

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
THURSDAY, SEPTEMBER 12, 2013

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING
of*

Thursday, September 12, 2013, 1:55 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Dilan, Ferreras, Garodnick, Gonzalez, Mealy and Ulrich.

The Deputy Majority Leader (Council Member Comrie) 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 Comrie).

There were 45 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 Father George Anastasiou, Transfiguration of Christ Greek Orthodox Church, 38-05 98th Street, Corona, N.Y. 11368.

Brothers and sisters,
let us bow our heads in prayer
mindful that we are ever
in the presence of the Lord.
Heavenly King, Comforter, the Spirit of Truth
who are ever present and fill all things,
the treasury of all blessings,
we humbly bow our heads
in awe of your magnificent glory.
We offer jubilant thanks to you
for bringing us together
in this sacred chamber of the City Council
which serves the metropolis
of the world, New York City.
Teach us that it is our responsibility
to seek that which was lost,
to restore that which was driven away,
to bind up all that has stood broken
to strengthen that which is ailing,
bestow upon us gifts and resources
to help, to heal, and to build a better world
starting with our city.
We finally beseech and implore you
to illumine the steps
of our beloved Speaker, Christine Quinn,
and all those Council Members
as they move forward in their life and career.
We pray for heavenly blessings
for Julissa Ferreras in this blessed time
during which she has brought forth
a new life into the world,
and we ask, Heavenly Father,
that you keep all Council Members,
their family and staff
under the protection of your mighty right hand
as they most diligently labor
for the welfare of our city.
We ask these things
in your holy majestic and eternal name,
Amen.

Council Member Dromm 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:

Staff Sgt. Michael H. Ollis, 24, of New Dorp, Staten Island in the Minority Leader's (Council Member Oddo) district, was killed in Afghanistan on August 28, 2013 after insurgents attacked his unit. Sgt. Ollis was assigned to the 10th Mountain's First Brigade combat team based in Fort Drum, N.Y. He is survived by his parents, Robert and Linda. Sgt. Ollis was the 92nd New Yorker to die in service to our country since the 9/11 attacks.

* * *

At this point, the Speaker (Council Member Quinn) announced the September 11, 2013 healthy births of three additions to the Council family: Council Member Ferreras gave birth to her first son, Julian Aaron Copeland; Council Member Garodnick and wife Zoe welcomed the birth of their second child, David Randolph Garodnick, younger brother to Asher; and Council Infrastructure Assistant Director Jeff Baker and his wife Elizabeth welcomed the birth of their first child, Eleanor Francis Baker.

ADOPTION OF MINUTES

Council Member Lappin moved that the Minutes of the Stated Meeting of July 24, 2013 be adopted as printed.

LAND USE CALL UPS

M-1248

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

Pursuant to Rule 11.20(c) of the Council Rules and Section 197-d (b)(3) of the New York City Charter and Section 62-822(a) of the New York City Zoning Resolution, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application nos. C 130068 MMQ, C 130244 ZSQ, C 090486 ZSQ and N 090487 ZAQ shall be subject to Council review. These items are related to Application nos. C 090484 ZMQ and N 090485 ZRQ which are subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

M-1249

By Council Member Van Bramer:

Pursuant to Rule 11.20(b) of the Council Rules 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 130191 ZSQ shall be subject to Council review.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

The President Pro Tempore (Council Member Comrie) 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, Dromm, Eugene, Fidler, Foster, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – 45.

At this point, the President Pro Tempore (Council Member Comrie) 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

Report of the Committee on Health

Report for Int. No. 1051-A

Report of the Committee on Health 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 establishing procedures for the office of chief medical examiner to conduct a root cause analysis.

The Committee on Health, to which the annexed amended proposed local law was referred on June 12, 2013 (Minutes, page 1900), respectfully

REPORTS:

I. Introduction

On Thursday, September 12, 2013 the New York City Council Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will consider Proposed Int. Nos. 1051-A and 1058-A. The Committee heard earlier versions of these bills on June 24, 2013.

II. Background

The Health and Women's Issues Committees held a joint oversight hearing on February 15, 2013 entitled *The Mishandling of DNA in Sexual Assault Cases* by the Office of the Chief Medical Examiner, after news reports that the OCME potentially mishandled 877 sexual assault cases over a decade and failed to upload deoxyribonucleic acid (DNA) data to the State DNA database in 56 cases. On June 24, 2013, the Health and Women's Issues Committees held a follow-up oversight hearing entitled "Examining the Need for Meaningful Transparency, Review and Reporting in the Office of Chief Medical Examiner." At that time, the Committees also heard Int. No. 1051, which would have amended the New York City Charter in relation to procedures for conducting a root cause analysis by the New York City Office of the Chief Medical Examiner ("OCME" or "Office"), and Int. No. 1058, which would have also amended the New York City Charter in relation to transparency of the OCME.

The hearings were convened following the publication of a January 10, 2013 *New York Times* article¹ uncovering the possible mishandling of DNA evidence in over 800 rape cases by a single laboratory technician, who was employed at OCME from 2000 to 2011.² According to the OCME, the technician's errors included the failure to identify fluid stains on clothing items—which the OCME has claimed was "caused by incompetence"—and the failure to properly inventory and document evidence—caused by "inattention."³ Further, the technician was not responsible for DNA analysis, ruling out the possibility of false positives and wrongful convictions, according to the OCME.⁴

"Corrective action" taken by the OCME for these errors was first reported by the OCME to an accrediting body on July 7, 2011 after two false negatives were discovered in February 2011.⁵ According to testimony by OCME representatives, this particular technician seemed to underperform from the start of her career in the office.⁶ The technician was hired as a Criminologist II, but was instead assigned to do the work of a Criminologist I due to a poor test score in initial training.⁷ The technician also made sporadic documentation errors and was taken out of the lab and placed on "benchwork" from 2007-2011.⁸ The technician was then sent to retraining in 2011, at which point two errors were found in her work that led to a re-inventory of all 877 cases that this employee had handled during her tenure in the Office.⁹ The technician was placed on administrative leave in June 2011 and quit in July 2011 after OCME moved to terminate her.¹⁰

At the time of the February 15, 2013 hearing, the large majority of the 877 cases had been reevaluated and 13 cases were awaiting retrieval by the New York Police Department.¹¹ This review of the totality of the technician's work revealed 50 sexual assault cases with documentation errors and 37 cases in which re-examination led to a positive result for biological stains when the technician had reported a negative result or false negative—meaning the technician failed to detect biological evidence when some actually existed.¹² Of the 37 false negative results, nine contained DNA profiles which were eligible for uploading onto a federal DNA database system, of which two matched a known suspect and two provided a match that resulted in an investigative lead.¹³ In one of these cases, the suspect was apprehended and placed under indictment, and the police were still looking for the suspect in the second case at the time of the February hearing.¹⁴

The OCME has stated that there was no impact on cases where the technician did identify a positive presence of body fluid stains on clothing items since such cases were then transferred to a DNA analyst for analysis.¹⁵ The OCME also

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¹ Joseph Goldstein, "New York Examines Over 800 Rape Cases for Possible Mishandling of Evidence," N.Y. Times, Jan. 10, 2013.

² Transcript of the minutes of Comm. on Health, Comm. on Women's Issues, City Council, City of New York, *Oversight - The Mishandling of DNA in Sexual Assault Cases by the Office of the Chief Medical Examiner*, (Feb. 15, 2013) [hereinafter *Transcript*] available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1282988&GUID=EFD16CDB-18F0-4094-B776-B1952E32C0E6>.

³ Letter from the Department of Forensic Biology of the New York City Office of the Chief Medical Examiner to the American Society of Crime Laboratory Directors Laboratory Accreditation Board (ASCLD/LAB), February 7, 2013 [hereinafter ASCLD/LAB Letter].

⁴ *Id.*

⁵ *Id.*

⁶ Oversight - The Mishandling of DNA in Sexual Assault Cases by the Office of the Chief Medical Examiner: Hearing Before the N.Y. City Council Comms. on Health & Women's Issues, pp. 61-68 (Feb. 15, 2013) [hereinafter *Hearing*] (statement of the Office of the Chief Medical Examiner).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ ASCLD/LAB Letter, *supra* note 3.

¹¹ *Hearing*, *supra* note 6 (statement of the Office of the Chief Medical Examiner).

¹² ASCLD/LAB Letter, *supra* note 3.

¹³ *Id.*

¹⁴ *Hearing*, *supra* note 6 (statement of the Office of the Chief Medical Examiner).

¹⁵ Verbal information provided by representatives of the Bloomberg Administration on Jan. 31, 2013 to staff representatives of the New York City Council.

reported that no cross-contamination occurred because swabs were individually sealed and were dry when the technician examined them and the correct victim DNA was always present in the corresponding kit upon reexamination.¹⁶

Additionally, as part of the OCME's review of the incident involving the mishandling of rape kits, the OCME found that OCME management and quality assurance personnel did not report deficiencies in lab work in a timely manner.¹⁷ Sometimes, the quality assurance personnel waited weeks to report the deficiencies to higher levels of management.¹⁸

The OCME claimed that since July 7, 2011, it has provided updates on these occurrences to the New York State Division of Criminal Justice, the New York State Office of Forensic Services and the New York State Commission on Forensic Science (the "Forensic Commission"), the Forensic Commission's Subcommittee on DNA, and the Mayor's Office of the Criminal Justice Coordinator.¹⁹ Additionally, the OCME has stated that in all affected cases, the Department of Forensic Biology has distributed reports to the relevant District Attorney's Offices, and that these offices have made disclosures to the assigned defense counsels in these cases.²⁰

On January 31, 2013, the OCME announced that over 50 DNA profiles were not uploaded onto the State DNA database, although they were uploaded to the local database.²¹ A representative of the OCME reported that the error was found internally by a quality assurance supervisor.²² Of the 56 DNA profiles that were not uploaded, one resulted in an investigative lead in a case involving a 2006 commercial burglary.²³

As a result of these management lapses, the OCME testified at the February 15, 2013 Health Committee hearing that a number of changes have been made in the Office.²⁴ The DNA Lab Director was suspended (and later resigned²⁵) and the Quality Assurance Deputy Director was fired.²⁶ The lab also reviewed five years' worth of employee evaluations to search for unsatisfactory reviews.²⁷ One person was found who had conditional ratings and had been terminated, but no errors were found in the employee's work.²⁸ The OCME created the policy that a supervisor must be in the exam room at all times and any unsatisfactory work must be immediately reported to Barbara Butcher, Interim Director of the Department of Forensic Biology, along with the Quality Assurance Department.²⁹ Going forward, new employees who do not pass their initial training will be dismissed immediately.³⁰ The OCME also reported that the DNA lab doubled the amount of blind retesting (the work of an analyst is re-tested by a second analyst without the knowledge of the first analyst) from 12.5% to 25% of sexual assault kits.³¹ The OCME stated that DNA profiles are now uploaded to the State database immediately.³²

Following the February hearing, the OCME retained an outside consultant to review the management structure and operations of the Office. At the June hearing, following the completion of this consultant's report, the OCME representatives explained that the consultant focused on a review of management structure and operations of the Office and not on the incidents that were the subject of the February hearing. Rather, the OCME conducted its own separate and internal review of the incident—through a "root cause analysis."³³

In light of these occurrences, the June hearing explored the need for meaningful transparency, review and reporting in the OCME and reviewed two pieces of legislation, Int. No. 1051 and Int. No. 1058, to further those goals. Witnesses invited to testify include representatives of the OCME, criminal justice academics, District Attorneys, criminal justice advocates, forensic experts and medical professionals.

III. OCME Oversight, Standards and Accreditation

Oversight of the OCME rests with the New York State Forensic Commission and its Subcommittee on Forensic DNA Laboratories and Forensic DNA Testing,³⁴ and to some extent with ASCLD/LAB, a non-profit, independent

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¹⁶ Transcript, *supra* note 2.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ ASCLD/LAB Letter, *supra* note 3.

²⁰ *Id.*

²¹ Associated Press, "1 Fired, 1 Suspended at NY Medical Examiner Office," WALL STREET J. Jan. 31, 2013. At the Feb. 15 2013 Health Committee Hearing, the OCME stated that 56—not 55—DNA profiles were not uploaded to the CODIS database. *See supra* note 6.

²² Hearing, *supra* note 6 (statement of the Office of the Chief Medical Examiner).

²³ *Id.*

²⁴ Transcript, *supra* note 2.

²⁵ Daniel Beekman, Shayna Jacobs and Rich Schapiro, "Leadership Must Change At City's DNA Lab: Report," NY DAILY NEWS, May 18, 2013, available at <http://www.nydailynews.com/new-york/leadership-change-city-dna-lab-article-1.1347616>.

²⁶ Hearing, *supra* note 6 (statement of the Office of the Chief Medical Examiner).

²⁷ Transcript, *supra* note 2.

²⁸ *Id.*

²⁹ Hearing, *supra* note 6 (statement of the Office of the Chief Medical Examiner).

³⁰ *Id.*

³¹ *Id.*

³² Transcript, *supra* note 2.

³³ Transcript of the minutes of Comm. on Health, Comm. on Women's Issues, City Council, City of New York, *Examining the Need for Meaningful Transparency, Review and Reporting in the Office of Chief Medical Examiner*, (June 24, 2013) [hereinafter *Transcript II*] available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1442888&GUID=42AD50C9-F632-4DF2-BBD5-35A3A7F6EED0&Options=&Search=>.

³⁴ N.Y. EXEC. LAW § 995-b (1) (1994). The Forensic Commission is fourteen-member body, consisting of the Commissioner of the Division of Criminal Justice Services (DCJS) who serves as chair of the Forensic Commission and the commissioner of the Department of Health (or his/her designee), who serves as an ex-officio member, along with 12 other members made appointed by the Governor from a variety of areas of criminal justice, including members from District Attorneys

organization which accredits the OCME's DNA lab. Other oversight bodies of the OCME's DNA lab also include the New York State Department of Criminal Justice Services and the Federal Bureau of Investigations.

To maintain certification by the Forensic Commission, laboratories must continue to meet the ASCLD/LAB guidelines, and submit to the Forensic Commission copies of documentation submitted to the ASCLD/LAB or received from it, including the notification of disciplinary action taken by the ASCLD/LAB.³⁵ The Forensic Commission may revoke, suspend or put on probation a laboratory for a variety of violations, including a showing of unacceptable error or errors in the performance of laboratory examination procedures or failing to meet the standards of any proficiency test required by the Subcommittee on DNA.³⁶ The Forensic Commission hearings are open to the public, and the minutes to recent meetings and audit reports are posted online.³⁷ The Forensic Commission only posts documents from hearings going back two months on its website.³⁸ As noted above, the OCME has provided updates on the mishandling of DNA evidence at several public meetings of the Forensic Commission.³⁹

The ASCLD/LAB requires all active examiners to take at least two proficiency tests per year.⁴⁰ If a proficiency test is not successfully completed, the result, along with a corrective action plan, must be reported immediately to the ASCLD/LAB.⁴¹ Laboratories must continue to meet the ASCLD/LAB standards during the five-year term of accreditation.⁴² Additionally, the New York State Inspector General conducts independent external investigations of public laboratories statewide and reports the findings to the Forensic Commission.⁴³ The Inspector General can initiate an investigation upon the receipt of complaints from any source,⁴⁴ or upon his or her own initiative, can determine whether allegations warrant disciplinary action,⁴⁵ civil or criminal prosecution, and can issue public reports of such investigations.⁴⁶

The standards and guidelines which ASCLD/LAB uses to accredit the OCME is the ASCLD/LAB-International Accreditation Program, which is based upon ISO/IEC 17025:2005 (ISO 17025) standards and supplemented by forensic specific requirements taken from the ASCLD/LAB Legacy Program. The ASCLD/LAB-International Accreditation Program, ISO 17025 standards and the supplemental guidelines are not available to the public; the accreditation requirement documents are available in electronic format only to accreditation consultants and other non-crime laboratory individuals or entities for a fee of \$150.00.⁴⁷

IV. Root Cause Analysis

At the February and June 2013 hearings, advocates recommended that the OCME institute a regular and systematic procedure for conducting a "root cause analysis" following an incident like the one that transpired with the mishandled rape kits.⁴⁸ Advocates recommended that while outside experts may be brought in to conduct an investigation of major incidents, the OCME itself must create an ingrained culture of systematic review of incidents, such as through the creation of a committee within the OCME that would investigate incidents within the Office.

Root cause analysis (RCA) is a process used for investigating errors, and is frequently used by scientific or medical institutions. In 1997, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) began to require hospitals and healthcare organizations to use the RCA process to investigate "sentinel events." JCAHO defines root cause analysis as:

a process for identifying the basic or causal factors that underlie variation in performance . . . [it] focuses primarily on systems and processes, not on individual performance. It progresses from special causes . . . to common causes in organizational processes . . . and identifies potential improvements in processes or systems that would tend to decrease the likelihood of such events in the future.⁴⁹

In its testimony at the February and June hearings, representatives of the OCME stated that it typically conducts RCAs. As of the June hearing, the OCME had recently completed a corrective action report which included a "root cause

offices, the forensic science community, and the public and private defense bars. N.Y. EXEC. LAW § 995-b (1) (1994).

³⁵ N.Y. COMP. CODES R. & REGS. tit. 9, § 6190.5 (2005).

³⁶ N.Y. COMP. CODES R. & REGS. tit. 9, § 6190.6 (2000).

³⁷ See New York State Division of Criminal Justice Services, "Past Meetings," <http://criminaljustice.state.ny.us/pio/openmeetings.htm>.

³⁸ See e.g., *id.*

³⁹ ASCLD/LAB Letter, *supra* note 3.

⁴⁰ COMMITTEE ON IDENTIFYING THE NEEDS OF THE FORENSIC SCIENCES COMMUNITY, NATIONAL RESEARCH COUNCIL, STRENGTHENING FORENSIC SCIENCE IN THE UNITED STATES: A PATH FORWARD 207–08 (2009).

⁴¹ *Id.*

⁴² *Id.*

⁴³ See, e.g., Press Release, New York State Office of the Inspector General, "Inspector General Finds Crime Lab Misconduct in Monroe & Erie Counties" (Dec. 22, 2009), available at <http://www.ig.ny.gov/pdfs/Inspector%20General%20Finds%20Crime%20Lab%20Misconduct%20in%20Monroe%20&%20Erie%20Counties.pdf>.

⁴⁴ N.Y. EXEC. LAW § 53(1) (2005).

⁴⁵ N.Y. EXEC. LAW § 53(3) (2005).

⁴⁶ N.Y. EXEC. LAW § 53(4) (2005).

⁴⁷ See American Society of Crime Laboratory Directors – Laboratory Accreditation Board, <http://www.ascl-dlab.org/forms/intrequirements.html>.

⁴⁸ See Hearing, *supra* note 6 (statement of Professor Erin Murphy, New York University School of Law); Hearing, *supra* note 6 (statement of Peter Neufeld, Innocence Project).

⁴⁹ ECRI, "Root Cause Analysis," *Healthcare Hazard Control, Analysis Vol. 1, Safety and Behavior 2.2.1* (Oct. 2006).

analysis” of the incident that was the subject of the February and June hearings.⁵⁰ However, at the June hearing, members of the Council expressed criticism that the root cause analysis that OCME currently has in place lacks sufficient rigor and accountability mechanisms.⁵¹ Council Members and advocates also expressed concern that the RCA reports are not made accessible to the public or required to be shared with the Council.⁵² While the OCME’s DNA lab is required by its accreditors to do an RCA, Proposed Int. No. 1051-A would require all units and departments to conduct such a process following the occurrence of a significant event.

V. Significant Amendments to the Bills Since Introduction

Below is a list of the significant amendments made to these bills since introduction. This list is not inclusive of all amendments.

Proposed Int. No. 1051-A

- This bill originally would have required a representative of New York City’s Health and Hospitals Corporation (HHC) to be a member of the Root Cause Analysis Committee. The bill has been amended to require an external expert from a medical or scientific field to serve on the Root Cause Analysis Committee, instead of a representative of HHC. This individual may serve without compensation.
- This bill originally required a copy of the completed Root Cause Analysis Committee Report to be sent to all District Attorneys and public defender offices currently under contract with the City of New York as well as to representatives of the panel of 18b assigned counsel of the City of New York. The bill has been amended so that a copy of the completed Root Cause Analysis Committee Report will go to all District Attorneys and defense counsel of record in affected cases, and if such attorney works for an institutional defender, to the head of such office. If the defense counsel of record is an attorney assigned by the 18b panel of either the First or Second Department in the City of New York, notice must also be given to the administrator of the 18b panel for the assigning department.

Proposed Int. No. 1058-A

- The bill originally required the OCME to report an average score of employees taking a proficiency test. However, results of OCME proficiency testing already required under State law produces results that are pass/fail, and do not result in a score. Therefore, the OCME is unable to calculate an average score of its employees on such test. The bill has been amended so that the Proficiency Testing Report must include the number of employees working in the Department of Forensic Biology of the Office of Chief Medical Examiner who have taken a proficiency test that year, and the percentage and number of those employees who passed such proficiency test.
- The bill is amended so that the manuals, guidelines and other documents relating to scientific procedures or protocols and accreditation that are required to be posted on the OCME website are current copies, and copies used within the preceding two years. The bill is further amended to require the OCME to make historic copies of such documents—those used between January 1, 2000 and prior to the two preceding years that are required to be posted on the website—available to individuals upon request.

VI. Analysis

A. Proposed Int. No. 1051-A

Section one of Proposed Int. No. 1051-A would amend chapter 2 of title 17 of the administrative code of the city of New York by adding a new section 17-207. Paragraph one of new subdivision a would provide definitions for the new subdivision. Paragraph one would define “designated root cause analysis officer” (“DRCAO”) as an employee of the OCME who shall be responsible for determining whether a significant event has occurred in the OCME and for convening a root cause analysis committee if such an event has occurred. “Root cause analysis” is defined as a process for investigating the causal factors of a significant event that focuses primarily on systems and processes, not on individual performance or human error, and which identifies corrective action, including strategies to prevent the reoccurrence of a significant event or potential improvements that will decrease the likelihood of such a significant event in the future. “Root cause analysis committee” (“RCA Committee”) means a committee composed of representatives of certain divisions of the OCME which assembles in response to a significant event in order to conduct a root cause analysis. Paragraph one then defines “root cause analysis committee report” (“RCA Committee Report”) as a report issued by the RCA Committee that shall include the committee’s findings, including, but not limited to, the identification of causes of the significant event to which the committee is responding and a plan for corrective action.

Finally, Paragraph one defines “significant event” (“Significant Event”) as an occurrence involving a significant likelihood of an act, error or omission that affects the accuracy, reliability or integrity of the reported results of evidence examination or reported results of analysis. Such act, error or omission shall include, but not be limited to, any:

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⁵⁰ Verbal information provided by representatives of the OCME and Bloomberg Administration on June 20, 2013 to staff representatives of the New York City Council.

⁵¹ *Transcript II, supra* note 33.

⁵² *Id. See also Transcript, supra* note 6.

- Acts by an employee involving intentional fabrication of work product, evidence examination, analysis or test results;
- Significant error or errors by an employee of the OCME or deficiency in a system or procedure used by the OCME that may have affected the accuracy of reported results of evidence examination or the accuracy of reported results of analysis in one or more cases;
- Failure by an employee of the OCME to follow protocol, which may have affected the accuracy of reported results of evidence examination or the accuracy of reported results of analysis in one or more cases; or
- Statement in the course of testimony by an employee of the OCME that significantly misrepresents or misstates his or her education, experience, training or qualifications, or the reported results of evidence examination or analysis.

Subdivision b provides that the OCME shall appoint an employee of the OCME to serve as the DRCAO. Subdivision c provides that the OCME shall develop and post on its website root cause analysis guidelines to assist in the implementation of this bill. Such guidelines will provide guidance for:

- Determining whether a Significant Event has occurred;
- Reporting a Significant Event;
- Creating a RCA Committee upon a determination of the DRCAO that a Significant Event has occurred;
- Selecting individuals who shall serve as members of an RCA Committee;
- Determining the roles and responsibilities of members of an RCA Committee;
- Determining when and how frequently an RCA Committee shall meet once a committee has been assembled in response to a Significant Event;
- Producing a RCA Committee Report in a timely manner;
- Identifying causal factors of a Significant Event;
- Identifying corrective action to be taken as a result of the root cause analysis; and
- Recusing the DRCAO in the event that the occurrence underlying the Significant Event at issue is likely to involve such officer; appointing an employee of the OCME to serve as the acting DRCAO in the event of such recusal; and requiring a decision not to recuse the DRCAO to be reviewed by the executive management of the OCME, such as a director or deputy commissioner.

