

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, MARCH 13, 2013

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING*

of

Wednesday, March 13, 2013, 3:00 p.m.

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

Council Members

Christine C. Quinn, Speaker

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	Letitia James	Diana Reyna
Leroy G. Comrie, Jr.	Andy King	Donovan Richards*
Elizabeth S. Crowley	Peter A. Koo	Joel Rivera
Erik Martin Dilan	G. Oliver Koppell	Ydanis A. Rodriguez
Daniel Dromm	Karen Koslowitz	Deborah L. Rose
Mathieu Eugene	Bradford S. Lander	Eric A. Ulrich
Julissa Ferreras	Jessica S. Lappin	James Vacca
Helen D. Foster	Stephen T. Levin	Peter F. Vallone, Jr.
Daniel R. Garodnick	Melissa Mark-Viverito	Albert Vann
James F. Gennaro	Darlene Mealy	James G. Van Bramer
Vincent J. Gentile	Rosie Mendez	Mark S. Weprin
Sara M. Gonzalez	Michael C. Nelson	Jumaane D. Williams
		Ruben Wills

Excused: Council Members Arroyo, Dickens, Fidler and Jackson.

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

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

*Newly-elected Council Member Donovan Richards was sworn-in later during these proceedings and is considered present and eligible to vote at this Stated Meeting.

There were 47 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, N.Y., N.Y. 10007.

INVOCATION

The Invocation was delivered by Rev. Joshua Cox, Church of the First Born, 22601 Merrick Blvd, Laurelton, NY 11413.

Let us pray.

Father, in the name of Jesus
we come before you this afternoon
thanking you, Lord God,
for your power, your wisdom, your knowledge, your love.
Father, we invoke thy presence even now.
We ask Lord, that you take preeminence
in this room, Lord God.
We pray even for our City Council,
those that are in authority.
We pray for our Mayor.
We pray for our Governor,
even our President.
Father, we pray
even for those that stand in authority
in this country, in this city, in this nation.
Bless the constituents, Lord,
of every borough that is here today
that is represented, God.
And we thank you, Lord God,
for this opportunity to acknowledge you
in everything we do.
Let your presence and your power and your knowledge
be manifested even here today.
This we ask, in your name, Amen.

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

During the Communication from the Speaker segment later in the Meeting, the Speaker (Council Member Quinn) asked for those assembled to rise in response to a request for a Moment of Silence from the Minority Leader (Council Member Oddo) in memory of former Council Member Angelo L. Arculeo. Council Member Arculeo, who passed away at the age of 89 on March 9, 2013, represented parts of southern Brooklyn including the Bay Ridge area from 1962 to 1982 and served as the Republican Minority Leader in the Council during two separate tenures.

ADOPTION OF MINUTES

At this point, Council Member Gentile moved that the Minutes of the Stated Meeting of January 23 and February 6, 2013 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-1057

Communication from the Board of Elections - Submitting the Certification of Election of Donovan Richards as the new Council Member of the 31st Councilmanic District, Queens County.

(The following is the fifth and final page of the Certification:)

BOARD OF ELECTIONS
IN THE CITY OF NEW YORK
PRINTED AS OF:
3/4/2013 1:06:48PM

Statement and Return Report for Certification
Special Election 31st Council - 02/19/2013
Queens County
All Parties and Independent Bodies
Member of the City Council (31st Council District), vote for 1



Total for Member of the City Council (31st Council District) - Queens County	
PUBLIC COUNTER	8,505
EMERGENCY	0
ABSENTEE/MILITARY	520
FEDERAL	0
SPECIAL PRESIDENTIAL	0
AFFIDAVIT	122
Total Ballots	9,147
Less - Inapplicable Federal/Special Presidential Ballots	0
Total Applicable Ballots	9,147
SELVENA N. BROOKS (REBUILD NOW)	1,013
JACQUES M. LEANDRE (THE FORWARD)	1,216
DONOVAN RICHARDS (COMMUNITY UNITY)	2,646
ALLAN W. JENNINGS (PEOPLE'S RELIEF)	153
SAYWALA KESSELY (GRAND COALITION)	170
MARIE ADAM-OVIDE (BETTER SERVICE)	189
PESACH OSINA (COMMON VALUES)	2,567
MICHAEL R. DUNCAN (ORGANIZE NOW)	1,016
DAVID HOOKS (WRITE-IN)	1
EARNEST FLOWERS III (WRITE-IN)	105
JOHN W. CRONIN (WRITE-IN)	1
RUESDED PIERRO (WRITE-IN)	1
STEVEN FLOWERS (WRITE-IN)	1
TANAGRA BLEDMAN (WRITE-IN)	1
UNATTRIBUTABLE WRITE-IN (WRITE-IN)	9
WILLIAM R. LERTOLA (WRITE-IN)	1
WILLIE L. BAKER (WRITE-IN)	1
Total Votes	9,091
Unrecorded	56

We certify this statement to be correct, and have caused the same to be attested by the signatures of the members of the board, or a majority thereof, on _____ Date _____

Secretary _____ Chairman _____ Chief Clerk _____

Canvassing Board _____ Canvassing Board _____ Deputy Chief Clerk _____

Page 5 of 5

Received, Ordered, Printed & Filed.

M-1058
Communication from the Office of the City Clerk – Submitting the Certificate of the swearing in of Donovan Richards, as the new Council Member of the 31st Council District, Queens County.



THE CITY OF NEW YORK
OFFICE OF THE CITY CLERK
141 WORTH STREET
NEW YORK, N.Y. 10013

DONOVAN RICHARDS

I, _____

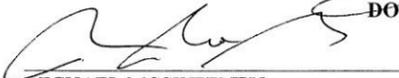
do solemnly swear, that I will support the Constitution of the United States of America and the Constitution of the State of New York and the Charter of the City of New York, and that I will faithfully discharge the duties of the office of

COUNCIL MEMBER- 31ST DISTRICT

in the COUNTY OF QUEENS

of THE CITY OF NEW YORK, according to the best of my ability.

Subscribed and sworn before me this 5th day of March, 2013


MICHAEL MCSWEENEY

and filed in the Office of the City Clerk, this 5th day of March, 2013


MICHAEL MCSWEENEY
City Clerk, Clerk of the Council

Received, Ordered, Printed & Filed.

Swearing-in of newly elected Donovan Richards as Council Member

At this point, newly elected Donovan Richards was escorted into the Chambers by the Majority Leader (Council Member Rivera), the Minority Leader (Council Member Oddo), the Deputy Majority Leader (Council Member Comrie), and the Majority Whip (Council Member Vann).

The City Clerk and Clerk of the Council (Mr. McSweeney) performed the formal ceremony of swearing-in the newly elected Donovan Richards as Council Member representing the people of the 31st Council District in Queens. Council Member Richards spoke briefly and thanked those assembled including his family and former Council Member and present State Senator James Sanders, Jr.

Preconsidered M-1059

Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year 2013 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-2).



The City of New York
Office of Management and Budget
255 Greenwich Street - New York, New York 10007 - 2146
(212) 788-5900

Mark Page
Director

March 8, 2013

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2013 to implement changes in the City's expense budget.

This modification (MN-2) will implement expense budget changes which were reflected in the City's November and January Financial Plans. In addition, as requested by the City Council, this modification reallocates appropriations that were included in the FY 2013 Adopted Budget to fund City Council local initiatives.

Appendix A details State, Federal and other funds impacted by these changes.

Your approval of modification MN-2 is respectfully requested.

Yours truly,


Mark Page

(For text of MN-2 numbers and Section A, please see the attachment to the resolution following the Report of the Committee on Finance for M-1059 & Res No. 1678 printed in these Minutes)

Referred to the Committee on Finance.

Preconsidered M-1060

Communication from the Office of Management & Budget – Approval to increase the budget stabilization account by \$961 million, pursuant to Section 107(e) of the New York City Charter (MN-3).



The City of New York
Office of Management and Budget
 255 Greenwich Street - New York, New York 10007 - 2146
 (212) 788-5900
Mark Page
 Director

March 8, 2013

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(e) of the New York City Charter, I seek your approval to increase the Budget Stabilization Account by \$961 million in fiscal year 2013.

This modification (MN-3) will increase the Budget Stabilization Account by \$961 million to prepay debt service in fiscal year 2013. Resources to achieve this prepayment include \$500 million in prior payables, a decrease in the General Reserve of \$543 million from expense budget savings offset by \$82 million in decreased revenues.

Your approval of modification MN-3 is respectfully requested.

Yours truly,

Mark Page

(For text of MN-3 numbers, please see the attachment to the resolution following the Report of the Committee on Finance for M-1060 & Res No. 1679 printed in these Minutes)

Referred to the Committee on Finance.

M-1061

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Brooklyn Coach Inc., Council District 35, pursuant to Section 19-511(i), of the administrative code of the city of New York.

Brothers Car Service, Inc.	B01469	37
Bushwick Car Service, Inc.	B00693	34
Crossbay Car Service, Inc.	B00881	32
Evergreen Trans. Inc. D/b/a Skyway Car Service	B01593	24
Globe Car Service Inc.	B01625	32
GTWY Inc. D/b/a Gateway Car & Limo. Service	B01129	46
Harlem Cars Inc.	B00919	9
Har-Sinay Car & Limousine Service Inc.	B01635	44
High Class Limo. Car Service Corp.	B01639	7
Jamaica Express Car Service Inc. D/b/a Sunshine Car Service	B01623	32
Let It Ride Inc. D/b/a My Way Car Service	B00469	43
Merengue Limo. & Car Service Inc.	B01437	29
Midwood VS, Inc.	B01475	44
New Experience #1 Inc.	B01467	26
New Relampago Car Service Corp.	B01487	34
New Way Car Service Inc.	B02178	31
Ogden Car Services, Inc.	B02195	16
Target Trans. Group	B00501	11
U.P.S. Radio Dispatch Corp.	B01651	18
RENEWAL & OWNERSHIP CHANGE (3):	LICENSE #	COUNCIL DISTRICT
NY Mex Uno Executive Sedans Inc. D/b/a NY Mex Car Service	B01995	26
Pratt Car Service Inc.	B01479	35

DIAL 311 – Government Services and Information for NYC
www.nyc.gov/tlc
 Printed on paper containing 30% post-consumer material.

State Car & Limo. Service Corp.	B01982	42
RELOCATION (1):	LICENSE #	COUNCIL DISTRICT
Double A Car Service D/b/a United Cars	B02301	49

The complete application packages compiled for the above bases are available for your review upon request. If you wish to receive a copy please contact Ms. Michelle Lange, Business Licensing Unit, at langem@tlc.nyc.gov. Please find enclosed herein the original applications for the approved base stations.

Very truly yours,

Christopher Tormey
 Director of Applicant Licensing
 Licensing & Standards Division
 Taxi & Limousine Commission

Referred to the Committee on Transportation.

M-1062

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Fenix Mobile

David Yassky Commissioner
 Licensing and Standards
 32-02 Queens Boulevard
 Long Island City, NY 11101
 +1 212 227 6324 tel
 +1 718 391 5786 fax

February 26, 2013

The Honorable Speaker Christine C. Quinn
 Attention: Mr. Gary Altman
 Council of the City of New York
 250 Broadway, 15th Floor
 New York, New York 10007

Re: Taxi & Limousine Commission
For-Hire Vehicle Base License approvals

Dear Speaker Quinn:

Please be advised that on February 21, 2013 the Taxi & Limousine Commission voted to approve the following for-hire vehicle base license application:

NEW (5):	LICENSE #	COUNCIL DISTRICT
Brooklyn Coach Inc.	B02585	35
Fenix Mobile Dispatcher Ltd.	B02594	34
NYC Green Car Service Inc.	B02605	13
Romero Auto Service Repairs Transport Towing Recovery L.L.C. D/b/a Runner Limo. & Car Service	B02601	27
Vision Car Service Corp.	B02602	37
RENEWALS (22):	LICENSE #	COUNCIL DISTRICT
#1 Mexicaly Car Services Corp.	B02080	34
All People Car Service Inc.	B01343	45
Apollo Radio Dispatch Inc.	B02107	16

DIAL 311 – Government Services and Information for NYC
www.nyc.gov/tlc
 Printed on paper containing 30% post-consumer material.

Dispatcher Ltd., Council District 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1063

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license NYC Green Car Service Inc., Council District 13, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1064

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Romero Auto Service Repairs Transport Towing Recovery L.L.C. D/b/a Runner Limo. & Car Service, Council District 27, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1065

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Vision Car Service Corp., Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1066

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license #1 Mexicaly Car Service Corp., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1067

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license All People Car Service Inc., Council District 45, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1068

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Apollo Radio Dispatch Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1069

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Brothers Car Service, Inc., Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1070

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Bushwick Car Service, Inc., Council District 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1071

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Crossbay Car Service, Inc., Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1072

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Evergreen Trans. Inc. D/b/a Skyway Car Service, Council District 24, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1073

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Globe Car Service Inc., Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1074

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license GTWY Inc. D/b/a Gateway Car & Limo. Service, Council District 46, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1075

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Harlem Cars Inc., Council District 9, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1076

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Har-Sinay Car & Limousine Service Inc., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1077

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license High Class Limo. Car Service Corp., Council District 7, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1078

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Jamaica Express Car Service Inc. D/b/a Sunshine Car Service, Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1079

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Let it Ride Inc. D/b/a My war Car Service, Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1080

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Merengue Limo. & Car Service Inc., Council District 29, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1081

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Midwood VS, Inc., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1082

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Experience #1 Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1083

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Relampago Car Service Corp., Council District 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1084

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Way Car Service Inc., Council District 31, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1085

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Ogden Car Services, Inc., Council District 16, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1086

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Target Trans Group., Council District 11, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1087

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license U.P.S Radio Dispatch Corp., Council District 18, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1088

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license NY Mex Uno Executive Sedans Inc. D/b/a NY Mex Car Service, Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1089

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Pratt Car Service Inc., Council District 35, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1090

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license State Car & Limo. Service Corp., Council District 42, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1091

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation change base station license Double A Car Service D/b/a United Cars, Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1061 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Civil Rights

Override Report for Int. No. 814-A

Report of the Committee on Civil Rights in favor of approving and adopting, as amended, notwithstanding the objection of the Mayor, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on an individual's unemployment.

The Committee on Civil Rights, to which the annexed amended proposed local law was referred on March 28, 2012 (Minutes, page 1024), and which was originally adopted by the Council on January 23, 2013 (Minutes, page 90) before being vetoed by the Mayor on February 22, 2013, respectfully

REPORTS:

I. Introduction

On Wednesday, March 13, 2013, the Committee on Civil Rights, chaired by Council Member Deborah Rose, will meet to vote on Introductory Bill Number 814-A (“Int. No. 814-A”), a Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on an individual's unemployment, and to file the veto message of Mayor Michael Bloomberg, M 1047.

The Committee held a hearing on the original introduction, Introductory Bill Number 814 (“Int. No. 814”), a Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on one's unemployment status, on June 20, 2012. On January 22, 2013, the Committee passed a revised version of the bill, Proposed Introductory Bill No. 814-A (“Proposed Int. No. 814-A”), a Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on an individual's unemployment. The legislation was then passed by the Council on January 23, 2013 by a vote of 44 in the affirmative and four in the negative. On February 22, 2013, the Mayor issued a message of disapproval, vetoing the legislation. That veto message was formally accepted by the Council at its stated meeting held on February 27, 2013.

The question before the Committee is whether Int. No. 814-A should be re-passed notwithstanding the objections of the Mayor.

II. Background

According to the New York State Department of Labor, the unemployment rate in New York City in November 2012 was 8.7 percent, the highest of any metropolitan area in the state.¹ Perhaps even more troubling, at 11.8 percent, the Bronx has the highest unemployment rate out of any county in the state.² Unemployment rates among communities of color have historically been significantly

for the Lower Ma_____

¹ NYS Department of Labor, *Employed, Unemployed, and Rate of Unemployment by Place of Residence for New York State and Major Labor Areas*, <http://www.labor.ny.gov/stats/pressreleases/prtbur.pdf> (last visited January 17, 2013).

² NYS Department of Labor, *Counties Ranked by Unemployment Rate, November 2012*, https://www.labor.ny.gov/stats/ur_rank.xls (last visited January 17, 2013).

higher. For example, a 2010 investigation by the New York City Comptroller found that, in the third quarter of 2010, the unemployment rate for blacks and Hispanics in the city was 15.3 and 13.3 percent, respectively, compared to 5.2 percent for Whites.³

Unfortunately, the unemployed are increasingly becoming victims of discrimination as companies screen out candidates on the basis of their unemployment status. In a 2011 examination of online job posting websites, the National Employment Law Project (“NELP”) found over 150 advertisements over a four-week period that included language that explicitly required that the candidates be currently employed.⁴ According to NELP, excluding unemployed candidates from consideration allows employers to shrink the pool of prospective employees at a time when there are four times as many unemployed people as there are available positions.⁵ NELP also reported that some employers exclude unemployed jobseekers from consideration based on the unfair assumption that those who are unemployed lack the work ethic needed for the job.⁶ This discriminatory selection process can have a particularly debilitating effect on groups that already suffer from high rates of unemployment, such as communities of color and recent military veterans. While some of the businesses cited in the NELP report disavowed the language used in the advertisements, others defended the policy, stating that the preferred candidate is one that seeks new employment out of desire, not necessity.⁷ Others justified the policy based on the belief that the long-term unemployed lack “a stable job history and recent references.”⁸

Despite the fact that certain groups, such as blacks and Hispanics, are more dramatically impacted because of their unemployment status, the unemployed are not a protected class under federal law or under local laws in most parts of the country.⁹ In an effort to address this gap in protections for workers, several jurisdictions have considered laws to protect the unemployed in the hiring process. New Jersey and Oregon have addressed this issue by passing laws that prohibit employers from using language in job advertisements that clearly excludes unemployed applicants.¹⁰ The District of Columbia went further by not only barring discriminatory job advertisements, but also prohibiting employers from considering unemployment status when making employment decisions.¹¹ Additionally, under the District’s law, aggrieved individuals may make complaints with the District’s Office of Human Rights and they may receive damages.

Moreover, in July 2011, the United States Congress introduced the Fair Employment Opportunity Act of 2011, which prohibits employers from refusing to hire a person because he or she is unemployed and from including any exclusionary language in job advertisements.¹² Discrimination against the unemployed has also caught the attention of President Obama, who proposed similar protections for the unemployed when he announced his jobs bill in September 2011.¹³ Some employers, however, resist efforts that would prohibit discrimination against the unemployed, expressing concern that such a law would risk exposing them to litigation in the hiring process.¹⁴

III. Testimony on Int. No. 814

In order to address discrimination against the unemployed in New York City, Int. No. 814 was introduced into the City Council on March 28, 2012. Int. No. 814 amended the Human Rights Law to make it an unlawful discriminatory practice for employers to base employment decisions on the unemployment status of a current or prospective employee or to advertise a job vacancy that includes language that being currently employed is a job requirement or that unemployed applicants will not be considered. Int. No. 814 also included language explicitly permitting employers to request or use unemployment status information for an employment decision so long as it was substantially job related and the employer had a bona fide reason for doing so. Additionally, Int. No. 814 included language making it explicit that employers could inquire into the circumstances surrounding an individual’s previous termination or demotion.

The Committee on Civil Rights held a hearing on Int. No. 814 on June 20, 2012, during which the Committee heard testimony in support of the Introduction from advocates and legal practitioners. For example, Mitchell Hirsch, an advocate for the Lower Ma_____

³ Press Release, Office of the NYC Comptroller, *Persistent Disparities in NYC Unemployment* (Oct. 28, 2010).

⁴ National Employment Law Project, *Hiring Discrimination Against the Unemployed: Federal Bill Outlaws Excluding the Unemployed From Job Opportunities, as Discriminatory Ads Persist*, 2, <http://www.nelp.org/page/-/UI/2011/unemployed.discrimination.7.12.2011.pdf?nocdn=1> (last visited January 18, 2013) [hereinafter *NELP*].

⁵ *Id.* at 5.

⁶ *Id.*

⁷ Tyler Kingkade, Jordan Howards, and Arthur Delaney, *Unemployment Discrimination: Who’s Afraid to Hire the Jobless?*, The Huffington Post, Aug. 8, 2011, http://www.huffingtonpost.com/2011/08/11/unemployment-discrimination-slideshow_n_917641.html#s321678&ttitle=Frankel_Staffing_Entry, (last visited January 18, 2013) [hereinafter *Afraid to Hire the Jobless*].

⁸ Stephen Singer, *For long-unemployed, hiring bias rears its head*, USA Today, Mar. 26, 2012, <http://www.usatoday.com/story/economy/employment/story/2012-03-23/unemployment-discrimination/53783328/1> (last visited January 18, 2013).

⁹ *Afraid to Hire the Jobless*, *supra* note 7.

¹⁰ NELP, *supra* note 4, at 6.

¹¹ B.19-486, enacted Mar. 19, 2012, (on file with Committee Staff).

¹² NELP, *supra* note 4, at 6.

¹³ Robert Pear, *Obama Proposes Protecting Unemployed Against Hiring Bias*, NY Times, Sept. 26, 2011, http://www.nytimes.com/2011/09/27/us/politics/obama-proposes-adding-unemployed-to-protected-status.html?_r=1 (last visited January 18, 2013).

¹⁴ Jonathan Horn, *Unemployment discrimination bill clears another committee*, The San Diego Union-Tribune, Apr. 17, 2012, <http://www.utsandiego.com/news/2012/apr/17/unemployment-discrimination-bill-clears-another-co/> (last visited January 18, 2013).

for the unemployed from NELP, testified in support of the bill, saying it would “keep the doors of employment opportunity open to all qualified job-seekers regardless of their current employment status” and “send a strong message to employers, recruiters and staffing firms nationwide that it is time to stop all discriminatory practices that exclude unemployed workers.”¹⁵ Karen Cacace, a Supervising Attorney in The Legal Aid Society’s Employment Law Unit, expressed support of the bill’s potential to protect job seekers from any unwarranted bias that employers may have against the currently or recently unemployed.¹⁶ Advocates and legal practitioners noted the fact that the bill went beyond prohibiting discriminatory advertising, commenting that a prohibition on discriminatory job postings alone would be insufficient to address discriminatory actions by employers against the unemployed.¹⁷ Specifically, they pointed out that recruiters are being told not to look at unemployed job applicants and companies are using screening software that contains keyword searches that ultimately eliminate the unemployed, both facts that make it essential to find a way to address the underlying problem.¹⁸

The Committee also received testimony from Bill Heinzen, Deputy Counselor to Mayor Bloomberg, who, on behalf of the Bloomberg Administration, supported the concept of prohibiting job postings and advertisements from indicating that the unemployed need not apply, with the caveat that employers needed to be free to “seek recent relevant work experience.”¹⁹ Mr. Heinzen also expressed certain additional concerns about the proposed legislation.

IV. Proposed Int. No. 814-A

Following the June 20, 2012 hearing on Int. No. 814, several changes were made to address concerns raised by the Administration and to clarify any ambiguities about the rights and obligations of employers and job applicants under this bill. Changes to the bill are as follows:

- Int. No. 814 defined the term “unemployment status” as one’s “current or recent unemployment.” The Administration found the definition to be ambiguous, undefined, and an unnecessary expansion of the bill’s scope.²⁰ In order to address this concern and to make it clear who would be able to seek relief under these provisions of the Human Rights Law, the terms “unemployed” and “unemployment” are defined in Proposed Int. No. 814-A as “not having a job, being available for work, and seeking employment.”
- Int. No. 814 contained language prohibiting employers from basing employment decisions on an individual’s unemployment in the context of termination, promotion, demotion, and discipline. The prohibitions set forth in Proposed Int. No. 814-A are narrower, however, and would only apply to employment decisions related to hiring, compensation or the terms, conditions or privileges of employment.
- Int. No. 814 included an exemption for employers who consider unemployment status information where it is “substantially job related” and “where the employer has a bona fide reason for doing so.” In order to address any concerns that these are two different standards that provide inadequate guidance to employers,²¹ this section has been changed. Proposed Int. No. 814-A only contains the “substantially job-related” standard.
- Recognizing that, unlike race, there might be valid reasons for an employer to consider an applicant’s unemployment, circumstances in which an employer would be permitted to consider an applicant’s unemployment are set forth in Proposed Int. No. 814-A. Specifically, Proposed Int. No. 814-A would explicitly permit employers to consider, among other things, substantially job-related qualifications when making employment decisions; advertise job openings that include substantially job-related qualifications; give priority to applicants currently employed by the employer; and make employment decisions based on an applicant’s actual experience.
- In order to harmonize the prohibition on unemployment discrimination with certain other laws, section three of Proposed Int. No. 814-A provides, among other things, that the provisions of the City Human Rights Law related to unemployment-based discrimination would not apply to certain employment actions taken by the City’s Department of Citywide Administrative Services pursuant to the City’s Charter or in administering the Civil Service Law and other applicable laws.
- Recognizing the fact that litigation, and its risk, are a more significant risk for smaller businesses, Proposed Int. No. 814-A would exempt businesses with fewer than four employees from

for the Lower Ma_____

¹⁵ Written Testimony of Mitchell Hirsch, National Employment Law Project, before the Committee on Civil Rights, 3 (June 20, 2012) (on file with Committee Staff).

¹⁶ Written Testimony of Karen Cacace, Employment Law Unit, The Legal Aid Society, before the Committee on Civil Rights, 2 (June 20, 2012) (on file with Committee Staff).

¹⁷ Int. No. 814, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on one’s unemployment status, before the Committee on Civil Rights, 37, 40 (June 20, 2012) (testimony of Mitchell Hirsch, NELP, and Karen Cacace, The Legal Aid Society).

¹⁸ *Id.* at 37 (testimony of Mitchell Hirsch, NELP).

¹⁹ Written Testimony of Bill Heinzen, Deputy Counselor to the Mayor, Office of Mayor Bloomberg, 1 (June 20, 2012) (on file with Committee Staff).

²⁰ *Id.* at 3.

²¹ *Id.* at 4.

being subject to private actions for unemployment based discrimination claims and disparate impact claims. These small businesses would, however, be subject to the prohibition against discriminatory advertising under Proposed Int. No. 814-A.

- Proposed Int. No. 814-A would give the Commission the authority to educate the public on their rights and obligations with regard to unemployment discrimination in order to ensure the adequate and appropriate dissemination of information.

IV. Effective Date

This local law would take effect 90 days after its enactment into law.

V. Penalties

Pursuant to Proposed Int. No. 814-A, an individual who believes that he or she has been unlawfully discriminated against on the basis of his or her unemployment may bring an action in court for damages, injunctive relief and other appropriate remedies,²² or make a complaint to the Commission on Human Rights.²³ Upon a finding that an employer has engaged in an unlawful discriminatory practice in violation of the City Human Rights Law, the Commission may issue an order to the employer to “cease and desist” the unlawful discriminatory practice.²⁴ In addition, the Commission could require the employer to hire a prospective employee; award back pay and front pay; or pay compensatory damages, among other things.²⁵ Failure to comply with such an order may result in a civil penalty of no more than \$50,000 and an additional civil penalty of no more than \$100 per day.²⁶ Should the Commission find that an employer engaged in an unlawful discriminatory practice, it may impose a civil penalty of \$125,000.²⁷ If the unlawful discriminatory practice resulted from the employer’s “willful, wanton or malicious act,” the Commission may impose a civil penalty of not more than \$250,000.²⁸ Should a person willfully violate an order of the Commission, he or she may be guilty of a misdemeanor that is punishable by imprisonment for not more than one year, or by a fine of not more than \$10,000, or by both.²⁹

(The following is the text of the Fiscal Impact Statement for Int. No. 814-A:)



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

INTRO. NO.: 814-A
 COMMITTEE: Civil Rights

TITLE: To amend the administrative code of the city of New York, in relation to prohibiting discrimination based on an individual’s unemployment.

SPONSOR(S): By Council Members Comrie, Gentile, the Speaker (Council Member Quinn), Barron, Cabrera, Chin, Dickens, Dromm, Eugene, Ferreras, Gonzalez, Jackson, James, Koo, Koppell, Lander, Levin, Palma, Reyna, Rose, Vann, Williams, Rodriguez, Foster, Arroyo, Van Bramer, Vacca, Mark-Viverito, Garodnick, Brewer, Wills, Koslowitz, King, Lappin, Gennaro, Ulrich and Mealy

for the Lower Ma_____

²² Admin. Code §8-502.
²³ Admin. Code §8-109.
²⁴ Admin. Code §8-120(a).
²⁵ *Id.*
²⁶ Admin. Code §8-124.
²⁷ Admin. Code §8-126(a).
²⁸ *Id.*
²⁹ Admin. Code §8-129.

SUMMARY OF LEGISLATION: Int. No. 814-A would amend the City’s Human Rights Law to make it an unlawful discriminatory practice for employers to base hiring decisions on an applicant’s unemployment absent a substantially job-related reason for doing so and, to indicate in an advertisement for a job opening that being currently employed is a requirement for the job or individuals who are unemployed will not be considered for the position. As it relates to an employer’s hiring decisions the legislation would apply only to employers with at least four employees. All employers irrespective of the number of employees would be required to adhere to the advertisement guidelines. Proposed Int. No. 814-A would also define the terms “unemployed” and “unemployment” to mean “not having a job, being available for work and seeking employment.”

Under Int. No. 814-A, employers would be permitted to inquire into the circumstances surrounding an applicant’s separation from prior employment; consider, among other things, substantially job-related qualifications when making employment decisions; advertise job openings that include substantially job-related qualifications; give priority to applicants currently employed by the employer; and make employment decisions based on an applicant’s actual experience.

Pursuant to Int. No. 814-A, an individual who believes that he or she has been unlawfully discriminated against on the basis of his or her unemployment could make a complaint to the Commission on Human Rights (CHR) or bring an action in court. At the discretion of the Commissioner if the employer fails to comply with its order for violating the law, the Commission may: 1) issue a civil penalty of no more than \$50,000 and an additional civil penalty of no more than \$100 per day; 2) impose a civil penalty of \$125,000, if an employer engaged in an unlawful discriminatory practice or; 3) impose a civil penalty of not more than \$250,000, if the unlawful discriminatory practice resulted from the employer’s “willful, wanton or malicious act.” Should a person willfully violate an order of the CHR, he or she will be guilty of a misdemeanor and be punishable by imprisonment for not more than one year, or by a fine of not more than \$10,000, or by both. In addition, Proposed Int. No. 814-A would require the CHR to educate the public on their rights and obligations with regard to unemployment discrimination.

Int. No. 814-A would authorize the CHR to educate the public on their rights and obligations with regard to unemployment discrimination in order to ensure the adequate and appropriate dissemination of information.

EFFECTIVE DATE: This local law shall take effect ninety days after it shall have been enacted into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY14
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be no impact on revenues from the enactment of this legislation. The fines are meant to deter certain behavior and ensure compliance, not generate revenues.

IMPACT ON EXPENDITURES: The Finance Division expects that CHR could carry out the mandates of this legislation using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: NA

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Eisha N. Wright, Unit Head

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director, and Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Introduced by City Council and referred to the Committee on Civil Rights as Int. No. 814 on March 28, 2012. On June 20, 2012 the Committee held a hearing and the bill was laid over. The Committee passed an amended version of the bill, Proposed Int. No. 814-A, on January 20, 2013, and the Full Council passed this amended version On January 23, 2013. On February 22, 2013, the Mayor issued a message of disapproval, vetoing the legislation. (See attached). That veto message was formally accepted by the Council at its Stated meeting held on February 27, 2013. The Committee and Full Council will re-pass the legislation notwithstanding the objections of the Mayor as Int. No. 814-A on March 13, 2013 and will file the veto message of Mayor Michael Bloomberg, M 1047.

Accordingly, this Committee recommends the re-passage of Int No. 814-A, notwithstanding the objection of the Mayor.

(The following is the text of Int. No. 814-A:)

Int. No. 814-A

By Council Members Comrie, Gentile, the Speaker (Council Member Quinn), Barron, Cabrera, Chin, Dickens, Dromm, Eugene, Ferreras, Gonzalez, Jackson, James, Koo, Koppell, Lander, Levin, Palma, Reyna, Rose, Vann, Williams, Rodriguez, Foster, Arroyo, Van Bramer, Vacca, Mark-Viverito, Garodnick, Brewer, Wills, Koslowitz, King, Lappin, Gennaro, Ulrich and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on an individual's unemployment.

Be it enacted by the Council as follows:

Section 1. Subdivision 5 of section 8-102 of chapter one of title eight of the administrative code of the city of New York, as amended by local law 39 of 1991, is amended to read as follows:

5. For purposes of subdivisions one, two, [and] three, *subparagraph one of paragraph a of subdivision twenty-one, and paragraph e of subdivision twenty-one* of section 8-107 of this chapter, the term "employer" does not include any employer with fewer than four persons in his or her employ. For purposes of this subdivision, natural persons employed as independent contractors to carry out work in furtherance of an employer's business enterprise who are not themselves employers shall be counted as persons in the employ of such employer.

§2. Section 8-102 of chapter one of title eight of the administrative code of the city of New York, as amended by local law number 36 for the year 2011, is amended by adding a new subdivision 27 to read as follows:

27. The terms "unemployed" or "unemployment" shall mean not having a job, being available for work, and seeking employment.

§3. Section 8-107 of chapter one of title eight of the administrative code of the city of New York, as amended by local law number 39 for the year 1991, is amended by adding a new subdivision 21 to read as follows:

21. *Employment; an individual's unemployment.* a. *Prohibition of discrimination based on an individual's unemployment.*

(1) *Except as provided in paragraphs b and c of this subdivision, an employer, employment agency, or agent thereof shall not base an employment decision with regard to hiring, compensation or the terms, conditions or privileges of employment on an applicant's unemployment.*

(2) *Unless otherwise permitted by city, state or federal law, no employer, employment agency, or agent thereof shall publish, in print or in any other medium, an advertisement for any job vacancy in this city that contains one or more of the following:*

(a) *Any provision stating or indicating that being currently employed is a requirement or qualification for the job;*

(b) *Any provision stating or indicating that an employer, employment agency, or agent thereof will not consider individuals for employment based on their unemployment.*

b. *Effect of subdivision.* (1) *Paragraph a of this subdivision shall not be construed to prohibit an employer, employment agency, or agent thereof from (a) considering an applicant's unemployment, where there is a substantially job-related reason for doing so; or (b) inquiring into the circumstances surrounding an applicant's separation from prior employment.*

(2) *Nothing set forth in this subdivision shall be construed as prohibiting an employer, employment agency, or agent thereof, when making employment decisions with regard to hiring, compensation, or the terms, conditions or privileges of employment, from considering any substantially job-related qualifications, including but not limited to: a current and valid professional or occupational license; a certificate, registration, permit, or other credential; a minimum level of education or training; or a minimum level of professional, occupational, or field experience.*

(3) *Nothing set forth in this subdivision shall be construed as prohibiting an employer, employment agency, or agent thereof from publishing, in print or in any other medium, an advertisement for any job vacancy in this city that contains any provision setting forth any substantially job-related qualifications, including but not limited to: a current and valid professional or occupational license; a certificate, registration, permit, or other credential; a minimum level of education or training; or a minimum level of professional, occupational, or field experience.*

(4)(a) *Nothing set forth in this subdivision shall be construed as prohibiting an employer, employment agency, or agent thereof, when making employment decisions with regard to hiring, compensation, or the terms, conditions or privileges of employment, from determining that only applicants who are currently employed by the employer will be considered for employment or given priority for employment or with respect to compensation or terms, conditions or privileges of employment. In addition, nothing set forth in this subdivision shall prevent an employer from setting compensation or terms or conditions of employment for a person based on that person's actual amount of experience.*

(b) *For the purposes of this subparagraph, all persons whose salary or wages are paid from the city treasury, and all persons who are employed by public agencies or entities headed by officers or boards including one or more individuals*

appointed or recommended by officials of the city of New York, shall be deemed to have the same employer.

c. *Applicability of subdivision.* (1) *This subdivision shall not apply to: (a) actions taken by the New York city department of citywide administrative services in furtherance of its responsibility for city personnel matters pursuant to chapter thirty-five of the charter or as a municipal civil service commission administering the civil service law and other applicable laws, or by the mayor in furtherance of the mayor's duties relating to city personnel matters pursuant to chapter thirty-five of the charter, including, but not limited to, the administration of competitive examinations, the establishment and administration of eligible lists, and the establishment and implementation of minimum qualifications for appointment to positions;*

(b) *actions taken by officers or employees of other public agencies or entities charged with performing functions comparable to those performed by the department of citywide administrative services or the mayor as described in paragraph one of this subdivision;*

(c) *agency appointments to competitive positions from eligible lists pursuant to subsection one of section sixty-one of the state civil service law; or*

(d) *the exercise of any right of an employer or employee pursuant to a collective bargaining agreement.*

(2) *This subdivision shall apply to individual hiring decisions made by an agency or entity with respect to positions for which appointments are not required to be made from an eligible list resulting from a competitive examination.*

d. *Public education campaign.* *The commission shall develop courses of instruction and conduct ongoing public education efforts as necessary to inform employers, employment agencies, and job applicants about their rights and responsibilities under this subdivision.*

e. *Disparate impact.* *An unlawful discriminatory practice based on disparate impact under this subdivision is established when: (1) the commission or a person who may bring an action under chapter four or five of this title demonstrates that a policy or practice of an employer, employment agency, or agent thereof, or a group of policies or practices of such an entity results in a disparate impact to the detriment of any group protected by the provisions of this subdivision; and (2) such entity fails to plead and prove as an affirmative defense that each such policy or practice has as its basis a substantially job-related qualification or does not contribute to the disparate impact; provided, however, that if the commission or such person who may bring an action demonstrates that a group of policies or practices results in a disparate impact, the commission or such person shall not be required to demonstrate which specific policies or practices within the group results in such disparate impact; provided further, that a policy or practice or group of policies or practices demonstrated to result in a disparate impact shall be unlawful where the commission or such person who may bring an action produces substantial evidence that an alternative policy or practice with less disparate impact is available to such entity and such entity fails to prove that such alternative policy or practice would not serve such entity as well. A "substantially job-related qualification" shall include, but not be limited to, a current and valid professional or occupational license; a certificate, registration, permit, or other credential; a minimum level of education or training; or a minimum level of professional, occupational, or field experience.*

§4. This local law shall take effect ninety days after it shall have been enacted into law.

DEBORAH L. ROSE Chairperson; JULISSA FERRERAS, MARGARET S. CHIN, JAMES G. VAN BRAMER, ANDY KING; Committee on Civil Rights, March 13, 2013.

Coupled for an Override Vote.

Report for M-1047

Report of the Committee on Civil Rights in favor of filing a Communication from the Mayor regarding the Mayor's veto and disapproval message of Introductory Number 814-A, in relation to prohibiting discrimination based on an individual's unemployment.

The Committee on Civil Rights, to which the annexed communication was referred on February 27, 2013 (Minutes, page 279), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Civil Rights for Int No. 814-A printed above in these Minutes)

Accordingly, this Committee recommends the filing of M-1047 (the Mayor's Veto and Disapproval Message of Int No. 814-A)

DEBORAH L. ROSE Chairperson; JULISSA FERRERAS, MARGARET S. CHIN, JAMES G. VAN BRAMER, ANDY KING; Committee on Civil Rights, March 13, 2013.

Coupled to be Filed.

Reports of the Committee on Finance

Report for Int. No. 964

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 Myrtle Avenue business improvement district to authorize additional services and modify existing services for the district.

The Committee on Finance, to which the annexed proposed local law was referred on November 13, 2012 (Minutes, page 4209), respectfully

REPORTS:**Background**

This proposed local law would authorize amending the district plan of the Myrtle Avenue business improvement district to authorize additional services and modify existing services for the district. This change would be effective as of October 1, 2011.

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 February 27, 2013, the City Council adopted Proposed Resolution 1652-A, which set Wednesday, March 13, 2013 as the hearing date to consider amendments to the Myrtle Avenue BID district plan.

Int. 964

Int. 964 authorizes additional services and modifying existing services for the district. The Myrtle Avenue business improvement district was established in 1988 to provide supplemental services within the district. Over time, the district's needs related to certain services have changed. The local law would authorize additional services and modify existing services in the district. The changes would result in the discontinuance of the maintenance program and the addition of sanitation and graffiti removal services in place of that program, additional security and promotional services, and additional holiday and seasonal decorations.

Pursuant to BID law, Int. 964 may be adopted by the City Council after a determination that it is in the public interest to authorize such change in services.

(The following is the text of the Fiscal Impact Statement for Int. No. 964:)

THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISIONPRESTON NBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO: 964
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 Myrtle Avenue business improvement district to authorize additional services and modify existing services for the district.

SPONSOR(S): Recchia, Arroyo, James and Koo (by request of the Mayor)

SUMMARY OF LEGISLATION: Int. 964 amends chapter five of title 25 of the administrative code of the city of New York by adding a new section 25-424.1 to authorize additional services and modify existing services for the district. The local law would authorize additional services and modify existing services in the district. The changes would result in the discontinuance of the maintenance program and the addition of sanitation and graffiti removal services in place of that program, additional security and promotional services, and additional holiday and seasonal decorations.

EFFECTIVE DATE: This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of October 1, 2011.

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

FISCAL IMPACT STATEMENT:

	Effective FY1	FY Succeeding Effective FY1	Full Fiscal Impact FY14
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. Int. 964 changes the services offered in the district, without increasing the current assessment. Moreover, 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 Myrtle Avenue 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 or revenues.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: NYC COUNCIL FINANCE DIVISION

ESTIMATE PREPARED BY: Tanisha Edwards, Finance Counsel

ESTIMATED REVIEWED BY: Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Int.964 was introduced to the Full Council and referred to the Committee on Finance on November 13, 2012. On March 13, 2013, Int. 964 will be considered by the Committee, and immediately following a successful committee vote, Int. 964 will be voted on by the Full Council at the Stated Meeting.

DATE SUBMITTED TO COUNCIL: NOVEMBER 13, 2012

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 964:)

Int. No. 964

By Council Members Recchia, Arroyo, James and Koo (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 Myrtle Avenue business improvement district to authorize additional services and modify existing services for the district.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-424.1 to read as follows:

§ 25-424.1 Myrtle Avenue business improvement district; amendment 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 services and modify existing services for the Myrtle Avenue business improvement district, 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 changes, there are hereby authorized in the Myrtle Avenue

business improvement district such changes as 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 services and modification of existing services authorized by subdivision a of this section.

§ 2. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of October 1, 2011.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, March 13, 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. 965

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 Hub Third Avenue business improvement district to add services and capital improvements and modify existing services in the district, to change the method of assessment upon which the district charge is based and to increase the maximum total amount to be expended for improvements in the district.

The Committee on Finance, to which the annexed proposed local law was referred on November 13, 2012 (Minutes, page 4210), respectfully

REPORTS:

Background

This proposed local law would authorize amending the district plan of the HUB Third Avenue business improvement district to authorize to add services and capital improvements, modify existing services in the district, change the method of assessment upon which the district charge is based, and increase the maximum total amount to be expended for capital improvements in the district. This change would be effective as of January 1, 2012. 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 February 27, 2013, the City Council adopted Proposed Resolution 1651-A, which set Wednesday, March 13, 2013 as the hearing date to consider amendments to the HUB Third Avenue BID district plan.

Int. 965

Int. 965 authorizes:

- 1) additional services and the modification of existing services within the district;
- 2) a change the method of assessment upon which the district charge is based; and
- 3) an increase the maximum total amount to be expended for capital improvements in the district.

1. Additional Services/Modifying Existing Services

The Hub Third Avenue business improvement district was established in 1988 to provide supplemental services within the district. Over time, the district's needs related to certain services have changed. This bill would authorize additional services, and modify existing services. The changes in services would result in the modification of the public safety, sanitation, and promotion and marketing programs and the addition of a community service program. For additional details, see the appended District Plan.

2. Increasing amount to be expended for improvement

The addition of a capital improvement program will provide for street and sidewalk amenities within the district. The maximum cost of improvements to be expended in the BID will be set at \$3 million.

3. Change in the Method of Assessment

In order to finance the capital improvements, the Hub Third Avenue District Management Association will change the method of assessment for Class B property (vacant property) to an amount equal to 68% of the Class A Front Footage Rate. Class C residential use will continue to be charged a flat fee of \$1.00 per year, and Class D "tax exempt" properties will continue to be excluded from assessments.

Tax and Debt Limitations

Pursuant to section 25-412 of the Administrative Code, the aggregate amount of outstanding indebtedness that is incurred to provide funds for capital improvements and that is chargeable against the property within the district may not exceed seven percent of the average full valuation of taxable real property in the district.

For Fiscal Year 2013, the average full valuation of taxable real property in the district is \$52,715,779. Seven percent of such amount is \$3,690,105. The proposed amount of capital improvements that will be chargeable against the property within the district is less than the limits prescribed in section 25-412, and therefore in compliance with the requirements set forth therein.

(The following is the text of the Fiscal Impact Statement for Int. No. 965:)



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

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

FISCAL IMPACT STATEMENT

INTRO. NO: 965

**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 Hub Third Avenue business improvement district to add services and capital improvements and modify existing services in the district, to change the method of assessment upon which the district charge is based and to increase the maximum total amount to be expended for improvements in the district.

SPONSOR(S): Recchia, Arroyo, Cabrera, James and Koo (by request of the Mayor)

SUMMARY OF LEGISLATION: Int. 965 amends chapter five of title 25 of the administrative code of the city of New York by adding a new section 25-434.1 to:

- 1) add and modify existing services within the district;
- 2) increase the maximum total amount to be expended for capital improvements in the district; and
- 3) change the method of assessment upon which the district charge is based.

1. Additional Services/Modifying Existing Services

The Hub Third Avenue business improvement district was established in 1988 to provide supplemental services within the district. Over time, the district's needs related to certain services have changed. This bill would authorize additional services, and modify existing services. The changes in services would result in the modification of the public safety, sanitation, and

promotion and marketing programs and the addition of a community service program. For additional details, see the appended District Plan.

2. *Increasing amount to be expended for improvement*

The addition of a capital improvement program will provide for street and sidewalk amenities within the district. The maximum cost of improvements to be expended in the BID will be set at \$3 million.

3. *Change in the Method of Assessment*

In order to finance the capital improvements, the Hub Third Avenue District Management Association will change the method of assessment for Class B property (vacant property) to an amount equal to 68% of the Class A Front Footage Rate. Class C residential use will continue to be charged a flat fee of \$1.00 per year, and Class D “tax exempt” properties will continue to be excluded from assessments.

EFFECTIVE DATE: This local law shall take effect upon compliance with the BID Law and shall be retroactive to and deemed to have been in full force and effect as of January 1, 2012.

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

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY14
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. Int. 965 changes the services offered in the district, without increasing the current assessment. Moreover, 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 Hub Third Avenue 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

ESTIMATED REVIEWED BY: Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Int.965 was introduced to the Full Council and referred to the Committee on Finance on November 13, 2012. On March 13, 2013, Int. 965 will be considered by the Committee, and immediately following a successful committee vote, Int. 965 will be voted on by the Full Council at the Stated Meeting.

