

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF

TUESDAY, NOVEMBER 26, 2013

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING
of

Tuesday, November 26, 2013, 3:07 p.m.

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

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	Michael C. Nelson
Charles Barron	David G. Greenfield	James S. Oddo
Gale A. Brewer	Daniel J. Halloran III	Annabel Palma
Fernando Cabrera	Vincent M. Ignizio	Domenic M. Recchia, Jr.
Margaret S. Chin	Robert Jackson	Diana Reyna
Leroy G. Comrie, Jr.	Letitia James	Donovan J. Richards
Elizabeth S. Crowley	Andy L. King	Ydanis A. Rodriguez
Erik Martin Dilan	G. Oliver Koppell	Deborah L. Rose
Daniel Dromm	Bradford S. Lander	Eric A. Ulrich
Mathieu Eugene	Jessica S. Lappin	James Vacca
Lewis A. Fidler	Stephen T. Levin	Peter F. Vallone, Jr.
Daniel R. Garodnick	Melissa Mark-Viverito	James G. Van Bramer
James F. Gennaro	Rosie Mendez	Mark S. Weprin
		Ruben Wills

Excused: Council Members Dickens, Ferreras, Gonzalez, Koo, Koslowitz, Mealy, Rivera, Vann and Williams.

There is one vacancy presently in the Council (16th Council District, The Bronx) pending the swearing-in of the certified winner of the November 5, 2013 General Election for this seat.

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 41 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 Rev. Aaron Kelly, Greater Faith Temple, 4214 White Plains Rd. Bronx, NY 10466

If all hearts and minds are clear,
let us bow our heads and left our hearts
to the almighty, to the source of love and life;
it is with your infinite wisdom and grace
that we're gathered here in City Hall
and we invoke your presence.
We thank you for life, health and strength
and we thank you for safe arrival.
On this day we ask that all things be done
in decency and in order
and we say a special prayer for all city officials
that you will allow them to officiate,
that you allow them
to operate in prudence and justice for all
and when we leave this place we will declare
that our communities and our cities
will be a better place.
We thank you for all things
and may it leave the soul in peace.

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

At this point, the Speaker (Council Member Quinn) asked the President Pro Tempore (Council Member Comrie) to recognize some special guests in the Chambers. The President Pro Tempore (Council Member Comrie) recognized the following Council Member-elects: Vanessa Gibson of the Bronx, Antonio Reynoso of Brooklyn, Ben Kallos of Manhattan, Costa Constantinides of Queens, and Steve Matteo of Staten Island.

ADOPTION OF MINUTES

Council Member Koppell moved that the Minutes of the Stated Meeting of October 30, 2013 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-1335

Communication from the Mayor - Withdrawing the name of Iris Weinshall (M 1307) from consideration at this time for her reappointment to the New York City Taxi & Limousine Commission.

November 14, 2013

The Honorable Christine C. Quinn
Council Speaker
City Hall
New York, NY 10007

Dear Speaker Quinn:

I hereby request the reappointment of Iris Weinshall to the Taxi and Limousine Commission be withdrawn from consideration by the City Council.

Thank you for your cooperation.

Sincerely,

Michael R. Bloomberg
Mayor

Received, Ordered, Printed and Filed.

LAND USE CALL UPS

M-1336

By Council Member Garodnick:

Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 696 Madison Avenue, Borough of Manhattan, Community Board No. 8, Application No. 20145201 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote.

M-1337

By Council Member James:

Pursuant to Rule 11.20b of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application No. C 130040 MMK 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, Dilan, Dromm, Eugene, Fidler, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, King, Koppell, Lander, Lappin, Levin, Mark-Viverito, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone Jr., Van Bramer, Weprin, Wills, Oddo, and the Speaker (Council Member Quinn) – **41.**

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

Reports of the Committee on Finance

Report for Int. No. 1071

Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Hudson Square business

improvement district to authorize additional improvements and a change in the method of assessment upon which the district charge is based.

The Committee on Finance, to which the annexed proposed local law was referred on June 12, 2013 (Minutes, page 1957), respectfully

REPORTS:

INTRODUCTION

This proposed local law would authorize amending the district plan of the Hudson Square business improvement district to authorize additional improvements and a change in the method of assessment upon which the district charge is based. This change would be effective immediately.

ANALYSIS:

Pursuant to § 25-410(b) of the Administrative Code, a BID may make amendments to its District Plan to: 1) provide for additional improvements or services; 2) provide for a change in the method of assessment upon which the district charge is based; or 3) increase the amount to be expended annually for improvements, services, and maintenance by means of the adoption of a local law amending the BID’s district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such change, and that the tax and debt limits prescribed in section 25-412 of the Administrative Code will not be exceeded. Notice of the hearing on this local law must be published in at least one newspaper having general circulation in the district specifying the time and the place where the hearing will be held and stating the proposed change in the method of assessment upon which the district charge in the BID is based.

Although this is the only relevant legal requirement for the provision of notice prior to the Council approving the BID, the Finance Committee Chair has informed the Department of Business Services that it desires written notices of the proposed change in the method of assessment.

On November 14, 2013, the City Council adopted Resolution 1992, which set today, Tuesday, November 26, 2013 as the hearing date to consider amendments to the Hudson Square BID district plan.

Int. 1071

In March of this year, the Council created, via a zoning change, the “Special Hudson Square District”, which allows for residential use in certain parts of the Hudson Square BID, which was zoned primarily for commercial and industrial purposes. The new zoning allows the creation (via new construction, or conversion or enlargement of existing buildings) of up to 2.8 million square feet of new housing over a 10 year period. With this new zoning, the district profile will be 75% commercial, and 25% residential.

Int. 1071 authorizes:

- 1) additional improvements within the BID; and
- 2) a change the method of assessment upon which the district charge is based.

1. Additional Improvements

The BID seeks to start several capital projects, including additional open space at Pier 40 at Hudson River Park; DEP’s water tunnel site at Clarkson Street; and the Tony Dapolito Recreation Center (and others, as so determined).Other sites can receive this funding only if the New York City Parks Department consults with Community Board 2 (CB2) and CB2 agrees; and the above referenced sites have already been completed, or the above sites are not feasible.

2. Change in the Method of Assessment

In order t finance the capital projects, property owners in the BID (specifically in the newly zoned Special Hudson District part of the Hudson Square BID) will pay a 1 time assessment of \$5 per square foot once a Temporary certificate of occupancy is granted by the Department of Buildings. This additional 1-time assessment will be in addition to what Class B residential property owners currently pay, which is \$1 dollar.

Funds collected from the 1 time assessment will be put into the Area Open Space Special Improvement Fund (SIF), which will be maintained by the City Parks Foundation, after its designation by the Parks Department. This is a special, limited, single purpose fund for area open space ONLY (not regular BID services). Funds collected by the owners shall be dispersed by the BID’s District Management Association (DMA) to the fund on annual basis, and the DMA will get 1% annual fee for the fiscal administration of the fund. The fee will be assessed when the DMA transfer the money in the SIF.

Pursuant to the Amendment to District Plan, funding (income and expense) reports will be provided to CB2 on an annual basis. CB2 must get 60 days’ notice before funds in the SIF can be appropriated to a project.

(The following is the text of the Fiscal Impact Statement for Int. No. 1071:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR
FISCAL IMPACT STATEMENT
INTRO. NO: 1071
COMMITTEE: Finance

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Hudson Square business improvement district to authorize additional improvements and a change in the method of assessment upon which the district charge is based.

SPONSOR(S): Recchia (by request of the Mayor)

SUMMARY OF LEGISLATION: Int. 1071 amends chapter five of title 25 of the administrative code of the city of New York by adding a new section 25-479.1 to:

- 1) authorize additional improvements within the Hudson Square BID; and
- 2) change the method of assessment upon which the BID district charge is based.

1. Additional Improvements

The BID seeks to start several capital projects, including additional open space at Pier 40 at Hudson River Park; DEP’s water tunnel site at Clarkson Street; and the Tony Dapolito Recreation Center (and others, as so determined). Other sites can receive this funding only if the New York City Parks Department consults with Community Board 2 (CB2) and CB2 agrees; and the above referenced sites have already been completed, or the above sites are not feasible.

2. Change in Assessment

In order to finance the additional improvements, property owners in the BID (specifically in the newly zoned Special Hudson District part of the Hudson Square BID) will pay a 1 time assessment of \$5 per square foot once a Temporary certificate of occupancy is granted by the Department of Buildings. This additional 1-time assessment will be in addition to what Class B residential property owners currently pay, which is \$1 dollar.

Funds collected from the 1 time assessment will be put into the Area Open Space Special Improvement Fund (SIF), which will be maintained by the City Parks Foundation, after its designation by the Parks Department. This is a special, limited, single purpose fund for area open space ONLY (not regular BID services). Funds collected by the owners shall be dispersed by the BID’s District Management Association (DMA) to the fund on annual basis, and the DMA will get 1% annual fee for the fiscal administration of the fund. The fee will be assessed when the DMA transfer the money in the SIF.

EFFECTIVE DATE: This local law shall take effect immediately.

Intro 1071 1

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL YEAR 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 AND EXPENDITURE: This local law would result in no fiscal impact upon the City’s revenues or expenditures. Under the Administrative Code, proceeds authorized to be assessed by the District are collected by the City on behalf of the District. None of these proceeds are proceeds of the City and they may not be used for any purpose other than those set forth in the District’s plan. The Hudson Square Business Improvement District is funded through an additional *self-assessment* by property owners within the district. This assessment is not funded by the City, and therefore will have no impact on the City’s expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: NYC COUNCIL FINANCE DIVISION

ESTIMATE PREPARED BY: Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Int.1071 was introduced to the Full Council and referred to the Committee on Finance on June 12, 2013. On November 26, 2013, Int. 1071 will be considered by the Committee, and immediately following a successful committee vote, Int. 1071 will be voted on by the Full Council at the Stated Meeting.

DATE SUBMITTED TO COUNCIL: JUNE 12, 2013

Intro 1071 2

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1071:)

Int. No. 1071
By Council Member Recchia (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Hudson Square business improvement district to authorize additional improvements and a change in the method of assessment upon which the district charge is based.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 the administrative code of the city of New York is amended by adding a new section 25-479.1 to read as follows:

§ 25-479.1 Hudson Square business improvement district; amendments to the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize additional improvements and to authorize a change in the method of assessment upon which the district charge in the Hudson Square business improvement district is based, and the council having determined further that the tax and debt limitations prescribed in section 25-412 of chapter four of this title will not be exceeded by such changes, there are hereby authorized in the Hudson Square business improvement district such changes as are set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.

b. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan setting forth the additional improvements and containing the change in the method of assessment authorized by subdivision a of this section.

§ 2. This local law shall take effect immediately.

DOMENIC M. RECCHIA, Jr., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, FERNANDO CABRERA, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 26, 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. 1185
Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in seven business improvement districts and two special assessment districts.

The Committee on Finance, to which the annexed proposed local law was referred on October 30, 2013 (Minutes, page 4513), respectfully

REPORTS:

ANALYSIS

On November 14, 2013, the Finance adopted Resolution 1994, that set today as the date to consider a local law that would increase the annual expenditures for seven Business Improvement Districts (BIDs), effective as of July 1, 2013. Today, the Committee will hear from all persons interested in the legislation, which would increase the amount to be expended annually in the seven BIDs and two special assessment districts.

Pursuant to Section 25-410(b) of the Administrative Code, a BID may obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the BID or improvements, services, maintenance and operation) by means of the adoption of a local law amending the BID’s district plan. Such a local law may be adopted by the City Council after a determination that it’s in the public interest to authorize such an increase in the maximum annual amount, and that the tax and debt limits prescribed in section 25-412 of the Administrative Code will not be exceeded. Notice of the hearing on this local law must be published in at least one

newspaper having general circulation in the district specifying the date, time and place where, the hearing will be held and stating the increase proposed in the maximum amount to be expended annually.

Although this is the only relevant legal requirement for the provision of notice, in the case of other recent requests for budget increases by BIDs, the Finance Committee Chair informed the Department of Small Business Services that it desires written notices of the proposed increases and the hearing date to be mailed to property owners within the BIDs, and has only considered budget increases for those BIDs providing such additional notice. The Chair has requested that the same procedure be followed with regard to the increase that is the subject of this resolution.

The following BIDs have requested increases to their budgets, as indicated below:


BID ASSESSMENT INCREASE REQUESTS
FISCAL YEAR 2014

BID Name	Year Est.	Last Assessment Increase	Authorized Assessment	Requested Assessment	FY 13 Rate	FY 14 Rate	Purpose of Assessment Increase
165 th Street	1978	FY 95 \$6,489	\$168,724	\$200,000	\$100.67 FF	\$119.33 FF	Expand business promotional activities including a new marketing campaign; and increase in insurance cost
DUMBO	2006	FY 10 \$100,000	\$500,000	\$650,000	\$0.083 SF + \$0.0026 AV	\$0.108 SF + \$0.0033 AV	Expand sanitation service; additional business promotional activities; fund a technical study; and increase in insurance cost
Fashion Center	1993	FY 11 \$750,000	\$5,750,000	\$7,800,000	\$0.0020 AV	\$0.0027 AV	Renovate information kiosk; increase in insurance cost; and cost of living increases
Fulton Mall	1977	FY 08 \$71,500	\$1,501,500	\$1,537,500	\$0.0073 AV	\$0.0075 AV	Maintain new security cameras; new roll-down gates and awnings; increase in insurance cost, and cost of living increase
Grand Street	1985	FY 08 \$45,968	\$181,168	\$226,460	\$35.87 FF	\$44.96 FF	Hire an additional cleaner, and a part-time office assistant; increase in accounting fees; and cost of living increase
Lower East Side	1993	FY 10 \$45,200	\$335,600	\$974,600	\$0.0019 AV	\$0.0057 AV	LES BID currently generates over \$550K a year on Seward Park Parking Garage management agreement w/ the City. BID will lose this revenue with the commencement of the SPURA development project. 6 SPURA sites located in BID boundaries + additional development projects in the BID are anticipated coming on the BID's overall assessment over the next 5 years. *In order to make up for loss in revenue from parking lot, BID intends to keep same assessment rate but increase budget across the BID to capture new development assessments*. This will ensure the BID can continue to provide sufficient programming and services in the district
Lincoln Square	1997	FY 09 \$335,000	\$2,000,000	\$2,500,000	\$0.38 SF	\$0.41 SF	Hire an additional Clean Team person; replace 12-year old trash cans, tables, chairs and planters; and cost of livings increases
Sutphin Boulevard	2005	None	\$177,000	\$252,000	\$68.79 FF	\$97.94 FF	Increase in cleaning hours; hire a retail consultant, and a security ambassador; increase in marketing materials; a new store signage and window display program
Times Square Alliance	1992	FY 11 \$1,285,440	\$11,685,440	\$12,638,972	\$0.0019 AV	\$0.0021 AV	Increase in staff and benefit costs for sanitation and public safety personnel;

							increase in programming cost for the public plaza; increase in insurance cost; and cost of living increases
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FF = Per frontage foot, the length of the property facing the street
AV = Assessed Value, the assessed value is then multiplied by the given rate
SF = Square Foot, the square feet is then multiplied by the given rate

(The following is the text of the Fiscal Impact Statement for Int. No. 1185:)



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

INTRO. NO: 1185

COMMITTEE: Finance

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in seven Business Improvement Districts and two special assessment districts.

SPONSORS: By Council Members Recchia and Koo (by request of the Mayor)

SUMMARY OF LEGISLATION: The proposed local law amends the Administrative Code of the city of New York (the "Code") which would increase the budget amounts of seven Business Improvement Districts ("BID") and two special assessment districts throughout the City. The budgets are funded by special assessments on properties within the district and pay for additional services beyond those which the City provides. The special assessments are collected with the City's property tax collection system and passed through to the BIDs and special assessment districts.

EFFECTIVE DATE: This local law would take effect immediately and shall be retroactive to July 1, 2013.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014.

