producing each film or television shoot.

§22-802 *Annual reports. Not later than January thirty-first, two thousand fifteen and each January thirty-first thereafter, the office shall issue an annual report to the mayor and the council, and make such report available on the city's website, containing the following information concerning all film and television production permits that have been approved by the city of New York for the previous calendar year:*

1. The information contained in each issued monthly report as set forth in section 3-141 of this subchapter disaggregated by community board;

2. The following information disaggregated by job title: (i) the number of persons employed by the film and television industries in the city of New York, (ii) the mean and median compensation, (iii) the mean and median duration of employment, and (iv) common demographic information; and

3. The direct and indirect costs and benefits of the film and television industries in the city of New York.

§ 2. This local law shall take effect one hundred eighty days after its enactment into law.

Referred to the Committee on Technology.

Int. No. 1138

By Council Members Levin, Fidler, Gentile, Gonzalez, James, Koo, Mendez, Nelson, Palma, Rose and Vacca.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting damage to religious property located on or within a private home.

Be it enacted by the Council as follows:

Section 1. Section 10-116 of the administrative code of the city of New York is amended to read as follows:

§10-116. *Damaging houses of religious worship or religious articles therein, or religious articles within or attached to a private home, prohibited.*

a. Any person who wilfully and without authority breaks, defaces or otherwise damages any: (1) house of religious worship or any portion thereof, or any appurtenances thereto, including religious figures or religious monuments, or any book, scroll, ark, furniture, ornaments, musical instrument, article of silver or plated ware, or any other chattel contained therein for use in connection with religious worship[.]; or (2) religious articles, including but not limited to religious figures, monuments, books, scrolls, ornaments, musical instruments, or jewelry for use in connection with religious worship, that are within or attached to a private home, when such person knows or should know that such articles are commonly used for or in connection with religious worship, [or any person who knowingly aids, abets, conceals or in any way assists any such person] shall be guilty of a misdemeanor punishable by imprisonment of not more than one year or by a fine of not more than two thousand five hundred nor less than five hundred dollars, or both.

b. Any person who knowingly aids, abets, conceals or in any way assists any person who acted in a manner prohibited by subdivision a of this section shall be guilty of a misdemeanor punishable by imprisonment of not more than one year or by a fine of not more than two thousand five hundred nor less than five hundred dollars, or both.

c. [In addition, any] Any person violating subdivision a or b of this section shall also be subject to a civil penalty of not less than ten thousand dollars and not more than twenty-five thousand dollars. Such civil penalty shall be in addition to any criminal penalty or sanction that may be imposed, and such civil penalty shall not limit or preclude any cause of action available to any person or entity aggrieved by any of the acts prohibited by this section.

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1139

By Council Members Levin, Arroyo, James, Koo, Mendez, Nelson, Palma and Richards.

A Local Law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on the seventeenth day of the month of Tammuz of the Hebrew calendar.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-163 of subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended to read as follows:

§ 19-163 *Holiday suspensions of parking rules.* a. *All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi*

Puja is observed, on the seventeenth day of the month of Tammuz of the Hebrew calendar, and all state and national holidays.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Res. No. 1897

Resolution calling upon the New York State legislature to pass and the governor to sign legislation that would define honey and provide standards for honey sold in the State.

By Council Members Levin, Koo, and Mendez.

Whereas, New York State ranks 12th in the country in honey production and is the largest beekeeping state in the Northeast; and

Whereas, However, according to the Empire State Honey Producers Association, "honey from other countries comes into the United States with labels

calling it ‘pure honey’ but in fact much of it is not pure with items such as high fructose corn syrup, rice syrup and antibiotics added to it;” and

Whereas, According to Food Safety News, millions of pounds of honey that were banned and determined unsafe in other countries are being imported and sold in the United States; and

Whereas, Specifically, impurities such as lead and chloramphenicol have been found in honey from India and China resulting in the European Union banning honey from these countries; and

Whereas, In 2001, the Federal Trade Commission imposed strict import taxes on the Chinese to stop the influx of altered, harmful honey into the United States; and

Whereas, According to reports, to avoid the tariff the Chinese began shipping their honey to other countries, such as India where it was repackaged and then sent to the United States; and

Whereas, In 2010, The Food and Drug Administration (“FDA”) seized 64 drums of imported Chinese honey because it contained an antibiotic that could lead to serious illness or death; and

Whereas, However, Food Safety News states that the FDA tests only 5 percent of imported honey; and

Whereas, Advocates believe that the FDA devotes little time and effort to inspecting imported honey because of a lack of interest and resources; and

Whereas, In fact, FDA officials stated that a national purity standard for honey would “tax the abilities of an already overstretched agency;” and

Whereas, In 2011, the United States imported 45 million pounds of honey from India, a country known for laundering Chinese honey; and

Whereas, Advocates are in favor of legislation that would impose a “standard of identification to assure the public that the honey we are selling is pure and unadulterated;” and

Whereas, States such as Florida, California, Wisconsin, and North Carolina have already adopted legislation that provides a standard for honey and identified a state agency to enforce the standard; and

Whereas, Establishing honey standards in New York would help protect consumers from being misled and protect local beekeepers and honey producers from mixing, blending and selling inferior products; 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 legislation that would define honey and provide standards for honey sold in the State.

Referred to the Committee on Health.

Res. No. 1898

Resolution calling upon the state legislature to pass and the Governor to sign Senate bill S. 4921 and Assembly bill A.6863 that relate to the protection of public health from radon in natural gas.

By Council Members Levin, Jackson, Barron, Comrie, Eugene, James, Mendez, Rose and Wills.

Whereas, Radon is a colorless and odorless naturally occurring radioactive gas, the long-term exposure to which is known to cause lung cancer in humans; and

Whereas, Hydraulic fracturing is a method of extracting natural gas from deep shale formation such as the Marcellus Shale, which underlies a vast section of New York and some surrounding states; and

Whereas, Shale formations can be associated with high levels of radon gas; and

Whereas, When natural gas is extracted from shale formations via hydraulic fracturing, radon gas can be intermixed with the natural gas; and

Whereas, Radon has a half-life of 3.8 days, decaying through a series of steps during which alpha radiation is released; and

Whereas, Historically, natural gas coming to New York City has travelled from distant location such as the Gulf Coast, allowing additional time for any radon in the gas to decay prior to entering homes; and

Whereas, With increasing amounts of hydraulic fracturing occurring in the Northeastern United States, potentially including in New York States, the natural gas and any radon it contains, may travel shorter distances to get to New York City, which allow less time for the radon to decay; and

Whereas, Radon could enter homes when people cook with natural gas; and

Whereas, If radon did enter homes, and if it didn’t disperse through ventilation or other means, it could accumulate and expose people to health risks; and

Whereas, Radon levels in natural gas can be monitored in natural gas pipes prior to distribution in homes; and

Whereas, Senate bill S. 4921 and Assembly bill A. 6863 require local distribution entities to undertake continuous monitoring of natural gas for radon, disclose monitoring results to the public, take mitigation measures if radon or radon progeny levels crossed any of several different thresholds, in order to reduce those levels to below such thresholds; and

Whereas, Such actions would be sufficient to protect the public health from any potential impacts from radon in natural gas; 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 Senate bill S. 4921 and Assembly bill A.6863 that relate to the protection of public health from radon in natural gas.

Referred to the Committee on Environmental Protection.

Res. No. 1899

Resolution calling on the United States House of Representatives to pass, the Senate to introduce and pass, and the President to sign the Inclusive Prosperity Act, legislation which would impose a tax on certain trading transactions to strengthen our financial security, expand opportunity, and protect the middle class.

By Council Members Levin, Williams, Chin, James, Mendez and Rose.