Subdivision d relates to the declaration of a Significant Event. It provides that within ten days of the discovery of an occurrence within the OCME involving the substantial likelihood of an act, error or omission that affects the accuracy, reliability or integrity of the reported results of evidence examination or reported results of analysis, or the receipt of a report that a Significant Event has occurred, the DRCAO must make a formal determination whether a Significant Event has occurred. If the DRCAO determines that a Significant Event has not occurred, he or she must provide a written explanation to the Chief Medical Examiner explaining why such an occurrence does not constitute a Significant Event.

Subdivision e relates to the creation and composition of the RCA committee. It provides that, within five days a formal determination that a Significant Event has occurred, the DRCAO shall appoint an RCA Committee for the purpose of conducting an RCA Committee Report. The RCA Committee shall include at least six members, provided that:

- One member is the DRCAO;
- At least one member is knowledgeable in the subject area relating to the Significant Event and is a lab worker or other employee who performs scientific or technical services and works in a non-managerial capacity;
- At least one member serves in the executive management of the OCME, such as a director or deputy commissioner;
- Two members are from divisions, departments or laboratories of the OCME that are not implicated by the Significant Event, and at least one of the two members works in a non-managerial capacity; and
- One member is an external expert who works in a medical or scientific research field. Such member may serve without compensation.

For the purpose of executing the provision relating to the external expert, the OCME shall develop and maintain a list of external experts who may serve as an external expert on the RCA Committee if called upon to serve in such capacity.

Subdivision f provides the timeline for completion and reporting of a Significant Event and RCA Committee Report. Paragraph one of subdivision f requires that within thirty days of determination by the DRCAO that a Significant Event has occurred, the OCME shall report the occurrence to the Mayor and City Council, and to any District Attorney and defense counsel of record that can be identified and who has a client or case that can be reasonably found to be affected by the Significant Event. In the event that the defense counsel of record works in the office of an institutional defender, notice shall also be given to the head of such office. In the event the defense counsel of record is assigned from the 18b panel of either the First or Second Department in the City of New York, notice must also be given to the administrator of the 18b panel for the assigning department.

Paragraph two of subdivision f provides that RCA Committee is required to complete the RCA Committee Report no later than 90 days following the creation of such committee. If the RCA Committee has not completed its report within 90 days, it would be required to report to the Chief Medical Examiner, the Mayor and Council of the City of New York on the progress of the committee’s findings and of such report, provide an explanation as to why such report is not completed, and provide an explanation of when such committee anticipates the conclusion of its report.

Paragraph three of subdivision f provides that within seven days of submitting an RCA Committee Report the Mayor and City Council, the OCME shall send a copy at a minimum to:

- The New York State Commission on Forensic Science and any entity responsible for the accreditation of the DNA Laboratory of the OCME, provided that the Significant Event that is the subject of such report is relevant to the Department of Forensic Biology of the OCME; and
- District Attorney and defense counsel of record that can be identified and who has a client or case that can be reasonably found to be affected by the Significant Event. In the event that the defense counsel of record works in the office of an institutional defender, notice shall also be given to the head of such office. In the event the defense counsel of record is assigned from the 18b panel of either the first or second department in the City of New York, notice must also be given to the administrator of the 18b panel for the assigning department.

Subdivision g provides that root cause analysis report produced pursuant to subdivision f shall not include the names of, or otherwise identify: (1) any employee of the OCME; (2) any complainant, victim or decedent; or (3) any other individual who is the subject of investigations associated with forensic casework performed by the OCME.

Finally, subdivision h provides that nothing in this bill section shall be construed to create a private right of action to enforce any of its provisions.

Section two would provide that the local law would take effect 180 days after its enactment.

B. Proposed Int. No. 1058-A

Section one of Proposed Int. No. 1058-A would amend chapter 2 of title 17 of the administrative code of the City of New York by adding a new section 17-208. Subdivision a of new section 17-208 would provide definitions for the new section. "Forensic DNA laboratory" would have the same meaning as set forth in §995 of Article 49-B of the Executive Law of New York State. "Proficiency test" would mean the testing required by §995 of Article 49-B of the Executive Law of New York State. "Proficiency testing report" would mean an annual report produced by the OCME which reports the number of employees working in the Department of Forensic Biology of the OCME who have taken a proficiency test that year, and the percentage and number of those employees who passed such test.

Subdivision b would require the OCME to prepare annually a Proficiency Testing Report and include comparison data for each of the previous five years as available. It further provides that the Proficiency Testing Report shall not include the names of, or otherwise identify, any employee of the Department of Forensic Biology of the OCME.

Subdivision c would require the OCME to post prominently and maintain the following concerning the OCME's Department of Forensic Biology on the OCME's website:

- Current copies, and copies used within the preceding two years, of all manuals, guidelines, or other documents relating to scientific procedures or protocols, quality assurance and quality control procedures or protocols, materials used for the training of lab workers, and evidence and case management procedures, including, but not limited to, accreditation standards and accreditation audit reports;
- The most recent copies of a Proficiency Testing Report; and
- Current copies of all certificates of accreditation issued to the OCME's Department of Forensic Biology, whether by a governmental entity or a non-governmental entity responsible for the accreditation of the department.

Subdivision d of sections 17-208 would require that historic copies of any manual, guidelines, or other document identified in paragraph one of subdivision c of this section used on or after January 1, 2000 and not fully available on the website of the OCME shall be made available to any person upon request, and a notice describing such availability and how to make such a request shall be posted on the Office's website

Finally, subdivision e provides that nothing in this bill section shall be construed to create a private right of action to enforce any of its provisions.

Section two would provide that the local law would take effect 120 days following after its enactment.

(The following is the text of the Fiscal Impact Statement for Int. No. 1051-A:)



**THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY
DIRECTOR
FISCAL IMPACT STATEMENT
INTRO. NO: 1051-A
COMMITTEE:
Health**

TITLE: To amend the administrative code of the city of New York, in relation to establishing procedures for **SPONSOR(S):** Arroyo, Ferreras, Cabrera, Comrie, James, Koo, Koppell, Lander, Mendez, Palma, Rose, Vann

the office of chief medical examiner and Van Bramer. to conduct a root cause analysis.

SUMMARY OF LEGISLATION:

Proposed Int. 1051-A requires the Office of Chief Medical Examiner (OCME) to conduct a root cause analysis after determining that an occurrence involving a significant likelihood of an act, error or omission that affects the accuracy, reliability or integrity of the reported results of evidence examination or reported results of analysis has occurred.

The Office of Chief Medical Examiner is required to select an employee to be the "designated root cause analysis officer," responsible for determining whether a significant event has occurred within the Office of Chief Medical Examiner and, if such significant event has occurred, for convening the root cause analysis committee.

The root cause analysis committee, composed of representatives of certain divisions of the Office of Chief Medical Examiner, and an external expert who may serve without compensation, is to conduct a root cause analysis and produce a committee report. The final report shall include the findings of the committee, including, but not limited to, the identification of the root cause or causes of the significant event and a corrective action plan.

EFFECTIVE DATE: This legislation would take effect 180 days after its enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: This legislation would have minimal impact on expenditures and existing resources could be used to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance

ESTIMATE PREPARED BY: Crilhien R. Francisco, Legislative Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on June 12, 2013 as Int.1051 and referred to the Committee on Health. On June 24, 2013, the Committee on Health held a hearing on this legislation and the bill was laid over. An amended version of the legislation, proposed Intro 1051-A, will be considered by the Committee on Health on September 12, 2013 and upon successful vote, the bill will be submitted to the full Council for a vote at the Stated meeting held on September 12, 2013.

DATE SUBMITTED TO COUNCIL: September 12, 2013

(For text of the Fiscal Impact Statement for Int No. 1058-A and the text of the amended bill itself, please see the Report of the Committee on Health for Int No. 1058-A printed below in these Minutes)

Accordingly, this Committee recommends the adoption of Int Nos. 1051-A and 1058-A.

(The following is the text of Int. No. 1051-A:)

Int. No. 1051-A

By Council Members Arroyo, Ferreras, Cabrera, Comrie, James, Koo, Koppell, Lander, Mendez, Palma, Rose, Vann, Van Bramer, Brewer, Barron, Jackson and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to establishing procedures for the office of chief medical examiner to conduct a root cause analysis.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-207 to read as follows:

§ 17-207 **Root cause analysis, office of chief medical examiner.** *a. For purposes of this subdivision, the following terms shall have the following meanings:*

1. "Designated root cause analysis officer" shall mean an employee of the office of chief medical examiner who is responsible for determining whether a significant event has occurred within the office of chief medical examiner and, if such significant event has occurred, for convening the root cause analysis committee.

2. "Root cause analysis" shall mean a process for investigating the causal factors of a significant event that shall focus primarily on systems and processes, not on individual performance or human error, and shall identify appropriate corrective action, including strategies to prevent the reoccurrence of a significant event or potential improvements in systems or processes that will decrease the likelihood of a significant event occurring in the future.

3. "Root cause analysis committee" shall mean a committee composed of representatives of certain divisions of the office of chief medical examiner appointed by the designated root cause analysis officer and assembled in response to a significant event in order to conduct a root cause analysis and to produce a root cause analysis committee report pursuant to this section.

4. "Root cause analysis committee report" shall mean a final report issued by the root cause analysis committee that shall include the findings of the root cause analysis committee, including, but not limited to, the identification of the root cause or causes of the significant event and a corrective action plan.

5. "Significant event" shall mean an occurrence in the office of chief medical examiner involving a significant likelihood of an act, error or omission that affects the accuracy, reliability or integrity of the reported results of evidence examination or reported results of analysis. Such act, error or omission shall include, but not be limited to, any (i) act or acts by an employee of the office of chief medical examiner involving intentional fabrication of work product, evidence examination, analysis or test results; (ii) significant error or errors by an employee of the office of chief medical examiner, or deficiency in a system or procedure used by such office, that may have affected the accuracy of reported results of evidence examination or the accuracy of the reported results of analysis in one or more cases; (iii) failure by an employee of the office of chief medical examiner to follow such office's protocol that may have affected the accuracy of reported results of evidence examination or the accuracy of the reported results of analysis in one or more cases; or (iv) statement in the course of testimony by an employee of the office of chief medical examiner that significantly misrepresents or misstates her or his education, experience, training or qualifications, or the reported results of any evidence examination or analysis.

b. The office of chief medical examiner shall appoint an employee of the office of chief medical examiner who shall serve as the designated root cause analysis officer.

c. The office of chief medical examiner shall develop and post on its website root cause analysis guidelines to assist in the implementation of this section. Such guidelines shall provide guidance for:

1. determining whether a significant event has occurred, consistent with this section;

2. reporting a significant event;

3. creating a root cause analysis committee upon a determination of the root cause analysis officer that a significant event has occurred;

4. selecting individuals who shall serve as members of a root cause analysis committee;

5. determining the roles and responsibilities of members of a root cause analysis committee;

6. determining when and how frequently a root cause analysis committee shall meet once a committee has been assembled in response to a significant event;

7. producing a root cause analysis committee report in a timely manner;

8. identifying causal factors of a significant event;

9. identifying corrective action to be taken as a result of the root cause analysis; and

10. (i) recusing the designated root cause analysis officer in the event that the occurrence at issue is likely to involve acts or omissions by such officer, either acting in the capacity of the designated root cause analysis officer or any other capacity within the office of chief medical examiner, or in any other appropriate instance as specified in the guidelines; (ii) appointing an employee of the office of chief medical examiner to serve as the acting designated root cause analysis officer in the event of such recusal to fulfill the duties of the designated root cause analysis

officer pursuant to subdivisions d, e and f of this section, provided that the occurrence at issue is not likely to involve acts or omissions by such individual appointed to serve as acting designated root cause analysis officer; and (iii) requiring a decision not to recuse the designated root cause analysis officer to be reviewed by the executive management of the office of chief medical examiner, such as a director or deputy commissioner.

d. Within ten days of the discovery of an occurrence in the office of chief medical examiner involving the substantial likelihood of an act, error or omission that affects the accuracy, reliability and integrity of the reported results of evidence examination or reported results of analysis, or receipt of a report that a significant event has occurred in the office of chief medical examiner, the designated root cause analysis officer shall make a formal determination whether a significant event has occurred. In the event that the designated root cause analysis officer makes a determination that a significant event has not occurred, such officer shall provide written explanation to the chief medical examiner explaining why such occurrence does not constitute a significant event.

e. Within five business days of a formal determination by the designated root cause analysis officer that a significant event has occurred within the office of chief medical examiner as provided in subdivision d of this section, such officer shall appoint a root cause analysis committee for the purpose of conducting a root cause analysis and producing a root cause analysis committee report. Such committee shall include at least six members, provided that:

(1) one member is the designated root cause analysis officer;

(2) at least one member is knowledgeable in the subject area relating to the significant event and is a lab worker or other employee who performs scientific or technical services and works in a non-managerial capacity;

(3) one member serves in the executive management of the office of chief medical examiner, such as a director or deputy commissioner;

(4) two members are from divisions, departments or laboratories of the office of chief medical examiner that are not implicated by the significant event, and at least one of the two members works in a non-managerial capacity; and

(5) one member is an external expert who works in a medical or scientific research field. Such member may serve without compensation.

For the purpose of executing paragraph 5 of this subdivision, the office of chief medical examiner shall develop and maintain a list of external experts who may serve as an external expert on a root cause analysis committee if called upon to serve in such capacity.

f. 1. Within thirty days of a determination of the designated root cause analysis officer that a significant event has occurred within the office of chief medical examiner, the office of chief medical examiner shall report the occurrence of such significant event to the mayor and the council of the city of New York, and to any district attorney and defense counsel of record that can be identified and who has a case or client that can reasonably be found to be affected by the significant event. In the event that the defense counsel of record works in the office of an institutional defender, notice shall also be given to the head of such office. In the event that defense counsel of record is assigned from the 18b panel of either the first or second department in the city of New York, notice shall also be given to the administrator of the 18b panel of the assigning department.

2. The root cause analysis committee shall submit a root cause analysis committee report no later than ninety days following the appointment of such committee, provided, however, that should it not be practicable to complete such report within ninety days, the committee shall report in writing to the mayor and council of the city of New York on the progress of the committee's findings and set forth a statement why such report is not yet completed and when completion is anticipated.

3. Within seven days of submission of a root cause analysis report to the mayor and council of the city of New York, the office of chief medical examiner shall send a copy of the root cause analysis report at a minimum to (i) the New York state commission on forensic science and any entity responsible for the accreditation of the department of forensic biology of the office of chief medical examiner, provided that the significant event that is the subject of such report is relevant to the department of forensic biology of the office of chief medical examiner, and (ii) to district attorney and defense counsel of record that can be identified and who has a case or client that can reasonably be found to be affected by the significant event. In the event that the defense counsel of record works in the office of an institutional defender, notice shall also be given to the head of such office. In the event that defense counsel of record is assigned from the 18b panel of either the first or second department in the city of New York, notice shall also be given to the administrator of the 18b panel of the assigning department.

g. The root cause analysis report produced pursuant to subdivision f of this section shall not include the names of, or otherwise identify:

(1) any employee of the office of chief medical examiner;

(2) any complainant, victim or decedent; or

(3) any other individual who is the subject of investigations associated with forensic casework performed by the office of chief medical examiner.

h. This section shall not be construed to create a private right of action to enforce any of its provisions.

§ 2. This local law shall take effect one hundred eighty days after its enactment into law.

MARIA del CARMEN ARROYO, Chairperson; JOEL RIVERA, HELEN D. FOSTER, PETER F. VALLONE, Jr., ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATTHIEU EUGENE, DEBORAH L. ROSE; Committee on Health, September 12, 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. 1058-A

Report of the Committee on Health 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 transparency of the office of chief medical examiner.

The Committee on Health, to which the annexed amended proposed local law was referred on June 12, 2013 (Minutes, page 1924), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Health for Int No. 1051-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1058-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO: 1058-A

COMMITTEE:
Health

TITLE: To amend the administrative code of the city of New York, in relation to transparency of the Office of Chief Medical Examiner.
SPONSOR(S): Ferreras, Arroyo, Barron, James, Koo, Koppel, Lander, Mendez, Palma, Vann and Van Bramer

SUMMARY OF LEGISLATION:

Proposed Int. 1058-A requires the Office of Chief Medical Examiner (OCME) to annually prepare a proficiency testing report and shall include comparison data for each of the previous five years as available.

A proficiency testing report details the number of employees working in the department of forensic biology of the Office of Chief Medical Examiner who have taken a proficiency test that year, and the percentage and number of those employees who passed such proficiency test.

To the extent that it is authorized to do so, the Office of Chief Medical Examiner shall post prominently and maintain on its website the following:

1. current copies, and copies used within the preceding two years, of all manuals, guidelines, or other documents relating to scientific procedures or protocols, quality assurance and quality control procedures or protocols, materials used for the training of lab workers, and evidence and case management procedures, including, but not limited to, accreditation standards and accreditation audit reports;
2. the most recent annual proficiency testing report; and
3. current copies of all certificates of accreditation issued to the department of forensic biology of the Office of Chief Medical Examiner, whether by a governmental entity or a non-governmental entity responsible for the accreditation of the department of forensic biology of the Office of Chief Medical Examiner.

EFFECTIVE DATE: This legislation would take effect 120 days after its enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: This legislation would have minimal impact on expenditures and existing resources could be used to fulfill the requirements of this legislation

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance

ESTIMATE PREPARED BY: Crilhien R. Francisco, Legislative Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on June 12, 2013 as Int.1058 and referred to the Committee on Health. On June 24, 2013, the Committee on Health held a hearing on this legislation. An amended version of the legislation, proposed Intro 1058-A, will be considered by the Committee on Health on September 12, 2013 and upon successful vote, the bill will be submitted to the full Council for a vote at the Stated meeting held on September 12, 2013.

DATE SUBMITTED TO COUNCIL: September 12, 2013

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1058-A:)

Int. No. 1058-A

By Council Members Ferreras, Arroyo, Barron, James, Koo, Koppell, Lander, Mendez, Palma, Vann, Van Bramer, Brewer, Jackson and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to transparency of the office of chief medical examiner.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-208 to read as follows:

§ 17-208 **Transparency, office of chief medical examiner.** a. For the purpose of this section, the following terms shall have the following meanings:

1. "Forensic DNA laboratory" shall have the same meaning as set forth in subdivision two of section nine hundred ninety-five of article forty-nine-b of the New York state executive law, or any successor provision thereto.

2. "Proficiency test" shall mean such testing as is required by the New York state commission on forensic science and the New York state subcommittee on forensic DNA laboratories and forensic DNA testing pursuant to paragraph b of subdivision three of section nine hundred ninety-five-b of article forty-nine-b of the New York state executive law, or any successor provision thereto.

3. "Proficiency testing report" shall mean an annual report produced by the office of chief medical examiner which reports the number of employees working in the department of forensic biology of the office of chief medical examiner who have taken a proficiency test that year, and the percentage and number of those employees who passed such proficiency test.

b. The office of chief medical examiner shall annually prepare a proficiency testing report and shall include comparison data for each of the previous five years as available. The proficiency testing report shall not include the names of, or

otherwise identify, any employee of the department of forensic biology of the office of chief medical examiner.

c. To the extent the office of chief medical examiner is authorized to publish such materials, the office of chief medical examiner shall post prominently and maintain on its website the following concerning the department of forensic biology of the office of chief medical examiner:

1. current copies, and copies used within the preceding two years, of all manuals, guidelines, or other documents relating to scientific procedures or protocols, quality assurance and quality control procedures or protocols, materials used for the training of lab workers, and evidence and case management procedures, including, but not limited to, accreditation standards and accreditation audit reports;

2. the most recent annual proficiency testing report; and

3. current copies of all certificates of accreditation issued to the department of forensic biology of the office of chief medical examiner, whether by a governmental entity or a non-governmental entity responsible for the accreditation of the department of forensic biology of the office of chief medical examiner.

d. Historic copies of any manual, guidelines, or other document identified in paragraph one of subdivision c of this section used on or after January first, two thousand and not fully available on the website of the office of chief medical examiner shall be made available to any person upon request, and a notice describing such availability and how to make such a request shall be posted on the office's website.

e. This section shall not be construed to create a private right of action to enforce any of its provisions.

§ 2. This local law shall take effect one hundred twenty days after its enactment into law.

MARIA del CARMEN ARROYO, Chairperson; JOEL RIVERA, HELEN D. FOSTER, PETER F. VALLONE, Jr., ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATTHIEU EUGENE, DEBORAH L. ROSE; Committee on Health, September 12, 2013.

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

Report of the Committee on Land Use

Report for L.U. No. 884

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2013 (Minutes, page 3362), respectfully

REPORTS:

SUBJECT

BRONX CB - 7

C 130120 ZMY

City Planning Commission decision approving an application submitted by Kingsbridge Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 1d:

- eliminating from within an existing R6 District a C1-3 District bounded by the former centerline of Broadway, West 225th Street, a line 100 feet southeasterly of the former southeasterly street line of Broadway, and the northeasterly boundary line of the Penn Central Railroad right-of-way;
- changing from an R6 District to a C8-3 District property bounded by Broadway, West 225th Street, a line 100 feet southeasterly of the former southeasterly street line of Broadway, and the northeasterly boundary line of the Penn Central Railroad right-of-way; and
- changing from an M1-1 District to a C8-3 District property bounded by a line 100 feet southeasterly of the former southeasterly street line of Broadway, West 225th Street, the westerly boundary line of a railroad right-of-way, a line 625 feet southwesterly of West 225th Street, and the northeasterly boundary line of the Penn Central Railroad right-of-way;

as shown on a diagram (for illustrative purposes only) dated March 18, 2013, and subject to the conditions of CEQR Declaration E-303.

INTENT

To rezone 10 lots from M1-1 and R6/C1-3 to C8-3 to facilitate an expansion of the existing River Plaza Shopping Center in the Marble Hill neighborhood of Bronx Community District 7

PUBLIC HEARING

DATE: September 3, 2013

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 12, 2013

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

In Favor: Weprin, Rivera, Reyna, Comrie, Vann, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: September 12, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Barron, Vann, Palma, Arroyo, Dickens, Mendez, Koo, Levin, Weprin, Williams, Ignizio

Against: None

Abstain: None

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

Res. No. 1929

Resolution approving the decision of the City Planning Commission on ULURP No. C 130120 ZMY, a Zoning Map amendment (L.U. No. 884).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 9, 2013 its decision dated August 7, 2013 (the "Decision"), on the application submitted by Kingsbridge Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 1d, to rezone 10 lots from M1-1 and R6/C1-3 to C8-3 to facilitate an expansion of the existing River Plaza Shopping Center in the Marble Hill neighborhood in the Bronx, Community District 7 (ULURP No. C 130120 ZMY), Boroughs of Manhattan and the Bronx (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 September 3, 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 conditional negative declaration (CEQR No. 13DCP047X) issued on August 5, 2013, which includes an (E) designation as part of the proposed action ("CEQR Declaration E-303") to avoid potential for significant adverse hazardous material impacts (the "Conditional Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment subject to (i) CEQR Declaration E-303 and (ii) the terms

of the Conditional Negative Declaration which includes the following requirement:

The applicant agrees to contact the New York City Department of Transportation (NYCDOT) within six months after the completion of this project and to inform them of the need to implement the traffic signal adjustments at three intersections as specified in the Conditional Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 130120 ZMY, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 1d:

1. eliminating from within an existing R6 District a C1-3 District bounded by the former centerline of Broadway, West 225th Street, a line 100 feet southeasterly of the former southeasterly street line of Broadway, and the northeasterly boundary line of the Penn Central Railroad right-of-way;
2. changing from an R6 District to a C8-3 District property bounded by Broadway, West 225th Street, a line 100 feet southeasterly of the former southeasterly street line of Broadway, and the northeasterly boundary line of the Penn Central Railroad right-of-way; and
3. changing from an M1-1 District to a C8-3 District property bounded by a line 100 feet southeasterly of the former southeasterly street line of Broadway, West 225th Street, the westerly boundary line of a railroad right-of-way, a line 625 feet southwesterly of West 225th Street, and the northeasterly boundary line of the Penn Central Railroad right-of-way;

as shown on a diagram (for illustrative purposes only) dated March 18, 2013, and subject to the conditions of CEQR Declaration E-303, Community District 7, Boroughs of Manhattan and the Bronx.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, September 12, 2013.

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

Report of the Committee on Sanitation and Solid Waste Management

Report for Int. No. 1107-A

Report of the Committee on Sanitation and Solid Waste Management 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 collection of food waste.

The Committee on Sanitation and Solid Waste Management, to which the annexed amended proposed local law was referred on June 26, 2013 (Minutes, page 2688), respectfully

REPORTS:

Introduction

On Thursday, September 12, 2013, the Committee on Sanitation and Solid Waste Management (the "Committee"), chaired by Council Member Letitia James, will vote on Proposed Int. No. 1107-A, in relation to the collection of food waste. The Committee held a first hearing on this bill on June 27, 2013.