FISCAL IMPACT STATEMENT:

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY15
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES AND EXPENDITURES: There will be no net impact on revenues or expenditures resulting from the enactment of this legislation on the City's budget adopted for Fiscal 2014. The BID assessments are charges separate from the City's property tax levy and thus do not impact the General Fund. The assessments are levied on the businesses located in the impacted BIDs or special assessment districts. The BIDs and special assessment districts' budgets for Fiscal 2014 will increase from the Fiscal 2013 amounts (see below) as a result of this legislation.

Intro 1185

BID Name	Authorized Assessment	Requested Assessment
165 th Street	\$168,724	\$200,000
DUMBO	\$500,000	\$650,000
Fashion Center	\$5,750,000	\$7,800,000
Fulton Mall	\$1,501,500	\$1,537,500
Grand Street	\$181,168	\$226,460
Lower East Side	\$335,600	\$974,600
Lincoln Square	\$2,000,000	\$2,500,000
Sutphin Boulevard	\$177,000	\$252,000
Times Square Alliance	\$11,685,440	\$12,638,972

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: BID special assessments.

SOURCE OF INFORMATION: City Council Finance Division
New York City Department of Small Business Services

ESTIMATE PREPARED BY: Tanisha Edwards, Chief Counsel, Finance Division

HISTORY: Int. 1185 was introduced to the Full Council and referred to Committee on Finance on October 30, 2013. On November 26, 2013, the Committee on Finance will consider and vote on Int. 1185, and upon a successful vote, the legislation will be considered by, and voted on by, the Full Council.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1185:)

Int. No. 1185

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

A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in seven business improvement districts and two special assessment districts.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-422.1 of the administrative code of the city of New York, as amended by local law number 5 for the year 2011, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Times Square business improvement district beginning on July 1, [2010] *2013*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [eleven million six hundred eighty-five thousand four hundred forty dollars (\$11,685,440)] *twelve million six hundred thirty-eight thousand nine hundred seventy-two dollars (\$12,638,972)*.

§ 2. Subdivision a of section 25-428.1 of the administrative code of the city of New York, as amended by local law number 93 for the year 2009, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Lower East Side business improvement district beginning on July 1, [2009] *2013*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [three hundred thirty-five thousand six hundred dollars (\$335,600)] *nine hundred seventy-four thousand six hundred dollars (\$974,600)*.

§ 3. Subdivision a of section 25-432.1 of the administrative code of the city of New York, as amended by local law number 5 for the year 2011, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fashion Center business improvement district beginning on July 1, [2010] *2013*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [five million seven hundred fifty thousand dollars (\$5,750,000)] *seven million eight hundred thousand dollars (\$7,800,000)*.

§ 4. Subdivision a of section 25-436 of the administrative code of the city of New York, as amended by local law number 61 for the year 2007, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Grand Street business improvement district beginning on July 1, [2007] *2013*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one hundred eighty-one thousand one hundred sixty-eight dollars (\$181,168)] *two hundred twenty-six thousand four hundred sixty dollars (\$226,460)*.

§ 5. Subdivision a of section 25-450.1 of the administrative code of the city of New York, as amended by local law number 60 for the year 2008, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Lincoln Square business improvement district beginning on July 1, [2008] *2013*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two million dollars (\$2,000,000)] *two million five hundred thousand dollars (\$2,500,000)*.

§ 6. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-462.1 to read as follows:

§ 25-462.1 Sutphin Boulevard business improvement district.

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Sutphin Boulevard business

improvement district beginning on July 1, 2013, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of two hundred fifty-two thousand dollars (\$252,000).

b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Sutphin Boulevard business improvement district plan.

§ 7. Subdivision a of section 25-469.1 of the administrative code of the city of New York, as added by local law number 93 for the year 2009, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the DUMBO business improvement district beginning on July 1, [2009] *2013*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [five hundred thousand dollars (\$500,000)] *six hundred fifty thousand dollars (\$650,000)*.

§ 8. Subdivision a of section 25-601 of the administrative code of the city of New York, as amended by local law number 31 for the year 1994, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the one hundred sixty-fifth street mall special assessment district *beginning on July 1, 2013*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one hundred sixty-eight thousand seven hundred twenty-four dollars (\$168,724)] *two hundred thousand dollars (\$200,000)*.

§ 9. Subdivision a of section 25-602 of the administrative code of the city of New York, as amended by local law number 61 for the year 2007, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fulton Mall special assessment district *beginning on July 1, 2013*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one million five hundred one thousand five hundred dollars (\$1,501,500)] *one million five hundred thirty-seven thousand five hundred dollars (\$1,537,500)*.

§ 10. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2013.

DOMENIC M. RECCHIA, Jr., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, FERNANDO CABRERA, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 26, 2013.

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

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

Report for L.U. No. 978

Report of the Committee on Finance in favor of approving Belmont I, Block 3076, Lot 39, Bronx, Community District No. 6, Council District No. 15

The Committee on Finance, to which the annexed resolution was referred on November 26, 2013, respectfully

REPORTS:

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

November 26, 2013

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

Members of the Finance Committee

FROM: Nathan Toth, Finance Division

RE: Finance Committee Agenda of November 26, 2013 - Resolution approving tax exemptions for nine Preconsidered Land Use Items (Council Districts 8, 10, 11, 14, 15, 16, and 18)

G&M Properties East (Block 3777, Lots 35 & 40; Block 3866, Lots 1 & 5) consists of 4 buildings and 226 units of rental housing for low income families. G&M Properties HP Housing Development Fund Company, Inc. (“HDFC”) will acquire the Exemption Area and G&M Realty LLC (“Company”), a limited liability company, will be the beneficial owner and will operate the Exemption Area. The HDFC and the Company (collectively, “Owner”) will finance the acquisition and rehabilitation of the Exemption Area with loans from a private lender and the City of New York Department of Housing and Preservation Development (“HPD”). The Owner and HPD will enter into a regulatory agreement establishing certain controls upon the operation of the Exemption area.

This project has the approval of Councilmember Palma.

1350 University Avenue (Block 2532, Lot 20) consists of 1 building and 43 units of rental housing for low income families. G&M Properties HP Housing Development Fund Company, Inc. (“HDFC”) will acquire the Exemption Area and G&M Realty LLC (“Company”), a limited liability company, will be the beneficial owner and will operate the Exemption Area. The HDFC and the Company (collectively, “Owner”) will finance the acquisition and rehabilitation of the Exemption Area with loans from a private lender and the City of New York Department of Housing and Preservation Development (“HPD”). The Owner and HPD will enter into a regulatory agreement establishing certain controls upon the operation of the Exemption area.

This project has the approval of Councilmember Foster via the Bronx Delegation.

St. Barnabas Housing for the Elderly (Block 3051, Lot 1) in the Bronx consists of one building with 91 units of rental housing for low income seniors. St. Barnabas Housing Development Fund Company, Inc. (“HDFC”) developed under the Section 202 Supportive Housing Program for the Elderly with financing and operation subsidies from the United States Department of Housing and Urban Development (“HUD”) and tax exemption from the City. On October 25, 1990 (Res. No. 596), the Council approved a tax exemption for the Exemption Area for a forty-year term pursuant to Private Housing Finance Law Section 577 (“Prior Exemption”).

On August 20, 2013, the HDFC refinanced its original HUD mortgage in order to fund needed repairs, decrease debt service, and meet other financial obligations. In connection with such refinancing, the HDFC and HUD entered into a Use Agreement which, among other things, requires that the project continue to provide rental housing for elderly persons of low income on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement, any Section 8 or other rental housing assistance contract. Housing Preservation and Development (“HPD”) will enter into a Regulatory Agreement establishing certain controls upon the operation of the Exemption Area.

This project has the approval of Councilmember Rivera.

Belmont I (Block 3076, Lot 39) consists of one building with 63 units of rental housing for low income families. 24 BCH II Housing Development Fund Company, inc. (“HDFC”) will acquire the Exemption Area and 2476 BCH Owners LLC (“Company”) will be the beneficial owner of and will operate the Exemption Area. The HDFC and he Company (collectively, “Owner”) will finance the acquisition and rehabilitation of the property with a private loan and a loan from the City of New York Department of Housing Preservation and Development (“HPD”). The Owner and HPD will enter into a regulatory agreement establishing certain controls upon the operation of the Exemption Area (“Regulatory Agreement”). Eligible tenants will receive Section 8 rental assistance.

This project has the approval of Councilmember Rivera.

Belmont II (Block 3076, Lot 11) consists of one building with 43 units of rental housing for low income families. 24 BCH II Housing Development Fund Company, inc. (“HDFC”) will acquire the Exemption Area and 2431 BCH Owners LLC (“Company”) will be the beneficial owner of and will operate the Exemption Area. The HDFC and he Company (collectively, “Owner”) will finance the acquisition and rehabilitation of the property with a private loan and a loan from the City of New York Department of Housing Preservation and Development (“HPD”). The Owner and HPD will enter into a regulatory agreement establishing certain controls upon the

operation of the Exemption Area (“Regulatory Agreement”). Eligible tenants will receive Section 8 rental assistance.

This project has the approval of Councilmember Rivera.

Venezia (Block 3104, Lot 11 consists of two buildings with 74 units of rental housing for low income families. 24 BCH II Housing Development Fund Company, inc. (“HDFC”) will acquire the Exemption Area and 2404 BCH Owners LLC (“Company”) will be the beneficial owner of and will operate the Exemption Area. The HDFC and he Company (collectively, “Owner”) will finance the acquisition and rehabilitation of the property with a private loan and a loan from the City of New York Department of Housing Preservation and Development (“HPD”). The Owner and HPD will enter into a regulatory agreement establishing certain controls upon the operation of the Exemption Area (“Regulatory Agreement”). Eligible tenants will receive Section 8 rental assistance.

This project has the approval of Councilmember Rivera.

Tweemill House (Block 1775, Lot 20) in Manhattan consists of one building with 40 units of rental housing for low income seniors. Milltwee Housing Development Fund Company, Inc. (“HDFC”) developed the project under the Section 202 Supportive Housing Program for the Elderly, with financing and operating subsidies from the United States Department of Housing and Urban Development (“HUD”) and a tax exemption from the City. On April 3, 1986 (Cal. No. 6), the Board of Estimate approved a tax exemption pursuant to Section 577 of the Private Housing Tax Law for the Exemption Area for a forty year period (“Prior Exemption”).

Due to an increase in operating expenses, the HDFC was unable to pay real property taxes starting in 1997. In order to facilitate the project, the HDFC has requested that the Prior Exemption be terminated and a retroactive exemption be granted for the period commencing January 1, 1997 through June 30, 2013. Thereafter, the HDFC has requested a prospective exemption from real property taxation pursuant to Private Housing Finance Law Section 577 for a total real property tax exemption period of thirty (30) years from January 1, 1997. The HDFC will enter into a regulatory agreement establishing certain controls upon the Operation of the Exemption Area. Eligible tenants will continue to receive Section 8 rental assistance.

This project has the approval of Councilmember Mark-Viverito.

Renewal HDFC (Block 3174, Lot 24; Block 3276, Lot 36; Block 3283, Lot 37; Block 3293, Lot 135; Block 3300, Lots 27, 23 & 11) in the Bronx consists of seven buildings with 132 residential units and four commercial units. The project will provide rental housing for low income families. Under the proposed project, Renewal Housing Development Fund Company, Inc. (“Owner”), the owner and operator of the Exemption Area, will finance the rehabilitation of the Exemption Area with a loan from the City of New York Department of Housing Preservation and Development ("HPD"). The Owner and HPD will enter into a regulatory agreement establishing certain controls upon the operation of the Exemption Area.

This project has the approval of Councilmember Cabrera and Councilmember Rivera.

Promenade Apartments (Block 2215, Lots 42 & 9079) in Manhattan consists of one building with 318 units of rental housing for low-and middle-income families. Under the proposed project, HP Promenade Housing Development Fund Company, Inc. (“HDFC”), a not-for-profit corporation formed pursuant to Article XI of the PHFL, will acquire the beneficial ownership interests in the Exemption Area. Upon dissolution of the Current Owner, the HDFC will become the fee owner of the Exemption Area. Promenade Global LLC (“Company”), a limited liability company, will become the beneficial owner of the Exemption Area and will operate the Exemption Area. The HDFC and the Company (collectively, “New Owner”) will enter into a regulatory agreement with the Department of Housing Preservation and Development (“HPD”) of the City of New York establishing certain controls upon the operation of the Exemption Area. The Exemption Area currently receives a partial exemption from real property taxation pursuant to Section 33 of the Private Housing Finance Law. This partial exemption will expire once the Exemption Area is no longer owned by a limited profit housing company organized pursuant to Article II of the PHFL. In order to facilitate the project, the Exemption Area needs a new tax exemption that is coterminous with the 40 year term of the new regulatory agreement.

This item has the approval of Councilmember Rodriguez.

(For coupled resolution of LU No. 978, please see below; for coupled resolutions of the remaining aforementioned LUs, please see, respectively, the Reports of the Committee on Finance for LU Nos. 979. 980. 981. 982. 983. 984, 985 and 986 printed in these Minutes)

Accordingly, this Committee recommends the adoption of LU Nos. 978, 979, 980, 981. 982, 983, 984, 985, and 986.

(The following is the text of Res. No. 2044:)

Res. No. 2044

Resolution approving an exemption from real property taxes for property located at (Block 3076, Lot 39) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 978).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated October 07, 2013 that the Council take the following action regarding a housing project to be located at (Block 3076, Lot 39) the Bronx ("Exemption Area"):

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

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

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

RESOLVED:

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

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

- (a) "Company" shall mean 2476 BCH Owners LLC.
- (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- (c) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (d) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3076, Lot 39 on the Tax Map of the City of New York.
- (e) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-two (32) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (f) "HDFC" shall mean 24 BCH II Housing Development Fund Company, Inc.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) "Owner" shall mean, collectively, the HDFC and the Company.
- (i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- (j) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- (k) "Shelter Rent Tax" shall mean an amount equal to seven percent (7%) of Shelter Rent.

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

DOMENIC M. RECCHIA, Jr., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, FERNANDO CABRERA, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 26, 2013.

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

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

Report for L.U. No. 979

Report of the Committee on Finance in favor of approving Belmont II, Block 3076, Lot 11, Bronx, Community District No. 6, Council District No. 15

The Committee on Finance, to which the annexed resolution was referred on November 26, 2013, respectfully

REPORTS:

(For text of Memo, please see the Report of the Committee on Finance for LU No. 978 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 2045:)

Res. No. 2045

Resolution approving an exemption from real property taxes for property located at (Block 3076, Lot 11) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 979).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated October 07, 2013 that the Council take the following action regarding a housing project to be located at (Block 3076, Lot 11) the Bronx ("Exemption Area"):

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

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

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

RESOLVED:

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

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

(a) "Company" shall mean 2431 BCH Owners LLC.

(b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.

(c) "Exemption" shall mean the exemption from real property taxation provided hereunder.

(d) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3076, Lot 11 on the Tax Map of the City of New York.

(e) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-two (32) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

(f) "HDFC" shall mean 24 BCH II Housing Development Fund Company, Inc.

(g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

(h) "Owner" shall mean, collectively, the HDFC and the Company.

(i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

(j) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.

(k) "Shelter Rent Tax" shall mean an amount equal to seven percent (7%) of Shelter Rent.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to

business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.

4. Notwithstanding any provision hereof to the contrary:

a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.

c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

6. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, FERNANDO CABRERA, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 26, 2013.