Whereas, A financial transaction tax is a levy placed on a specific type of monetary transaction for a particular purpose, and charged only on the specific transaction that is designated as taxable; and

Whereas, There are several types of financial transaction taxes, with each having its own purpose; and

Whereas, Transaction taxes can be raised on the sale of specific financial assets, such as stock, bonds or futures; they can be applied to currency exchange transactions; or they can be general taxes levied against a mix of different transactions; and

Whereas, In 1694, an early implementation of a financial transaction tax was released in the form of a stamp duty at the London Stock Exchange; and

Whereas, The tax was payable by the buyer of shares for the official stamp on the legal document that was needed to formalize the purchase; and

Whereas, It is the oldest tax still in existence in Great Britain; and

Whereas, The United States imposed a financial transaction tax from 1914 to 1966; and

Whereas, The federal tax imposed a charge on stock sales of 0.1 per cent at issuance, and 0.04 per cent on transfers; and

Whereas, After 1966, the tax was eliminated and replaced with a 0.0034 per cent tax on stock transactions, which finances the Securities and Exchange Commission as well as the Commodities Futures Trading Commission; and

Whereas, Many viewed the United States’ financial transaction tax as a “Financial Speculation Tax,” because it had the greatest impact on high-volume, high-speed speculative traders who profit from short or medium term fluctuations in the market value of a tradable good such as a financial instrument; and

Whereas, Currently, there are 40 nations that impose some form of a financial transaction tax, including Belgium, Colombia, Finland, France, Greece, India, Japan, Peru, Poland, Singapore, Sweden, Switzerland, and Taiwan; and

Whereas, In September 2011, the European Commission proposed a European Union Financial Transaction Tax (“EU FTT”) within the 27 member states of the European Union; and

Whereas, The tax would impact financial transactions between financial institutions charging 0.1% against the exchange of shares and bonds and 0.01% across derivative contracts; and

Whereas, According to the European Commission, the EUFTT could raise €57 billion (or \$68.9 billion) annually; and

Whereas, The proposal, supported by the eleven EU member states, was approved in the European Parliament in December 2012, and by the Council of the European Union in January 2013; and

Whereas, The formal agreement on the details of the EU FTT still need to be decided upon and approved by the European Parliament; and

Whereas, On April 15, 2013, to strengthen financial security and curb market speculation, United States Congressman Keith Ellison from Minnesota introduced legislation, H.R. 1579, which would impose a tax on certain trading transactions; and

Whereas, Specifically, the legislation, termed the “Inclusive Prosperity Act” (also called the Robin Hood Tax), would amend the United States Internal Revenue Code to: (1) impose a tax on the transfer of ownership of certain securities, including any share of stock in a corporation, any partnership or beneficial interest in a partnership or trust, any note, bond, debenture, or other evidence of indebtedness (excluding tax-exempt municipal bonds), or derivative financial instruments; and (2) allow an individual taxpayer whose modified adjusted gross income does not exceed \$50,000, or households whose modified adjusted gross income does not exceed \$75,000, a tax credit for the amount of tax paid on financial transactions under the Robin Hood Tax; and

Whereas, The applicable percentage of the tax would be 0.5 per cent on stocks, 0.1 per cent on bonds, and .0005 per cent on derivatives; and

Whereas, A note, bond, or debenture would be excluded from this tax if it has a fixed maturity of 60 days or less and is traded on a trading facility in the United States; and

Whereas, The amount of revenue raised by the Robin Hood Tax is estimated by the bill’s sponsor to be around \$350 billion annually, which according to the bill, would be available to provide housing assistance to low-income households, invest in

education, expand and improve Medicare and Medicaid, and invest in transportation infrastructure; and

Whereas, The Robin Hood Tax would encourage longer-term productive investment as investors would likely reduce the frequency of their trades; and

Whereas, This means that they will spend roughly the same amount on trades, but will buy and sell shares of stock less often, decreasing the volatility of stock market; now, therefore be it

Resolved, That the Council of the City of New York calls upon the United States House of Representatives to pass, the Senate to introduce and pass, and the President to sign the Inclusive Prosperity Act, legislation which would impose a tax on certain trading transactions to strengthen our financial security, expand opportunity, and protect the middle class.

Referred to the Committee on Finance.

Res. No. 1900

Resolution calling upon the New York State Legislature to pass and the Governor to sign into law legislation that would increase youth engagement in elections by allowing 17-year-olds to vote in primary elections if they turn 18 by the time of the general election, and by allowing 16-year-olds to pre-register to vote.

By Council Members Mark-Viverito, Barron, James, Mendez, Palma, Richards, Rose and Vann.

Whereas, According to a study by the Center for Information and Research on Civic Learning and Engagement at Tufts University, in the 2012 General Elections youth voter turnout was 15 percent lower than the population as a whole; and

Whereas, Low youth engagement in the political process can result in public policies that adversely affect younger people at precisely the time when they may need the most help in starting their careers and their families; and

Whereas, Two ways that could increase youth engagement in elections would be to allow 17-year-olds to vote in party primaries if they will be 18-years-old by the time the general election takes place, and to allow 16-year-olds to pre-register to vote; and

Whereas, Allowing 17-year-olds to vote in primary elections increases the likelihood that they will vote in the general election because they will have participated in electing the candidates who are on the ballot in the general election; and

Whereas, According to Center for Voting and Democracy, studies show that voters who begin voting young or who have voted before are more likely to vote in the future; and

Whereas, Twenty states have already adopted laws allowing 17-year-olds to vote in primaries if they are 18 by the general election; and

Whereas, Similarly getting young people to pre-register to vote increases the number of voters who will ultimately be registered, which is likely to increase overall turnout; and

Whereas, In April of this year Governor Cuomo proposed an election reform that would allow 16-year-olds to pre-register to vote at their schools or the Department of Motor Vehicles which would result in them being automatically registered once they turn 18-years-old; 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 into law legislation that would increase youth engagement in elections by allowing 17-year-olds to vote in primary elections if they turn 18 by the time of the general election, and by allowing 16-year-olds to pre-register to vote.

Referred to the Committee on Governmental Operations.

Res. No. 1901

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.7119/S.05120, legislation that would amend the social services law, in relation to prohibiting work experience programs in New York.

By Council Members Mealy, Barron and Wills.

Whereas, The Temporary Assistance for Needy Families (“TANF”) program provides public assistance including, but not limited to, cash assistance and work opportunities to families in need by granting states federal funds through the TANF block grant; and

Whereas, States receive the TANF block grant and are given the flexibility to design and implement their own programs to accomplish the goals of TANF; and

Whereas, The goals of the TANF program are to: 1) assist families in need so that children can be cared for in their own homes; 2) reduce the dependency of parents in need by promoting job preparation, work and marriage; 3) prevent out-of-wedlock pregnancies; and 4) encourage the formation and maintenance of two-parent families; and

Whereas, TANF places an emphasis on working for one’s benefits and requires each state to meet a 50 percent work activity engagement rate for all families receiving public assistance in order for the state to receive the maximum TANF grant amount; the remaining 50 percent of a state’s caseload is work-exempt and does not need to be engaged in a work activity; and

Whereas, The Work Experience Program (“WEP”), is a work program in New York City administered by the Human Resources Administration (“HRA”), designed to place public assistance recipients in work experience assignments in order to receive cash assistance and help meet the state’s mandated work engagement requirement; and

Whereas, As of May 19, 2013 there were 11,109 people enrolled in WEP receiving public assistance in New York City; and

Whereas, According to Community Voices Heard (“CVH”), WEP participants are not considered employees, do not receive a paycheck, are not eligible for the Earned Income Tax Credit, collective bargaining, unemployment or social security benefits; and

Whereas, Additionally, WEP participants do not receive education or training and rarely advance from their assigned position; and

Whereas, According to CVH, WEP provides New York City with a source of inexpensive labor because WEP participants are not paid by their employers and instead are subsidized by TANF; and

Whereas, According to the Center on Budget and Policy Priorities, TANF benefit levels are not high enough in any state to raise a family’s income above 50 percent of the poverty line and TANF does much less to help families overcome deep poverty than it did prior to welfare reform, which required recipients to work in order to receive public benefits; and

Whereas, Therefore, because WEP does not provide enough financial resources to help a family overcome poverty and also does not provide training or education so a recipient could become qualified for a higher wage job, its effectiveness is questionable; and

Whereas, State legislation (A.7119/S.05120) aims to improve work activity options to public assistance recipients in New York by prohibiting counties within the state from using WEP to fulfill TANF work requirements 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 A.7119/S.05120, legislation that would amend the social services law, in relation to prohibiting work experience programs in New York.

Referred to the Committee on General Welfare.

Res. No. 1902

Resolution calling upon the United States Congress to pass and the President to sign H.R.1670, the Raising Employment in Affordable Communities and Homes Act of 2013.

By Council Members Mendez, Chin, Arroyo, Barron, Dickens, James, Palma, Rose and Vann.