Background

Approximately thirty percent of New York City's residential waste stream is comprised of organic waste such as food scraps, yard waste and soiled paper. All but a fraction of that waste is sent to landfills or incinerators. Currently, the vast majority of composting that occurs in New York City is conducted at the community level,

through the City's green markets, at non-profits like the Lower East Side Ecology Center and at neighborhood composting sites in locations like community gardens.

A robust residential composting program would have a significant impact on the City's solid waste system. Recycling of metal, glass, plastic, cardboard and paper comprises only fifteen percent of the residential waste stream, or half of the total amount of organic waste. DSNY recently commenced a pilot program to collect source separated organics from residences and schools. Proposed Int. No. 1107-A would establish parameters for that pilot program, ensuring that it lasts for no less than two years, collects from four different collection areas comprised of at least one thousand households, each in a different borough, provides collection for no fewer than 300 schools and requires a report on how the pilot fared.

Summary of Legislation

Proposed Int. No. 1107-A would amend § 16-308 of the Administrative Code as follows:

Bill section one would amend the definition of "compostable waste" and amend the term to "organic waste" in section 16-303 of the Administrative Code.

Bill section two would amend § 16-308 of the Administrative Code to reletter subdivisions a through h as subdivisions b through i, respectively, and to add a new subdivision a. Paragraph one of new subdivision (a) will require the DSNY commissioner to establish a voluntary pilot program for the residential collection of organics for composting from households in one designated collection area no later than October 1, 2013. Such pilot program would end no earlier than July 1, 2015.

Paragraph two of subdivision (a) will require the DSNY commissioner to establish a voluntary pilot program for the collection of organic waste from no fewer than three hundred schools in no fewer than three boroughs by no later than January 1, 2014. As part of such school collection pilot, DSNY will be required to provide collection service, on a voluntary basis, to residential buildings with nine or more units that are located on collection routes for the school organic collection pilot. Such pilot program would end no earlier than July 1, 2015.

Paragraph three of subdivision (a) will require DSNY to expand the residential pilot organic program established pursuant to paragraph one of subdivision (a) into not less than three designated collection areas, each of which must be in a different borough no later than January 1, 2014. In addition, DSNY will be required to expand the residential pilot organic program established pursuant to paragraph one of subdivision (a) into not less than four designated collection areas, each of which must be in a different borough no later than June 1, 2014, with a goal of expanding such pilot program to no fewer than one hundred thousand households by such date.

Paragraph four of subdivision (a) will require DSNY to expand the school organic waste collection pilot program established by paragraph two of this subdivision to no less than four hundred schools in no fewer than all five boroughs. DSNY will also be required to provide organic waste collection to residential buildings with 9 units or more located on such collection routes.

Paragraph five of subdivision (a) establishes authority for the DSNY commissioner to discontinue voluntary residential organic collection service to a designated collection area provided that the commissioner designate a replacement collection area within 60 days of any such discontinuation of service.

Paragraph six of subdivision (a) will require DSNY to conduct outreach and education to residents for the duration of the pilot programs including the environmental benefits of source separating organic waste for composting, instructions for how to properly source separate organic waste and the benefits of reducing organic waste.

Paragraph seven of subdivision (a) will require DSNY to report bi-annually to the mayor and the Council, beginning on June 1, 2014, the total amount of organic waste diverted during the previous six-month period from households and schools that participated in the pilots during that six-month period and would require DSNY to include this information as part of its annual recycling report required pursuant to subdivision k of section 16-305 of the Administrative Code.

Paragraph eight of subdivision (a) will require the DSNY commissioner to conduct a study no later than January 1, 2015, on improving community composting and to submit the findings of such study to the mayor and the Council. The study must include, but need not be limited to: (i) recommendations for how the city can optimize the use of existing community composting locations and resources; (ii) an assessment of markets for finished compost within the city, including use by city agencies and potential retail sales; and (iii) strategies to expand community composting locations in each of the five boroughs.

Paragraph nine of subdivision (a) will require DSNY no later than October 1, 2015, to issue a report to the mayor and the Council on the organics composting pilot programs, which would must include, but not be limited to, the number of households, residential buildings, and schools participating; the total amount of organic waste diverted; the costs associated with the programs; the availability of organic material processing capacity in and around the city; and resident feedback concerning such pilot programs, including the adequacy of the receptacles used for the pilot programs and any other issues of concern. Such report will be required to include recommendations as to whether the voluntary residential organic waste curbside collection pilot program and the school organic waste collection pilot program should be expanded and, if so, a schedule for expanding such pilot program to additional designated collection areas in the city.

Bill section three would amend subdivision (b) of § 16-308 so that the yard waste program established by that subdivision would not take effect until July 1, 2016.

Bill section four would amend subdivision (f) of § 16-308 to make references to subdivision (a) consistent with the relettering made by bill section two.

Bill section five would amend subdivision (h) of § 16-308 to replace the word “compostable” with the word “organic.”

Bill section six would amend subdivision (i) of § 16-308 to make references to subdivision (a) consistent with the relettering made by bill section two.

Bill section seven would amend the opening paragraph of subdivision (a) and subdivision (b) of § 16-324 to make references to subdivision (f) consistent with the relettering made by bill section two.

Bill section eight provides that this local law will take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 1107-A:)



THE COUNCIL OF THE CITY OF
NEW YORK
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY
DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1107-A

COMMITTEE:
Committee on
Sanitation and Solid
Waste Management

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the definition of compostable waste as well as establishing two year voluntary residential and school based pilot programs for the collection this waste.

SPONSOR(S): Council Members Rose, Koo, Koppell, Palma, Vallone Jr., and Brewer.

SUMMARY OF LEGISLATION: Int. No. 1107-A requires the Department of Sanitation’s (DSNY) commissioner to establish a voluntary pilot program for the residential collection of organics for composting from residences in designated areas throughout the City no later than September 1st 2013 and end no earlier than July 1st 2015.

Int. No. 1107-A also requires the DSNY commissioner to establish a voluntary pilot program for the collection of organic waste from no less than thirty schools in no fewer than two boroughs by no later than September 1st 2013 and end no earlier than July 1st 2015. As part of the school collection pilot, DSNY would be required to provide collection service, on a voluntary basis, to residential buildings with nine or more units that are located on or near collection routes for the school organic collection pilot.

DSNY would also be required to expand the residential and the school organics pilot program into not less than one area in each borough that is not yet serviced by the pilot program every three months for the first year following the commencement of the pilot program. Once the pilot program is established in a particular borough, the DSNY commissioner would be required to assess the feasibility of expanding such pilot program to other areas of the borough.

The DSNY commissioner would have the authority to discontinue voluntary residential organic collection service to a designated area provided that the commissioner designates a replacement area within the same borough of equal or greater size, either based on population or area, and, within sixty days of any such discontinuation of service, implement voluntary residential organic collection service in that replacement area.

DSNY is required to report quarterly to the mayor and the Council on the total amount of compostable waste diverted during the previous quarter in each area designated for participation in the pilot and would include this information as part of DSNY’s annual recycling report required pursuant to subdivision k of section 16-305 of the Administrative Code.

The DSNY commissioner will also issue a report to the mayor and the Council on the organics composting pilot programs, which would be required to include, but not be limited to, information on the number of participants living in each of the designated areas, diversion and participation rates for compostable waste, the costs of the programs, the availability of organic material processing capacity in and around the City and resident feedback concerning the program including the adequacy of the receptacles used for such program and any other issues of concern. Such report would also include a plan for implementing a Citywide residential organic collection

program and a schedule for expanding the program to additional areas in the City. This report would be due no later than October 1st 2015.

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	\$10,600,000	\$8,400,000	\$10,600,000
Net	\$10,600,000	\$8,400,000	\$10,600,000

IMPACT ON REVENUES: N/A

IMPACT ON EXPENDITURES: The 10 month impact on Fiscal Year 2014 for the residential portion of this bill is estimated to be \$8.3 million which includes container costs, overtime and the savings from reduced tipping fees from not sending this waste to a landfill. The Fiscal Year 2015 impact for residential pick up is estimated to be \$7 million, and includes the hiring of new Sanitation employees which is partially offset by the elimination of approximately \$4.5 million in container fees.

The school and large residential pickups are estimated to cost \$2.3 million in Fiscal Year 2014, of which \$1.6 million is already in the Department’s budget. The Department’s estimate for FY15 for schools and large residential pick-ups is \$1.4 million based on a straight time model.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: NYC Department of Sanitation
Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: Nathan Toth, Deputy Director

ESTIMATED REVIEWED BY: Preston Niblack, Director
Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Introduced as Intro. 1107 on June 26, 2013, the bill was referred to the Committee on Sanitation and Solid Waste Management. A hearing was held on June 27, 2013 and the bill was laid over by the Committee. Intro. 1107 has been amended, and the amended version, Proposed Intro. 1107-A will be considered by the Committee on Sanitation and Solid Waste Management on September 12, 2013. Upon a successful vote by the Committee Intro. 1107-A will be voted on by the full Council on September 12, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1107-A:)

Int. No. 1107-A

By Council Members Rose, Koo, Koppell, Palma, Vallone, Brewer, Chin, Jackson, Barron and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the collection of food waste.

Be it enacted by the Council as follows:

Section 1. The definition of “compostable waste” in section 16-303 of the administrative code of the city of New York, as added by local law number 40 for the year 2010, is amended to read as follows:

"[Compostable] *Organic* waste" means any material found in the waste stream that can be broken down into, or otherwise become part of, usable compost, such as food scraps, soiled paper, and plant trimmings. [Such] *As determined by the commissioner, such* term may also include disposable plastic food service ware and bags that meet the [american society for the testing of materials] *ASTM International* standard [specification] *specifications* for compostable plastics, but shall not include

liquids and textiles.

§ 2. Section 16-308 of the administrative code of the city of New York is amended by relettering subdivisions a through h as subdivisions b through i, respectively, and adding a new subdivision a to read as follows:

§16-308 [Yard] *Organic waste. a. 1. No later than October first, two thousand thirteen, the commissioner shall establish a voluntary residential organic waste curbside collection pilot program for the diversion of organic waste from households in one designated collection area. Such pilot program shall end no earlier than July first, two thousand fifteen. For purposes of this subdivision, a household shall mean a single dwelling or a residential unit within a dwelling that contains two or more residential units and a designated collection area shall mean a contiguous area within a borough comprised of no fewer than one thousand households.*

2. No later than January first, two thousand fourteen, the commissioner shall establish a school organic waste collection pilot program for the diversion of organic waste from no fewer than three hundred schools located in no fewer than three boroughs. Provided there is sufficient capacity in trucks on collection routes for such pilot program, the department shall provide organic waste collection service to residential buildings with nine or more units that are located on such collection routes and that volunteer for such collection. Such pilot program shall end no earlier than July first, two thousand fifteen.

3. No later than January first, two thousand fourteen, the commissioner shall expand the voluntary residential organic waste curbside collection pilot program established pursuant to paragraph one of this subdivision to no fewer than a total of three designated collection areas, each of which shall be in a different borough. No later than June first, two thousand fourteen, the commissioner shall expand the voluntary residential organic waste curbside collection pilot program established pursuant to paragraph one of this subdivision to no fewer than a total of four designated collection areas, each of which shall be in a different borough, with a goal of expanding such pilot program to no fewer than one hundred thousand households by such date.

4. No later than January first, two thousand fifteen, the commissioner shall expand the school organic waste collection pilot program established pursuant to paragraph two of this subdivision to no fewer than a total of four hundred schools located in no fewer than five boroughs. Provided there is sufficient capacity in trucks conducting collection on collection routes for such pilot program, the department shall provide organic waste collection service to residential buildings with nine or more units that are located on such collection routes and that volunteer for such collection.

5. The commissioner shall have the authority, during the duration of the pilot program established pursuant to paragraph one of this subdivision, to discontinue voluntary residential organic waste curbside collection service to a designated collection area, provided, however, that the commissioner shall select a replacement designated collection area within sixty days of any such discontinuation.

6. The department or its designee shall conduct outreach and education to residents for the duration of the pilot programs established pursuant to this subdivision. Such outreach and education shall include, but need not be limited to, the environmental benefits of source separating organic waste for composting, instructions for how to properly source separate organic waste and the benefits of reducing organic waste.

7. On June first, two thousand fourteen and every six months thereafter for the duration of the pilot programs established pursuant to this subdivision, the department shall report to the mayor and the council the total amount of organic waste diverted during the previous six-month period from households and schools that participated in such pilot programs during the entirety of such six-month period. The department shall include such diversion information in the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

8. No later than January first, two thousand fifteen, the commissioner shall conduct a study on improving community composting and submit the findings of such study to the mayor and the council. The study shall include, but need not be limited to: (i) recommendations for how the city can optimize the use of existing community composting locations and resources; (ii) an assessment of markets for finished compost within the city, including use by city agencies and potential retail sales; and (iii) strategies to expand community composting locations in each of the five boroughs.

9. No later than October first, two thousand fifteen, the commissioner shall issue a report to the mayor and the council on the pilot programs established pursuant to this subdivision, which shall include, but need not be limited to information on: (i) the number of households, residential buildings, and schools participating; (ii) the total amount of organic waste diverted; (iii) the costs associated with the programs; (iv) the availability of organic material processing capacity in and around the city; and (v) resident feedback concerning such pilot programs, including the adequacy of the receptacles used for such pilot programs and any other issues of concern. Such report shall include recommendations as to whether the voluntary residential organic waste curbside collection pilot program and the school organic waste collection pilot program should be expanded and, if so, a schedule for expanding such pilot program to additional designated collection areas in the city.

§ 3. Subdivision b of section 16-308 of the administrative code of the city of New York, as relettered by section 2 of this local law, is amended to read as follows:

b. [Except as provided in subdivision b of this section, within twenty-four months of the effective date of the local law that amended this section, the] *On and after July first, two thousand sixteen, the commissioner shall provide for the source separation, collection and composting of department-managed yard waste generated*

within designated areas of the city in which a substantial amount of yard waste is generated from March [1] first to July [31] thirty-first and September [1] first to November [30] thirtieth of each year, unless the generator otherwise provides for recycling or storage for composting or mulching. In addition, the commissioner shall provide for the collection and composting of yard waste generated and source separated at residential properties owned or operated by the New York city housing authority. There shall be operated by or on behalf of the department one or more yard waste composting facilities through which the department shall compost yard waste collected by or delivered to the department pursuant to this section. In order to comply with this provision, the department may utilize the services of privately-owned or operated facilities. The department shall also work in consultation with the composting facility siting task force established by the [2006] two thousand and six solid waste management plan to identify additional locations to site yard waste composting facilities with the goal of establishing at least one such composting facility in each borough where the department conducts yard waste composting collection.

§ 4. Subdivision f of section 16-308 of the administrative code of the city of New York, as relettered by section 2 of this local law, is amended to read as follows:

f. Generators of yard waste, except those identified in subdivision [f] g of this section, shall separate, tie, bundle, or place into paper bags or unlined rigid containers, in accordance with rules promulgated by the commissioner, any yard waste set out for collection by the department pursuant to subdivision [a] b of this section. The commissioner shall notify all residents in districts that receive yard waste collection by the department of such pre-collection procedures, and undertake any other action necessary to effectuate the purposes of this subdivision.

§ 5. Subdivision h of section 16-308 of the administrative code of the city of New York, as relettered by section 2 of this local law, is amended to read as follows:

h. Each permitted composting facility within the city, including those operated by city agencies, shall annually report to the commissioner the amount of yard waste and any other [compostable] organic waste collected and disposed of by weight at such composting facility. All such reports shall be submitted prior to February first of each calendar year and shall contain the amount collected and disposed of for the previous calendar year. The department shall consolidate the information contained in all reports prepared pursuant to this subdivision and include such information as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.

§ 6. Subdivision i of section 16-308 of the administrative code of the city of New York, as relettered by section 2 of this local law, is amended to read as follows:

i. No person residing in a district where the department provides residential yard waste composting collection pursuant to subdivision [a] b of this section shall dispose of grass clippings as regular waste for collection by the department during the period of time when the department conducts such composting collection. The department shall conduct outreach and education to inform residents within such districts of the dates when it will conduct yard waste composting collection. No person residing in a district where the department provides residential yard waste composting collection shall be held liable for a violation of this subdivision during the first year the department provides such residential yard waste composting collection.

§ 7. The opening paragraph of subdivision a and subdivision b of section 16-324 of the administrative code of the city of New York, the opening paragraph of subdivision a as amended by local law number 34 for the year 2010 and subdivision b as added by local law number 34 for the year 2010, are amended to read as follows:

a. Subject to the provisions of subdivision b of this section, any person who violates this chapter, except subdivision [f] g of section 16-308 of this chapter or section 16-310.1 of this chapter, or any rule promulgated pursuant thereto, shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding returnable before the environmental control board, as follows:

b. Any person who violates subdivision [f] g of section 16-308 of this chapter shall be liable for a civil penalty in the amount of two hundred fifty dollars for the first violation, one thousand dollars for the second violation committed within a twelve-month period, and two thousand five hundred dollars for the third and each subsequent violation committed within a twelve-month period.

§ 8. This local law shall take effect immediately.

LETITIA JAMES, Chairperson; JAMES F. GENNARO, ROBERT JACKSON, MARIA del CARMEN ARROYO; Committee on Sanitation and Solid Waste Management; September 12, 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 Sanitation and Solid Waste Management and had been favorably reported for adoption.

Report for Res. No. 1924

Report of the Committee on Sanitation and Solid Waste Management 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. 1107-A.

The Committee on Sanitation and Solid Waste Management, to which the annexed resolution was referred on September 12, 2013, respectfully

REPORTS:

Introduction

On Thursday, September 12, 2013, the Committee on Sanitation and Solid Waste Management (the “Committee”), chaired by Council Member Letitia James, will vote on Proposed Int. No. 1107-A, in relation to the collection of food waste. The Committee held a first hearing on this bill on June 27, 2013.

Background

Approximately thirty percent of New York City’s residential waste stream is comprised of organic waste such as food scraps, yard waste and soiled paper. All but a fraction of that waste is sent to landfills or incinerators. Currently, the vast majority of composting that occurs in New York City is conducted at the community level, through the City’s green markets, at non-profits like the Lower East Side Ecology Center and at neighborhood composting sites in locations like community gardens.

A robust residential composting program would have a significant impact on the City’s solid waste system. Recycling of metal, glass, plastic, cardboard and paper comprises only fifteen percent of the residential waste stream, or half of the total amount of organic waste. DSNY recently commenced a pilot program to collect source separated organics from residences and schools. Proposed Int. No. 1107-A would establish parameters for that pilot program, ensuring that it lasts for no less than two years, collects from four different collection areas comprised of at least one thousand households, each in a different borough, provides collection for no fewer than 300 schools and requires a report on how the pilot fared.

Summary of Legislation

Proposed Int. No. 1107-A would amend § 16-308 of the Administrative Code as follows:

Bill section one would amend the definition of “compostable waste” and amend the term to “organic waste” in section 16-303 of the Administrative Code.

Bill section two would amend § 16-308 of the Administrative Code to reletter subdivisions a through h as subdivisions b through i, respectively, and to add a new subdivision a. Paragraph one of new subdivision (a) will require the DSNY commissioner to establish a voluntary pilot program for the residential collection of organics for composting from households in one designated collection area no later than October 1, 2013. Such pilot program would end no earlier than July 1, 2015.

Paragraph two of subdivision (a) will require the DSNY commissioner to establish a voluntary pilot program for the collection of organic waste from no fewer than three hundred schools in no fewer than three boroughs by no later than January 1, 2014. As part of such school collection pilot, DSNY will be required to provide collection service, on a voluntary basis, to residential buildings with nine or more units that are located on collection routes for the school organic collection pilot. Such pilot program would end no earlier than July 1, 2015.

Paragraph three of subdivision (a) will require DSNY to expand the residential pilot organic program established pursuant to paragraph one of subdivision (a) into not less than three designated collection areas, each of which must be in a different borough no later than January 1, 2014. In addition, DSNY will be required to expand the residential pilot organic program established pursuant to paragraph one of subdivision (a) into not less than four designated collection areas, each of which must be in a different borough no later than June 1, 2014, with a goal of expanding such pilot program to no fewer than one hundred thousand households by such date.

Paragraph four of subdivision (a) will require DSNY to expand the school organic waste collection pilot program established by paragraph two of this subdivision to no less than four hundred schools in no fewer than all five boroughs. DSNY will also be required to provide organic waste collection to residential buildings with 9 units or more located on such collection routes.

Paragraph five of subdivision (a) establishes authority for the DSNY commissioner to discontinue voluntary residential organic collection service to a designated collection area provided that the commissioner designate a replacement collection area within 60 days of any such discontinuation of service.

Paragraph six of subdivision (a) will require DSNY to conduct outreach and education to residents for the duration of the pilot programs including the environmental benefits of source separating organic waste for composting, instructions for how to properly source separate organic waste and the benefits of reducing organic waste.

Paragraph seven of subdivision (a) will require DSNY to report bi-annually to the mayor and the Council, beginning on June 1, 2014, the total amount of organic waste diverted during the previous six-month period from households and schools that participated in the pilots during that six-month period and would require DSNY to include this information as part of its annual recycling report required pursuant to subdivision k of section 16-305 of the Administrative Code.

Paragraph eight of subdivision (a) will require the DSNY commissioner to conduct a study no later than January 1, 2015, on improving community composting

and to submit the findings of such study to the mayor and the Council. The study must include, but need not be limited to: (i) recommendations for how the city can optimize the use of existing community composting locations and resources; (ii) an assessment of markets for finished compost within the city, including use by city agencies and potential retail sales; and (iii) strategies to expand community composting locations in each of the five boroughs.

Paragraph nine of subdivision (a) will require DSNY no later than October 1, 2015, to issue a report to the mayor and the Council on the organics composting pilot programs, which would must include, but not be limited to, the number of households, residential buildings, and schools participating; the total amount of organic waste diverted; the costs associated with the programs; the availability of organic material processing capacity in and around the city; and resident feedback concerning such pilot programs, including the adequacy of the receptacles used for the pilot programs and any other issues of concern. Such report will be required to include recommendations as to whether the voluntary residential organic waste curbside collection pilot program and the school organic waste collection pilot program should be expanded and, if so, a schedule for expanding such pilot program to additional designated collection areas in the city.

Bill section three would amend subdivision (b) of § 16-308 so that the yard waste program established by that subdivision would not take effect until July 1, 2016.

Bill section four would amend subdivision (f) of § 16-308 to make references to subdivision (a) consistent with the relettering made by bill section two.

Bill section five would amend subdivision (h) of § 16-308 to replace the word “compostable” with the word “organic.”

Bill section six would amend subdivision (i) of § 16-308 to make references to subdivision (a) consistent with the relettering made by bill section two.

Bill section seven would amend the opening paragraph of subdivision (a) and subdivision (b) of § 16-324 to make references to subdivision (f) consistent with the relettering made by bill section two.

Bill section eight provides that this local law will take effect immediately.

Changes to Legislation

The following is a list of changes made to Proposed Int. No. 1107-A since the Committee originally conducted a hearing on this bill on June 27.

- Section one was amended to replace the term “compostable” with the term “organic.”
- Section two was amended as follows:
 - Paragraph 1 of subdivision (a) of section 16-308:
 - The commencement date was changed from September 1, 2013 to October 1, 2013.
 - Definitions were included for the terms “household” and “designated collection area.”
 - The scope of the residential pilot was specified to be one designated collection area.
 - Paragraph two of subdivision (a) of section 16-308:
 - The commencement date was changed from September 1, 2013 to January 1, 2014.
 - The scope of the program was expanded from 30 schools in two boroughs to 300 schools in three boroughs.
 - DSNY’s requirement to collect from residential buildings with nine or more units was qualified by requiring collection only where sufficient capacity exists on collection trucks.
 - Paragraph three of subdivision (a) of section 16-308:
 - Expands the scope of the residential collection pilot to no fewer than three designated collection areas, each in a different borough by January 1, 2014 and again to four designated collection areas, each in a different borough by June 1, 2014.
 - Paragraph four of subdivision (a) of section 16-308:
 - Expands the scope of the school collection pilot to no fewer than four hundred schools located in no fewer than all five boroughs by January 1, 2015.
 - Paragraph five of subdivision (a) of section 16-308:
 - Allows the DSNY commissioner to replace one designated collection area with another, but no longer requires that the location be in the same borough.

- Paragraph six of subdivision (a) of section 16-308:
 - Requires DSNY to conduct outreach and education for the pilot program.
- Paragraph seven of subdivision (a) of section 16-308:
 - Amends the reporting requirement to be bi-annually rather than quarterly.
- Paragraph eight of subdivision (a) of section 16-308:
 - Requires DSNY to conduct a study on improving community composting.
- Section three was amended to change the commencement date of the yard waste collection program required by subdivision b of section 16-308 to July 1, 2016.