DATE SUBMITTED TO COUNCIL: NOVEMBER 13, 2012

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 965:)

Int. No. 965

By Council Members Recchia, Arroyo, Cabrera, James and Koo (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 Hub Third Avenue business improvement district to add services and capital improvements and modify existing services in the district, to change the method of assessment upon

which the district charge is based and to increase the maximum total amount to be expended for improvements in the district.

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 25-434.1 to read as follows:

§ 25-434.1 *Hub Third Avenue 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 services and capital improvements and modify existing services in the Hub Third Avenue business improvement district and to authorize a change in the method of assessment upon which the district charge in the Hub Third Avenue business improvement district is based, 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 changes, there are hereby authorized in the Hub Third Avenue business improvement district such changes as set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision c of this section.*

b. The city council having determined, pursuant to subdivision c of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the maximum total amount to be expended for improvements in the district, 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 change, there is hereby authorized in the Hub Third Avenue business improvement district such change as set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision c of this section.

c. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan setting forth the additional services and capital improvements and modification of existing services and containing the change in the method of assessment authorized by subdivision a of this section and the increase in the maximum total amount to be expended for improvements authorized by subdivision b of this section.

§ 2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York and shall be retroactive to and deemed to have been in full force and effect as of January 1, 2012.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, March 13, 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 Preconsidered Res. No. 1674

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

The Committee on Finance, to which the annexed resolution was referred on March 13, 2013, respectfully

REPORTS:

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

Analysis. This Resolution, dated March 13, 2013, approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2013 and Fiscal 2012 Expense Budgets, and approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in such budgets, and amends the description for the Description/Scope of Services of certain organizations receiving local, aging and youth discretionary funding in accordance with the Fiscal 2013 Expense Budget.

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

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2013 Expense Budget, as described in Chart 1; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2013 Expense Budget, as described in Chart 2; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2013 Expense Budget, as described in Chart 3; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2013 Expense Budget, as described in Charts 4-8; and amends the description for the Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding pursuant to the Fiscal 2013 Expense Budget as described in chart 9; and amends the description for the Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding pursuant to the Fiscal 2013 Expense Budget as described in chart 10.

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

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget.

Chart 2 sets forth the new designation and changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2013 Expense Budget.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget.

Chart 4 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Medical Services in Adult Shelters Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 6 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to Out of School Time Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 8 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 9 amends the description for the Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2013 Expense Budget.

Chart 10 amends the description for the Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2012 Expense Budget.

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

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

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

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1674:)

Res. No. 1674

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

By Council Members Recchia and Koslowitz.

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

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Medical Services in Adult Shelters Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to Out of School Time Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 10; and be it further

ATTACHMENT:

CHART 1: Local Initiatives - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Conduit EIN *
Comrie	Zeta Zeta Lambda Alpha Phi Alpha Youth Programs, Inc.	11-2872641	DYCD	(\$5,000.00)	260	312		
Comrie	Alpha Phi Alpha Senior Citizens Center, Inc.	23-7436147	DYCD	\$5,000.00	260	312		
Comrie	Metropolitan New York Coordinating Council on Jewish Poverty, Inc. **	13-2738818	DFTA	(\$10,000.00)	125	003		
Racchia	Gravesend Athletic Association **	11-3019763	DYCD	(\$50,000.00)	260	312		
Racchia	Gravesend Athletic Association **	13-3530299	DOHMH	(\$50,000.00)	816	121		
CC	Comunilla, Inc. **	13-3530299	DYCD	\$50,000.00	260	005		
CC	Comunilla, Inc. **	13-2654267	DSBS	(\$7,000.00)	801	002		
Dickens	Empire State Development Corporation Empire State Development Corporation dba Empire State Development Corporation - Helem Community Development	13-2624267	DSBS	\$7,000.00	801	002		
Dickens	Empire State Development Corporation Empire State Development Corporation dba Empire State Development Corporation - Helem Community Development	13-2624267	DSBS	(\$5,000.00)	801	002		
Vivento	Development Corporation - Helem Community Development Corporation	13-2624267	DSBS	\$5,000.00	801	002		
Vivento	Development Corporation - Helem Community Development Corporation	13-2624267	DSBS	\$5,000.00	801	002		
Van Brumer	Doa Fund, Inc., The **	13-3412940	DYCD	(\$1,000.00)	260	005		
Van Brumer	Doa Fund, Inc., The **	13-3412940	DHS	\$1,000.00	071	200		
Lander	Middle School 442K **	13-640434	DOE	(\$5,000.00)	040	402		
Lander	Old Stone House of Brooklyn **	11-3062636	DYCD	\$5,000.00	260	005		
James	Uganda Tenants Association	11-3062636	NYCHA	(\$3,500.00)	086	002		
James	Uganda Tenants Association	46-2719362	NYCHA	\$3,500.00	086	002		
Senior Centers and Programs	Aging in America Community Services, Inc. - Glebe Senior Center	13-4089045	DFTA	(\$42,000.00)	125	003		
Restoration	District Attorney-Kings **	13-640434	DABK	\$10,000.00	903	002		
CC/Eugene	District Attorney-Kings **	13-640434	DABK	\$10,000.00	903	002		
CC/Williams	District Attorney-Kings **	13-640434	DABK	\$10,000.00	903	002		
Gonzalez	Kentler International Drawing Space, Inc. **	11-3621388	DCLA	\$3,500.00	126	003		
Gonzalez	Brooklyn Arts Council, Inc. **	23-7072915	DCLA	\$10,000.00	126	003		
Gonzalez	Margaret's Breast and Cervical Cancer Survivors Support Group, Inc.	26-4247281	DOHMH	\$3,500.00	816	113		
Gonzalez	United Puerto Rican Organizations of Sunset Park (UPROSE), Inc.	11-2480531	DFTA	\$5,000.00	125	003		
Gonzalez	City Parks Foundation	13-3661667	DPR	(\$3,500.00)	848	006		
Quinn	Department of Parks and Recreation - Friends of Vesuvio Playground	13-640434	DPR	\$3,500.00	848	006		

* Indicates pending completion of pre-qualification review.
** Requires a budget modification for the changes to take effect

CHART 2: Aging Initiatives - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Conduit EIN *
Messy	New York City Housing Authority - Marcus Garvey Senior Center	13-640434	DFTA	(\$28,000.00)	125	003		
Messy	Wingside Out-Reach Development, Inc. (WORD) - Rosetta Gaston Senior Center	11-3268660	DFTA	\$28,000.00	125	003		

* Indicates pending completion of pre-qualification review.

CHART 3: Youth Initiatives - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Conduit EIN *
Jackson	Girlz Vacation Fund, Inc. (d/b/a Girls Quest)	13-1954024	DYCD	(\$3,500.00)	260	312		
Jackson	Doing Art Together, Inc.	13-3383579	DYCD	\$3,500.00	260	312		

* Indicates pending completion of pre-qualification review.

CHART 4: Medical Services in Adult Shelters - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A
Care for the Homeless **		13-3666994	HRA	(\$255,854.26)	069	101
Covenant House **		13-3076376	HRA	(\$63,874.30)	069	101
Damian Family Care Centers Inc. **		22-3433831	HRA	(\$139,242.29)	069	101
Harlem United Community Aids Center Inc. **		13-3461695	HRA	(\$95,165.73)	069	101
Sunset Park Health Council Inc. dba Lutheran Family Health Centers **		20-2508411	HRA	(\$133,770.04)	069	101
Monifore Medical Center - New York Children's Health Project **		13-1740114	HRA	(\$63,736.16)	069	101
Project Renewal, Inc. **		13-2602862	HRA	(\$303,149.87)	069	101
William F. Ryan Community Health Center, Inc. **		13-2884976	HRA	(\$63,736.16)	069	101
Floating Hospital **		13-1624169	HRA	(\$91,471.19)	069	101
Health and Hospitals Corporation **		13-640434	HHHC	\$1,200,000.00	819	001

* Indicates pending completion of pre-qualification review.
** Requires a budget modification for the changes to take effect

CHART 6: OST - Fiscal 2013

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Brooklyn Community Services - Public School 306 - Elhan Allen Elementary School	11-1630780	DYCD	(\$40,000.00)	260	312
Brooklyn Community Services - Public School 306 - Elhan Allen Middle School	11-1630780	DYCD	\$40,000.00	260	312

* Indicates pending completion of pre-qualification review.

CHART 5: Immigrant Opportunities Initiative - Fiscal 2013

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Brooklyn Adult Learning Center**	11-2149962	DYCD	(\$13,674.00)	260	005
Brooklyn Adult Learning Center**	13-5400434	DOE	\$13,674.00	040	402

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART 8: Anti-Gun Violence Initiative - Fiscal 2013

Organization	EIN Number	Agency	Amount	Agy #	UJA *
GMO Network	27-4881378	DOHMH	(\$35,000.00)	816	120
Fund for the City of New York, Inc. - Center for Court Innovation	13-2612524	DOHMH	\$35,000.00	816	120

* Indicates pending completion of pre-qualification review.

CHART 7: HIV/AIDS Faith Based Initiative - Fiscal 2013

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Trinity Lutheran Parish	13-1987477	DOHMH	(\$6,400.00)	816	112
Primitive Christian Church/Vision Urbana (AKA "Iglesia Primitiva")	13-3848575	DOHMH	\$6,400.00	816	112

* Indicates pending completion of pre-qualification review.

CHART 9: Purpose of Funds Changes - Fiscal 2013

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	Recchia	Kidney and Urology Foundation of America	13-1777413	DOHMH	\$4,000.00	The Kidney & Urology Foundation focuses on care and support of the patient, the concerns of those at risk, education for the community and medical professionals, methods of prevention, and improved treatment options. This grant will defray the costs of the Kidney & Urology Foundation's annual Kidney & Urology Day at Central Park which will help raise funds and to underscore the growing need for organ donors and serves as a platform for organ donor awareness.
Local	CC	OHEL Children's Home and Family Services, Inc.	11-6078704	DOHMH	\$110,000.00	To provide services to people with mental illness. Education, housing, case management, crisis intervention, counseling, and training for independent living.
Youth	Arroyo	South Bronx Overall Economic Development Corporation	13-2736022	DYCD	\$10,000.00	To support their ongoing youth programming.
Local	CC	Council for Unity, Inc.	11-2880221	DYCD	\$4,242.00	Funding is for youth violence and bullying prevention, conflict mediation and college preparation for at risk NYC youth.
Local	CC	Council for Unity, Inc.	11-2880221	DYCD	\$80,758.00	Funding is for youth violence and bullying prevention, conflict mediation and college preparation for at risk NYC youth.
Local	CC	Council for Unity, Inc.	11-2880221	DYCD	\$85,000.00	Funding is for youth violence and bullying prevention, conflict mediation and college preparation for at risk NYC youth.
Local	Dickens	NYS Urban Development Corporation dba Empire State Development Corporation - Harlem Community Development Corporation	13-2624287	DSBS	\$7,000.00	Funding will provide focused and intense technical assistance to small business owners and micro entrepreneurs including business seminars and one-to-one consulting by the Harlem Community Development Corporation.
Local	Viverito	Empire State Development Corporation - Harlem Community Development Corporation	13-2624287	DSBS	\$5,000.00	Funding will provide focused and intense technical assistance to small business owners and micro entrepreneurs including business seminars and one-to-one consulting by the Harlem Community Development Corporation.
Local	Quinn	Department of Parks and Recreation - Vesuvio Playground	13-6400434	DPR	\$3,500.00	Funding will be used to support Cooking Matters courses, a ground-breaking nutrition education program that helps students and families by teaching them how to prepare healthy, low-cost meals and receive the most nutrition from a low-cost budget.
Youth	Lander	Wellness in the Schools, Inc.	25-1919494	DYCD	\$3,500.00	Funding will be used to support Cooking Matters courses, a ground-breaking nutrition education program that helps students and families by teaching them how to prepare healthy, low-cost meals and receive the most nutrition from a low-cost budget.

* Indicates pending completion of pre-qualification review.

CHART 10: Purpose of Funds Changes - Fiscal 2012

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	Brewer	Wellness in the Schools, Inc.	25-1919494	DYCD	\$2,000.00	Funding will be used to support Cooking Matters courses, a ground-breaking nutrition education program that helps students and families by teaching them how to prepare healthy, low-cost meals and receive the most nutrition from a low-cost budget.
Youth	Lander	Wellness in the Schools, Inc.	25-1919494	DYCD	\$3,500.00	Funding will be used to support Cooking Matters courses, a ground-breaking nutrition education program that helps students and families by teaching them how to prepare healthy, low-cost meals and receive the most nutrition from a low-cost budget.
Youth	Brewer	Wellness in the Schools, Inc.	25-1919494	DYCD	\$2,000.00	Funding will be used to support Cooking Matters courses, a ground-breaking nutrition education program that helps students and families by teaching them how to prepare healthy, low-cost meals and receive the most nutrition from a low-cost budget.

* Indicates pending completion of pre-qualification review.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, March 13, 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 Preconsidered M-1059

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget regarding the transfer of City funds between various agencies in Fiscal Year 2013 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-2).

The Committee on Finance, to which the annexed resolution was referred on March 13, 2013, respectfully

REPORTS:

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on March 8, 2012, the Committee on Finance received a communication, dated March 8, 2013, from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto (the "Modification"), to modify units of appropriation and transfer city funds in the amount of \$526,142,717 between various agencies in the FY 2013 expense budget as adopted by the Council on June 28, 2012, pursuant to Section 107(b) of the New York City Charter (the "Charter").

Analysis. The Council annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 28, 2012, the Council adopted the expense budget for FY 2013 (the "FY 2013 Expense Budget"). This Modification reallocates appropriations that were reflected in the FY 2013 Expense Budget to fund City Council local initiatives as well as other discretionary programs. The net effect of this modification is zero.

The expense budget modification implements actions outlined in the November and January Financial Plans, as modified by agreement between the Mayor and the Council to restore certain PEGs proposed by the Mayor in the November Plan. In total, the modification transfers \$526 million in City funds between agencies and units of appropriation — reducing overall agency spending in FY 2013 by \$336 million which is transferred to the General Reserve.

November Plan

The November Financial Plan First Quarter Modification recognized \$204 million in new tax and non-tax revenues, including \$113 million from tax audits by the Department of Finance. At the same time, however, pursuant to a State Supreme Court decision invalidating the State's enactment of the Mayor's five-borough tax plan, the plan deferred recognition of revenues from the sale of taxi medallions, moving the \$635 million expected in FY 2013 to FY 2014, 2015, and FY 2016 (the decision is currently on appeal). This more than offset the change in the tax forecast, creating a \$431 million shortfall in revenues for FY 2013.

Adding to the gap in the current year, the November plan recognized \$123 million in new spending needs. The largest item was \$47 million for shelter costs in the Department of Homeless Services mostly due to an increase in the average length of stay in shelter.

Program to Eliminate the Gap

To address the gap created by the deferral of taxi medallion revenues and new spending needs, the November Plan proposed Program to Eliminate the Gap (PEG) actions totaling \$555 million -- \$446 million in expense budget savings, and \$109 million in revenue-side actions.

In general, the FY 2013 PEGs have a limited impact on services, relying to a large extent on increased state and federal grant reimbursements, accruals (unspent funds), attrition and elimination of vacant personnel lines, and unspecified "administrative efficiencies." The Department of Education took \$98.5 million in savings related to Special Education services, and the City also took \$29.2 million in savings from debt service refinancing and lower interest rates for new issuances.

A few actions were more significant in terms of their impact, and the Council negotiated restorations to several of the PEGs proposed by the Mayor that would have taken effect in the current fiscal year:

- The Department of Transportation proposed increasing rates for permit-holders at municipal garages and parking fields by as much as 233%. The

administration agreed to limit increases to a maximum of 20%.

- The Department of Education proposed increasing the fee for school lunches from \$1.50 to \$2.50 for families earning more than \$42,643. The increase will not take effect in FY 2013.

- The three public library systems — New York Public, Brooklyn Public, and Queens — were subject to a cut of \$10.1 million that the Office of Management and Budget believed would avoid layoffs. The systems did not believe that layoffs could be entirely avoided and the Council restored funding sufficient to avoid layoffs and protect branch hours of operation.

- Funding was partially restored to the Department of Cultural Affairs for the Cultural Institutions Group (CIG) members and the Cultural Development Fund, and full restored for CASA. Part of the PEG target for the CIGs was realized through energy savings and a "swap" by two institutions of capital funds in lieu of operating expenses.

- The Administration agreed to fully restore the proposed mid-year cuts to the Borough Presidents, Public Advocate, and Community Boards

- The Council rejected proposed cuts to Council initiatives in the Departments of Health and Mental Hygiene (DOHMH) and Small Business Services, except to the extent that contract delays or other savings had already been realized.

- In addition, the Council limited cuts to DOHMH mental health contracts, and partially restored City funding for school-based health clinics. DOHMH is attempting to transition school health clinics to greater reliance on Medicaid reimbursement; the Council restored two-thirds of the proposed cut in City support in order to provide more time for this transition, and will review progress in the course of adopting the 2014 budget.

- Finally, the Human Resource Administration's HIV/AIDS Service Administration (HASA) proposed to revoke assistance to clients with a non-medically eligible household member whom HASA deemed to be able to work but not employed. The Council rejected this punitive measure that would have deprived vulnerable medically-eligible HASA clients of much-needed assistance on the basis of a legally dubious assertion of authority by HRA.

PEG Action (in thousands)	Proposed		Revised
	PEG	Restoration	PEG
Garage & lot permit rate increases	\$1,642	\$1,119	\$523
School lunch fee increase	4,400	4,400	-
Libraries	10,103	6,000	4,103
Cultural Affairs	5,237	2,412	2,825
Elected Officials & Community Boards	1,516	1,516	-
DOHMH: Council initiatives	1,899	1,561	338
DOHMH: Other	1,346	470	876
HASA ACM	44	44	-
SBS: Council initiatives	492	492	-
TOTAL	\$26,679	\$18,014	\$8,665

January Financial Plan

The January Financial Plan included no new PEGs, but did include another \$59 million in new spending needs — offset by \$91 million in other budgetary adjustments. The new needs included \$24.2 million for the Board of Elections and \$8.4 million for increased Parks Department staffing, among other items. Other adjustments included another \$56 million in debt service savings, the elimination of \$21 million in the budget of the Taxi and Limousine Commission for grants to retrofit restricted HAIL license vehicles for wheelchair accessibility under the Five-Borough Taxi Plan, and a downward adjustment in the estimate of spending for heat, light, and power of \$12.8 million.

Procedure. If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another; or when a transfer from one unit of appropriation to the another, and such transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of adoption.

(This is the text of the Fiscal Impact Memo to the Finance Committee from the Finance Division of the New York City Council:)

TO: Honorable Christine C. Quinn
Speaker

Honorable Domenic M. Recchia, Jr.
Chairman, Finance Committee

FROM: Preston Niblack, Director, Finance Division
Jeffrey Rodus, First Deputy Director, Finance Division
Tanisha Edwards, Counsel, Finance Division

DATE: March 13, 2013

SUBJECT: A budget modification (MN-2) for Fiscal Year 2013 to implement changes in the City's expense budget.

INITIATION: By letter dated March 8, 2013, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to transfer funds, totaling \$526,142,717 between various agencies in Fiscal Year 2013 to implement changes in the City's expense budget.

BACKGROUND: MN-2 implements expense budget changes which were reflected in the City's November and January Finance Plans. In addition, MN-2 reallocates appropriations that were reflected in the FY 2013 Adopted Budget to fund City Council local initiatives.

FISCAL IMPACT: MN-2 represents the reallocation of appropriations. The net effect of this modification is zero.

Accordingly, this Committee recommends its adoption.

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

Res. No. 1678

RESOLUTION APPROVING THE MODIFICATION (MN-2) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(b) OF THE NEW YORK CITY CHARTER.

By Council Member Recchia, Jr.

Whereas, at a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on March 13, 2013 the Committee on Finance received a communication, dated March 8, 2013 from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit A (the "Modification"), to modify units of appropriation and transfer city funds in the amount of \$526,142,717 between various agencies in the Fiscal Year 2013 expense budget as adopted by the Council on June 28, 2012, pursuant to Section 107(b) of the New York City Charter (the "Charter"); and

Whereas, pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

NOW, THEREFORE, The Council of The City of New York hereby resolves as follows:

1. Approval of Modification. The City Council hereby approves, pursuant to Section 107(b) of the Charter, the actions proposed by the Mayor as set forth in the Modification.

2. Effective Date. This resolution shall take effect as of the date hereof.

ATTACHMENT:

Exhibit A



The City of New York
Office of Management and Budget
 255 Greenwich Street - New York, New York 10007 - 2146
 (212) 788-5900
Mark Page
 Director

March 8, 2013

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2013 to implement changes in the City's expense budget.

This modification (MN-2) will implement expense budget changes which were reflected in the City's November and January Financial Plans. In addition, as requested by the City Council, this modification reallocates appropriations that were included in the FY 2013 Adopted Budget to fund City Council local initiatives.

Appendix A details State, Federal and other funds impacted by these changes.

Your approval of modification MN-2 is respectfully requested.

Yours truly,

Mark Page

Fiscal Year 2013 Budget Modification

**- MN 2 -
 FROM**

002	MAYORALTY	
020	OFFICE OF THE MAYOR-PS	-1,714,900
061	OFF OF LABOR RELATIONS-PS	-251,619
008	OFFICE OF THE ACTUARY	
100	PERSONAL SERVICE	-378,000
013	BOROUGH PRESIDENT - QUEENS	
002	OTHER THAN PERSONAL SERVICES	-45,000
017	DEPARTMENT OF EMERGENCY MANAGEMENT	
001	PERSONAL SERVICES	-269,472
030	DEPARTMENT OF CITY PLANNING	
002	OTHER THAN PERSONAL SERVICES	-235,000
032	DEPARTMENT OF INVESTIGATION	
001	PERSONAL SERVICES	-456,649
035	NEW YORK RESEARCH LIBRARY	
001	LUMP SUM APPROPRIATION	-307,036
037	NEW YORK PUBLIC LIBRARY	
006	SYSTEMWIDE SERVICES	-1,526,334
038	BROOKLYN PUBLIC LIBRARY	
001	LUMP SUM	-1,132,927
039	QUEENS BOROUGH PUBLIC LIBRARY	
001	LUMP SUM	-1,127,055
040	DEPARTMENT OF EDUCATION	
402	GE INSTR & SCH LEADERSHIP - OTPS	-282,862
415	SCHOOL SUPPORT ORGANIZATION	-9,381
416	School Support Organization OTPS	-21,000
439	SCHOOL FOOD SERVICES - PS	-18,000,000
454	CENTRAL ADMINISTRATION - OTPS	-18,683,277
461	FRINGE BENEFITS - PS	-18,061,000

FROM

040	DEPARTMENT OF EDUCATION	
470	SE PRE-K CONTRACT PMTS - OTPS	-31,472,250
472	CHARTER/CONTRACT/FOSTER CARE PMTS - OTPS	-49,000,000
054	CIVILIAN COMPLAINT REVIEW BD	
001	CCRB-PS	-625,723
002	CCRB-OTPS	-38,901
056	POLICE DEPARTMENT	
007	TRAFFIC ENFORCEMENT	-2,590,432
057	FIRE DEPARTMENT	
001	EXECUTIVE ADMINISTRATIVE	-2,143,347
002	FIRE EXTING AND EMERG RESP	-235,592
068	ADMIN FOR CHILDREN'S SERVICES	
001	PERSONAL SERVICES	-5,592,000
006	CHILD WELFARE-OTPS	-29,776,378
008	JUVENILE JUSTICE - OTPS	-7,730,371
069	DEPARTMENT OF SOCIAL SERVICES	
101	ADMINISTRATION-OTPS	-878,943
103	PUBLIC ASSISTANCE - OTPS	-3,226,717
105	ADULT SERVICES - OTPS	-3,449,142
201	ADMINISTRATION	-1,269,855
203	PUBLIC ASSISTANCE	-253,000
071	DEPT OF HOMELESS SERVICES	
100	DEPT OF HOMELESS SERVICES-PS	-3,287,631
098	MISCELLANEOUS	
001	PERSONAL SERVICES	-1,159,307
003	FRINGE BENEFITS	-107,797,907
099	GNRL & LSE PRCHS DBT SVC FUNDS	
001	FUNDED DEBT-W/O CONST LIMIT	-24,266,160
002	TEMPORARY DEBT W/I CONST LIMIT	-17,472,222
006	NYC Transitional Finance Authority	-47,678,858

FROM

101	PUBLIC ADVOCATE	
002	OTHER THAN PERSONAL SERVICES	-15,250
125	DEPARTMENT FOR THE AGING	
002	COMMUNITY PROGRAMS - PS	-16,384
003	COMMUNITY PROGRAMS - OTPS	-5,948,335
126	DEPARTMENT OF CULTURAL AFFAIRS	
003	CULTURAL PROGRAMS	-910,783
004	METROPOLITAN MUSEUM OF ART	-2,558,445
005	NY BOTANICAL GARDEN	-129,246
006	AMER MUSEUM NATURAL HISTORY	-1,219,534
007	THE WILDLIFE CONSERVATION SOC.	-232,932
008	BROOKLYN MUSEUM	-167,863
009	BKLYN CHILDRENS MUSEUM	-49,772
010	BROOKLYN BOTANIC GARDEN	-90,334
011	QUEENS BOTANICAL GARDEN	-27,236
012	NY HALL OF SCIENCE	-38,683
013	SI INSTITUTE ARTS & SCIENCES	-22,314
014	S.I. ZOOLOGICAL SOCIETY	-36,768
015	S I HISTORICAL SOCIETY	-19,122
017	WAVE HILL	-28,623
019	BROOKLYN ACADEMY OF MUSIC	-58,227
020	SNUG HARBOR CULTURAL CENTER	-30,648
021	STUDIO MUSEUM IN HARLEM	-17,106
022	OTHER CULTURAL INSTITUTIONS	-280,408
024	N.Y.SHAKESPEARE FESTIVAL	-19,795
127	FINANCIAL INFO SERVICES AGENCY	
001	PERSONAL SERVICES	-1,185,000
002	OTHER THAN PERSONAL SERVICES	-8,912,000

FROM

131	OFFICE PAYROLL ADMINISTRATION	
100	PERSONAL SERVICE	-770,693
134	CIVIL SERVICE COMMISSION	
001	PERSONAL SERVICES	-28,000
136	LANDMARKS PRESERVATION COMM.	
002	OTHER THAN PERSONAL SERVICES	-65,743
156	NYC TAXI AND LIMOUSINE COMM	
001	PERSONAL SERVICE	-1,834,871
002	OTHER THAN PERSONAL SERVICE	-21,000,000
226	COMMISSION ON HUMAN RIGHTS	
002	OTHER THAN PERSONAL SERVICES	-137,000
260	DEPT OF YOUTH & COMMUNITY DEV	
002	EXECUTIVE AND ADMINISTRATIVE MGMT PS	-1,345,000
005	COMMUNITY DEVELOPMENT OTPS	-919,557
312	OTHER THAN PERSONAL SERVICES	-7,082,388
312	CONFLICTS OF INTEREST BOARD	
001	PERSONAL SERVICES	-14,613
002	OTHER THAN PERSONAL SERVICES	-15,000
313	OFC OF COLLECTIVE BARGAINING	
002	OTHER THAN PERSONAL SERVICES	-4,300
781	DEPARTMENT OF PROBATION	
002	PROBATION SERVICES	-1,866,995
003	PROBATION SERVICES-OTPS	-450,600
801	DEPT OF SMALL BUSINESS SERVICES	
001	DEPT. OF BUSINESS P.S.	-344,575
002	DEPT. OF BUSINESS O.T.P.S.	-1,402,904
005	CONTRACT COMP & BUS OPP - OTPS	-80,941
006	ECONOMIC DEVELOPMENT CORP.	-6,850,512
010	WORKFORCE INVESTMENT ACT - PS	-134,644
011	WORKFORCE INVESTMENT ACT - OTPS	-736,350

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FROM

806	HOUSING PRESERVATION AND DEVEL	
001	OFFICE OF ADMINISTRATION	-67,700
004	OFFICE OF HOUSING PRESERVATION	-678,292
011	OFFICE OF HOUSING PRESERVATION	-1,500,000
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
101	HEALTH ADMINISTRATION - PS	-1,365,270
102	DISEASE CONTROL AND EPIDEMIOLOGY - PS	-104,385
103	HEALTH PROMOTION AND DISEASE PREVEN.- PS	-998,533
104	ENVIRONMENTAL HEALTH - PS	-535,421
108	MENTAL HYGIENE MANAGEMENT SERVICES - PS	-200,805
109	EPIDEMIOLOGY - PS	-193,827
112	DISEASE CONTROL AND EPIDEMIOLOGY - OTPS	-79,155
113	HEALTH PROMOTION AND DISEASE PREV.-OTPS	-2,424,524
114	ENVIRONMENTAL HEALTH - OTPS	-2,122,933
116	OFFICE OF CHIEF MEDICAL EXAMINER - OTPS	-17,554
118	MENTAL HYGIENE MANAGEMENT SERVICES- OTPS	-57,846
119	EPIDEMIOLOGY - OTPS	-1,305
120	MENTAL HEALTH	-1,537,828
121	MENTAL RETARDATION AND DEVELOPMENTAL DIS	-636,297
122	CHEMICAL DEPENDENCY AND HEALTH PROMOTION	-103,317
819	HEALTH AND HOSPITALS CORP	
001	LUMP SUM	-2,078,368
820	OFFICE OF ADMIN TRIALS & HEARINGS	
001	OFF OF ADM. TRIALS & HEARINGS	-615,000
002	OFFICE OF ADMIN. TRIALS & HEARINGS- OTPS	-400,000
826	DEPT ENVIRONMENTAL PROTECTION	
001	EXECUTIVE AND SUPPORT	-2,863,200
002	ENVIRONMENTAL MANAGEMENT	-93,183
003	WATER SUP. & WASTEWATER COLL	-135,092

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FROM

826	DEPT ENVIRONMENTAL PROTECTION	
004	UTILITY - OTPS	-3,148,050
006	EXECUTIVE & SUPPORT-OTPS	-1,952,427
836	DEPARTMENT OF FINANCE	
001	ADMINISTRATION & PLANNING	-900,000
002	OPERATIONS	-4,029
004	AUDIT	-500,000
011	ADMINISTRATION-OTPS	-677,287
841	DEPARTMENT OF TRANSPORTATION	
001	EXEC ADM & PLANN MGT.	-1,359,636
003	TRANSIT OPERATIONS	-6,849,214
004	TRAFFIC OPERATIONS	-471,524
006	BUREAU OF BRIDGES	-3,594,283
011	OTPS-EXEC AND ADMINISTRATION	-667,285
013	OTPS-TRANSIT OPERATIONS	-4,719,894
856	DEPT OF CITYWIDE ADMIN SERVS	
100	EXECUTIVE AND SUPPORT SERVICES	-518,376
200	DIV OF ADMINISTRATION AND SECURITY - PS	-58,954
300	DIV OF FACILITIES MGMT AND CONSTRUCTION	-1,511,334
390	DIV OF FACILITIES MGMT AND CONST- OTPS	-66,679
500	DIV OF REAL ESTATE SERVICES	-35,368
600	COMMUNICATIONS	-32,437
700	DIVISION OF ENERGY CONSERVATION	-201,455
790	DIVISION OF ENERGY CONSERVATION - OTPS	-243,000
858	DEPT OF INFO TECH & TELECOMM	
002	OTHER THAN PERSONAL SERVICES	-9,812,290
860	DEPT RECORDS + INFORMATION SVS	
100	PERSONAL SERVICES	-244,000
902	DISTRICT ATTORNEY BRONX CO.	
001	PERSONAL SERVICES	-169,304

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FROM

902	DISTRICT ATTORNEY BRONX CO.	
002	OTHER THAN PERSONAL SERVICES	-8,107
903	DISTRICT ATTORNEY KINGS CO.	
002	OTHER THAN PERSONAL SERVICES	-6,231
904	DISTRICT ATTORNEY QUEENS CO.	
002	OTHER THAN PERSONAL SERVICES	-29,355
905	DISTRICT ATTORNEY RICHMOND	
002	OTHER THAN PERSONAL SERVICES	-4,630
906	OFF.OF PROSECUTION SPEC.NARC.	
002	OTHER THAN PERSONAL SERVICES	-1,991
		-526,142,717

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TO

003	BOARD OF ELECTIONS	
001	PERSONAL SERVICES	23,500,000
002	OTHER THAN PERSONAL SERVICES	2,250,000
013	BOROUGH PRESIDENT - QUEENS	
001	PERSONAL SERVICES	45,000
021	OFFICE OF ADMINISTRATIVE TAX APPEALS	
001	PERSONAL SERVICES	23,244
025	LAW DEPARTMENT	
001	PERSONAL SERVICES	52,000
002	OTHER THAN PERSONAL SERVICES	2,116,000
030	DEPARTMENT OF CITY PLANNING	
001	PERSONAL SERVICES	77,217
040	DEPARTMENT OF EDUCATION	
401	GE INSTR & SCH LEADERSHIP - PS	2,404,246
453	CENTRAL ADMINISTRATION - PS	248,099
042	CITY UNIVERSITY	
001	COMMUNITY COLLEGE-OTPS	5,000
056	POLICE DEPARTMENT	
001	OPERATIONS	8,615,989
004	ADMINISTRATION-PERSONNEL	870,949
100	OPERATIONS-OTPS	2,255,173
400	ADMINSITRATION-OTPS	2,136,749
700	TRAFFIC ENFORCEMENT-OTPS	510,000
057	FIRE DEPARTMENT	
004	FIRE PREVENTION	609,300
005	EXECUTIVE ADMIN-OTPS	7,819,533
009	EMERGENCY MEDICAL SERVICES-PS	2,462,349
010	EMERGENCY MEDICAL SERV-OTPS	2,475,793
068	ADMIN FOR CHILDREN'S SERVICES	
002	OTHER THAN PERSONAL SERVICES	30,964

TO

350	MANHATTAN COMMUNITY BOARD #10	
003	RENT	2,000
388	BRONX COMMUNITY BOARD #8	
003	RENT AND ENERGY	2,000
391	BRONX COMMUNITY BOARD #11	
003	RENT	2,000
486	BROOKLYN COMMUNITY BOARD #16	
003	RENT	2,000
806	HOUSING PRESERVATION AND DEVEL	
009	OFFICE OF DEVELOPMENT OTPS	60,000
010	HOUSING MANAGEMENT AND SALES	200,000
810	DEPARTMENT OF BUILDINGS	
001	PERSONAL SERVICES	675,101
002	OTHER THAN PERSONAL SERVICES	1,156,597
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
106	OFFICE OF CHIEF MEDICAL EXAMINER - PS	242,267
107	HEALTH CARE ACCESS AND IMPROVEMENT - PS	659,416
111	HEALTH ADMINSTRATION - OTPS	880,135
117	HEALTH CARE ACCESS AND IMPROVEMENT- OTPS	838,834
826	DEPT ENVIRONMENTAL PROTECTION	
005	ENVIRONMENTAL MANAGEMENT -OTPS	3,943,468
827	DEPARTMENT OF SANITATION	
101	EXECUTIVE ADMINISTRATIVE	208,400
102	CLEANING & COLLECTION	2,538,639
103	WASTE DISPOSAL	83,787
104	BUILDING MANAGEMENT	157
105	BUREAU OF MOTOR EQUIP	1,357,203
106	EXEC & ADMINISTRATIVE-OTPS	1,890,878
109	CLEANING & COLLECTION-OTPS	1,742,238
112	MOTOR EQUIPMENT-OTPS	671,567

TO

068	ADMIN FOR CHILDREN'S SERVICES	
004	HEADSTART/DAYCARE-OTPS	56,518
069	DEPARTMENT OF SOCIAL SERVICES	
104	MEDICAL ASSISTANCE - OTPS	1,313,430
071	DEPT OF HOMELESS SERVICES	
200	DEPT OF HOMELESS SERVICES-OTPS	48,321,669
072	DEPARTMENT OF CORRECTION	
001	ADMINISTRATION	215,778
002	OPERATIONS	3,115,085
003	OPERATIONS - OTPS	929,000
004	ADMINISTRATION - OTPS	422,694
073	BOARD OF CORRECTION	
001	PERSONAL SERVICES	118,556
098	MISCELLANEOUS	
002	OTHER THAN PERSONAL SERVICES	12,398,127
005	INDIGENT DEFENSE SERVICES	658,000
002	GENERAL RESERVE	335,729,673
099	GNRL & LSE PRCHS DBT SVC FUNDS	
003	LEASE PURCH & CITY GUAR DEBT	4,118,485
101	PUBLIC ADVOCATE	
001	PERSONAL SERVICES	15,250
125	DEPARTMENT FOR THE AGING	
004	EXECUTIVE & ADMIN MGMT-OTPS	138,033
126	DEPARTMENT OF CULTURAL AFFAIRS	
002	OFFICE OF COMMISSIONER - OTPS	117,000
016	MUSEUM OF THE CITY OF NY	204,302
136	LANDMARKS PRESERVATION COMM.	
001	PERSONAL SERVICES	209,743
343	MANHATTAN COMMUNITY BOARD #3	
003	RENT AND ENERGY	1,000

TO

829	BUSINESS INTEGRITY COMMISSION	
001	PERSONAL SERVICES	47,188
836	DEPARTMENT OF FINANCE	
003	PROPERTY	150,250
005	LEGAL	107,136
009	CITY SHERIFF	260,000
022	OPERATIONS-OTPS	3,400,000
099	CITY SHERIFF-OTPS	1,250,000
841	DEPARTMENT OF TRANSPORTATION	
002	HIGHWAY OPERATIONS	7,789
014	OTPS-TRAFFIC OPERATIONS	4,370,757
846	DEPT OF PARKS AND RECREATION	
002	MAINTENANCE & OPERATIONS	5,897,312
006	MAINT & OPERATIONS - OTPS	6,948,182
007	EXEC MGT/ADMIN SVCS-OTPS	367,000
856	DEPT OF CITYWIDE ADMIN SERVS	
001	DIV OF CTYWDE PERSONNEL SERV	338,229
002	DIV OF CTYWDE PERSONNEL SERV	388,750
003	OFF OF ADM. TRIALS & HEARINGS	3,239
190	EXECUTIVE AND SUPPORT SERVICES-OTPS	548,601
290	DIV OF ADMINISTRATION AND SECURITY- OTPS	556,272
400	DIV OF MUNICIPAL SUPPLY SERVS.	50,994
690	COMMUNICATIONS	1,079,000
858	DEPT OF INFO TECH & TELECOMM	
001	PERSONAL SERVICES	1,111,027
860	DEPT RECORDS + INFORMATION SVS	
200	OTHER THAN PERSONAL SERVICES	4,000
866	DEPARTMENT OF CONSUMER AFFAIRS	
001	ADMINISTRATION	290,000
002	LICENSING/ENFORCEMENT	688,000

	FROM				FROM				Federal Other
	Total	Intra/City	City	Capital	Total	Intra/City	City	Capital	
126 DEPARTMENT OF CULTURAL AFFAIRS									
024 NY SHAKESPEARE FESTIVAL	-19,795	0	-19,795	0	-73,684,509	0	-24,266,160	-49,418,349	0
127 FINANCIAL INFO SERVICES AGENCY									
001 PERSONAL SERVICES	-1,185,000	0	-1,185,000	0	-17,472,222	0	-17,472,222	0	0
002 OTHER THAN PERSONAL SERVICES	-8,912,000	0	-8,912,000	0	-43,534,108	0	-47,678,858	0	4,144,750
131 OFFICE PAYROLL ADMINISTRATION									
100 PERSONAL SERVICE	-770,693	0	-770,693	0	-15,250	0	-15,250	0	0
134 CIVIL SERVICE COMMISSION									
001 PERSONAL SERVICES	-28,000	0	-28,000	0	-16,384	0	-16,384	0	0
136 LANDMARKS PRESERVATION COMM.									
002 OTHER THAN PERSONAL SERVICES	-65,743	0	-65,743	0	51,665	0	-5,948,335	0	6,000,000
156 NYC TAXI AND LIMOUSINE COMM									
001 PERSONAL SERVICE	-1,834,871	0	-1,834,871	0	-2,558,445	0	-2,558,445	0	0
002 OTHER THAN PERSONAL SERVICES	-21,000,000	0	-21,000,000	0	-129,246	0	-129,246	0	0
226 COMMISSION ON HUMAN RIGHTS									
002 OTHER THAN PERSONAL SERVICES	-137,000	0	-137,000	0	-1,219,534	0	-1,219,534	0	0
260 DEPT OF YOUTH & COMMUNITY DEV									
002 EXECUTIVE AND ADMINISTRATIVE MGMT P	-1,345,000	0	-1,345,000	0	-232,932	0	-232,932	0	0
005 COMMUNITY DEVELOPMENT OTS	-919,557	0	-919,557	0	-167,863	0	-167,863	0	0
312 OTHER THAN PERSONAL SERVICES	-7,082,388	0	-7,082,388	0	-49,772	0	-49,772	0	0
312 CONFLICTS OF INTEREST BOARD									
001 PERSONAL SERVICES	-14,613	0	-14,613	0	-90,334	0	-90,334	0	0
002 OTHER THAN PERSONAL SERVICES	-15,000	0	-15,000	0	-27,236	0	-27,236	0	0
313 OFC OF COLLECTIVE BARGAINING									
002 OTHER THAN PERSONAL SERVICES	-4,300	0	-4,300	0	-38,683	0	-38,683	0	0
781 DEPARTMENT OF PROBATION									
002 PROBATION SERVICES	-1,866,995	0	-1,866,995	0	-22,314	0	-22,314	0	0
003 PROBATION SERVICES-OTS	-450,600	0	-450,600	0	-36,768	0	-36,768	0	0

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	FROM				FROM				Federal Other
	Total	Intra/City	City	Capital	Total	Intra/City	City	Capital	
819 HEALTH AND HOSPITALS CORP									
001 LUMP SUM	2,714,878	4,793,246	-2,078,368	0	-344,575	0	-344,575	0	0
820 OFFICE OF ADMIN TRIALS & HEARINGS									
001 OFF OF ADM TRIALS & HEARINGS	-615,000	0	-615,000	0	-1,402,904	0	-1,402,904	0	0
002 OFFICE OF ADMIN. TRIALS & HEARINGS-OT	-400,000	0	-400,000	0	-80,941	0	-80,941	0	0
826 DEPT ENVIRONMENTAL PROTECTION									
001 EXECUTIVE AND SUPPORT	-2,863,200	0	-2,863,200	0	-6,850,512	0	-6,850,512	0	0
002 ENVIRONMENTAL MANAGEMENT	-93,183	0	-93,183	0	-134,644	0	-134,644	0	0
003 WATER SUPPLY & WASTEWATER COLL	-135,092	0	-135,092	0	-736,350	0	-736,350	0	0
004 UTILITY - OTS	-3,148,050	0	-3,148,050	0	-67,700	0	-67,700	0	0
006 EXECUTIVE & SUPPORT OTS	-1,952,427	0	-1,952,427	0	-678,292	0	-678,292	0	0
836 DEPARTMENT OF FINANCE									
001 ADMINISTRATION & PLANNING	-900,000	0	-900,000	0	-1,500,000	0	-1,500,000	0	0
002 OPERATIONS	-4,029	0	-4,029	0	0	0	0	0	0
004 AUDIT	-500,000	0	-500,000	0	0	0	0	0	0
841 DEPARTMENT OF TRANSPORTATION									
001 EXEC ADMA & PLANN MGT	-1,359,636	0	-1,359,636	0	-200,805	0	-200,805	0	0
003 TRANSIT OPERATIONS	101	0	-6,849,214	0	-193,827	0	-193,827	0	0
004 TRAFFIC OPERATIONS	223	0	-471,524	0	-79,155	0	-79,155	0	0
006 BUREAU OF BRIDGES	-335,581	0	-3,594,283	0	-2,424,524	0	-2,424,524	0	0
011 OTS-EXEC AND ADMINISTRATION	-667,285	0	-667,285	0	-2,663,996	0	-2,663,996	0	0
013 OTS TRANSIT OPERATIONS	110,000	0	-4,719,894	0	-17,554	0	-17,554	0	0
856 DEPT OF CITYWIDE ADMIN SERV									
100 EXECUTIVE AND SUPPORT SERVICES	-803,406	0	-518,376	0	-57,846	0	-57,846	0	0
200 DIV OF ADMINISTRATION AND SECURITY	-58,954	0	-58,954	0	-2,039	0	-2,039	0	0
300 DIV OF FACILITIES MGMT AND CONSTRUCT	-3,078,613	0	-1,511,334	0	-1,537,828	0	-1,537,828	0	0
390 DIV OF FACILITIES MGMT AND CONSE-OTP	1,216,321	1,283,000	-66,679	0	-636,297	0	-636,297	0	0

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	TO					FROM							
	Total	Intra-City	City	Capital	State	Total	Intra-City	City	Capital	State	CD	Federal	Other
003 BOARD OF ELECTIONS													
001 PERSONAL SERVICES	23,500,000	0	23,500,000	0	0	-35,368	0	-35,368	0	0	0	0	0
002 OTHER THAN PERSONAL SERVICES	2,250,000	0	2,250,000	0	0	-32,437	0	-32,437	0	0	0	0	0
010 BOROUGH PRESIDENT - MANHATTAN						-201,455	0	-201,455	0	0	0	0	0
001 PERSONAL SERVICES	0	0	0	0	0	-243,000	0	-243,000	0	0	0	0	0
011 BOROUGH PRESIDENT BRONX						-12,680,321	-2,868,031	-9,812,290	0	0	0	0	0
001 PERSONAL SERVICES	0	0	0	0	0	-244,000	0	-244,000	0	0	0	0	0
012 BOROUGH PRESIDENT - BROOKLYN						-169,304	0	-169,304	0	0	0	0	0
001 PERSONAL SERVICES	45,000	0	45,000	0	0	-8,107	0	-8,107	0	0	0	0	0
013 BOROUGH PRESIDENT - QUEENS						-6,231	0	-6,231	0	0	0	0	0
014 BOROUGH PRESIDENT STATEN ISLAN						-29,355	0	-29,355	0	0	0	0	0
001 PERSONAL SERVICES	23,244	0	23,244	0	0	-4,650	0	-4,650	0	0	0	0	0
021 OFFICE OF ADMINISTRATIVE TAX APPEALS						-1,991	0	-1,991	0	0	0	0	0
001 PERSONAL SERVICES	886,048	0	52,000	834,048	0	-603,453,858	4,624,678	-526,142,717	-49,386,292	1,031,206	-158,852,310	0	125,271,577
025 LAW DEPARTMENT													
001 PERSONAL SERVICES	2,116,000	0	2,116,000	0	0								
002 OTHER THAN PERSONAL SERVICES	77,217	0	77,217	0	0								
050 DEPARTMENT OF CITY PLANNING													
001 PERSONAL SERVICES	-97,765,036	0	2,404,246	0	-102,978,636								
040 DEPARTMENT OF EDUCATION													
401 GEN INSR & SCH LEADERSHIP-PS	-50,000,000	0	0	0	-50,000,000								
421 CWSE INSTR & SCH LEADERSHIP-PS	0	0	0	0	0								
423 SE INSTRUCTIONAL SUPPORT-PS	0	0	0	0	33,100,000								
424 SE INSTRUCTIONAL SUPPORT - OTS	-46,000,000	0	0	0	20,900,000								
436 SCHOOL FACILITIES - OTS	0	0	22,147,763	0	-22,147,763								
453 CENTRAL ADMINISTRATION-PS	-6,401,551	0	248,099	0	-6,649,650								
481 CATEGORICAL PROGRAMS-PS	-29,881,083	0	0	0	-22,881,535								