Whereas, Section 3 is a provision of the Housing and Urban Development (“HUD”) Act of 1968 that provides economic and employment opportunities to low- and very-low income individuals; and

Whereas, This provision requires that recipients of HUD financial assistance, such as the New York City Housing Authority (“NYCHA”), provide job training, employment and contracting opportunities for its residents; and

Whereas, NYCHA is the city’s public housing authority with 334 developments, 2,596 buildings, and 178,914 public housing units, making it the largest public housing provider in North America; and

Whereas, NYCHA currently serves 176,221 families and 403,736 authorized residents; and

Whereas, According to a 2011 report by the Community Service Society, 30,000 out of approximately 130,000 residents in NYCHA’s public housing labor force were unemployed in 2010; and

Whereas, All HUD funds received by NYCHA are subject to Section 3 requirements; and

Whereas, In order to comply with Section 3, HUD rules mandate that 30 percent of new hires for development, operation and modernization expenditures must be public housing residents or low- and very-low income individuals; and

Whereas, In addition to complying with HUD requirements, for contracts in excess of \$500,000, NYCHA requires that 15 percent of total labor costs be used to hire NYCHA residents; and

Whereas, In 2011, NYCHA placed 1,241 residents in jobs, up from 43 placements in 2008; and

Whereas, While NYCHA has increased its efforts to provide job opportunities to residents, many continue to struggle to find a job; and

Whereas, According to a 2011 report by the Urban Justice Center and a number of other community based organizations, 22.1 percent of residents recently lost their job, 30.3 percent of residents are skilled in construction and are interested in working for NYCHA and its contractors and 74.3 percent of residents have not heard of NYCHA job opportunities; and

Whereas, H.R.1670, the “Raising Employment in Affordable Communities and Homes Act of 2013 (“the Act”),” would amend Section 3 of the HUD Act of 1968; and

Whereas, The Act would prohibit a public housing agency (PHA) from receiving any federal assistance under the United States Housing Act of 1937 unless the PHA prepares an action plan describing activities that will provide economic opportunities for low-and very-low income persons in connection with any assistance it receives; and

Whereas, Action plans would be required to describe activities that will provide individuals with training and employment opportunities generated by such assistance, award contracts for work in connection with such assistance to business concerns that also provide economic opportunities for individuals and incorporate such plans into a PHA’s annual plan for the fiscal year; and

Whereas, The Act would decrease the unemployment rate in the City’s public housing by requiring that NYCHA find employment opportunities for a greater number of its residents; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign H.R.1670, the Raising Employment in Affordable Communities and Homes Act of 2013.

Referred to the Committee on Public Housing.

Int. No. 1140

By Council Members Oddo, Fidler, Gentile, James, Koo, Koppell and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to signs upon or in grassy areas adjacent to City streets.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 10-119 of the administrative code of the city of New York is amended to read as follows:

§ 10-119 Posting. a. It shall be unlawful for any person to paste, post, paint, print, nail or attach or affix by any means whatsoever any handbill, poster, notice, sign, advertisement, sticker or other printed material upon *or into* any curb, gutter, flagstone, tree, lamppost, awning post, telegraph pole, telephone pole, public utility pole, public garbage bin, bus shelter, bridge, elevated train structure, highway fence, barrel, box, parking meter, mail box, traffic control device, traffic stanchion, traffic sign (including pole), tree box, tree pit protection device, bench, traffic barrier, hydrant, public pay telephone, *grassy area adjacent to a street*, any personal property maintained on a [city] street or other city-owned property pursuant to a franchise, concession or revocable consent granted by the city or other such item or structure in any street, or to direct, suffer or permit any servant, agent, employee or other person under his or her control to engage in such activity; provided, however, that this section shall not apply to any handbill, poster, notice, sign, advertisement, sticker or other printed material so posted by or under the direction of the council, or by or under the direction of any city agency, or pursuant to a franchise, concession or revocable consent granted pursuant to chapter fourteen of the charter.

§2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Preconsidered Res. No. 1903

Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

By Council Members Recchia, Comrie and Rose.

Whereas, On June 27, 2013 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2014 with various programs and initiatives (the “Fiscal 2014 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

Whereas, On June 28, 2012 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2013 with various programs and initiatives (the “Fiscal 2013 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

Whereas, On June 29, 2011 the Council adopted the expense budget for fiscal year 2012 with various programs and initiatives (the “Fiscal 2012 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Senior Centers and Programs Restoration Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Middle School Quality Expanded Learning Time Pilot Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to Anti-Gun Violence Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the OST Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Housing Preservation Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Community Consultant Contracts Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to Obesity Prevention Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the IDUHA Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in

accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV Prevention - Evidence Based Behavioral Interventions Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Communities of Color Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Discretionary Child Care Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the DYCD Food Pantries Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the IOI/Legal Services Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the IOI/ESL Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Administrative Prosecution Unit (APU) Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Obesity Prevention Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 26.

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 27.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res No. 1903 printed in these Minutes).

Int. No. 1141

By Council Members Reyna, Greenfield, Koo, Mendez, Rose and Vallone, Jr.

A Local Law in relation to Food Service Establishment Sanitary Inspection Data.

Be it enacted by the Council as follows:

Section 1. Restaurant Inspection Data . For so long as the department operates a letter grading system for sanitary inspection results, as provided in sections 23-03, 23-04 of the rules of the city of New York, and 81.51 of the New York city health code, the following data for each sanitary inspection conducted at a food service establishment shall be collected and reported in accordance with section 23-505 of this code and any rules promulgated thereunder:

- a. the inspection type as defined in section 23-01 of the rules of the city of New York;
- b. each violation cited and the number of points allocated per violation;
- c. total score awarded upon inspection, or, if such inspection result is contested in an administrative tribunal, after adjudication;
- d. the date of any such adjudication; and
- e. if monetary penalties are assessed, the amount of such penalty.

§3. This local law shall take effect one hundred twenty days after enactment into law except that the commissioner shall take such actions as are necessary for its implementation prior to such effective date.

Referred to the Committee on Health.

Int. No. 1142

By Council Members Rodriguez, Brewer, Comrie and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to standards pertaining to the receipt of financial assistance for for-profit colleges and proprietary schools.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-135 to read as follows:

§ 6-135 Financial Assistance to For-Profit Institutions of Higher Education

a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. "City" means city of New York, and all subordinate or component entities or persons.
2. "City economic development entity" means a local development corporation, not-for-profit corporation, public benefit corporation, or other entity that provides or administers economic development benefits and with which the department of small business services serves as a liaison pursuant to paragraph b of subdivision one of section 1301 of the New York city charter.
3. "Comptroller" means the comptroller of the city of New York and his or her authorized or designated agents.
4. "Entity" or "Person" means any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business.

5. "City financial assistance" includes any loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness, land conveyances for less than appraised value, land value or other thing of value allocated, conveyed or expended by the city. Notwithstanding, city financial assistance shall include any discretionary assistance that is negotiated or awarded by the city or by a city economic development entity, and shall not include as-of-right assistance, tax abatements or benefits, such as those under the industrial and commercial abatement program, the J-51 program, and other similar programs.

6. "Financial assistance recipient" means any entity or person that receives financial assistance, or any assignee or successor in interest of real property improved or developed with financial assistance, including any entity to which financial assistance is conveyed through the sale of a condominium.

7. "For-profit institution of higher education" means any for-profit college, university or institute or any proprietary institution of higher education as defined in 34 CFR 600.5

8. "Project agreement" means a written agreement between the city or a city economic development entity and a financial assistance recipient pertaining to a project. A project agreement may include an agreement to lease property from the city or a city economic development entity.

b. Limitation on assistance. No for-profit institution of higher education

shall be eligible for any city financial assistance unless such institution is in compliance with all applicable United States department of education regulations set forth in 34 CFR 600 and 34 CFR 668.

c. *Certification of eligibility required.* Any for-profit institution of higher education, upon executing a project agreement that includes city financial assistance, and annually thereafter for such agreement's duration, shall certify to the comptroller and either the city or the city economic development entity from which such institution seeks city financial assistance that such institution is in compliance with United States department of education regulations set forth in 34 CFR 600 and 34 CFR 668. Further, such institution shall certify that United States secretary of education has not deemed upon final determination such institution to be in violation of any provision of 34 CFR 668 during the immediately previous three years. Such institution shall make such certifications in writing under oath, signed by an officer of the institution, declaring the truth and correctness of such statements. Any person who signs such certification who makes any false statement material to the certification required under this subdivision shall be guilty of perjury.

d. *Inclusion in agreements.* The limitation of subdivision b of this section and the certification of subdivision c of this section shall be clearly stated in each loan agreement, development agreement or lease agreement pertaining to city financial assistance to a for-profit institution of higher education.

§ 2. This local law shall take effect ninety days after enactment.

Referred to the Committee on Higher Education.

Res. No. 1904

Resolution calling on the New York State Legislature to pass and the Governor to sign A.4314-B/S.3337-B, also known as “the Domestic Violence Survivors Justice Act”, which seeks to expand upon the existing provisions of alternative sentencing for domestic violence cases.

By Council Members Rose, Brewer, Dickens, James, Koslowitz and Mendez.

Whereas, According to the National Institute of Justice and the Centers for Disease Control and Prevention, one in every four women will experience domestic violence in her lifetime; and

Whereas, Studies have shown how closely domestic violence and women's incarceration are linked with one another; and

Whereas, According to the Correctional Association of New York, nine out of ten women in New York's prisons report being survivors of abuse and 93% of women incarcerated in New York for killing an intimate partner were abused by an intimate partner in the past; and

Whereas, Currently, under New York State law, judges do not have discretion to fully consider circumstances related to domestic violence when sentencing survivors of domestic violence for crimes they commit as a result of their abuse; and

Whereas, A.4314-B, currently pending in the New York State Assembly and companion bill S.3337-B, currently pending in the New York State Senate, also known as “the Domestic Violence Survivors Justice Act”, seek to expand upon the existing provisions of alternative sentencing for domestic violence cases by allowing judges to sentence domestic violence survivors convicted of crimes directly related to the abuse they suffered to shorter prison terms or community-based alternative-to-incarceration programs; and

Whereas, Additionally, the Domestic Violence Survivors Justice Act would allow currently incarcerated survivors to apply to the courts to be resentenced to a shorter term; and

Whereas, Furthermore, the Domestic Violence Survivors Justice Act would help New York decrease the likelihood of domestic violence survivors being victimized by the very system that should help protect them; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign A.4314-B/S.3337-B, also known as “the Domestic Violence Survivors Justice Act”, which seeks to expand upon the existing provisions of alternative sentencing for domestic violence cases.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1143

By Council Members Ulrich, Brewer, Fidler, Gentile, James, Koo, Mendez, Nelson, Richards, Rose and Vann.