Accordingly, this Committee recommends its adoption.

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

LETITIA JAMES, Chairperson; JAMES F. GENNARO, ROBERT JACKSON, MARIA del CARMEN ARROYO; Committee on Sanitation and Solid Waste Management; September 12, 2013.

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

GENERAL ORDER CALENDAR

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>
Marisa Gerena	4652 Manhattan College Parkway #2A Bronx, N.Y. 10471	11
Emmanuel Cabrera	1387 Jesup Avenue #4 Bronx, N.Y. 10452	16
Jason Balmaceda	941 Leggett Avenue #5G Bronx, N.Y. 10455	17
Valerie Chung	114-57 Dalian Court Queens, N.Y. 11356	19
Christia Elisseou z	116-10 Powells Cove Blvd Queens, N.Y. 11357	19
Andrea Brady	25-53 42 nd Street #2F Queens, N.Y. 11103	22
Maria Emmert	25-82 36 th Street #3 Queens, N.Y. 11103	22
Jolenny J. Leon	406 Onderdonk Avenue #3R Queens, N.Y. 11385	34
Cheryl Green	396A Monroe Street #3A Brooklyn, N.Y. 11221	36
Shermin Shakiri	303 Beverly Road #4K Brooklyn, N.Y. 11218	39
Eileen Cardona	3205 Emmons Avenue #.5D Brooklyn, N.Y. 11235	46
Nataliia Petrychuk	2701 Ocean Avenue #2B Brooklyn, N.Y. 11229	48
Ryan O'Connor	119 Gansevoort Blvd Staten Island, N.Y. 10314	50

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) **Int 1051-A --** In relation to establishing procedures for the office of chief medical examiner to conduct a root cause analysis.
- (2) **Int 1058-A --** In relation to transparency of the office of chief medical examiner.
- (3) **Int 1107-A --** In relation to the collection of food waste.
- (4) **Res 1924 --** Environmental review conducted for Proposed Int. No. 1107-A.
- (5) **L.U. 884 & Res 1929 --** App. C 130120 ZMY, 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.
- (6) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dromm, Eugene, Fidler, Foster, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **45**.

The General Order vote recorded for this Stated Meeting was 45-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 1107-A:**

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dromm, Eugene, Fidler, Foster, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mendez, Nelson, Palma, Recchia, Richards, Rodriguez, Rose, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **44**.

Negative – Reyna – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 1051-A, 1058-A, and 1107-A.

INTRODUCTION AND READING OF BILLS

Int. No. 1152

By Council Members Dilan, James, Koo, Nelson, Richards, Vann and Wills (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to requiring additional maintenance and inspection of structural anchorage of rooftop building equipment.

Be it enacted by the Council as follows:

Section 1. The title of article 302 of chapter 3 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

**ARTICLE 302
MAINTENANCE OF EXTERIOR WALLS AND REQUIRED ANCHORAGE FOR ROOFTOP EQUIPMENT**

§ 2. Sections 28-302.1, 28-302.2, 28-302.3 and, 28-302.4 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, are amended to read as follows:

§28-302.1 General. A building's exterior walls and appurtenances thereof *and required anchorage for rooftop equipment* shall be maintained in a safe condition. All buildings greater than six stories shall comply with the maintenance requirement of this article.

Exception: The requirements imposed by this article shall not apply to any part of an exterior wall that is less than 12 inches (305 mm) from the exterior wall of an adjacent building.

§28-302.2 Inspection requirements. A critical examination of a building's exterior walls and appurtenances thereof *and required anchorage for rooftop equipment* shall be conducted at periodic intervals as set forth by rule of the commissioner, but such examination shall be conducted at least once every five years. No later than January 1, 2009 the commissioner shall by rule establish staggered inspection cycles for buildings required to comply with this section. The initial examination for a new building shall be conducted in the fifth year following the erection or installation of any exterior wall and/or appurtenances *and/or required anchorage for rooftop equipment* as evidenced by the issuance date of a temporary or final certificate of occupancy or as otherwise prescribed by rule.

1. Such examination shall be conducted on behalf of the building owner by or under the direct supervision of a registered design professional with appropriate qualifications as prescribed by the department.
2. Such examination shall include a complete review of the most recently prepared report and an inspection.
3. Such examination shall be conducted in accordance with rules promulgated by the commissioner.

§28-302.3 Immediate notice of unsafe condition. Whenever a registered design professional learns of an unsafe condition through a critical examination of a building's exterior walls and appurtenances thereof[,] *and/or required anchorage for rooftop equipment*, such person shall notify the owner and the department immediately in writing of such condition.

§28-302.4 Report of critical examination. The registered design professional shall submit a written report to the commissioner within 60 days of completing the critical examination, but not more than five years following submission of the preceding report of critical examination, certifying the results of such critical examination as either safe, unsafe, or safe with a repair and maintenance program. The report shall clearly document the condition of the exterior walls and appurtenances thereof *and required anchorage for rooftop equipment*, and shall include a record of all significant deterioration, unsafe conditions and movement observed as well as a statement concerning the watertightness of the exterior surfaces. Such report must be professionally certified by such registered design professional.

§ 3. The title and opening paragraph of section 28-302.5 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, are amended to read as follows:

§28-302.5 Repair of [exterior walls,] unsafe condition. Upon the notification to the department of an unsafe condition, the owner, the owner's agent or the person in charge shall immediately commence such repairs, reinforcements or other measures as may be required to secure public safety and to make the building's exterior walls or appurtenances thereof *and required anchorage for rooftop equipment* conform to the provisions of this code.

§ 4. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1153

By Council Members Dilan, Chin, Jackson, Koo, Koppell, Nelson, Richards and Wills (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to requiring buildings, that are located in the 100-year floodplain and are both larger than 300,000 square feet and taller than 6 stories, or that are located in the 500-year floodplain and contain space for critical facilities, to elevate or otherwise flood-protect building mechanical equipment.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 28 of the administrative code of the city of New York, as amended by A Local Law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, is amended by adding a new section 28-315.8 to read as follows:

§28-315.8 Resiliency. *The work specified in this section to enhance building resiliency shall be completed by the dates specified herein.*

§28-315.8.1. Flood protection of mechanical, electrical, plumbing, telecommunication and fire protection systems and equipment. *The protection of mechanical, electrical, plumbing, telecommunications and fire protection systems and equipment in accordance with the retroactive requirements of section G311.2 of appendix G of the New York city building code shall be completed by December 31,*

2030, and interim and final reports detailing compliance with those requirements shall be filed with the department pursuant to section G311.2.5, for the following buildings:

1. Buildings located in an area of special flood hazard, as such term is defined in appendix G of the New York city building code, that are both larger than 300,000 square feet (27 871 m²) as it appears in the records of the department of finance, and greater than 6 stories.

2. Buildings located in areas of special flood hazard or shaded X-zone, as such terms are defined in appendix G of the New York city building code, whose main use or dominant occupancy is classified as Group I-2 hospitals or nursing homes.

3. Buildings located in an area of special flood hazard whose main use or dominant occupancy is classified as Group I-2 adult homes.

§28-315.8.1.11 Modification to the area of special flood hazard or shaded X-zone. *Where the area of special flood hazard or shaded X-zone, as established by section G102.2 of appendix G of the New York city building code, is modified on or after January 1, 2014 and prior to December 31, 2030, any building newly identified as being within such modified area of special flood hazard or shaded X-zone shall protect mechanical, electrical, plumbing, telecommunications and fire protection systems and equipment in accordance with the retroactive requirements of section G311.2 of appendix G of the New York city building code no later than fifteen years following the enactment of such modification and shall file a report of compliance with the department no later than fifteen years following the enactment of such modification and an interim report of compliance no later than seven years following the enactment of such modification.*

§2. Section BC G102.1 of appendix G of the New York city building code, as amended by A Local Law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Int. No. 1056, is amended by adding a new item 11 to section BC G102 to read as follows:

11. Retroactive requirements. This appendix shall apply to retroactive requirements as provided for in Section G311.

§3. Chapter G3 of appendix G of the New York city building code, as amended by A Local Law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Int. No. 1056, is amended by adding a new section BC G311 to read as follows:

SECTION BC G311

RETROACTIVE REQUIREMENTS

G311.1 General. *Notwithstanding any other provision of the New York City Construction Codes, the provisions of this section shall apply retroactively to all buildings and structures specified within it which are currently in existence.*

G311.2 Flood protection of mechanical, electrical, plumbing, telecommunication and fire protection systems and equipment. *The protection of mechanical, electrical, plumbing, telecommunications and fire protection systems and equipment in accordance with the retroactive requirements Section G311.2 shall be completed by December 31, 2030, and reports of such protection shall be filed with the department by December 31, 2020 and December 31, 2030 in accordance with such requirements, for the following buildings:*

1. Buildings located in area of special flood hazard that are both larger than 300,000 square feet (27 871 m²) as it appears in the records of the department of finance, and greater than 6 stories.

2. Buildings located in areas of special flood hazard or shaded X-zone whose main use or dominant occupancy is classified as Group I-2 hospitals or nursing homes.

3. Buildings located in an area of special flood hazard whose main use or dominant occupancy is classified as Group I-2 adult homes.

G311.2.1 Modification to the area of special flood hazard or shaded X-zone. *Where the area of special flood hazard or shaded X-zone is modified on or after January 1, 2014 and prior to December 31, 2030, any building newly identified as being within such modified area of special flood hazard or shaded X-zone shall protect mechanical, electrical, plumbing, telecommunications and fire protection systems and equipment in accordance with the requirements of Section G311.2 no later than fifteen years following the enactment of such modification and shall file a report of compliance with the department no later than fifteen years following the enactment of such modification and an interim report of compliance no later than seven years following the enactment of such modification.*

G311.2.2 Flood-resistant systems and equipment for buildings whose main use or dominant occupancy is not classified as Group I-2 hospitals, nursing homes or adult homes. *For buildings located in the area of special flood hazard that are both larger than 300,000 square feet (27 871 m²) as it appears in the records of the department of finance, and greater than 6 stories, and whose main use or dominant occupancy is not classified as Group I-2 hospitals, nursing homes, or adult homes, the mechanical, electrical, plumbing, telecommunications and fire protection systems and equipment shall comply with the requirements G304.1.1 item 5 or G304.1.2 item 2.3, utilizing the base flood elevation plus 3 feet (914 mm) as the design flood elevation. Such systems and equipment shall include, but shall not be limited to, the following:*

1. Fire protection systems and equipment;

2. Electrical systems and equipment;
3. Heating, ventilation, and air conditioning systems and equipment;
4. Plumbing systems equipment, including water pumps;
5. Telecommunications systems and equipment;
6. Elevator systems and equipment; and
7. Emergency generators and associated fuel tanks, fill lines, vents and pumps.

Exception: Serving spaces below the DFE. Equipment and portions of systems need not be protected where they serve only spaces below the design flood elevation, provided that inundation will not affect the operability of equipment and portions of systems located above the design flood elevation.

G311.2.2.1 Demonstrated equivalencies. Alternative flood-resistance construction measures and operational protocols may be approved by the commissioner. Alternative measures may include the following:

1. **Temporary barriers.** Temporary flood barriers, including but not limited to deployable flood shields, moveable gates, or sandbag dikes. Such temporary flood barrier system shall be stored on-site;
2. **Training and drills.** Trained staff with annual testing and drills of temporary flood barrier deployment and other flood-resistant techniques;
3. **Backflow preventers.** Backflow preventers installed at sewer outflows, sewer vent outlets raised above flood elevation;
4. **Sump pumps.** Sump pumps in mechanical equipment rooms located below the flood elevation;
5. **Relocation of components.** Provision for removal of individual components that can be readily relocated and temporarily stored above the design flood elevation;
6. **Replacement equipment.** On-site storage above the design flood elevation of replacement equipment or components, provided that an individual on the building staff is capable of installing the replacements; and
7. **Provisions for the connection of temporary equipment.** Provisions for the connection of temporary equipment, provided that the owner maintains a contract with a vendor for the temporary equipment.

Exception. Alternative compliance measures shall not be permitted for the following equipment and utilities:

1. Emergency power system;
2. Fuel tanks supplying emergency generator and related pumps;
3. Fire alarm system;
4. Fire pumps;
5. Domestic water pumps and storage; and
6. Sump pumps power feed.

G311.2.3 Flood-resistant systems and equipment for Group I-2 hospitals and nursing homes. For buildings located in the area of special flood hazard or shaded X-zone, whose main use or dominant occupancy is classified as Group I-2 hospitals or nursing homes, the following systems and equipment shall comply with the requirements G304.1.1 item 5 or G304.1.2 item 2.3, utilizing the 500-year flood elevation as the design flood elevation:

1. Electrical systems and equipment;
2. Domestic water pumps;
3. Emergency generators and associated fuel tanks, fill lines, vents and pumps.

Exceptions:

1. **Serving spaces below the DFE.** Equipment and portions of systems need not be protected where they serve only spaces below the design flood elevation, provided that inundation will not affect the operability of equipment and portions of systems located above the design flood elevation.

2. **Serving spaces not classified as Group I-2 hospitals or nursing homes.** Equipment and portions of systems need not be protected where they do not serve spaces classified as Group I-2 hospitals or nursing homes, provided that inundation will not affect the operability of equipment and portions of systems located above the design flood elevation.

G311.2.4 Flood-resistant systems and equipment for Group I-2 adult homes. For buildings located in the area of special flood hazard, whose main use or dominant occupancy is classified as Group I-2 adult homes, the following systems and equipment shall comply with the requirements G304.1.1 item 5 or G304.1.2 item 2.3, utilizing the base flood elevation plus 3 feet (914 mm) as the design flood elevation:

1. Electrical systems and equipment;
2. Emergency generators and associated fuel tanks, fill lines, vents and pumps.

Exceptions:

1. **Serving spaces below the DFE.** Equipment and portions of systems need not be protected where they serve only spaces below the design flood elevation, provided that inundation will not affect the operability of equipment and portions of systems located above the design flood elevation.

2. **Serving spaces not classified as Group I-2 adult homes.**

Equipment and portions of systems need not be protected where they do not serve spaces classified as Group I-2 adult homes, provided that inundation will not affect the operability of equipment and portions of systems located above the design flood elevation.

G311.2.5 Report of compliance. The owner of a building required to comply with the provisions of Section G311.2 shall file with the department on or before December 31, 2030 a final report prepared by a registered design professional certifying that the requirements of this article have been satisfied. Pending the filing of such final report, such owner shall be required to file by December 31, 2020 an interim report that complies with one of the following:

1. An interim report certified by a registered design professional that all mechanical, electrical, plumbing, telecommunications and fire protection systems are in compliance with the requirements of this article; or

2. An interim report certified by a registered design professional of the percentage of the equipment and components of mechanical, electrical, plumbing, telecommunications and fire protection systems that are in compliance with the requirements of this article as of the date of such report and an implementation plan prepared by such registered design professional detailing when and how the remaining portions will be made fully compliant.

G311.2.5.1 Filing. The department shall promulgate rules establishing filing fees for the review and examination of such reports.

§4. This local law shall take effect on the same date as A Local Law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Int. No. 1056, takes effect.

Referred to the Committee on Housing and Buildings.

Res. No. 1922

Resolution calling on the United States Congress to pass and the President to sign legislation to prohibit the deportation of lawful permanent residents solely for conviction of non-violent or minor criminal offenses.

By Council Members Eugene, Barron, Brewer, Cabrera, Chin, Dromm, Jackson, James, Koo, Palma, Vann and Williams.

Whereas, A lawful permanent resident (“LPR”) is a person who, in accordance with federal immigration law, has been lawfully accorded the privilege of residing permanently in the United States as an immigrant; and

Whereas, LPRs are legally permitted to work, own homes and properties in the United States, and can join certain branches of the United States Armed Forces, among other privileges; and

Whereas, In 2012, over a million immigrants obtained LPR status in the United States and 66 percent of people with LPR status received such status due to a family relationship with a United States citizen or lawful permanent resident of the United States; and

Whereas, In 2012 alone, New York State welcomed nearly 150,000 LPRs, making it the second largest population of LPRs in the nation; and

Whereas, Many LPRs have a long history of residency in New York State and City, strong community ties, careers and families, including children and spouses who are United States citizens; and

Whereas, Under federal immigration law, LPRs who are convicted of certain non-violent or minor criminal offenses often face detention and deportation proceedings; and

Whereas, Such individuals pose no threat to society and should not be subject to removal from the United States; and

Whereas, In 2011, the United States Department of Homeland Security (“DHS”) issued a memorandum detailing the agency’s new deportation policy and the criteria for prosecutorial discretion in deportation cases; and

Whereas, DHS’ deportation policy states their priorities are the removal of immigrants with serious convictions, known gang members, repeat offenders, and/or who pose a serious threat to national security; and

Whereas, Immigrants whom DHS deems qualified for prosecutorial discretion will have their case closed; and

Whereas, Unfortunately, the policy has been applied inconsistently and since implementation the number of deportations has not varied, with approximately 400,000 removals per year reported since 2009; and

Whereas, DHS’ policy has not altered its practices and immigrants are being deported at historic rates, leading many immigration practitioners to deem the policy ineffective; and

Whereas, Deportation forces the parent of a child to either leave the child behind indefinitely, or take the child to the parent’s country of origin, which is often completely unfamiliar and unsafe for the child and which often lacks comparable economic and educational opportunities in comparison to those in the United States; and

Whereas, When children are separated from their parents they often face

severe hardships such as limited economic, housing and food stability; and

Whereas, In order to end the removal of non-violent LPRs, who pose no real danger to society, the United States government must enact legislation to end such practices since deportation would have no benefit to the United States and be contrary to the family's best interest; and

Whereas, Ending the deportation of LPRs convicted of non-violent or minor offenses will preserve families and maintain physical and economic security for their spouses and children who bear the brunt of such deportations; now, therefore, be it

Resolved, That the Council of the City of New York calls upon on the United States Congress to pass and the President to sign legislation to halt the deportation of lawful permanent residents solely for conviction of non-violent or minor criminal offenses.

Referred to the Committee on Immigration.

Res. No. 1923

Resolution urging the federal government to pass legislation that will establish a pathway to citizenship for Temporary Protected Status beneficiaries.

By Council Members Eugene, Barron, Brewer, Chin, Dromm, Jackson, James, Koo, Koppell, Mendez and Williams.

Whereas, Temporary Protected Status (TPS) is a temporary immigration status granted to eligible nationals of designated countries; and

Whereas, The Secretary of the United States Department of Homeland Security may grant TPS to immigrants in the United States who are momentarily unable to securely return to their home countries due to ongoing armed conflict, the temporary effects of an environmental disaster, or other extraordinary and temporary conditions, and such immigrants may not be removed from the United States during the period in which such status is in effect; and

Whereas, For example, on January 12, 2010, Haiti was struck by a 7.0 magnitude earthquake, the aftermath of which caused political unrest, unsanitary conditions, the outbreak of cholera, and extensive damage to the country's infrastructure; and

Whereas, In an effort to provide humanitarian relief to Haiti, on January 21, 2010, President Barack Obama granted TPS to Haiti and eligible nationals of Haiti; and

Whereas, The Secretary of the United States Department of Homeland Security has the authority to extend the designation of TPS between six and eighteen months; and

Whereas, During this time, TPS beneficiaries may obtain work authorization, but TPS status does not guarantee permanent resident status; and

Whereas, Currently there are nearly 300,000 TPS beneficiaries nationally, many of whom call New York City their home; and

Whereas, Currently eight countries, El Salvador, Honduras, Nicaragua, Haiti, Syria, Somali, Sudan and South Sudan have been granted TPS since its implementation in 1990; and

Whereas, Because TPS does not necessarily lead to U.S. citizenship, TPS beneficiaries would greatly benefit from the passage of comprehensive immigration reform or similar legislation that would provide a pathway to citizenship, among other beneficiaries, for approximately 11 million undocumented immigrants residing in the United States; and

Whereas, Without the passage of legislation to facilitate permanent residency status for TPS beneficiaries, many are forced to stay on a temporary immigration status until the dissolution of their designation; and

Whereas, The invaluable contributions of immigrants, including TPS beneficiaries, to the City's economy are well documented and all such individuals should be provided with a pathway to citizenship; and

Whereas, Many TPS beneficiaries work, own homes, pay taxes, and raise families in New York City and beyond; and

Whereas, The enactment of such legislation would eliminate the difficulties TPS beneficiaries experience in obtaining permanent residency status in the United States; now, therefore, be it

Resolved, That the Council of the City of New York urges the federal government to pass legislation that will establish a pathway to citizenship for Temporary Protected Status beneficiaries.

Referred to the Committee on Immigration.

Int. No. 1154

By Council Members Greenfield, Fidler, Jackson and Koslowitz.

A Local Law to amend the administrative code of the city of New York in relation to regulating circumcision by the Department of Health and Mental Hygiene.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding new section 17-198 to read as follows:

§ 17-198 *Prohibition of the regulation of circumcision by the department or board. The board and the department are both hereby proscribed from enacting or enforcing any regulation concerning circumcision within New York City.*

§2. This local law shall take effect effective immediately after its enactment into law.

Referred to the Committee on Health.

Int. No. 1155

By Council Members Ignizio, Oddo, Jackson, James, Koo and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to right turns from bus lanes.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 19 of the administrative code of the city of New York is amended to add a new subchapter four to read as follows:

Subchapter 4: Bus Lanes

§19-195 *Bus lanes and right turns. Notwithstanding any other law, rule or regulation, it shall not be a violation of law for a vehicle to drive in a lane exclusively set aside for buses and vehicles making right turns where such vehicle enters the lane and makes the next right turn onto a street under the jurisdiction of the commissioner and designated on the map of the city of New York.*

§ 2. This local law shall take effect one hundred eighty days after its enactment.

Referred to the Committee on Transportation.

Preconsidered Res. No. 1924

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. 1107-A.

By Council Members James and Jackson.

Whereas, The enactment of Proposed Int. No. 1107-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 this bill 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 Sanitation and Solid Waste Management).

Int. No. 1156

By Council Members King, Barron, Brewer, Chin, Dickens, Eugene, Gentile, James, Koo, Koppell, Palma, Richards, Williams and Wills

A Local Law to amend the administrative code of the city of New York, in relation to the removal of trees downed as a result of a severe weather event.

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 *Tree removal protocol.* a. The department, in consultation with the office of emergency management, department of sanitation and local electric corporations, shall develop a protocol for the removal of trees that have been downed or damaged as a result of weather or climate events. Such protocol shall require the department:

1. to establish effective means of communication with local electric corporations so that the department is notified in a timely manner of downed or damaged trees that have fallen on powered electrical wires or cables, and whether such trees are safe to be removed;

2. to effectively coordinate department personnel engaged in tree removal, including the office of emergency management and the department of sanitation, upon receiving information regarding the status of downed and damaged trees; and

3. to establish a system whereby each instance of downed or damaged trees is provided with a unique identifier or tracking number and a method to notify the electrical corporation when such downed or damaged tree has been removed.

b. the department shall publish such protocol on its website and submit a description of such protocol to the mayor and council by July first of each year.

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

Referred to the Committee on Parks and Recreation.

Int. No. 1157

By Council Members Koppell, James and Palma.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a deposit and refund program for plastic 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: PLASTIC BAG DEPOSIT AND REFUND PROGRAM

§16-490 *Definitions*

§16-491 *Deposit and refund value*

§16-492 *Mandatory take back and refund*

§16-493 *Refusal of acceptance*

§16-494 *Plastic carryout bag requirements*

§16-495 *Reports*

§16-496 *Authority to promulgate rules*

§16-497 *Enforcement*

§16-490 *Definitions.* When used in this chapter: a. “Plastic carryout bag” shall mean a single-use bag made of plastic with handles that is provided by a store to a consumer at the point of sale and is used to carry goods from such store and that is not a reusable bag, a compostable plastic bag, a produce bag, or an exempted bag.

b. “Reusable bag” shall mean a bag with handles including a bag with handles created by cutting holes in the bag to create a handle for a customer to carry the bag, that is specifically designed and manufactured for multiple reuse and is either (1) made of cloth or other machine washable fabric, (2) made of durable plastic that is at least 2.25 mils thick, or (3) a recyclable paper bag.

c. “Produce bag” shall mean any 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.

d. “Compostable plastic bag” shall mean a plastic bag that at a minimum meets the American Society for Testing and Materials standard D6400 for

compostable plastic, and any amendments to such standard.

e. “Exempted bags” shall mean any bag exempted from the provisions of this chapter as determined by rule of the commissioner.

f. “Store” shall mean a retail or wholesale establishment, other than a food service 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, and food-marts that provides or sells plastic carryout bags to consumers in which to place such items.

g. “Consumer” shall mean any person who purchases or takes possession of a plastic carryout bag from a store at the time of sale.

h. “Redeemer” shall mean every person who demands the refund value established by this chapter in exchange for a plastic carryout bag but shall not include a deposit initiator as defined in this section.