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

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

Report for L.U. No. 980

Report of the Committee on Finance in favor of approving G & M Properties East, Block 3777, Lots 35 & 40, Block 3866, Lot 1 & 5, Bronx, Community District No. 9, Council District No. 18

The Committee on Finance, to which the annexed resolution was referred on November 26, 2013, respectfully

REPORTS:

(For text of Memo, please see the Report of the Committee on Finance for LU No. 978 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 2046:)

Res. No. 2046
Resolution approving an exemption from real property taxes for property located at (Block 3777, Lots 35 & 40; Block 3866, Lots 1 & 5) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 980).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated October 29, 2013 that the Council take the following action regarding a housing project to be located at (Block 3777, Lots 35 & 40; Block 3866, Lots 1 & 5) the Bronx ("Exemption Area"):

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

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

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

RESOLVED:

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

- For the purposes hereof, the following terms shall have the following meanings:
 - "Company" shall mean G&M Realty I LLC.
 - "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - "Exemption" shall mean the exemption from real property taxation provided hereunder.
 - "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3777, Lots 35 & 40; and Block 3866, Lots 1 & 5 on the Tax Map of the City of New York.
 - "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-two (32) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - "HDFC" shall mean G&M Properties HP Housing Development Fund Company, Inc.
 - "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - Owner" shall mean, collectively, the HDFC and the Company.
 - "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

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

DOMENIC M. RECCHIA, Jr., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, FERNANDO CABRERA, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 26, 2013.

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

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

Report for L.U. No. 981
Report of the Committee on Finance in favor of approving Promenade Apartments, Manhattan, Community District No. 8, Council District No. 10

The Committee on Finance, to which the annexed resolution was referred on November 26, 2013, respectfully

REPORTS:

(For text of Memo, please see the Report of the Committee on Finance for LU No. 978 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 2047:)

Res. No. 2047
Resolution approving an exemption from real property taxes for property located at (Block 2215, Lot 42 & 9079) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 981).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated October 26, 2013 that the Council take the following action regarding a housing project to be located at (Block 2215, Lot 42 & 9079) Manhattan ("Exemption Area"):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
- (a) "Company" shall mean Promenade Global LLC.

(b) "Effective Date" shall mean the later of (i) the date of conveyance of the fee interest in the Exemption Area to the HDFC, or (ii) the date of execution of the Regulatory Agreement.

(c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, known as Block 2215, Lots 42 & 9079 on the Tax Map of the City of New York.

(d) "Exemption" shall mean the exemption from real property taxation provided hereunder.

(e) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

(f) "HDFC" shall mean HP Promenade Housing Development Fund Company, Inc. or any future owner of the Exemption Area that is a housing development fund company.

(g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

(h) "J-51 Benefits" shall mean any tax benefits pursuant to the J-51 Program where the eligible work has commenced and the application for such J-51 Benefits has been filed in tax year 2024/25 or thereafter.

(i) "J-51 Program" shall mean the program of exemption from or abatement of real property taxation authorized pursuant to Section 11-243 of the New York City Administrative Code.

(j) "New Owner" shall mean, collectively, the HDFC and the Company.

(k) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

(l) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.

(m) "Shelter Rent Tax" shall mean an amount equal to three percent (3%) of Shelter Rent.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing in tax year 2024/25 and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule, or regulation.
4. Notwithstanding any provision hereof to the contrary:

(a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

(b) The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.

(c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent real property tax exemption from or abatement of real property taxation, other than the J-51 Benefits, which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the foregoing, the J-51 Benefits shall not exceed fifty percent of the annual Shelter Rent Tax

DOMENIC M. RECCHIA, Jr., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, FERNANDO CABRERA, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 26, 2013.

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

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

Report for L.U. No. 982

Report of the Committee on Finance in favor of approving Renewal Housing Development Fund Company, Block 3174, Lot 24, Block 3276, Lot 36, Block 3276, Lot 36, Block 3283, Lot 37, Block 3293, Lot 135, Block 3300, Lots 27, 23, & 11, Bronx, Community District No. 7, Council Districts No. 14 & 15.

The Committee on Finance, to which the annexed resolution was referred on November 26, 2013, respectfully

REPORTS:

(For text of Memo, please see the Report of the Committee on Finance for LU No. 978 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 2048:)

Res. No. 2048

Resolution approving an exemption from real property taxes for property located at (Block 3174, Lot 24; Block 3276, Lot 36; Block 3283, Lot 37; Block 3293, Lot 135; Block 3300, Lots 27, 23 & 11) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 982).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated August 26, 2013 that the Council take the following action regarding a housing project to be located at (Block 3174, Lot 24; Block 3276, Lot 36; Block 3283, Lot 37; Block 3293, Lot 135; Block 3300, Lots 27, 23 & 11) the Bronx ("Exemption Area"):

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

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

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

RESOLVED:

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

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

- (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3174, Lot 24; Block 3276, Lot 36; Block 3283, Lot 37; Block 3293, Lot 135; Block 3300, Lots 27,23 & 11 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "HDFC" shall mean Renewal Housing Development Fund Company, Inc.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "Owner" shall mean the HDFC or any future owner of the Exemption Area that is a housing development fund company.
- (h) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation,

other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

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

DOMENIC M. RECCHIA, Jr., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, FERNANDO CABRERA, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 26, 2013.

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

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

Report for L.U. No. 983

Report of the Committee on Finance in favor of approving St. Barnabas Housing for the Elderly, Block 3051, Lot 1, Bronx, Community District No. 6, Council District No. 15

The Committee on Finance, to which the annexed resolution was referred on November 26, 2013, respectfully

REPORTS:

(For text of Memo, please see the Report of the Committee on Finance for LU No. 978 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 2049:)

Res. No. 2049

Resolution approving an exemption from real property taxes for property located at (Block 3051, Lot 1) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 983).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated October 29, 2013 that the Council take the following action regarding a housing project to be located at (Block 3051, Lot 1) the Bronx ("Exemption Area"):

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

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

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

RESOLVED:

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

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

- (a) "Effective Date" shall mean August 20, 2013.
- (b) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3051, Lot 1 on the Tax Map of the City of New York.
- (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (d) "HDFC" shall mean St. Barnabas Housing Development Fund Company, Inc.
- (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (f) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.
- (g) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (h) "Owner" shall mean the HDFC or any future owner of the Exemption Area that is a housing development fund company.
- i) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Council on October 25, 1990 (Cal. No. 596).
- (j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- (k) "Use Agreement" shall mean the use agreement by and between the HDFC and HUD which commences on or before the Effective Date, runs with the land, binds all subsequent owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.

2. The Prior Exemption shall terminate upon the Effective Date.

3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the HDFC shall make real property tax payments in the sum of (i) \$89,419, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.

5. Notwithstanding any provision hereof to the contrary:

- a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
- b. The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.

6. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, FERNANDO CABRERA, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 26, 2013.

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

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

Report for L.U. No. 984
Report of the Committee on Finance in favor of approving Tweemill House, Block 1775, Lot 20, Manhattan, Community District No. 11, Council District No. 8

The Committee on Finance, to which the annexed resolution was referred on November 26, 2013, respectfully

REPORTS:

(For text of Memo, please see the Report of the Committee on Finance for LU No. 978 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 2050:)

Res. No. 2050

Resolution approving an exemption from real property taxes for property located at (Block 1775, Lot 20) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 984).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated September 20, 2013 that the Council take the following action regarding a housing project to be located at (Block 1775, Lot 20) Manhattan ("Exemption Area"):

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

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

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

RESOLVED:

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

- For the purposes hereof, the following terms shall have the following meanings:
 - "Effective Date" shall mean January 1, 1997.
 - "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 1775, Lot 20 on the Tax Map of the City of New York.
 - "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - "HDFC" shall mean Milltwee Housing Development Fund Company, Inc.
 - "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - "Owner" shall mean the HDFC or any future owner of the Exemption Area that is a housing development fund company.
 - "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
 - "Shelter Rent Tax" shall mean the sum of (i) \$61,020, plus (ii) Man additional amount equal to twenty-five percent (25%) of the amount by which the total contract rent applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United Stae Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of December 31, 2013.
- The Prior Exemption shall terminate upon the Effective Date.
- All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation,

other than assessments for local improvements, for a period commencing upon the Effective Date and terminating June 30, 2013.

- Commencing upon July 1 2013, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
- Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement or real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
- Notwithstanding any provision hereof to the contrary:
 - The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the owner of the Exemption Area has failed to execute the Regulatory Agreement within one hundred twenty (120) days after the date of approval of the New Exemption, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.
 - Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, FERNANDO CABRERA, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 26, 2013.

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

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

Report for L.U. No. 985

Report of the Committee on Finance in favor of approving 1350 University Avenue, Block 2523, Lot 20, Bronx, Community District No. 4, Council District No. 16.

The Committee on Finance, to which the annexed resolution was referred on November 26, 2013, respectfully

REPORTS:

(For text of Memo, please see the Report of the Committee on Finance for LU No. 978 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 2051:)

Res. No. 2051
Resolution approving an exemption from real property taxes for property located at (Block 2532, Lot 20) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 985).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated October 29, 2013 that the Council take the following action regarding a housing project to be located at (Block 2532, Lot 20) the Bronx ("Exemption Area");

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
- (a) "Company" shall mean G&M Realty I LLC.

(b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.

(c) "Exemption" shall mean the exemption from real property taxation provided hereunder.

(c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2532, Lot 20 on the Tax Map of the City of New York.

(e) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-two (32) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

(f) "HDFC" shall mean G&M Properties HP Housing Development Fund Company, Inc.

(g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

(h) "Owner" shall mean, collectively, the HDFC and the Company.

(i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation,

other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.

c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, FERNANDO CABRERA, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 26, 2013.

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

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

Report for L.U. No. 986
Report of the Committee on Finance in favor of approving Venezia, Block 3104, Lot 1, Bronx, Community District No. 6, Council District No.15

The Committee on Finance, to which the annexed resolution was referred on November 26, 2013, respectfully

REPORTS:

(For text of Memo, please see the Report of the Committee on Finance for LU No. 978 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 2052:)

Res. No. 2052
Resolution approving an exemption from real property taxes for property located at (Block 3104, Lot 1) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 986).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated October 07, 2013 that the Council take the following action regarding a housing project to be located at (Block 3104, Lot 1) the Bronx ("Exemption Area"):

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

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

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

RESOLVED:

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

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

(a) "Company" shall mean 2404 BCH Owners LLC.

(b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.

(c) "Exemption" shall mean the exemption from real property taxation provided hereunder.

(d) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3104, Lot 1 on the Tax Map of the City of New York.

(e) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-two (32) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

(f) "HDFC" shall mean 24 BCH II Housing Development Fund Company, Inc.

(g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

(h) "Owner" shall mean, collectively, the HDFC and the Company.

(i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

(j) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.

(k) "Shelter Rent Tax" shall mean an amount equal to seven percent (7%) of Shelter Rent.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation

provided by an existing or future local, state, or federal law, rule or regulation.

4. Notwithstanding any provision hereof to the contrary:

a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.

c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

6. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, FERNANDO CABRERA, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 26, 2013.

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

Reports of the Committee on Governmental Operations

Report for Int. No. 488

Report of the Committee on Governmental Operations in favor of approving and adopting a Local Law to amend the New York city charter, in relation to requiring the New York City Board of Elections to post sample ballots on its website prior to elections.

The Committee on Governmental Operations, to which the annexed proposed local law was referred on March 2, 2011 (Minutes, page 553), respectfully

REPORTS:

INTRODUCTION

Today, the Committee on Governmental Operations, chaired by Council Member Gale Brewer, will vote on Int. No. 488 and Proposed Int. No. 764-A. These bills were previously heard in this committee on October 15, 2012 and November 21, 2013, respectively.

BACKGROUND

New York City ballots in the this year's general election were criticized for the small font they used – an outcome of archaic state law and the Board's decision to print ballots with type small enough that they can fit five languages even where not required.¹ One way to alleviate this difficulty, and to allow voters to easily learn all the races and candidates they will be voting on, it to post sample ballots online prior to an election. Int. No. 488 would codify an existing practice of the Board of

for the Lower Ma_____

¹ "New York City Ballots' Tiny Print is Criticized," *The New York Times*, Oct. 15, 2013.

Elections, by requiring them to post sample ballots online prior to any election, including primary, run-off, special, and general elections. Because contests and candidates vary by address, the site currently permits voters to type in their address to receive an identical copy of the ballot they will be using during an election.

Proposed Int. No. 764-A relates to the receipt of political campaign contributions via text message. Collecting contributions via text message is an emerging fundraising tool that has had a significant impact in other contexts, such as charitable giving. For example, in the aftermath of the devastating earthquake in Haiti in 2010, the Red Cross raised more than \$32 million for relief and recovery efforts from individuals making donations via text message.² Generally, the way it works is as follows:

1. A mobile device user makes a donation or contribution by sending a text message to a common short code³ (e.g., “text ‘Haiti’ to 90999”). Typically, contributions are limited to small increments – such as \$10 – with a cap per phone number.
2. A charge for this contribution appears on the mobile device user’s monthly bill, at which time the user/contributor pays for the contribution.
3. After a user pays his or her monthly bill, a “connection aggregator” – a company that handles mobile transactions – collects the contributions from the wireless carrier and delivers them to the recipient, minus any fees charged by the wireless carrier and connection aggregator.

Supporters of text message contributions believe that they can be especially beneficial in the context of political campaigns.⁴ Since any person with a cell phone can make a contribution by simply sending a text message, text message contributions have the potential to attract new donors to the political process – particularly “small dollar” contributors. Many campaign finance reform advocates view increased participation by a larger spectrum of small donors as a way to counter the effect of big money in politics.⁵ In fact, New York City’s public campaign financing program – which provides a 6:1 match with public funds of small dollar contributions – has been touted as a successful model for increasing the involvement of small dollar contributors.⁶ Thus, allowing for text message contributions would likely complement and enhance the City’s public campaign financing program’s mission of increasing the participation and involvement of small dollar contributors in the City’s elections.

A few jurisdictions already allow for text message contributions. In October 2011, California became the first jurisdiction to authorize text message contributions.⁷ A few months later, in March 2012, Maryland followed suit.⁸ And in January of 2013, Texas became the third state to permit text message contributions.⁹ Perhaps most significantly, the Federal Election Commission (“FEC”) issued an advisory opinion in June 2012 permitting text message contributions in federal campaigns.¹⁰ Soon thereafter, the Obama and Romney presidential campaigns both announced that they would begin accepting text message contributions.¹¹

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² See Ann Ravel, Jared DeMarinis and Hyla Wagner, “Txt 4 Ur Candidate,” *The New York Times*, May 31, 2012.

³ A common short code is a five- or six-digit number to which wireless users can send text messages to access mobile content.

⁴ See *id.*

⁵ See Angela Migally & Susan Liss, “Small Donor Matching Funds: The NYC Election Experience,” Bennis Center for Justice, September 2012.

⁶ See *id.*

⁷ See Patrick McGreevey, “State Panel Allows Campaign Contributions by Text Message,” *Los Angeles Times*, October 13, 2011.

⁸ See Press Release, “Texting Political Contributions Approved,” Maryland State Board of Elections, March 29, 2012.

⁹ See Texas Ethics Commission Advisory Opinion, “Whether a general-purpose committee may accept political contributions by text message,” January 31, 2013.

¹⁰ See FEC Advisory Op. No. 2012-17 (June 11, 2012); see also FEC Advisory Op. No. 2012-26 (August 14, 2012); FEC Advisory Op. No. 2012-28 (August 14, 2012); FEC Advisory Op. No. 2012-30 (September 4, 2012). In Advisory Op. No. 2012-17, the FEC approved a proposal by which text message contributions would be capped at \$50 per month and \$200 per year per mobile device account; the connection aggregator would obtain and provide to the campaign certifications from the contributor regarding his or her eligibility to make the contribution; and the aggregator and campaign would enter into a “factoring” agreement by which the aggregator would transmit some portion of pledged contributions to the campaign on a weekly basis, and “trailing payments” within ten days after receipt; and the aggregator would provide to the campaign the ten-digit phone number associated with the contribution. See FEC Advisory Op. No. 2012-17. In Advisory Ops. No. 2012-26, 2012-28 & 2012-30, the FEC provided additional clarification, indicating that campaigns bear the full responsibility for determining the eligibility of a contributor, including the lawful amount that a contributor may contribute; a wireless provider may charge their usual and normal commercial rates for processing contributions by text message without such service being deemed an “in-kind contribution” to the campaign, so long as such rate and any discount therefrom “was made available in the ordinary course of business and on the same terms and conditions offered to the vendor’s other customers that are not political committees;” a wireless provider is not required to offer such service to every campaign, so long as the provider establishes objective business criteria that are specific to political contribution text message service; and an individual may contribute more than \$50 per month and \$200 per year, so long as the individual provides his or her name, address, and any other contributor information required to be reported by the campaign. See FEC Advisory Op. No. 2012-26; FEC Advisory Op. No. 2012-28; and FEC Advisory Op. No. 2012-30.