A Local Law to amend the administrative code of the city of New York, in relation to the use of automatic external defibrillators by lifeguards employed by the department of parks and recreation.

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 17-188 of the administrative code of the

city of New York is amended to read as follows:

f. Rules. The department shall promulgate such rules as may be necessary for the purpose of implementing the provisions of this section, including, but not limited to, rules regarding the quantity and location of automated external defibrillators to be placed in a particular public place or general category of public place; the form of notice in which the availability of automated external defibrillators in a public place shall be made known to the public and any accompanying fee; and any information on the use of automated external defibrillators that must accompany and be kept with each automatic external defibrillator; provided, however, that the department of parks and recreation shall determine the quantity and location of automated external defibrillators placed in parks, pursuant to subdivision e of this section, *except that each lifeguard station, which, for the purposes of this section shall mean a structure located on a beach or at a pool location under the jurisdiction of the department where first aid equipment used by lifeguards is stored, shall be equipped with at least one automated external defibrillator.* Such rules shall also include, but not be limited to, required training in the use of automated external defibrillators, *including for all lifeguards employed by the department.*

§3. This local law shall take effect ninety days after its enactment.

Referred to the Committee on Parks and Recreation.

Int. No. 1144

By Council Members Vacca, Comrie, James, Koo, Mendez, Nelson and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to notice for changes to capital projects implemented by the department of parks and recreation.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-142 to read as follows:

§18-142 *Notice for changes to capital projects.* Within thirty days of implementing any change order to any contract for a capital project, as defined in section 5-101 of the administrative code, under the jurisdiction of the department, the department shall provide written notification of such change order by facsimile, regular mail, electronic mail or by personal delivery to each council member, if any, who allocated funds for such capital project.

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

Referred to the Committee on Parks and Recreation.

Int. No. 1145

By Council Members Vallone, Jr., Gentile, Arroyo, Fidler, James, Koo and Mendez (at the request of the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to including a community notification requirement in the gun offender registry act.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended to add a new section 10-609 and a new section 10-610 to read as follows:

§ 10-609. *Community notification.*

1. *The department shall create and maintain a sub-directory of the information contained in the registry created pursuant to this Chapter. The sub-directory shall include only the following information: the gun offender's name and residential street address with house number redacted to only indicate the block that the gun offender resides and not the exact location; an up-to-date photograph of the gun offender; a physical description of the gun offender; and the offense for which the gun offender was convicted, the date of conviction, and the sentence imposed.*

2. *The sub-directory created and maintained pursuant to subdivision one of this section shall made available at all times via the department's website, or any other website maintained by the city as long as the department's website contains a clear and conspicuous link to such other website. The sub-directory shall be available in a searchable manner which identifies registered offenders within 5 miles of an address entered into the searchable database by an end-user.*

3. *The department must also allow any person to apply, via the website created pursuant to subdivision two of this section, to receive automated e-mail notifications whenever a new or updated registration occurs in a geographic area specified by such person. The department shall furnish such service at no charge and the web forms shall be developed and provided by the department or any other city agency at the request of the department.*

4. *The website created and maintained pursuant to this section must include a terms and conditions form which shall require any person seeking access to the information available on the website created pursuant to this section to affirmatively indicate that they understand such terms and conditions prior to their gaining access*

to the sub-directory. Such terms and conditions must clearly and conspicuously state the following:

a. The information available on this website is based on the New York City Council's decision to facilitate access to publicly-available criminal information about persons convicted of certain gun-related offenses as defined in Chapter Six of the Administrative Code of the City of New York. The New York City Police Department has not considered or assessed the specific risk of re-offense with regard to any individual prior to his or her inclusion on this website, and inclusion on this website does not mean that an individual is currently dangerous. Individuals included on this website are included solely by virtue of their conviction record and City law. The purpose of providing this data on the Internet is to make the information more easily available and accessible, not to warn about any specific individual or threat.

b. Any person who uses information on this website in violation of law is subject to a fine of not less than five hundred dollars and not more than one thousand dollars.

§ 10-610. Misuse of Information. Any person who uses information disclosed pursuant to this Chapter in violation of the law shall be subject to a fine of not less than five hundred dollars and not more than one thousand dollars. In addition, the attorney general, any district attorney, or any person aggrieved is authorized to bring a civil action in the appropriate court requesting relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for such action. The foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provisions of law.

§2. This local law shall take effect ninety days after it is enacted.

Referred to the Committee on Public Safety.

Res. No. 1905

Resolution calling on the New York State Legislature to introduce legislation that would create a statewide online registry of individuals convicted of gun-related offenses.

By Council Members Vallone, Jr., Jackson, Gentile, Arroyo, Fidler, James, Koppell, Mendez and Vann.

Whereas, Gun offenders wreak havoc in many neighborhoods across the United States; and

Whereas, According to the New York City Police Department ("NYPD"), in New York City alone, there were 1,353 shootings resulting in 237 deaths and numerous injuries in 2012; and

Whereas, Individuals convicted of gun violence should not only be punished by being sent to jail and prison, but should be required to register as gun offenders with law enforcement officials; and

Whereas, Studies have shown that individuals who carry illegal guns pose a high risk of recidivism; and

Whereas, Therefore gun offenders should be monitored to prevent them from reoffending and to ensure their prompt apprehension if they commit further crimes; and

Whereas, For this reason, the New York City Council passed Local Law 29 of 2006, known as the Gun Offender Registration Act ("GORA"), which created the first registry of gun offenders in the United States; and

Whereas, GORA is modeled after the existing public registries for sex offenders; and

Whereas, GORA was intended as a surveillance tool by law enforcement officials and other city agencies and cannot be viewed by the public; and

Whereas, GORA specifically requires an individual convicted of certain subdivisions within criminal possession of a weapon in the third or second degree to register his or her name, current address and other pertinent information with the NYPD and to report to the NYPD every six months; and

Whereas, The only gun offenders required to register under GORA are those convicted of the enumerated offenses in a court in the city of New York; and

Whereas, Therefore, a person convicted of an applicable gun offense by a court outside of the city of New York would not be required to register; and

Whereas, In order to prevent gun offenders from re-offending, New York State should create a state-wide gun offender registry; and

Whereas, New York City and State would benefit tremendously from a statewide gun offender registry; and

Whereas, In addition, like the New York State Sex Offender Registry, it would be helpful for a statewide gun offender registry to be made available online to the public to notify communities about offenders who have the potential to re-offend; and

Whereas, New York State should enact legislation creating a statewide gun offender registry in order to prevent future homicides and shootings; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to introduce legislation that would create a statewide online registry of individuals convicted of gun-related offenses.

Referred to the Committee on Public Safety.

Int. No. 1146

By Council Members Van Bramer, Arroyo, Greenfield, James, Koo, Rose, Vallone, Jr. and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to develop a consultative inspection program for food service establishments.

Be it enacted by the Council as follows:

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by section 17-1504 to read as follows:

§ 17-1504 Food Service Establishment Consultative Inspection Program. a. By January 1, 2014, the department shall develop a consultative inspection program for food service establishments.

b. Such consultative inspections shall be optional, and performed for educational and informational purposes only. A consultative inspection shall not result in a notice of violation being issued for general violations, critical violations, imminent health hazards or public health hazards. A consultative inspection shall not impact a food service establishment's inspection cycle.

c. Upon completion of a consultative inspection, the inspector shall review the results with the owner or operator of the food service establishment, and advise the owner or operator of potential violations and how to remedy such violations.

d. Nothing in this section shall prohibit the department from taking appropriate action if a food service establishment fails to remedy a public health hazard at the time of the consultative inspection.

e. The department may charge a fee which shall be set by rule promulgated by the commissioner.

f. The department may schedule the consultative inspection, as set by rule promulgated by the commissioner, based on factors including but not limited to demand, prioritization according to inspection history, and the inspection cycle of the food service establishment.

g. Within the consultative inspection program for food service establishments, the department shall develop a system for newly licensed food service establishments whereby such establishments may schedule the consultative inspection prior to their first initial inspections for a nominal fee which shall be set by rule promulgated by the commissioner.