§16-491 *Deposit and refund value.* No store shall sell, offer for sale, provide, or make available plastic carryout bags for purposes of carrying or containing goods purchased or otherwise obtained at such store unless such store collects a deposit fee of five cents for each plastic carryout bag from the consumer and unless such plastic carryout bag has a refund value of five cents. Any such plastic carryout bag shall have a unique mark as set forth in section 16-494 of this chapter.

§16-492 *Mandatory take back and refund.* a. Any store that sells, offers for sale, provides, or makes available plastic carryout bags to consumers shall accept at such store from any redeemer any plastic carryout bag which possesses the unique mark of such store, as required by section 16-494 of this chapter. All operators shall pay to a redeemer a refund value of five cents, as required by section 16-490 of this chapter. Redemptions of refund value must be in legal tender.

b. It shall be a violation for any person to return or assist another person to return to a store a plastic carryout bag for refund value if such bag has previously been accepted for redemption.

c. It shall be a violation for any person to knowingly redeem or assist another person to redeem a plastic carryout bag on which a deposit was never paid in the city of New York.

d. All stores sell, offer for sale, provide, or make available plastic carryout bags for purposes of carrying or containing goods purchased or otherwise obtained at such store shall conspicuously display signs at the point of sale to inform patrons of where to return plastic carryout bags for deposit refund.

§16-493 *Refusal of acceptance.* a. The operator of a store may refuse to accept from a redeemer any plastic carryout bag that does not match the unique mark for the plastic carryout bags of such store as required by §16-494 of this chapter.

b. The operator of a store may refuse to accept from a redeemer any plastic carryout bag that is soiled or missing a significant amount of its material.

§16-494 *Plastic carryout bag requirements.* a. Every plastic carryout bag sold, offered for sale, provided, or otherwise made available at a point of sale for purposes of carrying or containing goods purchased or otherwise obtained at such store shall have a mark unique to the store or any group of stores distributing such plastic carryout bags that enables such store or stores to identify the plastic carryout bags for which they have collected a deposit. A unique mark need not appear on plastic carryout bags prior to their delivery to such stores.

§16-495 *Reports.* Each store shall file quarterly reports with the commissioner of finance on a form and in the manner prescribed by such commissioner. Each report shall include all information such commissioner determines to be appropriate.

§16-496 *Authority to promulgate rules.* The commissioner shall have the authority to promulgate rules as necessary and appropriate for the implementation of this chapter including the determination of exempted bags as provided in subdivision e of section 16-490 of this chapter.

§16-497 *Enforcement.* a. Any notice of violation alleging a violation of any provision of this chapter shall be returnable to the environmental control board, which shall have the power to impose civil penalties as provided herein. The department, the department of finance and the department of consumer affairs shall have the authority to enforce the provisions of this chapter.

b. Beginning July 1, 2014, any store that violates section 16-491 or subdivision a of section 16-492 of this chapter shall be liable for a civil penalty of five hundred dollars for the first violation, one thousand dollars for the second violation in the same calendar year, and two thousand dollars for any subsequent violation within the same calendar year.

c. Any person who violates any other provision of this chapter not specified in subdivision b of this section shall be liable for a civil penalty of fifty dollars.

§2. This local law shall take effect ninety days 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.

Res. No. 1925

Resolution calling upon the United States Congress to pass and the President to sign S.1118, legislation that would amend the Social Security Act to better enable State child welfare agencies to prevent the sex trafficking of children

and serve the needs of children who are victims of sex trafficking, and for other purposes.

By Council Members Palma, Barron, Brewer, Cabrera, Chin, Dickens, Dromm, Eugene, Jackson, James, King, Koppell, Koslowitz, Mendez, Richards, Vann and Wills.

Whereas, Human sex trafficking is the most common form of modern-day slavery with victims being mostly women and children; and

Whereas, Domestic child sex trafficking is a serious problem in the United States, in which the U.S. is one of the top 3 destination countries for human trafficking; and

Whereas, There are an estimated 293,000 youth at risk of commercial sexual exploitation and trafficking in the United States; and

Whereas, In 2007, 1,160 children were arrested in the U.S. for prostitution and commercial sex; and

Whereas, The U.S. Department of Justice reports that between 2008 and 2010, 40% of the sex trafficking acknowledged in the United States involved the sexual exploitation and trafficking of children; and

Whereas, According to the Federal Bureau of Investigation (“FBI”), the majority of child sex trafficking victims are runaways or have been thrown out of their homes, and consequently live on the streets; and

Whereas, Approximately ninety-five percent of suspected or confirmed child victims of sex trafficking that were taken in by the National Center for Missing and Exploited Children (“NCMEC”) nationwide from 2004 to 2010 were classified as Endangered Runaways, defined as individuals that have run away and are in potentially dangerous situations; and

Whereas, In New York State, eighty-five percent of trafficking victims have been involved in the child welfare system; and

Whereas, The Child Sex Trafficking Data and Response Act of 2013, (“the bill”), amends part E, Foster Care and Adoption Assistance, of title IV of the Social Security Act; and

Whereas, If passed, this legislation would require state plans for foster care and adoption assistance to provide for each child under the state’s placement, care, or supervision and to identify and document in agency records all children identified as victims of sex trafficking; and

Whereas, The bill also requires states to report within 24 hours, information on missing or abducted children to law enforcement authorities for entry into the National Crime Information Center (“NCIC”) database within the FBI; and

Whereas, Additionally, the bill provisions require the NCIC, FBI, and Adoption and Foster Care Analysis and Reporting System (“AFCARS”) to coordinate with state law enforcement, juvenile justice, and social service agencies in order to provide national information on the number of children in foster care identified as victims of sex trafficking; and

Whereas, The bill also amends the Crime Control Act of 1990 and states that any law enforcement agency that reported a missing child into the NCIC must notify the National Center for Missing and Exploited Children and submit reports on the number of children reported missing from foster care, family homes, or childcare institutions; and

Whereas, The legislation also amends the Child Abuse Prevention and Treatment Act and requires that state plans include provisions and procedures for identifying and assessing all reports involving child victims of sex trafficking and additionally requires training for child protective service workers on identifying and providing such necessary services for them; and

Whereas, Additionally, the bill requires the Secretary of Health and Human Services (“HHS”) to report to Congress on issues relating to identifying and providing services for victims of labor trafficking in the child welfare system; 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 S.1118, legislation that would amend the Social Security Act to better enable State child welfare agencies to prevent the sex trafficking of children and serve the needs of children who are victims of sex trafficking, and for other purposes.

Referred to the Committee on General Welfare.

Int. No. 1158

By Council Members Recchia, Koo, Richards and Wills (by request of the Mayor).

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to corrections of errors by the register’s office or the office of the clerk of the county of Richmond, the mailing of bills and notices to owners of real property by the commissioner of finance, updating references to the city collector, the books of annual record of the assessed valuation of real estate, and other outdated references, and repealing sections 3-311, 11-114, 11-115, 11-116, 11-117, 11-118, 11-119, 11-120 and 11-121 of the administrative code of the city of New York, relating to the city collector, section 7-617 of the administrative code of the city of New York, relating to the register, subdivision c of section 11-211 of the administrative code of the city of New York, relating to the annual record of the assessed valuation of real estate, sections 11-217 and 11-221 of the

administrative code of the city of New York, relating to assessment rolls, sections 11-303, 11-304, 11-305, 11-306, 11-307 and 11-309 of the administrative code of the city of New York, relating to assessments and assessment rolls, sections 11-425, 11-426 and 11-427 of the administrative code of the city of New York, relating to installment agreements, and chapter 29 of title 11 of the administrative code of the city of New York, relating to the tax study commission.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 163 of the New York city charter, as added by local law number 77 for the year 1984, is amended to read as follows:

b. During the time that the [books of annual records of the assessed valuation of real estate are open] *tentative assessment roll is available* for public inspection, any person or corporation claiming to be aggrieved by the assessed valuation of real estate may apply for correction of such assessment. Such application shall be duly verified by a person having personal knowledge of the facts stated therein, provided that if the application is signed by someone other than the person or an officer of the corporation claiming to be aggrieved, the application must be accompanied by a duly executed power of attorney as prescribed by the rules and regulations of the tax commission.

§ 2. Section 1510 of the New York city charter, as amended by vote of the electors at the general election held on November 7, 1989, is amended to read as follows:

§ 1510. [Annual record of assessed valuation] *Assessment rolls*; public inspection of *tentative roll*. The [books of the annual record of the assessed valuation of real estate] *tentative assessment roll* shall be [opened] *made available* to the public not later than the fifteenth day of January in each year, not a Saturday, Sunday or legal holiday, and remain [open during the usual business hours for public inspection and examination] *available to the public* until the first day of March thereafter. The commissioner, previous to and during the time [such books are open to] *the tentative assessment roll is available* for public inspection, shall advertise such fact in the City Record [and in such other newspaper or newspapers published in the several boroughs as may be authorized by the director of the City Record with the approval of the mayor and the comptroller].

§ 3. Section 1512 of the New York city charter, as amended by vote of the electors at the general election held on November 7, 1989, is amended to read as follows:

§ 1512. [Annual record of assessed valuation.] *Assessment rolls*; additions and changes to *tentative roll*.

During the time the [books of the annual record of the assessed valuation of real estate remain open] *tentative assessment roll remains available* for public inspection and examination, and, in the case of real estate other than residential real estate, during an additional period ending the tenth day of May in each year, the commissioner may place on such [books] *tentative assessment roll* any real estate and also the assessed valuation of any such real estate that may have been omitted from such [books] *tentative assessment roll* on the day [of the opening thereof] *such roll was made available to the public*, and may increase or diminish the assessed valuation of any real estate as in the commissioner’s judgment may be just or necessary for the equalization of taxation; but no such addition to the [books] *tentative assessment roll* and no such increase in assessed valuation shall be made, except upon mailing ten days’ prior written notice addressed to the person whose name appears on the records in the office of the [city collector] *department of finance* as being the owner or agent of the owner of the real estate affected thereby at the last known address of such owner or agent. Where no name appears on such records such notice shall be sent to the premises addressed to either the owner or agent. An affidavit of such mailing shall be filed in the main office of the department. When such notice is mailed after the first day of February, such owners may apply for a correction of such assessment so added or so increased within twenty days after the mailing of such notice with the same force and effect as if such application were made on or before the first day of March in such year. For purposes of this section the term “residential real estate” shall include but not be limited to one and two-family homes and multiple dwellings (including co-operative and condominium dwelling units), but shall not include hotels, apartment hotels and motels.

§ 4. Section 1514 of the New York city charter, as amended by vote of the electors at the general election held on November 7, 1989, is amended to read as follows:

§ 1514. Assessment rolls; preparation and delivery of *final roll*. 1. Commencing immediately after the close of the period [for public inspection and examination of the books of annual record of the assessed valuation of real estate] *during which the tentative assessment roll is made available to the public*, the commissioner shall cause to be prepared[, from such books,] *final* assessment rolls for each borough in such manner as shall be provided by law.

2. As soon as [such] *the final* rolls are completed, the commissioner shall [annex to each of such rolls] *prepare* a certificate that the same [is] *are* correct in accordance with the entries and corrected entries in the [several books of annual record] *tentative assessment roll*. The rolls so certified must, on or before the twentieth day of June in each year, be [delivered] *submitted* by the commissioner to the council.

§ 5. Section 1517 of the New York city charter, as added by local law number 30 for the year 1977, is amended to read as follows:

§ 1517. Completion of *final* assessment rolls. At such annual meeting the council shall [cause to be set down in the assessment rolls, opposite to the several sums set down as the valuation of real property, the respective sums, in dollars and cents, to be paid as a tax thereon, rejecting the fractions of a cent. It shall also] cause

to be added and set down the aggregate valuations of the real property in the several boroughs, and shall transmit to the comptroller of the state by mail a certificate of such aggregate valuation in each borough.

§ 6. Section 1518 of the New York city charter, as added by local law number 30 for the year 1977, subdivision 1 as amended by local law number 68 for the year 1993, is amended to read as follows:

§ 1518. Collection of the real property tax. [1.] Immediately upon the completion of the *final* assessment rolls, the city clerk shall procure the proper warrants authorizing and requiring the commissioner to collect the several sums therein mentioned according to law. Such warrants need be signed only by the public advocate and counter-signed by the city clerk. Immediately thereafter and on or before the thirtieth day of June, *after* the assessment rolls of each borough, as corrected according to law [and] , *are* finally completed, [or a fair copy thereof, shall be delivered by] the public advocate *shall deliver* to the commissioner [with] the proper warrants, so signed and counter-signed[, annexed thereto]. At the same time the public advocate shall notify the comptroller of the amount of taxes in [each book of] the *final* assessment rolls [so delivered].

[2. The commissioner upon receiving the assessment rolls and warrants shall immediately cause the assessment rolls and warrants to be filed in the respective borough offices.]

§ 7. Subparagraphs (d), (e), (g) and (h) of paragraph 17 of subdivision a of section 2903 of the New York city charter, as added by local law number 76 for the year 1988, are amended to read as follows:

(d) Upon the owner's failure to comply with such order or notice within thirty days of service thereof, the department may perform the work or cause same to be performed, the cost of which, together with administrative expenses, as determined by the commissioner, but not to exceed twenty percent of the cost of performance, shall constitute a debt recoverable from the owner by lien on the property affected or otherwise. Upon entry by the [city collector] *commissioner of finance*, in the [book] *records* in which such charges are to be entered, of the amount definitely computed as a statement of account by the department, such debt shall become a lien prior to all liens or encumbrances on such property, other than taxes. An owner shall be deemed to have complied with this subdivision if he or she performs such work as specified in the order within the time set forth therein.

(e) Service of a notice or order upon an owner pursuant to the provisions of this section shall be made upon such owner or upon his or her designated managing agent personally or by certified or registered mail, return receipt requested, addressed to the person whose name appears on the records of the [city collector] *commissioner of finance* as being the owner of the premises. If the records of the [city collector] *commissioner of finance* show that a party, other than the owner, has been designated to receive tax bills for such property, the notice shall be mailed to such party as well as to the owner of [the] record, at his or her last known address. If the postal service returns the order with a notation that the owner refused to accept delivery of such notice, it may be served by ordinary mail and posted in a conspicuous place on the premises.

(g) A notice of such account, stating the amount due and the nature of the charge, shall be mailed by the [city collector] *commissioner of finance*, within five days after such entry, to the last known address of the person whose name appears on the records of the [city collector] *commissioner of finance* as being the owner or the agent or as the person designated by the owner to receive tax bills or where no name appears, to the premises, addressed to either the owner or the agent.

(h) If such charge is not paid within ninety days from the date of entry, it shall be the duty of the [city collector] *commissioner of finance* to charge and receive interest thereon, to be calculated to the date of payment from the date of entry.

§ 8. Section 3-311 of the administrative code of the city of New York is REPEALED.

§ 9. Subdivision c of section 5-317 of the administrative code of the city of New York is amended to read as follows:

c. The finance department shall furnish to the corporation counsel sets of the tax maps of the city in duplicate for filing therein and for convenience of reference thereto in the tabular abstract of estimated damage. The [surveyor of the] finance department shall make and furnish all necessary [surveys and] corrections of the [section] maps, necessary to keep the maps furnished to the corporation counsel as accurate as practicable.

§ 10. Section 7-615 of the administrative code of the city of New York is amended to read as follows:

§ 7-615 Corrections to be without erasures. No entry in any book or index in the register's office or the office of the clerk of the county of Richmond shall be erased so as to be illegible, but in case of any correction the same shall be made without destroying the original entry by drawing a line through such original entry, and in all such cases the date of such correction attested by the signature of such register or county clerk or his or her assistant shall be entered upon the same page on which such correction is made, on the margin opposite such correction. Such a correction to an entry in any book or index in the register's office or the office of the clerk of the county of Richmond shall only be made upon the production to the register or county clerk of the original instrument[, or a legible copy thereof] or, when it is impossible to produce [the original instrument] *either*, the register or the county clerk, however, may make any correction of the records in his or her office where it is obvious or apparent that an error has been made in recording or indexing any instrument.

§ 11. Section 7-617 of the administrative code of the city of New York is REPEALED.

§ 12. Subdivisions f and g of section 7-625 of the administrative code of the city of New York are amended to read as follows:

f. [Block index] *Index* to be notice. The entries made in such indices,

[except the lot number designation] and the information contained in the column or columns headed Lot Number and Remarks, shall be deemed and taken to be a part of the record of the instrument to which such entries respectively refer, and shall be notice to subsequent purchasers or incumbrancers to the same extent and with like effect as the recording of such instruments in the office of the register, now is or may be notice. *The index may be in an electronic format.*

[g. Miscellaneous instruments. On and after July first, nineteen hundred sixty-three, any instrument entitled to be indexed and recorded as a miscellaneous instrument shall be indexed in a miscellaneous index and recorded in a miscellaneous liber.]

§ 13. Subdivision b of section 11-104 of the administrative code of the city of New York is amended to read as follows:

b. The [city collector or the deputy collector in each borough office of the city collector] *commissioner of finance*, in receiving monies payable to the city, from whatever source derived, shall not issue a receipt to the payor for a payment made by personal, business or corporate check unless specifically requested.

§ 14. Sections 11-114, 11-115, 11-116, 11-117, 11-118, 11-119, 11-120 and 11-121 of the administrative code of the city of New York are REPEALED.

§ 15. Subdivision e of section 11-128 of the administrative code of the city of New York, as added by section 1 of part T of chapter 60 of the laws of 2004, is amended to read as follows:

e. Notification of participation requirements. For taxpayers or entities subject to this section, the department of finance shall mail notice of such requirement to the property owner [or other party who has been designated to receive real property tax bills on an owner's registration card filed by such owner] *as recorded in the department*. Such notice shall include the date by which the owner or other party designated by such owner to pay real property taxes on the property must enroll in the electronic payment program.

§ 16. Section 11-202 of the administrative code of the city of New York is amended to read as follows:

§ 11-202 Maps and records[; surveyor]. The commissioner of finance shall [appoint a surveyor who shall] make the necessary [surveys and] corrections of the block or ward maps, and also make all new tax maps which may be required.

§ 17. Subdivision c of section 11-203 of the administrative code of the city of New York is amended to read as follows:

c. Parcel numbers shall designate each parcel by the use of [three] *two* or more numbers, of which one shall be [a section or ward number, another] a block, district or plat number, and another a lot number. The department of finance may from time to time change the form of the [section and] blocks, and also the numbers thereof, on the tax maps filed in its office whenever such change of form has been caused pursuant to section one hundred ninety-nine of the charter, and there shall thereafter be delineated and entered upon such maps such new additional [sections and] blocks and their numbers as necessity may require. Such administration may from time to time change the form of the lots or parcels comprised within any block, and also the numbers thereof, and cause to be shown on such maps the separate lots or parcels of land contained in any new block added thereto and also the lots numbers thereof, according to the general plan employed in the making of such maps.

§ 18. Subdivision b of section 11-204 of the administrative code of the city of

New York is amended to read as follows:

b. Whenever any block boundaries shall be changed or any new or additional blocks of land shall be formed in such counties by the opening or closing of any street, avenue, road, boulevard or parkway or otherwise, the department of finance shall cause such maps to be altered to show the changes in the boundaries of a block and the formation of such new or additional blocks, and to cause such blocks, the boundaries of which have been altered, and such new or additional blocks, to be numbered on such maps with such block numbers as such department may determine. [The commissioner of finance, or an officer or employee of the department designated by the commissioner, shall certify and file annually with the register and county clerk in each of such counties a list of the numbers of the blocks, the boundaries of which have been altered, and a list of the numbers of new or additional blocks which have been formed.]

§ 19. Section 11-206 of the administrative code of the city of New York is amended to read as follows:

§ 11-206 Power of the commissioner of finance to correct errors.

The commissioner of finance may correct any assessment or tax which is erroneous due to a clerical error or to an error of description contained in the [several books of annual record of assessed valuations] *tentative assessment roll*, or in the [assessments-rolls] *final assessment roll*. If the taxes computed on such erroneous assessment have been paid, the commissioner of finance is authorized to refund or credit the difference between the taxes computed on the erroneous and corrected assessments.

§ 20. Subdivision b of section 11-207 of the administrative code of the city of New York, as amended by local law number 65 for the year 1991, is amended to read as follows:

b. The persons having charge of the borough assessment offices shall furnish to the commissioner of finance, under oath, a detailed statement of all taxable real estate in the city. Such statement shall contain the street, [the section or ward,] the block and lot and map or identification numbers of such real estate embraced within such district; the sum for which, in their judgment, each separately assessed parcel of real estate would sell under ordinary circumstances if it were wholly unimproved and, separately stated, the sum for which the same parcel would sell under ordinary circumstances with the improvements, if any, thereon, such sums to be determined with regard to the limitations contained in the state real property tax

law. Such statement shall include such other information as the commissioner of finance may, from time to time, require.

§ 21. Section 11-210 of the administrative code of the city of New York is amended to read as follows:

§ 11-210 [Books of annual record of assessed] *Assessed* valuation of real estate indicated by parcel numbers; form and contents of *assessment rolls*. a. [There shall be kept] *The assessment rolls shall be made available to the public* in the several offices of the department of finance, [books of the annual record of the assessed valuation of real estate to be called "the annual record of the assessed valuation of real estate indicated by parcel numbers in the borough of.....", in which]. *In such rolls shall be entered in detail the assessed valuation of each separately assessed parcel indicated by a parcel number within the limits of the several boroughs.*

b. The assessed valuation of each such parcel shall be set down in [such books in two columns. In the first column shall be stated, opposite of each such parcel, the sum for which such parcel would sell under ordinary circumstances if wholly unimproved; and in the second column, the sum for which such parcel would sell under ordinary circumstances with the improvements, if any thereon] *the assessment rolls, and the rolls shall include for each such parcel the assessed valuation of the land if wholly unimproved, and the assessed valuation of the land with the assessed valuation of the improvements, if any, thereon. These valuations shall be based on the uniform percentage of full market value required by law.*

c. Such [books] *assessment rolls* shall be prepared in such manner that the assessed valuations entered therein shall be under sections and block headings as may be most convenient for use in connection with the tax maps described in section 11-203 of this chapter.

d. The assessment rolls may be prepared in an electronic format.

§ 22. The heading of section 11-211 of the administrative code of the city of New York is amended to read as follows:

§ 11-211 [Books of annual record of assessed valuation] *Valuation* of real estate indicated by identification numbers.

§ 23. Subdivision c of section 11-211 of the administrative code of the city of New York is REPEALED.

§ 24. The heading and subdivision a of section 11-212 of the administrative code of the city of New York are amended to read as follows:

§ 11-212 Power of the commissioner of finance to equalize assessments before [opening books] *making the tentative assessment roll available for public inspection*. a. Before [opening the several books of annual record of assessed valuation] *making the tentative assessment roll available* for public inspection, the commissioner of finance shall fix the valuations of property for the purpose of taxation throughout the city at such sums as will, in the commissioner's judgment, establish a just and equal relation between the valuations of property in each borough and throughout the entire city.

§ 25. Section 11-213 of the administrative code of the city of New York is amended to read as follows:

§ 11-213 Errors in [annual records] *tentative* or [assessment-rolls] *final assessment rolls*. The omission from the [several books of annual record of assessed valuations] *tentative assessment roll* or from the [assessment-rolls in] *final assessment rolls* with respect to the entry therein of the name of the rightful owner or owners of real estate, whether individuals or corporations, shall not invalidate any tax or assessment. In such case, however, no tax shall be collected except from the real estate so assessed.

§ 26. Subdivision a of section 11-214 of the administrative code of the city of New York is amended to read as follows:

a. The commissioner of finance may apportion any assessment in such manner as he or she shall deem just and equitable, and forthwith cause such assessment to be cancelled and new assessments, equal in the aggregate to the cancelled assessment, to be made on the proper [books and] rolls. Within five days thereafter the commissioner of finance shall cause written notice of the new assessments to be mailed to the owners of record of the real estate so assessed at their last known residence or business address, and an affidavit of the mailing of such notice to be filed in the main office of the department of finance.

§ 27. Section 11-215 of the administrative code of the city of New York is amended to read as follows:

§ 11-215 Entry of corrections made by tax commission. Upon receiving notice of a correction of an assessment made by the tax commission, the commissioner of finance shall cause the amount of the assessment as corrected to be entered upon the [proper books of annual record] *tentative* and the [assessment-rolls] *final assessment rolls* for the year for which such correction is made.

§ 28. Section 11-217 of the administrative code of the city of New York is REPEALED.

