

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF

MONDAY, DECEMBER 10, 2012

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING
of

Monday, December 10, 2012, 2:15 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Foster, Rose, Sanders, and Vacca.

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

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

There is one vacancy in the Council pending the swearing-in of the winner of the Special Election held on Tuesday, November 6, 2012 n the 12th Council District (The Bronx).

There were 46 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. Duane Sleet, Pastor, First Baptist Church of Far Rockaway, 1510 Redfern Avenue, Far Rockaway, NY 11691-3898.

Let us pray.
Dear God, as we gather today,
we ask for your special providences
for this day of business.
We thank you for allowing us to meet
to discuss the important issues of our time.
Please guide the leadership of our great city;
guide all of our elected officials.
Prepare us to be ambassadors
for peace and prosperity.
Encourage our hearts
as we seek to provide quality leadership.
Keep those of us who continue to struggle
in the aftermath of Superstorm Sandy
and as we celebrate Advent, Hanukkah, Kwanza,
or whatever our tradition is,
help us to see your favor in grace.
Amen.

At this point, the President Pro Tempore (Council Member Comrie) moved to spread the Invocation in full upon the Record.

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

Jon Kest, 57, Executive Director of New York’s Communities for Change and one of New York City’s leading organizers and progressive community activists, died on December 5, 2012 due to complications of cancer. He was known as someone committed to those in need and an advocate for those without a voice. Sadly, his daughter Jessie and her boyfriend were killed by a falling tree during Hurricane Sandy. Mr. Kest leaves behind his wife, Fran, their son, Jake, his parents, his siblings, his in-laws, and his nieces and nephews.

At this point, the Speaker (Council Member Quinn) informed those gathered in the Chamber that her brother-in-law Anthony L. Catullo had died of pancreatic cancer the night before at Sloan-Kettering. The Speaker (Council Member Quinn) thanked all those who gave their expressions of support through e-mails, calls, and offers of help during his illness. She also thanked those who made him feel part of the extended Council family when he came to New York and attended various Council and Pride events. The Speaker (Council Member Quinn) proceeded to vote aye on all items and departed the Meeting.

* * *

At this point, the Majority Leader (Council Member Rivera) assumed the podium as the Acting Speaker for the remainder of these proceedings.

ADOPTION OF MINUTES

Council Member Levin moved that the Minutes of the Stated Meeting of November 13, 2012 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-979

Communication from the Kings County Democratic County Committee -
Recommending the name of Julie R. Dent to the Council regarding her re-
appointment to the Office of Commissioner of Elections.

NEW YORK CITY
COUNCIL
2012 NOV 29 AM 9:10

STATE OF NEW YORK
STATE BOARD OF ELECTIONS
2012 NOV 29 AM 9:10

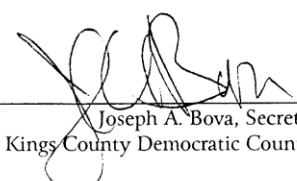
ELECTION COMMISSIONER CERTIFICATION

To the Clerk of the Council of the City of New York:

I certify that:

At a meeting of the Democratic County Committee of the County of Kings,
held on the 19th day of September 2012, in the Leon M. Goldstein Performing Arts
Center, Kingsborough Community College, 2001 Oriental Boulevard, Brooklyn, New
York, under the provisions of the Election Law and the rules of the County Committee,
a quorum being present, Julie R. Dent, residing at 160 Himrod Street, Apartment 1A,
Brooklyn, New York 11221, was recommended by a majority of said committee as a
suitable and qualified person for reappointment to the office of Commissioner of
Elections, for the term beginning January 1, 2013; and that said designee is a registered
voter of the County of Kings and a duly enrolled member of the Democratic Party.

Dated at: Brooklyn, New York
November 27, 2012


Joseph A. Bova, Secretary
Kings County Democratic County Committee

SBOE-02(4/89)

Referred to the Committee on Rules, Privileges and Elections.

M-980

Communication from the New York City Districting Commission -
Withdrawing the plan it submitted to the Council on November 19, 2012
(M-945), which divides New York City into fifty-one districts for the
election of members of the New York City Council.



Commissioners
Benito Romano, *Chair*
Jamila Ponton Bragg
Scott Cerullo
Kamillah M. Hanks
Robert W. Hart
Linda Lin
Oscar Odom III
Thomas Ognibene
Frank Padavan
Roxanne J. Persaud
Madeline Provenzano
John Robert
Gloria Carvajal Wolfe
Marc Wurzel
Justin Yu

Staff
Carl Hum
Executive Director
Office
253 Broadway, 7th Fl
New York, NY 10007
tel: (212) 442-6940
fax: (212) 788-9470
info@districting.nyc.gov

December 4, 2012

BY HAND
Speaker Christine C. Quinn
Council of the City of New York
City Hall
New York, NY 10007

Dear Speaker Quinn,

As reflected in the enclosed resolution, adopted today by the City of New York 2012-2013 Districting Commission ("the Commission"), the Commission hereby withdraws the plan it submitted to the Council on November 19, 2012, which divides New York City into fifty-one districts for the election of members of the New York City Council.