	TO					FROM							
	Total	Intra-City	City	Capital	State	Total	Intra-City	City	Capital	State	CD	Federal	Other
073 BOARD OF CORRECTION													
001 PERSONAL SERVICES	118,556	0	118,556	0	0	-23,562,666	0	0	0	0	0	-23,562,666	0
098 MISCELLANEOUS													
002 OTHER THAN PERSONAL SERVICES	23,891,596	0	12,398,127	0	11,493,469	5,000	0	5,000	0	0	0	0	0
005 INDIGENT DEFENSE SERVICES	658,000	0	658,000	0	0								
002 GENERAL RESERVE	335,729,673	0	335,729,673	0	0	9,261,176	0	8,615,989	0	0	0	645,187	0
099 GNRL & LSE PRCHS DBT SVC FUNDS						870,949	0	870,949	0	0	0	0	0
003 LEASE PURCH & CITY GLAR DEBT	4,118,485	0	4,118,485	0	0	2,255,173	0	2,255,173	0	0	0	0	0
101 PUBLIC ADVOCATE						2,136,749	0	2,136,749	0	0	0	0	0
001 PERSONAL SERVICES	15,250	0	15,250	0	0	510,000	0	510,000	0	0	0	0	0
125 DEPARTMENT FOR THE AGING													
004 EXECUTIVE & ADMIN MGMT-OTS	138,033	0	138,033	0	0	609,300	0	609,300	0	0	0	0	0
126 DEPARTMENT OF CULTURAL AFFAIRS						7,819,533	0	7,819,533	0	0	0	0	0
002 OFFICE OF COMMISSIONER - OTS	117,000	0	117,000	0	0	2,682,525	0	2,462,349	220,176	0	0	0	0
016 MUSEUM OF THE CITY OF NY	204,302	0	204,302	0	0	2,475,793	0	2,475,793	0	0	0	0	0
136 LANDMARKS PRESERVATION COMM.													
001 PERSONAL SERVICES	209,743	0	209,743	0	0	-124,115	0	30,964	0	-90,240	0	-64,839	0
341 MANHATTAN COMMUNITY BOARD #1						285,370	0	56,518	0	169,561	0	59,291	0
001 PERSONAL SERVICES	0	0	0	0	0	0	0	1,313,430	0	0	0	-1,313,430	0
342 MANHATTAN COMMUNITY BOARD #2													
001 PERSONAL SERVICES	0	0	0	0	0	95,664,897	0	48,321,669	0	8,886,483	0	38,456,745	0
343 MANHATTAN COMMUNITY BOARD #3													
001 PERSONAL SERVICES	1,000	0	1,000	0	0	215,778	0	215,778	0	0	0	0	0
003 RENT AND ENERGY						10,763,885	0	3,115,085	0	0	0	7,648,800	0
344 MANHATTAN COMMUNITY BOARD #4													
001 PERSONAL SERVICES	0	0	0	0	0	929,000	0	929,000	0	0	0	0	0
345 MANHATTAN COMMUNITY BOARD #5													
001 PERSONAL SERVICES	0	0	0	0	0	422,694	0	422,694	0	0	0	0	0

		TO		TO		TO		TO		TO		TO								
		Total	Intra/City	City	Categ.	Capital	State	CD	Federal	Other	Total	Intra/City	City	Categ.	Capital	State	CD	Federal	Other	
836	DEPARTMENT OF FINANCE																			
005	LEGAL	107,136	0	107,136	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
009	CITY SHERIFF	260,000	0	260,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
022	OPERATIONS-OPTS	3,400,000	0	3,400,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
099	CITY SHERIFF-OPTS	1,250,000	0	1,250,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
841	DEPARTMENT OF TRANSPORTATION																			
002	HIGHWAY OPERATIONS	4,027,355	0	7,789	0	4,019,566	0	0	0	0	0	0	0	0	0	0	0	0	0	0
012	OTPS-HIGHWAY OPERATIONS	24,726,000	0	0	0	24,726,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0
014	OTPS-TRAFFIC OPERATIONS	4,370,757	0	4,370,757	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
846	DEPT OF PARKS AND RECREATION																			
002	MAINTENANCE & OPERATIONS	5,897,312	0	5,897,312	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
003	DESIGN & ENGINEERING	-129,426	0	0	0	-129,426	0	0	0	0	0	0	0	0	0	0	0	0	0	0
006	MAINT & OPERATIONS - OTS	6,948,182	0	6,948,182	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-51,327
007	EXEC MGT ADMIN SVCS-OPTS	367,000	0	367,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
850	DEPT OF DESIGN & CONSTRUCTION																			
001	PERSONAL SERVICES	2,799,647	0	0	0	2,799,647	0	0	0	0	0	0	0	0	0	0	0	0	0	0
002	OTHER THAN PERSONAL SERVICES	113,000	0	0	0	113,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0
856	DEPT OF CITYWIDE ADMIN SERV																			
001	DIV OF CITYWIDE PERSONNEL SERV	338,229	0	338,229	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
002	DIV OF CITYWIDE PERSONNEL SERV	388,750	0	388,750	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
003	OFF OF ADM TRIALS & HEARINGS	3,239	0	3,239	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
190	EXECUTIVE AND SUPPORT SERVICES-OPTS	548,601	0	548,601	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
290	DIV OF ADMINISTRATION AND SECURITY - O	556,272	0	556,272	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
400	DIV OF MUNICIPAL SUPPLY SERV	73,039	22,045	50,994	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
690	COMMUNICATIONS	1,079,000	0	1,079,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
858	DEPT OF INFO TECH & TELECOMM																			
001	PERSONAL SERVICES	1,045,284	-65,743	1,111,027	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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		TO		TO		TO		TO		TO		TO								
		Total	Intra/City	City	Categ.	Capital	State	CD	Federal	Other	Total	Intra/City	City	Categ.	Capital	State	CD	Federal	Other	
860	DEPT RECORDS + INFORMATION SVS																			
200	OTHER THAN PERSONAL SERVICES	4,000	0	4,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
866	DEPARTMENT OF CONSUMER AFFAIRS																			
001	ADMINISTRATION	290,000	0	290,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
002	LICENSING/ENFORCEMENT	688,000	0	688,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
003	OTHER THAN PERSONAL SERVICE	316,076	0	316,076	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
901	DISTRICT ATTORNEY NEW YORK																			
001	PERSONAL SERVICES	12,720,827	0	12,720,827	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
002	OTHER THAN PERSONAL SERVICES	39,122	0	39,122	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
903	DISTRICT ATTORNEY KINGS CO																			
001	PERSONAL SERVICES	822,326	0	822,326	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
904	DISTRICT ATTORNEY QUEENS CO																			
001	PERSONAL SERVICES	414,783	0	414,783	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
905	DISTRICT ATTORNEY RICHMOND																			
001	PERSONAL SERVICES	129,324	0	129,324	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
906	OFF OF PROSECUTION SPEC.NARC																			
001	PERSONAL SERVICES	8,898	0	8,898	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
941	PUBLIC ADMINISTRATOR-NY																			
002	OTHER THAN PERSONAL SERVICES	81,000	0	81,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		370,468,891	-43,698	526,142,717	23,320,987	31,232,594	-127,692,276	0	0	0	-82,372,433									

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APPENDIX B
FROM

002	MAYORALTY		
020	OFFICE OF THE MAYOR-PS		
	Mayor's Office PS Reductions	-1,846,090	
	Mayor's Office PS Accruals Fringe Offset	131,190	
	Subtotal for OFFICE OF THE MAYOR-PS	-1,714,900	
061	OFF OF LABOR RELATIONS-PS		
	Office of Labor Relations PS Accruals Fringe Offset	14,213	
	Office of Labor Relations PS Reduction Fringe Offset	9,134	
	Office of Labor Relations FY 2013 PS Accrual Reduction	-200,000	
	Office of Labor Relations - PS Reduction	-42,909	
	Office of Labor Relations - Funding Shift	-32,057	
	Subtotal for OFF OF LABOR RELATIONS-PS	-251,619	
	Subtotal for MAYORALTY	-1,966,519	
008	OFFICE OF THE ACTUARY		
100	PERSONAL SERVICE		
	PS Accruals	-378,000	
	Subtotal for PERSONAL SERVICE	-378,000	
	Subtotal for OFFICE OF THE ACTUARY	-378,000	
013	BOROUGH PRESIDENT - QUEENS		
002	OTHER THAN PERSONAL SERVICES		
	PS to OTPS Transfer	55,000	
	Transfer from Other Than Personal Services to Personal Services	-100,000	
	Subtotal for OTHER THAN PERSONAL SERVICES	-45,000	
	Subtotal for BOROUGH PRESIDENT - QUEENS	-45,000	
017	DEPARTMENT OF EMERGENCY MANAGEMENT		
001	PERSONAL SERVICES		
	PS Fringe Offset for PS Funding Shift	39,528	
	PS Funding Shift	-309,000	
	Subtotal for PERSONAL SERVICES	-269,472	
	Subtotal for DEPARTMENT OF EMERGENCY MANAGEMENT	-269,472	

FROM

030	DEPARTMENT OF CITY PLANNING		
002	OTHER THAN PERSONAL SERVICES		
	Reduction in Training Fund	-200,000	
	OTPS Reductions	-35,000	
	Subtotal for OTHER THAN PERSONAL SERVICES	-235,000	
	Subtotal for DEPARTMENT OF CITY PLANNING	-235,000	
032	DEPARTMENT OF INVESTIGATION		
001	PERSONAL SERVICES		
	PS Accruals	-348,927	
	PS Accruals PEG	24,796	
	Confidential Investigators	50,719	
	Vacancy Reduction	-238,512	
	Vacancy Reduction PEG	55,275	
	Subtotal for PERSONAL SERVICES	-456,649	
	Subtotal for DEPARTMENT OF INVESTIGATION	-456,649	
035	NEW YORK RESEARCH LIBRARY		
001	LUMP SUM APPROPRIATION		
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	449,000	
	FY 2014 November PEG	-756,036	
	Subtotal for LUMP SUM APPROPRIATION	-307,036	
	Subtotal for NEW YORK RESEARCH LIBRARY	-307,036	
037	NEW YORK PUBLIC LIBRARY		
006	SYSTEMWIDE SERVICES		
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	2,231,000	
	FY 2014 November PEG	-3,757,334	
	Subtotal for SYSTEMWIDE SERVICES	-1,526,334	
	Subtotal for NEW YORK PUBLIC LIBRARY	-1,526,334	
038	BROOKLYN PUBLIC LIBRARY		
001	LUMP SUM		
	Brooklyn Public Library	10,400	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	1,671,000	
	FY 2014 November PEG	-2,814,327	
	Subtotal for LUMP SUM	-1,132,927	

FROM

038	BROOKLYN PUBLIC LIBRARY		
	Subtotal for BROOKLYN PUBLIC LIBRARY	-1,132,927	
039	QUEENS BOROUGH PUBLIC LIBRARY		
001	LUMP SUM		
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	1,649,000	
	FY 2014 November PEG	-2,776,055	
	Subtotal for LUMP SUM	-1,127,055	
	Subtotal for QUEENS BOROUGH PUBLIC LIBRARY	-1,127,055	
040	DEPARTMENT OF EDUCATION		
402	GE INSTR & SCH LEADERSHIP - OTPS		
	Brooklyn Adult Learning Center	13,674	
	Funds for Success Mentors	75,000	
	Technology OTPS Efficiencies	-820,833	
	Admin in Schools - OTPS Efficiencies	-10,542,203	
	Middle School 442K	-5,000	
	Community Roots Charter School	-3,500	
	Administrative OTPS Reductions	11,000,000	
	Subtotal for GE INSTR & SCH LEADERSHIP - OTPS	-282,862	
415	SCHOOL SUPPORT ORGANIZATION		
	School Support - PS Efficiencies	-9,381	
	Subtotal for SCHOOL SUPPORT ORGANIZATION	-9,381	
416	School Support Organization OTPS		
	School Support - OTPS Efficiencies	-21,000	
	Subtotal for School Support Organization OTPS	-21,000	
439	SCHOOL FOOD SERVICES - PS		
	FY13 Medicaid Reestimate	-18,000,000	
	Subtotal for SCHOOL FOOD SERVICES - PS	-18,000,000	
454	CENTRAL ADMINISTRATION - OTPS		
	Administrative OTPS Reductions	-11,000,000	
	Funds for GO PASS	6,300	
	Technical Adjustment	-4,000,000	
	Technology OTPS Efficiencies	-873,326	
	Central Admin - OTPS Efficiencies	-2,816,251	

FROM

040	DEPARTMENT OF EDUCATION		
	Subtotal for CENTRAL ADMINISTRATION - OTPS	-18,683,277	
461	FRINGE BENEFITS - PS		
	HIP Rate Adjustment	-10,961,000	
	Expense Adjustments	-7,100,000	
	Subtotal for FRINGE BENEFITS - PS	-18,061,000	
470	SE PRE-K CONTRACT PMTS - OTPS		
	SE PreK Transportation Savings	-13,472,250	
	SE PreK	-18,000,000	
	Subtotal for SE PRE-K CONTRACT PMTS - OTPS	-31,472,250	
472	CHARTER/CONTRACT/FOSTER CARE PMTS - OTPS		
	SE Contract Schools	-49,000,000	
	Subtotal for CHARTER/CONTRACT/FOSTER CARE PM	-49,000,000	
	Subtotal for DEPARTMENT OF EDUCATION	-135,529,770	
054	CIVILIAN COMPLAINT REVIEW BD		
001	CCRB-PS		
	PS Accruals PEG	47,868	
	PS Accrual Savings	-673,591	
	Subtotal for CCRB-PS	-625,723	
002	CCRB-OTPS		
	OTPS Savings	-38,901	
	Subtotal for CCRB-OTPS	-38,901	
	Subtotal for CIVILIAN COMPLAINT REVIEW BD	-664,624	
056	POLICE DEPARTMENT		
007	TRAFFIC ENFORCEMENT		
	PS Accruals	198,168	
	PS Accruals	-2,788,600	
	Subtotal for TRAFFIC ENFORCEMENT	-2,590,432	
	Subtotal for POLICE DEPARTMENT	-2,590,432	
057	FIRE DEPARTMENT		
001	EXECUTIVE ADMINISTRATIVE		
	Investigators for Bureau of Personnel	45,000	
	Personnel and OTPS for the Bureau of Health Services	43,856	

FROM

057	FIRE DEPARTMENT		
	Additional Fleet Staff - Move to Review Avenue	162,388	
	WTC/Zadroga Grant Reimbursement - Fringe	183,186	
	WTC/Zadroga Grant Reimbursement	-2,577,777	
	Subtotal for EXECUTIVE ADMINISTRATIVE	-2,143,347	
002	FIRE EXTING AND EMERG RESP		
	Grants Fringe Savings	-5,000,000	
	Grants Fringe Savings - Fringe	5,000,000	
	Delay in Unified Call Taking (UCT) Full Implementation	421,876	
	Delay in Unified Call Taker (UCT) Full Implementation - Fringe	-108,568	
	Officer Training Grant Reimbursement	-548,900	
	Subtotal for FIRE EXTING AND EMERG RESP	-235,592	
	Subtotal for FIRE DEPARTMENT	-2,378,939	
068	ADMIN FOR CHILDREN'S SERVICES		
001	PERSONAL SERVICES		
	Division of Child Protection Reductions	-1,864,000	
	Fringe Benefits Technical Adjustment	27,650,000	
	Personal Services Accrual	-3,728,000	
	Fringe Benefits Reimbursement	-27,650,000	
	Subtotal for PERSONAL SERVICES	-5,592,000	
006	CHILD WELFARE-OTPS		
	Foster Care Tuition Reestimate	-3,180,050	
	Revenue Realignment	-2,535,001	
	One Time Revenue Settlements	-25,580,000	
	NFP Transfer	1,505,673	
	Success Mentors	13,000	
	Subtotal for CHILD WELFARE-OTPS	-29,776,378	
008	JUVENILE JUSTICE - OTPS		
	One Time Revenue Settlements	-7,730,371	
	Subtotal for JUVENILE JUSTICE - OTPS	-7,730,371	
	Subtotal for ADMIN FOR CHILDREN'S SERVICES	-43,098,749	

FROM

069	DEPARTMENT OF SOCIAL SERVICES		
101	ADMINISTRATION-OTPS		
	Care for the Homeless	-255,855	
	William F. Ryan Community Health Center, Inc.	-63,736	
	Capital Reimbursement	-1,390,000	
	Capital Reimbursement Technical Adjustment	1,390,000	
	HHS Connect Technical Adjustment	-826,923	
	Xerox/Accenture Fee	-472	
	Collective Bargaining: City Laborers	15,872	
	Floating Hospital	-91,471	
	Project Renewal, Inc.	-303,150	
	Montefiore Medical Center - New York Children's Health Project	-63,736	
	Sunset Park Health Council Inc. d/b/a Lutheran Family Health Centers	-133,770	
	Harlem United Community Aids Center Inc.	-85,166	
	Covenant House	-63,874	
	FFFS Technical Adjustment	1,132,580	
	Damian Family Care Centers Inc.	-139,242	
	Subtotal for ADMINISTRATION-OTPS	-878,943	
103	PUBLIC ASSISTANCE - OTPS		
	HIV/AIDS Program Efficiencies Restoration	44,300	
	Client Services Re-engineering	787,236	
	FFFS Technical Adjustment	582,974	
	Revenue Maximization	-4,171,227	
	HIV/AIDS Program Efficiencies	-470,000	
	Subtotal for PUBLIC ASSISTANCE - OTPS	-3,226,717	
105	ADULT SERVICES - OTPS		
	FFFS Technical Adjustment	8,694	
	Supportive Housing Accruals	-3,054,000	
	Revenue Maximization	-403,836	
	Subtotal for ADULT SERVICES - OTPS	-3,449,142	
201	ADMINISTRATION		
	Agency Integrity	1,087,496	
	HHS Connect Technical Adjustment	-357,351	

FROM

069	DEPARTMENT OF SOCIAL SERVICES		
	One Time Revenue Settlement	-2,000,000	
	Subtotal for ADMINISTRATION	-1,269,855	
203	PUBLIC ASSISTANCE		
	Fringe Benefits Technical Adjustment	32,571,000	
	Fringe Benefits Reimbursement	-32,571,000	
	Medical Support Enforcement	-253,000	
	Subtotal for PUBLIC ASSISTANCE	-253,000	
	Subtotal for DEPARTMENT OF SOCIAL SERVICES	-9,077,657	
071	DEPT OF HOMELESS SERVICES		
100	DEPT OF HOMELESS SERVICES-PS		
	Fringe Benefits Technical Adjustment	403,610	
	Personal Services Accrual	-4,528,704	
	Fringe Benefit Offset: Personal Services Accrual	1,128,704	
	Technical Adjustment	112,369	
	Fringe Benefits Reimbursement	-403,610	
	Subtotal for DEPT OF HOMELESS SERVICES-PS	-3,287,631	
	Subtotal for DEPT OF HOMELESS SERVICES	-3,287,631	
098	MISCELLANEOUS		
001	PERSONAL SERVICES		
	Detective Investigators F/T Release	-71,123	
	Highway & Sewer Inspectors ACF	-8,618	
	DC37 ATG for Sanitation Department Engineering Titles	-4,091	
	Sanitation Officers Annuity and 20 Year Longevity	-1,075,475	
	Subtotal for PERSONAL SERVICES	-1,159,307	
003	FRINGE BENEFITS		
	Fringe Offset - Preventive Maintenance	-793,627	
	Fringe Benefits Technical Adjustment	-403,610	
	Fringe Benefits Reimbursement	-16,000,000	
	FB associated with HC - PEG	-8,454,037	
	Increased Grant Reimbursement	-15,560,246	
	Grants Fringe Savings - Fringe	-5,000,000	
	Fringe Offset - FTA Preventive Maintenance	-3,150,685	

FROM

098	MISCELLANEOUS		
	Fringe Offset - Traffing Planning	-217,003	
	Fringe Benefits Technical Adjustment	-27,650,000	
	Fringe Offset - In House Flag Repair	-352,786	
	FB associated with HC - PRS	-411,226	
	FB Associated with HC - PEG	-302,453	
	Fringe Benefits Technical Adjustment	-32,571,000	
	HPD Mod SRO Fringe	-200,000	
	HPD SPC Fringe	-100,000	
	OCME Fringe Revenue PEG	-61,491	
	Fringe Revenue Technical Adjustment	-2,993,038	
	FB associated with HC - NN	6,423,295	
	Subtotal for FRINGE BENEFITS	-107,797,907	
	Subtotal for MISCELLANEOUS	-108,957,214	
099	GNRL & LSE PRCHS DBT SVC FUNDS		
001	FUNDED DEBT-W/O CONST LIMIT		
	Refunding Savings	-18,726,597	
	Actual FY GO New Money DS	10,863,712	
	Technical adjustment	-475,647	
	GO Fed BABS Subsidy	6,397,427	
	GO interest earnings	3,825,000	
	VRDB Interest Baseline	3,487,857	
	Ref Savings & Reoffering DS	-13,364,485	
	GO Int Earning on Proceeds	12,500	
	Swap Receipts	49,418,349	
	Fed subsidy for BABS	-6,397,427	
	DASNY Proceeds offset to GO	-1,005,000	
	Swap payments	-33,730,599	
	GO Debt Service Baseline	-6,250	
	Projected GO debt service	-24,565,000	
	Subtotal for FUNDED DEBT-W/O CONST LIMIT	-24,266,160	
002	TEMPORARY DEBT W/I CONST LIMIT		
	RANs Interest	-2,271,389	

FROM

099	GNRL & LSE PRCHS DBT SVC FUNDS		
	RANs Interest	-15,200,833	
	Subtotal for TEMPORARY DEBT W/1 CONST LIMIT	-17,472,222	
006	NYC Transitional Finance Authority		
	TFA Federal BABs/QSCBs Subsidy	-2,613,750	
	TFA Debt Service Adjustments	-5,206,136	
	TFA Debt Service	-38,327,972	
	TFA Fed Babs/QSCB subsidy	-1,531,000	
	Subtotal for NYC Transitional Finance Authority	-47,678,858	
	Subtotal for GNRL & LSE PRCHS DBT SVC FUNDS	-89,417,240	
101	PUBLIC ADVOCATE		
002	OTHER THAN PERSONAL SERVICES		
	Realignment of telecom budget.	-15,250	
	Subtotal for OTHER THAN PERSONAL SERVICES	-15,250	
	Subtotal for PUBLIC ADVOCATE	-15,250	
125	DEPARTMENT FOR THE AGING		
002	COMMUNITY PROGRAMS - PS		
	Technical Adjustment	-112,369	
	Technical Adjustment	95,985	
	Subtotal for COMMUNITY PROGRAMS - PS	-16,384	
003	COMMUNITY PROGRAMS - OTPS		
	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	10,000	
	Prior Year Agency Accruals	-6,000,000	
	Success Mentors	112,000	
	Aging in America Community Services, Inc. - Glebe Senior Center	-37,000	
	Services Now for Adult Persons (SNAP, Inc.)	1,500	
	Catholic Charities Neighborhood Services, Inc.	1,000	
	Claire Heurouse Community Center, Inc.	4,000	
	Aging in America Community Services, Inc. - Glebe Senior Center	-36,335	
	Italian Club of Staten Island, Inc.	-3,500	
	Subtotal for COMMUNITY PROGRAMS - OTPS	-5,948,335	
	Subtotal for DEPARTMENT FOR THE AGING	-5,964,719	

FROM

126	DEPARTMENT OF CULTURAL AFFAIRS		
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	136,494	
	FY 2014 November Plan PEG	-177,949	
	Subtotal for BROOKLYN MUSEUM	-167,863	
009	BKLYN CHILDRENS MUSEUM		
	January Plan Adjustment to Cultural Institutions	-37,480	
	FY 2014 November Plan PEG	-52,762	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	40,470	
	Subtotal for BKLYN CHILDRENS MUSEUM	-49,772	
010	BROOKLYN BOTANIC GARDEN		
	January Plan Adjustment to Cultural Institutions	-68,026	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	73,454	
	FY 2014 November Plan PEG	-95,762	
	Subtotal for BROOKLYN BOTANIC GARDEN	-90,334	
011	QUEENS BOTANICAL GARDEN		
	FY 2014 November Plan PEG	-28,872	
	January Plan Adjustment to Cultural Institutions	-20,510	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	22,146	
	Subtotal for QUEENS BOTANICAL GARDEN	-27,236	
012	NY HALL OF SCIENCE		
	FY 2014 November Plan PEG	-41,008	
	January Plan Adjustment to Cultural Institutions	-29,130	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	31,455	
	Subtotal for NY HALL OF SCIENCE	-38,683	
013	SI INSTITUTE ARTS & SCIENCES		
	January Plan Adjustment to Cultural Institutions	-16,804	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	18,145	
	FY 2014 November Plan PEG	-23,655	
	Subtotal for SI INSTITUTE ARTS & SCIENCES	-22,314	
014	S.I. ZOOLOGICAL SOCIETY		
	FY 2014 November Plan PEG	-38,977	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	29,897	
	January Plan Adjustment to Cultural Institutions	-27,688	

FROM

126	DEPARTMENT OF CULTURAL AFFAIRS		
003	CULTURAL PROGRAMS		
	January Plan Adjustment to Cultural Institutions	-110,635	
	Queens College Foundation, Inc.	7,500	
	Bella Voce Inc.	-1,500	
	Bronx Opera Company, Inc.	50,000	
	Kentler International Drawing Space, Inc.	3,500	
	Brooklyn Arts Council, Inc.	10,000	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	912,000	
	FY 2014 November Plan PEG	-1,781,648	
	Subtotal for CULTURAL PROGRAMS	-910,783	
004	METROPOLITAN MUSEUM OF ART		
	January Plan Adjustment to Cultural Institutions	-232,273	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	250,809	
	FY 2014 November Plan PEG	-2,576,981	
	Subtotal for METROPOLITAN MUSEUM OF ART	-2,558,445	
005	NY BOTANICAL GARDEN		
	January Plan Adjustment to Cultural Institutions	-97,328	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	105,093	
	FY 2014 November Plan PEG	-137,011	
	Subtotal for NY BOTANICAL GARDEN	-129,246	
006	AMER MUSEUM NATURAL HISTORY		
	January Plan Adjustment to Cultural Institutions	-191,676	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	206,969	
	FY 2014 November Plan PEG	-1,234,827	
	Subtotal for AMER MUSEUM NATURAL HISTORY	-1,219,534	
007	THE WILDLIFE CONSERVATION SOC.		
	January Plan Adjustment to Cultural Institutions	1,324,385	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	189,404	
	FY 2014 November Plan PEG	-1,746,721	
	Subtotal for THE WILDLIFE CONSERVATION SOC.	-232,932	
008	BROOKLYN MUSEUM		
	January Plan Adjustment to Cultural Institutions	-126,408	

FROM

126	DEPARTMENT OF CULTURAL AFFAIRS		
	Subtotal for S.I. ZOOLOGICAL SOCIETY	-36,768	
015	S I HISTORICAL SOCIETY		
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	15,548	
	FY 2014 November Plan PEG	-20,271	
	January Plan Adjustment to Cultural Institutions	-14,399	
	Subtotal for S I HISTORICAL SOCIETY	-19,122	
017	WAVE HILL		
	January Plan Adjustment to Cultural Institutions	-21,555	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	23,275	
	FY 2014 November Plan PEG	-30,343	
	Subtotal for WAVE HILL	-28,623	
019	BROOKLYN ACADEMY OF MUSIC		
	January Plan Adjustment to Cultural Institutions	-43,848	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	47,348	
	FY 2014 November Plan PEG	-61,727	
	Subtotal for BROOKLYN ACADEMY OF MUSIC	-58,227	
020	SNUG HARBOR CULTURAL CENTER		
	January Plan Adjustment to Cultural Institutions	-23,079	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	24,921	
	FY 2014 November Plan PEG	-32,490	
	Subtotal for SNUG HARBOR CULTURAL CENTER	-30,648	
021	STUDIO MUSEUM IN HARLEM		
	January Plan Adjustment to Cultural Institutions	-12,882	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	13,909	
	FY 2014 November Plan PEG	-18,133	
	Subtotal for STUDIO MUSEUM IN HARLEM	-17,106	
022	OTHER CULTURAL INSTITUTIONS		
	January Plan Adjustment to Cultural Institutions	-211,162	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	228,010	
	FY 2014 November Plan PEG	-297,256	
	Subtotal for OTHER CULTURAL INSTITUTIONS	-280,408	

FROM

126	DEPARTMENT OF CULTURAL AFFAIRS		
024	N.Y.SHAKESPEARE FESTIVAL		
	January Plan Adjustment to Cultural Institutions	-14,907	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	16,096	
	FY 2014 November Plan PEG	-20,984	
	Subtotal for N.Y.SHAKESPEARE FESTIVAL	-19,795	
	Subtotal for DEPARTMENT OF CULTURAL AFFAIRS	-5,937,839	
127	FINANCIAL INFO SERVICES AGENCY		
001	PERSONAL SERVICES		
	Retirees Staff Need	315,000	
	PS Surplus	-1,500,000	
	Subtotal for PERSONAL SERVICES	-1,185,000	
002	OTHER THAN PERSONAL SERVICES		
	Oracle License for Retirees	300,000	
	Alternative Data Center Operation Cost	-1,712,000	
	FMS Mailing	100,000	
	Maintenance Surplus	-7,600,000	
	Subtotal for OTHER THAN PERSONAL SERVICES	-8,912,000	
	Subtotal for FINANCIAL INFO SERVICES AGENCY	-10,097,000	
131	OFFICE PAYROLL ADMINISTRATION		
100	PERSONAL SERVICE		
	Fringe Offset	192,308	
	PS Surplus	-963,001	
	Subtotal for PERSONAL SERVICE	-770,693	
	Subtotal for OFFICE PAYROLL ADMINISTRATION	-770,693	
134	CIVIL SERVICE COMMISSION		
001	PERSONAL SERVICES		
	PS Accruals	-28,000	
	Subtotal for PERSONAL SERVICES	-28,000	
	Subtotal for CIVIL SERVICE COMMISSION	-28,000	
136	LANDMARKS PRESERVATION COMM.		
002	OTHER THAN PERSONAL SERVICES		
	LPC IT DoITT Salaries Transfer	-65,743	

FROM

136	LANDMARKS PRESERVATION COMM.		
	Subtotal for OTHER THAN PERSONAL SERVICES	-65,743	
	Subtotal for LANDMARKS PRESERVATION COMM.	-65,743	
156	NYC TAXI AND LIMOUSINE COMM		
001	PERSONAL SERVICE		
	Fringe Offset - PS Underspending	229,573	
	PS Efficiencies	-407,550	
	PS Under Spending	-834,444	
	Fringe Offset - PS Efficiencies	107,550	
	PS Surplus	-1,000,000	
	Additional Taxi Fine Settlements	70,000	
	Subtotal for PERSONAL SERVICE	-1,834,871	
002	OTHER THAN PERSONAL SERVICE		
	Five-Boro Taxi Adjustment	-21,000,000	
	Subtotal for OTHER THAN PERSONAL SERVICE	-21,000,000	
	Subtotal for NYC TAXI AND LIMOUSINE COMM	-22,834,871	
226	COMMISSION ON HUMAN RIGHTS		
002	OTHER THAN PERSONAL SERVICES		
	Lease Surplus Reduction	-137,000	
	Subtotal for OTHER THAN PERSONAL SERVICES	-137,000	
	Subtotal for COMMISSION ON HUMAN RIGHTS	-137,000	
260	DEPT OF YOUTH & COMMUNITY DEV		
002	EXECUTIVE AND ADMINISTRATIVE MGMT PS		
	CITIServ	-45,000	
	Personal Services Accrual	-1,300,000	
	Subtotal for EXECUTIVE AND ADMINISTRATIVE MG	-1,345,000	
005	COMMUNITY DEVELOPMENT OTPS		
	Claire Heuruse Community Center, Inc.	-4,000	
	Bella Voce Inc.	1,500	
	111th Precinct Community Council Inc.	-3,500	
	South Asian Council for Social Services	3,000	
	Brooklyn Adult Learning Center	-13,674	
	Doe Fund, Inc., The	-31,000	

FROM

260	DEPT OF YOUTH & COMMUNITY DEV		
	Program Accruals	-854,450	
	Legal Services NYC - Staten Island Legal Services	5,667	
	Old Stone House of Brooklyn	5,000	
	Fractured Atlas Productions, Inc.	-7,500	
	Soul Tigers Marching Band, Inc.	2,300	
	Immigrant Opportunities Initiative	-10,400	
	Queens College Foundation, Inc.	-7,500	
	Wagner College	-5,000	
	Jamaica High School Parent Teacher Association	3,500	
	Hispanic Federation, Inc.	5,000	
	Wagner College	-5,000	
	Fractured Atlas Productions, Inc.	-3,500	
	Subtotal for COMMUNITY DEVELOPMENT OTPS	-919,557	
312	OTHER THAN PERSONAL SERVICES		
	Gravesend Athletic Association	15,000	
	Program Accruals	-7,253,646	
	Council on the Environment of New York City, Inc. DB/A GrowNYC	-3,500	
	Dr. Theodore A. Atlas Foundation, Inc.	3,500	
	Council for Unity, Inc.	145,758	
	113th Precinct Community Council	3,500	
	Teens Against Crime, Inc.	3,500	
	Community Roots Charter School	3,500	
	Subtotal for OTHER THAN PERSONAL SERVICES	-7,082,388	
	Subtotal for DEPT OF YOUTH & COMMUNITY DEV	-9,346,945	
312	CONFLICTS OF INTEREST BOARD		
001	PERSONAL SERVICES		
	PS Accruals	-15,731	
	PS Accruals PEG	1,118	
	Subtotal for PERSONAL SERVICES	-14,613	
002	OTHER THAN PERSONAL SERVICES		
	OTPS Savings	-15,000	
	Subtotal for OTHER THAN PERSONAL SERVICES	-15,000	

FROM

312	CONFLICTS OF INTEREST BOARD		
	Subtotal for CONFLICTS OF INTEREST BOARD	-29,613	
313	OFC OF COLLECTIVE BARGAINING		
002	OTHER THAN PERSONAL SERVICES		
	OTPS transfer from OCB	-4,300	
	Subtotal for OTHER THAN PERSONAL SERVICES	-4,300	
	Subtotal for OFC OF COLLECTIVE BARGAINING	-4,300	
781	DEPARTMENT OF PROBATION		
002	PROBATION SERVICES		
	Vacancy Reduction PEG	275,428	
	PS Accrual Savings	-1,184,150	
	PS Accruals PEG	84,150	
	Vacancy Reduction	-1,042,423	
	Subtotal for PROBATION SERVICES	-1,866,995	
003	PROBATION SERVICES-OTPS		
	Security and Cleaning	27,400	
	Lease Surplus Reduction	-415,000	
	Telecommunications Savings	-25,000	
	Security Contract Reduction	-38,000	
	Subtotal for PROBATION SERVICES-OTPS	-450,600	
	Subtotal for DEPARTMENT OF PROBATION	-2,317,595	
801	DEPT OF SMALL BUSINESS SERVICES		
001	DEPT. OF BUSINESS P.S.		
	SBS Vacancy Eliminations	-67,925	
	SBS Vacancy Accruals	-89,951	
	SBS Layoffs	-35,226	
	New Business Acceleration Team	-109,564	
	SBS Salary Savings	-43,434	
	Fringe Benefits Offset - SBS Vacancy Eliminations PEG	17,925	
	SBS PS Funding Reallocation	-16,400	
	Subtotal for DEPT. OF BUSINESS P.S.	-344,575	
002	DEPT. OF BUSINESS O.T.P.S.		
	SBS Industrial Business Zones	-62,446	

FROM

801	DEPT OF SMALL BUSINESS SERVICES	
	SBS OTPS Savings	-93,451
	Trust for Governors Island Contract Reduction	-641,574
	NYC & Company Contract Reduction	-717,033
	Clean Heat Initiative Savings	-383,400
	PEG Restoration - NYC & Company Contract Reduction	135,000
	PEG Restoration - NYC & Company Contract Reduction	350,000
	Wagner College	5,000
	Wagner College	5,000
	SBS City Council Funds - PEG Restoration	163,038
	SBS City Council Funds	-163,038
	Subtotal for DEPT. OF BUSINESS O.T.P.S.	-1,402,904
005	CONTRACT COMP & BUS OPP - OTPS	
	SBS City Council Funds	-32,400
	SBS City Council Funds - PEG Restoration	32,400
	SBS OTPS Savings	-80,941
	Subtotal for CONTRACT COMP & BUS OPP - OTPS	-80,941
006	ECONOMIC DEVELOPMENT CORP.	
	Red Hook and Midtown Community Courthouse Reduction	-13,069
	EDC High Tech Connect Reduction	-14,850
	EDC/Parks Workforce Development Reduction	-54,000
	EDC East River Ferry Reduction	-167,400
	EDC Graffiti Removal Reduction	-30,638
	OER FY14 Rollover of Brownfield Fund, DEC Heating Oil Penalty and Grant Writing	-6,870,555
	Neighborhood Trust Financial Partners	300,000
	Subtotal for ECONOMIC DEVELOPMENT CORP.	-6,850,512
010	WORKFORCE INVESTMENT ACT - PS	
	SBS Vacancy Eliminations	-92,685
	SBS PS Funding Reallocation	-61,644
	Fringe Benefits Offset - SBS Vacancy Eliminations PEG	19,685
	Subtotal for WORKFORCE INVESTMENT ACT - PS	-134,644
011	WORKFORCE INVESTMENT ACT - OTPS	
	SBS City Council Funds - PEG Restoration	296,109

FROM

801	DEPT OF SMALL BUSINESS SERVICES	
	SBS OTPS Savings	-466,350
	SBS City Council Funds	-296,109
	New Skills/New Jobs	-270,000
	Subtotal for WORKFORCE INVESTMENT ACT - OTPS	-736,350
	Subtotal for DEPT OF SMALL BUSINESS SERVICES	-9,549,926
806	HOUSING PRESERVATION AND DEVEL	
001	OFFICE OF ADMINISTRATION	
	CONSOLIDATION OF FMS UNIT	1,699
	Consolidation of FMS Unit	-69,399
	Subtotal for OFFICE OF ADMINISTRATION	-67,700
004	OFFICE OF HOUSING PRESERVATION	
	CONTRACT ADMINISTRATION	-1,988
	Contract Administration	-63,012
	CDBG Cost Allocation	-613,292
	Subtotal for OFFICE OF HOUSING PRESERVATION	-678,292
011	OFFICE OF HOUSING PRESERVATION	
	Demolition Reduction	-1,500,000
	Subtotal for OFFICE OF HOUSING PRESERVATION	-1,500,000
	Subtotal for HOUSING PRESERVATION AND DEVEL	-2,245,992
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
101	HEALTH ADMINISTRATION - PS	
	Queens Detention Facility	-5,684
	Fringe Revenue	-2,993,038
	PS Underspending-Fringe Offset	593,422
	Fringe Revenue Technical Adjustment	2,993,038
	HPDP Technical Realignment	-59,946
	PS Underspending	-1,893,062
	Subtotal for HEALTH ADMINISTRATION - PS	-1,365,270
102	DISEASE CONTROL AND EPIDEMIOLOGY - PS	
	PS Underspending-Fringe Offset	53,602
	PS Underspending	-157,987
	Subtotal for DISEASE CONTROL AND EPIDEMIOLOG	-104,385

FROM

816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
103	HEALTH PROMOTION AND DISEASE PREVEN.- PS	
	City Council Funding - Fringe	49,603
	PS Underspending	-490,614
	City Council Funding	-176,466
	PCIP Technical Realignment	-590,511
	PS Underspending-Fringe Offset	149,509
	HPDP Technical Realignment	59,946
	Subtotal for HEALTH PROMOTION AND DISEASE PRE	-998,533
104	ENVIRONMENTAL HEALTH - PS	
	PS Underspending-Fringe Offset	245,383
	PS Underspending	-780,804
	Subtotal for ENVIRONMENTAL HEALTH - PS	-535,421
108	MENTAL HYGIENE MANAGEMENT SERVICES - PS	
	PS Underspending-Fringe Offset	274,303
	PS Underspending	-475,108
	Subtotal for MENTAL HYGIENE MANAGEMENT SER	-200,805
109	EPIDEMIOLOGY - PS	
	PS Underspending-Fringe Offset	64,140
	PS Underspending	-257,967
	Subtotal for EPIDEMIOLOGY - PS	-193,827
112	DISEASE CONTROL AND EPIDEMIOLOGY - OTPS	
	City Council Funding-Restoration	316,784
	City Council Funding - HHC Restoration	108,000
	HHC-DOHMH Transfer	515,572
	Program Reductions and Efficiencies	-584,227
	City Council Funding	-316,784
	City Council Funding - HHC	-108,000
	Clergy United for Community Empowerment, Inc.	-10,500
	Subtotal for DISEASE CONTROL AND EPIDEMIOLOG	-79,155
113	HEALTH PROMOTION AND DISEASE PREV.-OTPS	
	City Council Funding-Restoration	387,202
	Community Outreach, Education and Clinical Services	-160,000

FROM

816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
	City Council Funding	-443,372
	School Based Health Centers	-193,659
	PCIP Technical Realignment	-848,578
	NFP Transfer	-1,505,673
	Margarita's Breast and Cervical Cancer Survivors Support Group, Inc.	3,500
	Angeldocs, Inc.	-5,000
	Brain Tumor Foundation, The	-10,000
	Brain Tumor Foundation, The	-5,000
	Court-Based Intervention and Resource Teams	14,559
	School Based Health Centers- Restoration	130,000
	Obesity Taskforce Adjustment	211,497
	Subtotal for HEALTH PROMOTION AND DISEASE PRE	-2,424,524
114	ENVIRONMENTAL HEALTH - OTPS	
	Mobile Food Vendor Enforcement	10,000
	City Council Funding	-96,308
	AC&C Efficiencies	-800,000
	Obesity Prevention	-300,522
	Mobile Food Vending Efficiencies	-912,000
	Anti-Gun Violence Initiative	-120,411
	City Council Funding-Restoration	96,308
	Subtotal for ENVIRONMENTAL HEALTH - OTPS	-2,122,933
116	OFFICE OF CHIEF MEDICAL EXAMINER - OTPS	
	OCME IT Reductions	-44,000
	OCME OTPS Reductions	-268,780
	OCME WTC Operations	295,226
	Subtotal for OFFICE OF CHIEF MEDICAL EXAMINER -	-17,554
118	MENTAL HYGIENE MANAGEMENT SERVICES- OTPS	
	Central Administrative Efficiencies	-57,846
	Subtotal for MENTAL HYGIENE MANAGEMENT SER	-57,846
119	EPIDEMIOLOGY - OTPS	
	Program Reductions and Efficiencies	-1,305
	Subtotal for EPIDEMIOLOGY - OTPS	-1,305

		FROM	
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE		
120	MENTAL HEALTH		
	Legal Services NYC - Staten Island Legal Services		-5,667
	City Council Funding-Restoration		267,714
	Mental Hygiene Contracts		71,057
	Queens Detention Facility		-160,524
	Mental Hygiene Program Reductions and Efficiencies		-1,000,000
	City Council Funding		-330,570
	Mental Hygiene Contracts		-379,838
	Subtotal for MENTAL HEALTH		-1,537,828
121	MENTAL RETARDATION AND DEVELOPMENTAL DIS		
	Mental Hygiene Program Reductions and Efficiencies		-166,000
	City Council Funding		-134,946
	Quality Services for the Autism Community (QSAC, Inc.)		1,000
	City Council Funding-Restoration		91,422
	Mental Hygiene Contracts		-589,326
	Mental Hygiene Contracts		161,553
	Subtotal for MENTAL RETARDATION AND DEVELOP		-636,297
122	CHEMICAL DEPENDENCY AND HEALTH PROMOTION		
	Mental Hygiene Contracts		-78,182
	Mental Hygiene Intra-City with HHC		-104,546
	City Council Funding		-30,969
	Mental Hygiene Contracts		107,761
	City Council Funding-Restoration		2,619
	Subtotal for CHEMICAL DEPENDENCY AND HEALTH		-103,317
	Subtotal for DEPARTMENT OF HEALTH AND MENTAL HYGI		-10,379,000
819	HEALTH AND HOSPITALS CORP		
001	LUMP SUM		
	HHC CTL Takedown for IC		-3,278,368
	Medical Services in Adult Shelters		1,200,000
	Subtotal for LUMP SUM		-2,078,368
	Subtotal for HEALTH AND HOSPITALS CORP		-2,078,368

		FROM	
820	OFFICE OF ADMIN TRIALS & HEARINGS		
001	OFF OF ADM. TRIALS & HEARINGS		
	Agency Executive Counsel		85,000
	Hearing Officer Fringe Benefit Offset		53,550
	Reduced Hearing Officer Hours		-753,550
	Subtotal for OFF OF ADM. TRIALS & HEARINGS		-615,000
002	OFFICE OF ADMIN. TRIALS & HEARINGS- OTPS		
	Rent Savings		-400,000
	Subtotal for OFFICE OF ADMIN. TRIALS & HEARINGS		-400,000
	Subtotal for OFFICE OF ADMIN TRIALS & HEARINGS		-1,015,000
826	DEPT ENVIRONMENTAL PROTECTION		
001	EXECUTIVE AND SUPPORT		
	DEP-DSNY Fleet Consolidation		-1,356,966
	DEP-NYPD Fleet Consolidation		-1,080,878
	Mechanic Supervisor (DEP-NYPD)		-70,097
	DEP-DPR Fleet Consolidation		-355,259
	Subtotal for EXECUTIVE AND SUPPORT		-2,863,200
002	ENVIRONMENTAL MANAGEMENT		
	E-Designation Fees		27,750
	Hydroelectric Transfer		135,092
	Energy Program Reduction		3,512
	Transfer Position to Utility		17,512
	Elimination of PS Funding		-84,754
	Transfer Position to Utility		-142,872
	Energy Program Reduction		-49,423
	Subtotal for ENVIRONMENTAL MANAGEMENT		-93,183
003	WATER SUP. & WASTEWATER COLL		
	Hydroelectric Transfer		-135,092
	Subtotal for WATER SUP. & WASTEWATER COLL		-135,092
004	UTILITY - OTPS		
	Hydroelectric Transfer		-2,906,126
	Heat, Light and Power		-241,924
	Subtotal for UTILITY - OTPS		-3,148,050