¹¹ See Dan Eggen, “Text ‘Give’ to Obama: President’s Campaign Launches Cellphone Donation Drive,” August 23, 2012.

An important question with text message contributions is, to whom should a text message contribution be attributed – the registered user or the bill payer? Although in most cases a mobile device’s registered user will be the bill payer, there are situations such as “family plans” in which this might not be the case. Proposed Int. No. 764-A attributes a text message contribution to the registered user of the device, who may or may not be the primary account holder who typically pays the bill for wireless service. If the contributor is a different person from the typical bill payer, the contributor is still responsible for paying the full contribution amount. The Campaign Finance Board will determine how this process should work, along with many other details of how text message contributions may be accepted and reported, through rule-making.

ANALYSIS OF INT. NO. 488

Int. 488 would require the New York City Board of Elections to post sample ballots on its website at least one week prior an election. This requirement would apply to all elections run by the Board, including primary, special, run-off, and general elections. The Board’s current practice is to post sample ballots based on address, available at nyc.pollsitelocator.com. This bill would codify this practice to ensure that it continues. In the case of lever machines, which lack a traditional “ballot” and instead utilize slips of paper with candidate names, the bill is intended to require a list of the offices that are up for election, and the candidates for each such office. The bill would take effect ninety days after its enactment.

ANALYSIS OF PROPOSED INT. NO. 764-A

Int. No. 764 would amend the City’s campaign finance law allow for the collection of text message contributions to candidates who participate fully in the City’s campaign finance public matching program, as well as those who do not participate. Such contributions would be capped at ninety-nine dollars per candidate per contributor per year. In order for a candidate to accept a text message contribution, the person making such contribution would be required to affirm that he or she will personally pay the amount to the wireless service, as well as any other certifications that CFB requires. The contribution would be attributed to the mobile device’s registered user. Finally, a text message contribution would be “matchable” with public funds so long as it met all other legal and reporting requirements of the CFB. CFB would be authorized to promulgate rules for implementing and carrying out these requirements. The bill would take effect one year after its enactment, a time period intended to give CFB ample time to determine how to permit such contributions in a secure and sustainable way.

CHANGES TO PROPOSED INT. NO. 764-A

The changes to Proposed Int. 764-A between its original hearing in October of last year and today’s vote were primarily technical in nature, intended to ensure that the bill language fit comfortably into the existing language of the Campaign Finance Act and that the Campaign Finance Board had sufficient flexibility in implementing the law. These changes included a shortening of the definition of “text message contribution” to account for potential changes to text message technology, and a removal of the statutory requirement that text message contributors certify that they are not foreign nationals due to such a certification not existing on other methods of contribution

(The following is the text of the Fiscal Impact Statement for Int. No. 488:)



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

INTRO. No: 488
COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the New York city charter, in relation to requiring the New York City Board of Elections to post sample ballots on its website prior to elections.

SPONSOR(S): By Council Members Brewer, Cabrera, Chin, Dromm, Fidler, Gentile, Koppell, Lander, Lappin, Mealy, Mendez, Reyna, Rose, Van Bramer, Williams, Nelson, Mark-Viverito, Koo, Halloran and Ulrich

SUMMARY OF LEGISLATION: This legislation would require the board of elections make available on its website, at least one week before an election, sample ballots that adhere to the requirements of election law.

EFFECTIVE DATE: This local law would take effect ninety days following enactment.

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

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: This legislation would have no impact on expenditures since existing resources would be used to comply with this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Finance Division

ESTIMATE PREPARED BY: John Russell, Principal Financial Legislative Analyst
ESTIMATE REVIEWED BY: Latonia McKinney, Deputy Director and Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on March 2, 2011 as Intro. 488 and referred to the Committee on Governmental Operations. The Committee on Governmental Operations held a hearing on Intro. 488 on November 21, 2013 and the legislation was laid over. Intro. 488 will be considered by the Committee on November 25, 2013, and upon successful vote of the Committee, will be submitted to the Full Council for a vote.

Intro 4881

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 488:)

Int. No. 488

By Council Members Brewer, Cabrera, Chin, Dromm, Fidler, Gentile, Koppell, Lander, Lappin, Mealy, Mendez, Reyna, Rose, Van Bramer, Williams, Nelson, Mark-Viverito, Koo, Garodnick, Palma, Dickens, Barron, Levin, Halloran and Ulrich.

A Local Law to amend the New York city charter, in relation to requiring the New York City Board of Elections to post sample ballots on its website prior to elections.

Be it enacted by the Council as follows:

Section 1. Chapter forty-six of the New York City Charter is amended by adding a new section 1056-b to read as follows:

§ 1056-b. *Posting of sample ballots online by the board of elections. The board of elections shall make available on its website, at least one week before an election, sample ballots that adhere to the requirements of section 7-118 of the election law.*

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

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, PETER F. VALLONE, Jr., INEZ E. DICKENS; Committee on Governmental Operations, November 25, 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. 764-A

Report of the Committee on Governmental Operations 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 allowing for political contributions via text message.

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on February 1, 2012 (Minutes, page 354), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Governmental Operations for Int No. 488 printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 764-A:



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

INTRO. No. 764

COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to allowing for political contributions via text message.

SPONSORS: By Council Members Brewer, Cabrera, Dromm, Ferreras, James, Lander, Levin, Mark-Viverito, Mendez, Recchia, Van Bramer, Williams, Greenfield and Garodnick.

SUMMARY OF LEGISLATION: Int. No. 764 would amend the City’s campaign finance law to include “text message contribution” within the category of contributions that candidates are permitted to accept. Such contributions would be capped at one-hundred dollars per contributor. In order for a candidate to accept a text message contribution, the person making such contribution would be required to affirm that he or she will personally pay the amount to the wireless service provider in personal, unreimbursed funds; that he or she is not a foreign national; and any other certifications that the Campaign Finance Board (CFB) requires. The contribution would be attributed to the mobile device’s registered user. Text message contributions would be “matchable” with public funds so long as they meet all other legal and reporting requirements of the CFB.

EFFECTIVE DATE: This local law would take effect one year following the date of enactment; provided, however, that the CFB shall conduct a review of contemporary industry standards, and shall promulgate rules in accordance with the provisions of this local law and such other rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law, prior to its effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Indeterminable

FISCAL IMPACT STATEMENT:

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY15
Revenues (+)	*	*	*
Expenditures (-)	*	*	*
Net	*	*	*

*See below

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

IMPACT ON EXPENDITURES: Although the enactment of this legislation may lead to a slight increase in the City’s campaign matching funds expenditures, it would be difficult to quantify the fiscal impact of the legislation with any accuracy due to the variables related to such a calculation. The most notable variables

Intro 7642

include, the number of candidates for any one election cycle, and the actual effect of the law on the volume of political contributions. Further, all provisions in this legislation are discretionary, and do not mandate that candidates accept text contributions, therefore costs for the CFB are indeterminable.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: John Russell, Principal Legislative Financial Analyst

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

HISTORY: This legislation was introduced to the full Council on February 1, 2012 as Intro. 764 and referred to the Committee on Governmental Operations. On October 15, 2012, the Committee on Governmental Operations held a hearing on Intro. 764 and the legislation was laid over. Intro. 764, will be considered by the Committee on November 25, 2013, and upon successful vote of the Committee, Intro. 764 will be submitted to the Full Council for a vote.

Intro 764

2

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 764-A:)

Int. No. 764-A

By Council Members Brewer, Cabrera, Dromm, Ferreras, James, Lander, Levin, Mark-Viverito, Mendez, Recchia, Van Bramer, Williams, Greenfield, Garodnick, Palma and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to allowing for political contributions via text message.

Be it enacted by the Council as follows:

Section 1. Section 3-702 of the administrative code of the city of New York is amended by adding a new subdivision 22 to read as follows:

22. The term "text message contribution" shall mean a contribution, initiated via a text message, to a participating or non-participating candidate.

§2. Section 3-703 of the administrative code of the city of New York is amended by adding a new subdivision 1-c to read as follows:

1-c. Notwithstanding any inconsistent provision of this section, a participating and non-participating candidate and his or her principal or authorized committee may accept text message contributions; provided, however, that such contributions may not exceed ninety nine dollars per contributor per candidate for all covered elections in the same calendar year, and further provided that the contributor shall certify via text message that he or she will personally pay the amount specified to the wireless service provider, and shall provide such other certifications as the board shall require. A text message contribution shall be attributed to the individual who is the registered user of the specific mobile device from which the contribution was initiated; shall be reported in accordance with the requirements of subdivision six of this section; and shall be a matchable contribution pursuant to subdivision three of section 3-702, provided such contribution meets the requirements of that subdivision, of this section, and of the rules of the board.

§3. Paragraph (b) of subdivision two of section 3-719 of the administrative code of the city of New York, as amended by local law number 34 for the year 2007, is amended to read as follows:

(b) A non-participating candidate, and the authorized committees of such a non-participating candidate, shall only accept contributions as limited by the provisions of paragraphs (f) and (l) of subdivision one of section 3-703, and [subdivision] subdivisions 1-a, 1-c [of section 3-703,] and [subdivision] ten of section 3-703 of this chapter. Notwithstanding any contribution limitations in paragraphs (f) and (h) of subdivision one of section 3-703 and subdivision 1-a of section 3-703, a non-participating candidate may contribute to his or her own nomination for election or election with his or her personal funds or property, in-kind contributions made by the candidate to his or her authorized committees with the candidate’s personal funds or property, and advances or loans made by the non-participating candidate with the candidate’s personal funds or property. A candidate’s personal funds or property shall include his or her funds or property jointly held with his or her spouse, domestic partner, or unemancipated children.

§4. This local law shall take effect one year following the date of enactment; provided, however, that the board shall conduct a review of contemporary industry standards, and shall promulgate rules in accordance with the provisions of this local law and such other rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law, prior to its effective date. Such rules shall be consistent with the intent of the council that text message contributions that meet the requirements of subdivision three of section 3-702 and this local law be matchable contributions.

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, PETER F. VALLONE, Jr., INEZ E. DICKENS; Committee on Governmental Operations, November 25, 2013.

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

Reports of the Committee on Land Use

Report for L.U. No. 958

Report of the Committee on Land Use in favor of approving Application no. 20145154 HAX submitted by the New York City Department of Housing Preservation and Development for an exemption from real property taxation and termination of the prior exemption and voluntary dissolution of current owner for properties located on Block 2621, Lot 1 and Block

2632, Lot 1 in the Borough of the Bronx, Community District 2, Council District 16. This matter is subject to Council review and action at the request of HPD and pursuant to Sections 123(4), 125 and 577 of the Private Housing Finance Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 30, 2013 (Minutes, page 4530), respectfully

REPORTS:

SUBJECT

BRONX CB - 320145154 HAX

Application submitted by the New York City Department of Housing Preservation and Development for an exemption from real property taxation and termination of the prior exemption and voluntary dissolution of current owner for properties located on Block 2621, Lot 1 and Block 2632, Lot 1 in the Borough of the Bronx, Community District 3, Council District 16. This matter is subject to Council review and action at the request of HPD and pursuant to Sections 123(4), 125 and 577 of the Private Housing Finance Law.

INTENT

To approve an exemption from real property taxes pursuant to Sections 123(4), 125 and 577 of the Private Housing Finance Law for four multiple dwellings, known as the Albert Goodman Plaza, which will provide rental housing for low-income families.

PUBLIC HEARING

DATE: November 25, 2013

Witnesses in Favor: TwoWitnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 25, 2013

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

In Favor: Levin, Barron, DickensAgainst: NoneAbstain: None

COMMITTEE ACTION

DATE: November 25, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Barron, Jackson, Palma, Arroyo, Dickens, Garodnick, Lappin ,Mendez, Lander, Levin, Weprin, Williams, Wills , IgnizioAgainst: NoneAbstain: None

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

Res. No. 2053

Resolution to approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), terminate a prior exemption under PHFL Section 125, consent to the voluntary dissolution of the prior owner under PHFL 123(4), and approve the conveyance to a new owner for the Exemption Area located on Block 2621, Lot 1 and Block 2632, Lot 1, Borough of the Bronx (L.U. No. 958; 20145154 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 10, 2013 its request dated October 7, 2013 that the Council take the following actions regarding a tax

exemption for real property located on Block 2621, Lot 1 and Block 2632, Lot 1, Community District 3, Borough of the Bronx (the "Exemption Area"):

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

Terminate, pursuant to PHFL Section 125, a prior exemption for the Exemption Area;

Approve the conveyance of the Exemption Area from the current owner to the new owner; and

Consent to, pursuant to PHFL Section 123(4), the voluntary dissolution of the current owner;

WHEREAS, upon due notice, the Council held a public hearing on the Project on November 25, 2013; and

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

RESOLVED:

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

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

- (1) “Company” shall mean Albert Goodman LLC.
- (2) "Current Owner" shall mean The Improvement Council Housing Company L.P.
- (3) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HDC, HPD and the New Owner enter into the Regulatory Agreement,
- (4) “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2621, Lot 1 and Block 2632 Lot 1 on the Tax Map of the City of New York.
- (5) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (32) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (6) “HDC” shall mean the New York City Housing Development Corporation.
- (7) "HDFC" shall mean Albert Goodman Housing Development Fund Corp.
- (8) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- (9) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (10) “New Owner” shall mean, collectively, the HDFC and the Company.
- (11) “Prior Exemption” shall mean the exemption of the Exemption Area from real property taxation pursuant to Section 125 of the PHFL approved by the Board of Estimate on September 27, 1979 (Cal. No. 58).
- (12) “PHFL” shall mean the Private Housing Finance Law.
- (13) " Regulatory Agreement" shall mean the regulatory agreement between HDC, HPD and the New Owner providing that for a term of thirty (32) years, all dwelling units in the Exemption

Area must, upon vacancy, be rented to families whose incomes do not exceed sixty percent (60%) of area median income.

(14) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat, and other utilities.

(15) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of the Shelter Rent.

- b. All of the value of the property, including both the land and the improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the New Owner shall make annual real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.
- d. Notwithstanding any provision hereof to the contrary:

(1) The New Exemption shall terminate if HPD determines that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the PHFL, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

(2) The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.

(3) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

- e. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

2. The Council approves, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one (1) day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.

3. The Council consents, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.

4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one (1) day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

LEROY G. COMRIE, Jr., Chairperson; DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, November 25, 2013.

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

Report for L.U. No. 968

Report of the Committee on Land Use in favor of approving Application No. 200145123 HKK (N 140116 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of Long Island Business College, 143 South 8th Street (Designation List 468/LP-2544), in the Borough of Brooklyn, Community District 1, Council District 34, as a historic Landmark.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 14, 2013 (Minutes, page 4799), respectfully

REPORTS:

SUBJECT

BRONX CB - 320145154 HAX

Application submitted by the New York City Department of Housing Preservation and Development for an exemption from real property taxation and termination of the prior exemption and voluntary dissolution of current owner for properties located on Block 2621, Lot 1 and Block 2632, Lot 1 in the Borough of the Bronx, Community District 3, Council District 16. This matter is subject to Council review and action at the request of HPD and pursuant to Sections 123(4), 125 and 577 of the Private Housing Finance Law.