§2. This local law shall take effect one hundred twenty days after its enactment into law, provided that the commissioner may promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Health.

Int. No. 1147

By Council Members Vann, Comrie, Dickens, James, Mendez, Reyna and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Homeless Services to site new shelters in rotation by borough.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-316 to read as follows:

§21-316. a. Definitions. For the purposes of this section the term "shelter" shall mean temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.

b. Beginning no later than January 1, 2014, the department shall site new shelters in rotation by borough, alternating between each of the five boroughs. Once a shelter is sited in a borough, a second shelter shall not be sited in such borough until new shelters have first been sited in each of the other four boroughs.

§2. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1148

By Council Members Vann, Barron, Comrie, Dickens, James, Koo, Mendez, Reyna, Rose, Wills, Foster and Halloran.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to designating high needs areas within New York City as “community development zones” and providing socio-economic services to such communities.

Be it enacted by the Council as follows:

Section 1. Legislative intent and findings. The Council of the City of New York hereby finds that there are neighborhoods within New York City with high concentrations of poverty, joblessness, low educational attainment, and poor health outcomes and that many of those have historically been where negative social and economic conditions have become entrenched and perpetuated for successive generations. Furthermore, these conditions within these distressed areas have also served to diminish the economic growth potential of area businesses. The combined adverse impact of such social and economic conditions on residents and businesses within these areas has engendered increased dependency on public assistance programs, increased homelessness, decreased business tax revenue, and decreased consumer spending. In order to remedy these conditions, the Council proposes to create a “community development zone” program. This strategic and comprehensive geographic approach to planning for social and economic development is designed to diminish long standing social and economic inequities within designated high poverty areas of the City. The legislation authorizes the designation of community districts as community development zones using a set of widely recognized socio-economic indicators at designated thresholds that serve to increase the overall economic well-being, social welfare, health conditions and level of education within distressed areas of the City. The legislation embodies a dual approach to reducing poverty and achieving sustainable social and economic growth within designated “community development zones” by combining both planning for economic development as well as human service delivery. Within this context, the Council finds that requiring collaborative planning among city agencies to develop a statement of needs for each community development zone is essential to best address community development zone needs that promote economic opportunity and employment. To this effect, the Council creates a Community Development Zone Governance Board. As proposed, the Community Development Zone Governance Board will also include agency member participation by the Commissioner of Youth and Community Development, Commissioner of Small Business Services, the Commissioner of Human Resources, the Chancellor of the Department of Education, the Commissioner of Children’s Services, the Commissioner of Housing Preservation and Development and the Commissioner of Health and Mental Hygiene. The purpose of this proposed Community Development Zone Governance Board will be to plan and make recommendations to: (i) promote community development zone economic development, (ii) generate employment opportunities for community development zone residents, and (iii) increase economic self-sufficiency of community development zone residents by addressing a range of needs that improve their ability to attain and retain employment. Such needs include: child care, adult education, English language proficiency, family and individual counseling, parent engagement in schools, health awareness and disease prevention and housing assistance. As a complement to the human service aims of the legislation, the economic development aims of this legislation should assist residents of and businesses in community development zones in benefiting from citywide and local economic development projects, business incentive programs, neighborhood revitalization services, and business development services.

§2. Title 21 of the administrative code of the city of New York is amended, by adding a new chapter 10, to read as follows:

Chapter 10

Community Development Zones

§21-1001. Definitions.

§21-1002. Community Development Zones.

§21-1003. Community Development Zone Governance Board.

§21-1004. Community Development Zone Needs Statement.

§21-1005. Community Development Zone Action Plan.

§21-1006 Time Requirements for Community Development Zone Needs Statements and Action Plans.

§21-1007. Reporting Requirements.

§21-1008. Community Development Zone Progress Report

§21-1009. Re-evaluation of Community Development Zone Criteria.

§21-1001 Definitions. For the purposes of this section, the following definitions shall apply: a. “High level of poverty” shall mean a community district where twenty-five percent or more of the population lives below the federal poverty threshold as established in the 2010 census. b. “Low educational attainment” shall mean a community district where fifteen percent or less of the individuals over the age of 25 have earned a bachelor’s degree or higher as determined by the 2010 census.

c. “Poor health outcomes” shall mean where the infant mortality rate in a community district was six point eight live births per one thousand births or greater in calendar year 2010.

d. “ Governance board” shall mean the community development zone governance board.

e. “Action plan” shall mean the community development zone action plan.

f. “Representative of the poor” shall mean an individual that has personal or professional experience with issues that affect residents of low-income communities within the city of New York.

g. “Agency head” shall mean one of the following members of the community development zone governance board: the commissioner of youth and community development, the commissioner of small business services, the commissioner of the human resources administration, chancellor of the department of education, commissioner of children’s services, commissioner of housing preservation and development, commissioner of health and mental hygiene and the chancellor of the city university of New York.

§21-1002. Community development zones. a. Designation. A community district that suffers from a high level of poverty and low educational attainment or poor health outcomes, shall be designated a community development zone or shall be included within a community development zone by the governance board. A community development zone may be comprised of up to three contiguous community districts that meet these criteria.

b. De-designation. A community district may be de-designated as a community development zone or a community district may be de-designated for inclusion in a community development zone by the governance board. The governance board shall only de-designate a community district as a community development zone or de-designate a community district within a community development zone where the level of poverty and low educational attainment or poor health outcomes in such community district have improved to more than fifty percent of the levels set forth in section 21-1001(a)-(c) of this chapter for three consecutive calendar years in such community development district.

§21-1003. Community development zone governance board. a. A community development zone governance board shall be created to:

1. Designate community development zones and the needs of such zones;

2. Establish priorities for community development zone needs;

3. Consider the coordination and integration of city programs and services within community development zones that are essential to the social and economic growth of such zones; and

4. Examine how funding, including private philanthropic funds, may be used as part of a collective effort to improve socio-economic conditions within community development zones, as well as how city tax levy revenues may be used to increase state and federal funding in furtherance of those efforts.

b. Community development zone governance board membership. 1. The governance board shall be comprised of: (i) voting members, which shall be limited to agency heads, empowered to vote on all matters relating to community development zones. Each agency head may designate as his or her representative someone of deputy commissioner rank or higher within that agency. The governance board shall be staffed by personnel from the member agencies. The mayor shall designate one agency head as chairperson of the governance board and one agency head as vice-chairperson of the governance board, to serve in the absence of the designated chairperson; (ii) ex-officio, non-voting members, of which there shall be two, the speaker of the city council or his or her representative and a representative from the office of the mayor as designated by the mayor; (iii) appointed members, of which the mayor shall appoint ten additional persons to the governance board, five of whom shall be appointed upon the nomination of the speaker of the city council. Of the mayoral appointees not nominated by the speaker of the city council, two shall be representatives of the poor and a representative each from a philanthropic group, community-based social service organization and private industry. Appointees nominated by the speaker of the city council shall include two representatives of the poor and a representative each from a philanthropic group, community-based social service organization and private industry. No appointee shall be affiliated with any city agency. Such non-agency-related appointees to the board shall serve for three-year terms, may be removed from the board at the discretion of the mayor, and shall have no voting power. All members of the governance board shall be appointed and the chairperson and vice-chairperson shall be designated within 60 days from the effective date of the local law that added this chapter.

2. Persons appointed to the governance board by the mayor in accordance with the provisions of subparagraph (iii) of this paragraph shall recuse themselves from any and all discussions of substantive areas in which the member or the organization or organizations with which the member is affiliated has applied for city funding, or has sought a city contract, or has reason to believe that they or the organization or organizations with which they are affiliated, would apply for or compete for city funding or a city contract. If such non-city agency-related appointees do not recuse themselves from such discussions, they and the organizations with which they are affiliated shall be prohibited from applying for, or competing for, city funding or city contracts that may result from such discussions.

§21-1004. Community development zone needs statements. a. For each community development zone, the governance board shall prepare a needs statement which shall identify why a community should be included in a community development zone along with the human service and economic development needs which must be addressed in order to reduce poverty and low educational attainment or poor health outcomes in such community. The human service needs shall include child care services, adult education, literacy services, youth development, English language proficiency training, individual and family counseling, parental engagement in local schools, health awareness and disease prevention services, housing assistance and such other components as deemed appropriate for such community. The economic development needs shall include employment services, neighborhood revitalization services and business development services including business financing assistance, marketing assistance, business registration,

government procurement information and assistance, city government information and assistance, area commercial revitalization services, insurance information, workforce training, recruitment, job screening, job placement assistance, enrollment in business incentive programs and such other components deemed appropriate for such community.

b. The governance board shall present at a public hearing the needs statement prepared for community development zone(s) and shall allow public testimony and the submission of written material related to the adequacy of such needs statements.