§ 29. Section 11-219 of the administrative code of the city of New York is amended to read as follows:

§ 11-219 [Books of annual record; delivery] *Furnishing of assessment rolls* for publication. Within two weeks after the delivery of the [assessment-rolls] *final assessment rolls* to the council, the commissioner of finance shall furnish to the director of the City Record a copy of the [several books of the annual record of the assessed valuation of real estate, omitting, however, the two columns headed respectively "size of house" and "houses on lot."] *final assessment rolls* for publication.

§ 30. Section 11-221 of the administrative code of the city of New York is REPEALED.

§ 31. Section 11-237 of the administrative code of the city of New York is amended to read as follows:

§ 11-237 Cancellation of assessments, water and sewer rents on real property acquired by tax enforcement foreclosure proceedings. Upon the cancellation of unpaid assessments, water and sewer rents by the [city collector] *commissioner of finance* pursuant to section 11-353 of this title, the comptroller shall charge the unpaid amounts for assessments for local improvements, so cancelled, to the surplus in the appropriate assessment fund; the unpaid amounts for water charges, meter setting and repair, meter glasses and sewer rents, so cancelled, shall be deducted from the accounts receivable of the appropriate fund.

§ 32. Subdivision d of section 11-242 of the administrative code of the city of New York is amended to read as follows:

d. The department of buildings shall determine and certify the reasonable cost of any such alterations and improvements and for that purpose may adopt rules and regulations, administer oaths to and take testimony of any person, including but not limited to the owner of such property, may issue subpoenas requiring the attendance of such persons and the production of such books, papers or other documents as the department shall deem necessary, may make preliminary estimates of the maximum reasonable cost of such alterations and improvements, may establish maximum allowable costs for specified units, fixtures or work in such alterations or improvements, and may require the submission of plans and specifications of such alteration and improvements before the start thereof. Application forms for the benefits of this section shall be filed with the tax commission between February first and March fifteenth and the tax commission shall certify to the [city collector] *commissioner of finance* the amount of taxes to be abated and reduced, pursuant to the certification of the commissioner of buildings as herein provided. No such application shall be accepted unless accompanied by copies of certificates of the city planning commission and the commissioner of buildings, as provided in this subdivision and in subdivision e of this section.

§ 33. Sections 11-303, 11-304, 11-305, 11-306, 11-307 and 11-309 of the administrative code of the city of New York are REPEALED.

§ 34. Paragraph 1 of subdivision b of section 11-320 of the administrative code of the city of New York, as designated and amended by local law number 15 for the year 2011, is amended to read as follows:

1. A tax lien shall not be sold unless the commissioner of finance, or his or her designee, notifies the owner of record at the address of record and any other person who [has registered pursuant to section 11-309 of this chapter, or] *is entitled to notice* pursuant to section 11-416 or 11-417 of this title, by first class mail, of the intention to sell the tax lien. If [no such registrations have been filed] *the owner did not notify the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner*, then such commissioner, or his or her designee, shall notify the [person whose name and address, if any, appears in the latest annual record of assessed valuations] *owner of record at the property address, if any, appearing in the latest assessment roll*, by first class mail, of the intention to sell the tax lien. Such mailed notice shall include a description of the property by block and lot and such other identifying information as the commissioner of finance may deem appropriate, the amount of the tax lien, including all taxes, assessments, sewer rents, sewer surcharges, water rents, any other charges that are made a lien subject to the provisions of this chapter, as well as an estimate of the costs of any advertisements and notices given pursuant to this chapter, any other charges that are due and payable on the date specified in such publication, a surcharge pursuant to section 11-332 of this chapter if the tax lien is sold, and interest and penalties thereon, and shall be mailed to such owner and such other persons four times: not less than ninety, sixty, thirty and ten days prior to the date of sale. Such notice shall state that if default continues to be made in payment of the amounts due on such property, the tax lien on such property shall be sold as provided in section 11-319 of this chapter. If, notwithstanding such notice, the owner shall continue to refuse or neglect to pay the amounts due on such property, the commissioner of finance may sell the tax lien on such property as provided in section 11-319 of this chapter.

§ 35. Section 11-342 of the administrative code of the city of New York is amended to read as follows:

§ 11-342 Foreclosed tax lien not arrears. Any party to an action to foreclose a tax lien or any purchaser or any party in interest may give notice of such foreclosure to the [city collector] *commissioner of finance* and after such notice the items which constituted the tax lien thus foreclosed shall not be entered by the [city collector] *commissioner of finance* in any yearly [assessment-roll] *assessment roll*, so long as the judgment of foreclosure of such lien remains in force.

§ 36. Paragraph 7 of subdivision c and subdivision f of section 11-405 of the administrative code of the city of New York, paragraph 7 of subdivision c as renumbered by local law number 37 for the year 1996, are amended to read as follows:

(7) A parcel for which any such installment agreement or agreements have been filed with the commissioner shall be excluded or removed from the list of delinquent taxes before the commencement of the in rem action based upon such list only if the amounts paid pursuant to such agreement exceed the amount required to pay all taxes and charges which render said parcel eligible for inclusion in the in rem action and there has been no default in such agreement prior to the commencement of said action as to either quarterly installments or current taxes, assessments or other legal charges. *In the event of any default in the agreement or any failure to make timely payment of any current item, the parcel shall, if then delinquent for the applicable period specified in section 11-404 of this chapter, be eligible for inclusion in any list of delinquent taxes thereafter filed.*

f. The commissioner of finance shall file a copy of each list of delinquent taxes, certified as such copy by him or her or a subordinate designated by the commissioner, in the borough office of the [city collector] *department of finance* in the borough in which the parcels listed therein are situated and in the office of the

corporation counsel.

§ 37. The heading and subdivisions b and c of section 11-406 of the administrative code of the city of New York, subdivision b as amended by local law number 69 for the year 1997, are amended to read as follows:

§ 11-406 [Public notice] *Notice of foreclosure.*

b. Such notice shall clearly indicate that it is a notice of foreclosure of tax liens; the borough or the section of a tax map or portion of a section of a tax map in which the properties subject to foreclosure are located and where the area affected by the action includes less than all parcels in an entire borough or section of a tax map or portion of a section of a tax map, the particular class or classes contained therein, and by a general description which need not contain measurements and direction; where and when the list of delinquent taxes was filed; the general nature of the information contained in the list; that the filing of the list constitutes commencement of a foreclosure action by the city in the supreme court for the particular county and a notice of pendency of action against each parcel listed; that such action is against the property only and no personal judgment will be entered; that the list will be available for inspection at the [city collector's central office and at the] borough office of the [city collector] *department of finance* in the borough in which said property is located *and on the department's website* until a specified date at least ten weeks after the date of first publication; that until such date a parcel may be redeemed by paying all taxes and charges contained in said list of delinquent taxes together with interest and penalties thereon; that during said period of redemption and for an additional period of twenty days after said last date for redemption any person having any interest in or lien upon a parcel on the list may file with the appropriate county clerk and serve upon the corporation counsel a verified answer setting forth in detail the full name of said answering party, the nature and amount of his or her interest or lien and any legal defense against foreclosure; and that in the absence of redemption or answer a judgment of foreclosure may be taken by default.

c. On or before the date of the first publication of such notice, the commissioner of finance shall cause a copy of the notice to be mailed to all owners, mortgagees, lienors or encumbrancers, who may be entitled to [receive] such notice [by virtue of any owner's registration or in rem card filed in the office of the city collector] pursuant to section 11-416 or 11-417 of this chapter, *at the address so provided by each such owner, mortgagee, lienor or encumbrancer.* If [such owner's registration or in rem cards have not been filed in the office of the city collector] *the owner did not notify the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner,* then said notice shall be mailed to the [name and] *owner of record at the property* address, if any, appearing in the latest [annual record of assessed valuations] *assessment roll.* The commissioner of finance shall cause to be inserted with such notice a statement substantially in the following form:

"To the party to whom the enclosed notice is addressed: You are the presumptive owner or lienor of one or more of the parcels mentioned and described in the list referred to in the attached notice. Unless the taxes and assessments and all other legal charges are paid, or an answer is interposed; or an arrangement is made for payment of such taxes and assessments and all other legal charges in installments, as provided by statute, the ownership of said property will in due course pass to the city of New York as provided by the administrative code of the city of New York."

The failure of the commissioner of finance to mail such notice shall not affect the validity of any proceeding brought pursuant to this chapter as to any parcel other than the parcel with respect to which notice was not mailed.

§ 38. Subdivisions c and h of section 11-412.1 of the administrative code of the city of New York, as added by local law number 37 for the year 1996, are amended to read as follows:

c. Following the expiration of the four-month period prescribed in subdivision d of this section, but not more than eight months after the date on which, pursuant to subdivision b of this section, the final judgment authorizing the award of possession of a parcel of class one or class two real property was entered, the commissioner of finance may execute a deed, pursuant to subdivision b of this section, with respect to such parcel, *subject to the provisions of section 11-412.2 of this chapter.* The owner of said parcel shall continue to have all of the rights, liabilities, responsibilities, duties and obligations of an owner of such parcel, including, but not limited to, maintaining such parcel in compliance with the housing maintenance, building and fire codes, and all other applicable laws, unless and until the commissioner of finance has prepared and executed a deed conveying to the city or to a third party full and complete title to such parcel. Upon the execution of such deed, the city or the third party shall be seized of an estate in fee simple absolute in such land and all persons, including the state of New York, infants, incompetents, absentees and non-residents who may have had any right, title, interest, claim, lien or equity of redemption in or upon such lands shall be barred and forever foreclosed of all such right, title, interest, claim, lien or equity of redemption, except as otherwise provided in subdivisions e and f of this section. The appointment and tenure of receivers, trustees or any other persons, including administrators under article seven-A of the real property actions and proceedings law, appointed by an order of a court to manage real property, shall terminate when title to such property vests in the city or a third party pursuant to the provisions of this chapter. After such termination, said receivers, trustees or administrators shall be accountable to the courts that appointed them for the faithful performance of their fiduciary obligations during the term of their appointment and to the city or such third party for any rents and income received by them for any period subsequent to the date of the vesting of title in the city or such third party.

If the city serves a tenant in possession of a dwelling unit with notice of termination of tenancy on grounds other than nonpayment of rent, the acceptance of rent for the first forty-five days after termination of tenancy by anyone other than an employee of the department designated by the department to receive such rent shall

not be deemed or construed as a waiver of the city's right to initiate and prosecute a proceeding to terminate the tenancy for good cause.

h. Every [deed given] *judgment entered* pursuant to the provisions of this section shall be presumptive evidence that the action and all proceedings therein and all proceedings prior thereto from and including the assessment of the lands affected and all notices required by law were regular and in accordance with all provisions of law relating thereto. After four months from the date of entry of the final judgment authorizing the award of possession of any parcel of class one or class two real property pursuant to the provisions of this section, the presumption shall be conclusive. No action to [set aside] *vacate* such [deed] *judgment, or set aside a deed given pursuant to such judgment,* may be maintained unless the action is commenced and a notice of pendency of the action is filed in the office of the [property] *proper* county clerk prior to the time that the presumption becomes conclusive as aforesaid. Should [any lawsuit or proceeding be commenced to set aside a deed conveying to a third party a parcel of class one or class two real property pursuant to the provisions of this section] *a third party to whom a parcel of class one or class two property has been conveyed pursuant to this section receive notice of a lawsuit or proceeding to vacate a judgment or set aside a deed,* such third party shall send to the corporation counsel within ten days of their receipt a copy of any papers served on such third party in such lawsuit or proceeding.

§ 39. Subdivision a of section 11-413 of the administrative code of the city of New York is amended to read as follows:

a. The commissioner of finance may, prior to final judgment, withdraw a parcel from a proceeding under this chapter for any of the following reasons, (1) a question which the commissioner deems meritorious has been raised as to the validity of the tax liens affecting the parcel, (2) the [city collector] *commissioner of finance* has accepted a payment of all taxes and interest which rendered the parcel subject to foreclosure hereunder because the records in the commissioner's office indicated that the principal amount of such taxes was exceeded by the principal amount of subsequent taxes which would not have rendered the parcel subject to foreclosure hereunder and which had been paid prior to the commencement of said proceeding or (3) in cases where the tax foreclosure action cannot be maintained such as, but not limited thereto, where the charges which rendered a parcel subject to foreclosure hereunder have been cancelled or were paid before the commencement of the foreclosure proceeding but such payment was not reported or did not clear for payment until after the commencement of said proceeding, or where a name and address [appearing on an owner's registration card or an in rem card filed pursuant to section 11-416 or 11-417 of this chapter and contained in the files of the city collector] *provided to the commissioner of finance in writing or electronically by the owner of the parcel, or other person entitled to notice pursuant to section 11-417 of this chapter,* did not appear in the mailing list used by the commissioner of finance for mailing notices of foreclosure in such proceeding.

§ 40. Section 11-416 of the administrative code of the city of New York is amended to read as follows:

§ 11-416 [Owner's registration cards; mailing] *Mailing* tax bills and notices to [registered] owners [or their designees] *of real property.* [a. The commissioner of finance shall maintain a file of owner's registration cards submitted by owners of real property. Each such owner's registration card shall be signed by the owner or a duly authorized representative and shall state the date on which it was filed, the owner's full name and post office address and a description of the premises by reference to the section, block, and lot numbers on the tax map.]

b. The commissioner of finance shall mail bills for taxes, charges and assessments to all owners [who have filed owner's registration cards as herein provided] *who have notified the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner, at the address so provided, or, if no mailing address has been so provided, to the owner of record at the property address, if any, appearing in the latest assessment roll,* but the failure of the commissioner of finance so to mail such bill shall not invalidate or otherwise affect the tax, charge or assessment represented thereby [nor prevent the accruing of any interest or penalty imposed for the non-payment thereof], nor prevent or stay proceedings under this chapter, nor [effect] *affect* the title of the plaintiff or any purchaser under such proceedings.

c. The commissioner of finance shall also mail notice of foreclosure and any other process required by this chapter to all owners who have [filed owner's registration cards] *notified the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner, at the address so provided,* whenever [the parcels as to which such cards were filed are] *a property is included in a list of delinquent taxes filed pursuant to this chapter.* The failure to receive such notice or process as herein provided shall not affect the validity of any action or proceeding brought pursuant to this chapter.

[d. An owner who files an owner's registration card may also designate thereon the full name and post office address of a mortgagee, lienor or other person to receive bills and notices. Where such designation is made, the commissioner of finance shall not mail any bills and notices to the owner but shall mail all bills and notices to the owner's designee.]

§ 41. Section 11-417 of the administrative code of the city of New York is amended to read as follows:

§ 11-417 [In rem cards; mailing] *Mailing* notices to other interested persons. [a. The commissioner of finance shall, in addition to the file maintained by him or her pursuant to section 11-416 of this chapter, maintain a file of in rem cards submitted by any person having an interest in real property who is not entitled to have tax bills mailed to him or her by the commissioner of finance, including mortgagees, lienors, encumbrancers and owners who have filed owner's registration cards designating someone else to receive bills and notices. Each such in rem card shall be signed by the person filing such card or a duly authorized representative, shall contain a

description of the premises by reference to the section, block and lot numbers on the tax map and shall state the date on which said card was filed, the full name and post office address of the person filing said card and the nature of the interest said person has in said premises.

b.] The commissioner of finance shall mail a notice of foreclosure and any other process required by this chapter to each person [who has filed an in rem card] *who is not entitled to have tax bills mailed to him or her by the commissioner of finance, but who has notified the commissioner of finance in writing or electronically that he or she has an interest in real property, including the interest of a mortgagee, lienor or encumbrancer, and who has requested the commissioner of finance to mail a notice to him or her at a designated mailing address, at the address so provided,* whenever the [parcels to which such cards refer are] *property in which the person has an interest is* included in a list of delinquent taxes filed pursuant to this chapter. However, failure to receive such notice or process shall not affect the validity of any proceeding brought pursuant to this chapter.

§ 42. Sections 11-425, 11-426 and 11-427 of the administrative code of the city of New York are REPEALED.

§ 43. Subparagraph (B) of paragraph 1 of subdivision (c) of section 11-502 of the administrative code of the city of New York, as added by chapter 128 of the laws of 1996, is amended to read as follows:

(B) Investor. For purposes of this subdivision, a taxpayer shall be treated as acquiring, holding or disposing of an interest in an unincorporated entity as an investor if: (i) the unincorporated entity meets the requirements of subparagraph (B) of paragraph four of this subdivision and the taxpayer does not receive a distributive share of such entity's income, gain, loss, deduction, credit and basis from a business carried on in whole or in part in the city that is materially greater than its distributive share of any other item of income, gain, loss, deduction, credit or basis of such entity; or (ii) with respect to any other unincorporated entity, the taxpayer is neither a general partner nor authorized under the entity's governing instrument to manage or participate in, nor managing, nor participating in, the day-to-day business of the unincorporated entity.

§ 44. Section 11-1406 of the administrative code of the city of New York, as amended by chapter 808 of the laws of 1992, is amended to read as follows:

§ 11-1406 Determination of tax. If a return required by this chapter is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the commissioner of finance from external indices and such other information as may be obtainable. Notice of such determination shall be given to the person liable for the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within ninety days after the giving of notice of such determination, or, if the commissioner of finance has established a conciliation procedure pursuant to section 11-124 of the code and the taxpayer has requested a conciliation conference in accordance therewith, within ninety days from the mailing of a conciliation decision or the date of the commissioner's confirmation of the discontinuance of the conciliation proceeding, both (1) serves a petition upon the commissioner of finance and (2) files a petition with the tax appeals tribunal for a hearing, or unless the commissioner of finance of his or her own motion shall redetermine the same. Such hearing and any appeal to the tax appeals tribunal sitting en banc from the decision rendered in such hearing shall be conducted in the manner and subject to the requirements prescribed by the tax appeals tribunal pursuant to sections one hundred sixty-eight [thorough] *through* one hundred seventy-two of the charter. After such hearing the tax appeals tribunal shall give notice of its decision to the person against whom the tax is assessed and to the commissioner of finance. A decision of the tax appeals tribunal sitting en banc shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefor is made to the supreme court by the person against whom the tax was assessed within four months after the giving of the notice of such tax appeals tribunal decision. A proceeding under article seventy-eight of the civil practice law and rules shall not be instituted by a taxpayer unless: (a) the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the commissioner of finance and there shall be filed with the commissioner of finance an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount and with such sureties as a justice of the supreme court shall approve, to the effect that if such proceeding be dismissed or the tax confirmed, the taxpayer will pay all costs and charges which may accrue in the prosecution of the proceeding; or (b) at the option of the taxpayer such undertaking filed with the commissioner of finance may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such decision plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the taxpayer shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

§ 45. Subdivision c of section 11-1407 of the administrative code of the city of New York, as amended by chapter 808 of the laws of 1992, is amended to read as follows:

c. A person shall not be entitled to a revision, refund or credit under this section of a tax, or penalty which had been determined to be due pursuant to the provisions of section 11-1406 of this chapter where such person has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself or herself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the commissioner of finance made pursuant to section 11-1406 of this chapter unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper, by the tax appeals tribunal after a hearing, or on the commissioner's own motion, or, [is] *if* such tax appeals tribunal affirms in whole or in part the determination of the commissioner of finance, in a proceeding under article seventy-eight of the civil

practice law and rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to be overpaid.

§ 46. Subparagraph (i) of paragraph 2 of subdivision a of section 11-2102 of the administrative code of the city of New York, as added by local law number 71 for the year 1986, is amended to read as follows:

(i) all [conveyance] *conveyances* made on or after July first, nineteen hundred seventy-one and before February first, nineteen hundred eighty-two, or made in performance of a contract therefor executed during such period;

§ 47. The opening paragraph of section 11-2104 of the administrative code of the city of New York, as added by local law number 71 for the year 1986, is amended to read as follows:

The tax imposed hereunder shall be paid by the grantor to the commissioner of finance at the office of the register in the county where the deed is or would be recorded within thirty days after the delivery of the deed by the grantor to the grantee but before the recording of such deed, or, in the case of a tax on the transfer of an economic interest in real property, at such place as the commissioner of finance shall designate, within thirty days after the transfer. The grantee shall also be liable for the payment of such tax in the event that the amount of tax due is not paid by the grantor or the grantor is exempt from tax. All moneys received as such payments by the register during the preceding month shall be transmitted to the commissioner of finance on the first day of each month or on such other day as is mutually agreeable to the commissioner of finance and the register. From the moneys so received by him or her, the commissioner of finance shall set [said] *aside* in a special account:

§ 48. Subdivision g of section 11-2105 of the administrative code of the city of New York, as added by local law number 81 for the year 1989, is relettered subdivision (h).

§ 49. Chapter 29 of title 11 of the administrative code of the city of New York is REPEALED.

§ 50. Paragraphs 3, 4, and 5 of subdivision g of section 16-131.3 of the administrative code of the city of New York, paragraphs 3 and 4 as added by local law number 40 for the year 1990, and paragraph 5 as amended by local law number 62 for the year 2005, are amended to read as follows:

3. All such expenses shall constitute a lien upon the premises when the amount thereof shall have been definitely computed as a statement of account by the department and the department shall cause to be filed in the office of the [city collector] *commissioner of finance* an entry of the [account stated in the book] *amount thereof in the records* in which such charges against the premises are to be entered. Such lien shall have a priority over all other liens and encumbrances on the premises except for the lien of taxes and assessments. However, no lien created pursuant to this section shall be enforced against a subsequent purchaser in good faith or mortgagee in good faith unless such transaction occurred after the date of entry of a purchase or work order on the records of the department pursuant to paragraph two of this subdivision.

4. A notice thereof stating the amount due and the nature of the charge shall be mailed by the [city collector within five days after such entry to the last known address of the person whose name appears on the records in the office of the city collector as being the owner or agent or as the person designated by the owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent] *commissioner of finance to an owner who has notified the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner, at the address so provided, or, if no mailing address has been so provided, to the owner of record at the property address, if any, appearing in the latest assessment roll.* Such notice shall have stamped or printed thereon a reference to this section.

5. If such charge is not paid within thirty days from the date of entry, it shall be the duty of the [city collector] *commissioner of finance* to receive interest thereon at the rate of interest applicable to such property for a delinquent tax on real property to be calculated to the date of payment from the date of entry.

§ 51. Subdivisions b, c, d and f of section 17-151 of the administrative code of the city of New York, subdivision d as amended by local law number 62 for the year 2005, are amended to read as follows:

b. All expenses incurred by or on behalf of the department for such work, pursuant to this title or any other applicable provision of law, shall constitute a lien upon the land and buildings upon or in respect to which, or either of which, the work required by such order has been done, or expenses incurred, when the amount thereof shall have been definitely computed as a statement of account by the department and the department shall cause to be filed in the office of the [city collector] *commissioner of finance* an entry of the [account stated in the book] *amount thereof in the records* in which such charges against the premises are to be entered. Such lien shall have a priority over all other liens and encumbrances except for the lien of taxes and assessments. However, no lien created pursuant to this title shall be enforced against a subsequent purchaser in good faith or mortgagee in good faith unless the requirements of subdivision a of this section are satisfied; this limitation shall only apply to transactions occurring after the date such record should have been entered pursuant to subdivision a and before the date such entry was made.

c. A notice thereof, stating the amount due and the nature of the charge, shall be mailed by the [city collector, within five days after such entry, to the last known address of the person whose name appears on the records in the office of the city collector as being the owner or agent or as the person designated by the owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent] *commissioner of finance to an owner who has notified the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner, at the address so provided, or, if no mailing address has been so provided, to the owner of record at the property*

address, if any, appearing in the latest assessment roll.

d. If such charge is not paid within thirty days from the date of entry, it shall be the duty of the [city collector] *commissioner of finance* to receive interest thereon at the rate of interest applicable to such property for a delinquent tax on real property, to be calculated to the date of payment from the date of entry.

f. Such notice mailed by the [city collector] *commissioner of finance* pursuant to this section shall have stamped or printed thereon a reference to this section of the code.

§ 52. Paragraphs 1 and 2 of subdivision i of section 19-124 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, are amended to read as follows:

1. Notwithstanding any provision of law the commissioner may serve an order upon the owner of any premises requiring such owner to remove or to cause to be removed any unauthorized canopy fastened to or erected in front of his or her building, within a period to be designated in such order. Upon the owner's failure to comply with such order as and within the time specified therein, the department may remove such canopy or cause the same to be removed, the cost of which shall be due and payable and shall constitute a lien against the premises to which such canopy may be attached or in front of which it may be erected when the amount thereof shall have been definitely computed by such department and an entry of the amount thereof shall have been entered in the office of the [city collector] *commissioner of finance* in the [book] *records* in which such charges against the premises are to be entered. A notice thereof, stating the amount due and the nature of the charge shall be mailed by the [city collector, within five days after such entry, to the last known address of the person whose name appears on the records in the office of the city collector as being the owner or agent or as the person designated by the owner to receive tax bills, or where no name appears, to the premises addressed to either the owner or the agent] *commissioner of finance to an owner who has notified the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner, at the address so provided, or, if no mailing address has been so provided, to the owner of record at the property address, if any, appearing in the latest assessment roll.* If such charge is not paid within ninety days from the date of entry, it shall be the duty of the [city collector] *commissioner of finance* to collect and receive interest thereon at the rate that would be applicable to a delinquent tax on such property, to be calculated to the date of payment from the date of entry. Such charge and the interest thereon shall continue to be, until paid, a lien on the premises. Such charge and interest shall be collected and the lien thereof may be foreclosed in the manner provided by law for the collection and foreclosure of the lien of such taxes, sewer rents, sewer surcharges and water rents due and payable to the city, and the provisions of law applicable to the collection and foreclosure of the lien of such taxes, sewer rents, sewer surcharges and water rents shall apply to such charge and the interest thereon and the lien thereof.