INTENT

To approve an exemption from real property taxes pursuant to Sections 123(4), 125 and 577 of the Private Housing Finance Law for four multiple dwellings, known as the Albert Goodman Plaza, which will provide rental housing for low-income families.

PUBLIC HEARING

DATE: November 25, 2013

Witnesses in Favor: TwoWitnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 25, 2013

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

In Favor: Levin, Barron, DickensAgainst: NoneAbstain: None

COMMITTEE ACTION

DATE: November 25, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Barron, Jackson, Palma, Arroyo, Dickens, Garodnick, Lappin, Mendez, Lander, Levin, Weprin, Williams, Wills, IgnizioAgainst: NoneAbstain: None

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

Res. No. 2054

Resolution affirming the designation by the Landmarks Preservation Commission of the Long Island Business College, located at 143 South 8th Street (a/k/a 143-149 South 8th Street) (Tax Map Block 2132, Lot 30), Borough of Brooklyn, Designation List No. 468, LP-2544 (L.U. No. 968; 20145123 HKK; N 140116 HKK).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on September 27, 2013 a copy of its designation dated September 17, 2013 (the "Designation"), of the Long Island Business College, located at 143 South 8th Street (a/k/a 143-149 South 8th Street), Community District 1, Borough of Brooklyn as a landmark and Tax Map Block 2132, Lot 30, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on November 8, 2013, its report on the Designation dated November 4, 2013 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on November 21, 2013; and

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

RESOLVED:

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

LEROY G. COMRIE, Jr., Chairperson; DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, November 25, 2013.

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

Report for L.U. No. 969

Report of the Committee on Land Use in favor of approving Application No. 20145106 HKM (N 140103 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Steinway & Sons Reception Room and Hallway, First Floor Interior, 109-113 West 57th Street, (Designation List 467/LP-2551), in the Borough of Manhattan, Community District 5, Council District 4, as a historic Landmark.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 14, 2013 (Minutes, page 4799), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 520145106 HKM (N 140103 HKM)

Designation by the Landmarks Preservation Commission (List No. 467/LP-2551), pursuant to Section 3020 of the New York City Charter, of the landmark designation of Steinway & Sons Reception Room and Hallway, First Floor Interior, located at 109-113 West 57th Street (a/k/a 106-116 West 58th Street), Tax Map Block 1010, Lot 25 in part, as an historic landmark.

PUBLIC HEARING

DATE: November 21, 2013

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2013

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

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

Against: NoneAbstain: None

COMMITTEE ACTION

DATE: November 25, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Barron, Jackson, Palma, Arroyo, Dickens, Garodnick, Lappin, Mendez, Lander, Levin, Weprin, Williams, Wills, Ignizio

Against: NoneAbstain: None

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

Res. No. 2055

Resolution affirming the designation by the Landmarks Preservation Commission of Steinway & Sons Reception Room and Hallway, First Floor Interior, located at 109-113 West 57th Street (a/k/a 106-116 West 58th Street), Tax Map Block 1010, Lot 25 in part), Borough of Manhattan, Designation List No. 467, LP-2551 (L.U. No. 969; 20145106 HKM; N 140103 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on September 19, 2013, a copy of its designation dated September 10, 2013 (the "Designation"), of Steinway & Sons Reception Room and Hallway, First Floor Interior, including the reception room’s domed rotunda and balcony, the east foyer and stairs leading to the balcony; the hallway of the public corridor, up to the north glass doors, that adjoins the reception room; and the fixtures and components of these spaces, including but not limited to, wall and ceiling surfaces, floor surfaces, arches, pilasters, stairs, landings, ceiling murals, painted medallions, metal railings, metal grilles, chandeliers and lighting fixtures, door enframements, doors, windows, attached furnishings and decorative elements; Steinway Hall, located at 109-113 West 57th Street (a/k/a 106-116 West 58th Street), Community District 5, Borough of Manhattan as a landmark and Tax Map Block 1010, Lot 25 in part, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on November 8, 2013, its report on the Designation dated November 6, 2013 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on November 21, 2013; and

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

RESOLVED:

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

LEROY G. COMRIE, Jr., Chairperson; DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S.

WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, November 25, 2013.

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

Report for L.U. No. 970

Report of the Committee on Land Use in favor of approving Application No. 20145124 HKM (N 140117 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Holland Plaza Building, 431 Canal Street, (Designation List 466/LP-2537), in the Borough of Manhattan, Community District 2, Council District 3, as a historic Landmark.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 14, 2013 (Minutes, page 4800), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20145124 HKM (N 140117 HKM)

Designation by the Landmarks Preservation Commission (List No. 466/LP-2537), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Holland Plaza Building (now One Hudson Square), located at 75 Varick Street (a/k/a 73-93 Varick Street, 73-99 Watts Street, and 431-475 Canal Street) (Tax Map Block 226, Lot 1), as an historic landmark.

PUBLIC HEARING

DATE: November 21, 2013

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2013

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

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

Against: NoneAbstain: None

COMMITTEE ACTION

DATE: November 25, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Reyna, Barron, Jackson, Palma, Arroyo, Dickens, Garodnick, Lappin, Mendez, Lander, Levin, Weprin, Williams, Wills, Ignizio

Against: NoneAbstain: None

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

Res. No. 2056

Resolution affirming the designation by the Landmarks Preservation Commission of the Holland Plaza Building (now One Hudson Square), located at 75 Varick Street (a/k/a 73-93 Varick Street, 73-99 Watts Street and 431-475 Canal Street) (Tax Map Block 226, Lot 1), Borough of Manhattan, Designation List No. 466, LP-2537 (L.U. No. 970; 20145124 HKM (N 140117 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on September 27, 2013 a copy of its designation dated September 24, 2013 (the "Designation"), of the Holland Plaza Building (now One Hudson Square), located at

75 Varick Street (a/k/a 73-93 Varick Street, 73-99 Watts Street and 431-475 Canal Street), Community District 2, Borough of Manhattan as a landmark and Tax Map Block 226, Lot 1, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on November 8, 2013, its report on the Designation dated November 6, 2013 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on November 21, 2013; and

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

RESOLVED:

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

LEROY G. COMRIE, Jr., Chairperson; DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, November 25, 2013.

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

Report of the Committee on Transportation

Report for Int. No. 732-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of speed humps on roadways adjacent to schools.

The Committee on Transportation, to which the annexed amended proposed local law was referred on December 8, 2011 (Minutes, page 5254), respectfully

REPORTS:

On November 25, 2013, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 732-A, a Local Law to amend the Administrative Code of the City of New York, in relation to requiring the installation of speed humps on streets adjacent to schools. This will be the second hearing on this bill. The first hearing on Proposed Int. No. 732-A was held on October 13, 2013, and the bill has been amended based on testimony received at that hearing.

BACKGROUND

The Department of Transportation (“DOT”) is responsible for the condition of approximately 6,000 miles of streets, highways and 788 bridges structures, six tunnels, and the Staten Island ferry.¹

In recent years the DOT has placed greater emphasis on making New York City streets safer for pedestrians, and has launched a number of programs and initiatives, including Neighborhood Slow Zones, Safe Streets for Seniors, and Safe Routes for Transit.² The effect of these programs and initiatives has been an overall reduction in traffic related pedestrian fatalities since 2009.³ However, the last couple of years have brought an increase in traffic fatalities, from 236 in FY 2011 to 291 and 261 in FY 2012 and FY 2013, due in part to the persistence of motor vehicle speeding.⁴ In a 2011 report entitled “Vision Zero: How Safe Streets in New York City Can Save More Than 100 Lives a Year,” traffic safety advocates have argued that further reductions in traffic fatalities can only be achieved with reduction in vehicle speeding⁵

One measure that the DOT has taken to address the problem of speeding has been to install more speed bumps in the City. According the *Daily News*, 248 speed bumps have been installed in 2013, up from 240 in 2012.⁶ According the same article many of the speed bumps have been installed around schools and Neighborhood Slow Zones.

DOT also has begun addressing the problem of speeding around schools through its Safe Routes to Schools program and the installation of a limited number of speed cameras around schools.⁷ In March 2013, the DOT released a list of 100 school locations where vehicle speeding was observed to occur between 75 to 100 percent of the time, with 29 locations showing speeding over 90 percent of the time⁸ The DOT has identified 135 “priority schools” for traffic safety treatments.⁹ The traffic safety treatments being considered are “new traffic and pedestrian signals, the addition of exclusive pedestrian crossing time, speed bumps, speed boards, high visibility crosswalks and new parking regulations.”¹⁰ The City has also begun to implement authority granted to it by the State to install up to 20 speed cameras around schools.¹¹ The emphasis on reducing speeding around schools is expected to produce tangible life-saving results, because children are some of the most vulnerable victims of vehicle crashes. According to the Vision Zero study car crashes are the most “common cause of injury-related death among children 1-14 of age and the second-most common cause among those aged 15 and over.”¹²

The bill being considered today would require that every year one or more speed humps be installed in no fewer than 50 locations adjacent to schools.

ANALYSIS

Section one of Proposed Int. No. 732-A would amend subchapter 3 of chapter 1 of title 19 of the code by adding a new section 19-189.

Subdivision a of new section 19-189 would define a “school” as any buildings, grounds, facilities, property, or portion thereof in which educational instruction is provided to at least 250 students at or below the twelfth grade level. The new section would also define “speed hump” as any raised area in the roadway pavement surface extending transversely across the travel way that is composed of asphalt or another paving material and is installed and designed for the purpose of slowing vehicular traffic.

Subdivision b of new section 19-189 would require that the Department of Transportation install one or more speed humps on no fewer than fifty block segments adjacent to schools.

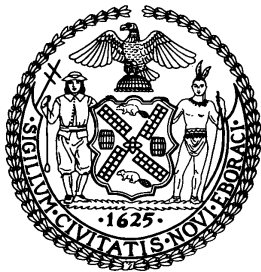
Subdivision c of new section 19-189 would require that, after evaluating every school in the city for installation of a speed hump, if the DOT commissioner determines that no further speed humps should be installed, the commissioner must inform the council speaker of that decision, and the reasons for it, in writing. Once all streets adjacent to schools have been so evaluated, any new schools constructed would be required to be evaluated for installation of a speed hump.

Subdivision d of new section 19-189 would allow the commissioner not to install speed humps where the commissioner has determined that the installation of the humps would endanger the safety of motorists or pedestrians or not be consistent with the department’s guidelines regarding the installation of speed humps.

Section two states that Proposed Int. No. 783-A would take effect on January 1, 2014.

¹ Mayor’s Management Report, September 2013, at 149 (“MMR 2013”).
² Information obtained at <http://www.nyc.gov/html/dot/html/pedestrians/pedestrians.shtml>, accessed on October 8, 2013.
³ MMR 2013, at 152.
⁴ *Id.* Also see Alex Goldmark, Traffic Fatalities Up in NYC, Speeding Top Culprit, DOT says, March 18, 2013. Accessed at <http://www.wnyc.org/story/286073-traffic-fatalities-up-in-nyc-speeding-top-culprit-dot-says/> on October 8, 2013.
⁵ Vision Zero: How safer streets in New York City can save more than 100 lives a year, 2011, Drum Major Institute and Transportation Alternatives, at 5 (“Vision Zero Report”).
⁶ **Reuven Blau, The Department of Transportation installs record number of speed bumps throughout the city, New York Daily News, October 8, 2013. Accessed at <http://www.nydailynews.com/new-york/departement-transportation-adds-record-number-speed-bumps-article-1.1477914> on October 8, 2013.**
⁷ Information obtained at <http://www.nyc.gov/html/dot/html/pedestrians/saferoutes.shtml>, accessed on October 8, 2013.
⁸ List obtained from DOT at <http://www.nyc.gov/html/dot/downloads/pdf/2013-03-school-speeding.pdf>, accessed on October 8, 2013.
⁹ Information obtained from <http://www.nyc.gov/html/dot/html/pedestrians/saferoutes.shtml>, accessed on October 8, 2013.
¹⁰ *Id.*
¹¹ **Ben Fried, NYC’s First Speed Cameras Will Go Into Effect When Kids Head Back to School, [streetsblog.org](http://www.streetsblog.org), August 26, 2013, accessed at <http://www.streetsblog.org/2013/08/26/nycs-first-speed-cameras-will-go-into-effect-when-kids-head-back-to-school/> on October 8, 2013.**
¹² Vision Zero report, at 19.

(The following is the text of the Fiscal Impact Statement for Int. No. 732-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: 732-A
COMMITTEE: Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of speed humps on roadways adjacent to schools.

SPONSORS: Council Members Rose, Wills, Arroyo, Barron, Cabrera, Chin, Comrie, Dickens, Dromm, Ferreras, Foster, James, Koppell, Koslowitz, Levin, Mark-Viverito, Mealy, Mendez, Palma, Vann, Williams, Gentile, Rodriguez, Halloran, Koo, Ulrich, Vacca and Van Bramer

SUMMARY OF LEGISLATION: This legislation would amend subchapter 3 of chapter 1 of title 19 of the Administrative Code by adding a new section 19-189 entitled “Installation of speed humps on roadways adjacent to schools” to require that the New York City Department of Transportation (DOT), notwithstanding the provisions of sections 19-183 and 19-185 of this local law, annually install one or more speed humps on not fewer than fifty block segments that are adjacent to a school defined as “any buildings, grounds, facilities, property, or portion thereof in which educational instruction is provided to at least 250 students at or below the twelfth grade level”.

However, after evaluating every school in the City for the installation of speed humps as prescribed by this local law, the Department may determine not to install any further speed humps and shall inform the speaker of the council in writing of such determination and the reasons therefor; provided, however, that the Department shall evaluate the need to install one or more speed humps on roadways adjacent to any school created after such determination. Also, the Department may decline to install any speed hump that is otherwise required by this local law if such installation would, in the Department’s judgment, endanger the safety of motorists or pedestrians or not be consistent with the Department’s guidelines regarding the installation of speed humps.

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

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	(See Below)	(See Below)	(See Below)
Net	(See Below)	(See Below)	(See Below)

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

IMPACT ON EXPENDITURES: It is estimated that the impact on expenditures resulting from the enactment of this legislation would be approximately \$350,000 to \$500,000 annually depending on the location and number of the speed humps. The annual costs will vary because speed humps that are constructed in close proximity to each other cost less compared to those that are placed far apart due to the economies of scale.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

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

ESTIMATE PREPARED BY: Chima Obichere, Unit Head

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

HISTORY: Introduced as Intro. 732 by the Council on December 8, 2011 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over on October 10, 2013 by the Committee. An amended version of the legislation, Proposed Intro. 732-A, will be considered by the Committee on Transportation on November 25, 2013 and upon successful vote, the bill would be submitted to the full Council for a vote.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 732-A:)

Int. No. 732-A
By Council Members Rose, Wills, Arroyo, Barron, Cabrera, Chin, Comrie, Dickens, Dromm, Ferreras, James, Koppell, Koslowitz, Levin, Mark-Viverito, Mealy, Mendez, Palma, Vann, Williams, Gentile, Rodriguez, Koo, Jackson, Van Bramer, Vacca, Greenfield, Lander, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of speed humps on roadways adjacent to schools.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-189 to read as follows:

§19-189 *Installation of speed humps on roadways adjacent to schools.* a. *Definitions. For the purposes of this section, the following terms shall be defined as follows:*

1. “School” shall mean any buildings, grounds, facilities, property, or portion thereof in which educational instruction is provided to at least 250 students at or below the twelfth grade level.

2. “Speed hump” shall mean any raised area in the roadway pavement surface extending transversely across the travel way that is composed of asphalt or another paving material and is installed and designed for the purpose of slowing vehicular traffic.

b. Notwithstanding the provisions of sections 19-183 and 19-185 of this chapter, the commissioner shall annually install one or more speed humps on not fewer than fifty block segments that are adjacent to a school.

c. After evaluating every school in the city for the installation of speed humps pursuant to subdivision b of this section, the commissioner may determine not to install any further speed humps and shall inform the speaker of the council in writing of such determination and the reasons therefor; provided, however, that the commissioner shall evaluate the need to install one or more speed humps on roadways adjacent to any school created after such determination.

d. The commissioner may decline to install any speed hump that is otherwise required by this section if such installation would, in the commissioner’s judgment, endanger the safety of motorists or pedestrians or not be consistent with the department’s guidelines regarding the installation of speed humps.