§21-1005. Community development zone action plans. a. An agency action plan for each community development zone related to the needs identified pursuant to section 21-1004 of this chapter shall be prepared by the respective agency head. Such agency action plans shall include: (1) as applicable, an outline for how each agency intends to address the priority needs identified in the community development zone needs statements, and (2) a report on how the agency acted independently and collaboratively with other agencies or entities to address the priority needs outlined in the preceding year's community development zone needs statement. Such agency action plans may include information regarding existing programs and services, new agency programs and services, interagency planning, interagency programs and services, and/or additional funding allocations which can be made to meet identified priority community development zone needs. Such agency action plans shall also include the name and location of not-for-profit service providers, for-profit service providers, businesses and firms located within or providing services within each community development zone who have received city contracts awarded by a governance board member agency the performance of which could substantially assist the achievement of priority goals outlined in the community development zone needs statement for each community development zone.

b. Each agency action plan shall be integrated and coordinated into a draft community development zone action plan for each community development zone and following the submission of written testimony from members of the public on such integrated draft action plan, a final action plan for each community development zone shall be completed.

§21-1006 Time Requirements for community development zone needs statements and action plans. a. The governance board shall complete the following duties within the required times:

1. Within seventy-five days of the enactment of the local law that added this chapter, convene the board's first meeting;

2. No later than thirty days following the convening of the board's first meeting, designate the community districts that meet the requirements for inclusion in this program;

3. No later than thirty days following the designation of community development zones, provide notice of and publish a draft of a proposed community development zone needs statement for each community development zone and provide notice of the date of the public hearing related to such needs statements.

4. No later than thirty days following the public hearing relating to needs statements, a final community development zone needs statement for each community development zone shall be prepared;

5. No later than thirty days following the final community development zone needs statement a draft community development zone action plan for each community development zone and notice of the public comment period related to the action plan shall be provided.

6. Not earlier than thirty days following the end of the public comment period related to the action plan, the final action plan for each community development zone shall be made available.

§21-1007. Reporting requirements. The governance board shall submit to the mayor, the speaker of the city council, each council member who has all or a portion of a community development zone within his or her district, each borough president and the chairpersons of each community board within which all or a portion of a community development zone is located a copy of the community development zone needs statements for each community development zone, a copy of a final community development zone action plan for each community development zone and a copy of each community development zone progress report prepared pursuant to subdivision a of section 21-1008 of this chapter. Each such document shall be submitted within ten days of submission to the governance board, shall simultaneously be posted on the city's official website and made available in a commonly available non-proprietary database format on the city's official website.

§21-1008. Community development zone progress report. a. Every four years the governance board shall provide a community development zone progress report on the socio-economic conditions within each community development zone to the mayor, speaker of the city council, each borough president and to the chairpersons of each of the appropriate community boards in a community development zone. The content of such progress report shall not be limited to the criteria used to determine whether a community district qualifies for inclusion in a community development zone pursuant to section 21-1002 of this chapter and shall include whether and to what extent applicable action plans are being implemented and adequately addressing each zone's needs; whether such action plans should be revised to provide other appropriate services where progress has been made in addressing a community's needs; and whether such community should be de-designated for inclusion in the program in accordance with subdivision b of section 21-1002 of this chapter. Such progress reports may include city agency generated data and information related to the poverty and low educational attainment or poor health outcomes within each community development zone.

b. The city may contract with an independent entity to assess the overall impact and performance of community development zone program planning, any initiatives undertaken pursuant to such plans, and funding on the social and economic

conditions within the designated community development zones and work with the governance board and member agencies to provide technical assistance in the development of zone reports and analyses.

§21-1009. Re-evaluation of community development zone criteria. a. The governance board shall commence the re-evaluation of the definitions and community development zone criteria prescribed in sections 21-1001 and 21-1002 of this chapter in year 2017, in year 2021 and every five years thereafter provided that such re-evaluation commences no later than the thirty-first day of January of each such year and such re-evaluation shall not exceed six months.

b. Re-evaluation of the zone criteria shall consist of an evaluation of current socio-economic conditions within New York city to determine the appropriate thresholds for the criteria to continue to be used to designate the community districts within the city that have high concentrations of poverty and low educational attainment or poor health outcomes for inclusion as community development zones and to determine whether the criteria themselves should be revised. Data used to create criteria for designation of community development zones shall be objective and taken from governmental sources, including but not limited to the two most recent United States censuses, the American Community Survey and any other reputable sources the governance board deems appropriate. Any new criteria must be based on the spirit of the original community development zone legislation.

c. The governance board shall hold at least one public hearing within each of the community development zones within this re-evaluation period.

§3. Paragraph 8 of subdivision b of section 556 of the New York city charter is amended to read as follows:

(8) in accordance with section five hundred fifty-five of this chapter, determine the public health needs of the city, participate in the community development zone program established in chapter ten of title twenty-one of the administrative code of the city of New York, and prepare plans and programs addressing such needs.

§4. Section 617 of the New York city charter is amended by adding a new subdivision d to read as follows:

d. Participate in the community development zone program established in chapter ten of title twenty-one of the administrative code of the city of New York.

§5. Section 733 of the New York city charter is amended by adding a new subdivision d to read as follows:

d. Such duties relating to community development zones as are prescribed by law.

§6. Paragraph a of subdivision 5 of section 1301 of the New York city charter is amended to read as follows:

a. advise and assist the mayor in developing policies designed to meet the job training and employment needs of the economically disadvantaged and unemployed residents of the city of New York, as well as the labor needs of private industry and to participate in the community development zone program established in chapter ten of title twenty-one of the administrative code of the city of New York;

§7. Subdivision 6 of Section 1802 of the New York city charter is amended by adding subparagraph n to read as follows:

(n) participate in the community development zone program established in chapter ten of title twenty-one of the administrative code of the city of New York.

§8. This local law shall take effect ninety days after its enactment.

Referred to the Committee on Community Development.

Int. No. 1149

By Council Members Wills and Comrie.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting parking within fifteen feet of an intersection.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter one of title 19 of the administrative code of the city of New York is amended to add a new section 19-189 to read as follows:

§ 19-189 Prohibiting parking within 15 feet of an intersection. Upon the request of a community board having jurisdiction over an intersection, the department shall study the possibility of prohibiting parking within fifteen feet of such intersection not more than sixty days following such request. At the conclusion of the study, the department shall either prohibit such parking, or shall inform the community board in writing the reasons for not prohibiting such parking not less than forty-five days after completion of such study.

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

Referred to the Committee on Transportation.

Int. No. 1150

By Council Members Wills and Comrie.

A Local Law to amend the administrative code of the city of New York in relation to the suspension of the issuance of violations for littering.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 16-118.1 of the administrative code of the city of New York is amended as follows:

§16-118.1 Citywide Routing System. a. The department shall implement a citywide routing system for residential premises for the enforcement of subdivision two of section 16-118 of this code, as such subdivision relates to the cleaning of sidewalks, flagging, curbstones, airshafts, backyards, courts, alleys and roadway areas by owners, lessees, tenants, occupants or persons in charge of any such premises, and for commercial premises for the enforcement of such subdivision as such subdivision relates to cleaning of sidewalks, flagging, curbstones and roadway areas by owners, lessees, tenants, occupants or persons in charge of such premises. The citywide enforcement routing system shall limit the issuance of notices of violation, appearance tickets or summonses within any sub-district of a local service delivery district to predetermined periods of a total of no more than two hours each day, provided that each such predetermined period shall be one hour. The department shall establish a citywide schedule of periods for issuing notices of violation, appearance tickets or summonses for commercial premises in each district and shall give written notice to the owners, lessees, tenants, occupants or persons in charge of such premises in each district of the periods for the district in which their premises are located by the use of flyers, community meetings or such other techniques as the commissioner reasonably determines to be useful. The two one-hour predetermined periods for issuing notices of violation, appearance tickets or summonses for residential premises shall be from 8:00 a.m. until 9:00 a.m. and from 6:00 p.m. until 7:00 p.m., *Monday through Saturday. No notices of violation, appearance tickets or summonses may be issued on Sundays.*

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1151

By Council Members Wills, Barron, Eugene, Mendez, Richards and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to consider alternate forms of academic assessment for students displaced due to superstorm sandy or any other natural or weather-related disaster and to keep a record in the individual file of each such student.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new title 21-A to read as follows:

Title 21-A. Education
Chapter 1. Definitions
Chapter 2. Academic Assessments

Chapter 1. Definitions.

§21-950 Definitions. *Whenever used in this title, the following terms shall have the following meanings:*

- a. "Chancellor" shall mean the chancellor of the New York city department of education
- b. "Department" shall mean the New York city department of education.
- c. "Student" shall mean any pupil under the age of twenty-one under the jurisdiction of the department of education of the city of New York.