2. Service of an order upon an owner pursuant to the provisions of this section shall be made personally upon such owner or by certified mail addressed to the last known address of the person whose name appears upon the records in the office of the [city collector] *commissioner of finance* as being the owner of the premises or as the agent of such owner or as the person designated by the owner to receive the tax bills or, if no such name appears, at the address set forth as the address of the owner in the last recorded deed with respect to such premises. A copy of such order shall also be filed in the clerk's office of each county where the property is situated and posted in a conspicuous place on the premises.

§ 53. Paragraphs 1 and 2 of subdivision e of section 19-137 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, are amended to read as follows:

1. Whenever the department shall determine that a condition has been created, or has resulted by reason of land contour work which violates any provision of subdivision (d) hereof, the department may serve an order in the manner prescribed in paragraph two of this subdivision upon the owners of the land upon which such condition has been created or has occurred, to correct such condition within the time designated in such order. Upon the owner's failure to comply with any order of the department as and within the time specified therein by such department, such department may perform such work or cause the same to be performed, the cost of which shall be due and payable and shall constitute a lien upon the land to which such order pertains, when the amount thereof shall have been finally computed by such department and an entry of the amount thereof shall have been entered in the office of the [city collector] *commissioner of finance* in the [book] *records* in which such charges against the premises are to be entered. A notice thereof, stating the amount due and the nature of the charge shall be mailed by the [city collector, within five days after such entry, to the last known address of the person whose name appears on the records in the office of the city collector as being the owner or agent or as the person designated by the owner to receive tax bills, or where no name appears, to the premises addressed to either the owner or agent] *commissioner of finance to an owner who has notified the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner, at the address so provided, or, if no mailing address has been so provided, to the owner of record at the property address, if any, appearing in the latest assessment roll.* If such charge is not paid within ninety days from the date of entry, it shall be the duty of the [city collector] *commissioner of finance* to collect and receive interest thereon at the rate that would be applicable to a delinquent tax on such property, to be calculated to the date of payment from the date of entry. Such charge and the interest thereon shall continue to be, until paid, a lien on the premises on which such work was performed. Such charge and interest shall be collected and the lien thereon may be foreclosed in the manner provided by law for the collection and foreclosure of the lien of taxes, sewer rents, sewer surcharges and water rents due and payable to the city, and the provisions of law applicable to the collection and

foreclosure of the lien of such taxes, sewer rents, surcharges and water rents shall apply to such charge.

[The provisions of section 11-307 of the code applicable to the payment of assessments shall also apply to charges heretofore or hereafter established pursuant to this section.]

2. Service of an order upon an owner pursuant to the provisions of this section shall be made personally upon such owner or by certified mail addressed to the last known address of the person whose name appears upon the records in the office of the [city collector] *commissioner of finance* as being the owner of the premises or as the agent of such owner or as the person designated by the owner to receive the tax bills or, if no such name appears, to the address set forth as the address of the owner in the last recorded deed with respect to such premises. A copy of such order shall also be filed in the clerk's office of each county where the property is situated and shall be posted in a conspicuous place on the premises.

§ 54. Paragraph 2 of subdivision b of section 19-145 of the administrative code of the city of New York, such section as renumbered by local law number 104 for the year 1993, is amended to read as follows:

2. The comptroller shall certify the cost of such work to the [city collector] *commissioner of finance*, who shall collect the same in the same manner that arrears and water rates are collected.

§ 55. Subdivisions e, f, i and j of section 19-152 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, are amended to read as follows:

e. Upon the owner's failure to comply with such order or notice within forty-five days of service and filing thereof, or within ten days if such period is fixed by the department pursuant to subdivision d of this section, the department may perform the work or cause same to be performed under the supervision of the department, the cost of which, together with administrative expenses, as determined by the commissioner, but not to exceed twenty percent of the cost of performance, shall constitute a debt recoverable from the owner by lien on the property affected or otherwise. Upon entry by the [city collector] *commissioner of finance*, in the [book] *records* in which such charges are to be entered, of the amount definitely computed as a statement of account by the department, such debt shall become a lien prior to all liens or encumbrances on such property, other than taxes. An owner shall be deemed to have complied with this subdivision if he or she obtains a permit from the department to perform such work as specified in the order within the time set forth therein and completes such work within ten days thereafter.

f. Service of a notice or order by the department upon an owner pursuant to the provisions of this section shall be made upon such owner or upon his or her designated managing agent personally or by certified or registered mail, return receipt requested, addressed to the person whose name appears on the records of the [city collector] *commissioner of finance* as being the owner of the premises. If the [records of the city collector show that a party, other than the owner, has been designated to receive tax bills for such property, the notice shall be mailed to such party as well as to the owner of record, at his or her last known address, or, if it] *property is a multiple dwelling, service upon the owner or managing agent may be made in accordance with section 27-2095 of the code.* If the postal service returns the order with a notation that the owner refused to accept delivery of such notice, it may be served by ordinary mail and posted in a conspicuous place on the premises.

i. After the work has been performed or after inspection by the department in the case where the work was performed under the direction of the department a notice of such account, stating the amount due and the nature of the charge, shall be mailed by the [city collector, within five days after such entry, to the last known address of the person whose name appears on the records of the city collector as being the owner or agent or as the person designated by the owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent] *commissioner of finance to an owner who has notified the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner, at the address so provided, or, if no mailing address has been so provided, to the owner of record at the property address, if any, appearing in the latest assessment roll.* Such notice shall also inform the addressee of the existence of a complaint and appeal process, including the procedures utilized by the borough office as provided for in paragraph eighteen of subdivision a of section twenty-nine hundred three of the New York city charter, the right to appeal the amount due and the quality of work performed under the direction of or by the department by filing a notice of a claim with the office of the comptroller of the city of New York, and thereafter by filing a petition and [commence] *commencing* a proceeding to review and/or correct the notice of such account and/or the quality of the work performed under direction of or by the department as provided in sections 19-152.2 and 19-152.3 of the code, and the location where the forms may be obtained. The owner shall only be responsible for the cost of reinstalling, constructing, reconstructing, repaving or repairing defective sidewalk flags ordered or directed by the department, not an entire sidewalk if the entire sidewalk lacks defects.

j. If such charge is not paid within ninety days from the date of entry, it shall be the duty of the [city collector] *commissioner of finance* to charge and receive interest thereon, to be calculated to the date of payment from the date of entry.

(1) Except as otherwise provided in paragraph (2) of this subdivision, interest shall be charged at the rate of interest applicable to such property for [real property taxes pursuant to section 11-224 of the code] *a delinquent tax on real property.*

(2) With respect to any parcel [on which the annual tax is not more than two thousand seven hundred fifty dollars, other than a parcel which consists of vacant or unimproved land] *with an assessed value of not more than eighty thousand dollars,* interest shall be charged at the rate determined pursuant to subdivision p or at the rate

of eight and one-half percent, whichever is lower.

§ 56. Subdivision b of section 19-152.2 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, is amended to read as follows:

b. If the office of the comptroller determines that the final work was improper, the office of the comptroller shall notify the department. The department shall pursue corrective measures and shall issue and mail a new notice within thirty days of such determination, stating when the same will be corrected and by whom, by mail addressed to the person whose name appears on the records of the [city collector] *commissioner of finance* as being the owner of the premises. If the [records of the city collector show that a party other than the owner has been designated to receive the tax bills for such property, the notice shall be mailed to such party as well as to the owner of record, at his or her last known address, or if it] *property* is a multiple dwelling, service upon the owner or managing agent may be made in accordance with section 27-2095 of the code.

§ 57. Subdivisions j, l, p and q of section 19-152.3 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, are amended to read as follows:

j. If the hearing officer grants the petition in full or in part, the hearing officer shall order the department and the [city collector] *commissioner of finance*, where appropriate, to change or correct their records to reflect the determination or order the work corrected and reinspected by a departmental inspector after the work was performed.

l. The hearing officer shall promptly transmit the decision to the clerk of the court, who shall file and enter it and the hearing officer shall promptly mail a copy of the decision to the petitioner or the commissioner of the department or the designee of the commissioner and to the [city collector] *commissioner of finance*, where appropriate.

p. If in the final order in any proceeding, it is determined that the amount due was excessive or improper and ordered or directed that the same be corrected, the [city collector] *commissioner of finance* shall issue and mail a new notice of such account stating the new amount owed to the person whose name appears on the records of the [city collector] *commissioner of finance* as being the owner of the premises. If the [records of the city collector show that a party other than the owner has been designated to receive the tax bills for such property, the notice shall be mailed to such party as well as to the owner of record, at his or her last known address, or, if it] *property* is a multiple dwelling, service upon the owner or managing agent may be made in accordance with section 27-2095 of the code. If such charge is not paid within ninety days from the date of entry, it shall be the duty of the [city collector] *commissioner of finance* to charge and receive interest thereon, to be calculated to the date of payment from the date of entry. Where appropriate, if in the final order in any proceeding, it is determined that the amount due was excessive or improper and the owner of the property is entitled to a refund for the excessive amount, the hearing officer shall promptly order and direct such refund within thirty days.

q. If in the final order in any proceeding, it is determined that the final work was improper and ordered or directed that the same be corrected, the department shall issue and mail a new notice of such within thirty days stating when the same will be corrected and by whom, by mail, addressed to the person whose name appears on the records of the [city collector] *commissioner of finance* as being the owner of the premises. If the [records of the city collector show that a party other than the owner has been designated to receive the tax bills for such property, the notice shall be mailed to such party as well as to the owner of record, at his or her last known address, or, if it] *property* is a multiple dwelling, service upon the owner or managing agent may be made in accordance with section 27-2095 of the code.

§ 58. Paragraphs 3, 4 and 5 of subdivision g of section 22-121 of the administrative code of the city of New York, paragraph 5 as amended by local law number 62 for the year 2005, are amended to read as follows:

3. All such expenses shall constitute a lien upon the premises when the amount thereof shall have been definitely computed as a statement of account by the department and the department shall cause to be filed in the office of the [city collector] *commissioner of finance* an entry of the [account stated in the book] *amount thereof in the records* in which such charges against the premises are to be entered. Such lien shall have a priority over all other liens and encumbrances on the premises except for the lien of taxes and assessments. However, no lien created pursuant to this section shall be enforced against a subsequent purchaser in good faith or mortgagee in good faith unless such transaction occurred after the date of entry of a purchase or work order on the records of the department pursuant to paragraph two of this subdivision.

4. A notice thereof stating the amount due and the nature of the charge shall be mailed by the [city collector within five days after such entry to the last known address of the person whose name appears on the records in the office of the city collector as being the owner or agent or as the person designated by the owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent] *commissioner of finance to an owner who has notified the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner, at the address so provided, or, if no mailing address has been so provided, to the owner of record at the property address, if any, appearing in the latest assessment roll*. Such notice shall have stamped or printed thereon a reference to this section.

5. If such charge is not paid within thirty days from the date of entry, it shall be the duty of the [city collector] *commissioner of finance* to receive interest thereon at the rate of interest applicable to such property for a delinquent tax on real property to be calculated to the date of payment from the date of entry.

§ 59. Subdivisions b, c, d and f of section 24-317 of the administrative code

of the city of New York, subdivision d as amended by local law number 62 for the year 2005, are amended to read as follows:

b. All expenses incurred by or on behalf of the department for services performed pursuant to section 24-316 of this code shall constitute a lien upon the land and buildings upon or in respect to which, or either of which, the work required by such order has been done, or expenses incurred, when the amount thereof shall have been definitely computed as a statement of account by the department and such department shall cause to be filed in the office of the [city collector] *commissioner of finance* an entry of the [account stated in the book] *amount thereof in the records* in which such charges against the premises are to be entered. Such lien shall have a priority over all other liens and encumbrances except for the lien of taxes and assessments. However, no lien created pursuant to this section shall be enforced against a subsequent purchaser in good faith or mortgagee in good faith unless the requirements of subdivision a of this section are satisfied; this limitation shall only apply to transactions occurring after the date such record should have been entered pursuant to subdivision a and the date such entry was made.

c. A notice thereof, stating the amount due and the nature of the charge, shall be mailed by the [city collector, within five days after such entry, to the last known address of the person whose name appears on the records in the office of the city collector as being the owner or agent or as the person designated by the owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent] *commissioner of finance to an owner who has notified the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner, at the address so provided, or, if no mailing address has been so provided, to the owner of record at the property address, if any, appearing in the latest assessment roll*.

[(d)] d. If such charge is not paid within thirty days from the date of entry, it shall be the duty of the [city collector] *commissioner of finance* to receive interest thereon at the rate of interest applicable to such property for a delinquent tax on real property, to be calculated to the date of payment from the date of entry.

f. Such notice mailed by the [city collector] *commissioner of finance* pursuant to this section shall have stamped or printed thereon a reference to this section of the code.

§ 60. Subdivision b of section 24-337 of the administrative code of the city of New York is amended to read as follows:

b. In addition to enforcement pursuant to section 24-346 the commissioner may serve a leak and waste notice upon any person having a duty to repair or correct a leak or wasteful condition or upon any person in violation of the rules and regulations for the prevention of the waste of water. Such notice shall specify the repair or correction to be made and shall fix a reasonable time for compliance. Where such notice has been served and water continues to be wasted after the time for correction has expired, the commissioner may, after notice and an opportunity for a hearing before the commissioner or his or her designee, turn off the water supply to the premises or impose a penalty not to exceed fifty dollars per day for each day that water continues to be wasted after the expiration date contained in the notice, or both. Any penalty imposed pursuant to this section may be added to the water rents; except that no such penalty may be imposed against any property unless both the leak and waste notice and notice of the proceeding to impose the penalty was served upon the owner by mailing copies thereof to the person whose name appears on the records in the office of the [city collector] *commissioner of finance* as being the owner or agent or as the person designated by the owner to receive tax bills at the address on file for such purpose or where no name appears to the property addressed to "owner" or "agent" and such person has had an opportunity to be heard.

The provisions of this subdivision shall not be construed to limit the commissioner's power to shut off water supply without notice, or with such notice as the commissioner may deem practicable, where a leak exists; or where emergency action is otherwise deemed essential.

§ 61. Subdivision d of section 24-343 of the administrative code of the city of New York is amended to read as follows:

d. If the transfer is not made within ten days after the mailing of such order, the department of environmental protection may make such transfer through its officers, agents or contractors. The owner shall be personally liable for the expenses and disbursements incurred by the department in making such transfer. The amount of such expenses and disbursements shall be due and payable when definitely fixed by the commissioner of environmental protection and entered upon the records in the office of the [city collector] *commissioner of finance*. A notice stating the amount due and the nature of the charge shall be mailed by the [city collector within five days after such entry to the address registered by such owner in the bureau of city collections in the department of finance, or if no address is registered in such bureau, to the last known address of the owner of such property or to the address of such owner as shown on the records in the office where conveyances of real property are recorded pursuant to law] *commissioner of finance to an owner who has notified the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner, at the address so provided, or, if no mailing address has been so provided, to the owner of record at the property address, if any, appearing in the latest assessment roll*. If such amount is not paid on or before the last day of the month following the month of entry, it shall be the duty of the [city collector] *commissioner of finance* to charge, collect and receive interest thereon at the rate of seven per cent per annum to be calculated to the date of payment from the date of entry. The amount of such expenses and disbursements and the interest thereon shall be a lien upon the premises for which the transfer of the house service pipe connection was made, and shall be enforced and collected in the manner provided in chapter three of title eleven of this code for the enforcement and collection of water rents and the lien thereof.

§ 62. Subdivision b of section 24-512 of the administrative code of the city

of New York is amended to read as follows:

b. The owner of any parcel of real property to be connected with the sewer system shall pay the cost of each curb-to-sewer connection serving such real property, if such curb-to-sewer connection was or shall be constructed in connection with the construction, reconstruction or replacement of a sewer duly authorized on or after January first, nineteen hundred sixty-two. Such cost shall become due and payable and shall constitute a lien against such property when the amount thereof shall have been computed by the agency having jurisdiction and an entry thereof shall have been made against such premises in the office of the [city collector] *commissioner of finance* in the [book] *records* in which charges for curb-to-sewer connections are to be entered. A notice thereof, stating the amount due and the nature of the charge shall be mailed by the [city collector, within five days after such entry, to the last known address of the person whose name appears upon the records in the office of the city collector as being the person designated by the owner to receive tax bills or where no name appears, to the premises addressed to either the owner or the agent] *commissioner of finance to an owner who has notified the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner, at the address so provided, or, if no mailing address has been so provided, to the owner of record at the property address, if any, appearing in the latest assessment roll*, together with a statement that if such charge is not paid within ninety days from the date of entry the amount thereof with interest thereon at the rate of seven percent per annum, to be calculated to the date of payment from the date of entry, will constitute, until paid, a lien against the premises which shall be prior and superior to every other lien or claim except the lien of an existing tax, water rent, sewer rent, sewer surcharge or local assessment. If such charge is not paid within ninety days from the date of entry, it shall be the duty of the [city collector] *commissioner of finance* to collect and receive interest thereon at the rate of seven percent per annum, to be calculated to the date of payment from the date of entry. Such charge and the interest thereon shall continue to be, until paid, a lien on the premises served by such curb-to-sewer connection. Such charge and interest shall be calculated and the lien thereof may be foreclosed in the manner provided by law for the collection and foreclosure of the lien of taxes, sewer rents, sewer surcharges and water rents due and payable to the city, and the provisions of the code applicable to the collection and foreclosure of the lien of such taxes, sewer rents, sewer surcharges and water rents shall apply to such charge and the interest thereon and the lien thereof. Such lien shall be prior and superior to every other lien or claim except the lien of an existing tax, water rent, sewer rent, sewer surcharge, or local assessment. [The provisions of section 11-307 of the code applicable to the payment of assessments shall also apply to the charge established pursuant to this section.]

§ 63. Subdivisions c, d, e, f and h of section 24-605 of the administrative code of the city of New York, subdivisions c, d, e and h as added by local law number 42 for the year 1987, and subdivision f as amended by local law number 62 for the year 2005, are amended to read as follows:

c. Any lien imposed by this section shall arise at the later of the following:

(1) the time that the amount of any costs incurred by the city for response measures shall have been definitely computed as a statement of account and an agency designated pursuant to subdivision b of this section has caused to be filed in the office of the [city collector] *commissioner of finance*: (i) an entry of the account stated in the [book] *records* in which such charges against the property are to be entered, and (ii) copies of any notices of potential liability for such costs and statements reciting the dates such notices were mailed, received pursuant to section 24-606; and

(2) the third day after a responsible person, who is an owner of real property at which the response measures were implemented and whose liability for any costs incurred by the city for such response measures authorizes the imposition of a lien in accordance with subdivision a of this section, is sent by both certified or registered mail and first class mail notice of such person's potential liability for such costs. Such notice may be provided prior to the mailing of the notice pursuant to subdivision d of this section, but any notice provided pursuant to subparagraph (ii) of paragraph two of subdivision a of section 24-610 shall not be deemed to be notice of such person's potential liability, unless such person's potential liability is specifically referred to in such notice.

d. A notice stating the amount due and the nature of the costs shall be sent by both certified or registered mail and first class mail by the [city collector within five days after such entry pursuant to paragraph one of subdivision c of this section to the last known address of the person whose name appears on the records in the office of the city collector as being the owner or agent or as the person designated by the owner to receive tax bills or, where no name appears, to the property, addressed to either the owner or the agent] *commissioner of finance to an owner who has notified the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner, at the address so provided, or, if no mailing address has been so provided, to the owner of record at the property address, if any, appearing in the latest assessment roll*. Such notice shall have stamped or printed thereon a reference to this section. Such notice shall constitute notice of the potential liability of such owner for such costs for purposes of paragraph two of subdivision c of this section, where no prior notice of potential liability for such costs has been sent.

e. The [city collector] *commissioner of finance* shall maintain copies of any notices of potential liability for the costs of response measures, together with statements indicating the dates such notices were mailed, filed by any agency designated pursuant to subdivision b of this section, and copies of any notices sent pursuant to subdivision d of this section, together with statements reciting the dates such notices were mailed.

f. If such costs are not paid within thirty days from the date that notice is

sent pursuant to subdivision d of this section, it shall be the duty of the [city collector] *commissioner of finance* to receive interest thereon at the rate of interest applicable to such property for a delinquent tax on real property to be calculated to the date of payment from the date of entry.

h. Any lien imposed by this section shall be subject to the rights of any mortgagee or lienor whose interest is perfected before notice of the lien has been filed in the office of the [city collector] *commissioner of finance*, as provided in subdivision c of this section. Any such mortgagee or lienor shall be afforded the same protections against such lien as afforded under law against a judgment lien which arises out of an unsecured obligation and which arises as of the time of the filing of the notice of the lien imposed by this section.

§ 64. Subparagraph (ii) of paragraph 2 of subdivision a of section 24-610 of the administrative code of the city of New York, as added by local law number 42 for the year 1987, is amended to read as follows:

(ii) In instances where the commissioner knows that the responsible person served pursuant to subparagraph (i) of this paragraph is not the owner of the property at which the response measures ordered are to be implemented, notice that such order has been served, and a copy of such order, shall be sent by both certified or registered mail and first class mail to [the last known address of the person whose name appears on the records in the office of the city collector as being the owner or agent or as the person designated by the owner to receive tax bills or, where no name appears, to such property, addressed to either the owner or the agent] *an owner who has notified the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner of finance, at the address so provided, or, if no mailing address has been so provided, to the owner of record at the property address, if any, appearing in the latest assessment roll*. Such notice shall have stamped or printed thereon a reference to this section. Any failure to provide written notice as prescribed by this subparagraph shall not in any way affect the liability of any person for the cost incurred by the city for any response measures implemented in accordance with this chapter.

§ 65. Paragraphs 2, 3 and 4 of subdivision b of section 26-517.1 of the administrative code of the city of New York, paragraph 2 as amended by local law number 36 for the year 2001, and paragraphs 3 and 4 as added by chapter 116 of the laws of 1997, are amended to read as follows:

(2) If such payment is not made to the city within such time, all unpaid fees shall constitute a lien upon the premises and shall be filed in the office of the [city collector] *commissioner of finance* as an entry of the [account stated in the book] *amount thereof in the records* in which such charges against the premises are to be entered. Such lien shall have priority over all other liens and encumbrances on the premises except for the lien of taxes and assessments. However, no lien created pursuant to this subdivision against any premises shall be enforced against an owner or mortgagee of such premises who acquired in good faith an interest therein subsequent to the period for which the fee was imposed but prior to the creation of any such lien.

(3) A notice pursuant to paragraph one of this subdivision, stating the amount due and the nature of the charge, shall be mailed by the [city collector, within five days after such entry, to the last known address of the owner or agent] *commissioner of finance to an owner who has notified the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner, at the address so provided, or, if no mailing address has been so provided, to the owner of record at the property address, if any, appearing in the latest assessment roll*.

(4) If such charge is not paid within thirty days from the date of entry, it shall be the duty of the [city collector] *commissioner of finance* to receive interest thereon at the same rate as is imposed on a delinquent tax on real property, to be calculated to the date of payment from the date of entry.

§ 66. Section 28-112.9.3 of article 112 of chapter 1 of title 28 of the administrative code of the city of New York is amended to read as follows:

§ 28-112.9.3 Notice. A notice, stating the amount due and the nature of the charge, shall be mailed by the [department of finance, to the last known address of the person whose name appears on the records in the office of the department of finance as being the owner or agent or as the person designated by the owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent] *commissioner of finance to an owner who has notified the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner, at the address so provided, or, if no mailing address has been so provided, to the owner of record at the property address, if any, appearing in the latest assessment roll*.