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

JAMES VACCA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, Committee on Transportation, November 25, 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

Name	Address	District #
Andrew R. Martin	428 East 85 th Street #2A New York, N.Y. 10028	5
Cheryl Renee Laurel	198 East 161 st Street Bronx, N.Y. 10451	17
Amanda Harouche	33-15 24 th Avenue Queens, N.Y. 11103	22

Silvana Tredici

Staten Island, N.Y. 10312
230 Carteret Street
Staten Island, N.Y. 10307

51

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 488 -

In relation to requiring the New York City Board of Elections to post sample ballots on its website prior to elections.
- (2)

Int 732-A -

In relation to requiring the installation of speed humps on roadways adjacent to schools.
- (3)

Int 764-A –

In relation to allowing for political contributions via text message.
- (4)

Int 1071 -

In relation to amending the district plan of the Hudson Square business improvement district to authorize additional improvements and a change in the method of assessment upon which the district charge is based.
- (5)

Int 1185 -

In relation to authorizing an increase in the amount to be expended annually in seven business improvement districts and two special assessment districts.
- (6)

L.U. 958 & Res 2053 -

App. **20145154 HAX**, Block 2621, Lot 1 and Block 2632, Lot 1 in the Borough of the Bronx, Community District 2, Council District 16.
- (7)

L.U. 968 & Res 2054 -

App. **200145123 HKK (N 140116 HKK)**, 143 South 8th Street (Designation List 468/LP-2544), in the Borough of Brooklyn, Community District 1, Council District 34
- (8)

L.U. 969 & Res 2055 -

App. **20145106 HKM (N 140103 HKM)**, 109-113 West 57th Street, (Designation List 467/LP-2551), in the Borough of Manhattan, Community District 5, Council District 4.
- (9)

L.U. 970 & Res 2056 -

App. **20145124 HKM (N 140117 HKM)**, 431 Canal Street, (Designation List 466/LP-2537), in the Borough of Manhattan, Community District 2, Council District 3.
- (10)

L.U. 978 & Res 2044 -

Belmont I, Block 3076, Lot 39, Bronx, Community District No. 6, Council District No. 15
- (11)

L.U. 979 & Res 2045 -

Belmont II, Block 3076, Lot 11, Bronx, Community District No. 6, Council District No. 15
- (12)

L.U. 980 & Res 2046 -

G & M Properties East, Block 3777, Lots 35 & 40, Block 3866, Lot 1 & 5, Bronx, Community District No. 9, Council District No. 18
- (13)

L.U. 981 & Res 2047 -

Promenade Apartments, Manhattan, Community District No. 8, Council District No. 10
- (14)

L.U. 982 & Res 2048 -

Renewal Housing Development Fund Company, Block 3174, Lot 24, Block 3276, Lot 36, Block 3276, Lot 36, Block 3283, Lot 37, Block 3293, Lot 135, Block 3300, Lots 27, 23, & 11, Bronx, Community District No. 7, Council Districts No. 14 & 15.
- (15)

L.U. 983 & Res 2049 -

St. Barnabas Housing for the Elderly, Block 3051, Lot 1, Bronx, Community District No. 6, Council District No. 15
- (16)

L.U. 984 & Res 2050 -

Tweemill House, Block 1775, Lot 20, Manhattan, Community District No. 11, Council District No. 8
- (17)

L.U. 985 & Res 2051 -

1350 University Avenue, Block 2523, Lot 20, Bronx, Community District No. 4, Council District No. 16
- (18)

L.U. 986 & Res 2052 -

Venezia, Block 3104, Lot 1, Bronx, Community District No. 6, Council District No.15

(19) 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, Dilan, Dromm, Eugene, Fidler, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, King, Koppell, Lander, Lappin, Levin, Mark-Viverito, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Weprin, Wills, Oddo, and the Speaker (Council Member Quinn) – **41**.

The General Order vote recorded for this Stated Meeting was 41-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 1071**:

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dilan, Dromm, Eugene, Fidler, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, King, Koppell, Lander, Lappin, Levin, Mark-Viverito, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Weprin, Wills, Oddo, and the Speaker (Council Member Quinn) – **40**.

Abstention – Barron – **1**.

The following was the vote recorded for **Int No. 1185**:

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dilan, Dromm, Eugene, Fidler, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, King, Koppell, Lander, Lappin, Levin, Mark-Viverito, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Weprin, Wills, Oddo, and the Speaker (Council Member Quinn) – **40**.

Abstention – Barron – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 488, 732-A, 764-A, 1071, and 1185.

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

RESOLUTIONS

Presented for voice-vote

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

Report for voice-vote Res. No. 1260-A

Report of the Committee on Health in favor of approving, as amended, a Resolution calling on the United States Congress to pass and the President to sign the States' Medical Marijuana Patient Protection Act, which seeks to reclassify marijuana as other than a Schedule I or Schedule II substance.

The Committee on Health, to which the annexed amended resolution was referred on March 28, 2012 (Minutes, page 1043), respectfully

REPORTS:

I. Introduction

On November 25, 2013, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will hold a vote on Proposed Resolution No. 1260-A. This resolution calls on the United States Congress to pass and the President to sign the States' Medical Marijuana Patient Protection Act, which seeks to reclassify marijuana as other than a Schedule I or Schedule II substance. The Health

Committee held a hearing on this resolution on October 23, 2013, along with the Committee on Mental Health, Developmental Disability, Alcoholism, Drug Abuse, and Disability Services, chaired by Council Member G. Oliver Koppell, and the Subcommittee on Drug Abuse, chaired by Council Member Ruben Wills.

II. Proposed Resolution 1260-A

In accordance with the United States Controlled Substances Act ("CSA"), the United States Drug Enforcement Administration ("DEA") classifies drugs, substances, and certain chemicals used to make drugs into five distinct categories or schedules depending upon the drug’s acceptable medical use and the drug’s abuse or dependency potential¹ Schedule I drugs are considered the most dangerous class of drugs with a high potential for abuse, potentially severe psychological and/or physical dependence, and no legitimate medical value. Schedule V drugs represent the least potential for abuse and have a currently accepted medical use.

Proposed Resolution No. 1260-A, sponsored by Council Member Koppell, would state that cannabis, commonly known as marijuana, is a narcotic classified by the federal government as a Schedule I substance and is in the same category as heroin and ecstasy. The Proposed Resolution would state that in 2009, the American Medical Association announced that it would support clinical research of medical marijuana and urged the federal government to reassess its Schedule I classification of the drug. It would also state that medical marijuana should be the first line of treatment for patients with neuropathy and other serious illnesses, according to studies conducted by the University of California Center for Medicinal Cannabis Research.

Twenty states, as well as the District of Columbia, have enacted laws legalizing the medicinal use of marijuana, which can be used to alleviate patients' suffering from debilitating medical conditions, such as cancer and multiple sclerosis. Provisions in the CSA prohibit the prescription, distribution, possession, and use of marijuana, leading to the problematic situation where some states and localities have recognized the palliative use of medicinal marijuana, but patients are unable to use medical insurance for its purchase and are subject to arrest by federal law enforcement, as are the cultivators and distributors functioning under state laws.

The Proposed Resolution calls for the passage of H.R. 689, also known as the States' Medical Marijuana Patient Protection Act, which is currently pending in the United States House of Representatives. This act seeks to reclassify marijuana as other than a Schedule I or Schedule II substance and would exempt states where medical marijuana is legal from provisions in the CSA prohibiting the prescription, distribution, possession, and use of marijuana, remedying the inconsistencies between federal and state laws.

The Proposed Resolution would state that enacting the States' Medical Patient Protection Act would protect medical marijuana patients and their providers from federal criminal penalties in states that have legalized marijuana for medical use. It would also state that the long-standing classification of marijuana in the United States as an illegal Schedule I substance is fundamentally flawed and should be changed.

¹ See The United States Drug Enforcement Administration Drug Scheduling: <http://www.justice.gov/dea/druginfo/ds.shtml>

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1260-A:)

Res. No. 1260-A

Resolution calling on the United States Congress to pass and the President to sign the States' Medical Marijuana Patient Protection Act, which seeks to reclassify marijuana as other than a Schedule I or Schedule II substance.

By Council Members Koppell, Dromm, James, Koo, Levin, Nelson, Palma, Rose, Williams, Rodriguez, Mendez, Van Bramer, Barron and Mark-Viverito.

Whereas, Narcotics and other chemicals that are considered controlled substances under the United States Controlled Substances Act ("CSA") are divided into five schedules; and

Whereas, The Schedule I classification applies to a category of substances considered by the United States Drug Enforcement Administration ("DEA") to contain no legitimate medical value and exhibit a high potential of dependence; and

Whereas, Cannabis, commonly known as marijuana, is a narcotic classified by the federal government as a Schedule I substance; and

Whereas, Narcotics that share the same Schedule I classification with marijuana are heroin and ecstasy; and

Whereas, The DEA categorizes Schedule II substances, such as opium and morphine, as drugs that are considered to have a strong potential for abuse or addiction and which may lead to severe psychological or physical dependence; and

Whereas, In 2009, the American Medical Association announced that it would support clinical research of medical marijuana and urged the federal government to reassess its Schedule I classification of the drug; and

Whereas, According to studies conducted by the University of California Center for Medicinal Cannabis Research, medical marijuana should be the first line of treatment for patients with neuropathy and other serious illnesses; and

Whereas, There are currently twenty states, including New Jersey, as well as the District of Columbia, that have enacted laws legalizing the medicinal use of marijuana; and

Whereas, These states recognize that medical marijuana can be used to alleviate patients' suffering from debilitating medical conditions, such as cancer and multiple sclerosis; and

Whereas, The United States government continues to classify marijuana as a drug for which there is no medicinal value; and

Whereas, The divergence in state and federal law creates a problematic situation where there is no comprehensively regulated system to supply legitimate patients who are in need of medical marijuana; and

Whereas, H.R. 689, also known as the States' Medical Marijuana Patient Protection Act, which is currently pending in the United States House of Representatives, seeks to reclassify marijuana as other than a Schedule I or Schedule II substance; and

Whereas, The States' Medical Marijuana Patient Protection Act would exempt states where medical marijuana is legal from provisions in the CSA prohibiting the prescription, distribution, possession, and use of marijuana; and

Whereas, Enacting the States' Medical Marijuana Patient Protection Act would protect medical marijuana patients and their providers from federal criminal penalties in states that have legalized marijuana for medical use; and

Whereas, The long-standing classification of marijuana in the United States as an illegal Schedule I substance is fundamentally flawed and should be changed; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign the States' Medical Marijuana Patient Protection Act, which seeks to reclassify marijuana as other than a Schedule I or Schedule II substance.

MARIA del CARMEN ARROYO, Chairperson; INEZ E. DICKENS, ROSIE MENDEZ, MATTHIEU EUGENE, DEBORAH L. ROSE, JAMES G. VAN BRAMER; Committee on Health, November 25, 2013.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Comrie) called for a voice vote.

The following Council Member formally abstained from voting on this item: Council Member Gentile.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 1198

By Council Members Eugene, Fidler, James, Koppell and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to requiring agencies to accept applications for employment by mail.

Be it enacted by the Council as follows:

Section 1. Chapter one of title twelve of the administrative code of the city of New York is amended to add a new section 12-140 to read as follows:

§ 12-140 *Applications for employment. The head of each agency shall accept applications for employment with the city of New York delivered by mail and shall maintain a mailing address to which applicants may address and send applications in lieu of electronic submission. This subdivision shall not apply to appointments and examinations pursuant to the civil service law.*

§2. This local law shall take effect immediately.

Referred to the Committee on Civil Service and Labor.

Int. No. 1199

By Council Members Lander, Brewer, James, Koppell, Richards and Rose.

A Local Law in relation to conducting a study on privately owned streets.

Be it enacted by the Council as follows:

Section 1. Study of private streets. a. The department of transportation shall conduct a study on the condition and use of private streets, as defined in paragraph 3

of subdivision a of section 19-169.2 of the administrative code of the city of New York, throughout the city and submit the findings of such study to the mayor and council within six months of the effective date of this local law. Such study shall include but not be limited to:

1. a list of the locations of streets on the city map specified by borough, community district and council district that are private streets;
2. a description of the overall state of each street, including but not limited to, the conditions of sidewalks, curbs and roadways; the presence of catch basins; and the presence of potholes, calculated pursuant to the street rating system of the department of transportation and the ;
3. the individuals and/or entities that own and/or is responsible for maintaining such street;
4. recommendations or measures that can be taken to improve the conditions of private streets that are in a state of disrepair or have received an unsatisfactory rating pursuant to the street rating system of the department of transportation, including whether any of such private streets, prioritized by the state of disrepair and the inability of individuals or entities that own such street to properly maintain such street, should be acquired by the city through either purchase or condemnation.

§2. This local law shall take effect immediately upon its enactment.

Referred to the Committee on Transportation.

Int. No. 1200

By Council Members Lander, Brewer, Chin, James and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to fossil fuel.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 6 of the administrative code of the city of New York is amended by adding a new subchapter 8 to read as follows:

Subchapter 8: Fossil Fuel

§6-318. Phase out of procurement of fossil fuel.

a. Within ninety days of the effective date of the local law that added this section, the director of citywide environmental purchasing shall develop a plan to phase out the city’s procurement of fossil fuel. Such plan shall include a detailed schedule charting the planned reduction of the purchase of fossil fuel and increase in the purchase of alternative fuel(s) such that, by January 1, 2024, the city shall no longer purchase fossil fuel.

b. The director of citywide environmental purchasing shall publish such plan on the mayor’s office of contract services website.

c. Not later than October first of each year, the director of citywide environmental purchasing shall submit to the mayor and the speaker of the city council, and publish on the mayor’s office of contract services website, a report detailing the city’s efforts during the preceding fiscal year to implement such plan. Such report shall include the total volume and dollar value of the city’s procurement of fuel, including fossil fuels and alternative fuels, categorized by specific fuel type.

§2. This local law shall take effect ninety days after its enactment into law, provided, however, that city agencies, officers and employees shall take such actions as are necessary for its implementation prior to such effective date.

Referred to the Committee on Contracts.

Int. No. 1201

By Council Members Lander, Brewer, Chin, James, Koppell and Rose.

A Local Law to amend the charter of the city of New York, in relation to establishing a panel to review regulations related to child day care programs.

Be it enacted by the Council as follows:

Section 1. Chapter 22 of the charter of the city of New York is amended by adding a new subchapter 570 to read as follows:

570. Panel to review child care regulations. a. The department shall establish a temporary panel to review any provisions of the administrative code, the rules of the city of New York, and the New York City health code with which a child day care provider must comply to operate as such a provider, including applicable regulations of the following agencies: the department; the administration for children’s services; the department of buildings; and the fire department. Such panel shall include the commissioners of each such agency or their designees. The mayor shall appoint two additional members and the speaker of the council shall appoint three additional members, provided that such members shall have appropriate expertise in the applicable statutory provisions and regulations. For purposes of this subchapter, “child day care provider” shall have the same meaning as it does in section three hundred ninety of state social services law.

b. Such panel shall study and evaluate the extent to which such provisions,

rules, and health code should be modified to assist potential child day care providers with meeting regulatory objectives while minimizing the costs and administrative burdens borne by such providers. When conducting such study and evaluation, the panel shall consider the following issues: duplicative permitting; fragmented authority for inspection; communication and coordination between relevant agencies; communication between relevant agencies and applicants; consistency of enforcement of applicable codes; and delays in the application and inspection process.

c. Such panel shall report its findings and recommendations for any such modifications in writing to the speaker of the council and the mayor no later than one hundred eighty days after the effective date of the local law that added this subchapter.