Chapter 2. Academic Assessments

§21-951 Disaster-related accommodations. a. *For the purposes of this section the following terms shall have the following meanings:*

1. "Academic assessment" shall mean the systematic collection, review, use of information to determine student performance.
2. "Host school" shall mean any school or school building that is required to accommodate non-enrolled students from other schools or school buildings as a result of a natural or weather-related disaster.
3. "Natural or weather-related disaster" shall mean any major adverse event resulting from natural processes, which causes substantial damages, including but not limited to, hurricanes, floods, and earthquakes.
 - b. *For any student displaced from their primary residence or home school by superstorm sandy or any subsequent natural or weather-related disaster and for any student enrolled at a host school who has been impacted by such disaster, the department of education shall consider alternate forms of academic assessment excluding standardized exams, including but not limited to, homework, in-class projects, essays and classroom participation. The department shall also include in the file of any such student, information, to the extent known, regarding the nature of the displacement and the degree to which such student was impacted by such natural or weather-related disaster and any academic accommodation that was made for any such student in consideration of such event.*

- c. *The department shall notify the parents or persons in parental relation of any*

such student identified pursuant to subdivision b of this section, for whom the department has decided to consider any such alternate form of academic assessment within three school days of when such decision is made.

d. *Within one hundred twenty calendar days of the occurrence of such natural or weather-related disaster, the department shall submit to the Council, a report which shall include but not be limited to the following; a list of schools in which one or more students were displaced as a result of such occurrence, the number of students for which an academic accommodation was made pursuant to subdivision b of this section, information regarding whether such academic accommodation was noted in each such student's academic file and information regarding whether the parents or persons in parental relation were notified that such accommodation was made or considered.*

e. *No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 0 and 9 students, or allows another category to be narrowed to between 0 and 9 students, the number shall be replaced with a symbol.*

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

Referred to the Committee on Education.

Res. No. 1906

Resolution calling upon the New York City Department of Education to amend Chancellor's Regulation A-190, in order to specify procedures for notifying affected parents of any proposed school closure or significant change in school utilization.

By Council Members Wills, Barron, Dickens, Eugene, James, Mendez, Richards and Rose.

Whereas, In 2009, the New York State Education Law (SEL) was amended to require a public review and comment process on all proposals by the Chancellor of the New York City school district to close a school or make a significant change in school utilization; and

Whereas, SEL §2590-h(2-a) governs any proposed school closing or significant change in school utilization, including the phase-out, grade reconfiguration, re-siting, or co-location of schools, for any public school located within the City district; and

Whereas, SEL §2590-h(2-a) requires the preparation of an educational impact statement for any proposed school closing or significant change in school utilization, and that such educational impact statement shall be made publicly available; and

Whereas, In addition, the law requires that a joint public hearing be held with the impacted community council and school based management team, at the school that is subject to the proposed school closing or significant change in school utilization, to allow all interested parties an opportunity to present comments or concerns; and

Whereas, Further, the law states that the Chancellor shall ensure that notice of such hearing is widely and conspicuously posted in such a manner to maximize the number of affected individuals that receive notice, including providing notice to affected parents and students, and shall also notify members of the community boards and the elected state and local officials who represent the affected community district; and

Whereas, A New York City Department of Education (DOE) regulation, Chancellor's Regulation A-190, was first promulgated in November 2009 to implement the requirements of SEL §2590-h(2-a); and

Whereas, Chancellor's Regulation A-190 was amended October 10, 2010 and specifies that the Chancellor shall publish the educational impact statement on the DOE's official internet website as well as delivering "or mailing by First Class Mail a hard copy" to the Chairperson of the Panel for Educational Policy, the administrative assistant(s) of the impacted Community Education Council(s), the president or representative of the impacted community board(s), the impacted community superintendent(s), the principal(s) of the impacted school(s) and appropriate Citywide Councils; and

Whereas, The Regulation states that the community superintendent of the community school district shall provide notice of such proposal and any subsequent revised proposal to all impacted parents, directly or via the affected school's administration, but does not specify the method(s) for such notification; and

Whereas, The Regulation further states that the Chancellor shall post notice of the joint public hearing on the DOE's official internet website and provide notice to all affected parents and students, as well as to the community boards and the elected state and local officials who represent the affected community district, but does not specify the method(s) for such notification; and

Whereas, There have been consistent complaints from parents in affected school communities about a lack of notice regarding proposals of and joint public hearings on school closings or significant changes in school utilization; and

Whereas, The SEL clearly requires that this information be widely disseminated to parents and students in affected school communities in order to facilitate the opportunity for public review and comment process; and

Whereas, Chancellor's Regulation A-190 already specifies some procedures for notification, including posting information on the DOE's official internet website as

well as delivering “or mailing by First Class Mail a hard copy” to certain school officials; and

Whereas, Similar procedures should be specified in Chancellor’s Regulation A-190 for parent notification, including mailing notices by First Class Mail directly to parents of students in affected schools as well as publication of notices in at least three (3) newspapers distributed in the affected area; and

Whereas, Requiring such notification procedures would improve parental awareness of and participation in the public review and comment process for proposed school closings or significant changes in school utilization; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to amend Chancellor’s Regulation A-190, in order to specify procedures for notifying affected parents of any proposed school closure or significant change in school utilization.

Referred to the Committee on Education.

L.U. No. 874

By Council Member Recchia:

360 Preservation, Block 1550, Lots 31 and 36, Brooklyn, Community District No.16. Council District No. 41

Filed by the Council under M-1238 (originally referred to the Committee on Finance; please see M-1238 which was Received, Ordered, Printed & Filed by the Council at this Stated Meeting and is printed in the Communications from City, County and Borough Offices section of these Minutes).

Preconsidered L.U. No. 875

By Council Member Recchia:

Seagirt Apartments, Block 15610, Lot 1, Queens, Community District No. 14, Council District No. 31

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 876

By Council Member Comrie:

Application No. N 130220 ZRQ submitted by Queens Development Group, LLC and the New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter for an amendment to the Zoning Resolution relating to Article XII, Chapter 4 (Special Willets Point District), Section 124-60 (Special Permit to Modify Use and Bulk Regulations) to allow the City Planning Commission to permit transitional uses as part of a phased development where such uses are reasonably necessary to assist in achievement of the goals of the Special District, in Community District 7, Borough of Queens, Council District 21.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 877

By Council Member Comrie:

Application No. C 130222 ZSQ submitted by Queens Development Group, LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 2,650 spaces and active recreational uses on property (Zoning Lot 1) located easterly of 126th Street generally between proposed to be demapped 35th Avenue and Roosevelt Avenue, in a C4-4 District, within the Special Willets Point District, Borough of Queens, Community District 7, Council District 21.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 878

By Council Member Comrie:

Application No. C 130223 ZSQ submitted by Queens Development Group, LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 83 spaces, in conjunction with a commercial development on property (Zoning Lot 2) located easterly of 126th Street generally between proposed to be demapped 37th Avenue and proposed to be demapped 38th Avenue, in a C4-4 District, within the Special Willets Point District, Borough of Queens, Community District 7, Council District 21.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 879

By Council Member Comrie:

Application No. C 130224 ZSQ submitted by Queens Development Group, LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution to modify the applicable use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 98 spaces and active recreational uses on property (Zoning Lot 3) located easterly of 126th Street generally between proposed to be demapped 34th Avenue and proposed to be demapped 35th Avenue, in a C4-4 District, within the Special Willets Point District, Borough of Queens, Community District 7, Council District 21.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 880

By Council Member Comrie:

Application No. C 130225 ZSQ submitted by Queens Development Group, LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 181 spaces and active recreational uses on property (Zoning Lot 4) located westerly of 126th Place generally between Northern Boulevard and proposed to be demapped 34th Avenue, in a C4-4 District, within the Special Willets Point District, Borough of Queens, Community District 7, Council District 21.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 881

By Council Member Comrie:

Application No. M 080221(A) MMQ submitted by Queens Development Group, LLC and New York City Economic Development Corporation regarding an amendment to a previously approved application (C 080221 MMQ) for an amendment to the City Map involving, inter alia, the elimination of streets within an area bounded by 126th Street, Northern Boulevard, Van Wyck Expressway Extension and Roosevelt Avenue, in accordance with Map Nos. 5000A, 5000B, 5001 and 5002, dated March 13, 2013, and signed by the Borough President, Borough of Queens, Community District 7, Council District 21.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 882

By Council Member Comrie:

Application No. N 130212 ZRK submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment to the Zoning Resolution modifying Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts) in portions of Community Districts 8 and 9, and Appendix F (Inclusionary Housing Designated Areas) in Community District 8, Borough of Brooklyn, Council Districts 35 and 36.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 883

By Council Member Comrie:

Application No. C 130213 ZMK submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section Nos. 16c, 16d, 17a and 17b to rezone all or portions of 55 blocks in the western portion of Crown Heights, Borough of Brooklyn, Community District 8, Council Districts 35 and 36.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 884

By Council Member Comrie:

Application No. C 130120 ZMY submitted by Kingsbridge Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 1d to rezone 10 lots from M1-1 and R6/C1-3 to C8-3 in Marble Hill section of Boroughs of Bronx and Manhattan, Community District 7, Council Districts 10 and 14.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 885