		FROM	
826	DEPT ENVIRONMENTAL PROTECTION		
006	EXECUTIVE & SUPPORT-OTPS		
	DEP-DSNY Fleet Consolidation		-671,567
	DEP-DPR Fleet Consolidation		-96,100
	DEP-NYPD Fleet Consolidation		-440,458
	Xerox/Accenture Fee Transfer to DCAS		-646
	Review Avenue Lease Adjustment		-743,656
	Subtotal for EXECUTIVE & SUPPORT-OTPS		-1,952,427
	Subtotal for DEPT ENVIRONMENTAL PROTECTION		-8,191,952
836	DEPARTMENT OF FINANCE		
001	ADMINISTRATION & PLANNING		
	Technical Adjustment		-900,000
	Subtotal for ADMINISTRATION & PLANNING		-900,000
002	OPERATIONS		
	Tax Warrant Unit		91,956
	Technical Adjustment		-95,985
	Subtotal for OPERATIONS		-4,029
004	AUDIT		
	Technical Adjustment		-500,000
	Subtotal for AUDIT		-500,000
011	ADMINISTRATION-OTPS		
	Lease Adjustment		-200,000
	Technical Adjustment		-2,750,000
	Xerox/Accenture Fee Transfer to DCAS		-508
	OTPS Adjustments		2,273,221
	Subtotal for ADMINISTRATION-OTPS		-677,287
	Subtotal for DEPARTMENT OF FINANCE		-2,081,316
841	DEPARTMENT OF TRANSPORTATION		
001	EXEC ADM & PLANN MGT.		
	Collective Bargaining for Highway & Sewer Inspectors		404
	Citywide Fleet Consolidation		-1,133,468
	Fringe Offset - Reduce Fleet Services Vacancies		87,833
	Eliminate Fleet Services Vacancies		-314,405

		FROM	
841	DEPARTMENT OF TRANSPORTATION		
	Subtotal for EXEC ADM & PLANN MGT.		-1,359,636
003	TRANSIT OPERATIONS		
	Collective Bargaining for Highway & Sewer Inspectors		101
	Federal Funding Switch for Ferry Preventive Maintenance		-10,000,000
	Fringe Offset - FTA Preventive Maintenance		3,150,685
	Subtotal for TRANSIT OPERATIONS		-6,849,214
004	TRAFFIC OPERATIONS		
	Collective Bargaining for Highway & Sewer Inspectors		223
	Fringe Offset - Traffing Planning		217,003
	Federal Funding Switch for Traffic Planning		-688,750
	Subtotal for TRAFFIC OPERATIONS		-471,524
006	BUREAU OF BRIDGES		
	Fringe Offset - In House Flag Repair		352,786
	Information Technology Attrition Reduction		-122,394
	State Funding Switch for Highway Maintenance		-2,518,904
	State Funding Switch for Bridge Flag Repair		-1,119,711
	Bridge Painting Seasonalization		-230,668
	Fringe Offset - IT&T Attrition Reduction		21,796
	Fringe Offset - Preventive Maintenance		793,627
	State Funding Offset for Parking Adjustment		-1,119,000
	Fringe Adjustment		352,500
	Fringe Offset - Bridge Painter Seasonalization		-4,315
	Subtotal for BUREAU OF BRIDGES		-3,594,283
011	OTPS-EXEC AND ADMINISTRATION		
	Citywide Fleet Consolidation		-667,285
	Subtotal for OTPS-EXEC AND ADMINISTRATION		-667,285
013	OTPS-TRANSIT OPERATIONS		
	Staten Island Ferry Retail Revenue		110,000
	Federal Funding Switch for Port Security		-4,829,894
	Subtotal for OTPS-TRANSIT OPERATIONS		-4,719,894
	Subtotal for DEPARTMENT OF TRANSPORTATION		-17,661,836

FROM

856	DEPT OF CITYWIDE ADMIN SERVS	
100	EXECUTIVE AND SUPPORT SERVICES	
	Internal Audit Position Elimination	-86,785
	PS Accrual Savings	-58,184
	PS and OTPS Transfer from DCAS	-96,007
	Administration Vacancy Elimination	-149,573
	Overtime Reduction	-100,000
	New York City Fleet Non- Replacement of Attrition (fringe offset)	25,359
	PS Accrual Savings (fringe offset)	10,684
	Administration Vacancy Elimination (fringe offset)	33,481
	Internal Audit Vacancy Elimination (fringe offset)	19,551
	New York City Fleet Non- Replacement of Attrition	-116,902
	Subtotal for EXECUTIVE AND SUPPORT SERVICES	-518,376
200	DIV OF ADMINISTRATION AND SECURITY - PS	
	Human Capital Vacancies Elimination (fringe offset)	15,010
	Human Capital Vacancies Elimination	-73,964
	Subtotal for DIV OF ADMINISTRATION AND SECURIT	-58,954
300	DIV OF FACILITIES MGMT AND CONSTRUCTION	
	PS Budget Funding Shift.	-1,802,000
	Asset Management Vacancy Elimination	-100,220
	Asset Management Vacancies Elimination	-35,555
	Funding Shift to ARRA	-430,000
	Asset Management Vacancies (fringe offset)	9,076
	Asset Management Vacancy Elimination (fringe offset)	20,220
	DCAS/DDC Transfer Impact	145,000
	Interest Payments for City laborers (City portion)	86,651
	Capital Budget Transfer	595,494
	Subtotal for DIV OF FACILITIES MGMT AND CONSTR	-1,511,334
390	DIV OF FACILITIES MGMT AND CONST- OTPS	
	Xerox/Accenture Fee Transfer to DCAS	350
	Savings from Lease Audits	-1,500,000
	330 Jay Street Condominium Savings	-499,000
	Lease Audits Savings Offset	1,500,000

FROM

856	DEPT OF CITYWIDE ADMIN SERVS	
	Xerox/Accenture Fee Transfer to DCAS	646
	Xerox/Accenture Fee	472
	Xerox/Accenture Fee	14,625
	Prevailing Wage Increase	238,680
	Lease Adjustment	-700,000
	Civic Virtue Statue	200,000
	Queens DA Move	255,704
	Building Code/Maint Compliance	421,336
	Xerox/Accenture Fee Transfer to DCAS	508
	Subtotal for DIV OF FACILITIES MGMT AND CONST-	-66,679
500	DIV OF REAL ESTATE SERVICES	
	Asset Management Vacancies (fringe offset)	14,372
	Asset Management Vacancies Elimination	-49,740
	Subtotal for DIV OF REAL ESTATE SERVICES	-35,368
600	COMMUNICATIONS	
	Elimination of Parking Card Sales Vacancy (fringe offset)	14,955
	Elimination of Parking Card Sales Vacancy	-47,392
	Subtotal for COMMUNICATIONS	-32,437
700	DIVISION OF ENERGY CONSERVATION	
	PS Savings in Energy Management	-79,728
	PS Accrual Savings (fringe offset)	64,219
	Energy Management Personnel Funding Shift to IFA (fringe offset)	26,712
	Energy Management Personnel Funding Shift to IFA	-134,859
	PS Accrual Savings	-93,219
	PS Savings in Energy Management (fringe offset)	15,420
	Subtotal for DIVISION OF ENERGY CONSERVATION	-201,455
790	DIVISION OF ENERGY CONSERVATION - OTPS	
	PS Accrual Savings	-243,000
	Subtotal for DIVISION OF ENERGY CONSERVATION -	-243,000
	Subtotal for DEPT OF CITYWIDE ADMIN SERVS	-2,667,603

FROM

858	DEPT OF INFO TECH & TELECOMM	
002	OTHER THAN PERSONAL SERVICES	
	PSAC1 Maintenance Contract Replacement - PRS	-1,177,000
	MOME - OTPS Reduction	-1,345,664
	Natural Language IVR Maintenance PEG	-274,738
	NICE Systems Upgrade Saving	-77,000
	Telecom Surplus	-250,000
	Reduce FTEs by 10	-166,000
	Trust and Agency - PRS	-1,299,000
	ECTP Maintenance Reduction	-1,965,000
	MOME - OTPS Reduction	-84,000
	NYC Win Savings	-1,959,000
	OTPS Reductions-PRS	-691,000
	Restore OTPS Reduction	4,930,000
	Remote Access for vendors at PSAC1	-720,000
	Training Savings	-1,800,000
	Restoration of Across-the-Board OTPS Reduction	1,000,000
	Maintenance Savings from Negotiated Acquisition at PSAC1	-299,000
	Trust and Agency	-557,941
	PS and OTPS Transfer from DCAS	77,826
	OTPS Adjustments	-7,273,221
	OTPS transfer from OCB	4,300
	15 MetroTech Rent	146,000
	Network Operations Center (NOC) Site B	2,000,000
	OTPS Adjustments	115,000
	2 Metrotech Data Center Lease	758,000
	Google Map Applications	54,250
	Maintenance Costs	1,149,898
	PSAC1 Maintenance Contract Replacement	-109,000
	Subtotal for OTHER THAN PERSONAL SERVICES	-9,812,290
	Subtotal for DEPT OF INFO TECH & TELECOMM	-9,812,290

FROM

860	DEPT RECORDS + INFORMATION SVS	
100	PERSONAL SERVICES	
	Fringe Benefit Offset	46,866
	Eliminate Full Time Positions	-290,866
	Subtotal for PERSONAL SERVICES	-244,000
	Subtotal for DEPT RECORDS + INFORMATION SVS	-244,000
902	DISTRICT ATTORNEY BRONX CO.	
001	PERSONAL SERVICES	
	PS Savings PEG	61,959
	PS Savings	-231,263
	Subtotal for PERSONAL SERVICES	-169,304
002	OTHER THAN PERSONAL SERVICES	
	OTPS Savings	-8,107
	Subtotal for OTHER THAN PERSONAL SERVICES	-8,107
	Subtotal for DISTRICT ATTORNEY BRONX CO.	-177,411
903	DISTRICT ATTORNEY KINGS CO.	
002	OTHER THAN PERSONAL SERVICES	
	OTPS Savings	-26,231
	District Attorney-Kings	10,000
	District Attorney-Kings	10,000
	Subtotal for OTHER THAN PERSONAL SERVICES	-6,231
	Subtotal for DISTRICT ATTORNEY KINGS CO.	-6,231
904	DISTRICT ATTORNEY QUEENS CO.	
002	OTHER THAN PERSONAL SERVICES	
	OTPS Savings	-29,355
	Subtotal for OTHER THAN PERSONAL SERVICES	-29,355
	Subtotal for DISTRICT ATTORNEY QUEENS CO.	-29,355
905	DISTRICT ATTORNEY RICHMOND	
002	OTHER THAN PERSONAL SERVICES	
	OTPS Savings	-4,630
	Subtotal for OTHER THAN PERSONAL SERVICES	-4,630
	Subtotal for DISTRICT ATTORNEY RICHMOND	-4,630

FROM

906	OFF.OF PROSECUTION SPEC.NARC.		
002	OTHER THAN PERSONAL SERVICES		
	OTPS Savings		-1,991
	Subtotal for OTHER THAN PERSONAL SERVICES		-1,991
	Subtotal for OFF.OF PROSECUTION SPEC.NARC.		-1,991
			-526,142,717

TO

012	BOROUGH PRESIDENT - BROOKLYN		
	Subtotal for BOROUGH PRESIDENT - BROOKLYN		0
013	BOROUGH PRESIDENT - QUEENS		
001	PERSONAL SERVICES		
	FY 2014 November Plan Reduction Fringe		-4,345
	Transfer from Other Than Personal Services to Personal Services		100,000
	PS Reduction - Layoff		-155,000
	PS Reduction Restoration for FY 2013		155,000
	PS to OTPS Transfer		-55,000
	FY 2014 November Plan Reduction Fringe		4,345
	Subtotal for PERSONAL SERVICES		45,000
	Subtotal for BOROUGH PRESIDENT - QUEENS		45,000
014	BOROUGH PRESIDENT STATEN ISLAN		
001	PERSONAL SERVICES		
	PS Reduction Restoration for FY 2013		134,000
	FY 2014 November Plan Reduction Fringe		10,251
	PS Reduction		-134,000
	FY 2014 November Plan Reduction Fringe		-10,251
	Subtotal for PERSONAL SERVICES		0
	Subtotal for BOROUGH PRESIDENT STATEN ISLAN		0
021	OFFICE OF ADMINISTRATIVE TAX APPEALS		
001	PERSONAL SERVICES		
	PS Adjustment		23,244
	Subtotal for PERSONAL SERVICES		23,244
	Subtotal for OFFICE OF ADMINISTRATIVE TAX APPEALS		23,244
025	LAW DEPARTMENT		
001	PERSONAL SERVICES		
	PS Accruals		-2,000,000
	Litigation Needs and Experts		1,910,000
	PS Accruals - Fringe Offset		142,000
	Subtotal for PERSONAL SERVICES		52,000
002	OTHER THAN PERSONAL SERVICES		
	Lease Increase for Bronx Tort Division		240,000

TO

003	BOARD OF ELECTIONS		
001	PERSONAL SERVICES		
	PS Deficits		23,500,000
	Subtotal for PERSONAL SERVICES		23,500,000
002	OTHER THAN PERSONAL SERVICES		
	General Election Mailings		1,600,000
	Additional Postage		250,000
	Special Election		400,000
	Subtotal for OTHER THAN PERSONAL SERVICES		2,250,000
	Subtotal for BOARD OF ELECTIONS		25,750,000
010	BOROUGH PRESIDENT - MANHATTAN		
001	PERSONAL SERVICES		
	PS Reduction		-147,000
	FY 2014 November Plan Reduction Fringe		11,246
	FY 2014 November Plan Reduction Fringe		-11,246
	PS Reduction Restoration for FY 2013		147,000
	Subtotal for PERSONAL SERVICES		0
	Subtotal for BOROUGH PRESIDENT - MANHATTAN		0
011	BOROUGH PRESIDENT BRONX		
001	PERSONAL SERVICES		
	FY 2014 November Plan Reduction Fringe		-13,464
	PS Reduction Restoration for FY 2013		176,000
	FY 2014 November Plan Reduction Fringe		13,464
	PS Reduction		-176,000
	Subtotal for PERSONAL SERVICES		0
	Subtotal for BOROUGH PRESIDENT BRONX		0
012	BOROUGH PRESIDENT - BROOKLYN		
001	PERSONAL SERVICES		
	FY 2014 November Plan Reduction Fringe		-13,617
	PS Reduction Restoration for FY 2013		178,000
	FY 2014 November Plan Reduction Fringe		13,617
	PS Reduction		-178,000
	Subtotal for PERSONAL SERVICES		0

TO

025	LAW DEPARTMENT		
	Lease Adjustment		8,000
	Litigation Needs and Experts		1,650,000
	Taxi Drivers Case		218,000
	Subtotal for OTHER THAN PERSONAL SERVICES		2,116,000
	Subtotal for LAW DEPARTMENT		2,168,000
030	DEPARTMENT OF CITY PLANNING		
001	PERSONAL SERVICES		
	EDC funding of temporary hires,		191,217
	FY13 PS Accrual Savings		-36,000
	PS Attrition Savings		-105,267
	Fringe Benefit Offset		27,267
	Subtotal for PERSONAL SERVICES		77,217
	Subtotal for DEPARTMENT OF CITY PLANNING		77,217
040	DEPARTMENT OF EDUCATION		
401	GE INSTR & SCH LEADERSHIP - PS		
	Technical Adjustment		4,000,000
	Admin in Schools - PS Efficiencies		-1,595,754
	Subtotal for GE INSTR & SCH LEADERSHIP - PS		2,404,246
424	SE INSTRUCTIONAL SUPPORT - OTPS		
	FY13 Medicaid Reestimate		18,000,000
	Related Services		-18,000,000
	Subtotal for SE INSTRUCTIONAL SUPPORT - OTPS		0
436	SCHOOL FACILITIES - OTPS		
	Extended Use Revenue		5,000,000
	Extended Use Revenue		-5,000,000
	Subtotal for SCHOOL FACILITIES - OTPS		0
453	CENTRAL ADMINISTRATION - PS		
	Funds for GO PASS		300,000
	Central Admin - PS Efficiencies		-51,901
	Subtotal for CENTRAL ADMINISTRATION - PS		248,099
	Subtotal for DEPARTMENT OF EDUCATION		2,652,345

TO

042	CITY UNIVERSITY		
001	COMMUNITY COLLEGE-OTPS		
	City University of New York School of Law Foundation, Inc., The	5,000	
	Subtotal for COMMUNITY COLLEGE-OTPS	5,000	
	Subtotal for CITY UNIVERSITY	5,000	
056	POLICE DEPARTMENT		
001	OPERATIONS		
	DOT Fleet Consolidation	1,133,468	
	United Nations Reimbursement	-645,187	
	PS Accruals	-1,394,300	
	PS Accruals	99,084	
	Increased Grant Reimbursement	-15,560,246	
	Staffing of the New Police Academy	73,846	
	121 Precinct Staffing	8,201,404	
	DEP Fleet Consolidation	66,796	
	DEP Fleet Consolidation	1,080,878	
	Increased Grant Reimbursement	15,560,246	
	Subtotal for OPERATIONS	8,615,989	
004	ADMINISTRATION-PERSONNEL		
	121 Precinct Staffing	132,486	
	Staffing of the New Police Academy	738,463	
	Subtotal for ADMINISTRATION-PERSONNEL	870,949	
100	OPERATIONS-OTPS		
	Telecommunication Budget Adjustment	4,200,000	
	Verizon Credit	-1,944,827	
	Subtotal for OPERATIONS-OTPS	2,255,173	
400	ADMINISTRATION-OTPS		
	Intergraph Computer Aided Dispatch (ICAD) Contract	831,328	
	121 Precinct Staffing	100,000	
	DOT Fleet Consolidation	667,285	
	DEP Fleet Consolidation	440,458	
	Gas Station Restoration	97,678	
	Subtotal for ADMINISTRATION-OTPS	2,136,749	

TO

056	POLICE DEPARTMENT		
700	TRAFFIC ENFORCEMENT-OTPS		
	Traffic Enforcement Fleet Adjustment	510,000	
	Subtotal for TRAFFIC ENFORCEMENT-OTPS	510,000	
	Subtotal for POLICE DEPARTMENT	14,388,860	
057	FIRE DEPARTMENT		
004	FIRE PREVENTION		
	Fire Prevention Revenue	727,000	
	Increase Arrears Collection	28,300	
	Fire Prevention Revenue - Fringe	-146,000	
	Subtotal for FIRE PREVENTION	609,300	
005	EXECUTIVE ADMIN-OTPS		
	Personnel and OTPS for the Bureau of Health Services	732,478	
	Quartermaster	3,821,000	
	Lease Adjustment	495,000	
	Mobile Electronic Patient Care Record (ePCR) Citywide Rollout	235,000	
	OTPS Need	1,245,000	
	Lease Increases - Fleet Consolidation/Review Avenue	277,055	
	Heat, Light and Power	1,014,000	
	Subtotal for EXECUTIVE ADMIN-OTPS	7,819,533	
009	EMERGENCY MEDICAL SERVICES-PS		
	Voluntary Hospital Dispatch Fee	2,133,478	
	Washington Heights Supervision	241,112	
	Brookdale EMS Tours	-512,241	
	Mobile Electronic Patient Care Record (ePCR) Citywide Rollout	600,000	
	Subtotal for EMERGENCY MEDICAL SERVICES-PS	2,462,349	
010	EMERGENCY MEDICAL SERV-OTPS		
	Heat, Light and Power	269,000	
	Lease Increases - Fleet Consolidation/Review Avenue	1,243,795	
	OTPS Need	358,000	
	Brookdale EMS Tours	604,998	
	Subtotal for EMERGENCY MEDICAL SERV-OTPS	2,475,793	
	Subtotal for FIRE DEPARTMENT	13,366,975	

TO

068	ADMIN FOR CHILDREN'S SERVICES		
002	OTHER THAN PERSONAL SERVICES		
	Lease New Need	96,600	
	Xerox/Accenture Fee	-14,625	
	HHS Connect Technical Adjustment	-51,011	
	Subtotal for OTHER THAN PERSONAL SERVICES	30,964	
004	HEADSTART/DAYCARE-OTPS		
	Bethel Baptist Day Care Center, Inc.	-300,000	
	Administration for Children Services	-100,000	
	Williamsbridge NAACP	300,988	
	Lease New Need	155,530	
	Subtotal for HEADSTART/DAYCARE-OTPS	56,518	
	Subtotal for ADMIN FOR CHILDREN'S SERVICES	87,482	
069	DEPARTMENT OF SOCIAL SERVICES		
104	MEDICAL ASSISTANCE - OTPS		
	FFFS Technical Adjustment	1,313,430	
	Subtotal for MEDICAL ASSISTANCE - OTPS	1,313,430	
	Subtotal for DEPARTMENT OF SOCIAL SERVICES	1,313,430	
071	DEPT OF HOMELESS SERVICES		
200	DEPT OF HOMELESS SERVICES-OTPS		
	Adult Shelter Provider Performance Payments	-700,000	
	Delayed Implementation of Shared Rooms for Families With Children	9,100,795	
	Delayed Implementation of City Owned Shelter Reorganization	989,822	
	Restoration of Shelter Security and Administrative Savings	1,031,017	
	Restoration of Shelter Provider Administrative and Security Savings	1,400,000	
	Restoration of Emergency Assistance Revenue Increase	1,329,497	
	Doe Fund, Inc., The	31,000	
	Employment Initiative	-1,127,698	
	Additional Federal Revenue for Veterans Services	-700,000	
	Reimbursement for Shelter Medical Services	-500,000	
	One Time Revenue Settlement	-1,392,000	
	Family Capacity Re-estimate	15,239,592	
	Adult Capacity Re-estimate	22,383,434	

TO

071	DEPT OF HOMELESS SERVICES		
	Restoration of Family Hotel Provider Performance Incentive Payments	1,236,210	
	Subtotal for DEPT OF HOMELESS SERVICES-OTPS	48,321,669	
	Subtotal for DEPT OF HOMELESS SERVICES	48,321,669	
072	DEPARTMENT OF CORRECTION		
001	ADMINISTRATION		
	Post Reduction	-651	
	Post Reduction	-706	
	Uniform Operating Level	358,532	
	Cancel Re-opening of the Queens Detention Complex	-141,397	
	Subtotal for ADMINISTRATION	215,778	
002	OPERATIONS		
	Post Reduction	-48,585	
	Reduce Adolescent Punitive Segregation Capacity PEG	11,478	
	Reduce Emergency Service Unit Daytime Staffing	2,915,163	
	Civilian PS Accrual Savings	-3,894,259	
	Civilian Vacancy Reduction	-3,950,321	
	Northern Border Prosecution Initiative Federal Revenue	-1,244,000	
	State Criminal Alien Assistance Program (SCAAP) Federal Funding	-6,404,800	
	Cancel Re-opening of the Queens Detention Complex	-11,975,202	
	Reduce Adolescent Punitive Segregation Capacity	-161,519	
	Post Reduction	-73,427	
	Funds Realignment	3,020,079	
	Civilian Vacancy Reduction PEG	930,242	
	Post Reduction PEG	11,759	
	Uniform Operating Level	21,897,460	
	Cancel Re-opening of the Queens Detention Complex PEG	2,523,939	
	Post Reduction PEG	9,998	
	Reduce Medically Monitored Return Correction Officer Follow-Up Visits PEG	10,671	
	Civilian PS Accrual Savings PEG	276,740	
	Reduce ESU Daytime Staffing PRS	-590,163	
	Reduce Medically Monitored Return Correction Officer Follow-Up Visits	-150,168	
	Subtotal for OPERATIONS	3,115,085	

TO

072	DEPARTMENT OF CORRECTION		
003	OPERATIONS - OTPS		
	Benjamin Litigation	1,000,000	
	Courier Service Savings	-71,000	
	Subtotal for OPERATIONS - OTPS	929,000	
004	ADMINISTRATION - OTPS		
	Lease Adjustment	152,000	
	Xerox/Accenture Fee Transfer to DCAS	-350	
	Jail Management System	271,044	
	Subtotal for ADMINISTRATION - OTPS	422,694	
	Subtotal for DEPARTMENT OF CORRECTION	4,682,557	
073	BOARD OF CORRECTION		
001	PERSONAL SERVICES		
	Field Staff Reduction Fringe Adjustment (PRS)	-18,747	
	Field Staff Vacancy Reduction	78,188	
	Field Staff	59,115	
	Subtotal for PERSONAL SERVICES	118,556	
	Subtotal for BOARD OF CORRECTION	118,556	
098	MISCELLANEOUS		
002	OTHER THAN PERSONAL SERVICES		
	Alternative to Incarceration Programs	1,545,166	
	Contract Re-estimate	-658,000	
	NYC Service Transfer	-1,089,033	
	OTPS Adjustments	5,000,000	
	Brooklyn Tenants Association, Inc.	-2,300	
	Funding for outside counsel	4,910,000	
	MTA Payroll Tax	163,506	
	Queensboro Council for Social Welfare, Inc.	-3,000	
	Cassidy/Lafayette Houses Tenant Association	1,500	
	New Lane Shores Tenant Association	2,000	
	MTA Payroll Tax	332,445	
	CJC Non-Profit Relocations	77,422	
	Contract Re-estimate	-1,697,325	

TO

125	DEPARTMENT FOR THE AGING		
	Subtotal for DEPARTMENT FOR THE AGING	138,033	
126	DEPARTMENT OF CULTURAL AFFAIRS		
002	OFFICE OF COMMISSIONER - OTPS		
	Lease Adjustment	117,000	
	Subtotal for OFFICE OF COMMISSIONER - OTPS	117,000	
016	MUSEUM OF THE CITY OF NY		
	January Plan Adjustment to Cultural Institutions	-24,595	
	FY 2014 January Partial Restoration of FY 2014 November Plan PEG	26,557	
	South Street Seaport Museum Energy Subsidy	236,963	
	FY 2014 November Plan PEG	-34,623	
	Subtotal for MUSEUM OF THE CITY OF NY	204,302	
	Subtotal for DEPARTMENT OF CULTURAL AFFAIRS	321,302	
136	LANDMARKS PRESERVATION COMM.		
001	PERSONAL SERVICES		
	Fringe Offset	-54,000	
	LPC IT DoITT Salaries Transfer	65,743	
	Landmarks Permit Fee Revenue	198,000	
	Subtotal for PERSONAL SERVICES	209,743	
	Subtotal for LANDMARKS PRESERVATION COMM.	209,743	
341	MANHATTAN COMMUNITY BOARD #1		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for MANHATTAN COMMUNITY BOARD #1	0	
342	MANHATTAN COMMUNITY BOARD #2		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for MANHATTAN COMMUNITY BOARD #2	0	

TO

098	MISCELLANEOUS		
	Bronx Child Advocacy Center	297,746	
	PARIS Maintenance	70,000	
	Funding for Major Cases	3,583,000	
	OTPS Adjustments	-115,000	
	Anti-Gun Violence Initiative	-20,000	
	Subtotal for OTHER THAN PERSONAL SERVICES	12,398,127	
005	INDIGENT DEFENSE SERVICES		
	Contract Re-estimate	658,000	
	Subtotal for INDIGENT DEFENSE SERVICES	658,000	
002	GENERAL RESERVE		
	GENERAL RESERVE	335,729,673	
	Subtotal for GENERAL RESERVE	335,729,673	
	Subtotal for MISCELLANEOUS	348,785,800	
099	GNRL & LSE PRCHS DBT SVC FUNDS		
003	LEASE PURCH & CITY GUAR DEBT		
	DASNY Court	-590,023	
	HY Tax Equivalency Payment	4,708,508	
	Subtotal for LEASE PURCH & CITY GUAR DEBT	4,118,485	
	Subtotal for GNRL & LSE PRCHS DBT SVC FUNDS	4,118,485	
101	PUBLIC ADVOCATE		
001	PERSONAL SERVICES		
	FY 2014 November Plan Reduction Fringe	-5,814	
	PS Reduction	-76,000	
	Realignment of telecom budget.	15,250	
	PS Reduction Restoration for FY 2013	76,000	
	FY 2014 November Plan Reduction Fringe	5,814	
	Subtotal for PERSONAL SERVICES	15,250	
	Subtotal for PUBLIC ADVOCATE	15,250	
125	DEPARTMENT FOR THE AGING		
004	EXECUTIVE & ADMIN MGMT-OTPS		
	NYC Service Initiative	138,033	
	Subtotal for EXECUTIVE & ADMIN MGMT-OTPS	138,033	

TO

343	MANHATTAN COMMUNITY BOARD #3		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
003	RENT AND ENERGY		
	Lease Adjustment	1,000	
	Subtotal for RENT AND ENERGY	1,000	
	Subtotal for MANHATTAN COMMUNITY BOARD #3	1,000	
344	MANHATTAN COMMUNITY BOARD #4		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for MANHATTAN COMMUNITY BOARD #4	0	
345	MANHATTAN COMMUNITY BOARD #5		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for MANHATTAN COMMUNITY BOARD #5	0	
346	MANHATTAN COMMUNITY BOARD #6		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for MANHATTAN COMMUNITY BOARD #6	0	
347	MANHATTAN COMMUNITY BOARD #7		
001	PERSONAL SERVICES		
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	FY13 PEG RESTORATION	11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for MANHATTAN COMMUNITY BOARD #7	0	

TO

348	MANHATTAN COMMUNITY BOARD #8		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for MANHATTAN COMMUNITY BOARD #8	0	
349	MANHATTAN COMMUNITY BOARD #9		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for MANHATTAN COMMUNITY BOARD #9	0	
350	MANHATTAN COMMUNITY BOARD #10		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
003	RENT		
	Lease Adjustment	2,000	
	Subtotal for RENT	2,000	
	Subtotal for MANHATTAN COMMUNITY BOARD #10	2,000	
351	MANHATTAN COMMUNITY BOARD #11		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for MANHATTAN COMMUNITY BOARD #11	0	
352	MANHATTAN COMMUNITY BOARD #12		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for MANHATTAN COMMUNITY BOARD #12	0	

TO

386	BRONX COMMUNITY BOARD #6		
	PEGS FOR FY 2013 AND FY 2014		-11,172
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BRONX COMMUNITY BOARD #6	0	
387	BRONX COMMUNITY BOARD #7		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BRONX COMMUNITY BOARD #7	0	
388	BRONX COMMUNITY BOARD #8		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
003	RENT AND ENERGY		
	Lease Adjustment	2,000	
	Subtotal for RENT AND ENERGY	2,000	
	Subtotal for BRONX COMMUNITY BOARD #8	2,000	
389	BRONX COMMUNITY BOARD #9		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BRONX COMMUNITY BOARD #9	0	
390	BRONX COMMUNITY BOARD #10		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BRONX COMMUNITY BOARD #10	0	

TO

381	BRONX COMMUNITY BOARD #1		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BRONX COMMUNITY BOARD #1	0	
382	BRONX COMMUNITY BOARD #2		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BRONX COMMUNITY BOARD #2	0	
383	BRONX COMMUNITY BOARD #3		
001	PERSONAL SERVICES		
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	FY13 PEG RESTORATION	11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BRONX COMMUNITY BOARD #3	0	
384	BRONX COMMUNITY BOARD #4		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BRONX COMMUNITY BOARD #4	0	
385	BRONX COMMUNITY BOARD #5		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BRONX COMMUNITY BOARD #5	0	
386	BRONX COMMUNITY BOARD #6		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	

TO

391	BRONX COMMUNITY BOARD #11		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
003	RENT		
	Lease Adjustment	2,000	
	Subtotal for RENT	2,000	
	Subtotal for BRONX COMMUNITY BOARD #11	2,000	
392	BRONX COMMUNITY BOARD #12		
001	PERSONAL SERVICES		
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	FY13 PEG RESTORATION	11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BRONX COMMUNITY BOARD #12	0	
431	QUEENS COMMUNITY BOARD #1		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for QUEENS COMMUNITY BOARD #1	0	
432	QUEENS COMMUNITY BOARD #2		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for QUEENS COMMUNITY BOARD #2	0	
433	QUEENS COMMUNITY BOARD #3		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for QUEENS COMMUNITY BOARD #3	0	

TO

434	QUEENS COMMUNITY BOARD #4		
001	PERSONAL SERVICES		
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	FY13 PEG RESTORATION	11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for QUEENS COMMUNITY BOARD #4	0	
435	QUEENS COMMUNITY BOARD #5		
001	PERSONAL SERVICES		
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	FY13 PEG RESTORATION	11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for QUEENS COMMUNITY BOARD #5	0	
436	QUEENS COMMUNITY BOARD #6		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for QUEENS COMMUNITY BOARD #6	0	
437	QUEENS COMMUNITY BOARD #7		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for QUEENS COMMUNITY BOARD #7	0	
438	QUEENS COMMUNITY BOARD #8		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for QUEENS COMMUNITY BOARD #8	0	
439	QUEENS COMMUNITY BOARD #9		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	

TO

444	QUEENS COMMUNITY BOARD #14		
	Subtotal for QUEENS COMMUNITY BOARD #14	0	
471	BROOKLYN COMMUNITY BOARD #1		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BROOKLYN COMMUNITY BOARD #1	0	
472	BROOKLYN COMMUNITY BOARD #2		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BROOKLYN COMMUNITY BOARD #2	0	
473	BROOKLYN COMMUNITY BOARD #3		
001	PERSONAL SERVICES		
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	FY13 PEG RESTORATION	11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BROOKLYN COMMUNITY BOARD #3	0	
474	BROOKLYN COMMUNITY BOARD #4		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BROOKLYN COMMUNITY BOARD #4	0	
475	BROOKLYN COMMUNITY BOARD #5		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BROOKLYN COMMUNITY BOARD #5	0	

TO

439	QUEENS COMMUNITY BOARD #9		
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for QUEENS COMMUNITY BOARD #9	0	
440	QUEENS COMMUNITY BOARD #10		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for QUEENS COMMUNITY BOARD #10	0	
441	QUEENS COMMUNITY BOARD #11		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for QUEENS COMMUNITY BOARD #11	0	
442	QUEENS COMMUNITY BOARD #12		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for QUEENS COMMUNITY BOARD #12	0	
443	QUEENS COMMUNITY BOARD #13		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for QUEENS COMMUNITY BOARD #13	0	
444	QUEENS COMMUNITY BOARD #14		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	

TO

476	BROOKLYN COMMUNITY BOARD #6		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BROOKLYN COMMUNITY BOARD #6	0	
477	BROOKLYN COMMUNITY BOARD #7		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BROOKLYN COMMUNITY BOARD #7	0	
478	BROOKLYN COMMUNITY BOARD #8		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BROOKLYN COMMUNITY BOARD #8	0	
479	BROOKLYN COMMUNITY BOARD #9		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BROOKLYN COMMUNITY BOARD #9	0	
480	BROOKLYN COMMUNITY BOARD #10		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BROOKLYN COMMUNITY BOARD #10	0	
481	BROOKLYN COMMUNITY BOARD #11		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	

TO

481	BROOKLYN COMMUNITY BOARD #11		
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BROOKLYN COMMUNITY BOARD #11	0	
482	BROOKLYN COMMUNITY BOARD #12		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BROOKLYN COMMUNITY BOARD #12	0	
483	BROOKLYN COMMUNITY BOARD #13		
001	PERSONAL SERVICES		
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	FY13 PEG RESTORATION	11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BROOKLYN COMMUNITY BOARD #13	0	
484	BROOKLYN COMMUNITY BOARD #14		
001	PERSONAL SERVICES		
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	FY13 PEG RESTORATION	11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BROOKLYN COMMUNITY BOARD #14	0	
485	BROOKLYN COMMUNITY BOARD #15		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BROOKLYN COMMUNITY BOARD #15	0	
486	BROOKLYN COMMUNITY BOARD #16		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	

TO

493	STATEN ISLAND COMMUNITY BD #3		
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for STATEN ISLAND COMMUNITY BD #3	0	
806	HOUSING PRESERVATION AND DEVEL		
009	OFFICE OF DEVELOPMENT OTPS		
	Brooklyn Legal Services Corporation A	50,000	
	HPD Fringe Dummy initiative- SPC & Mod/SRO PEG	300,000	
	HPD Fringe Contribution	-300,000	
	Brooklyn Housing and Family Services, Inc.	10,000	
	Subtotal for OFFICE OF DEVELOPMENT OTPS	60,000	
010	HOUSING MANAGEMENT AND SALES		
	DOI Audit	200,000	
	Subtotal for HOUSING MANAGEMENT AND SALES	200,000	
	Subtotal for HOUSING PRESERVATION AND DEVEL	260,000	
810	DEPARTMENT OF BUILDINGS		
001	PERSONAL SERVICES		
	DOB Energy Audit Retrofit Unit	178,000	
	Transfer of Licensing Exams	121,000	
	DOB Energy Compliance Unit	376,000	
	Longevity Different. Increase	101	
	Subtotal for PERSONAL SERVICES	675,101	
002	OTHER THAN PERSONAL SERVICES		
	Transfer of Licensing Exams	935,597	
	NYC Service Program Cool Roofs	221,000	
	Subtotal for OTHER THAN PERSONAL SERVICES	1,156,597	
	Subtotal for DEPARTMENT OF BUILDINGS	1,831,698	
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE		
106	OFFICE OF CHIEF MEDICAL EXAMINER - PS		
	OCME Fringe Revenue	-61,491	
	OCME WTC Operations	242,267	
	OCME Fringe Revenue PEG	61,491	
	Subtotal for OFFICE OF CHIEF MEDICAL EXAMINER -	242,267	

TO

486	BROOKLYN COMMUNITY BOARD #16		
003	RENT		
	Lease Adjustment	2,000	
	Subtotal for RENT	2,000	
	Subtotal for BROOKLYN COMMUNITY BOARD #16	2,000	
487	BROOKLYN COMMUNITY BOARD #17		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for BROOKLYN COMMUNITY BOARD #17	0	
488	BROOKLYN COMMUNITY BOARD #18		
001	PERSONAL SERVICE		
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	FY13 PEG RESTORATION	11,172	
	Subtotal for PERSONAL SERVICE	0	
	Subtotal for BROOKLYN COMMUNITY BOARD #18	0	
491	STATEN ISLAND COMMUNITY BD #1		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for STATEN ISLAND COMMUNITY BD #1	0	
492	STATEN ISLAND COMMUNITY BD #2		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	
	Subtotal for PERSONAL SERVICES	0	
	Subtotal for STATEN ISLAND COMMUNITY BD #2	0	
493	STATEN ISLAND COMMUNITY BD #3		
001	PERSONAL SERVICES		
	FY13 PEG RESTORATION	11,172	
	PEGS FOR FY 2013 AND FY 2014	-11,172	

TO

816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE		
107	HEALTH CARE ACCESS AND IMPROVEMENT - PS		
	PS Underspending	-168,874	
	Functional Transfer HHC to DOHMH	201,586	
	PS Underspending-Fringe Offset	65,236	
	PCIP Technical Realignment	561,468	
	Subtotal for HEALTH CARE ACCESS AND IMPROVEM	659,416	
111	HEALTH ADMINISTRATION - OTPS		
	HHS Connect Technical Adjustment	1,235,285	
	Central Administrative Efficiencies	-28,000	
	Queens Detention Facility	-51,556	
	Consolidation Savings	-275,594	
	Subtotal for HEALTH ADMINISTRATION - OTPS	880,135	
117	HEALTH CARE ACCESS AND IMPROVEMENT- OTPS		
	City Council Funding	-290,756	
	City Council Funding-Restoration	290,756	
	HHC-DOHMH Transfer	2,762,796	
	PCIP Technical Realignment	877,621	
	Functional Transfer HHC to DOHMH	-201,586	
	Queens Detention Facility	-2,599,997	
	Subtotal for HEALTH CARE ACCESS AND IMPROVEM	838,834	
	Subtotal for DEPARTMENT OF HEALTH AND MENTAL HYGI	2,620,652	
826	DEPT ENVIRONMENTAL PROTECTION		
005	ENVIRONMENTAL MANAGEMENT -OTPS		
	Energy Program Reduction	-80,000	
	Landfill Program Reduction	-160,300	
	E-Designation Fees	27,250	
	Hydroelectric Transfer	4,156,518	
	Subtotal for ENVIRONMENTAL MANAGEMENT -OTP	3,943,468	
	Subtotal for DEPT ENVIRONMENTAL PROTECTION	3,943,468	
827	DEPARTMENT OF SANITATION		
101	EXECUTIVE ADMINISTRATIVE		
	IFA Technical Adjustment - Collective Bargaining	-2,754	

		TO	
827	DEPARTMENT OF SANITATION		
	Collective Bargaining Adjustment		2,754
	Conversion of IFA heads to City funds		208,400
	Subtotal for EXECUTIVE ADMINISTRATIVE		208,400
102	CLEANING & COLLECTION		
	Recycling New Headcount		200,000
	Collective Bargaining Adjustment		156
	Public School Organics Pilot		1,101,315
	Residential Organics Pilot		161,693
	Collective Bargaining Adjustment		1,075,475
	Subtotal for CLEANING & COLLECTION		2,538,639
103	WASTE DISPOSAL		
	Collective Bargaining Adjustment		787
	Conversion of IFA heads to City funds		83,000
	Subtotal for WASTE DISPOSAL		83,787
104	BUILDING MANAGEMENT		
	Collective Bargaining Adjustment		157
	Subtotal for BUILDING MANAGEMENT		157
105	BUREAU OF MOTOR EQUIP		
	Fleet Consolidation - DEP		1,356,966
	Collective Bargaining Adjustment		237
	Subtotal for BUREAU OF MOTOR EQUIP		1,357,203
106	EXEC & ADMINISTRATIVE-OTPS		
	Energy Savings		-910,179
	Manhattan 11 Garage Lease		850,000
	Lease Adjustment		-400,000
	HDR & HDW Contracts		2,351,057
	Subtotal for EXEC & ADMINISTRATIVE-OTPS		1,890,878
109	CLEANING & COLLECTION-OTPS		
	Class 3 Safety Vests		89,000
	Residential Organics Pilot		336,716
	Public School Organics Pilot		228,522
	Recycling Outreach		400,000

		TO	
836	DEPARTMENT OF FINANCE		
	Subtotal for DEPARTMENT OF FINANCE		5,167,386
841	DEPARTMENT OF TRANSPORTATION		
002	HIGHWAY OPERATIONS		
	Collective Bargaining for Highway & Sewer Inspectors		7,789
	Subtotal for HIGHWAY OPERATIONS		7,789
014	OTPS-TRAFFIC OPERATIONS		
	Wireless Charges		739,200
	Credit Card Service Charges		380,800
	Signal Maintenance Contract Savings		-2,381,099
	Red Light Camera Contract Savings		-1,188,818
	Establish New Parking Meter Areas		242,606
	Raise Garage Hourly & Monthly Permit Rates		62,023
	Raise Hourly Parking Rate South of 96th Street		6,494,357
	Raise Hourly Parking Rate Between 96th and 110th Streets		21,688
	Subtotal for OTPS-TRAFFIC OPERATIONS		4,370,757
	Subtotal for DEPARTMENT OF TRANSPORTATION		4,378,546
846	DEPT OF PARKS AND RECREATION		
002	MAINTENANCE & OPERATIONS		
	Parks Staffing		5,237,053
	DEP - Fleet Transfer		355,259
	Sidewalks		305,000
	Subtotal for MAINTENANCE & OPERATIONS		5,897,312
006	MAINT & OPERATIONS - OTPS		
	Fractured Atlas Productions, Inc.		3,500
	DEP - Fleet Transfer		96,100
	Shape Up		15,400
	Million Trees NYC		38,500
	Asphalt Green, Inc.		-25,000
	Fractured Atlas Productions, Inc.		7,500
	Sidewalks		3,000,000
	Central Park Conservancy		523,677
	Parks Staffing		1,323,705

		TO	
827	DEPARTMENT OF SANITATION		
	Waste Characterization Study		688,000
	Subtotal for CLEANING & COLLECTION-OTPS		1,742,238
112	MOTOR EQUIPMENT-OTPS		
	Fleet Consolidation - DEP		671,567
	Subtotal for MOTOR EQUIPMENT-OTPS		671,567
	Subtotal for DEPARTMENT OF SANITATION		8,492,869
829	BUSINESS INTEGRITY COMMISSION		
001	PERSONAL SERVICES		
	Project Manager-Database Consolidation		115,000
	PS Accruals PEG		5,188
	PS Accrual Savings		-73,000
	Subtotal for PERSONAL SERVICES		47,188
	Subtotal for BUSINESS INTEGRITY COMMISSION		47,188
836	DEPARTMENT OF FINANCE		
003	PROPERTY		
	Property Assessment Defense		150,250
	Subtotal for PROPERTY		150,250
005	LEGAL		
	Tax Warrant Unit		107,136
	Subtotal for LEGAL		107,136
009	CITY SHERIFF		
	Deputy Sheriffs Class		260,000
	Subtotal for CITY SHERIFF		260,000
022	OPERATIONS-OTPS		
	Technical Adjustment		2,500,000
	Technical Adjustment		900,000
	Subtotal for OPERATIONS-OTPS		3,400,000
099	CITY SHERIFF-OTPS		
	Technical Adjustment		500,000
	Sheriff Pilot Boot Program Fees		500,000
	Technical Adjustment		250,000
	Subtotal for CITY SHERIFF-OTPS		1,250,000

		TO	
846	DEPT OF PARKS AND RECREATION		
	Flushing Meadows Corona Pool		1,840,000
	Green Thumb		124,800
	Subtotal for MAINT & OPERATIONS - OTPS		6,948,182
007	EXEC MGT/ADMIN SVCS-OTPS		
	Lease Adjustment		367,000
	Subtotal for EXEC MGT/ADMIN SVCS-OTPS		367,000
	Subtotal for DEPT OF PARKS AND RECREATION		13,212,494
856	DEPT OF CITYWIDE ADMIN SERV		
001	DIV OF CTYWDE PERSONNEL SERV		
	Human Capital Vacancies Elimination		-331,795
	Human Capital Vacancies Elimination (fringe offset)		94,024
	Firefighter Exam		531,000
	NYC Service Initiative		45,000
	Subtotal for DIV OF CTYWDE PERSONNEL SERV		338,229
002	DIV OF CTYWDE PERSONNEL SERV		
	IT Maintenance		78,750
	Firefighter Exam		310,000
	Subtotal for DIV OF CTYWDE PERSONNEL SERV		388,750
003	OFF OF ADM. TRIALS & HEARINGS		
	Interest Payments for City laborers (City portion)		3,239
	Subtotal for OFF OF ADM. TRIALS & HEARINGS		3,239
190	EXECUTIVE AND SUPPORT SERVICES-OTPS		
	IT Maintenance		4,431
	Fleet Management System		831,989
	PS and OTPS Transfer from DCAS		-81,819
	Reduce IT Maintenance Support		-75,000
	Fleet - OTPS Reduction		-131,000
	Subtotal for EXECUTIVE AND SUPPORT SERVICES-O		548,601
290	DIV OF ADMINISTRATION AND SECURITY- OTPS		
	Fewer DCAS Copiers at One Centre Street		-25,000
	Prevailing Wage Increase		581,272
	Subtotal for DIV OF ADMINISTRATION AND SECURIT		556,272

TO

856	DEPT OF CITYWIDE ADMIN SERVS		
400	DIV OF MUNICIPAL SUPPLY SERVS.		
	Office of Citywide Purchasing Vacancies Elimination	-68,895	
	Procurement Card Program Expansion	38,000	
	Interest Payments for City laborers (City portion)	62,904	
	Office of Citywide Purchasing Vacancies (fringe offset)	18,985	
	Subtotal for DIV OF MUNICIPAL SUPPLY SERVS.	50,994	
690	COMMUNICATIONS		
	Reduction in Printing Expenses..	-21,000	
	City Record Printing	1,100,000	
	Subtotal for COMMUNICATIONS	1,079,000	
	Subtotal for DEPT OF CITYWIDE ADMIN SERVS	2,965,085	
858	DEPT OF INFO TECH & TELECOMM		
001	PERSONAL SERVICES		
	Overtime Funding - Fringe Offset	9,072	
	PS Reduction	-1,196,747	
	Reduce Overtime Funding	-129,072	
	Procurement Card Rebates	27,000	
	Hiring Freeze	-1,535,995	
	Layoff Full-Time Staff - Fringe Offset	-3,397	
	Layoff Full-Time Staff	-88,671	
	Hiring Freeze Fringe Offset	292,525	
	PS and OTPS Transfer from DCAS	100,000	
	CIIServ	45,000	
	24x7 Support	575,000	
	eDiscovery Self Service Project	40,000	
	CTL for Unfunded Positions	2,753,738	
	PS Reduction Fringe Offset	222,574	
	Subtotal for PERSONAL SERVICES	1,111,027	
	Subtotal for DEPT OF INFO TECH & TELECOMM	1,111,027	
860	DEPT RECORDS + INFORMATION SVS		
200	OTHER THAN PERSONAL SERVICES		
	Lease Adjustment	4,000	

TO

860	DEPT RECORDS + INFORMATION SVS		
	Subtotal for OTHER THAN PERSONAL SERVICES	4,000	
	Subtotal for DEPT RECORDS + INFORMATION SVS	4,000	
866	DEPARTMENT OF CONSUMER AFFAIRS		
001	ADMINISTRATION		
	Training Staff	60,000	
	Technology Staff	230,000	
	Subtotal for ADMINISTRATION	290,000	
002	LICENSING/ENFORCEMENT		
	Legal Examination Unit	454,000	
	Fees on Sidewalk Cafes	234,000	
	Subtotal for LICENSING/ENFORCEMENT	688,000	
003	OTHER THAN PERSONAL SERVICE		
	Software Maintenance	181,076	
	Legal Examination Unit	85,000	
	Fees on Sidewalk Cafes	50,000	
	Subtotal for OTHER THAN PERSONAL SERVICE	316,076	
	Subtotal for DEPARTMENT OF CONSUMER AFFAIRS	1,294,076	
901	DISTRICT ATTORNEY NEW YORK		
001	PERSONAL SERVICES		
	PS Savings PEG	82,956	
	PS Savings	-348,815	
	Revenue Agreement	12,986,686	
	Subtotal for PERSONAL SERVICES	12,720,827	
002	OTHER THAN PERSONAL SERVICES		
	Lease Adjustment	67,000	
	OTPS Savings	-27,878	
	Subtotal for OTHER THAN PERSONAL SERVICES	39,122	
	Subtotal for DISTRICT ATTORNEY NEW YORK	12,759,949	
903	DISTRICT ATTORNEY KINGS CO.		
001	PERSONAL SERVICES		
	PS Savings PEG	80,275	
	Revenue Agreement	1,064,274	

TO

903	DISTRICT ATTORNEY KINGS CO.		
	PS Savings	-322,223	
	Subtotal for PERSONAL SERVICES	822,326	
	Subtotal for DISTRICT ATTORNEY KINGS CO.	822,326	
904	DISTRICT ATTORNEY QUEENS CO.		
001	PERSONAL SERVICES		
	PS Savings PEG	-48,254	
	Revenue Agreement	238,941	
	Technical Adjustment	322,157	
	PS Savings	-194,569	
	Subtotal for PERSONAL SERVICES	414,783	
	Subtotal for DISTRICT ATTORNEY QUEENS CO.	414,783	
905	DISTRICT ATTORNEY RICHMOND		
001	PERSONAL SERVICES		
	PS Savings PEG	9,070	
	Revenue Agreement	154,683	
	PS Savings	-34,429	
	Subtotal for PERSONAL SERVICES	129,324	
	Subtotal for DISTRICT ATTORNEY RICHMOND	129,324	
906	OFF.OF PROSECUTION SPEC.NARC.		
001	PERSONAL SERVICES		
	Detective Investigator Full-Time Release	71,123	
	PS Savings PEG	17,510	
	PS Savings	-79,735	
	Subtotal for PERSONAL SERVICES	8,898	
	Subtotal for OFF.OF PROSECUTION SPEC.NARC.	8,898	
941	PUBLIC ADMINISTRATOR-NY		
002	OTHER THAN PERSONAL SERVICES		
	Lease Adjustment	81,000	
	Subtotal for OTHER THAN PERSONAL SERVICES	81,000	
	Subtotal for PUBLIC ADMINISTRATOR-NY	81,000	
	Subtotal for DISTRICT ATTORNEY QUEENS CO.	526,142,717	

TO

860	DEPT RECORDS + INFORMATION SVS		
	Subtotal for OTHER THAN PERSONAL SERVICES	4,000	
	Subtotal for DEPT RECORDS + INFORMATION SVS	4,000	
866	DEPARTMENT OF CONSUMER AFFAIRS		
001	ADMINISTRATION		
	Training Staff	60,000	
	Technology Staff	230,000	
	Subtotal for ADMINISTRATION	290,000	
002	LICENSING/ENFORCEMENT		
	Legal Examination Unit	454,000	
	Fees on Sidewalk Cafes	234,000	
	Subtotal for LICENSING/ENFORCEMENT	688,000	
003	OTHER THAN PERSONAL SERVICE		
	Software Maintenance	181,076	
	Legal Examination Unit	85,000	
	Fees on Sidewalk Cafes	50,000	
	Subtotal for OTHER THAN PERSONAL SERVICE	316,076	
	Subtotal for DEPARTMENT OF CONSUMER AFFAIRS	1,294,076	
901	DISTRICT ATTORNEY NEW YORK		
001	PERSONAL SERVICES		
	PS Savings PEG	82,956	
	PS Savings	-348,815	
	Revenue Agreement	12,986,686	
	Subtotal for PERSONAL SERVICES	12,720,827	
002	OTHER THAN PERSONAL SERVICES		
	Lease Adjustment	67,000	
	OTPS Savings	-27,878	
	Subtotal for OTHER THAN PERSONAL SERVICES	39,122	
	Subtotal for DISTRICT ATTORNEY NEW YORK	12,759,949	
903	DISTRICT ATTORNEY KINGS CO.		
001	PERSONAL SERVICES		
	PS Savings PEG	80,275	
	Revenue Agreement	1,064,274	

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, G. OLIVER KÖPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER; Committee on Finance, March 13, 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 Preconsidered M-1060

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget regarding the approval to increase the budget stabilization account by \$961 million, pursuant to Section 107(e) of the New York City Charter (MN-3).