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

Referred to the Committee on Health.

Int. No. 1202

By Council Members Lander, Chin, James and Rose.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the creation of the department of early childhood development, and to repeal paragraph 4 of subdivision a of section 617 of such charter in relation thereto.

Be it enacted by the Council as follows:

Section 1. Paragraph 4 of subdivision a of section 617 of the charter of the city of New York is REPEALED.

§ 2. Paragraph 5 of subdivision a of section 617 of the charter of the city of New York is renumbered paragraph 4.

§ 3. The charter of the city of New York is amended by adding a new chapter 23 to read as follows:

Chapter 23.

Department of Early Childhood Development.

§ 580. Administration; commissioner. There shall be a department for early childhood development, the head of which shall be the commissioner of early childhood development.

§ 581. Deputies. The commissioner shall appoint at least one deputy.

§ 582. Powers and duties. a. The commissioner shall have the powers and perform the duties of a commissioner of social services under the social services law for the purpose of fulfilling his or her responsibilities under this section. The commissioner shall have the power to perform functions related to providing appropriate daycare, Head Start and other child-care services.

b. Wherever the powers and duties of an agency other than the department of early childhood development as set forth in the charter or administrative code confer any authority over the areas of daycare, Head Start or other child-care services within the jurisdiction of the commissioner of early childhood development pursuant to this section, such powers and duties shall be deemed to be within the jurisdiction of the department of early childhood development and shall be exercised by such department; provided that such other agency may exercise such powers and duties where required by state or federal law, or, with respect to determinations of eligibility for subsidized child care, by the department of social services as directed by the mayor.

§ 583. Additional functions. a. For purposes of this section, “child day care provider” shall have the same meaning as it does in section three hundred ninety of the social services law.

b. Except as otherwise provided in state or federal law, the commissioner may, in addition: 1. create education goals and quality standards for children from birth to five years of age enrolled in day care, Head Start and other child-care services;

2. facilitate regulatory alignment among relevant agencies, including but not limited to the department of buildings, the department of health and mental hygiene, and the fire department, in order to minimize costs and administrative burdens borne by new and existing child day care providers;

3. facilitate communication between relevant agencies and potential child day care providers in order to assist such providers in completing the regulatory inspection process in an efficient and timely manner;

4. facilitate communication between families and child day care providers;

5. facilitate the professional development of early childhood education teachers; and

6. explore plans to expand capacity for subsidized child care.

§ 4. Subdivision b of section 617 of the charter of the city of New York is amended to read as follows:

b. Wherever the powers and duties of an agency other than the administration for children’s services as set forth in the charter or administrative code confer any authority over the areas of child welfare, child development or child support enforcement within the jurisdiction of the commissioner of children’s services pursuant to section six hundred seventeen of this chapter, except if such areas relate to daycare, Head Start and other child-care services within the jurisdiction of the commissioner of early childhood development pursuant to section

five hundred eighty-two of chapter twenty-three of the charter, such powers and duties shall be deemed to be within the jurisdiction of the administration for children's services and shall be exercised by such administration; provided that such other agency may exercise such powers and duties where required by state or federal law, or, with respect to child support enforcement or determinations of eligibility for subsidized child care, by the department of social services as directed by the mayor.

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

Referred to the Committee on Governmental Operations.

Int. No. 1203
By Council Members Lander, James and Rose.

A Local Law to amend the administrative code of the city of New York in relation to the noise control code and manufacturing districts.

Be it enacted by the Council as follows:

Section 1. Section 24-227 of the administrative code of the city of New York is amended by adding a new subdivision (d) to read as follows:

(d) In any proceeding under this section it shall be an affirmative defense that the receiving property dwelling unit was not lawfully occupied at the time of the violation where both the receiving property dwelling unit and the subject sound source are located within a manufacturing district, as that term is defined in the zoning resolution of the city of New York.

§ 2. This law shall take effect immediately upon enactment.

Referred to the Committee on Environmental Protection.

Res. No. 2039
Resolution calling on the United States Congress to pass and the President to sign into law the Kosher and Halal Food Act of 2013 (S.811/H.R.1794), which would provide for the increased availability of Kosher and Halal food at food banks and modify the labeling of the commodities list to enable Kosher and Halal food bank operators to identify which commodities to obtain from local food banks.

By Council Members Lander, Brewer, Chin, Fidler, James, Koppell, Mendez and Richards.

Whereas, According to the Metropolitan Council on Jewish Poverty and the Council of Peoples Organization, an estimated 330,000 Jewish households in New York City and 300,000 Muslim households in the tri-state area live in poverty; and

Whereas, Due to the dietary requirements of their faith, many families are unable to rely on food pantries participating in the United Stated Department of Agriculture’s Emergency Food Assistance Program to feed their families; and

Whereas, After Hurricane Sandy, nonprofits had to step in to ensure Kosher and Halal options were available in the hardest-hit communities; and

Whereas, Senator Kirsten Gillibrand (D-NY) and Representative Joseph Crowley (D-NY) introduced the Kosher and Halal Food Act of 2013 (S.811/H.R.1794) to address this shortage of food options; and

Whereas, The legislation amends the Emergency Food Assistance Act of 1983 by requiring the United States Secretary of Agriculture to finalize and implement a plan to increase the purchase of food from manufacturers with a Kosher or Halal certification if the Kosher and Halal food purchased is cost neutral as compared to food that is not from food manufacturers with such certification; and

Whereas, The Kosher and Halal Food Act also requires the implementation of a plan to modify the labeling of the commodities list used to carry out the Emergency Food Assistance Program in a manner that enables Kosher and Halal food bank operators to identify which commodities to obtain from local food banks; and

Whereas, This legislation would increase the supply of Kosher and Halal food for food pantries to ensure families do not have to choose between sacrificing their faith or going hungry; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign into law the Kosher and Halal Food Act of 2013 (S.811/H.R.1794), which would provide for the increased availability of Kosher and Halal food at food banks and modify the labeling of the commodities list to enable Kosher and Halal food bank operators to identify which commodities to obtain from local food banks.

Referred to the Committee on General Welfare.

Res. No. 2040
Resolution calling upon fast food restaurants to pay their workers a family-sustaining wage.

By Council Members Lander, Brewer, Chin, James, Koppell, Mendez, Richards and Rose.

Whereas, According to the 2012 Quick Service Restaurants ranking of fast food restaurants, McDonald’s, Subway, Starbucks, Wendy’s, Burger King, Taco Bell, Dunkin’ Donuts, Pizza Hut, KFC and Chick-Fil-A are the nation’s top earners; and

Whereas, In 2008, an article in the American Journal of Public Health noted that in New York City there were over 1,625 fast food restaurants; and

Whereas, According to New York Communities for Change, there are over 50,000 fast food workers in New York City; and

Whereas, According to Fast Food Forward, a group that seeks to highlight the wage related issues of the fast food restaurant workers, the average annual salary for a fast food worker in New York City is \$11,000; and

Whereas, Many of these fast food workers are adults in full time positions seeking to support their families with the wages earned from their fast food jobs; and

Whereas, According to a collaborative report released in 2005 by the Community Development Project of the Urban Justice Center, the Brennan Center for Justice at New York University Law School and the Community Service Society, there are social costs to low wage jobs; and

Whereas, According to the report, low wage workers in the food industry lack job security which leads to an increased reliance on unemployment insurance and social assistance programs such as welfare, housing subsidies and child care subsidies; and

Whereas, These programs are administered by local, state and federal governments but funded by tax payer dollars; and

Whereas, In 2004, the University of California, Berkeley Center for Labor Research and Education released a study estimating that California taxpayers pay \$10 billion annually in hidden costs associated with wages that perpetuate poverty earned by 2 million families; and

Whereas, The study found that in California, the majority of the public assistance (over 25 percent or \$5.7 billion) that went to working families was received by families whose workers were earning less than \$8 per hour; and

Whereas, The study further asserted that by creating conditions that essentially force workers to rely on and participate in social programs rather than providing essential benefits, fast food restaurants are, in effect, receiving an indirect public subsidy while placing profits over the livelihood of their workforce; and

Whereas, The corporations that own many of these fast food restaurants which employ these workers continue to see revenue growth and in some cases are opening more locations in New York City; and

Whereas, If operators of fast food restaurants paid their workers a family sustaining wage that would allow them to support their families without relying on public benefit programs, the monies used to fund those programs could be reallocated to programs that combat issues such as obesity; now, therefore, be it

Resolved, That the Council of the City of New York calls upon fast food restaurants to pay their workers a family-sustaining wage.

Referred to the Committee on Civil Service and Labor.

Res. No. 2041
Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation making driving on the sidewalk a misdemeanor.

By Council Members Lappin and Mendez.

Whereas, Section 1225-a of the New York State Vehicle and Traffic Law prohibits any individual from driving “a motor vehicle on or across a sidewalk” with minor exceptions, such as to gain access to adjacent buildings or driveways; and

Whereas, A violation of §1225-a is a traffic infraction, resulting in an escalating range of penalties, including a fine of up to \$150 for a first offense; and

Whereas, Driving on the sidewalk presents a grave risk to pedestrians; and

Whereas, In 2010, the State Legislature amended Article 26 of the Vehicle and Traffic Law by enacting section 1146, commonly known as Hayley and Diego’s Law, to create an infraction for failure to exercise due care in operating a motor vehicle; and

Whereas, However, current implementation of section 1146 has been limited because of the requirement that a police officer witness the incident in order to issue a traffic infraction; and

Whereas, During a 30-day period in February and March 2013 there were five instances of a motorist hitting a pedestrian on a sidewalk, resulting in three deaths and two serious injuries; and

Whereas, On September 12, 2013 five children were injured in Maspeth, Queens when an SUV hit them while they were walking on the sidewalk; and

Whereas, In light of the inexcusable and serious nature of driving on the sidewalk and the dangerous conditions it creates, violating §1225-a of the Vehicle and Traffic Law should be a misdemeanor; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation making driving on the sidewalk a misdemeanor.

Referred to the Committee on Transportation.

Res. No. 2042

Resolution calling upon the Governor and the New York State Department of Transportation to implement the recommendations of the Sheridan-Hunts Point Land Use and Transportation Study.

By Council Members Palma, Arroyo, King and Lander.

Whereas, In June 2013, multiple City agencies, led by the New York City Department of City Planning and the New York City Department of Transportation, completed its Sheridan-Hunts Point Land Use and Transportation Study (the Study) and made a series of final recommendations regarding what should be done with the 1.25 mile long Sheridan Expressway (the Sheridan) corridor in the Bronx, which connects the Bruckner Expressway and the Cross Bronx Expressway, as well as adjacent areas; and

Whereas, The Sheridan was part of an abandoned highway plan to enable development throughout the Bronx, the consequence of which is a lack of efficient connectivity that impedes the economic growth of the area; and

Whereas, The Sheridan has created well-documented negative impacts on the surrounding communities, especially related to poor air-quality caused by vehicle emissions, deadly intersections and physical isolation from services and amenities; and

Whereas, The final recommendations of the Study include the construction of direct access ramps from the elevated Bruckner Expressway to the Hunts Point peninsula which hosts the Hunts Point Food Distribution Center, the largest wholesale food distribution market in North America, and these ramps would aid in the efficient transportation of goods while also removing substantial truck traffic from local streets; and

Whereas, The recommendations also include the installation of crosswalks, stoplights and other facilities to help make the corridor more pedestrian friendly and to improve access to the Bronx River waterfront and associated parks; and

Whereas, The envisioned reconstruction would include the transformation of a portion of the Sheridan into an at-grade local boulevard, opening up developable land currently in the Sheridan footprint and would close at least two Sheridan ramps that are currently causing major overcrowding and impacting pedestrian safety; and

Whereas, Implementing the recommendations of the Study would yield significant health and economic benefits while improving neighborhood cohesion and transportation in a currently overburdened area of the Bronx; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Governor and the New York State Department of Transportation to implement the recommendations of the Sheridan-Hunts Point Land Use and Transportation Study.

Referred to the Committee on Transportation.

Int. No. 1204

By Council Members Fidler, Brewer and James (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to extending the rate of the additional tax on the occupancy of hotel rooms.

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision a of section 11-2502 of the administrative code of the city of New York, as amended by local law number 67 for the year 2011, is amended to read as follows:

(3) In addition to the tax imposed by paragraph two of this subdivision, there is hereby imposed and there shall be paid a tax for every occupancy of each room in a hotel in the city of New York (A) at the rate of five percent of the rent or charge per day for each such room up to and including August thirty-first, nineteen hundred ninety, (B) at the rate of six percent of the rent or charge per day for each such room on and after September first, nineteen hundred ninety and before December first, nineteen hundred ninety-four, (C) at the rate of five percent of the rent or charge per day for each such room on and after December first, nineteen hundred ninety-four and before March first, two thousand nine, (D) at the rate of five and seven-eighths percent of the rent or charge per day for each such room on and after March first, two thousand nine and before December first, two thousand

[thirteen] *fifteen*, and (E) at the rate of five percent of the rent or charge per day for each such room on and after December first, two thousand [thirteen] *fifteen*.

§ 2. This local law shall take effect immediately and, if it shall have become a law after December 1, 2013, shall be retroactive to and deemed to have been in full force and effect as of December 1, 2013.

Referred to the Committee on Finance.

Preconsidered Int. No. 1205

By Council Members Reyna, Jackson, Koppell and Mendez.

A Local Law to amend the administrative code of the city of New York, in relation to designating expanded polystyrene as recyclable.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 16-305 of the administrative code of the city of New York is amended to read as follows:

b. The commissioner shall adopt and implement rules designating at least six recyclable materials, including plastic, to the extent required in subdivision c of this section, *expanded polystyrene or thermoplastic polymer foam comprised of at least 80 percent styrene or para-methylstyrene by weight*, and yard waste to, the extent required in section 16-308 of this chapter, contained in department-managed solid waste and requiring households to source separate such designated materials.

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

Referred to the Committee on Sanitation and Solid Waste Management (preconsidered but laid over by the Committee on Sanitation and Solid Waste Management).

Int. No. 1206

By Council Members Vallone and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to the neighborhood parks alliance.

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 *Neighborhood parks alliance. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:*

“Conservancy arrangement” shall mean any license or other written authorization allowing a conservancy to operate any park or portion of any park under the jurisdiction of the commissioner.

“Contributing conservancy” shall mean any not-for-profit entity, pursuant to a written conservancy arrangement, that operates any park or portion of any park under the jurisdiction of the commissioner and contributes no less than twenty percent of its annual operating budget to the neighborhood parks fund, provided that “contributing conservancy” shall not include any not-for-profit entity that operates in three or more boroughs.

“Neighborhood parks fund” shall mean a fund administered by the neighborhood parks alliance where revenue generated from contributing conservancies is deposited.

“Recipient park” shall mean any park under the jurisdiction of the commissioner that is not managed by a conservancy and has received an unacceptable park inspection rating in each of the preceding two years from the department.

b. There shall be a neighborhood parks alliance established within the department for the purposes of administering funds contributed to the neighborhood parks fund from any contributing conservancy for the benefit of recipient parks. The alliance shall include a board of nine members and be composed as follows:

- (1) one member shall be the commissioner of the department;*
- (2) one member shall be appointed by the Mayor;*
- (3) one member shall be appointed by the speaker of the Council;*
- (4) one member shall be appointed by the public advocate;*
- (5) one member shall be appointed by each borough president.*

b. Each member of the board shall serve for a term of four years without compensation and at the pleasure of the appointing official and any vacancy shall be filled in the same manner as the original appointment, except that the commissioner of the department shall serve on the board during his or her appointment as commissioner.

c. The commissioner or his or her designee shall serve as chairperson of the board and shall schedule at least one annual meeting before February 1 of each year with members of the board and staff of the neighborhood parks alliance. The chairperson may schedule additional meetings of the board on twenty calendar days notice to all members of the board. Such notice to the members of the board shall be by electronic mail and via facsimile as available or via certified mail to the last known address of such member if neither electronic method nor facsimile is

available.

d. Powers and duties of the board. The board:

1. shall adopt, amend and rescind rules to govern the procedures of the board, the neighborhood parks alliance and the neighborhood parks fund.