In accordance with New York City Charter § 51(d), the Commission will submit its plan to the Council for the Council's consideration at a future date.

Respectfully,

Benito Romano
Chair of the Commission

cc: Michael McSweeney
Clerk of the Council
141 Worth Street
New York, NY 10013

Elizabeth R. Fine
General Council
New York City Council, Office of the General Council
250 Broadway, 15th Floor
New York, NY 10007

Received, Ordered, Printed and Filed.

Preconsidered M-981

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-1)

December 5, 2012

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.

As requested by the City Council, this modification (MN-1) reallocates appropriations that were reflected in the FY 2013 Adopted Budget to fund City Council local initiatives as well as other discretionary programs.

Your approval of modification MN — 1 is respectfully requested.

Yours truly,


Mark Page

(For text of MN-1 numbers, please see the attachment to Res No. 1607 following the Report of the Committee on Finance for M-981 printed in these Minutes).

Referred to the Committee on Finance.

M-982

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license 185 Malta Car Service L.L.C., Council District 46, pursuant to Section 19-511(i), of the administrative code of the city of New York.



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

November 30, 2012

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 November 29, 2012 the Taxi & Limousine Commission voted to approve the following for-hire vehicle base license application:

NEW (6):	LICENSE #	COUNCIL DISTRICT
185 Malta Car Service L.L.C.	B02557	46
Base Car Service Inc.	B02583	12
Ciprian Car & Limo. Corp.	B02560	9
M Express Inc.	B02562	40
Moonlight Car & Limousine Service Inc.	B02575	45
Seagull corporate Transportation L.L.C.	B02536	47
RENEWALS (8):	LICENSE #	COUNCIL DISTRICT
Azuay Corporation D/b/a Caribe Car Service	B01745	32
Central Car Service Inc.	B00625	21

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

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

M-984
Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Ciprian Car & Limo. Corp., Council District 9, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

M-985
Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license M Express Inc., Council District 40, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

M-986
Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station Moonlight Car & Limousine Service Inc., Council District 45, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

M-987
Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Seagull Corporate Transportation L.L.C., Council District 47, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

M-988
Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station Azuay Corporation D/b/a Caribe Car Service, Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

Referred to the Committee on Transportation.

M-983
Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Base Car Service Inc., Council District 12, pursuant to Section 19-511(i), of the administrative code of the city of New York.

Service Inc., Council District 21, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

M-990

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station Continental Car & Limousine Service, Council District 39, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

M-991

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license J.T. Transportation Company, Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

M-992

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

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

M-993

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station Nesher Express Car Service 2 Inc., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

M-994

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Riverside Radio Dispatcher, Council District 10, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

M-995

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station A Ride For All L.L.C., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

M-996

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station America United Multiplex Car Service Corp., Council District 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

M-997

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

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

M-998

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership base station license Two Way Black Cars & Radio Group, Council District 8, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

M-999

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license Alex Express Car & Limousine Inc., Council District 47, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

M-1000

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license Jupiter Car Service Corp., Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

M-1001

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license M & H Car Service Corporation., Council District 30, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-982 printed in these Communication from City, County and Borough Offices of these Minutes)

Referred to the Committee on Transportation.

At this point, the Assistant Majority Leader (Council Member Dickens) assumed the chair as the President Pro Tempore and Acting Presiding Officer for the remainder of these proceedings.

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

Report for Int. No. 926-A

Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to extending the biotechnology credit against the general corporation tax, and the unincorporated business tax.

The Committee on Finance, to which the annexed amended proposed local law was referred on September 12, 2012 (Minutes, page 3487), respectfully

REPORTS:

Today, the Finance Committee will consider Proposed Int. 926-A, a Local Law to amend the administrative code of the city of New York, in relation to extending the biotechnology credit against the general corporation tax, and the unincorporated business tax. This legislation extends the biotechnology credit, which currently sunsets December 31, 2012, to December 31, 2015. [Background](#)

Biotechnology in New York City

Biotechnology is a form of technology involving the scientific manipulation of living organisms to produce products conducive to improving the lives and health of plants, animals and humans. This includes research on new drugs, medical devices and diagnostic texts.¹

With 9 world class research institutions, 26 medical centers, 175 hospitals, and an unparalleled talent pool, New York City *has* a natural advantage in emerging technologies, particularly biotechnology, yet it lags behind other cities, such as Boston and San Diego, in the commercialization of new technologies. The recent development of laboratory space at the Alexandria Center for Life Sciences and in BioBAT at the Brooklyn Army Terminal, along with existing facilities, will provide approximately 2 million square feet of laboratory space in the City.