The Committee on Finance, to which the annexed resolution was referred on March 13, 2013, respectfully

REPORTS:

Introduction. At the meeting of the Committee on Finance of the City Council on March 13, 2013, the Council received a communication, from the Office of Management and Budget of the Mayor, dated March 8, 2013, of a proposed request to modify, pursuant to Section 107(e) of the New York City Charter, the Fiscal 2013 Expense Budget, and the revenue estimate related thereto prepared by the Mayor as of June 28th, 2012.

Analysis. The Council annually adopts the City's budget covering expenditures pursuant to Section 254 of the Charter. On June 28, 2012, the Council adopted the expense budget for fiscal year 2013 (the "Fiscal 2013 Expense Budget"). On June 28th, 2012, the Mayor submitted to the Council a revenue estimate related to the Fiscal 2013 Expense Budget. On December 19th, 2012, the Council adopted MN-1 modifying the Fiscal 2013 Expense Budget. Circumstances have changed since the Council last amended the Fiscal 2012 Expense Budget.

Section 107(e) provides one mechanism for the Mayor and the Council to amend the expense budget and related revenue estimate to reflect changes in circumstances that occur after adoption of a budget. Section 107(e) permits the modification of the budget in order to create new units of appropriation, to appropriate new revenues from any source other than categorical federal, state and private funding or to use previously unappropriated funds received from any source.

Discussion of Above-captioned Resolution. The above-captioned resolution would authorize the modifications to the Fiscal 2013 Expense Budget and related revenue estimate requested in the Communication.

This modification (MN-3) seeks to decrease revenues in the net amount of \$82 million from the Fiscal 2013 Adopted budget. This represents a decrease in City funds of approximately 0.2 percent

MN-3 is the first revenue modification of Fiscal 2013 and it incorporates changes from the November and January plans. Its size and composition are within rounding errors of the Finance Division's expectations based on those plans.

Budget modifications that decrease the revenue budget are unusual; the most recent was MN-4 of Fiscal 2009. Unlike the Fiscal 2009 budget modification MN-3 is not in response to a weakening of the economy, rather the source of the decrease in revenues is the failure of one of the Fiscal 2013 Adopted budget's assumptions concerning miscellaneous revenue.

The single largest change in revenues is a reduction of \$635 million from the anticipated sale of taxi medallions. (see Appendix B, miscellaneous revenues, other miscellaneous, taxi medallion.) This sale is currently subject to litigation. Funds have been delayed from Fiscal 2013 to Fiscal 2014 through Fiscal 2016, with \$600 million expected to arrive in Fiscal 2014 according to the January plan. The New York State's highest court, the Court of Appeals, is scheduled to hear the arguments on this issue on April 24th, 2013.

The major revenue offset to the losses from taxi medallions come from tax revenues which have been increased by approximately \$427 million, or about 1 percent. Three taxes make up the increase. The financial corporations or banking tax is up \$170 million or about 15 percent. This is an extremely volatile and difficult to forecast tax, but this result does seem to reflect that banks had a strong fourth quarter and an excellent 2012. The real property transfer tax is up \$88 million or about 9 percent and the mortgage recording tax is up \$57 million also about 9 percent. Both of these reflect an upswing in real estate transactions. Audit revenues were also up by \$114 million reflecting a large settlement on a general corporation tax audit in November.

MN-3 will also appropriate \$961 million to the budget stabilization account which will be used to prepay debt service. The Fiscal 2014 expenses that will be prepaid are typically specified in the revenue budget modification that accompanies the Adopted budget.

Since the revenue budget is being reduced resources for these prepayments must come from the expense side of the budget. It is common to reduce prior year payable in the second half of the fiscal year; MN-3 does so providing \$500 million in resources for the budget stabilization account. MN-2, the expense budget modification, appropriates approximately \$336 million to the general reserve. This is the net result of the various increases and decreases in the budget modification. The general reserve already contained \$300 million, from this total of \$636 million; MN-3 takes \$543 million. So put together these \$1.043 billion in expense reductions covers the \$82 million reduction in revenue and the \$961 million appropriated to the budget stabilization account.

The resolution would also direct the City Clerk to forward a certified copy thereof to the Mayor and the Comptroller so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2013 Expense Budget as amended thereby as the budget for the remainder of the fiscal year. The above-captioned resolution would take effect as of the date adopted.

(This is the text of the Fiscal Impact Memo to the Finance Committee from the Finance Division of the New York City Council:)

TO: Honorable Christine Quinn
Speaker

Honorable Domenic M. Recchia Jr.
Chairman, Finance Committee

FROM: Preston Niblack, Director
Jeffrey Rodus, First Deputy Director
Raymond Majewski, Deputy Director/Chief Economist
Finance Division

DATE: March 13, 2013

SUBJECT: A Preconsidered Budget Modification (MN-3) for Fiscal 2013 that will decrease revenue by \$82 million and appropriate \$961 million to the Budget Stabilization Account.

INITIATION: By letter dated March 8, 2013, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(e) of the New York City Charter, a request to appropriate \$961 million to the Budget Stabilization Account. Resources to do this come from \$500 million reduction in prior year payables and \$543 million reduction in the General Reserve, which is from expense budget savings. These resources offset an \$82 million reduction in revenues. The increase in the Budget Stabilization Account is to prepay debt service.

BACKGROUND: This modification (MN-3) seeks to appropriate \$961 million to the Budget Stabilization Account to prepay debt service. Resources to do this come from a \$500 million reduction in Prior Year Payables, and a \$543 million reduction in the General Reserve, offset by an \$82 million reduction in Revenues.

FISCAL IMPACT: This modification represents a net decrease in the Fiscal 2013 budget of \$ 82 million.

Accordingly, this Committee recommends its adoption.

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

Res. No. 1679

RESOLUTION APPROVING A MODIFICATION PURSUANT TO SECTION 107(E) OF THE NEW YORK CITY CHARTER.

By Council Member Recchia.

Whereas, on March 13, 2013, the Committee on Finance of the City Council received a communication, dated March 8, 2013 from the Mayor's Office of Management and Budget, of a proposed request to recognize a net decrease in revenue pursuant to Section 107(e) of the New York City Charter, attached hereto as Exhibit A (the "Request to Appropriate"); and

Whereas, Section 107(e) of the Charter requires the City Council and the Mayor to follow the procedures and required approvals pursuant to Sections 254, 255, and 256 of the Charter, without regard to the dates specified therein, in the case of the proposed appropriation of any new revenues and the creation of new units of appropriation; and

Whereas, Section 107(e) of the Charter requires that any request by the Mayor respecting an amendment of the budget that involves an increase in the budget shall be accompanied by a statement of the source of current revenues or other identifiable and currently available funds required for the payment of such additional amounts, attached hereto as Exhibit B (together with the Request to Appropriate, the "Revenue Modification");

NOW, THEREFORE, the Council of the City of New York hereby resolves as follows:

1. Approval of Modification. The City Council hereby approves the Revenue Modification pursuant to Section 107(e) of the Charter.

2. Further Actions. The City Council directs the City Clerk to forward a certified copy of this resolution to the Mayor and the Comptroller as soon as practicable so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2012 Expense Budget as amended by this resolution as the budget for the remainder of the fiscal year.

3. Effective Date. This resolution shall take effect as of the date hereof.

ATTACHMENT:

Exhibit A



The City of New York
Office of Management and Budget
 255 Greenwich Street - New York, New York 10007 - 2146
 (212) 788-5900
 Mark Page
 Director

March 8, 2013

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(e) of the New York City Charter, I seek your approval to increase the Budget Stabilization Account by \$961 million in fiscal year 2013.

This modification (MN-3) will increase the Budget Stabilization Account by \$961 million to prepay debt service in fiscal year 2013. Resources to achieve this prepayment include \$500 million in prior payables, a decrease in the General Reserve of \$543 million from expense budget savings offset by \$82 million in decreased revenues.

Your approval of modification MN-3 is respectfully requested.

Yours truly,

Mark Page

FISCAL YEAR 2013 MODIFICATION
 MN-3

099 Debt Service
 004 Budget Stabilization Account \$961,028,553

Exhibit B

Exhibit B
Changes in Revenue by Revenue Source

EXHIBIT B - MN-3

Agency	Source	Description	Fiscal 2013
SUMMARY			
TAX AND AUDIT REVENUE CHANGES			
		Real Estate	\$22,686,000
		Sales	(3,000,000)
		Mortgage Recording	57,000,000
		Personal Income	12,000,000
		General Corporation	(37,000,000)
		Banking Corporation	170,000,000
		Unincorporated Business	(2,000,000)
		Utility	(23,000,000)
		Hotel	29,000,000
		Commercial Rent	(8,000,000)
		Real Property Transfer	88,000,000
		Cigarette	(4,000,000)
		All Other	5,662,000
		Audit	114,500,000
		STAR	5,084,000
		TAX AND AUDIT REVENUE TOTAL	\$426,932,000
MISCELLANEOUS			
		Licenses, Franchises, Etc.	\$3,155,304
		Charges for Services	(10,403,614)
		Water and Sewage Charges	(9,381,896)
		Fines and Forfeitures	(5,536,600)
		Rental Income	22,487,696
		Interest	(1,860,000)
		Other Miscellaneous	(507,430,003)
		MISCELLANEOUS TOTAL	(\$508,969,113)
		GRAND TOTAL	(\$82,037,113)

Exhibit B
Changes in Revenue by Revenue Source

Agency	Source	Description	Fiscal 2013
TAX AND AUDIT REVENUE CHANGES			
Mayoral	00001	Real Prop Tax 1st Quart	\$37,770,000
Mayoral	00002	Real Prop Tax 2nd Quart	30,000,000
Mayoral	00003	Real Prop Tax 3rd Quart	20,000,000
Mayoral	00004	Real Prop Tax 4th Quart	(80,084,000)
Mayoral	00026	Slate Aid School Tax Relief	5,084,000
Mayoral	00049	Accrued Real Estate Tax Revenue	15,000,000
Mayoral	00050	General Sales Tax	(3,000,000)
Mayoral	00070	Cigarette Tax	(4,000,000)
Mayoral	00077	Mortgage Tax	57,000,000
Mayoral	00090	Personal Income Tax	12,000,000
Mayoral	00093	General Corporation Tax	(21,000,000)
Mayoral	00094	Refunds Of General Corp Tax	(16,000,000)
Mayoral	00095	Financial Corporation Tax	164,000,000
Mayoral	00096	Refunds Of Financial Corp Tax	6,000,000
Mayoral	00099	Unincorporated Business Inc Tx	20,000,000
Mayoral	00100	Refunds Of Unicorp Busn Tax	(22,000,000)
Mayoral	00103	Utility Tax	(23,000,000)
Mayoral	00110	Payment In Lieu Of Taxes	5,662,000
Mayoral	00112	Tax On Occupancy Of Hotel Room	29,000,000
Mayoral	00113	Tx On Commercial Rents - Occup	(8,000,000)
Mayoral	00122	Conveyance Of Real Property Tx	88,000,000
Mayoral	00135	Tax Audit Revenue	114,500,000
TAX AND AUDIT REVENUE TOTAL			\$426,932,000

Exhibit B
Changes in Revenue by Revenue Source

Agency	Source	Description	Fiscal 2013
MISCELLANEOUS			
<i>Licenses, Franchises, Etc.</i>			
City Clerk	00201	Marriage Licenses	150,000
TLC	00200	Licenses - General	(\$13,050,000)
LPC	00250	Permits - General	534,000
SBS	00250	Permits General	244,048
SBS	00325	Privileges - Other	696,256
HPD	00325	Privileges - Other	(44,000)
DOB	00200	Licenses General	615,000
DOB	00250	Permits - General	(175,000)
DEP	00250	Permits - General	485,000
BIC	00200	Licenses General	20,000
DOT	00250	Permits - General	240,000
DOITT	00250	Permits - General	85,000
DOB	00251	Construction Permits	6,712,000
DOT	00320	Franchises - Other	143,000
DOITT	00320	Franchises - Other	5,500,000
DCA	00320	Franchises - Other	2,306,000
DSNY	00325	Privileges - Other	(2,430,000)
DOT	00325	Privileges - Other	1,124,000
Licenses, Franchises, Etc. Subtotal			\$3,155,304

Exhibit B
Changes in Revenue by Revenue Source

Agency	Source	Description	Fiscal 2013
Charges for Services			
Mayoral	00470	Other Services And Fees	(1,600,000)
Comptroller	00470	Other Services And Fees	75,000
Tax Comm	00470	Other Services And Fees	281,000
NYPD	00470	Other Services And Fees	(4,271,214)
NYFD	00470	Other Services And Fees	6,551,000
TLC	00470	Other Services And Fees	302,000
HPD	00470	Other Services And Fees	5,225,600
DOB	00470	Other Services And Fees	483,000
DEP	00470	Other Services And Fees	(749,000)
DOF	00470	Other Services And Fees	160,000
PA Queens	00470	Other Services And Fees	226,000
Office Of Payroll Administration	00470	Other Services And Fees	367,000
Conflicts Of Interest Board	00470	Other Services And Fees	50,000
DSNY	00470	Other Services And Fees	(17,311,000)
BIC	00470	Other Services And Fees	14,000
DORIS	00470	Other Services And Fees	(58,000)
PA-Kings County	00470	Other Services And Fees	655,000
DOT	00472	Parking Meter Revenues	2,177,000
DCP	00476	Administrative Serv To Public	(593,000)
City Clerk	00476	Administrative Serv To Public	151,000
Financial Info Svcs Agency	00476	Administrative Serv To Public	(115,000)
DOF	00476	Administrative Serv To Public	(925,000)
DCAS	00476	Administrative Serv To Public	101,000
DOC	00482	Commissary Funds	(1,500,000)
HPD	00551	AdministrativeCharges	(100,000)
Charges for Services Subtotal			(\$10,403,614)

Exhibit B
Changes in Revenue by Revenue Source

Agency	Source	Description	Fiscal 2013
Water and Sewage Charges			
Mayoral	00521	Reimbursement From Water Board	(\$2,381,896)
Mayoral	00522	Payment From Water Board	(7,000,000)
Water and Sewage Charges Subtotal			(\$9,381,896)
Fines and Forfeitures			
Campaign Finance Board	00600	Fines-General	459,000
TLC	00600	Fines-General	4,899,000
HPD	00600	Fines - General	10,400
DOB	00600	Fines-General	12,221,000
Office Of Admin Trials & Hearings	00600	Fines-General	(3,093,000)
BIC	00600	Fines-General	313,000
DOF	00600	Fines-General	6,650,000
DCA	00600	Fines-General	539,000
DOF	00602	Fines - Pvb	(43,990,000)
Office Of Admin Trials & Hearings	00603	Fines - ECB	(9,859,000)
DOF	00603	Fines - ECB	25,518,000
DA Kings	00650	Forfeitures - General	235,000
DA Queens	00650	Forfeitures - General	561,000
Fines and Forfeitures Subtotal			(\$5,536,600)
Rental Income			
SBS	00753	Rentals: Dock Ship Wharfage	3,445,388
SBS	00754	Rentals: Market	5,204,690
SBS	00760	Rentals: Other	2,409,618
HPD	00760	Rentals: Other	5,784,000
DEP	00760	Rentals: Other	435,000
DCAS	00760	Rentals: Other	5,209,000
Rental Income Subtotal			\$22,487,696
Interest			
DOF	56001	Interest Income - Other	(210,000)
DOF	56002	Interest Income- Sales Tax	(260,000)
Comptroller	56003	Interest-Debt Service Fund	(1,390,000)
Interest Subtotal			(\$1,860,000)

Exhibit B
Changes in Revenue by Revenue Source

Agency	Source	Description	Fiscal 2013
Other Miscellaneous			
Mayoral	00859	Asset Sale	\$50,000,000
LAW	00820	Sales Of City Real Property	\$887,000
DCP	00859	Sundries	(\$50,000)
NYPD	00849	Wireless /E SurchargesVoip	\$2,200,000
Financial Info Svcs Agency	00859	Sundries	\$440,000
TLC	00859	Sale of Taxi Medallions	(\$635,000,000)
HPD	00815	Sales Of In Rem Property	\$1,859,000
DCAS	00817	Mortgage Payments	(300,000)
DCAS	00820	Sales Of City Real Property	4,433,000
Dept Sanit	00822	Minor Sales	(952,070)
DCAS	00822	Minor Sales	1,000,000
DORIS	00859	Sundries	14,000
Comptroller	00846	Awards From Litigation	300,000
LAW	00846	Awards From Litigation	13,300,000
NYPD	00847	E-911 Surcharges	(1,500,000)
Mayoral	00859	Sundries	9,135,000
NYPD	00859	Sundries	(2,252,000)
DOC	00859	Sundries	802,000
SBS	00859	Sundries	41,010,067
HPD	00859	Sundries	(301,000)
DSNY	00859	Sundries	(400,000)
DPR	00859	Sundries	250,000
DCAS	00859	Sundries	4,630,000
DOITT	00859	Sundries	3,065,000
Other Miscellaneous Subtotal			(\$507,430,003)
MISCELLANEOUS TOTAL			(\$508,969,113)
GRAND TOTAL			(\$82,037,113)

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DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER; Committee on Finance, March 13, 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

Override Report for Int. No. 978-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, notwithstanding the objection of the Mayor, a Local Law to amend the New York city charter, in relation to the campaign finance board.

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on December 10, 2012 (Minutes, page 4549), and which was originally adopted by the Council on January 23, 2013 (Minutes, page 118) before being vetoed by the Mayor on February 22, 2013, respectfully

REPORTS:

1. INTRODUCTION

Today, the Committee on Governmental Operations, chaired by Council Member Gale Brewer, will meet to vote on Int. No. 978-A, relating to the Campaign Finance Board, and to file the accompanying veto message of Mayor Michael Bloomberg.

The Committee held a hearing on this bill on January 16 of this year, and voted it out of the Committee on January 22 by a vote of four in the affirmative and zero in the negative. Int. No. 978-A was passed by the full Council the following day by a vote of forty-seven in the affirmative and one in the negative. On February 22, the Mayor vetoed the legislation. That veto message was formally accepted by the Council at its Stated Meeting held on February 27.

The question before the Committee today is whether Int. No. 978-A should be re-passed notwithstanding the objections of the Mayor.

2. BACKGROUND ON INT. NO. 978-A

In the 2010 Charter revision, New York City voters passed a series of revisions to the Charter, one of which required public disclosure of expenditures made by individuals and entities that are independent from candidates and that attempt to influence an election outcome. Accordingly, the Campaign Finance Board ("the Board") proposed rules specifying the classes of expenditures that would be covered under this provision.¹ These rules sought to ensure that members of the public are aware of who is attempting to influence their votes in local elections.

After hearing from many entities, including membership organizations, such as civic and community groups and labor unions, during the rulemaking process, the Board's final rule exempted many internal communications made between members within membership organizations.² Certain internal communications between members of these organizations were not exempted, however, and are required to be reported by the membership organization to the Board. For example, the Board's independent expenditure guidance document stipulates that membership organizations that send out mass mailings that go only to their members must comply with the entirety of the Board's independent expenditure reporting requirements.³ The bill would exclude such internal communications of membership organizations from the requirements of the independent expenditure rules.

3. ANALYSIS OF INT. NO. 978-A

Section 1

Section 1 of the bill amends section 1052 of the New York city charter by adding a fifth class of expenditure to the existing four classes of expenditure that are not considered independent expenditures for the purposes of the City's campaign finance law. The class of expenditure added by this section encompasses communications by membership organizations that are aimed solely at their members or by a corporation aimed at its stockholders. The exemption does not apply to party committees, constituted committees, political clubs, or other entities organized primarily for the purpose of influencing elections.

Members are defined as individuals who have the right to vote for the election of the organization's director(s) or officer(s), or on merger or dissolution votes, or on amendments to the organization's bylaws, or who pay membership dues, or who reside in the same household as an individual who meets one of these criteria. Members of local unions are considered members of any national or international union, or federation, of which the local union is a part.

Stockholders are defined as individuals who own stock in a company, or who reside in the same household as an individual who meets this criterion.

Incidental communications by membership organizations or corporations with non-members or non-stockholders is similarly exempted from qualifying as an independent expenditure, so long as reasonable efforts are made to restrict the communication to members and stockholders.

Section 2

The bill would take effect immediately upon its enactment.

¹ RCNY tit. 52, § 13-01 *et seq.*

² RCNY tit. 52, § 13-02(b)(2).

³ *Guide to CFB Independent Expenditure Rules*, page 3, available at <http://www.nycfb.info/PDF/rulemaking/Independent-Expenditures-Guidance.pdf>.

(The following is the text of the Fiscal Impact Statement for Int. No. 978-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: 978-A
COMMITTEE:
Governmental
Operations

TITLE: Local Law to amend the New York city charter, in relation to the campaign finance board.

SPONSORS: By Council Members Mendez, Van Bramer, Williams, Wills and Rodriguez.

SUMMARY OF LEGISLATION: The bill amends section 1052 of the New York city charter by adding a fifth class of expenditure to the existing four classes of expenditure that are not considered independent expenditures for the purposes of the City’s campaign finance law. The class of expenditure added by this section encompasses communications by membership organizations that are aimed solely at their members or by a corporation aimed at its stockholders. This exemption does not apply to party committees, constituted committees, political clubs, or other entities organized primarily for the purpose of influencing elections.

Incidental communications by membership organizations or corporations with non-members or non-stockholders is similarly exempted from qualifying as an independent expenditure, so long as reasonable efforts are made to restrict the communication to members and stockholders.

EFFECTIVE DATE: The bill would take effect immediately upon its enactment.

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

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY14
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: There would be no impact on City expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on December 10, 2012 as Int. 978 and referred to the Committee on Governmental Operations. On January 16, 2013, the Committee held a hearing regarding this legislation, an amendment was proposed and the bill was laid over. The Committee on Governmental Operations will consider Proposed Intro. No. 978-A on January 22, 2013.

Accordingly, this Committee recommends the re-passage of Int No. 978-A, notwithstanding the objection of the Mayor.

(The following is the text of Int. No. 978-A:)

Int. No. 978-A

By Council Member Mendez, Van Bramer, Williams, Wills, Rodriguez, Barron, Gennaro, Jackson, King and Mealy.

A Local Law to amend the New York city charter, in relation to the campaign finance board.

Be it enacted by the Council as follows:

Section 1. Clause i of subparagraph a of paragraph 15 of subdivision a of section 1052 of the New York city charter is amended to read as follows:

(i) "Independent expenditure" shall mean a monetary or in-kind expenditure made, or liability incurred, in support of or in opposition to a candidate in a covered election or municipal ballot proposal or referendum, where no candidate, nor any agent or political committee authorized by a candidate, has authorized, requested, suggested, fostered or cooperated in any such activity. The term "independent expenditure" shall not include:

- (1) the value of services provided without compensation by individuals who volunteer a portion or all of their time,
- (2) the use of real or personal property and the cost of invitations, food and beverages voluntarily provided by an individual, to the extent such services do not exceed five hundred dollars in value,
- (3) the travel expenses of any individual who on his or her own

behalf volunteers his or her personal services, to the extent such expenses are unreimbursed and do not exceed five hundred dollars in value, [and]

(4) any expenditure made, or liability incurred, that is considered to be a contribution to a candidate under any provision of this charter or local law, or under any rule promulgated by the board[.], and

(5) any communication by a labor or other membership organization aimed at its members, or by a corporation aimed at its stockholders. This exemption does not apply to party committees, constituted committees, political clubs, or other entities organized primarily for the purpose of influencing elections. For purposes of this subparagraph:

(A) "member" shall mean (I) any individual who, pursuant to a specific provision of an organization’s articles or bylaws, has the right to vote directly or indirectly for the election of a director or directors or an officer or officers or on a disposition of all or substantially all of the assets of the organization or on a merger or on a dissolution; (II) any individual who is designated in the articles or bylaws as a member and, pursuant to a specific provision of an organization’s articles or bylaws, has the right to vote on changes to the articles or bylaws, or pays or has paid membership dues in an amount predetermined by the organization so long as the organization is tax exempt under section 501(c) of the Internal Revenue Code of 1986; or (III) any individual who resides within the same household as a "member" as defined in this paragraph;

(B) members of a local union shall be considered to be members of any national or international union of which the local union is a part and of any federation with which the local, national or international union is affiliated; and

(C) "stockholder" shall mean any individual who has a vested beneficial interest in stock, has the power to direct how that stock shall be voted, if it is voting stock, and has the right to receive dividends, or any individual who resides within the same household as a "stockholder" as defined in this paragraph.

(6) any de minimis, incidental communication by a labor or other membership organization or corporation with non-members or non-stockholders, provided that the labor or other membership organization or corporation uses reasonable efforts to restrict the communication to its members or stockholders.

§ 2. This local law shall take effect immediately.

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, DOMENIC M. RECCHIA, Jr., PETER F. VALLONE, Jr.; Committee on Governmental Operations, March 12, 2013.

Coupled for an Override Vote.

Report for M-1048

Report of the Committee on Governmental Operations in favor of filing a Communication from the Mayor regarding the Mayor’s veto and disapproval message of Introductory Number 978-A, in relation to the campaign finance board.

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on February 27, 2013 (Minutes, page 282), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Governmental Operations for Int No. 978-A printed above in these Minutes)

Accordingly, this Committee recommends the filing of M-1048 (the Mayor’s Veto and Disapproval Message of Int No. 978-A).

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, DOMENIC M. RECCHIA, Jr., PETER F. VALLONE, Jr.; Committee on Governmental Operations, March 12, 2013.

Coupled to be Filed.

Report of the Committee on Housing and Buildings

Report for Int. No. 1007-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to the raising and moving of a building.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on February 27, 2013 (Minutes, page 527), respectfully

REPORTS:

Introduction

On March 13, 2013, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 1007-A, “A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to the raising and moving of a building.” This bill would require (1) that construction plans submitted to the Department of Buildings (DOB) indicate, on the title page, whether a project includes raising, lifting, elevating, or moving the lowest above-grade floor or the lowest subgrade floor of a building (“elevation work”); (2) that contractors give 48 hours’ notice to DOB before commencing elevation work; (3) that elevation work be subject to periodic special inspection; and (4) that the Department of Consumer Affairs (DCA) provide information on home improvement work to home improvement contractors, homeowners, and the public regarding the types of work that these contractors can do and the licenses and permits needed in order to engage in certain work.

On March 11, 2013, the Committee held a hearing on this bill and received testimony from DOB and DCA representatives. The bill has not been modified since it was heard and is now before the Committee for a vote.

Overview

The National Flood Insurance Program, which New York City participates in, requires participating communities to enact regulations on flood protection requirements for properties in flood-prone areas. These areas are identified in a locality’s Flood Insurance Rate Map (“FIRM”). Properties in these areas must be built in accordance with building regulations and must maintain flood insurance coverage. Implementing flood protection measures, such as elevating the structure in compliance with the City’s Building Code, can lower insurance costs. Additionally, over 18,500 structures were destroyed or damaged by Hurricane Sandy and some of the owners of those structures will choose to elevate as they rebuild.

Elevating a home or building is typically accomplished by placing metal I-beams below the slab floor and raising the structure with screw jacks or hydraulic jacks (or both) to separate the structure from its original foundation. The structure is then held aloft by temporary supports while a new or extended foundation is built below it. Before an elevated structure can be re-occupied, its plumbing and utilities must be reconnected.¹ Elevating a home is complex work, which if done incorrectly, can endanger the structural stability of the home rendering it uninhabitable. In the rush to raise homes in Louisiana after Hurricane Katrina, some elevation work was done improperly. This resulted in cracked foundations, collapsed homes, and left some areas with a haphazardly jig-sawed skyline. Proposed Int. No. 1007-A is intended to address these concerns and recognizes that elevation work requires particular safeguards.

Construction Plans and Supervision of Work

Elevation work can be done by a general contractor registered with DOB or a home improvement contractor licensed by DCA. A permit from DOB is needed to do most construction work, including elevation work.

To get a permit, an applicant first has a state-licensed architect or engineer prepare construction plans detailing the work to be done and submits those plans to DOB for approval. If the plans are approved, the applicant then applies for a permit to begin work, sets forth an “inspection program” (when necessary), and – if DOB approves – the applicant receives a permit typically good for up to two years.

The inspection program is intended to ensure that the construction is being or has been performed in accordance with both what has been approved and any applicable standards. The program sets out the schedule for progress inspections, special inspections, and final inspections required by the Building Code and DOB rules for particular kinds of work. Special inspections can be one-time inspections, periodic inspections occurring before or after relevant work, or continuous inspections necessitating supervision of relevant work throughout.

Special inspections are done by a qualified person selected by the site owner or the contractor who is authorized by DOB to perform the kind of special inspection required. Upon performing a special inspection, the special inspector is required to compile a report, which must be maintained for six years and provided to DOB upon request.

Proposed Int. No. 1007-A

Bill section one would add a new section 20-402.1 to subchapter twenty-two of chapter two of title 20 of the Administrative Code. The new section would require DCA to instruct and conduct public education on consumer protection standards related to home improvement work and on the necessary licenses and permits that home improvement contractors must obtain to perform certain kinds of work including the raising, lifting, elevating, or moving of a home or building.

Bill section two would add a new subsection 28-104.7.13 to section 28-104.7 of title 28 of the Administrative Code. The new subsection would require that construction documents submitted to DOB identify, on the title sheet, whether the construction work will include the raising, lifting, elevating, or moving of the lowest above-grade floor or the lowest subgrade floor of a building and note that such work is subject to special inspection.

Bill section three would add a new subsection 28-116.2.3.2 to section 28-116.2.3 of title 28 of the Administrative Code. The new subsection would require that permit holders give written notice to DOB at least 48 hours before raising,

lifting, elevating, or moving the lowest above-grade floor or lowest subgrade floor of a building.

Bill section four would add a new subsection BC 1704.27 to section BC 1704 of the Building Code. The new subsection would require periodic special inspections where the lowest above-grade floor or the lowest subgrade floor of a building is to be raised, lifted, elevated, or moved.

Bill section five contains the enactment clause and provides that this local law would take effect immediately after enactment.

¹ See Chapter 5 “Elevating Your House” of the Federal Emergency Management Agency’s (FEMA) *Homeowner’s Guide to Retrofitting, Second Edition*, available online at: <http://www.fema.gov/pdf/rebuild/mat/sec5.pdf>

(The following is the text of the Fiscal Impact Statement for Int. No. 1007-A:)



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

PROPOSED INT. NO: 1007-A

COMMITTEE:
Housing & Buildings

TITLE: A Local Law to amend the administrative code of the City of New York and the New York city building code, in relation to the raising and moving of a building.
SPONSORS: Ignizio, Oddo, the Speaker (Council Member Quinn), Comrie, James, Koo, Williams, Wills and Halloran

SUMMARY OF LEGISLATION: This legislation would amend the Administrative Code to require the Department of Consumer Affairs to instruct and conduct public education on the consumer protection provisions related to home improvement work and the necessary licenses and permits that home improvement contractors must obtain to perform certain types of home improvement work, including but not limited to plumbing work, electrical work and the raising, lifting, elevating or moving of a home or building. Such instruction and public education shall be provided to home improvement contractors, homeowners and members of the public at least semiannually.

Additionally, if the lowest above-grade floor or the lowest subgrade floor of a building is to be raised, lifted, elevated or moved, the title sheet of the construction documents submitted to the Department of Buildings must list such work and note that the work will be subject to special inspection. The permit holder must also notify the Department of Buildings in writing at least 48 hours before commencement of such work.

This legislation also amends the Building Code to require a periodic special inspection where the lowest above-grade floor or the lowest subgrade floor of a building is to be raised, lifted, elevated, or moved.

EFFECTIVE DATE: This law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY14
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There will be no impact on revenues by the enactment of this legislation.

IMPACT ON EXPENDITURES: There will be no impact on expenditures by the enactment of this legislation. Education and outreach will be conducted by existing staff using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Department of Consumer Affairs, Department of Buildings

ESTIMATE PREPARED BY: AMY STOKES, LEGISLATIVE FINANCIAL ANALYST

ESTIMATE REVIEWED BY: NATHAN TOTH, DEPUTY DIRECTOR AND TANISHA EDWARDS, FINANCE COUNSEL

HISTORY: Int. No. 1007 was introduced to the City Council and referred to the Committee on Housing and Buildings on February 27, 2013. The legislation has been amended and was heard by the Committee on March 11, 2013. Proposed Int. No. 1007-A will be voted out of Committee on March 13, 2013.

DATE SUBMITTED TO COUNCIL: February 27, 2013

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1007-A:)

Int. No. 1007-A

By Council Members Ignizio, Oddo, the Speaker (Council Member Quinn), Comrie, James, Koo, Williams, Wills, Lappin, Arroyo, Rose, Halloran, Ulrich and Lander.

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to the raising and moving of a building.

Be it enacted by the Council as follows:

Section 1. Subchapter twenty-two of chapter two of title 20 of the administrative code of the city of New York is amended by adding a new section 20-402.1 to read as follows:

§ 20-402.1 *Education and outreach.* The department shall instruct and conduct public education on the consumer protection provisions of this subchapter, and the necessary licenses and permits that home improvement contractors must obtain to perform certain types of home improvement work, including but not limited to plumbing work, electrical work and the raising, lifting, elevating or moving of a home or building. Such instruction and public education shall be provided to home improvement contractors, homeowners and members of the public at least semiannually.

§2. Section 28-104.7 of the administrative code of the city of New York is amended by adding a new subsection 28-104.7.13 to read as follows:

§ 28-104.7.13 *Identification of work involving raising or moving a building.* Where the lowest above-grade floor or the lowest subgrade floor of a building is to be raised, lifted, elevated or moved, such work shall be listed on the title sheet of the construction documents as subject to special inspection.

§3. Section 28-116.2.3 of the administrative code of the city of New York is amended by adding a new subsection 28-116.2.3.2 to read as follows:

§ 28-116.2.3.2 *Special inspection of raising and moving of a building.* Where the lowest above-grade floor or the lowest subgrade floor of a building is to be raised, lifted, elevated or moved, special inspection of such work is required. The permit holder shall notify the department in writing at least 48 hours before the commencement of such work.

§4. Section BC 1704 of the New York city building code is amended by adding a new subsection BC 1704.27 to read as follows:

1704.27 Raising and moving of a building. A periodic special inspection shall be required where the lowest above-grade floor or the lowest subgrade floor of a building is to be raised, lifted, elevated or moved.

§5. This local law shall take effect immediately.

ERIK MARTIN DILAN Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, Jr., JAMES F. GENNARO, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH S. CROWLEY, RADFORD S. LANDER, JUMAANE D. WILLIAMS, ERIC A. ULRICH, JAMES S. ODDO; Committee on Housing and Buildings, March 13, 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. 757

Report of the Committee on Land Use in favor of approving Application No. C 120380 ZMM submitted by The Rector, Church-Wardens and Vestrymen

of Trinity Church in the City of New York pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12a, changing an M1-5B District to an M1-6 District and establishing a Special Hudson Square District, Borough of Manhattan, Community Board 2, Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 23, 2013 (Minutes, page 158), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

C 120380 ZMM

City Planning Commission decision approving an application submitted by The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12a:

1. changing from an M1 -5B District to an M1 -6 District property bounded by the former centerline of the Avenue of the Americas and its southerly prolongation, Canal Street, and the Avenue of the Americas and its southerly centerline prolongation; and
2. establishing a Special Hudson Square District bounded by West Houston Street, a line 100 feet easterly of Varick Street, Vandam Street, Avenue of the Americas, Spring Street, Avenue of the Americas and its southerly centerline prolongation, Canal Street, Hudson Street, Spring Street, and Greenwich Street;

as shown on a diagram (for illustrative purposes only) dated August 20, 2012, and subject to the conditions of CEQR Declaration E-288.

INTENT

To facilitate the establishment of the Special Hudson Square District, in Manhattan Community District 2.

PUBLIC HEARING

DATE: February 12, 2013

Witnesses in Favor: Twenty-five **Witnesses Against:** Twenty-four

SUBCOMMITTEE RECOMMENDATION

DATE: March 13, 2013

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

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

Against: None

Abstain: None

COMMITTEE ACTION

DATE: March 13, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Vann, Gonzalez, Palma, Garodnick, Lappin, Mendez, Levin, Weprin, Williams, Wills, Ignizio

Against: Barron

Abstain: None

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, March 13, 2013.

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

Report for L.U. No. 758

Report of the Committee on Land Use in favor of approving Application No. N 120381 (A) ZRM submitted by The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to add Article VIII Chapter 8, establishing the Special Hudson Square District and to modify related Sections, Borough of Manhattan, Community Board 2, Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 23, 2013 (Minutes, page 158), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

N 120381 (A) ZRM

City Planning Commission decision approving an application submitted by The Rector, Church-Wardens and Vestrymen of Trinity Church in the City of New York pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to add Article VIII Chapter 8, establishing the Special Hudson Square District in Community District 2, Borough of Manhattan and to modify related Sections.

INTENT

To facilitate the establishment of the Special Hudson Square District, in Manhattan Community District 2.

PUBLIC HEARING

DATE: February 12, 2013

Witnesses in Favor: Twenty-five **Witnesses Against:** Twenty-four

SUBCOMMITTEE RECOMMENDATION

DATE: March 13, 2013

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

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

Against: None

Abstain: None

COMMITTEE ACTION

DATE: March 13, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Vann, Gonzalez, Palma, Garodnick, Lappin, Mendez, Levin, Weprin, Williams, Wills, Ignizio

Against: Barron

Abstain: None

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, March 13, 2013.

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

Report for L.U. No. 759

Report of the Committee on Land Use in favor of approving Application no. 20135318 HHR by New York City Health and Hospitals Corporation pursuant to §7385(6) of its Enabling Act requesting approval to lease a parcel of land to Meals on Wheels of Staten Island, Inc., on a portion of the Sea View Hospital Rehabilitation Center and Home campus located at 460 Brielle Avenue, Borough of Staten Island, Community Board 2, Council District 50.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 23, 2013 (Minutes, page 159), respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB - 02

20135318 HHR

Application submitted by the New York City Health and Hospitals Corporation pursuant to §7385(6) of its Enabling Act requesting the approval of the leasing of a parcel of land consisting of approximately 65,340 square feet on a portion of the Sea View Hospital Rehabilitation Center and Home campus located at 460 Brielle Avenue (Block 955, Lot 1) to Meals on Wheels of Staten Island, Inc., for the development and operation of a facility housing kitchen, office, and storage functions and parking.

INTENT

To approve the lease in order to facilitate the development and operation of Meals on Wheels of Staten Island, Inc. in its effort to meet the growing demand for services as the recipients increase.

PUBLIC HEARING

DATE: March 5, 2013

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

SUBCOMMITTEE RECOMMENDATION

DATE: March 5, 2013

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

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

Against: None

Abstain: None

COMMITTEE ACTION

DATE: March 13, 2013

The Committee recommends that the Council approve the attached resolution.

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

Against: Barron

Abstain: None

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

Res. No. 1680

Resolution approving the leasing of a 65,340 square foot parcel of land on portion of the campus of the Sea View Hospital Rehabilitation Center and Home located at 460 Brielle Avenue (Block 955, Lot 1), Borough of Staten Island (20135318 HHR; L.U. No. 759).

By Council Members Comrie and Lander.

WHEREAS, the New York City Health and Hospitals Corporation filed with the Council on January 8, 2013 notice of the Board of Directors authorization dated January 4, 2013 of the leasing agreement of an approximately 65,340 square foot parcel of land on the northern portion of the campus of the Sea View Hospital Rehabilitation Center and Home located at 460 Brielle Avenue (Block 955, Lot 1) to Meals On Wheels of Staten Island, Inc., upon the terms and conditions set forth in the New York City Health and Hospitals Corporation resolution authorizing the leasing, to facilitate the development and operation of a facility housing kitchen, office, storage functions and parking, a copy of which is attached hereto (the "Lease"), Community District 2, Borough of Staten Island;

WHEREAS, the Lease is subject to review and action by the Council pursuant to Section 7385(6) of the New York City Health and Hospitals Corporation Act;

WHEREAS, upon due notice, the Council held a public hearing on the Lease on March 5, 2013; and

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

RESOLVED:

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

ATTACHMENT: Board of Directors' Resolution authorizing the Lease

RESOLUTION

Authorizing the President of the New York City Health and Hospitals Corporation (the "Corporation" or "Landlord") to execute a sublease agreement with Meals On Wheels of Staten Island, Inc. (the "Tenant" or "Meals On Wheels"), for the development and operation of a facility housing kitchen, office, and storage functions on the campus of Sea View Hospital Rehabilitation Center and Home (the "Facility").