§ 67. Items 3, 4, 5 and 7 of subsection 117.4 of section FC 117 of chapter 1 of the New York city fire code of chapter 2 of title 29 of the administrative code of the city of New York, as added by local law number 26 for the year 2008, are amended to read as follows:

3. All such unpaid fees shall constitute a lien upon the land and building upon or in respect to which such inspection was performed, or upon the land and buildings specified in such permit, when the amount thereof shall have been definitely computed as a statement of account by the department, and the department shall cause to be filed in the office of the [city collector] *commissioner of finance* an entry of the account stated in the book in which such charges against the premises are to be entered. Such lien shall have a priority over all other liens and encumbrances except for the lien of taxes and assessments. However, no lien created pursuant to this section shall be enforced against a subsequent purchaser in good faith or mortgagee in good faith unless such transaction occurred after the date of entry of a fee on the records of the department pursuant to Section 117.4(2).

4. A notice thereof, stating the amount due and the nature of the charge, shall be mailed by the [city collector, within 5 days after such entry, to the last known

address of the person whose name appears on the records in the office of the city collector as being the owner or agent or as a person designated by the owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent] *commissioner of finance to an owner who has notified the commissioner of finance in writing or electronically of the owner's mailing address for communications from the commissioner, at the address so provided, or, if no mailing address has been so provided, to the owner of record at the property address, if any, appearing in the latest assessment roll.*

5. If such charge is not paid within 30 days from the date of entry, it shall be the duty of the [city collector] *commissioner of finance* to receive interest thereon at a rate of 15 percent per annum, to be calculated to the date of payment from the date of entry.

7. Such notice mailed by the [city collector] *commissioner of finance* pursuant to this section shall have stamped or printed thereon a reference to this section of this code.

§ 68. This local law shall take effect immediately.

Referred to the Committee on Finance.

Int. No. 1159

By Council Members Reyna, Brewer, Chin, Dickens, Eugene, Gentile, Jackson, James, King, Koo, Koppell, Mendez, Palma, Richards, Vann and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to opportunities for veteran-owned business enterprises in city procurement.

Be it enacted by the Council as follows:

Section 1. Title 6 of the administrative code of the city of New York is amended by adding a new section 6-138 to read as follows:

§6-138. *Participation by veteran owned business enterprises in city procurement.*

a. The city shall conduct a review to assess the percentage of business enterprises that are owned by veterans and that are willing and able to perform agency contracts. On the basis of such review and any other relevant information, the commissioner of the department of small business services shall, in consultation with the city chief procurement officer, no later than July 1, 2014, establish a program to promote equal opportunity in city procurement for veterans. Such program may incorporate features including, but not limited to, outreach and notification of contract opportunities, the certification and establishment of participation goals for veteran owned business enterprises, and tracking and reporting the utilization of such business enterprises, consistent with such requirements set forth in section 1304 of the charter and section 129 of this title.

§2. This local law shall take effect 90 days after its enactment into law, provided, however, that city agencies, officers and employees, including but not limited to the city chief procurement officer, shall take such actions as are necessary for its implementation prior to such effective date.

Referred to the Committee on Veterans.

Res. No. 1926

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.2554, legislation which would require at least three percent of the total value of annual state procurements are awarded to veteran-owned businesses.

By Council Members Reyna, Chin, Dickens, Eugene, James, Koppell, Mendez, Palma and Richards.

Whereas, Military veterans have performed a vital and heroic service to the nation, putting their lives on hold and in harm's way in order to protect the country and maintain peace and stability around the world; and

Whereas, As of 2010, there were almost one million veterans in New York State, of which more than one hundred thousand were receiving disability compensation; and

Whereas, According to a report by the Congressional Research Service, the wars in Iraq and Afghanistan have taken a deep toll on American service members, as combat has continued for more than a decade, resulting in almost 7,000 combat deaths and over 50,000 wounded, as well as over 130,000 cases of Post-Traumatic Stress Disorder and over 250,000 cases of Traumatic Brain Injuries; and

Whereas, In addition, it was reported in USA Today that about 3,000 active duty troops committed suicide since 2001, and according to a survey conducted by the Iraq and Afghanistan Veterans of America, 30 percent of Iraq and Afghanistan veterans have contemplated committing suicide; and

Whereas, According to the Department of Labor, throughout much of the economic downturn, the unemployment rate among post-9/11 veterans has been

several percentage points higher than the rest of the labor force, including as much as 5 percentage points higher in June, 2012; and

Whereas, Given the sacrifices made by these brave men and women, and the many difficulties they go through during their deployments and after they return, it is imperative that they are fully supported and reintegrated into American society once they have completed their service; and

Whereas, One important way that New York State can provide support to veterans is to expand job opportunities for them by ensuring that businesses owned by veterans are able to compete for and win New York State contracts; and

Whereas, A.2554, currently pending in the New York State Assembly, would require the State's procurement director to promulgate rules which would ensure that at least three percent of the total value of annual state procurements is awarded to eligible veteran-owned businesses; 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.2554, legislation which would require at least three percent of the total value of annual state procurements are awarded to veteran-owned businesses.

Referred to the Committee on Veterans.

Res. No. 1927

Resolution calling upon the United States Congress to enact and the President to sign H.2887/S.1480, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide assistance for condominiums and housing cooperatives damaged by a major disaster, and for other purposes.

By Council Members Vallone, Brewer, Chin, Eugene, Fidler, Gentile, Jackson, James, Koo, Koppell, Mendez, Palma, Richards and Wills.

Whereas, Over half a million New York City families reside in cooperatives or condominiums; and

Whereas, Cooperatives and condominiums were among the residences affected by Superstorm Sandy in October 2012; and

Whereas, In some cases, cooperatives and condominiums suffered hundreds of thousands of dollars' worth of damages;

Whereas, Under current Federal Emergency Management Agency ("FEMA") policy, cooperative and condominium associations are considered business entities, making them ineligible for the types of federal disaster assistance available to single-family homes; and

Whereas, Due to their classification as business entities, cooperative and condominium associations are not eligible for grants to make expensive repairs to common areas such as utility rooms, lobbies, and roofs; and

Whereas, Without this critically needed assistance, cooperative and condominium associations are being forced to take on loans, spend significant portions of their reserves, or in some cases, impose assessments on individual homeowners to cover the cost of repairs; and

Whereas, H.2887/S.1480, introduced in 2013 by Rep. Israel (D-NY) and Sen. Schumer (D-NY) respectively, would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the law that created FEMA in 1988, to provide cooperative and condominium associations with the same federal disaster assistance available to single-family homeowners; and

Whereas, Further, the bill would allow the President to regulate the maximum amount of federal disaster assistance that an association for a cooperative or condominium can receive per disaster; and

Whereas, Cooperative and condominium homeowners should be entitled to the same federal disaster assistance available to single-family homeowners; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to enact and the President to sign H.2887/S.1480, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide assistance for condominiums and housing cooperatives damaged by a major disaster, and for other purposes.

Referred to the Committee on Housing and Buildings.

Res. No. 1928

Resolution calling on the United States Congress to reverse the sequestration and to restore the cuts that have been made to the budget of the United States Department of Housing and Urban Development.

By Council Members Wills, Barron, Brewer, Chin, Dickens, Dromm, Eugene, Fidler, Jackson, James, King, Koppell, Mendez, Palma and Vann.

Whereas, In August 2011, as part of the Budget Control Act of 2011, bipartisan majorities in the House of Representatives and the Senate voted for sequestration as a mechanism to compel Congress to act on deficit reduction; and

Whereas, The sequestration would impose automatic, across-the-board spending cuts if the Joint Select Committee on Deficit Reduction (“the Committee”), a committee comprised of twelve members from Congress, could not issue a recommendation by November 2011 for at least \$1.5 trillion in deficit reduction steps to be undertaken over a ten-year period; and

Whereas, The Committee was unable to settle on deficit reduction steps in the required timeframe thereby triggering the implementation of sequestration in March 2013; and

Whereas, As a result of sequestration, government agencies, including the United States Department of Housing and Urban Development (“HUD”), will see cuts totaling \$1.2 trillion over the next ten years; and

Whereas, HUD’s mission is to create strong, sustainable, inclusive communities and quality affordable homes for all; and

Whereas, Sequestration will affect communities in the City that rely on programs such as the Housing Choice Voucher program, commonly referred to as the Section 8 program, administered by HUD; and

Whereas, The Section 8 program is the federal government’s major program for assisting, in the form of housing subsidies, low-income families, the elderly, and the disabled to afford housing in neighborhoods of their choice; and

Whereas, Currently, the average income of families in the Section 8 program is approximately \$15,300 and their average monthly out-of-pocket rent is around \$350 per month; and

Whereas, Public Housing Authorities (PHAs) must apply to HUD for Section 8 funds; and

Whereas, In New York City, there are two PHAs that administer Section 8, the New York City Department of Housing Preservation and Development (“HPD”) and the New York City Housing Authority (“NYCHA”); and

Whereas, HPD administers approximately 29,000 Section 8 vouchers and NYCHA administers approximately 92,000 Section 8 vouchers; and

Whereas, In 2013, HPD and NYCHA faced cuts of \$36 million and \$78 million to their Section 8 programs respectively; and

Whereas, While HPD and NYCHA plan to address cuts to their Section 8 program by adjusting their policies and procedures, many families are at risk of being permanently removed from the program and will have nowhere else to go; and

Whereas, Sequestration will significantly affect HUD’s ability to provide the most vulnerable New Yorkers with safe, affordable places to live; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to reverse the sequestration and to restore the cuts that have been made to the budget of the United States Department of Housing and Urban Development.

Referred to the Committee on Public Housing.

L.U. No. 902

By Council Member Comrie:

Application No. N 130263 ZRM submitted by Carnegie Park Land Holding LLC pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, Article VII, Chapter 8, to amend the ownership provisions of ZR Section 78-06 to allow application to modify a Large Scale Residential Development’s authorizations and special permits granted in an expired urban renewal area in connection with a proposed 36-story mixed-use development located at 205 East 92nd Street, Borough of Manhattan, Community District 8, Council District 4.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 903

By Council Member Comrie:

Application No. C 130191 ZSQ submitted by G&M Realty, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 117-56 of the Zoning Resolution to allow an increase in the permitted floor area ratio of Section 117-522, and to modify street wall requirements of Section 117-531 and the setback requirements of Section 117-532 in connection with a proposed mixed-use development on property located at 22-44 Jackson Avenue, in an M1-5/R7-3 District, within the Special Long Island City Mixed Use District in the Borough of Queens, Community District 2, Council District 26. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to 197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 904

By Council Member Comrie:

Application No. N 090485 ZRQ submitted by Halletts A Development Company, LLC and the New York City Housing Authority pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, modifying Article II, Chapter 3, and Appendix F relating to Inclusionary Housing; Article VI, Chapter 2 relating to waterfront areas; Article VI, Chapter III relating to FRESH food stores; and Article VII, Chapter 4 relating to large scale general development, within the Halletts Point Peninsula in the Borough of Queens, Community District 1, Council District 22.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 905

By Council Member Comrie:

Application No. C 090484 ZMQ submitted by Halletts A Development Company, LLC and the New York City Housing Authority, pursuant to Section 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 9a, changing from an R6 District to a M1-1 District and changing from M1-1 to R6 and R7-3 Districts; and establishing C1-4 Districts within existing and proposed R6 and R7-3 Districts, and establishing an R6 District in a proposed former portion of park, within the Halletts Point Peninsula in the Borough of Queens, Community District 1, Council District 22.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 906

By Council Member Comrie:

Application No. C 130244 ZSQ submitted by Halletts A Development Company, LLC and the New York City Housing Authority pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify initial setback distance, the maximum base height, the maximum building height, the floor area distribution, the maximum residential tower size, and the maximum width of walls facing shoreline requirements of Section 62-341 and to modify the distance between buildings requirements of Section 23-711, in connection with a proposed mixed use development in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula in the Borough of Queens, Community District 1, Council District 22. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to 197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 907

By Council Member Comrie:

Application No. C 090486 ZSQ submitted by Halletts A Development Company, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to Sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(11) of the Zoning Resolution to permit transfer of floor area and modification of lot coverage and bulk regulations, in connection with a proposed mixed use development in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula in the Borough of Queens, Community District 1, Council District 22. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to 197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 908

By Council Member Comrie:

Application No. N 090487 ZAQ submitted by Halletts A Development Company, LLC and the New York City Housing Authority for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimension requirements of Section 62-50 for waterfront public access areas and visual corridors, in connection with a proposed mixed use development in R6, R6/C1-4 and R7-3/C1-4 Districts, in a large-scale general development, within the Halletts Point Peninsula in the Borough of Queens, Community District 1, Council District 22. This application is subject to review of the Council only if called up by a vote of the Council pursuant to 62-822(a) of the NYC Zoning Resolution.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 909

By Council Member Comrie:

Application no. C 130068 MMQ submitted by Halletts A Development Company, LLC and the New York City Housing Authority, and the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City map involving the de-mapping of portions of 26th Avenue, 27th Avenue, Astoria Boulevard and a Park, the delineation of a street easement and the establishment of a Park, including authorization for any disposition or acquisition of real property related thereto, in the Borough of Queens, Community District 1, Council District 22. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to 197-d(b)(2) of the Charter or called up by a vote of the Council pursuant to 197-d(b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 910

By Council Member Comrie:

Application No. 20145012 (N 140006 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the New York Public Library, Seward Park Branch, 192-194 East Broadway (Designation List 465, LP-2531), Borough of Manhattan, Community Board 3, Council District 1, as a historic landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitting and Maritime Uses.

L.U. No. 911

By Council Member Comrie:

Application No. 20145013 (N 140012 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the St. Louis Hotel, 34 East 32nd Street (Designation List 465, LP-2533), Borough of Manhattan, Community Board 5, Council District 2, as a historic landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitting and Maritime Uses

L.U. No. 912

By Council Member Comrie:

Application No. 20145014 (N 140008 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of 140 Broadway, originally the Marine Midland Bank Building (Designation List 465, LP-2530), Borough of Manhattan, Community Board 1, Council District 1, as a historic landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitting and Maritime Uses.

L.U. No. 913

By Council Member Comrie:

Application No. 20145015 (N 140010 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Church of St. Paul the Apostle, 8 Columbus Avenue (Designation List 465A, LP-2260-A), Borough of Manhattan, Community Board 7, Council District 6, as a historic landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitting and Maritime Uses.

L.U. No. 914

By Council Member Comrie:

Application No. 20145016 (N 140009 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of Beaumont Apartments, 730 Riverside Drive (Designation List 465, LP-2545), Borough of Manhattan, Community Board 9, Council District 7, as a historic landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitting and Maritime Uses.

L.U. No. 915

By Council Member Comrie:

Application No. 20145017 (N 140011 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of Catherina Lipsius House, 670 Bushwick Avenue, aka 670-674 Bushwick Avenue and 931 Willoughby Avenue (Designation List 465, LP-2549), Borough of Brooklyn, Community Board 4, Council District 34, as a historic landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitting and Maritime Uses.

L.U. No. 916

By Council Member Comrie:

Application No. 20145018 (N 140003 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Forest Park Carousel, within Forest Park, 83-98 Woodhaven Boulevard (Designation List 465, LP-2528), Borough of Queens, Community Boards 5, 6, and 9, Council Districts 30 and 37, as a historic landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitting and Maritime Uses.

L.U. No. 917

By Council Member Comrie:

Application No. 20145019 (N 140004 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of Jamaica High School (Now Jamaica Learning Center), 162-02 Hillside Avenue (Designation List 465, LP-2538), Borough of Queens, Community Board 12, Council District 24, as a historic landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitting and Maritime Uses.

L.U. No. 918

By Council Member Comrie:

Application No. 20145020 HKM (N 140005 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the West End - Collegiate Historic District Extension (Designation List 465, LP-2462), Borough of Manhattan, Community Board 7, Council District 6, as a historic district.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitting and Maritime Uses.

L.U. No. 919

By Council Member Comrie:

Application No. 20145061 HAK submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of Urban Development Action Area Projects and related tax exemptions for properties located at 178 Rockaway Avenue (Block 1567, Lot 31); 275 Menahan Street (Block 3309, Lot 32); 663 Willoughby Avenue (Block 1761, Lot 70); 76 Grove Street (Block 3322, Lot 10); 717 Flushing Avenue (Block 2276, Lot 3); 160 Glenmore Avenue (Block 3709, Lot 115); and 877 Dumont Avenue (Block 4061, Lot 1), in the Borough of Brooklyn, Community Boards 1, 3, 4, 5, and 16, Council Districts 33, 34, 36, 37, 41, and 42. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Friday, September 13, 2013

★ *Deferred*
Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS** **10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor James Van Bramer, Chairperson

★ *Deferred*
Committee on **GOVERNMENTAL OPERATIONS** **10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor Gale Brewer, Chairperson

Monday, September 16, 2013

Subcommittee on **ZONING & FRANCHISES** **9:30 A.M.**
See Land Use Calendar Available, Wednesday, September 11, 2013
Council Chambers – City Hall Mark Weprin, Chairperson

★ *Note Meeting Updates*
Committee on **ECONOMIC DEVELOPMENT** **10:30 A.M.**
Tour: Harlem Garage
Location: 318 West 118th Street
..... New York, NY
Details Attached Karen Koslowitz, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES** **11:00 A.M.**
See Land Use Calendar Available Wednesday, September 11, 2013
Committee Room – City Hall Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS** **1:00 P.M.**
See Land Use Calendar Available Wednesday, September 11, 2013
Committee Room – City Hall Stephen Levin, Chairperson

★ *Deferred*
Committee on **CIVIL RIGHTS** **1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Deborah Rose, Chairperson

★ *Note New Location*
Committee on **GENERAL WELFARE** **1:00 P.M.**
Oversight - Overview of DHS' Homebase Evaluation
★ Committee Room – 250 Broadway, 16th Floor Annabel Palma, Chairperson

Tuesday, September 17, 2013

Committee on **AGING** **10:00 A.M.**
Oversight - Pension Fraud and Retirees
Committee Room – 250 Broadway, 14th Floor Jessica Lappin, Chairperson

★ *Deferred*
Committee on **Transportation** jointly with the
Committee on **Public Safety** **10:00 a.m.**
Oversight – Examining the NYPD's Collision Investigation Reforms
Committee Room – 250 Broadway, 16th Floor James Vacca, Chairperson
..... Peter Vallone, Chairperson

★ *Deferred*
Committee on **HEALTH** **10:00 A.M.**
Agenda to be announced
Hearing Room – 250 Broadway, 16th Floor Maria del Carmen Arroyo, Chairperson

★ *Deferred*
Committee on **Contracts** **10:00 a.m.**
Oversight – The Department of Homeless Services' Use of Emergency Procurement
Hearing Room – 250 Broadway, 16th Floor Darlene Mealy, Chairperson

Committee on **MENTAL HEALTH, DEVELOPMENTAL DISABILITY, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES** **1:00 P.M.**
Proposed Res. 1314-A - By Council Members Koppell, Brewer, Chin, Comrie, Fidler, Gonzalez, Mendez, Palma, Rose, Vann, Williams, Rodriguez and Halloran - Resolution calling upon the United States Congress to enact and the President to sign S.313/H.R.647, the Achieving a Better Life Experience (ABLE) Act of 2013, which amends the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.
Committee Room – 250 Broadway, 14th Floor Oliver Koppell, Chairperson

★ *Deferred*
Committee on **Housing and Buildings** **1:00 p.m.**
Agenda to be announced
Hearing Room – 250 Broadway, 16th Floor Erik Martin Dilan, Chairperson

★ *Note Topic Addition and Time Change*
Committee on **PARKS AND RECREATION** **2:00 P.M.**

Oversight - The Role of Conservancies in Managing City Parks
 Committee Room – 250 Broadway, 16th Floor
Melissa Mark-Viverito, Chairperson

Wednesday, September 18, 2013

★ *Note Topic Addition and Committee Addition*

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES** jointly with the
 ★Committee on **IMMIGRATION**.....**10:00 A.M.**
 Oversight - Examining how NYC Evaluates the Effectiveness of the Provision of
 Indigent Criminal Legal Defense and Reviewing Attorney Compliance with *Padilla*
v. Kentucky
 Committee Room – 250 Broadway, 14th FloorElizabeth Crowley, Chairperson
 Daniel Dromm, Chairperson

Committee on **LAND USE**.....**10:00 A.M.**
 All items reported out of the subcommittees
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Committee Room – 250 Broadway, 16th Floor Leroy Comrie, Chairperson

Committee on **YOUTH SERVICES**.....**11:00 A.M.**
 Oversight - Challenges Faced by Young Adults in the New York City Labor Market.
 Hearing Room – 250 Broadway, 16th Floor Lewis Fidler, Chairperson

★ *Deferred*

Committee on **SMALL BUSINESS**..... **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th FloorDiana Reyna, Chairperson

★ *Deferred*

Committee on **TECHNOLOGY**..... **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th FloorFernando Cabrera, Chairperson

★ *Deferred*

Committee on **IMMIGRATION**..... **1:00 P.M.**
 Agenda to be announced
 Hearing Room – 250 Broadway, 16th Floor Daniel Dromm, Chairperson

★ *Deferred*

Committee on **ENVIRONMENTAL PROTECTION**..... **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th FloorJames Gennaro, Chairperson

★ *Deferred*

Committee on **CULTURAL AFFAIRS, LIBRARIES &
 INTERNATIONAL INTERGROUP RELATIONS**..... **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th FloorJames Van Bramer, Chairperson

Monday, September 23, 2013

Committee on **VETERANS****10:00 A.M.**
 Agenda to be announced
 Committee Room– 250 Broadway, 14th Floor Mathieu Eugene, Chairperson

Committee on **WOMEN’S ISSUES****10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th FloorJulissa Ferreras, Chairperson

Committee on **HEALTH**..... **10:00 A.M.**
 Int. 1129 - By Council Members Arroyo, Barron, Chin, Comrie, Gentile, Gonzalez,
 Greenfield, Jackson, James, Koo, Mendez, Palma, Rose, Vallone, 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.
 Int. 1132 - By Council Members Gentile, Arroyo, Barron, Chin, Fidler, Greenfield,
 James, Koo, Palma, Rose, and Vallone – 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.
 Int. 1134 - By Council Members Koo, Arroyo, Gentile, Gonzalez, Greenfield,
 Koslowitz, Palma, Rose, Vacca and Vallone – A Local Law in relation to the creation
 of a Food Service Establishment Advisory Board.
 Int. 1141 - By Council Member Reyna – A Local Law in relation to Food Service
 Establishment Sanitary Inspection Data.
 Int. 1146 - By Council Members Van Bramer and Arroyo – 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.
 Council Chambers – City Hall Maria del Carmen Arroyo, Chairperson

Committee on **EDUCATION**..... **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th FloorRobert Jackson, Chairperson

★ *Deferred*

Committee on **YOUTH SERVICES**..... **1:00 P.M.**
 Oversight—Challenges Faced by Young Adults in the New York City Labor Market.
 Committee Room – 250 Broadway, 14th Floor Lewis Fidler, Chairperson

★ *Deferred*

Committee on **CONTRACTS**..... **1:00 P.M.**
 Agenda to be announced
 Hearing Room – 250 Broadway, 16th FloorDarlene Mealy, Chairperson

★ *Note Topic Addition*

Committee on **SMALL BUSINESS**..... **1:00 P.M.**
 Oversight - Industrial Business Zone’s and the future of NYC’s Manufacturing Sector
 Committee Room – 250 Broadway, 14th FloorDiana Reyna, Chairperson

★ *Addition*

Committee on **CONSUMER AFFAIRS**..... **1:00 P.M.**
 Agenda to be announced
 Hearing Room – 250 Broadway, 16th Floor Daniel Garodnick, Chairperson

Tuesday, September 24, 2013

★ *Addition*

Committee on **FINANCE**..... **10:00 A.M.**
 Preconsidered L.U. __ - Mascot Flats, Block 375, Lot 30, Manhattan, Community
 District No. 3, Council District No. 2
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Committee Room – City Hall..... Domenic M. Recchia, Chairperson

Stated Council Meeting..... *Ceremonial Tributes – 1:00 p.m.*
 *Agenda – 1:30 p.m.*
Location..... ~ *Council Chambers ~ City Hall*

MEMORANDUM

September 9, 2013

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEE ON ECONOMIC DEVELOPMENT

Please be advised that all Council Members are invited to attend a tour:

**HarlemGarage
318 West 118th Street
New York, NY**

The tour will be on **Monday, September 16, 2013 beginning at 10:30 a.m.**
A van will be leaving City Hall at **9:45 a.m.**

Please Contact Thomas Donaldson, at **212-788-9089**, if you have any questions.

Karen Koslowitz, Chairperson
Committee on Economic Development

Christine C. Quinn
Speaker of the Council

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Comrie) adjourned these proceedings to meet again for the Stated Meeting on Tuesday, September 24, 2013.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int Nos. 218-A, 1061-A, 1062-A, 1074-A, 1082-A, all adopted by the Council at the August 22, 2013 Stated Meeting, were signed into law by the Mayor on September 4, 2013 as, respectively, Local Laws Nos. 72, 73, 74, 75, and 76 of 2013.

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