By Council Member Comrie:

Application No. C 130214 ZMM submitted by Memorial Hospital for Cancer and Allied Diseases and City University of New York pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 9a, to rezone from an M3-2 District to a C1-9 District and an M1-4 District, certain property in connection with a proposed community facility development at 524-540 East 74th Street (aka 525-545 East 73rd Street), in a C1-9 District within a Large Scale General Development, Borough of Manhattan, Community District 8, Council District 5.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 886

By Council Member Comrie:

Application No. N 130215 ZRM submitted by Memorial Hospital for Cancer and Allied Diseases and City University of New York pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article VII, Chapter IV (General Large Scale Development) to permit floor area increase of up to 20 percent in exchange for provision of a public park improvement, in connection with a proposed community facility development at 524-540 East 74th Street (aka 525-545 East 73rd Street), in a C1-9 District within a Large Scale General Development, Borough of Manhattan, Community District 8, Council District 5.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 887

By Council Member Comrie:

Application No. C 130216 ZSM submitted by Memorial Hospital for Cancer and Allied Diseases and City University of New York pursuant to Sections 197-c and 201 of the New York City Charter for a special permit pursuant to Zoning Resolution: (i) Section 74-743(a)(1) to allow location of buildings without regard to rear yard requirements of Section 33-283, and to modify side yard requirements of Section 33-25 and height and set back requirements of Section 33-432; and (ii) Section 74-743(a)(11) to allow floor area bonus for improvements to a public park, in connection with a proposed community facility development at 524-540 East 74th Street (aka 525-545 East 73rd Street), in a C1-9 District within a Large Scale General Development, Borough of Manhattan, Community District 8, Council District 5.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 888

By Council Member Comrie:

Application No. C 130217 ZSM submitted by Memorial Hospital for Cancer and Allied Diseases and City University of New York pursuant to Sections 197-c and 201 of the New York City Charter for a special permit pursuant to Zoning Resolution Section 74-744(c) to modify the sign requirements of Section 32-64 (Surface Area Illumination Provisions) and Section 32-65 (Permitted Projection or Height of Signs), in connection with a proposed community facility development at 524-540 East 74th Street (aka 525-545 East 73rd Street), in a C1-9 District within a Large Scale General Development, Borough of Manhattan, Community District 8, Council District 5.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 889

By Council Member Comrie:

Application No. C 130218 ZSM submitted by Memorial Hospital for Cancer and Allied Diseases and City University of New York pursuant to Sections 197-c and 201 of the New York City Charter for a special permit pursuant to Zoning Resolution Section 13-561 to allow an enclosed attended accessory parking garage with a maximum of 248 spaces on portions of the ground floor, cell and sub-cellar of a proposed community facility development at 524-540 East 74th Street (aka 525-545 East 73rd Street), in a C1-9 District within a Large Scale General Development, Borough of Manhattan, Community District 8, Council District 5.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 890

By Council Member Comrie:

Application No. C 130219 PPM submitted by the NYC Department of Citywide Administrative Services pursuant to Sections 197-c of the New York City Charter for the disposition of one (1) city-owned property located at 524-540 East 74th Street, aka 525-545 East 73rd Street (Block 1485, Lot 15), Borough of Manhattan, Community District 8, Council District 5.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 891

By Council Member Comrie:

Application No. C 110154 ZSX submitted by Liska NY, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for a special permit pursuant to Section 74-902 of the Zoning Resolution to modify the requirements of Section 24-111 to permit the allowable community facility floor area ratio of Section 24-11 to apply to an 8-story non-profit institution

with sleeping accommodations (UG 3), on property located at 731 Southern Boulevard, in an R7-1 District, Borough of Bronx, Community District 2, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 892

By Council Member Comrie:

Application No. C 120326 MMK an application submitted by the Dormitory Authority of the State of New York pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the elimination, discontinuance and closing of a portion of: Campus Road; Avenue H; and Amersfort Place; and authorizing acquisition or disposition of real property related thereto, Borough of Brooklyn, Community District 14, Council District 45.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 893

By Council Member Comrie:

Application No. C 130306 ZMK submitted by the Dormitory Authority State of New York pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23a: changing a portion of a C8-2 District to an R6 District; and establishing within a proposed R6 District a C2-4 District, Borough of Brooklyn, Community District 14, Council District 45.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

Preconsidered L.U. No. 894

By Council Member Comrie:

Application No. C 130170 ZMQ submitted by St. Francis Preparatory School pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 10d and 11b, by changing from an R3-2 District to an R4 District property bounded by the southeasterly service road of the Horace Harding Expressway, Francis Lewis Boulevard, the northeasterly centerline prolongation of 67th Avenue and Peck Avenue, Borough of Queens, Community District 8, Council District 23.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 895

By Council Member Comrie:

Application No. 20135751 HKM (N 130348 HKM) pursuant to Section 3020 of the New York City Charter regarding the designation by the Landmarks Preservation Commission of the Bialystoker Center and Home for the Aged (Designation List No. 464/LP-2529) located at 228 East Broadway aka 228-230 East Broadway (Tax Map Block 315, Lot 45), as an historic landmark, Borough of Manhattan, Community District 3, Council District 1.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses).

Preconsidered L.U. No. 896

By Council Member Comrie:

Application No. 20145045 HHM submitted by the New York Health and Hospitals Corporation pursuant to §7385(6) of its Enabling Act requesting the approval of the surrender to the City of New York of an approximately 9.9 acre parcel of land and buildings, on Block 1373, Lot 20, located on the campus of Goldwater Specialty Hospital and Nursing Facility, One Main

Street, Roosevelt Island, Borough of Manhattan, Community District 8, Council District 5.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses).

Preconsidered L.U. No. 897

By Council Member Comrie:

Application No. 20145044 HAK submitted pursuant to Article 16 of the New York General Municipal Law and Section 422 of the New York Real Property Tax Law by the New York City Department of Housing Preservation and Development for approval of an Urban Development Action Area Project and related tax exemption for a Section 202 Supportive Housing Program for the Elderly project located at 137 Jamaica Avenue (Block 3487, part of Lot 20), Borough of Brooklyn, Community District 5, Council District 37.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

L.U. No. 898

By Council Member Comrie:

Application no. 20135019 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of The Original Homestead Restaurant Inc., for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 56 9th 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. 899

By Council Member Comrie:

Application no. 20135747 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of G Chew LLC., d/b/a Ciccio, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 190 6th Avenue, in the Borough of Manhattan, Community District 2, 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. 900

By Council Member Comrie:

Application no. 20135608 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Friedfield Breslin, LLC, d/b/a The John Dory Oyster Bar, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 1186 Broadway, in the Borough of Manhattan, Community District 5, 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. 901

By Council Member Comrie:

Application no. 20135625 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of FGNY 2847 Broadway LLC, d/b/a Five Guys Burger and Fries, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 2847 Broadway, in the Borough of Manhattan, Community District 9, Council District 9. 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.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Tuesday, September 3, 2013

Subcommittee on **ZONING & FRANCHISES**.....**9:30 A.M.**
See Land Use Calendar Available, Thursday, August 29, 2013
Council Chambers – City HallMark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....**11:00 A.M.**
See Land Use Calendar Available Thursday, August 29, 2013
Committee Room – City Hall..... Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... **1:00 P.M.**
See Land Use Calendar Available Thursday, August 29, 2013
Committee Room – City Hall..... Stephen Levin, Chairperson

Thursday, September 12, 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 – City Hall..... Leroy Comrie, Chairperson

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 Thursday, September 12, 2013.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int No. 875-A, adopted at the June 26, 2013 Stated Council Meeting, was returned unsigned by the Mayor on July 29, 2013. This bill had become local law on July 28, 2013 pursuant to the City Charter due to Mayoral inaction within the Charter-prescribed thirty day time period and was assigned subsequently as Local Law 54 of 2013.

Int Nos. 888-A, 889-A, 893-A,1053-A, 1054-A, 1065, 1069, 1070-A, 1072-A, 1075-A, 1076-A, 1077-A, 1120, and 1064, all adopted by the Council at the July 24, 2013 Stated Meeting, were signed into law by the Mayor on August 12, 2013 as, respectively, Local Laws Nos. 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68 of 2013. Int No. 894-A, adopted by the Council at the July 24, 2013 Stated Meeting, was signed into law by the Mayor on August 16, 2013 as Local Law 69 of 2013.

Int Nos. 1079 and 1080 (both originally adopted by the Council at the June 26, 2013 Stated Meeting) were re-adopted by the Council at this August 22, 2013 Stated Meeting and were both, thereby, enacted into law by the Council's override of the Mayor's July 23, 2013 vetoes. Int Nos. 1079 and 1080 were subsequently assigned as, respectively, Local Law Nos. 70 and 71 of 2013.