WHEREAS, Meals On Wheels, a non-profit corporation based in Staten Island, has been delivering hot meals to the borough's frail and elderly since the 1970s; and

WHEREAS, the organization's kitchen currently located on Port Richmond Avenue has limited food preparation capabilities and is no longer able to meet the demand for its services as the meal recipient census grows; and

WHEREAS, locating a new kitchen on the Facility's campus will enable Meals On Wheels to continue to provide its meals to the Staten Island community, and the Facility will benefit from the revenue produced by the sublease; and

WHEREAS, a Public Hearing was held on January 18, 2012, in accordance with the requirements of the Corporation's Enabling Act, and, prior to lease execution, the proposed sublease is subject to the approval of the City Council and the Office of the Mayor.

NOW, THEREFORE, be it

RESOLVED, that the President of the New York City Health and Hospitals Corporation (the "Corporation" or "Landlord") be and hereby is authorized to execute a sublease agreement with Meals On Wheels of Staten Island, Inc. (the "Tenant" or "Meals On Wheels"), for the development and operation of a facility housing kitchen, office, and storage functions on the campus of Sea View Hospital Rehabilitation Center and Home (the "Facility").

The Tenant shall have use and occupancy of an approximately 65,340-square-foot parcel of land located on the northern portion of the Facility's campus ("the Demised Premises"). The Tenant shall develop and operate an approximately 22,400-square-foot facility on the Demised Premises. The balance of the parcel shall be developed for parking use. The initial term of the sublease shall be twenty-five (25) years. The sublease shall contain one 14-year renewal option and one 10-year option exclusive to the Tenant. The base rent for the initial term shall be \$94,740 per year.

The rent during the initial term shall be escalated by three (3) percent per year compounded annually. The rent shall be subject to re-appraisal prior to the commencement of each renewal option.

Page Two – Resolution
Meals On Wheels – Sea View

The Tenant shall be responsible for the design, construction, and operation of the residential facility. Design documents shall be subject to review and approval of the Landlord, such approval not to be unreasonably withheld. The tenant has estimated approximately \$4 million for the development of the planned 22,400 square-foot facility.

The Tenant shall be responsible for all interior and exterior structural and non-structural maintenance and repairs to the facility. The cost of all utilities shall be the Tenant's responsibility.

The Tenant shall indemnify and hold harmless the Corporation and the City of New York from any and all claims arising by virtue of its use of the Demised Premises, and shall also provide appropriate insurance naming each as additional insured parties.

EXECUTIVE SUMMARY

**SUBLEASE AGREEMENT
MEALS ON WHEELS OF STATEN ISLAND, INC.
SEA VIEW HOSPITAL REHABILITATION CENTER AND HOME**

OVERVIEW: The President seeks authorization from the Board of Directors of the Corporation to execute a sublease with Meals On Wheels of Staten Island, Inc. ("Meals On Wheels"), for the development and operation of a facility housing kitchen, office and storage functions on the campus of Sea View Hospital Rehabilitation Center and Home ("Sea View").

PROGRAM/NEED: Meals On Wheels of Staten Island, Inc., a non-profit corporation based in Staten Island, has been delivering hot meals to the borough's frail and elderly since the 1970s. Meals are currently prepared in the organization's kitchen located on Port Richmond Avenue and delivered using a combination of Meals On Wheels staff-driven vehicles and vehicles driven by volunteers. Over the past three years, the organization's meal recipient census has grown to nearly 800 people across the borough. The existing kitchen was forecasted to manage up to 550 meal recipients receiving two meals daily. As the elderly population on Staten Island continues to grow, Meals On Wheels acknowledges the need to expand its capabilities to meet the increasing demand for its services.

Meals On Wheels will build an approximately 22,400-square-foot building on Sea View's campus on an approximately 65,000-square-foot parcel of land that is currently vacant. The new facility will house a full capacity kitchen for food preparation and storage and administrative offices. The facility will also accommodate vehicular activity connected with loading prepared food on vehicles for delivery and the movement of trucks delivering food and other kitchen supplies. The Sea View campus location provides a central location from which the entire borough can be accessed.

A Public Hearing was held on January 18, 2012, in accordance with the requirements of the Corporation's Enabling Act, and, prior to lease execution the proposed sublease is subject to approval of the City Council and the Office of the Mayor.

TERMS: Meals On Wheels will have use and occupancy of an approximately 65,340-square-foot parcel of land located on the northern portion of the Facility's campus ("the Demised Premises"). Meals On Wheels will develop and operate an approximately 22,400-square-foot facility on the Demised Premises. The balance of the parcel shall be developed for parking use. The initial term of the sublease will be twenty-five (25) years.

Page Two – Executive Summary
Meals On Wheels – Sea View

The sublease will contain one 14-year renewal option and one 10-year option exclusive to Meals On Wheels. The base rent for the initial term will be \$94,740 per year.

The rent during the initial term will be escalated by three (3) percent per year compounded annually. The rent will be subject to re-appraisal prior to the commencement of each renewal option.

Meals On Wheels will be responsible for the design, construction, and operation of the residential facility. Design documents shall be subject to review and approval of the Landlord, such approval not to be unreasonably withheld. Meals On Wheels has estimated approximately \$4 million for the development of the planned 22,400 square-foot facility.

Meals On Wheels will be responsible for all interior and exterior structural and non-structural maintenance and repairs to the facility. The cost of all utilities will be Meals On Wheels' responsibility.

Meals On Wheels will indemnify and hold harmless the Corporation and the City of New York from any and all claims arising by virtue of its use of the Demised Premises, and will also provide appropriate insurance naming each as additional insured parties.

SUMMARY OF ECONOMIC TERMS

SITE:	Sea View Hospital Rehabilitation Center and Home 460 Brielle Avenue Borough of Staten Island Block 955, Lot 1
TENANT:	Meals On Wheels of Staten Island, Inc. 304 Port Richmond Avenue Staten Island, N.Y. 10302
PARCEL SIZE:	Approximately 65,340 square feet
TERM:	Twenty-five (25)-year initial term
RENEWAL OPTIONS:	One 14-year option, one 10-year option
RENT:	\$94,740 per year
ESCALATION:	3% per year compounded annually
APPRAISALS/ RESETS:	Prior to the commencement of each renewal option
UTILITIES:	The cost of all utilities shall be the tenant's responsibility.
MAINTENANCE:	The tenant shall responsible for all interior and exterior structural and non-structural maintenance and repairs to the facility.

1.50 ACRE PARCEL
"MEALS ON WHEELS OF STATEN ISLAND, INC."
PART OF TAX LOT 100 BLOCK 955
BOROUGH OF STATEN ISLAND, CITY OF NEW YORK

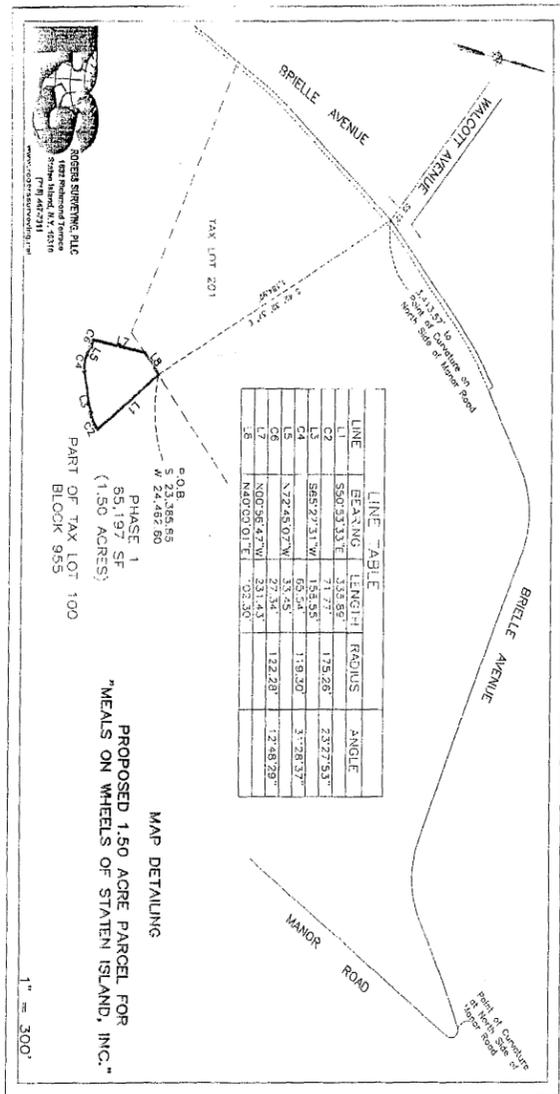
All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Staten Island, County of Richmond, City and State of New York, and bounded and described by the following;

BEGINNING at a point inside said Tax Lot 100 Block 955, said point of BEGINNING having coordinates South 23,385.85 and West 24,482.60 and being described by the following two (2) courses:

- a. Starting on the easterly record line of Brielle Avenue (Irregular Width), said point being located a distance of 3,413.57 feet westerly from the point of curvature on the north side of Manor Road. Said point also being located as being on a prolongation of the southerly side of Walcott Avenue and its intersection with the said easterly record line of Brielle Avenue;
- b. THENCE on a bearing South 42-32-37 E for a distance of 1,184.92 feet to the point or place of BEGINNING and running thence the following several courses;

1. THENCE South 50-53-33 E for a distance of 335.89 feet to a point of non-tangent curvature;
2. THENCE along a curve bearing to the right, having a radius of 175.26 feet, a central angle of 23-27-53 for an arc length of 71.77 feet to a point of non-tangency;
3. THENCE South 65-27-31 West for a distance of 158.55 feet to a point of non-tangent curvature;
4. THENCE along a curve bearing to the right, having a radius of 119.30 feet, a central angle of 31-28-37 for an arc length of 65.54 feet to a point of non-tangency;
5. THENCE North 72-45-07 West for a distance of 33.45 feet to a point of non-tangent curvature;
6. THENCE along a curve bearing to the left, having a radius of 122.28 feet, a central angle of 12-48-29 for an arc length of 27.34 feet to a point of non-tangency;
7. THENCE North 00-58-47 West for a distance of 231.43 feet to a point;
8. THENCE North 40-00-01 East for a distance of 102.30 feet to the point or place of BEGINNING.

The above described parcel contains an area of 65,197 Square Feet or 1.50 acres



NOW, THEREFORE, for and in consideration of the mutual covenants herein contained and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, Landlord and Tenant hereby agree as follows:

1 Definitions. All capitalized terms used herein shall have the meanings ascribed to them in the Original Lease, as amended by the First Lease Amendment, unless otherwise specifically set forth herein to the contrary.

2 Construction with Lease.

- (a) This Second Lease Amendment shall be annexed to and is hereby made a part of the Original Lease, as amended by the First Lease Amendment.
- (b) As of the date hereof the term "Lease" shall be deemed to mean the Original Lease as amended by the First Lease Amendment and further amended by this Second Lease Amendment, except where the context clearly indicates to the contrary.
- (c) Notwithstanding the foregoing, in the event any provision in this Second Lease Amendment conflicts with any provision in the Original Lease, as amended by the First Lease Amendment, the terms of this Second Lease Amendment shall supersede and govern.

3 Clarify the Performance and Disputing of Renewal Improvements.

Section 5(i) entitled "Performance of Minor and/or Moderate Renewal Improvement" and Section 5(j) entitled "Scope of Renewal Improvements", each in Article 5 of the Original Lease, as amended by the First Lease Amendment, are hereby deleted in their entirety and replaced with the following Section 5(i), entitled "Performance of Minor and/or Moderate Renewal Improvements" and Section 5(j), entitled "Dispute over Renewal Improvements":

(i) Performance of Minor and/or Moderate Renewal Improvements. Tenant shall also be unconditionally obligated to perform, or cause to be performed, at its cost and expense, Renewal Improvements designated in the Renewal Improvements Inspection Report as other than the Severe Renewal Improvements (individually referred to, as applicable, "Minor Renewal Improvements" or "Moderate Renewal Improvements" and collectively referred to as the "Minor and/or Moderate Renewal Improvements"). The Moderate Renewal Improvements are required to be completed within the first twenty-four (24) months of the Second Renewal Term or the Third Renewal Term, if applicable. The Minor Renewal Improvements are required

to be completed within the first thirty-six (36) months of the Second Renewal Term or the Third Renewal Term, if applicable.

Dispute over Renewal Improvements. Tenant agrees not to dispute any of the Severe Renewal Improvements. Tenant further agrees not to raise any dispute with the other Renewal Improvements consisting of the Minor and/or Moderate Renewal Improvements, unless and until the Tenant has incurred costs for the performance of the Renewal Improvements in excess of \$175,000 (the "Minimum Incurred Costs Threshold") for each of the Second and Third Renewal Terms. After the Minimum Incurred Costs Threshold has been reached during each of the applicable Renewal Terms, then Tenant shall have the right to dispute the necessity of the specified Minor and/or Moderate Renewal Improvements (however, not any of the Severe Renewal Improvements). Unless within sixty (60) days of Tenant's reaching the Minimum Incurred Costs Threshold, Tenant shall have provided in writing to the Landlord and the Administrator a detailed list of findings of Minor and/or Moderate Renewal Improvements disputed by the Tenant, if any, and the basis for the dispute, along with alternative methods of addressing the findings, if applicable, Tenant shall be deemed to have accepted the findings of the Renewal Improvements Inspection Report. Nothing in the foregoing shall be deemed to relieve Tenant of its ongoing obligations to continuously maintain and repair the Premises (it being understood and agreed that for purposes of this Lease the term "repair" shall be deemed to include repairing, replacing, rehabilitating, renovating and performing such other work as is appropriate for the improvement as well as maintenance of the Premises) in accordance with the terms and conditions of the Lease or to perform, or cause to be performed, the Severe Renewal Improvements.

4 Clarification of the Renewal Terms.

- (a) Article 3 entitled "Rent", second paragraph, first sentence, (i.e., beginning with "Landlord..." and ending with "...this Lease.") is amended by replacing the word "each" with the words "the first";
- (b) The second paragraph of Article 3 entitled "Rent" is amended by the addition of the following text: "As further described in the

paragraph below, for purposes of the Second Renewal Term and the Third Renewal Term, the fair market value appraisal shall be performed, completed and delivered to Tenant by Landlord no sooner than fifteen (15) months prior to the applicable Expiration Date, and no later than nine (9) months prior to the applicable Expiration Date.", and

(c) Article 3 entitled "Rent", seventh paragraph (i.e., beginning with "For purposes..." and ending with "...Expiration Date.") is amended by replacing the words "...performed and completed..." with the words "...performed, completed and delivered to Tenant..."

5. Add Text to Indemnification. Article 13(a) of the Original Lease, as amended by the First Lease Amendment, is amended to add the following text at the end of the second to last sentence: "; or, "petroleum" as defined under section 172(15) of Article 12 of the New York State Navigation Law."

6. Deletion of Article 47(f). Section (f) of Article 47 of the Original Lease, as amended by the First Lease Amendment, entitled "Additional Indemnification upon the Partial Termination Date" is hereby deleted in its entirety.

7. Access and Usage of the Gasoline Fuel Tank System

The Original Lease, as amended by the First Lease Amendment, is further amended to add a new Article 48 entitled "Access and Usage of the Gasoline Fuel Tank System" as follows:

"Access and Usage of the Gasoline Fuel Tank System

Article 48. Access and Usage of the Gasoline Fuel Tank System

(a) **Definition.** For purposes of this Lease, the Gasoline Fuel Tank System shall mean the two (2) underground storage tanks each of 4,000 gallon capacity (N Y S D E C a n d N Y S D E C _____), the gas dock shed, the pipes, cables, machinery containment systems, monitoring systems, electrical power equipment and conduits and other related connections, equipment and infrastructure that was installed by, for and/or on behalf of Tenant on Surrendered Parcels together with any repair or replacement thereof that is hereinafter installed by or on behalf of Tenant (collectively referred to as the "Gasoline Fuel Tank System")."

(b) **Access and Usage of the Gasoline Fuel Tank System.** To the extent that the Landlord has rights pursuant to a **Storage Tank and Gas Dock Shed Access**

Easement (attached hereto as **Exhibit C**) upon the Surrendered Parcels then, during the Term of the Lease, the Tenant shall be entitled to exercise the Landlord's non-exclusive easement rights to access, use, inspect, test, maintain, repair, remove and/or replace the Gasoline Fuel Tank System along with the Landlord's exclusive easement rights to the fenced-in structure known as the "Gas Dock Shed," and authority to enforce such Landlord's easement rights as a third party beneficiary (individually and collectively, such activities are referred to as the "Gasoline Tank Usage") which the Tenant shall perform and/or have performed on its behalf for the purpose of enabling the Tenant to supply gasoline fuel to its marina clients and for the operation of its business at the Premises in accordance with the terms of this Lease.

(c) **Obligations of Tenant's Gasoline Usage.** The Tenant acknowledges and agrees that a material term and condition of this Lease is the Tenant's obligation to inspect, test, maintain, and/or repair, the Gasoline Fuel Tank System and to keep and maintain the Gasoline Fuel Tank System in a safe, sound and lawful order and condition and make all necessary repairs thereto, whether structural or nonstructural, ordinary or extraordinary, foreseen and/or unforeseen and whether or not necessitated by normal wear, tear, obsolescence or defects, latent or otherwise of said mechanical systems, to prevent damage to the Premises and/or to other adjacent premises, fixtures and/or personal property and/or claims of injury to persons and to undertake any and all clean-up, correction, cures and remedies required by law relating to any "Hazardous Materials" arising from the use or operation of the Gasoline Fuel Tank System (collectively, the "Gasoline Tank Obligations"; the performance by and/or on behalf of the Tenant of the Gasoline Tank Obligations are deemed part of the Tenant's Gasoline Tank Usage).

(d) **Conditions of Tenant's Gasoline Tank Usage.** Tenant hereby expressly agrees that the performance of the Gasoline Tank Usage by Tenant or by Tenant's agents or contractors shall be conditioned upon, governed by and subject to (i) all of the terms, covenants and conditions of this Lease, (ii) the procurement of insurance to be secured by Tenant and/or its contractors as required by Article 13(b) hereof entitled "Insurance" along with the addition of Bical Development, Inc. as one of the

parties to be named as an "additional insured," (iii) all Gasoline Tank Usage, including, without limitation, the Gasoline Tank Obligations, that are performed by and/or on behalf of the Tenant, shall be performed at the Tenant's sole cost and expense (it being understood and agreed that none of Landlord, Administrator nor Apple shall have any obligation to incur any costs or expenses for the Gasoline Tank Usage), (iv) in addition to and without limiting the Tenant's obligations pursuant to Article 6 entitled "Requirements of Law," compliance by the Tenant with all the management tasks such as maintaining the gasoline fuel underground storage tanks in compliance with all Requirements such as the U.S. Government, State and City of New York laws, rules and regulations pertaining to underground storage tanks and (v) performance of all of the Tenant's obligations under the Lease, this Article and/or the Tenant's Gasoline Tank Obligations and other Gasoline Tank Usage regardless of whether or not such is performed or required to be performed on the Premises or off the Premises.

(e) Additional Indemnification and Insurance Obligations for Tenant's Gasoline Tank Usage.

(i) Additional Indemnity. In addition to and, in no manner limiting, any of the obligations of the Tenant pursuant to Section (a) of Article 13 entitled "Indemnity" of this Lease. Tenant shall defend, indemnify and hold harmless Bical, NYCEDC, the Landlord and their respective successors, assigns and all of their officers, directors, agents, representatives, employees, guests, contractors and invitees from and against any and all liabilities, claims, demands, fines, penalties, settlements, damages, costs, expenses and judgments of whatever kind or nature, known or unknown, contingent or otherwise, arising out of or related to the following during the term of the Lease: (i) any claims for injury to any person or persons, including death, or any damage to property of any nature in connection with or arising out of, in whole or in part, (1) an event which occurred on or near the Bical Property that is alleged to arise out of the use of the Storage Tank System and Gas Dock Shed Access Easement; or (2) any negligent act(s) or omission(s) of the Tenant or its employees, guests, contractors,

subcontractors, representatives or agents, occurring on or near the Bical Property, arising out of the use of the Storage Tank System and Gas Dock Shed Access Easement, including, but not limited to, overflow, leak or spill, or damages to the Bical Property, including business interruption not covered by insurance; or (ii) any and all liens and encumbrances which may be filed or recorded against the Bical Property as a result of actions taken by or on behalf of Sea Travelers, its contractors, subcontractors, agents, representatives, employees, guests or invitees, with respect to the Storage Tank System and Gas Dock Shed Access Easement, or (iii) the presence, storage, transportation, disposal, release or threatened release of any Hazardous Materials (as hereinafter defined) over, under, in, on, from or affecting the Bical Property or any persons, real property, personal property, or natural substances thereon or affected thereby with respect to the Storage Tank System and Gas Dock Shed Access, except in such cases referred in clauses (i) to (iii) above, to the extent of any property damage, personal injury, death or other losses, caused by the acts or omissions of Bical, the Landlord, NYCEDC, or their respective officers, directors, agents, representatives, employees, guests, contractors and invitees. The provisions of this indemnification shall survive the expiration or earlier termination of this Lease and any renewal, extension or holdover thereof.

(ii) Additional Insurance. In addition to, and in no manner limiting any of the obligations of the Tenant pursuant to Section (b) of Article 13 entitled "Insurance" of this Lease, Tenant shall maintain liability insurance with environmental spillage coverage and such other insurance as is reasonable to require under the circumstances and in commercially reasonable amounts naming Bical, the Landlord, Administrator and Apple as additional insureds as Bical's, the Landlord's, Administrator's and Apple's respective interests may appear."

8 Annual Rent Increase Further Amended for the Second and Third Renewal Terms.

Article 3 (entitled "Rent") of the Original Lease, as amended by the First Lease Amendment, is hereby further amended by deletion of the fourth paragraph (beginning with "The Annual Rent for Year 21...") and by the deletion of the Sixth paragraph (beginning with "The Annual Rent for Year 31...") both of which are replaced with the following text for the fourth and sixth paragraphs:

[Fourth Paragraph]

"Annual Rent for the Lease Years in the remainder of the Second Renewal Term will increase every other Lease Year to an amount equal to the Annual Rent for the immediately preceding Lease Year plus a certain percent multiplied by the Annual Rent for the immediately preceding Lease Year, which certain percent shall be equal to the percentage increase in the Consumer Price Index since the previous escalation adjustment [Example: if (i) the Consumer Price Index was 252.016 for the month immediately preceding the commencement of the Lease Year, which is subject to the Annual Rent increase, and (ii) it was 241.147 for the twenty-fourth (24th) month immediately preceding the commencement of the Lease Year, which is subject to increase, then, according to this fourth Paragraph and the Sixth Paragraph below, the Annual Rent increase shall be an amount equal to the Annual Rent for the immediately preceding Lease Year plus four and a half percent (4.5%) (based upon this calculation $252.016 - 241.147$ divided by $241.147 = .045$) multiplied by the Annual Rent for the immediately preceding Lease Year]."

[Sixth Paragraph]

"Annual Rent for the Lease Years in the remainder of the Third Renewal Term will increase every other Lease Year to an amount equal to the Annual Rent for the immediately preceding Lease Year plus a certain percent multiplied by the Annual Rent for the immediately preceding Lease Year, which certain percent shall be equal to the percentage increase in the Consumer Price Index since the previous escalation adjustment."

9. Access to Premises.

Article 12 (entitled "As Is Condition") of the Lease is amended by the addition of the following paragraph (f):

(f) Tenant shall have reasonable, non-exclusive, right of access for ingress and egress of general motor vehicle traffic only (including trucks, delivery vehicles and boat trailers) from Flatbush Avenue to the Premises and from the Premises to Flatbush Avenue through designated access corridors and/or easements designated by (i) the Landlord; (ii) the Landlord's tenant(s) of the property adjacent to the Premises, and/or (iii) an owner(s) of property adjacent to the Premises (for purposes of this Section on Access to Premises."

10. Change of Tenant's Attorney.

Article 39 entitled "Notices" of the Original Lease, as amended by the First Amendment, is amended by the replacement of the reference to the Tenant's prior attorney (i.e., Gold & Gold, P.C.) with reference to the Tenant's current attorney and their mailing address, as follows:

"with a copy to:

Law Office of
ARNIOTES & CALAKOS, LLP
7206 Fifth Avenue
Brooklyn, New York 11209
Attn: Demetra Arniotes Calakos, Esq."

11. Entire Agreement and No Oral Modification. All prior statements, understandings, representations and agreements between the parties, oral or written, are superseded by and merged in the Original Lease, as amended by the First Lease Amendment and further amended by this Second Lease Amendment, which alone fully and entirely expresses the agreement between them in connection with this transaction and which is entered into after full investigation, neither party relying upon any statement, understanding, representation or agreement made by the other not embodied in this Second Lease Amendment. This Second Lease Amendment may not be altered, modified or amended in any manner whatsoever except by a written instrument signed by Landlord and Tenant.

12. **Signatures in Counterparts.** This Second Lease Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

13. **Ratification and Continuation.** Except as expressly set forth in this Second Lease Amendment, the terms and conditions of the Original Lease, as amended by the First Lease Amendment, are hereby ratified and reaffirmed and shall continue in full force and effect without any change or modification and shall apply for the balance of the Term of the Lease.

[END OF TEXT ON THIS PAGE, SIGNATURE PAGE IS THE NEXT PAGE.]

Sea Travelers Realty, Inc.
The Second Lease Amendment 2013

11

Signature Version

IN WITNESS WHEREOF, Landlord and Tenant have executed this Second Lease Amendment as of the date and year first above written.

LANDLORD:

THE CITY OF NEW YORK
ACTING BY AND THROUGH ITS
DEPARTMENT OF
SMALL BUSINESS SERVICES

By: Name
Title

TENANT:

SEA TRAVELERS REALTY, INC.

By: Name
Title

Approved as to Form:

Acting Corporation Counsel

Sea Travelers Realty, Inc.
The Second Lease Amendment 2013

11

Signature Version

(Editor's Note: Exhibits to this Second Amendment of Lease Agreement not printed in these Minutes).

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, March 13, 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. 762

Report of the Committee on Land Use in favor of approving Application no. 20135250 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of On 54th LLC, d/b/a Café Americaia, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 230 West 54th Street, Borough of Manhattan, Community Board 5, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226 of the Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 6, 2013 (Minutes, page 261), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5

20135250 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of On 54th LLC, d/b/a Café Americaia, for a revocable consent to establish, maintain and operate an unenclosed small sidewalk café located at 230 West 54th Street.

INTENT

To allow an eating or drinking place located on a property which abuts the street to establish, maintain and operate an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING

DATE: March 5, 2013

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

SUBCOMMITTEE RECOMMENDATION

DATE: March 5, 2013, recessed to March 13, 2013

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

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

Against: None

Abstain: None

COMMITTEE ACTION

DATE: March 13, 2013

The Committee recommends that the Council approve the attached resolution.

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

Against: Barron

Abstain: None

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

Res. No. 1682

Resolution approving the petition for a revocable consent for an unenclosed small sidewalk café located at 230 West 54th Street, Borough of Manhattan (20135250 TCM; L.U. No. 762).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on January 18, 2013 its approval dated January 18, 2013 of the petition of On 54th LLC, d/b/a Café Americaia, for a revocable consent to establish, maintain and operate an unenclosed small sidewalk café located 230 West 54th Street, Community District 5, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on March 5, 2013; and

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

RESOLVED:

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, March 13, 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. 763

Report of the Committee on Land Use in favor of approving Application no. 20135222 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Heavy Woods LLC, d/b/a Heavy Woods, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 50 Wyckoff Avenue, Borough of Brooklyn, Community Board 4, Council District 34. 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 of the Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 6, 2013 (Minutes, page 262), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 4

20135222 TCK

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Heavy Woods LLC, d/b/a Heavy Woods, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 50 Wyckoff Avenue.

INTENT

To allow an eating or drinking place located on a property which abuts the street to establish, maintain and operate an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING

DATE: March 5, 2013

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

SUBCOMMITTEE RECOMMENDATION

DATE: March 5, 2013, recessed to March 13, 2013

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

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

Against: None

Abstain: None

COMMITTEE ACTION

DATE: March 13, 2013

The Committee recommends that the Council approve the attached resolution.

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

Against: Barron

Abstain: None

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

Res. No. 1683

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 50 Wyckoff Avenue, Borough of Brooklyn (20135222 TCK; L.U. No. 763).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on January 18, 2013 its approval dated January 18, 2013 of the petition of Heavy Woods LLC, d/b/a Heavy Woods, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located 50 Wyckoff Avenue, Community District 4, Borough of Brooklyn (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on March 5, 2013; and

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

RESOLVED:

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, March 13, 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. 765

Report of the Committee on Land Use in favor of approving Application No. C 070352 ZMQ submitted by Avery Fowler Owners pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 10b, changing from an M1-1 District to a C2-6A District property bounded by Avery Avenue, College Point Boulevard, Fowler Avenue, and the southerly centerline prolongation of Haight Street; and changing from an M1-2 District to a C2-6A District property bounded by Avery Avenue, the southerly centerline prolongation of Haight Street, Fowler Avenue, and 131st Street, Borough of Queens, Community Board 7, Council District 20.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 27, 2013 (Minutes, page 543), respectfully

REPORTS:**SUBJECT****QUEENS CB - 7****C 070352 ZMQ**

City Planning Commission decision approving an application submitted by Avery Fowler Owners pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 10b:

1. changing from an M1-1 District to a C2-6A District property bounded by Avery Avenue, College Point Boulevard, Fowler Avenue, and the southerly centerline prolongation of Haight Street; and
2. changing from an M1-2 District to a C2-6A District property bounded by Avery Avenue, the southerly centerline prolongation of Haight Street, Fowler Avenue, and 131st Street;

as shown on a diagram (for illustrative purposes only), dated October 15, 2012, and subject to the conditions of CEQR Declaration E-290.

INTENT

To rezone a block generally located east of the Van Wyck Expressway with frontages along College Point Boulevard, Avery Avenue, 131st Street and Fowler Avenue to facilitate a new medium density mixed-use development in the Flushing area of Queens in Community District 7.

PUBLIC HEARING**DATE:** March 5, 2013**Witnesses in Favor:** One**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** March 5, 2013, recessed to March 13, 2013

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

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

Against: None**Abstain:** None**COMMITTEE ACTION****DATE:** March 13, 2013

The Committee recommends that the Council approve the attached resolution.

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

Against: Barron**Abstain:** None

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

Res. No. 1684

Resolution approving the decision of the City Planning Commission on ULURP No. C 070352 ZMQ, a Zoning Map amendment (L.U. No. 765).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on February 8, 2013 its decision dated February 6, 2013 (the "Decision"), on the application submitted by Avery Fowler Owners, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, to facilitate new medium

density mixed-use development on an entire block in the Flushing area, Community District 7 (ULURP No. C 070352 ZMQ), Borough of Queens (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 5, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues and the conditional negative declaration (CEQR No. 07DCP050Q) issued on February 6, 2013 (the "Conditional Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment subject to (i) CEQR Declaration E-290 and (ii) the following terms of the Conditional Negative Declaration:

The applicant has entered into a restrictive declaration (Block 5076, Lots 9, 11, 14 and 16) to ensure that the appropriate archaeological identification, investigation and mitigation will occur prior to construction on the premises (Block 5076, Lots 9, 11, 14 and 16). The restrictive declaration would ensure that appropriate archaeological testing be conducted and that any necessary mitigation measures be undertaken prior to any site disturbance.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 070352 ZMQ, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 10b:

1. changing from an M1-1 District to a C2-6A District property bounded by Avery Avenue, College Point Boulevard, Fowler Avenue, and the southerly centerline prolongation of Haight Street; and
2. changing from an M1-2 District to a C2-6A District property bounded by Avery Avenue, the southerly centerline prolongation of Haight Street, Fowler Avenue, and 131st Street;

as shown on a diagram (for illustrative purposes only), dated October 15, 2012, and subject to the conditions of CEQR Declaration E-290, Community District 7, Borough of Queens.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, March 13, 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. 773

Report of the Committee on Land Use in favor of approving Application No. 20135344 HAK submitted by the New York City Department of Housing Preservation and Development for the proposed modification of a previously approved Plan and Project to change from rehabilitation to new construction and deleting 27 Albany Avenue (Block 1859, Lot 1) from the Plan and Project pursuant to Section 115 of the Private Housing Finance Law, Borough of Brooklyn, Community District 3, Council District 36.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 27, 2013 (Minutes, page 546), respectfully

REPORTS:**SUBJECT**

BROOKLYN CB - 03

20135344 HAK

Application submitted by the New York City Department of Housing Preservation and Development for the proposed modification of a previously approved Plan and Project deleting 27 Albany Avenue (Block 1859, Lot 1) from the Plan and Project pursuant to Section 115 of the Private Housing Finance Law, Community District 3, Council District 36.

INTENT

To facilitate the new construction of the project located at 27 Albany Avenue containing 50 units of housing.

PUBLIC HEARING

DATE: March 5, 2012

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 5, 2013

The Subcommittee recommends that the Land Use Committee approve the request made by the New York City Department of Housing Preservation and Development.

In Favor: Levin, Dickens, Koo

Against: Barron

Abstain: None

COMMITTEE ACTION

DATE: March 13, 2013

The Committee recommends that the Council approve the attached resolution.

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

Against: Barron

Abstain: None

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

Res. No. 1685

Resolution approving modification to a previously approved plan and project located at 27 Albany Avenue (Block 1859, Lot 1), Borough of Brooklyn (L.U. No. 773; 20135344 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on February 7, 2013 its request dated January 22, 2013 that the Council take the following actions regarding the following project ("New Project") located at 27 Albany Avenue, Tax Block 1859, Lot 1, Community District 3, Council District 36, Borough of Brooklyn (the "Development Parcel"):

Approve pursuant to Section 115 of the Private Housing Finance Law (PHFL), the deletion of the Development Parcel (Block 1859, Lot 1), from the Plan and Project approved pursuant to PHFL Section 114 by the Board of Estimate on September 27, 1979 (Cal. Nos. 27 and 30) (the "Original Plan and Project");

WHEREAS, the HPD request is related to previous approvals of the City Council on (i) November 28, 2007 (Resolution No. 1177 of 2007, L.U. No. 620) and (ii) July 29, 2009 (Resolution No. 2101, L.U. No. 1090);

WHEREAS, upon due notice the Council held a public hearing on the New Project on March 5, 2013;

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

RESOLVED:

The Council approves, pursuant to Section 115 of the PHFL, the deletion of the Development Parcel from the Original Plan and Project.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, March 13, 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. 774

Report of the Committee on Land Use in favor of approving Application No. 20135345 HAM submitted by New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 272 Manhattan Avenue, Borough of Manhattan, Community Board 10, Council District 9. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 27, 2013 (Minutes, page 547), respectfully

REPORTS:

SUBJECT

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

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON-ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
272 Manhattan Avenue	1846/31	20135345 HAM	774	Multifamily Preservation Loan

INTENT

HPD requests that the Council:

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

PUBLIC HEARING

Date: March 5, 2013

Witnesses In Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

Date: March 5, 2013

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

In Favor: Levin, Barron, Dickens, Koo

Against: *None*

Abstain: *None*

COMMITTEE ACTION

Date: March 13, 2013

The Committee recommends that the Council approve the attached resolution.

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

Against: Barron

Abstain: *None*

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

Res. No. 1686

Resolution approving an Urban Development Action Area Project located at 272 Manhattan Avenue (Block 1846/Lot 31), Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure; and granting a real estate tax exemption pursuant to Article 16 of New York General Municipal Law (L.U. No. 774; 20135345 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on February 7, 2013 its request dated January 22, 2013 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 272 Manhattan Avenue (Block 1846/Lot 31), Borough of Manhattan (the "Disposition Area"):

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on March 5, 2013;

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

RESOLVED:

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

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

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

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

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

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

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

ATTACHMENT:PROJECT SUMMARY20135345 HAM
Page 1 of 1
L.U. No. 774

1. **PROGRAM:** MULTIFAMILY PRESERVATION LOAN PROGRAM
2. **PROJECT:** 272 Manhattan Avenue
3. **LOCATION:**
 - a. **BOROUGH:** Manhattan
 - b. **COMMUNITY DISTRICT:** 10
 - c. **COUNCIL DISTRICT:** 9
 - d. **Disposition Area:**

Block	Lot	Address
1846	31	272 Manhattan Avenue
4. **BASIS OF DISPOSITION PRICE:** \$1,750,000 (negotiated).
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 1 Multiple Dwelling
7. **APPROXIMATE NUMBER OF UNITS:** 55 dwelling units + 1 superintendent unit
8. **HOUSING TYPE:** Mixed Rental/Homeownership. The 9 existing tenants will be able to purchase their current units as condominiums for \$1.00 each.
9. **ESTIMATE OF INITIAL RENTS:** Initial rents for the vacant rental units will have rents set at a level affordable to households earning 165% of area median income (AMI), but may be rented to households earning up to 195% AMI. All rental units will be subject to rent stabilization. The 9 existing tenants who will purchase their condo units will pay a monthly maintenance fee set at a level affordable to households earning up to 50% AMI. Maintenance costs on the condo units will increase by 3% annually for the existing tenants. Eligible existing tenants may apply for rent subsidies.
10. **INCOME TARGETS:** The Disposition Area contains an occupied building which will be sold subject to existing tenancies. Vacant rental units will be rented to families with annual household incomes up to 195% of the area median. Condominium units may only be resold to households earning up to 165% AMI.
11. **PROPOSED FACILITIES:** None
12. **PROPOSED CODES/ORDINANCES:** None
13. **ENVIRONMENTAL STATUS:** Type II
14. **PROPOSED TIME SCHEDULE:** Approximately eighteen months from closing to completion of construction.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, March 13, 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 Public Safety

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

Report for Preconsidered Int. No. 1016

Report of the Committee on Public Safety in favor of approving and adopting a Local Law to amend the administrative code of the City of New York, in relation to prohibited acts committed during a local state of emergency and to certain technical revisions to chapter 1 of title 10 of such code.

The Committee on Public Safety, to which the annexed proposed local law was referred on March 13, 2013, respectfully

REPORTS:**I. INTRODUCTION**

On March 12, 2013, the Committee on Public Safety, chaired by Council Member Peter F. Vallone Jr., will hold a hearing to vote on a preconsidered introduction that would amend the administrative code of the City of New York, in relation to prohibited acts committed during a local state of emergency and to certain technical revisions to chapter 1 of title 10 of such code. On March 11, 2013 the

Committee on Public Safety held a hearing to discuss this preconsidered legislation. At that time, the Committee heard testimony in support of the legislation from Michael Best, Counsel to Mayor Michael Bloomberg, and from Yasmin Ammirato of the Midland Beach Civic Association.

II. BACKGROUND

Under State law the Mayor of New York City has the power to proclaim a local state of emergency “in the event of a disaster, rioting, catastrophe, or similar public emergency...and upon a finding...that the public safety is imperiled.”¹ After proclaiming that there is a local state of emergency, the Mayor may then “promulgate local emergency orders to protect life and property or to bring the emergency situation under control”² and the knowing violation of any of these orders may be deemed a class B misdemeanor.³ An example of the type of order that may be promulgated includes, but is not limited to, establishment of curfews, traffic control, mandatory evacuation areas, and the establishment and designation of emergency shelters.⁴

In the past two years, Mayor Michael Bloomberg proclaimed a local state of emergency twice, once during Tropical Storm Irene and once during Super Storm Sandy. Each such order was accompanied by a mandatory evacuation order for certain specified areas known as mandatory evacuation zones. During these states of emergency, and most particularly in mandatory evacuation zones and in areas where access to essential goods or services were reduced or lost, many New Yorkers were in vulnerable positions. Unfortunately, some individuals took this as an opportunity to commit various crimes that not only put the victims directly targeted in harm’s way, but also burdened the entire city as critical resources were diverted from responding to the crisis created by the storm to dealing with these criminal activities instead. Reports indicate that some criminals posed as city officials or utility workers to gain entry to homes,⁵ while others took advantage of abandoned property including homes and, in some cases, clothing stores.⁶

Such crimes of opportunity, when committed during a local state of emergency and in areas of the City made vulnerable by such emergency, are distinguishable from and more egregious than crimes that occur outside of a crisis. The areas most vulnerable to such crimes generally include those where there is a reduction or loss of essential goods or services such as food, water, shelter, electricity, and gas. Additionally, when criminals target mandatory evacuation zones during mandatory evacuation periods it can defeat the very purpose of an evacuation order, as the Mayor creates such zones precisely to secure the safety of the most at-risk New Yorkers.

Unfortunately, this specific problem was highlighted during Super Storm Sandy when many New Yorkers did not evacuate from mandatory evacuation zones because they feared that their homes would be looted again, as they were during Tropical Storm Irene. In some cases, the decision to shelter in place had devastating results. For example, in Staten Island, the Dresch family decided to stay in their home because their property was looted when they evacuated during Tropical Storm Irene. As a result, George Dresch and his 13-year-old daughter, Angela, were killed when Super Storm Sandy’s surge waters washed their home away.⁷

For all of these reasons, today the Council is voting on a bill that would deter crimes of opportunity from taking place during local states of emergency and either in areas that are mandatory evacuation zones or in areas where there is a reduction or loss of essential goods or services. In doing so, the Council seeks to advance the goal of providing all law-abiding New Yorkers with a safe and secure environment during times of emergency.

III. PRECONSIDERED INTRODUCTION

To deter criminals from using local emergencies as an opportunity to target vulnerable victims, this preconsidered introduction creates a local law that will amend the administrative code of the City of New York, in relation to prohibited acts committed during a local state of emergency. In addition, the preconsidered introduction makes certain technical revisions to chapter 1 of title 10 of the Administrative Code.

Section 1 of the bill describes the Council’s legislative findings and intent and states that the Council intends to provide all law-abiding New Yorkers with a safe and secure environment during times of emergency. Section 2 of the preconsidered introduction creates a new section 10-171 of the Administrative Code entitled “Prohibited acts during a local state of emergency.” In addition, Section 2 creates a new subdivision 10-171(a), which sets forth definitions as follows:

- “essential goods or services” are those goods or services provided by utilities, government or private entities or personnel without which a person or property is vulnerable to harm or damage.
- “local state of emergency” is the time period in which the Mayor’s proclamation of a state of emergency is in effect.
- “mandatory evacuation period” is the period of time during which the occupancy and use of buildings and homes is prohibited for public safety purposes.
- “mandatory evacuation zone” is any area where the occupancy and use of buildings and dwellings is prohibited for public safety purposes.

Thereafter the bill creates a new subdivision 10-171(b) entitled “Prohibited acts,” which provides that (i) during a local state of emergency and in a mandatory evacuation zone for the duration of a mandatory evacuation period, or (ii) during a local state of emergency and in an area in which there is a loss or reduction of

essential goods or services due to the emergency, it is unlawful for a person to commit five certain acts. Those acts are as follows:

- causing, or creating a material risk of, physical injury to a person;
- damaging or wrongfully depriving another person of property;
- entering or remaining unlawfully upon the property of another person;
- impeding governmental response to the circumstances of the emergency; or
- impersonating another with the intent to injure or defraud another person.

This subdivision also explains that while it only applies to acts committed during a local state of emergency, it shall also be unlawful to impersonate another even after the local state of emergency has ended, but only if that impersonation is related to circumstances surrounding or arising out of the emergency. For instance, if the local state of emergency was the result of a hurricane and after the local state of emergency ended someone continued to pose as a relief worker with the intent to defraud a person that was still repairing his or her home, then such impostor would be liable under this bill.

Section 2 of the bill also creates subdivision 10-171(c), which provides an affirmative defense for those accused of the aforementioned prohibited acts. The affirmative defense is only available to those who can show that their actions were reasonable as a result of, or in response to, the emergency. Section 2 thereafter creates subdivision 10-171(d) to lay out the penalties for violating the provisions of this bill. Specifically, any person who commits any of the above-mentioned acts will be guilty of a misdemeanor punishable by imprisonment of not more than six months and a fine of not more than two thousand five hundred dollars, or a civil penalty of not less than one thousand dollars and not more than five thousand dollars, or both. However, given the severity of the impact these crimes have on those in mandatory evacuation zones, if a person commits one of these acts in a mandatory evacuation zone and during a mandatory evacuation period, the penalties are increased to be a misdemeanor punishable by imprisonment of not more than one year and a fine of not more than five thousand dollars, or a civil penalty of not less than five thousand dollars and not more than ten thousand dollars, or both.

Pursuant to subdivision 10-171(e) of this bill, each violation of this new section of the administrative code is deemed a separate offense and any of the penalties assessed under this law will not preclude any other cause of action applicable under law. Finally, Section 2 of the bill creates subdivision 10-171(f), which provides that it is not a defense for the accused that that the real or personal property entered, damaged, or taken was previously damaged in connection with the events associated with the emergency situation.

Section 3 of the bill renumbers certain sections of the administrative code to rectify some duplicative numbering that currently exist. Specifically, section 10-165 currently appears three times. Section 3 of this bill renumbers two of those sections as follows: the prohibition on the use of non-wood bats becomes §10-168 and the regulation of publicly accessible collection bins becomes §10-169.

Section 4 of the bill provides that this law will take effect 60 days after its enactment into law.

IV. CONCLUSION

At today’s hearing the committee will vote on a preconsidered introduction, which amends the administrative code of the City of New York, in relation to prohibited acts committed during a local state of emergency and to certain technical revisions to chapter 1 of title 10 of such code. The Committee has already received positive testimony from the Mayor’s office and a community representative supporting this bill. The testimony received affirms the Committee’s belief that the city has been granted broad powers by the State to protect its residents, especially in times of emergency, such as natural or man-made disasters. As discussed at the hearing, during these situations the city expends considerable effort and resources to safeguard its residents. The hearing testimony indicated that the actions of a few opportunistic criminals frustrate the city’s efforts and strain the city’s resources while putting vulnerable law-abiding New Yorkers at greater risk. By voting on this legislation, the Committee aims to enable the city to further protect its residents, give them comfort when they need to evacuate their homes, and ensure that emergency and relief efforts are not compromised.

¹ New York State Executive Law §24

² *Id.*

³ New York State Executive Law §24(5).

⁴ In addition, New York State Executive Law §24(4) explains that the Mayor’s power to proclaim a local state of emergency does not limit the power of local government to “confer upon its chief executive any additional duties or responsibilities deemed appropriate.”

⁵ Rebecca Harshbarger, Frank Rosario, and Josh Saul, *Looters ‘swipe’ up the mess in chaos zone*, NY Post, October 31, 2012, available online at: http://www.nypost.com/p/news/local/looters_swipe_up_the_mess_in_chaos_D9SbBRGiVvEVZzEI4AIXaN

⁶ Abby Ellin, *Looters arrested in Post-Super Storm Spree*, ABC News, November 2, 2012.

⁷ Christina Boyle, *Staten Island family decides not to evacuate for Hurricane Sandy after being robbed during Irene - and pays terrible price*, N.Y. Daily News, November 2, 2012, available at: <http://www.nydailynews.com/new-york/si-family-robbed-irene-suffers-tragedy-sandy-article-1.1195721#ixzz2MyCNOtiw>

(The following is the text of the Fiscal Impact Statement for Int. No. 1016:)



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

INTRO. NO: Preconsidered
 COMMITTEE:
 Public Safety

TITLE: To amend the administrative code of the City of New York, in relation to prohibited acts committed during a local state of emergency and to certain technical revisions to chapter 1 of title 10 of such code.