2. shall appoint an executive director and staff to manage the neighborhood parks alliance and the neighborhood parks fund who shall act in accordance with policies adopted by the board;

3. shall determine the criteria for eligibility for certain parks to be classified as recipient parks for the purpose of receiving monies from the neighborhood parks fund; and

4. shall publicize the amount of funds allocated to recipient parks and the amount of funds received from contributing conservancies pursuant to this section on the department’s website and update such information on a quarterly basis.

e. Contributing conservancies shall:

1. be required to contribute annually no less than an amount equal to twenty percent of its annual operating budget to the neighborhood parks fund;

2. to the extent practicable, share park management best practices with recipient parks; and

3. attend the annual meeting of the neighborhood parks alliance board and to the extent practicable, any other meeting scheduled by the chairperson of the neighborhood parks alliance board pursuant to subdivision c of this section.

f. The neighborhood parks fund. i. The neighborhood parks fund shall consist of all amounts received by the alliance from contributing conservancies and all other monies appropriated, credited or transferred from any other source for recipient parks. Nothing contained in this section shall prevent the alliance from receiving grants, gifts or bequests for the purposes of the fund as defined in this subdivision and depositing such grants, gifts or bequests into the fund;

ii. No monies from the fund or the alliance shall be transferred to the general fund or any other revenue fund;

iii. Monies in the neighborhood parks fund shall be used for the sole purposes of funding the operations of the neighborhood parks alliance and maintaining and operating recipient parks;

iv. No monies from the fund shall be used for any purpose other than the purposes set forth in this section and;

v. Monies received in to the neighborhood parks fund shall be deposited in a bank or other federally insured depository located within the state of New York.

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

Referred to the Committee on Parks and Recreation.

Int. No. 1207

By Council Member Vallone, Jr.

A Local Law in relation to the naming of the Queensboro Bridge and the Ed Koch Municipal Building.

Be it enacted by the Council as follows:

Section 1. The following bridge located in the Boroughs of Manhattan and Queens is hereby designated as hereafter indicated.

New Name	Present Name
Queensboro Bridge	Ed Koch Queensboro Bridge

§2. The following name of the Manhattan Municipal Building located at 1 Centre Street, New York, New York, 10007, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name
Ed Koch Manhattan Municipal Building	Manhattan Municipal Building

§3. The official map of the city of New York shall be amended in accordance with the provisions of section one and section two of this local law.

§4. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Res. No. 2043

Resolution urging the New York State Liquor Authority to require grocery and drug stores licensed to sell beer and/or wine for consumption off-premise, to locate all alcohol and related products in the furthestmost area away from the entrance of the store.

By Council Members Wills and Rose.

Whereas, In 2007, the Acting Surgeon General, Kenneth P. Moritsugu, M.D., M.P.H., outlined the “potential negative consequences of underage alcohol use on human maturation, particularly on the brain,” and offered strategies to reduce underage alcohol consumption in a report entitled *Call to Action*; and

Whereas, The Surgeon General describes underage alcohol consumption in the United States as “a widespread and persistent public health and safety problem that creates serious personal, social, and economic consequences for adolescents, their families, communities, and the Nation as a whole;” and

Whereas, Alcohol is the drug of choice among America’s adolescents, used by more young people than tobacco or illicit drugs; and

Whereas, The Monitoring the Future Survey found that a higher percentage of youth in 8th, 10th, and 12th grades used alcohol in the month prior to being surveyed than used tobacco or marijuana; and

Whereas, The National Survey on Drug Use and Health (NSDUH) found that by age 15, approximately 50% of boys and girls have consumed an entire serving of alcohol; and

Whereas, the Surgeon General’s *Call to Action* suggests that alcohol “prevention and reduction efforts must take into account the dynamic developmental processes of adolescence, the influence of an adolescent’s environment, and the role of individual characteristics in the adolescent’s decision to drink;” and

Whereas, One of the first steps to improve the environment around alcohol is to ensure the placement of alcohol advertising, promotions, and other means of marketing do not disproportionately expose youth to messages about alcohol; and

Whereas, The Center for Disease Control and Prevention found that during a point-of-purchase alcohol marketing and promotion survey done in 2003, “convenience stores (with or without gasoline) and small grocery stores had the most accessible alcohol products; and

Whereas, Single beers for purchase located most often near checkout locations “were most likely to be found in convenience stores (27%), convenience/gas stores (18%), and small grocery stores (27%);” and

Whereas, The New York State Liquor Authority (SLA) and its agency arm, the Division of Alcoholic Beverage Control (ABC), "regulate and control the manufacture and distribution ... of alcoholic beverages for the purpose of fostering and promoting temperance in their consumption and respect for and obedience to law;" and

Whereas, The SLA is also authorized by statute to "determine whether public convenience and advantage will be promoted by the issuance of licenses to traffic in alcoholic beverages ... and to carry out the increase or decrease in the number thereof and the location of premises licensed ... in the public interest;" and

Whereas, The SLA issues approximately 140 different types of licenses and permits to manufacturers, wholesalers, and retailers that seek to distribute alcoholic beverages within the state; and

Whereas, In the retail sector, businesses that sell alcohol for consumption at another location (i.e. package stores, grocery stores, drug stores, etc.) are issued “off-premises” licenses by the SLA; and

Whereas, The SLA requires that each applicant for an off-premises license submit a diagram of the layout of the store; and

Whereas, The SLA has no rules or regulations requiring these types of businesses to place alcohol related products at certain locations within the store; and

Whereas, The SLA *Handbook for Retail Licensees* lists ways to protect against selling to minors but lists nothing about the placement of alcohol advertisements and products, now therefore, be it

Resolved, That the Council of the City of New York urges the New York State Liquor Authority to require grocery and drug stores licensed to sell beer and/or wine for consumption off-premise, to locate all alcohol and related products in the furthestmost area away from the entrance of the store.

Referred to the Committee on Consumer Affairs.

Preconsidered L.U. No. 978

By Council Member Recchia:

Belmont I, Block 3076, Lot 39, Bronx, Community District No. 6, Council District No. 15

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 979

By Council Member Recchia:

Belmont II, Block 3076, Lot 11, Bronx, Community District No. 6, Council District No. 15

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 980
By Council Member Recchia:

G & M Properties East, Block 3777, Lots 35 & 40, Block 3866, Lot 1 & 5, Bronx, Community District No. 9, Council District No. 18

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 981
By Council Member Recchia:

Promenade Apartments, Manhattan, Community District No. 8, Council District No. 10

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 982
By Council Member Recchia:

Renewal Housing Development Fund Company, Block 3174, Lot 24, Block 3276, Lot 36, Block 3276, Lot 36, Block 3283, Lot 37, Block 3293, Lot 135, Block 3300, Lots 27, 23, & 11, Bronx, Community District No. 7, Council Districts No. 14 & 15.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 983
By Council Member Recchia:

St. Barnabas Housing for the Elderly, Block 3051, Lot 1, Bronx, Community District No. 6, Council District No. 15

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 984
By Council Member Recchia:

Tweemill House, Block 1775, Lot 20, Manhattan, Community District No. 11, Council District No. 8

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 985
By Council Member Recchia:

1350 University Avenue, Block 2523, Lot 20, Bronx, Community District No. 4, Council District No. 16

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 986
By Council Member Recchia:

Venezia, Block 3104, Lot 1, Bronx, Community District No. 6, Council District No.15

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 987
By Council Member Comrie:

Application no. 20145201 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Madison Global LLC, d/b/a Nello’s, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 696 Madison Avenue, in the Borough of Manhattan, Community District 8, Council District 4. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

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

L.U. No. 988
By Council Member Comrie:

Application No. C 140001 ZMM submitted by the NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the amendment of the Zoning Map, Section No. 8b, changing from an R8A District to an R8 District property bounded by West 19th Street and West 18th Street, in the Borough of Manhattan, Community District 4, Council District 3.

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

L.U. No. 989
By Council Member Comrie:

Application no. C 130040 MMK submitted by Long Island University 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 narrowing by elimination, discontinuance and closing of Willoughby Street between Fleet Place and Ashland Place; the narrowing by elimination, discontinuance and closing of Ashland Place between Willoughby Street and DeKalb Avenue; the elimination of Public Place between Willoughby Street, Fleet Street, and Fleet Place; the delineation of public access easements in Willoughby Street and Ashland Place; the adjustment of grades necessitated thereby; including authorization for any acquisition or disposition of real property related thereto, in the Borough of Brooklyn, Community District 2, Council District 34. 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 Planning, Dispositions and Concessions.

L.U. No. 990
By Council Member Comrie:

Application No. 20145125 SCK pursuant to Section 1732 of the New York City School Construction Authority Act, concerning the proposed site selection for a new, approximately 640-seat primary school facility, located on the southwest corner of Franklin and Dupont Streets (Block 2494, Lot 1), in the Borough of Brooklyn, Community District 1, Council District 33.

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

L.U. No. 991

By Council Member Comrie:

Application No. 20145166 HAQ submitted by the Department of Housing Preservation and Development (HPD), for approval pursuant to Section 694 of the New York General Municipal Law for an amendment to a project previously approved as a Urban Development Action Area and Project for property located at 503 Onderdonk Avenue (Block 3405, Lot 11), in the Borough of Queens, Community District 5, Council District 34. 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.

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

L.U. No. 992

By Council Member Comrie:

Application No. 20145167 HAQ submitted by the Department of Housing Preservation and Development (HPD), for approval of a real property tax exemption pursuant to Section 696 of the New York General Municipal Law for a previously approved Urban Development Action Area and Project for property located at 154-11 118th Avenue (Block 12204, Lot 258), in the Borough of Queens, Community District 12, Council District 28. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law.

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

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

ANNOUNCEMENTS:

Thursday, November 28, 2013

THANKSGIVING DAY OBSERVED

Monday, December 2, 2013

Committee on **FINANCE**.....**10:00 A.M.**
Proposed Int. 1040-A - By Council Members Richards, Lander, Wills, Brewer, Chin, Dromm, Fidler, James, Mealy, Mendez, Rose, Vacca, Weprin, Williams, Recchia, Levin, Reyna, Van Bramer, Mark-Viverito, Gonzalez, Nelson, Eugene, Garodnick, Dickens, Palma, Barron, Rodriguez, Ulrich and Oddo - A Local Law to amend the administrative code of the city of New York, in relation to the creation of a database to track the expenditure of funds in connection with recovery efforts in the wake of Hurricane Sandy.
Committee Room – 250 Broadway, 16th Floor
..... Domenic M. Recchia, Chairperson

Tuesday, December 3, 2013

Committee on **MENTAL HEALTH, DEVELOPMENTAL DISABILITY, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES****10:00 A.M.**
Oversight - Status Update on the NY/NY III Program
Committee Room – 250 Broadway, 16th Floor Oliver Koppell, Chairperson

★ *Deferred*
Committee on **FIRE AND CRIMINAL JUSTICE SERVICES**.....**1:00 P.M.**
Agenda to be announced
Committee Room—250 Broadway, 16th Floor
.....Elizabeth Crowley, Chairperson

Wednesday, December 4, 2013

Committee on **TRANSPORTATION**.....**10:00 A.M.**
Int. 1055 - By Council Members Comrie, Koo, Mendez, Barron, Brewer, Cabrera, Chin, Dromm, Eugene, James, Koppell, Koslowitz, Lander, Palma, Rose, Vann, Vacca and Halloran - A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to report information concerning vehicle collisions in which a driver left the scene of the collision.
Int. 1114 - By Council Members Garodnick, James, Koo, Rose, Wills and Rodriguez - A Local Law to amend the administrative code of the city of New York, in relation to a street design manual, and to repeal subdivision d of section 19-180.
Committee Room – City Hall.....James Vacca, Chairperson

Committee on **COMMUNITY DEVELOPMENT**.....**10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 16th FloorAlbert Vann, Chairperson

Committee on **HOUSING AND BUILDINGS** **1:00 P.M.**
AGENDA TO BE ANNOUNCED
Committee Room – City Hall.....Erik Martin-Dilan, Chairperson

Committee on **HEALTH**..... **1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor
..... Maria del Carmen Arroyo, Chairperson

Thursday, December 5, 2013

Subcommittee on **ZONING & FRANCHISES****9:30 A.M.**
See Land Use Calendar Available Monday, December 2, 2013
Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES****11:00 A.M.**
See Land Use Calendar Available Monday, December 2, 2013
Committee Room– 250 Broadway, 16th Floor Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... **1:00 P.M.**
See Land Use Calendar Available Monday, December 2, 2013
Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Committee on **PARKS AND RECREATION** **1:00 P.M.**
Proposed Int. 957-A - By Council Members Lappin, Barron, Brewer, Chin, Ferreras, James, Koo, Mealy, Rose, Williams, Rodriguez, Arroyo, Van Bramer, Mark-Viverito and Jackson – A Local Law to amend the administrative code of the city of New York, in relation to the establishment and development of school gardens.
Committee Room – City Hall
..... Melissa Mark-Viverito, Chairperson

Friday, December 6, 2013

Committee on **JUVENILE JUSTICE****10:00 A.M.**
Oversight - Examination of NeONs and Their Impact on Youth on Probation.
Council Chambers – City Hall Sara Gonzalez, Chairperson

Committee on **ECONOMIC DEVELOPMENT****10:00 A.M.**
Proposed Int. 1012-A - By Council Member Wills, Comrie, Williams, Vallone, Ulrich, King, Cabrera, Dickens, Ferreras, Barron, Jackson, Rose, Reyna, Lander, Koo, Vann, Rivera, Chin, Eugene, James, Koslowitz, Mealy, Mendez, Palma, Weprin, Mark-Viverito, Rodriguez, Dromm, Brewer, Levin, Richards and Halloran – A Local Law to amend the administrative code of the city of New York, in relation to establishing a commission to address the root causes of violence.
Committee Room – City Hall Karen Koslowitz, Chairperson

Committee on **VETERANS** jointly with the
Committee on **SMALL BUSINESS**.....**10:00 A.M.**
Int. 1159 - By Council Members Reyna, Brewer, Chin, Dickens, Eugene, Gentile, Jackson, James, King, Koo, Koppell, Mendez, Palma, Richards, Vann, Wills and Rodriguez - 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.

Res. 1926 - By Council Members Reyna, Chin, Dickens, Eugene, James, Koppell, Mendez, Palma, Richards and Rodriguez - 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.

Committee Room– 250 Broadway, 16th Floor Mathieu Eugene, Chairperson
.....Diana Reyna, Chairperson

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

Monday, December 9, 2013

Committee on **GOVERNMENTAL OPERATIONS** **10:00 A.M.**
Agenda to be announced
Committee Room – City Hall Gale Brewer, 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 **CULTURAL AFFAIRS, LIBRARIES
& INTERNATIONAL INTERGROUP RELATIONS** **1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor
..... James Van Bramer, Chairperson

Committee on **PUBLIC SAFETY** **1:00 P.M.**
Agenda to be announced
Committee Room – City HallPeter Vallone, Chairperson

★ *Addition*
Committee on **HEALTH** **1:00 P.M.**
Agenda to be announced
Hearing Room – 250 Broadway, 16th Floor
..... Maria del Carmen Arroyo, Chairperson

Tuesday, December 10, 2013

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

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Comrie) adjourned these proceedings to meet again for the Stated Meeting on Tuesday, December 10, 2013.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor’s Local Law Note: Int Nos. 250-A, 983-A, 990-A, 1021-A, 1085-A, 1089-A, 1096-A. 1099-A, and 1166-A were adopted by the Council at the October 30, 2013 Stated Meeting, was signed into law by the Mayor on November 19, 2013 as, respectively, Local Law Nos. 94, 95, 96, 97, 98, 99, 100, 101, and 102 of 2013.

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