SPONSOR(S): By Council Members Oddo, The Speaker (Council Member Quinn), Vallone, Recchia, Mendez, Ignizio, Ulrich, Rose, and Arroyo

Summary of Legislation: This Preconsidered Introduction seeks to deter individuals from using emergency situations, such as the recent tropical storms, as opportunities to commit crimes. It would create additional penalties for certain crimes committed during a local state of emergency, as declared by the Mayor. Such crimes would include: intentionally or recklessly causing physical injury to a person; intentionally or recklessly damaging or wrongfully depriving another person of property; knowingly entering or remaining unlawfully upon real property of another person; intentionally or recklessly impeding government response to the emergency; and impersonating another with the intent to obtain a benefit, or to injure or defraud a person.

Any person who commits one of these enumerated acts during a local state of emergency and in a substantially affected area (defined as either a mandatory evacuation zone or an area where access to essential goods or services has been lost or reduced), will be guilty of the following:

- a misdemeanor punishable by imprisonment of not more than six months and a fine of not more than two thousand five hundred dollars; or
- a civil penalty of not less than one thousand dollars and not more than five thousand dollars, or
- both criminal and civil penalties

If the area where the prohibited act is committed is within a mandatory evacuation zone and the act is committed during a mandatory evacuation period, however, the penalties are increased. Those who commit the prohibited acts in a mandatory evacuation zone will be guilty of the following:

- a misdemeanor punishable by imprisonment of not more than one year and a fine of not more than five thousand dollars; or
- a civil penalty of not less than five thousand dollars and not more than ten thousand dollars;
- or both criminal and civil penalties.

The law provides an affirmative defense for those accused of committing such acts if they can prove that their acts were reasonable in light of the circumstances.

EFFECTIVE DATE: This introduction would take effect 60 days after its enactment into law.

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

FISCAL IMPACT STATEMENT:

	Effective FY 13	FY Succeeding Effective FY 14	Full Fiscal Impact FY 14
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: The penalties included as part of this legislation are not meant to generate revenue but to ensure compliance with this law.

IMPACT ON EXPENDITURES: N/A

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Governmental Affairs, City Council
Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: Lionel Francois, City Council Finance Division

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director and Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: This legislation was considered by the Public Safety Committee at a hearing on March 11, 2013. It was then laid-over and will be voted out of committee on March 12, 2013. It will be introduced to the full Council at a Stated Meeting on March 13, 2013.

Accordingly, this Committee recommends its adoption.

(For text of the bill, please see the Introduction and Reading of Bills section printed in these Minutes)

PETER F. VALLONE, Jr. Chairperson; HELEN D. FOSTER, VINCENT J GENTILE, DANIEL R. GARODNICK, DAVID G. GREENFIELD, DANIEL J. HALLORAN, ERIC A. ULRICH; Committee on Public Safety, March 12, 2013.

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

Reports of the Committee on Rules, Privileges and Elections

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

Report for Preconsidered Res. No. 1687

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution approving Membership Changes to Certain Standing Committees.

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on March 13, 2013, respectfully

REPORTS:

PRECONSIDERED RESOLUTION NO. 1687

SUBJECT: Resolution Approving Membership Changes to Certain Standing Committees.

ANALYSIS: Before the Committee for its consideration are proposed changes to the membership of various committees of the Council. See the Resolution for each of the specific changes.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res No. 1687:)

Res. No. 1687

By Council Member Rivera.

RESOLVED, that pursuant to Rule 7.00 of the Council, the Council does hereby consent to the following Membership changes to Certain Standing Committees:

STANDING COMMITTEES

COMMITTEE ON COMMUNITY DEVELOPMENT
Richards

COMMITTEE ON ECONOMIC DEVELOPMENT
Richards

COMMITTEE ON ENVIRONMENTAL PROTECTION
Richards

COMMITTEE ON JUVENILE JUSTICE
Richards

COMMITTEE ON VETERANS
Richards

COMMITTEE ON WATERFRONTS
Richards

COMMITTEE ON YOUTH SERVICES
Richards

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ERIK MARTIN-DILAN, ALBERT VANN, VINCENT J. GENTILE, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, March 13, 2013.

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

Report for M-1032

Report of the Committee on Rules, Privileges and Elections approving the re-appointment by the Mayor of Andrew Irving as a member of the Conflicts of Interest Board.

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on February 6, 2013 (Minutes, page 171), respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-1045 printed below in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 2602 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Mayor of Andrew Irving as a member of the Conflicts of Interest Board to serve for the remainder of a six-year term that expires on March 31, 2016.

This matter was referred to the Committee on February 6, 2013.

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

Res. No. 1688

RESOLUTION APPROVING THE RE-APPOINTMENT BY THE MAYOR OF ANDREW IRVING AS A MEMBER OF THE CONFLICTS OF INTEREST BOARD

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 2602 of the *New York City Charter*, the Council does hereby approve the re-appointment by the Mayor of Andrew Irving as a member of the Conflicts of Interest Board to serve for the remainder of a six-year term that expires on March 31, 2016.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ERIK MARTIN-DILAN, ALBERT VANN, VINCENT J. GENTILE, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, March 13, 2013.

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

Report for M-1045

Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of Anthony W. Crowell as a member of the Conflicts of Interest Board.

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on February 27, 2013 (Minutes, page 278), respectfully

REPORTS:

Topic: *New York City Conflicts of Interest Board — (Mayoral Candidates for appointment upon advice and consent of the Council)*

- Anthony Crowell [M-1045]
- Andrew Irving [M-1032]

The New York City Conflicts of Interest Board ("COIB"), which is mandated to meet at least once per month, primarily serves to provide clear guidance to public employees regarding prohibited conduct through training, education, and the issuance of advisory opinions. COIB is required to publish an index of its opinions and an annual report. COIB's mandate covers Council as well as mayoral agency employees. COIB also collects and reviews financial disclosure reports [*New York City Charter* ("Charter") §§ 2602 and 2603]. COIB promulgates rules as necessary to implement and interpret the provisions of Chapter 68 of the *Charter* ("*Conflicts of Interest Code*" or the "*Code*"), consistent with the goal of providing clear guidance regarding prohibited conduct [*Charter* § 2603(a)]. COIB is authorized to hear and decide violations of the *Code*. Additionally, COIB is empowered to impose fines of up to \$25,000 and recommend suspensions or removals from City employment in appropriate cases [*Charter* § 2606(b)].

COIB members are chosen for their independence, integrity, civic commitment and high ethical standards. Members are prohibited from holding public office, seeking election to any public office, being a public employee in any jurisdiction, holding political party office, or appearing as a lobbyist before the city [*Charter* § 2602(b)].

COIB consists of five members who are appointed by the Mayor with the advice and consent of the City Council.¹ The term of office for COIB members is six years. The Council must act on mayoral nominations to COIB within forty-five days of submission [*Charter* § 2602(c)]. If the Council fails to act within forty-five days of receipt of such nomination from the Mayor, the nomination is deemed to be confirmed [*Charter* § 2602(c)]. If the Mayor does not submit a nomination for appointment of a successor to the Council at least sixty days prior to the expiration of the term of the member whose term is expiring, the term of the member in office is extended for an additional year and the term of the eventual successor to such member is shortened by an equal amount of time. COIB members are prohibited from serving more than two consecutive six-year terms [*Charter* § 2602(c)]. Two members of COIB constitute a quorum and all acts of COIB must be by the affirmative vote of at least two members [*Charter* § 2602 (h)].

Members of COIB serve until their successors have been confirmed. Any vacancy occurring other than by expiration of term is filled by nomination by the Mayor, made to the Council within sixty days of the creation of the vacancy, for the unexpired portion of the term of the member succeeded. If the Council fails to act within forty-five days of receipt of such nomination from the Mayor, the nomination is deemed to be confirmed [*Charter* § 2602(e)].

COIB members may be removed by the Mayor for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of the COIB section of the *Charter*, after written notice and an opportunity for a reply [*Charter* § 2602(f)].

Pursuant to the Charter, COIB is authorized to appoint a Counsel to serve at its pleasure and to employ or retain other such officers, employees and consultants as are necessary to exercise its powers and fulfill its obligations. The authority of the Counsel may be defined in writing, provided that neither the Counsel, nor any other officer, employee or consultant of COM, shall be authorized to issue advisory opinions, promulgate rules, issue subpoenas, issue final determinations concerning violations of Chapter 68 of the *Charter*, or recommend or impose penalties. Also, COIB may, and has, delegated its authority to issue advisory opinions under *Charter* § 2604(e) to its Chair [*Charter* § 2602(g), and as per COIB's Executive Director²].

By statute, members are entitled to receive per-diem compensation for each calendar day when performing the work of COIB. According to COIB's Deputy Executive Director, the rate for members is \$250 per-diem, and the rate for the Chair is \$275 per-diem.

If appointed, Mr. Crowell, a Brooklyn resident, will replace Monica Blum and be eligible to serve the remainder of a six-year term that expires on March 31, 2018. Copies of Mr. Crowell's resume and report/resolution are annexed to this briefing paper.

If re-appointed, Mr. Irving, a Manhattan resident, will be eligible to serve the remainder of a six-year term that expires on March 31, 2016. Copies of Mr. Irving's resume and report/resolution are annexed to this briefing paper.

¹ At present, COIB's members are: Nicholas Scoppetta (Chair), Monica Blum, Andrew Irving, Burton Lehman, and Erika Thomas-Yuille.

² Mark Davies currently serves as the COIB's Executive Director.

(After interviewing the candidates and reviewing the relevant material, the Committee decided to approve the appointment of the nominees. For nominee Andrew Irving [M-1032], please see the Report of the Committee on Rules, Privileges and Elections for M-1032 printed above in these Minutes. For nominee Anthony Crowell [M-1045], please see immediately below:)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 2602 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Anthony W. Crowell as a member of the Conflicts of Interest Board to serve for the remainder of a six-year term that expires on March 31, 2018.

This matter was referred to the Committee on February 27, 2013.

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

Res. No. 1689

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF ANTHONY W. CROWELL AS A MEMBER OF THE CONFLICTS OF INTEREST BOARD.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 2602 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Anthony W. Crowell as a member of the Conflicts of Interest Board to serve for the remainder of a six-year term that expires on March 31, 2018.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ERIK MARTIN-DILAN, ALBERT VANN, VINCENT J. GENTILE, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, March 13, 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).

SPECIAL SUPPLEMENT TO RULES REPORTS SECTION

STANDING COMMITTEES OF THE COUNCIL March 13, 2013

AGING	CIVIL RIGHTS	CIVIL SERVICE & LABOR	COMMUNITY DEVELOPMENT
LAPPIN, CHAIR ARROYO BREWER FOSTER GENTILE MARK-VIVERITO VACCA CHIN KOO ROSE GREENFIELD	ROSE, CHAIR FERRERAS CHIN VAN BRAMER KING	NELSON, CHAIR GENNARO MARK-VIVERITO RECCHIA ULRICH	VANN, CHAIR FOSTER GENTILE KOPPELL MARK-VIVERITO REYNA RICHARDS
CONSUMER AFFAIRS	CONTRACTS	CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS	ECONOMIC DEVELOPMENT
GARODNICK, CHAIR BARRON COMRIE KOPPELL KOSLOWITZ NELSON FERRERAS	MEALY, CHAIR JACKSON JAMES MARK-VIVERITO NELSON	VAN BRAMER, CHAIR COMRIE CROWLEY DICKENS RECCHIA DROMM KING	KOSLOWITZ, CHAIR EUGENE FERRERAS JAMES LANDER LEVIN REYNA RICHARDS VANN WEPFRIN WILLS
EDUCATION	ENVIRONMENTAL PROTECTION	FINANCE	FIRE & CRIMINAL JUSTICE SERVICES
JACKSON, CHAIR BARRON FIDLER FOSTER GARODNICK KOPPELL LAPPIN VACCA VANN CABRERA CHIN DROMM KOSLOWITZ LEVIN ROSE WEPFRIN IGNIZIO ULRICH GREENFIELD	GENNARO, CHAIR CROWLEY KOPPELL VALLONE LANDER LEVIN RICHARDS	RECCHIA, CHAIR BREWER COMRIE FIDLER FOSTER JACKSON KOPPELL MEALY REYNA RIVERA VANN CABRERA FERRERAS KOSLOWITZ VAN BRAMER IGNIZIO ODDO	CROWLEY, CHAIR EUGENE GENTILE VALLONE RODRIGUEZ HALLORAN MENDEZ
GENERAL WELFARE	GOVERNMENTAL OPERATIONS	HEALTH	HIGHER EDUCATION
PALMA, CHAIR ARROYO BREWER FOSTER LANDER LEVIN RODRIGUEZ VAN BRAMER WILLS	BREWER, CHAIR DICKENS DILAN RECCHIA VALLONE	ARROYO, CHAIR DICKENS EUGENE FERRERAS FOSTER MENDEZ RIVERA VALLONE VANN ROSE VAN BRAMER	RODRIGUEZ, CHAIR BREWER VACCA CABRERA ROSE WILLIAMS KING

March 13, 2013

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HOUSING & BUILDINGS	IMMIGRATION	JUVENILE JUSTICE	LAND USE
DILAN, CHAIR BREWER COMRIE CROWLEY FIDLER GENNARO JACKSON JAMES LANDER MARK-VIVERITO MENDEZ RIVERA WILLIAMS ULRICH ODDO	DROMM, CHAIR BARRON EUGENE RODRIGUEZ WILLIAMS	GONZALEZ, CHAIR ARROYO CABRERA DROMM RICHARDS	COMRIE, CHAIR ARROYO BARRON DICKENS GARODNICK GONZALEZ JACKSON LAPPIN MENDEZ PALMA REYNA RIVERA VANN KOO LANDER LEVIN WEPRIN WILLIAMS HALLORAN IGNIZIO WILLS
LOWER MANHATTAN REDEVELOPMENT	MENTAL HEALTH, DEVELOPMENTAL DISABILITY, ALCOHOLISM, DRUG ABUSE & DISABILITY SERVICES	OVERSIGHT & INVESTIGATIONS	PARKS & RECREATION
CHIN, CHAIR MENDEZ CABRERA LEVIN KING	KOPPELL, CHAIR BREWER HALLORAN GREENFIELD WILLS	WILLIAMS, CHAIR NELSON KOO ROSE WEPRIN	MARK-VIVERITO, CHAIR CROWLEY FERRERAS GENTILE VACCA DROMM VAN BRAMER
PUBLIC HOUSING	PUBLIC SAFETY	RULES, PRIVILEGES & ELECTIONS	SANITATION & SOLID WASTE MANAGEMENT
MENDEZ, CHAIR ARROYO DILAN MARK-VIVERITO CHIN HALLORAN VAN BRAMER	VALLONE, CHAIR DILAN FOSTER GARODNICK GENNARO GENTILE HALLORAN ULRICH GREENFIELD	RIVERA, CHAIR COMRIE DICKENS DILAN FIDLER JACKSON VACCA VANN KOSLOWITZ ODDO QUINN CROWLEY GENTILE	JAMES, CHAIR ARROYO GENNARO JACKSON NELSON
SMALL BUSINESS	STANDARDS & ETHICS	STATE & FEDERAL LEGISLATION	TECHNOLOGY
REYNA, CHAIR EUGENE JAMES CHIN KOO WILLS KING	DICKENS, CHAIR JACKSON PALMA RIVERA KOSLOWITZ IGNIZIO ODDO	FOSTER, CHAIR DILAN FIDLER RECCHIA RIVERA CROWLEY	CABRERA, CHAIR BREWER JAMES KOPPELL WEPRIN

March 13, 2013

Created by: Ruthie DelFranco

TRANSPORTATION	VETERANS	WATERFRONTS	WOMEN'S ISSUES
VACCA, CHAIR BREWER GARODNICK GREENFIELD KOPPELL KOO LAPPIN MEALY RODRIGUEZ ROSE VAN BRAMER IGNIZIO ULRICH	EUGENE, CHAIR FIDLER GENTILE CABRERA DROMM GREENFIELD RICHARDS	KOO, CHAIR BREWER VALLONE LANDER NELSON RICHARDS ULRICH	FERRERAS, CHAIR BARRON CHIN PALMA WILLS
YOUTH SERVICES			
FIDLER, CHAIR GONZALEZ MARK-VIVERITO MEALY PALMA CABRERA KOO RICHARDS RODRIGUEZ WILLIAMS KING			

LAND USE SUBCOMMITTEES

LANDMARKS, PUBLIC SITING & MARITIME USES	PLANNING, DISPOSITION & CONCESSIONS	ZONING & FRANCHISES
LANDER, CHAIR ARROYO HALLORAN MENDEZ PALMA WILLIAMS	LEVIN, CHAIR BARRON DICKENS GONZALEZ KOO	WEPRIN, CHAIR COMRIE GARODNICK JACKSON LAPPIN REYNA RIVERA VANN IGNIZIO KING

SUBCOMMITTEES

DRUG ABUSE (Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services)	SENIOR CENTERS (Aging)
WILLS, CHAIR	GREENFIELD, CHAIR

SELECT COMMITTEES

LIBRARIES
GENTILE, CHAIR

TASK FORCE

TASK FORCE TO COMBAT GUN VIOLENCE
CABRERA, CO-CHAIR WILLIAMS, CO-CHAIR

March 13, 2013

Created by: Ruthie DelFranco

Report of the Committee on Small Business

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

Report for Preconsidered Int. No. 1017

Report of the Committee on Small Business in favor of approving and adopting, a Local Law in relation to waiver of fees for businesses recovering from damage caused by Hurricane Sandy.

The Committee on Small Business, to which the annexed proposed local law was referred on March 13, 2013, respectfully

REPORTS:

Introduction

Today, the Committee on Small Business, chaired by Council Member Diana Reyna, will hold a hearing on a preconsidered bill in relation to the waiver of fees for businesses recovering from damage caused by Hurricane Sandy. Since the Committee first considered this legislation during a hearing on February 28, 2013, the bill has been revised in a number of significant ways. This report discusses the bill currently before the committee, followed by a discussion of the various revisions incorporated into the final bill.

BACKGROUND AND ANALYSIS:

On October 29, 2012, the storm known as Hurricane Sandy hit New York City, causing massive flooding, power outages, fires, infrastructure impairments, and property damage.¹ The storm disrupted the operations of over 13,000 small businesses, damaging some and completely destroying others.² These businesses provide services that are essential to the economic vitality of

the City. Many of these small businesses are now in need of repair and rebuilding. The provisions of the bill would encourage the resumption of business in the areas hardest hit by the storm by waiving certain fees that business owners would otherwise have to pay for inspections, licenses, permits, and certifications in order to clean-up and reopen.

Legislative Summary

Section one of the bill is a statement of intent.

Bill section 2 would permit the Mayor or his designee to waive certain fees (see bill section 5) for businesses that meet the eligibility criteria set forth in this section. The waivers would apply to fees that the business owner would otherwise incur in connection with rebuilding or renovating a business damaged by Hurricane Sandy, or in the instance when the damaged business is a vehicle, replacing the vehicle. Under this bill, a building would not be considered a business.

Subparagraph a of bill section 2 would establish business eligibility requirements for the waivers. To be an eligible business for the purpose of this bill, the business, as of October 26, 2012, must have been located in a Disaster Recovery Area, defined herein (see bill section 4), in a building to which the Department of Buildings assigned a red, yellow, or green placard after Hurricane Sandy, or a vehicle.

Subparagraph b of bill section 2 would establish application requirements for the waivers. Eligible businesses would have until October 31, 2013 to apply to the Mayor or the Mayor's designee for a determination of eligibility. As part of the application, the business owner would be required to certify that as a result of Hurricane Sandy the business has suffered significant damage that has interfered significantly and continues to interfere with the business's operation. The owner must also confirm that the business currently occupies or intends to occupy space in the same building it occupied before Sandy, in a new building on the same site, or in a different building within the same Department of Small Business Business Recovery Zone. If the business is a vehicle, the owner would be required to certify that the vehicle was rendered inoperable by the storm and that the owner intends to replace it.

Section 3 of the bill establishes deadlines. It would require the business owner to present the approved determination of eligibility to each applicable agency to obtain a waiver. Waivers would be granted on fees payable through December 31, 2013. A business owner who before the effective date of this legislation has paid fees that would be subject to waiver under this legislation, would be able apply for a refund until May 31, 2013.

Section 4 of the bill would define the term "Discovery Recovery Area." "Disaster Recovery Area" would mean the area within Hurricane Evacuation Zones A and B, as designated by the New York City Office of Emergency Management maps on October 26, 2012, or the area within any Business Recovery Zone created by the Department of Small Business Services (SBS) and delineated on maps published on the SBS website.

Bill section 5 specifies the fees which would be subject to waiver under the bill. They are listed below by applicable agency.

- a. Department of Consumer Affairs:
 - i. Fees required in connection with the licensing of a pedicab business;
 - ii. Fees in connection with the licensing of an advertised liquidation, reorganization, renovation, damaged goods, or insurance salvage sale;
 - iii. Fees in connection with the inspection and licensing of tow trucks; and
 - iv. Fees required for licenses to engage in the business of towing.
- b. Department of Environmental Protection:
 - i. Fees for the permitting of fuel burning refuse burning, and gas emitting equipment;
 - ii. Fees for certifications to operate such equipment;
 - iii. Fees for certificates of instruction in the operation of such equipment; and
 - iv. The cost of a copy of the agency's publication.
- c. Department of Buildings
 - i. Application, permit, and inspection fees required for certain plumbing, scaffolds, sidewalk sheds, fences, signs, boilers, demolition, elevators, construction, limited alternations and after hours variances; and
 - ii. Fees in connection with applications for work permits and others fees required for certain electrical work.
- d. Fire Department
 - i. Fees for permitting and inspection of automotive gas stations;
 - ii. Fees for permitting and inspection of marine fuel stations;
 - iii. Fees for inspection of fire extinguishing, carbon monoxide, and commercial cooking equipment and systems; and
 - iv. Fees for plan examinations applicable to the review of design and installation documents for automotive gas stations and fire protection systems.
- e. Department of Small Business Services: Fees charged in connection with the issuance of work notices and work permits with respect to waterfront construction, equipment use permits, mooring permits, fill work permits, and certificates of completion.
- f. Department of Transportation:

- i. Fees for permits for street openings, sidewalk construction, building operations, and construction activity; and
- ii. Fees for vault and canopy permits.
- g. Landmarks Preservation: Fees required for certificates of appropriateness and certificates of no effect.
- h. Taxi and Limousine Commission: replacement vehicle license plates, replacement medallions, and transfer of vehicle license and for-hire vehicle inspections.

Section 6 of the bill would require the Mayor or the Mayor's designee to report to the Speaker the number of businesses that applied for determinations of eligibility, the number of those applications that were granted, the number that were denied, and the geographic distribution of each. The Mayor or the Mayor's designee would be required to make this report on or before March 31, 2014.

Section 7 of the bill specifies that this legislation shall take effect immediately. It further provides that sections 1 through 5 shall be deemed repealed after December 31, 2013.

Legislative Summary of Revisions

This bill was first considered at a joint hearing of the Committees on Small Business and Government Operations on February 28, 2013. The bill has undergone the following revisions.

The bill includes a revised section 2 that extends the time during which waivers could be used from September 30, 2013 to December 31, 2013. It expands the permissible application of fee waivers to include certain fees in connection with replacing vehicles required to do business.

Subparagraph a of bill section 2 expands the categories of eligible businesses to include vehicles.

Subparagraph b of bill section 2 modifies the procedure for obtaining fee waivers. It would now require a business owner to apply for a determination of eligibility from the Mayor or the Mayor's designee by October 31, 2013. It modifies the certifications that would be required to obtain a favorable determination to include, as an alternative to certifying that the business intends to remain at the site it occupied at the time of the Hurricane, a certification that the business intends to relocate to a new building in the same Business Recovery Zone. It adds the requirement that a business owner whose business is a vehicle certify that the vehicle was rendered inoperable as a result of Hurricane Sandy and that the owner intends to replace it.

Section 3 now extends the period of time for which agencies may grant waivers to December 31, 2013.

Section 4 in subparagraph a changes the date of the relevant Office of Emergency Management maps used to determine the boundaries of Disaster Recovery Areas. The date is changed from October 29, 2012 to October 26, 2012.

Bill section 5 in subparagraph h adds to the fees eligible for waiver fees charged by the Taxi and Limousine Commission with respect to replacement vehicle license plates, replacement medallions, transfer of vehicle licenses and for-hire vehicle inspections.

The bill includes a new section 6 which requires the Mayor or his designee to report to the Speaker the number of businesses that applied for determinations of eligibility, the number of those applications that were granted, the number that were denied, and the geographic distribution of each. The Mayor or his designee shall make this report within 90 days of December 31, 2013.

The bill includes a new section 7 that specifies that sections 1 through 5 shall be deemed automatically repealed as of December 31, 2013.

Update

On Monday, March 11, 2013 the Committee adopted this legislation by a vote of seven in the affirmative, zero in the negative and no abstentions.

Accordingly, the Committee recommends its adoption.

¹ See James Barron, *Storm Barrels Through Region, Leaving Destructive Path*, N.Y. TIMES, Oct. 30, 2012, at A1, available at <http://www.nytimes.com/2012/10/30/us/hurricane-sandy-churns-up-east-coast.html?pagewanted=all>.

² According to data provided by the Mayor's Office of Economic Development and the New York City Department of Small Business Services on January 31, 2013, 13,290 business are located in the zones impacted Hurricane.

(The following is the text of the Fiscal Impact Statement for Int. No. 1017:)



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

PROPOSED INTRO. NO:

COMMITTEE: Small
Business

TITLE: A Local Law in relation to waiver of fees for businesses recovering from damage caused by Hurricane SPONSORS: Council Members Reyna and Chin (in conjunction with the

Sandy. Mayor)

SUMMARY OF LEGISLATION: This bill would give the Mayor or the Mayor’s designee the authority to waive certain Department of Buildings, Department of Consumer Affairs, Department of Environmental Protection, Department of Buildings, Fire Department, Department of Transportation, Taxi and Limousine Commission, Department of Small Business Services, and Landmarks and Preservation Commission fees for businesses recovering from damage as a result of the storm that occurred on October 29 and 30, 2012, commonly referred to as “Hurricane Sandy.” The Mayor or the Mayor’s designee would be authorized to waive such fees in connection with the repair or reconstruction of spaces occupied or to be occupied by the business, the alteration or repair of systems serving only such business space and that are owned by the business, and the replacement of certain vehicles required for the operation of the business. On or prior to October 31, 2013 the owner of the business must apply for determination of eligibility for the waiver of fees. The fee waiver may be granted only for eligible fees that would otherwise be payable by the business on or prior to December 31, 2013. An agency may refund fees paid by an eligible business after October 26, 2012 and prior to the effective date of the law provided that an application for a refund is made to the agency on or prior to May 21, 2013.

EFFECTIVE DATE: This law would take effect immediately and remain in effect up to and including December 31, 2013 after which it is deemed repealed.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2013

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY14
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$12,068	\$12,068
Net	\$0	\$0	\$0

IMPACT ON REVENUES: Any reduction in the fee revenue should not be counted as revenue lost, as it is only realized as a result of Hurricane Sandy. The City’s revenue budget projections were formulated prior to the disaster and, therefore, this legislation creates no impact to the City.

IMPACT ON EXPENDITURES: For the first five months of FY2014, SBS will require one part-time position for the New Business Acceleration Team (NBAT). This team will be processing the fee waivers. This NBAT staff member will cost \$12,068 in City funds and will be a temporary position. The rest of the team will be drawn from existing staff.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Office of Management and Budget, Department of Small Business Services, The Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: AMY STOKES, LEGISLATIVE FINANCIAL ANALYST

ESTIMATE REVIEWED BY: NATHAN TOTH, DEPUTY DIRECTOR AND TANISHA EDWARDS, FINANCE COUNSEL

HISTORY: Intro. [] will be considered to the Committee on Small Business and voted on March 11, 2013. The bill will be introduced and voted on by the full committee on March 13, 2013.

DATE SUBMITTED TO COUNCIL: March 11, 2013

Accordingly, this Committee recommends its adoption.

(For text of the bill, please see the Introduction and Reading of Bills section printed in these Minutes)

DIANA REYNA, Chairperson; LETITIA JAMES, MATHIEU EUGENE, MARGARET S. CHIN, PETER A. KOO, RUBEN WILLS, ANDY KING; Committee on Small Business, March 11, 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 #
Robert Hart	91 Central Park West #9C New York, N.Y. 10023	6
Victor G. Mimoni	242-17 Church Street #1 Queens, N.Y. 11363	19
Paige A. Waranis	171-04 33 rd Avenue Queens, N.Y. 11358	19
Danielle Pagano	21-68 31 st Street #1 Queens, N.Y. 11105	22
Kevin Ryan	216-10 77 th Avenue #4L Bayside, N.Y. 11364	23
Ben Herrington-Gilmore	274 Vanderbilt Avenue Brooklyn, N.Y. 11205	35
Betty Chung	2965 Avenue Z 146M Brooklyn, N.Y. 11235	48

Approved New Applicants and Reapplicants

Name	Address	District #
Marie Del Gaudio	505 LaGuardia Place #8B New York, N.Y. 10012	1
Yvonne Rolland	505 LaGuardia Place #8B New York, N.Y. 10012	1
Norma Rios	577 Grand Street #F1002 New York, N.Y. 10002	2
Maria V. Sanchez	384 East 10 th Street #6G New York, N.Y. 10009	2
Edward M. Yood	340 West 28 th Street #4H New York, N.Y. 10001	3
Julie Marder	315 East 86 th Street #19AE New York, N.Y. 10028	5
Julia Garcia	55 LaSalle Street #11D New York, N.Y. 10027	7
Kimberlee T. Myers	210 East 124 th Street #5C New York, N.Y. 10035	8
Andrew Fraser	3664 Barnes Avenue Bronx, N.Y. 10467	12
Levi Earle Samuels	1415 Needham Avenue Bronx, N.Y. 10469	12
Johnny Lopez	532 Logan Avenue #1 Bronx, N.Y. 10465	13
Cirino Lotta	1416 Crosby Avenue Bronx, N.Y. 10461	13
Sandra Matos	3505 Bruckner Blvd #2G Bronx, N.Y. 10461	13
Elizabeth Napoli	1528 Mayflower Avenue Bronx, N.Y. 10461	13
Chanda Coble	1312 Hoe Avenue #C Bronx, N.Y. 10459	17
Acia L. Donahue	362 East 137 th Street #19F Bronx, N.Y. 10454	17
Rosalind Wiley	800 Grand Concourse #4VS Bronx, N.Y. 10451	17
Reinaldo Ugarte Jr.	2235 Homer Avenue Bronx, N.Y. 10473	18
Jeong Hwa Lee	36-22A Frances Lewis Blvd #201 Flushing, N.Y. 11358	19
Michael Rodamis	33-22 Jordan Street Queens, N.Y. 11358	19

Georgianna Timal	33-23 171 st Street Flushing, N.Y. 11358	19
Alejandra Beria-Sookraj	94-26 214 th Place Queens Village, N.Y. 11428	23
Anastasia Stanitsas	224-01 59 th Avenue Bayside, N.Y. 11364	23
Ashley Lipman	150-10 78 th Road Flushing, N.Y. 11367	24
Mayra Garcia	43-19 39 th Place #11 Queens, N.Y. 11104	26
Earl Avery	114-31 226 th Street Queens, N.Y. 11411	27
Joann Dean-White	237-14 120 th Avenue Cambria Heights, N.Y. 11411	27
Mayyi Flores	65-31 70 th Avenue Queens, N.Y. 11385	30
Dorota U. Kuzniar-Zglinska	19-06 Stanhope Street Ridgewood, N.Y. 11385	30
Michael Michel	66-71 74 th Street Queens, N.Y. 11379	30
Rosemary Ciulla-Frisone	164-15 96 th Street Howard Beach, N.Y. 11414	32
Jose Floran	1397 Gates Avenue Brooklyn, N.Y. 11221	34
Liris Frias	306 Union Avenue #6D Brooklyn, N.Y. 11211	34
John Gangone	168 Jackson Street3 Brooklyn, N.Y. 11211	34
Geraldine Alberto	1 Ridgewood Place #113 Brooklyn, N.Y. 11237	37
Rosaria L. Garcia	50 Crescent Street Brooklyn, N.Y. 11208	37
Leslie C. Workman	388 Bradford Street Brooklyn, N.Y. 11207	37
Guy Washington	377 East 46 th Street #1 Brooklyn, N.Y. 11203	41
Annetta Cooper	5995 Shore Parkway #6A Brooklyn, N.Y. 11236	42
Rhonda C. Perretto	1057 Shore Parkway Brooklyn, N.Y. 11228	44
Wilner Michel	1245 Ocean Avenue #1E Brooklyn, N.Y. 11230	45
Corine Phillips	5415 Fillmore Avenue Brooklyn, N.Y. 11234	46
Frances Rizzo	2261 East 4 th Street Brooklyn, N.Y. 11223	47
Pearl Steiner	2035 83rd Street Brooklyn, N.Y. 11214	47
Judy DePalma	874 East 28 th Street Brooklyn, N.Y. 11210	48
Alex Derbaremdiker	2268 East 14 th Street Brooklyn, N.Y. 11229	48
Francine Kates	2820 Ocean Avenue #A2 Brooklyn, N.Y. 11235	48
Harriet Keller	2365 East 13 th Street #6A Brooklyn, N.Y. 11229	48
Angela Vaisman	2289 East 23 rd Street Brooklyn, N.Y. 11229	48
Ninel Yermash	43 Corbin Place Brooklyn, N.Y. 11235	48
Lena Allen-Moore	700 Victory Blvd #7K Staten Island, N.Y. 10301	49
Vincent D. Nollez	165 St. Marks Place #10F Staten Island, N.Y. 10301	50
Jeffrey Conocchioli	83 Cliff Street Staten Island, N.Y. 10305	50
Regina Davi	476 Ashworth Avenue Staten Island, N.Y. 10314	51
Irina Rudyakova	46 Woodcutters Lane Staten Island, N.Y. 10306	

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

ROLL CALL ON GENERAL ORDERS FOR THE DAY

(Items Coupled on General Order Calendar)

- | | | |
|------|----------------------------------|--|
| (1) | M 1032 & Res 1688 - | Andrew Irving - re-appointment to the New York City Conflicts of Interest Board. |
| (2) | M 1045 & Res 1689 - | Anthony Crowell - appointment to the New York City Conflicts of Interest Board. |
| (3) | M 1047 - | Communication from the Mayor – Mayor’s veto and disapproval message of Introductory Number 814-A (Coupled to be Filed) . |
| (4) | M 1048 - | Communication from the Mayor – Mayor’s veto and disapproval message of Introductory Number 978-A (Coupled to be Filed) . |
| (5) | M 1059 & Res 1678 - | Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year -(MN-2). |
| (6) | M 1060 & Res 1679 - | Communication from the Office of Management & Budget – Approval to increase the budget stabilization account by \$961 million -(MN-3). |
| (7) | Int. 814-A - | In relation to prohibiting discrimination based on an individual’s unemployment (requiring affirmative vote of at least two-thirds of the Council for re-passage) . |
| (8) | Int 964 - | In relation to amending the district plan of the Myrtle Avenue business improvement district to authorize additional services and modify existing services for the district. |
| (9) | Int 965 - | In relation to amending the district plan of the Hub Third Avenue business improvement district. |
| (10) | Int 978-A - | In relation to the campaign finance board (requiring affirmative vote of at least two-thirds of the Council for re-passage) . |
| (11) | Int 1007-A - | In relation to the raising and moving of a building. |
| (12) | Int 1016 - | In relation to prohibited acts committed during a local state of emergency and to certain technical revisions to chapter 1 of title 10 of such code. |
| (13) | Int 1017 - | In relation to waiver of fees for businesses recovering from damage caused by Hurricane Sandy. |
| (14) | Res 1674 - | Designation of funding in the Expense Budget (Transparency Resolution). |
| (15) | Res 1687 - | Resolution approving Membership Changes to Certain Standing Committees. |
| (16) | L.U. 759 & Res 1680 - | App. 20135318 HHR , 460 Brielle Avenue, Borough of Staten Island, Community Board 2, Council District 50. |
| (17) | L.U. 761 & Res 1681 - | App. 20135320 PNK , 2875 Flatbush Avenue (Block 8591, parts of Lot 125 and 175), Borough of Brooklyn, Community Board 18, Council District 46. |
| (18) | L.U. 762 & Res 1682 - | App. 20135250 TCM , 230 West 54th Street, Borough of Manhattan, Community Board 5, Council District 3. |
| (19) | L.U. 763 & Res 1683 - | App. 20135222 TCK , 50 Wyckoff Avenue, Borough of Brooklyn, Community Board 4, Council District 34. |
| (20) | L.U. 765 & Res 1684 - | App. C 070352 ZMQ , amendment of the Zoning Map, Section No. 10b, changing from an M1-1 District to a C2-6A District property bounded by Avery Avenue, College Point Boulevard, Fowler Avenue, and the southerly centerline prolongation of Haight Street; and changing from an M1-2 District to a C2-6A District property bounded by Avery Avenue, the southerly centerline prolongation of Haight Street, Fowler Avenue, and 131st Street, Council District 20. |

- (21) **L.U. 773 & Res 1685 -** App. **20135344 HAK**, 27 Albany Avenue (Block 1859, Lot 1) modification from the Plan and Project pursuant to Section 115 of the Private Housing Finance Law, Borough of Brooklyn, Community District 3, Council District 36.
- (22) **L.U. 774 & Res 1686 -** App. **20135345 HAM**, 272 Manhattan Avenue, Borough of Manhattan, Community Board 10, Council District 9.
- (23) **Resolution approving various persons Commissioners of Deeds.**

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such reports and also put the question whether proposed local laws Int No. 814-A and Int No. 978-A shall be re-passed, the objections of the Mayor, notwithstanding – the following items were decided in the **affirmative** by the following vote:

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

The General Order vote recorded for this Stated Meeting, including the override vote for Int No. 978-A, was 47-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the **override** vote recorded for **Int No. 814-A:**

Affirmative – Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dilan, Dromm, Eugene, Ferreras, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn). – **43**.

Negative – Halloran, Ignizio, Vallone, Jr., and Oddo – **4**.

The following was the vote recorded for **M-1059 & Res No. 1678** and **M-1060 & Res No. 1679:**

Affirmative – Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dilan, Dromm, Eugene, Ferreras, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn). – **44**.

Negative – Halloran, Ignizio and Oddo – **3**.

The following was the vote recorded for **LU No. 773 & Res No. 1685:**

Affirmative – Brewer, Cabrera, Chin, Comrie, Crowley, Dilan, Dromm, Eugene, Ferreras, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn). – **46**.

Negative – Barron – **1**.

The following Introductions were repassed, notwithstanding the objection of the Mayor, and were thereby enacted into law: Int Nos. 814-A and 978-A.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 964, 965, 1007-A, 1016, and 1017.

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:

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

Report for voice-vote Res. No. 1670

Report of the Committee on Civil Service and Labor in favor of approving a Resolution calling upon New York State Senate to pass legislation to raise the minimum wage to \$9 per hour and index future automatic increases to inflation.

The Committee on Civil Service and Labor, to which the annexed resolution was referred on March 13, 2013, respectfully

REPORTS:

Introduction:

On Thursday, March 13, 2012, the Committee on Civil Service and Labor chaired by Council Member Michael Nelson, will hold a hearing and vote on Preconsidered Resolution No. 1670 which calls upon the New York State Senate to pass legislation to raise the minimum wage to \$9 per hour and index future automatic increases to inflation.

Background:

The Federal Labor Standards Act of 1938 (FLSA), was enacted as a consequence of the United States Congress finding that labor conditions in some industries impeded the ability of workers to maintain a basic standard of living necessary to be productive in society.¹ Pursuant to the FLSA, a state's minimum wage cannot be set below the federal minimum wage rate. However, the FLSA does not provide for mandatory increases and does not mandate that states link their minimum wage rates to inflation.

In January of this year, Governor Andrew Cuomo delivered his State of the State address, during which he announced his support for increasing the minimum wage in New York to \$8.75 per hour. Last month, President Barack Obama delivered his State of the Union address, during which he announced his support for increasing the minimum wage to \$9 and to index future increases to inflation.

On March 5, 2013, New York State Assembly passed and delivered to the State Senate, A00038A, which would raise the state's minimum wage to \$9 effective January 1, 2014, and beginning on January 1, 2015, it would annually be increased automatically by indexing the rate to inflation; and

Increasing the Minimum Wage and its Impact on Workers

According to the Fiscal Policy Institute (FPI), as of 2011, there were 880,000 workers in New York State retained as hourly employees who receive less than \$8.50 per hour, 352,000 of whom reside in New York City.² Women would account for 55 percent of those impacted by changes to the state minimum wage and Blacks and Latinos would account for 40 percent.³ In New York State, the majority of workers directly affected by changes to the states hourly minimum wage are age 20 and older; adults account for more than 84 percent of these workers.⁴ In addition, FPI research indicates that nearly three out of every five City resident workers who would benefit are immigrants.⁵

Furthermore, the failure of the minimum wage to keep up with inflation over the past 30 years has played a significant role in the growth of inequality in the United States (U.S.).⁶ In New York State, the minimum wage was last raised incrementally in 2009 from \$5.15 to \$7.25 an hour. However, it has been estimated that because of the rate of inflation, \$7.56 would now be required to buy what \$7.25 worth of goods would have in 2009.⁷ This means that instead of currently receiving \$580 in two weeks pre-tax for full time minimum wage earnings, an adjusted earnings amount should be around \$604.80 to remain consistent with 2009 purchasing power.⁸

Cost of Living in New York State and City

Since the start of the recession in December 2007, the price index for food in the New York region has increased by more than 12 percent.⁹ From August 2010 to August 2011 the average price of food in the New York metropolitan area increased by nearly 5 percent, according to data from the U.S. Bureau of Labor Statistics.¹⁰ The number of New York households reporting very low food security rose by 56 percent in 2010, according to a USDA report.¹¹ The USDA defines very low food security as a household having multiple indicators of disrupted eating patterns and reduced food intake.

Three of the five areas with the highest cost of living in the United States are in New York City.¹² Manhattan has the highest cost of living, followed by Brooklyn. Queens ranks number five. In Manhattan the cost of living is twice the national average.¹³

Minimum Wage in Other Jurisdictions

Currently, 17 states have minimum wages higher than the federal rate.¹⁴ Indexing the minimum wage means adjusting it automatically each year to keep pace with the rising cost of living. In an effort to help workers keep up with the cost of living and diminished purchasing power, Arizona, Colorado, Florida, Missouri, Montana, Nevada, Ohio, Oregon, Vermont, and Washington have indexed their respective minimum wage to inflation.¹⁵ However, the remaining states and the federal government have not yet indexed their minimum wages.¹⁶ As a result, they erode in value each year.

Impact on Jobs

In 2010, Economists at the University of Massachusetts, University of North Carolina, and University of California, compared employment data among every pair of neighboring U.S. counties that straddle a state border and had differing minimum wage levels, at any time between 1990 and 2006, and found that minimum wage increases were not to the significant detriment of jobs.¹⁷ A follow up study conducted in April 2011 found that these results were consistent during periods of recession and high unemployment.¹⁸

Finally, there is a strong body of research that shows modest increases in the minimum wage do not harm local economies and some research suggests it may even aid the local economy by putting income into the hands of households who will spend it on local goods and services.^{19 20 21}

Preconsidered Res. No 1670:

The resolution would note that pursuant to the Fair Labor Standards Act (FLSA), the federal minimum wage for covered nonexempt employees is \$7.25 per hour, effective July 24, 2009, and is not indexed to inflation. The resolution would further state that the pursuant to the FLSA, the New York State minimum wage is currently \$7.25 per hour and such rate is also not indexed to inflation.

The resolution would also note that the Council commends Governor Cuomo for his leadership to raise the minimum wage in New York State, where during his 2013 State of the State Address, he called for the minimum wage to be raised to \$8.75.

The Resolution would additionally point out that a number of states, including Alaska, Arizona, California, Colorado, Connecticut, Florida, Illinois, Maine, Massachusetts, Michigan, Montana, New Mexico, Nevada, Ohio, Rhode Island, Vermont, Washington, and the District of Columbia, all have minimum wage rates that are higher than the federal government rate. The resolution would further state that Arizona, Colorado, Montana, Ohio, Oregon, Vermont, Florida and Washington all increased their minimum wage recently in 2012 and have cost of living adjustments written into their state laws.

The resolution would also note that during his 2013 State of the Union Address, President Barack Obama called upon the United States Congress to raise the minimum wage to \$9 per hour by 2015, and his proposal would include future automatic increases indexed to inflation.

The resolution would additionally point out that since the State of the Union, the New York State Assembly passed on March 5, 2013 and delivered to the State Senate, A00038A, which would raise the state's minimum wage to \$9 effective January 1, 2014, and beginning on January 1, 2015, it would annually be increased automatically by indexing the rate to inflation.

The resolution would further state that according to economic research, a higher minimum wage would potentially increase spending on locally produced goods and services by workers benefiting from such increased wages, which could produce greater demand and help stimulate the local economy.

The resolution would also note that before taxes, a full time minimum wage worker in New York earning \$7.25 per hour, working 40 hours a week, 52 weeks a year, will earn \$58 per day, \$290 per week, or \$15,080 per year. The resolution would further point out that according to the most recent available data from the New York City Center for Economic Opportunity, the New York City poverty level for a family unit consisting of two people is \$19,626 per year, and poverty in New York City has increased since 2008, with twenty-one percent of residents living at or below the poverty level.

The resolution would additionally note that minimum wage workers would be helped by making cost of living increases automatic, by indexing future minimum wage increases to inflation, because their effective incomes would not decrease over time due to inflation, and future increases would not require legislative action.

The resolution would also state that New York City residents in minimum wage jobs should be provided with an increased wage to better support their families and provide them with food and shelter.

The resolution would further note that the Council praises Governor Cuomo and Assembly Speaker Silver for their efforts to increase to the minimum wage.

Thus, the resolution would state that the Council of the City of New York calls upon New York State Senate to pass legislation to raise the minimum wage to \$9 per hour and index future automatic increases to inflation.

¹ U.S. Department of Labor Wage and Hour Division, available at: <http://www.dol.gov/whd/regs/statutes/FairLaborStandAct.pdf>.

² Fiscal Policy Institute, "Raising New York State's Minimum Wage," Testimony Presented to the New York Assembly Labor Committee by James A. Parrott, Deputy Director and Chief Economist, April 23, 2012 available at http://www.fiscalpolicy.org/FPI_RaisingNewYorkStatesMinimumWage_20120423.pdf.

³ Fiscal Policy Institute, "Which workers will benefit, if the New York minimum wage is raised to \$8.50 an hour?" Feb. 16, 2012 available at http://www.fiscalpolicy.org/FPI_NumbersThatCount_BenefitsOfIncreasingTheMinimumWage.pdf.

⁴ Id.

⁵ Id.

⁶ The Contribution of the Minimum Wage to U.S. Wage Inequality over Three Decades: A Reassessment*

David H. Autor, Alan Manning, Christopher L. Smith, MIT Working Paper 2010 <http://economics.mit.edu/files/3279>

⁷ Calculation based on inflation estimate provided by the Federal Reserve Bank of Cleveland. Retrieved at http://www.clevelandfed.org/research/Data/US-Inflation/inf_calculator.cfm?first=7.25&year1=2009&year2=2011 on March 12, 2013.

⁸ Analysis conducted by City Council Committee Staff.

⁹ City Limits, "Despite Economic Slowdown, Food Prices Rise In New York," Sept. 19, 2011, available at: <http://www.citylimits.org/news/articles/4433/despite-economic-slowdown-food-prices-rise-in-new-york>.

¹⁰ Id.

¹¹ Id.

¹² Huffington Post, "The 10 Cities With The Highest Cost Of Living: Report," Jan. 27, 2012.

¹³ Id.

¹⁴ U.S. Dep't of Labor Wage & Hour Division, Minimum Wage Laws in the States - January 1, 2013," available at <http://www.dol.gov/whd/minwage/america.htm>.

¹⁵ Id.

¹⁶ Id.

¹⁷ Arindrajit Dube, et al., The Review of Economics and Statistics, "Minimum Wage Effects Across State Borders:

Estimates Using Contiguous Counties," November 2010 available at:

<http://www.irle.berkeley.edu/workingpapers/157-07.pdf>.

¹⁸ Sylvia A. Allegretto, et al., INDUSTRIAL RELATIONS, Vol. 50, No. 2 (April 2011), "Do Minimum Wages Really Reduce Teen Employment? Accounting for Heterogeneity and Selectivity in State Panel Data," available at <http://www.irle.berkeley.edu/workingpapers/166-08.pdf>.

¹⁹ David Card, "Do Minimum Wages Reduce Employment? A Case Study of California," 1987-89, INDUSTRIAL & LABOR RELATIONS REVIEW, Vol. 46 (1): 38-54 (1992)

²⁰ David Card and Alan B. Krueger, "Minimum Wages and Employment: A Case Study of the Fast-Food Industry in New Jersey and Pennsylvania," THE AMERICAN ECONOMIC REVIEW, Vol. 84(4): 772-793(1994)

²¹ Paul Krugman, "Would cutting the minimum wage raise employment?" N.Y. Times, Dec. 16, 2009.

Accordingly, this Committee recommends its adoption.

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

MICHAEL C. NELSON, Chairperson; JAMES F. GENNARO, DOMENIC M. RECCHIA, Jr., MELISSA MARK-VIVERITO, ERIC A. ULRICH; Committee on Civil Service and Labor, March 13, 2013.

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

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

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Preconsidered Res. No. 1670

Resolution calling upon New York State Senate to pass legislation to raise the minimum wage to \$9 per hour and index future automatic increases to inflation.

By the Speaker (Council Member Quinn) and Council Members Palma, Nelson, Mealy, Weprin, Barron, Chin, Comrie, Eugene, Gentile, Gonzalez, James, Koo, Koppell, Koslowitz, Lander, Mark-Viverito, Mendez, Richards, Rose, Vann, Williams and Halloran.

Whereas, Pursuant to the Fair Labor Standards Act (FLSA), the federal minimum wage for covered nonexempt employees is \$7.25 per hour, effective July 24, 2009, and is not indexed to inflation; and

Whereas, The New York State minimum wage is currently \$7.25 per hour pursuant to the FLSA and such rate is also not indexed to inflation; and

Whereas, The Council commends Governor Cuomo for his leadership to raise the minimum wage in New York State, where during his 2013 State of the State Address, he called for the minimum wage to be raised to \$8.75; and

Whereas, A number of states, including Alaska, Arizona, California, Colorado, Connecticut, Florida, Illinois, Maine, Massachusetts, Michigan, Montana, New Mexico, Nevada, Ohio, Rhode Island, Vermont, Washington, and the District of Columbia, all have minimum wage rates that are higher than the federal government rate; and

Whereas, Arizona, Colorado, Montana, Ohio, Oregon, Vermont, Florida and Washington all increased their minimum wage recently in 2012 and have cost of living adjustments written into their state laws; and

Whereas, During his 2013 State of the Union Address, President Barack Obama called upon the United States Congress to raise the minimum wage to \$9 per hour by 2015, and his proposal would include future automatic increases indexed to inflation; and

Whereas, Since the State of the Union, the New York State Assembly passed on March 5, 2013 and delivered to the State Senate, A00038A, which would raise the state's minimum wage to \$9 effective January 1, 2014, and beginning on January 1, 2015, it would annually be increased automatically by indexing the rate to inflation; and

Whereas, According to economic research, a higher minimum wage would potentially increase spending on locally produced goods and services by workers benefiting from such increased wages, which could produce greater demand and help stimulate the local economy; and

Whereas, Before taxes, a full time minimum wage worker in New York earning \$7.25 per hour, working 40 hours a week, 52 weeks a year, will earn \$58 per day, \$290 per week, or \$15,080 per year; and

Whereas, According to the most recent available data from the New York City Center for Economic Opportunity, the New York City poverty level for a family unit consisting of two people is \$19,626 per year, and poverty in New York City has increased since 2008, with twenty-one percent of residents living at or below the poverty level; and

Whereas, Minimum wage workers would be helped by making cost of living increases automatic, by indexing future minimum wage increases to inflation, because their effective incomes would not decrease over time due to inflation, and future increases would not require legislative action;

Whereas, New York City residents in minimum wage jobs should be provided with an increased wage to better support their families and provide them with food and shelter;

Whereas, The Council praises Governor Cuomo and Assembly Speaker Silver for their efforts to increase to the minimum wage; now, therefore, be it,

Resolved, That the Council of the City of New York calls upon New York State Senate to pass legislation to raise the minimum wage to \$9 per hour and index future automatic increases to inflation.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Civil Service and Labor).

Res. No. 1671

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, the New York State Development, Relief and Education for Alien Minors (DREAM) Act of 2013 (S.2378/A.2597).

By Council Members Dromm, Rodriguez, Barron, Brewer, Chin, Comrie, Eugene, Ferreras, Gonzalez, James, Koo, Koppell, Lander, Mark-Viverito, Mendez, Palma, Richards, Rose, Van Bramer, Vann, Williams, Lappin, Jackson, Mealy and Reyna.

Whereas, According to the 2010 U.S. Census, New York State is home to 4.3 million immigrants, three million of whom live in New York City; and

Whereas, New York State is also home to 1.4 million children of immigrant parents, many of whom live in New York City; and

Whereas, As of 2011, New York State public schools were educating approximately 400,000 undocumented youth yearly; and

Whereas, Immigrant youth, regardless of their immigration status or the immigration status of their parents, are entitled to free public education through the 12th grade and are eligible to enroll in college; and

Whereas, Undocumented immigrant students and the children of undocumented immigrants with a high school diploma often do not pursue higher education because the fact they do not have legal immigration status renders them ineligible for financial aid assistance and makes higher education impossible for them to afford; and

Whereas, Federal legislation has been introduced to address this issue, for example, the federal DREAM Act of 2009 and the Comprehensive Immigration Reform Act of 2011, among others, but nothing has been passed; and

Whereas, Although the federal government failed to act, Texas, New Mexico, and California offer state financial aid to children of undocumented immigrants and undocumented youth; and

Whereas, In order to do more to help immigrant families and youth, two pieces of legislation, known as the New York DREAM Act and the New York DREAM fund were introduced in the New York State Legislature during the 2011-2012 Regular Session; and

Whereas, The 2011/2012 New York DREAM Act and the New York DREAM fund legislation sought to provide certain higher education-related benefits to eligible undocumented immigrants and to establish a fund that would provide financial assistance to eligible immigrants who wished to pursue higher education; and

Whereas, Despite the support for both of these bills from many, including the State University of New York Board of Trustees, and the advocacy of many, including New York City's immigrant youth and the New York City Council, both bills died during the 2011-2012 Legislative Session; and

Whereas, In January 2013, modifying and combining those bills, Assemblyman Francisco Moya and Senator Jose Peralta introduced the New York State DREAM Act of 2013 (S.2378/ A.2597), a bill that would "enact the New York State DREAM Act by creating the New York DREAM fund commission and amend eligibility requirements and conditions governing certain awards"; and

Whereas, The New York State DREAM Act of 2013 would establish a New York DREAM fund commission that would raise private dollars to provide scholarships to eligible immigrant students in order to assist them in pursuing a higher education; and

Whereas, Also, the New York State DREAM Act of 2013 would increase access for eligible immigrant youth and the children of undocumented immigrants to various forms of financial assistance, including the Tuition Assistance Program, Higher Education Opportunity Program, Collegiate Science and Technology Entry Program, Educational Opportunity Program, and opportunity programs available at community colleges; and

Whereas, In addition, the New York State DREAM Act of 2013 would give immigrant families, regardless of status, the opportunity to save for higher education costs, by allowing immigrants with a taxpayer identification number to open a New York State 529 family tuition account under the New York State College Tuition Savings Program; and

Whereas, To be eligible for benefits under the New York State DREAM Act of 2013, an applicant would be required to establish that he or she: (1) attended a registered New York high school for two or more years, graduated from registered New York high school, and applied for attendance at the institution of higher education for undergraduate study for which an award is sought within five years of receiving a high school diploma; (2) attended an approved program for a state high school equivalency diploma, received a diploma, and applied for attendance at the institution of higher education for undergraduate study for which an award is sought within five years of receiving such diploma; or (3) is otherwise eligible for the payment of tuition and fees at a rate no greater than that imposed for resident students of the State University of New York, the City University of New York or community colleges; and

Whereas, Undocumented immigrant youth would also be required to submit an affidavit to the higher education institution to demonstrate that steps have been taken to legalize their immigration status, or that they will take such steps as soon as they are eligible to apply for such status; and

Whereas, If enacted, the New York State DREAM Act of 2013 would have a profound positive impact on both New York State itself and the estimated 400,000 undocumented youth who call New York their home; 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, the New York State Development, Relief and Education for Alien Minors (DREAM) Act of 2013 (S.2378/A.2597).

Referred to the Committee on Immigration.

Int. No. 1013

By Council Members Gentile, Barron, Comrie, Dromm, Eugene, Fidler, Gonzalez, Greenfield, James, King, Koo, Koslowitz, Nelson, Palma, Recchia, Rivera, Rose, Vacca, Vallone, Vann, Williams, Cabrera and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to issuing all New York City Community Board Chairs an official New York City parking placard.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.4 to read as follows:

§ 19-175.4 *Parking placards for community board chairs. The department shall issue to any chair of a community board within the city of New York upon request a parking placard that permits such chair to park where parking or standing is otherwise prohibited, except where standing is prohibited by all vehicles, and exempts such chair from the requirement to use an authorized payment method for a metered parking space or to comply with signage indicating the time limit for such metered parking. Such chair shall only use such placard while acting within the scope of his or her duties as chair, and shall surrender such placard to the department upon the completion of his or her service as chair.*

§2. This local law shall take effect sixty days after it is enacted into law.

Referred to the Committee on Transportation.

Preconsidered Int. No. 1014

By Council Members Gonzalez, the Speaker (Council Member Quinn), Chin, Comrie, Eugene, Gentile, James, Koo, Koppell, Lander, Mark-Viverito, Mendez,

Nelson, Palma, Rose, Vann, Williams, Recchia, Dromm, Rodriguez, Crowley, Jackson, Mealy, Reyna, Richards, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to recognizing certain military service as qualifying as experience in a trade.

Be it enacted by the Council as follows:

Section 1. Section 22-504 of the administrative code of the city of New York is amended to read as follows:

§ 22-504 Experience; honorably discharged members of the armed forces of the United States. Whenever, by the provisions of the code, experience in a particular trade is a prerequisite for obtaining any license, certificate or permit issued thereunder, the period of service in the armed forces of the United States in [time of war, including the period of service with said armed forces in the Korean conflict, or in the Vietnam conflict] *an area designated by the president of the United States by executive order as a "combat zone" at any time during the period designated by the president as the period of combatant activities in such zone*, by an honorably discharged member thereof who shall apply for such license, certificate or permit, shall be deemed the equivalent of such experience on a year for year basis and shall be accepted accordingly, provided, however, that such applicant prior to his or her entry into the said armed forces possessed not less than one year of the experience required under the code, and further provided that such experience was interrupted by such entry into the said armed forces. *An applicant may apply the provisions of this section and section 22-504.1 of this chapter to satisfy the experience prerequisite in a particular trade for the applicable license, certificate or permit.* The provisions of this section shall not apply to license of *hoist machine operator*, master rigger, master plumber, *site safety coordinator, site safety manager* and license of high-pressure boiler operating engineer, except that of an applicant for a license of high-pressure boiler operating engineer, who has had, during the ten years immediately preceding the filing of this application, at least five years' experience required under the code, or at least one year's experience prior to his or her entry into the said armed forces, and while in the said armed forces served as a firefighter, oiler, boilermaker, machinist, water tender or engineer, or while in the said armed forces performed duties equivalent to the duties performed by firefighter, oiler, boilermaker, machinist, water tender or engineer for an additional period of time, to make a total of five years' experience, shall be deemed to possess the required experience as applicant for a license of high-pressure boiler operating engineer. *Notwithstanding any other provision of this section, the head of each city agency issuing any license, certificate or permit for which experience in a particular trade is a prerequisite shall have the authority to determine whether additional experience is necessary before issuing any such license, certificate or permit.* The [provision] *provisions* of this section shall apply only to applicants who are at least eighteen years of age; and are able to read and write the English language.

§2. This local law shall take effect immediately.

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

Int. No. 1015

By Council Members Greenfield, Cabrera, Chin, Comrie, Eugene, Gentile, Gonzalez, Koo, Koppell, Koslowitz, Lander, Mark-Viverito, Palma, Recchia, Rose, Vallone, Jr., Williams, Halloran, Ulrich and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to publishing guides to inform businesses of the rules and regulations governing the operation of certain businesses.

Be it enacted by the Council as follows:

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

§17-198 *Business guide, dissemination. The commissioner shall produce a guide, to be updated on a quarterly basis, explaining all local laws and department rules and practices relevant to each category of license or permit granted or enforced by the commissioner whether pursuant to this code or rules promulgated hereunder or pursuant to state law or regulations promulgated thereunder. Such guide shall also include a listing of benefits offered by the department which may be available to small business owners. Such guide shall be available in English, Spanish, Chinese, Korean, and Russian, and in any additional language the commissioner deems appropriate. Such guide shall be conspicuously posted on the department's website and shall be mailed to each licensee or permittee.*

§2. Chapter one of title 20 of the administrative code of the city of New York is amended by adding a new section 20-119 to read as follows:

§20-119 *Business guide, dissemination. The commissioner shall produce a guide, to be updated on a quarterly basis, explaining all local laws and department rules and practices relevant to each category of license or permit granted or enforced by the commissioner whether pursuant to this code or rules promulgated hereunder or pursuant to state law or regulations promulgated thereunder. Such guide shall also include a listing of benefits offered by the department which may be*

available to small business owners. Such guide shall be available in English, Spanish, Chinese, Korean, and Russian, and in any additional language the commissioner deems appropriate. Such guide shall be conspicuously posted on the department's website and shall be mailed to each licensee or permittee.

§3. This local law shall take effect 120 days after its enactment into law.

Referred to the Committee on Small Business.

Res. No. 1672

Resolution calling on the New York State legislature to pass A.6116/S.3011, which would amend the New York State limited liability company law to create a new business entity known as a low-profit, limited liability company.

By Council Members Levin, Brewer, James, Koo, Mendez and Rose.

Whereas, A low-profit limited liability company ("L3C") is an entity that blends the socially responsible activity of a nonprofit organization with the revenue generating potential of a for-profit company; and

Whereas, Unlike a limited liability company ("LLC"), the accumulation of income is a lower priority than fulfilling a charitable mission; and

Whereas, L3Cs are an attractive investment option for philanthropic foundations, which are required by law to donate 5 percent of their assets to charitable organizations in order to retain their tax-exempt status; and

Whereas, Prior to the existence of L3Cs, charitable foundations essentially had two options for meeting this mandate: (i) either distribute grants; or (ii) make program-related investments ("PRIs"), which are high-risk, low-return investments that must have a charitable goal relating to the foundation's mission; and

Whereas, While PRIs, unlike grants, can potentially produce a return on a foundation's investment, many such organizations are hesitant to pursue them in the event that the Internal Revenue Service ("IRS") refuses to recognize the validity of a PRI; and

Whereas, The fundamentally charitable nature of L3Cs may mitigate the risk that a foundation's investment could be determined by the IRS to be anything other than a bona fide PRI, thereby fostering new or increased venture philanthropy in New York State; and

Whereas, If investments in L3Cs are tranced in such a way that the charitable foundations making PRIs would take on the highest risk, more diverse investors could be attracted to the company who would then face lower risks in their investment; and

Whereas, By offering ownership and management rights to a charitable foundation, L3Cs can also allow those foundations to recover their initial investment and possibly even generate profit; and

Whereas, In 2008, Vermont became the first state to pass legislation recognizing L3Cs. Since then, several other states have passed similar legislation including Illinois, Louisiana, Maine, Michigan, North Carolina, Rhode Island, Utah and Wyoming, as well as the territories of the Crow Indian Nation and the Oglala Sioux Tribe; and

Whereas, If passed, A.6116/S.3011, introduced by Assembly Member Brennan and Senator Espaillat, respectively, would allow New York to follow suit, amending the state's limited liability company law to allow for the creation of L3Cs in the state; and

Whereas, Allowing more organizations to acquire L3C designation benefits both the socially responsible organizations that serve the community and the philanthropic foundations looking to support them; now, therefore, be it

Resolved, that the Council of the City of New York calls on the New York State legislature to pass A.6116/S.3011, which would amend the New York State limited liability company law to create a new business entity known as a low-profit, limited liability company.

Referred to the Committee on State and Federal Legislation.

Res. No. 1673

Resolution calling upon the New York State Legislature to pass and the Governor to sign into law legislation that would extend the deadline for voters to register for a political party and be able to vote in the 2013 primary election for that party.

By Council Members Mark-Viverito, Barron, Chin, James, Richards, Rose, Van Bramer, Williams and Rodriguez.

Whereas, Based on voting patterns and party registration in New York City, most Council elections and many citywide elections are decided at the time of the primary; and

Whereas, New York City will have its next local elections in the fall of 2013; and

Whereas, Under current New York State election law, the deadline to register for a political party and be able to vote in that party's primary in the 2013 New York City local elections was October 12, 2012; and

Whereas, The registration deadline is among the earliest in the country and fell before the 2012 general elections, when most voters were focused on the Presidential race and were not yet considering who they would want to support in the 2013 local elections; and

Whereas, This means that many New Yorkers who will want to vote in the primary elections will be unable to do so, including almost 700,000 voters who currently have no party affiliation; and

Whereas, The purpose of the deadline is to prevent party jumpers from unfairly skewing close races at the last minute; and

Whereas, However, a less severe deadline could achieve this same goal without potentially disenfranchising thousands of voters; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign into law legislation that would extend the deadline for voters to register for a political party and be able to vote in the 2013 primary election for that party.

Referred to the Committee on Governmental Operations.

Preconsidered Int. No. 1016

By Council Members Oddo, The Speaker (Council Member Quinn), Vallone, Recchia, Mendez, Ignizio, Ulrich, Rose, Arroyo, Chin, Comrie, Gentile, Greenfield, King, Nelson, Palma and Halloran.

A Local Law to amend the administrative code of the City of New York, in relation to prohibited acts committed during a local state of emergency and to certain technical revisions to chapter 1 of title 10 of such code.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council hereby finds and declares that in the aftermath of Tropical Storm Irene and Super Storm Sandy there were instances where criminals took an emergency situation as an opportunity to target vulnerable New York City residents and areas of the City for their own personal gain. Crimes of opportunity, including those causing physical injury, or those that involve damaging, taking, or entering property, or fraudulently impersonating public servants, when committed during a local state of emergency and in areas of the City made vulnerable by such emergency, are distinguishable from and more egregious than crimes that occur outside of a crisis. Such acts cause harm and disruption to defenseless residents of the City of New York above and beyond what has already been caused by the circumstances surrounding the emergency, as well as harm and disruption to the City as a whole, both during the emergency and during recovery efforts thereafter. Additionally, the actions of these opportunistic criminals can reverberate throughout the entire City because they lead to the diversion of critical City resources, which could have harmful effects on any of this City's eight million residents.

When criminals target mandatory evacuation areas during mandatory evacuation periods, the problems posed by such criminal conduct are worsened. Mandatory evacuations are declared by the Mayor to secure the safety of the most at-risk New Yorkers, however, many of these residents do not evacuate for fear of their homes being looted. In fact, during Super Storm Sandy reports show that some people, particularly those in Staten Island, lost their lives for this very reason. Moreover, residents of evacuation zones are likely to suffer the most physical or financial damage and are therefore much more susceptible to criminals who prey on the misfortunes of others.

For all of these reasons, it is the intent of the Council to provide all law-abiding New Yorkers with a safe and secure environment during times of emergency. To do so the Council finds that it is necessary to deter crimes of opportunity committed during local states of emergency in mandatory evacuation zones and in areas where access to essential goods and services has been reduced or lost by making such actions punishable criminally and civilly, with heightened penalties for such activity when it takes place in mandatory evacuation zones and during mandatory evacuation periods.

§ 2. The administrative code of the city of New York is amended by adding a new section 10-171 to read as follows:

§ 10-171. *Prohibited acts during a local state of emergency.*

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

1. *"Essential goods or services" shall mean those goods or services provided by utilities, government or private entities or personnel that are necessary to sustain or safeguard a person or property and without which a person or property is vulnerable to harm or damage. Such term shall include, but not be limited to, electricity, heat or gas service; mass transportation; telecommunications; fire-fighting, police, armed-forces, emergency medical, or hospital service; the availability of sufficient and appropriate food and clothing; temperate, sanitary, and safe shelter; potable water; and fuel.*

2. *"Local state of emergency" shall mean the period of time during which a proclamation issued by the mayor, declaring a local state of emergency pursuant to executive law section twenty-four, is in effect.*

3. *"Mandatory evacuation period" shall mean the period of time during which the occupancy and use of buildings and homes is prohibited for public safety*

purposes in response to a natural or man-made disaster, as determined by the mayor pursuant to section twenty-four of the executive law, and as declared by the mayor in an executive order during the pendency of a local state of emergency.

4. *"Mandatory evacuation zone" shall mean any area where the occupancy and use of buildings and dwellings is prohibited for public safety purposes in response to a natural or man-made disaster as determined by the mayor pursuant to section twenty-four of the executive law, and as declared by the mayor in an executive order during the pendency of a local state of emergency.*

b. *Prohibited acts. During a local state of emergency, in a mandatory evacuation zone for the duration of a mandatory evacuation period, or when the conduct described below occurs during the reduction or loss of essential goods or services as a result of such emergency, it shall be unlawful for any person to:*

(1) *intentionally or recklessly cause, or create a material risk of, physical injury to a person;*

(2) *intentionally or recklessly damage, create material risk of damage to, or wrongfully deprive another person of property;*

(3) *knowingly enter or remain unlawfully in a building or upon real property of another person;*

(4) *intentionally or recklessly impede, or cause a material risk of impeding, response to the circumstances of the emergency by any governmental agency, officer or employee; or*

(5) *impersonate another with the intent to obtain a benefit, or to injure or defraud a person; provided, however, that such conduct shall also constitute a violation of this section if it occurs after the period of a local state of emergency where such conduct is related to circumstances surrounding or arising out of the emergency.*

c. *Affirmative defense. In any prosecution under this section, it is an affirmative defense that the defendant's conduct constituted reasonable action taken as a result of or in response to the emergency.*

d. *Penalties. Any person who violates subdivision b of this section shall be guilty of a misdemeanor punishable by imprisonment of not more than six months and a fine of not more than two thousand five hundred dollars, or a civil penalty of not less than one thousand dollars and not more than five thousand dollars, or both; provided, however, that if the person harmed or the real or personal property affected is located in a mandatory evacuation zone and such violation occurs during a mandatory evacuation period, then the perpetrator of such act shall be guilty of a misdemeanor punishable by imprisonment of not more than one year and a fine of not more than five thousand dollars, or a civil penalty of not less than five thousand dollars and not more than ten thousand dollars, or both.*

e. *Each violation of subdivision b of this section shall be deemed a separate offense for which a separate criminal fine or civil penalty may be imposed. Penalties imposed pursuant to this section shall not be deemed to limit or preclude any remedy, penalty, or cause of action available under any other law.*

f. *It shall not constitute a defense to an enforcement action taken pursuant to this section that the real or personal property entered, damaged, or taken has been previously damaged under the circumstances of or in connection with the events associated with the declaration of a local state of emergency.*

§ 3. Title 10 of the administrative code of the city of New York is amended by renumbering duplicate sections to read as follows:

[§10-165] §10-168. Prohibition of use of non-wood bats.

[§10-165] §10-169. Regulation of publicly accessible collection bins.

§ 4. This local law shall take effect 60 days after its enactment into law.

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

Preconsidered Res. No. 1674

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

By Council Members Recchia and Koslowitz.

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

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving new

Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Medical Services in Adult Shelters Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to Out of School Time Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Anti-Gun Violence Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 10; and be it further

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res No. 1674 printed in these Minutes).

Preconsidered Int. No. 1017

By Council Members Reyna, Chin, The Speaker (Council Member Quinn), Recchia, Lappin, Arroyo, Mealy, Koo, Eugene, Vallone, Jr., Barron, Cabrera, Comrie, Greenfield, James, King, Koslowitz, Lander, Mark-Viverito, Mendez, Nelson, Palma, Richards, Rose, Vacca, Vann, Halloran and Ulrich (in conjunction with the Mayor).

A Local Law in relation to waiver of fees for businesses recovering from damage caused by Hurricane Sandy.

Be it enacted by the Council as follows:

Section 1. Statement of intent. A severe storm, known as Hurricane Sandy, recently hit New York City causing heavy flooding, power outages, and widespread damage and disrupting the operation of businesses offering services that are essential to the economic vitality of the city and to the health and well-being of its residents. The expeditious resumption of business in storm damaged areas will be encouraged and incentivized by waiving certain fees that would otherwise be payable to agencies of the city for permits, licenses and inspections required by law in order for such businesses to rebuild and to operate.

§2. The fees listed in section 5 of this local law payable to city agencies in connection with the recovery from the effects of Hurricane Sandy by businesses that were in operation as of October 26, 2012, and that meet the eligibility criteria of this section, as determined by the Mayor or his or her designee, may be waived as set forth in this local law. The waiver of fees shall apply to fees otherwise payable to agencies on or prior to December 31, 2013 in connection with the repair or reconstruction of space occupied or to be occupied by eligible businesses, the alteration or repair of systems owned by eligible businesses and serving only space occupied by such eligible businesses, or the replacement of a vehicle required to do business. For the purposes of this section a building shall not be considered an eligible business. Businesses eligible for waiver of fees pursuant to this local law must meet the following criteria:

a. As of October 26, 2012, the business must (i) have been located in space that is in a building within the boundaries of a Disaster Recovery Area, as defined in

section 4 of this local law; or (ii) have been located in a building that, after Hurricane Sandy, was assigned a red, yellow or green placard by the Department of Buildings; or (iii) have been a vehicle.

b. On or prior to October 31, 2013 the owner of the business must apply to the mayor or his or her designee for a determination of eligibility for waiver of applicable fees pursuant to this local law on forms and in a manner to be prescribed by the mayor or his or her designee. The owner must submit written certification signed by such owner or such other documentation as may be required by the mayor or his or her designee, confirming that: (i) the space occupied by such business or the vehicle required for the operation of such business suffered substantial damage as a result of Hurricane Sandy that has interfered significantly with and that continues to interfere significantly with the operation of such business in the manner in which it operated prior to Hurricane Sandy; and (ii) the business currently occupies or intends to re-occupy space in the same building that it occupied prior to Hurricane Sandy or in a new building within the same Business Recovery Zone, or intends to replace a vehicle required for the operation of the business that was rendered inoperable as a result of Hurricane Sandy.

§3. The owner of the business shall present the approved eligibility application to the applicable agency to obtain the fee waiver. The fee waiver may be granted only for eligible fees that would otherwise be payable by such business on or prior to December 31, 2013. An agency may refund fees paid by an eligible business after October 26, 2012 and prior to the effective date of this local law provided that an application for such refund is made to the agency on or prior to May 31, 2013.

§ 4. For the purposes of this local law the term Disaster Recovery Area means:

a. The area within Hurricane Evacuation Zones A and B, as designated by the New York City Office of Emergency Management on the New York City Hurricane Zone Maps in effect as of October 26, 2012; or

b. The area within any Business Recovery Zone created by the Department of Small Business Services and delineated on maps published on such department's web site.

§5. The following fees are eligible for waiver pursuant to this local law:

a. Department of Consumer Affairs. Fees required by Administrative Code § 20-314, and inspection fees required by Administrative Code § 20-250(c), Administrative Code § 20-501(b) and 6 RCNY § 2-362(m)(1).

b. Department of Environmental Protection. Fees required by Administrative Code §§ 24-136, 24-137, 24-138, 24-139 and 24-140.

c. Department of Buildings. Application, permit and inspection fees required by Administrative Code § 28-112 for the following work: plumbing, scaffolds, sidewalk sheds, fences, signs, boilers, demolition, elevators, construction, limited alterations and after hours variances as well as fees required by Administrative Code § 27-3018 with respect to electrical work.

d. Fire Department.

(1) Fees required by New York City Fire Code Sections A03.1(3) and A03.1(37) with respect to the inspection and testing of liquid motor fuel dispensing system installations.

(2) Fees required by New York City Fire Code Section A03.1(20) with respect to acceptance testing of fire protection systems, including fire alarm systems, fire extinguishing systems and fire pumps.

(3) Fees required by New York City Fire Code Section A03.1(45) and fire department rule 3 RCNY § 4601-01(e) with respect to plan examinations applicable to review of design and installation documents for liquid motor fuel dispensing systems and fire protection systems.

e. Department of Small Business Services.

Fees required by 66 RCNY §4-01 with respect to waterfront construction work, equipment use permits, mooring permits, fill work permits and certificates of completion.

f. Department of Transportation.

Fees required by 34 RCNY § 2-03 with respect to street opening permits, building operations and construction activity permits, debris containers, sidewalk construction permits, vault permits and canopy permits.

g. Landmarks Preservation Commission.

Fees required by 63 RCNY § 13-04 with respect to certificates of appropriateness and certificates of no effect

h. Taxi and Limousine Commission.

Fees required by 35 RCNY § 58-07(b)(2), § 58-07(h)(1-3), § 59A-04(e)(7) and § 59A-07(f)(2-4) with respect to fees for replacement vehicle license plates, replacement medallions, transfer of vehicle licenses and for-hire vehicle inspections.

§6. Within 90 days after the repeal of sections 1 through 5 of this local law pursuant to section 7 of this local law, the mayor or the mayor's designee shall compile information, so as to submit a report to the mayor and the speaker regarding the number of businesses that submitted applications for a waiver of applicable fees pursuant to this local law, including the number that were determined to be eligible and the number that were determined not to be eligible. The report shall specify the geographic distribution of such businesses.

§7. This local law shall take effect immediately except that sections 1 through 5 of this local law shall remain in effect up to and including December 31, 2013 after which such sections 1 through 5 shall be deemed repealed.

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

Res. No. 1675

Resolution urging the United States Congress to pass and the President to sign the Campus Sexual Violence Elimination Act, also known as the Campus SaVE Act, which would help to protect students from sexual violence.

By Council Members Rose, Rodriguez, Barron, Brewer, Chin, Dromm, Ferreras, James, King, Koo, Koppell, Lander, Mark-Viverito, Mendez, Palma, Vann and Williams.

Whereas, More than forty percent of actively dating college women have experienced violent or abusive dating behaviors; and

Whereas, Title IX of the Education Amendments of 1972 and its implementing regulations prohibit sexual harassment, including acts of sexual violence, at institutes of higher education operated by recipients of federal financial assistance; and

Whereas, The federal Clery Act currently requires all institutions of higher education that participate in the federal student financial aid program to disclose and make available to current students and employees reports of forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, incest, and statutory rape made to campus security or local police when such offenses occurred on campus, in an adjacent public area, or at certain non-campus facilities; and

Whereas, U.S. Senator Robert P. Casey, Jr. introduced the Campus Sexual Violence Elimination (SaVE) Act in January 2013 to expand the Clery Act to require institutions of higher education to also disclose reports of domestic violence, dating violence, sexual assault, and stalking; and

Whereas, The Campus SaVE Act would also require all institutions of higher education participating in federal student aid programs to develop programs aimed at preventing domestic violence, sexual assault, and stalking and procedures to follow when such an incident is reported; and

Whereas, under the Campus SaVE Act, students would be provided written notification of victims' rights in regard to reporting, disciplinary procedures, protective measures, sanctions, confidentiality, options for changing academic, living, or working situations, and services available both on-campus and in the community following an incident of domestic violence, sexual assault, or stalking; and

Whereas, A safe learning environment free from sexual misconduct is critical to student success; now, therefore, be it

Resolved, That the Council of the City of New York urges the United States Congress to pass and the President to sign the Campus Sexual Violence Elimination Act, also known as the Campus SaVE Act, which would help to protect students from sexual violence.

Referred to the Committee on Education.

Int. No. 1018

By Council Members Vallone, Jr., James, Koo, Van Bramer and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to banning the sale of awls to persons under twenty-one years of age, open displays of awls by sellers, and possession of awls in a public place by persons under twenty-one years of age, or on school premises by persons under twenty-two years of age.

Be it enacted by the Council as follows:

Section 1. Section 10-134.1 of the administrative code of the city of New York is amended to read as follows:

§ 10-134.1. Prohibition on sale of box cutters *and awls* to persons under twenty-one years of age, open displays of box cutters *and awls* by sellers, and possession of box cutters *and awls* in a public place *by persons under twenty-one years of age*, or on school premises by persons under twenty-two years of age.

b. Definitions. For purposes of this section:

(1) "Awl" means any pointed hand tool with a blade made of metal, steel, or other hard durable material that is used for marking or piercing holes in wood, leather, or any other surface, and shall include, but not be limited to, ice picks, bradawls, stitching awls and scratching awls.

[(1)] (2) "Box cutter" means any knife consisting of a razor blade, retractable, nonretractable, or detachable in segments, attached to or contained within a plastic or metal housing, including utility knives, snap-off knives, and box cart cutters.

[(2)] (3) "Person" means any natural person, corporation, partnership, firm, organization or other legal entity.

[(3)] (4) "Public place" means a place to which the public or a substantial group of persons has access, and includes, but is not limited to, any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, playground, and any hallway, lobby and other portion of an apartment house or hotel not constituting a room or apartment designed for actual residence.

[(4)] (5) "School premises" means the buildings, grounds, or facilities, or any portion thereof, owned, occupied by, or under the custody or control of public and private institutions for the primary purpose of providing educational instruction to students, and any vehicles owned, operated or leased by such institutions which are used to transport such students or the personnel of such institutions.

c. It shall be unlawful for any person to sell or offer to sell or cause any person to sell or offer to sell a box cutter *or an awl* to any individual under twenty-one years of age.

d. No person who sells or offers for sale box cutters *or awls* shall place such box cutters *or awls* on open display so that such implements are accessible to the public without the assistance of such seller, or his or her employee or other agent, offering such implement for sale; provided, however, that the restrictions of this subdivision shall not apply to those box cutters *or awls* on open display (1) which are clearly and fully visible from a place of payment for goods or services or customer information at which such seller or an employee or other agent of such seller is usually present during hours when the public is invited or (2) which are in a package, box or other container provided by the manufacturer, importer or packager that is larger than 41 square inches.

e. It shall be unlawful for any person under twenty-two years of age to possess a box cutter *or awl* on school premises, and unlawful for any person under twenty-one years of age to possess a box cutter *or awl* while in a public place; provided, however, that nothing in this subdivision shall preclude:

(1) the temporary transfer on school premises of such [an] instruments to a person under twenty-two years of age for a valid instructional, or school-related purpose where such device is used only under the supervision of a school staff person or other authorized instructor; or

(2) the possession or use of such [an] instruments in a public place by any person under twenty-one years of age or on school premises by any person under twenty-two years of age so long as it occurs under circumstances in which such person is performing work on such premises during the course of his or her employment, and such instruments [is] *are* used only under the supervision of his or her employer or such employer's agent or a school staff person.

f. When a person is found to possess a box cutter *or an awl* while in a public place in violation of subdivision e of this section, it is an affirmative defense that:

(1) such person is traveling to or from school premises, where it was or will be used for a valid instructional or school related purpose and used only under the supervision of a school staff member or other authorized instructor, and such person has not displayed the box cutter *or awl* in a menacing or threatening manner, or in a manner that a reasonable person would believe manifests an intent to use such box cutter *or awl* for a criminal purpose; or

(2) such person is traveling to or from his or her place of employment, where it was or will be used during the course of such employment and used only under the supervision of his or her employer or such employer's agent, and such person has not displayed the box cutter *or awl* in a menacing or threatening manner, or in a manner that a reasonable person would believe manifests an intent to use such box cutter *or awl* for a criminal purpose.

g. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

Referred to the Committee on Public Safety.

Res. No. 1676

Resolution calling upon the Metropolitan Transit Authority to institute a "Wall of Shame" for sexual offenders.

By Council Members Vallone, Jr., Ferreras, Vacca and Ulrich.

Whereas, There has been a troubling increase in the number of reported sexual attacks in the subway; and

Whereas, According to statistics released by the Metropolitan Transportation Authority (MTA), during the period of January to November 2012 there were nine reported cases of rape in the subway system, an increase from three reported cases during the same period in 2011; and

Whereas, While the MTA does not provide more detailed statistics on sexual attacks in the subway, according to an article published in 2011 in the New York Daily News, in 2011 the NYPD received 600 complaints of sexual harassment in the subway, and according to the same report the real number of sexual attacks is probably in the thousands because it is underreported; and

Whereas, A 2007 survey released by the Manhattan Borough President's office found that sexual harassment and assault was a widespread problem on New York City subways; and

Whereas, The report titled, "Hidden in Plain Sight: Sexual Harassment and Assault in the New York City Subway System," noted that while actual statistics of sexual assault on the subway were not available, anecdotal data shows the existence of the problem; and

Whereas, The Manhattan Borough President report surveyed more than 25,000 people, and found that 63 percent of respondents reported having been sexually harassed on the subway, 10 percent of respondents reported having been sexually assaulted on the subway, and 69 percent of respondents reported feeling sexually threatened on the subway; and

Whereas, The report also found that 96 percent of those who reported being sexually harassed did not report the incident to the authorities, 86 percent of respondents who had been sexually assaulted did not report the incidents to the authorities; and

Whereas, According to New Yorkers for Safe Transit, in 2008 the MTA launched a campaign in the subway to inform riders about the dangers of sexual

assaults and to make it clear that crowded trains are no excuse for inappropriate touching or conduct; and

Whereas, In addition, the MTA should post a photograph of individuals convicted of public lewdness or sexual assault in the New York City subway system, in the subway station where the individual committed the offense; and

Whereas, While public identification will not replace effective prosecution and law enforcement, it may deter further acts of sexual harassment and assault in the subway while also alerting passengers of persons to avoid; and

Whereas, Sexual assault continues to be a scourge in the subway, and is a leading quality of life issue for many New Yorkers, especially female riders on the train; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Metropolitan Transit Authority to institute a "Wall of Shame" for sexual offenders.

Referred to the Committee on Transportation.

Res. No. 1677

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation authorizing New York City to install and operate red light cameras at more than 150 intersections.

By Council Members Van Bramer, Levin, Brewer, Chin, Comrie, Dromm, Ferreras, James, Koo, Koppell, Lander, Mark-Viverito, Palma, Rose and Rodriguez.

Whereas, Red light cameras help enforce traffic laws by automatically photographing vehicles that disobey stop lights; and

Whereas, The camera is triggered by any vehicle entering an intersection above a preset minimum speed, and it records the date, time of day, time elapsed since the beginning of the red signal, vehicle speed, and license plate, and Notices of Liability are mailed to the registered owners of the violating vehicles; and

Whereas, The New York City Department of Transportation (DOT) has been operating a Red Light Camera Program since 1993; and

Whereas, According to DOT, intersections where cameras have been installed have seen a 56% decline in serious injuries, a 44% decrease in pedestrian injuries and a 16% decrease in all injuries; and

Whereas, The presence of red light cameras serves as a deterrent; red-light violations have dropped by 40 to 60 percent at locations where they have been installed, according to DOT; and

Whereas, The State Vehicle and Traffic Law currently authorizes the City to operate red light cameras at only 150 intersections at any one time; and

Whereas, Given the demonstrated success of the City's Red Light Camera Program at making the limited intersections where it has been deployed significantly safer for drivers, passengers, cyclists, and pedestrians, the program should be expanded to as many intersections as possible; 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 authorizing New York City to install and operate red light cameras at more than 150 intersections.

Referred to the Committee on Transportation.

Preconsidered Int. No. 1019

By Council Members Wills, the Speaker (Council Member Quinn), Cabrera, Chin, Eugene, Gentile, James, Koo, Koppell, Lander, Mark-Viverito, Palma, Rose, Mendez, Recchia, Dromm, Rodriguez, Crowley, Jackson, Lappin, Mealy, Reyna, Richards, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to recognizing certain equivalent military service as qualifying as experience in a trade.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-504.1 to read as follows:

§ 22-504.1 Equivalent experience; honorably discharged members of the armed forces of the United States. Whenever, by the provisions of the code, experience in a particular trade is a prerequisite for obtaining any license, certificate or permit issued thereunder, the period of service in the armed forces of the United States by an honorably discharged member thereof who shall apply for such license, certificate or permit, shall be deemed the equivalent of such experience on a year for year basis and shall be accepted accordingly, provided, however, that such applicant while in said armed forces performed duties equivalent to experience required for any such license, certificate or permit, and provided further that only the period of service during which such equivalent duties were performed shall be deemed equivalent experience. An applicant may apply the provisions of this section and section 22-504 of this chapter to satisfy the experience prerequisite in a particular trade for the applicable license, certificate or permit. Notwithstanding any other provision of this section, the head of each city agency issuing any license,

certificate or permit for which experience in a particular trade is a prerequisite shall have the authority to determine whether additional experience is necessary before issuing any such license, certificate or permit. The provisions of this section shall apply only to applicants who are at least eighteen years of age; and are able to read and write the English language.

§2. This local law shall take effect immediately.

Referred to the Committee on Veterans (preconsidered but laid over by the Committee on Veterans).

L.U. No. 782

By Council Member Comrie:

Application no. 20135421 HAM submitted by the New York City Department of Housing Preservation and Development for a tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 291 East 4th Street (Block 387, Lot 41), 189 East 2nd Street (Block 397, Lot 26) and 203 Avenue A (Block 440, Lot 34), Borough of Manhattan, Community District 3, Council District 2.

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

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

ANNOUNCEMENTS:

Thursday, March 14, 2013

Subcommittee on ZONING & FRANCHISES9:30 A.M. See Land Use Calendar Available Monday, March 11, 2013 Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

10:00 a.m. Governmental Operations Committee – Committee Room – 250 Broadway, 14th Floor
10:00 a.m. Financial Information Services Agency
10:30 a.m. Office of Payroll Administration
11:15 a.m. Board of Elections
12:15 p.m. Law Department
1:00 p.m. Department of Citywide Administrative Services
2:00 p.m. Community Boards
2:30 p.m. Public

Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES11:00 A.M. See Land Use Calendar Available Monday, March 11, 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, March 11, 2013 Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Friday, March 15, 2013

★ Deferred

~~10:00 a.m. Mental Health, Developmental Disabilities, Alcoholism, Drug Abuse & Disability Services Committee – 250 Broadway, 14th Floor – Committee Room
10:00 a.m. Department of Health & Mental Hygiene (joint with Subcommittee on Drug Abuse)
11:30 a.m. Public~~

★ Addition

10:00 a.m. Parks & Recreation Committee – 250 Broadway, 16th Floor - Committee Room
10:00 a.m. Department of Parks & Recreation (Expense)
11:30 p.m. Department of Parks & Recreation (Capital)
12:00 p.m. Public

★ Addition

1:00 p.m. Oversight & Investigations Committee – 250 Broadway, 14th Floor - Committee Room

1:00 p.m. Department of Investigation
2:00 p.m. Public

Monday, March 18, 2013

10:00 a.m. General Welfare Committee – 250 Broadway, 16th Floor - Committee Room

10:00 a.m. Department of Homeless Services
12:00 p.m. Human Resources Administration / Department of Social Services
1:30 p.m. Administration for Children’s Services joint with Women’s Issues and Juvenile Justice Committees
4:00 p.m. Public

Committee on LAND USE10:00 A.M.

All items reported out of the subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – 250 Broadway, 14th Floor Leroy Comrie, Chairperson

★ Addition

11:00 a.m. Land Use Committee – 250 Broadway, 14th Floor - Committee Room

11:00 a.m. Landmarks Preservation Commission
12:00 p.m. Department of Information, Technology & Telecommunications (joint with the Technology Committee)
1:00 p.m. Public

★ Addition

Committee on TRANSPORTATION..... 2:30 P.M.

Proposed Res. 916-A - By Council Members Van Bramer, Fidler, James, Levin, Arroyo, Chin, Greenfield, Rodriguez, Ferreras, Garodnick, Brewer, Mark-Viverito, Koppell, Lander, Nelson and Koslowitz - Resolution calling on the New York State Legislature to pass and the Governor to sign into law A.4327, which would permit the City of New York to set up a demonstration project involving speed camera enforcement.

Committee Room – 250 Broadway, 14th Floor James Vacca, Chairperson

Tuesday, March 19, 2013

★ Addition

10:00 a.m. Education Committee – 250 Broadway, 14th Floor - Committee Room

10:00 a.m. Department of Education and School Construction Authority (Capital)
12:00 p.m. Public

10:30 a.m. Housing and Buildings Committee – 250 Broadway, 16th Floor - Committee Room

10:30 a.m. Department of Housing Preservation and Development (Expense)
11:00 a.m. Department of Housing Preservation and Development (Capital)
12:30 p.m. Department of Buildings
1:15 p.m. Public

★ Note Topic Addition

Committee on IMMIGRATION 1:30 P.M.

Res. 1671 - By Council Members Dromm and Rodriguez - Resolution calling upon the New York State Legislature to pass, and the Governor to sign, the New York State Development, Relief and Education for Alien Minors (DREAM) Act of 2013 (S.2378/A.2597)

Committee Room – 250 Broadway, 14th Floor Daniel Dromm, Chairperson

Wednesday, March 20, 2013

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

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, March 20, 2013.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int Nos. 814-A and 978-A, both originally adopted by the Council at the January 23, 2013 Stated Meeting, were re-adopted by the Council at this March 13, 2013 Stated Meeting and were both, thereby, enacted into law by the Council's override of the Mayor's February 22, 2013 vetoes. Int Nos. 814-A and 978-A were subsequently assigned as, respectively, Local Law Nos. 14 and 15 of 2013.