Currently, there is a New York State Qualified Emerging Technology Incentive program² that provides credits against the State personal income tax and corporation franchise tax for

¹ Biotechnologies is defined as "technologies involving the scientific manipulation of living organisms, especially at the molecular and/or the sub-molecular genetic level, to produce products conducive to improving the lives and health of plants, animals, and humans; and the associated scientific research, pharmacological, mechanical, and computational applications and services connected with these improvements. Activities included with such applications and services shall include, but not be limited to, alternative mRNA splicing, DNA sequence amplification, anti genetic switching, bioaugmenta on, bioenrichment, bioremediati on, chromosome walking, cytogenetic engineering, DNA diagnosis, fingerprinting, and sequencing, electroporation, gene translocation, genetic mapping, site-directed mutagenesis, bi o-transduction, bio-mechanical and bi o-electrical engineering, and bio-informatics." § 3102-e (b) (5) of the New York State Public Authorities law.

² Any eligible type of business formation is eligible for these credits (e.g., sole proprietor, partnership, and corporation). The QETC credits are broken into three components: (1) Capital Tax Credit, which encourages investment into QETC by providing a credit when a corporation, partnership, or other business entity makes a contribution of property to a QETC in exchange for stock or another ownership interest, in a QETC;(2) Employment Tax Credit, which encourages the creation of jobs in emerging technology companies by providing a credit to QETCs that increase employment by at least 1% of the average number of individuals employed by the QETC qualified emerging technology companies (QETC)³ that create new jobs, or for corporate taxpayers that invest in emerging technology companies.

New York City's Biotechnology Credit

In the Spring of 2009, the New York City Council urged the State Legislature and worked with them to pass legislation authorizing New York City to provide a biotechnology credit that would mirror the State's New York State's Emerging

Technologies Facilities, Operations and Training Credit. After successful passage by the State Legislature, on September 16, 2009, the Governor signed A.8131/S.4845-B into law, (codified *as* Chapter 453 of the Laws of 2009). Shortly thereafter, on September 17, 2009, the Council passed Int. 1065, subsequently codified as Local Law 67 of 2009, which provides a credit "substantially identical to" the New York State's Emerging Technologies Facilities, Operations and Training Credit⁴ against the City's general corporation tax and the unincorporated business tax for QETCs located in New York City that focus primarily on biotechnology. The authorization term for the credit, *as* authorized by Chapter 453, is from January 1, 2010 to December 31, 2012.

New York City's credit, termed the "Biotechnology Credit", is modeled after, and designed to work with, New York State's Qualified Emerging Technologies Facilities, during the 3 taxable years preceding the first taxable year the credit is claimed. The credit is available for three years and equal to \$1,000 for each new employee hired over base year employment; and (3) Facilities, Operations and Training Credit, which encourages research and training in emerging technology by providing a credit for testing, inspection, qualified research expenses, and qualified high technology expenditures.

³ A Qualified emerging technology company is a company located in New York State: (A) whose primary products or services are classified as emerging technologies and whose total annual product sales are ten millon dollars or *less*; or (B) a company that has research and development activities in New York State and whose ratio of research and development funds to net sales equals or exceeds the average ratio for all surveyed companies classified as determined by the National Science Foundation i n the most recent published results f rom its Survey of Industry Research and Development, or any comparable successor survey as determined by the department, and whose total annual product sales are ten million dollars or *less*.

⁴ In order to claim the credit, the QETC must: 1) Have 100 full-time employees or less, with at least 75% of those employees employed in New York City; 2) Have a ratio of research and development funds to net sales, which equals or exceeds six percent (6%) during its tax year; and 3) Have gross revenues, along with the gross revenues of its affiliates and related members that did not exceed \$20 million dollars for the immediately preceding tax year.

Operations and Training Credit. Local Law 67 provides QETC firms with a refundable credit, for three types of expenses: qualifying expenses related to acquiring research and development property, certain expenses related to training employees, and other research and development expenses.

Qualifications

A taxpayer is entitled to a credit if the company:

- 1) is a qualified emerging technology company engaging in bi otechnol ogi es;
- 2) *has* no more than one hundred full-ti me employees, of which at least seventy-five percent are employed in the City;
- 3) has a ratio of research and development funds to net sales of at least six percent;
- 4) *has* gross revenues not exceeding twenty million dollars, including affiliates; and
- 5) *has* annual sales not exceeding ten million dollars Such qualified emerging technology companies would be eligible for the credit for 3 consecutive years.

Credit Amount

The City's biotechnology credit provides a refundable credit to small QETCs focusing on biotechnology in the following amount:

- a Up to 18 percent of costs related to purchase or renting of equipment for testing, quality control or research;
- b. Up to 9 percent for qualified research expenses, primarily in-house research-related operating costs; and
- c. Up to \$4,000 per employee for certain training expenses.

For newly formed or newly located to the City firms, or those that have increased their employment in the City by at least 5 percent, the credit will be no more than \$250,000 per QETC. For existing biotechnology firms that have not increased their employment by at least 5 percent to be eligible for the credit, the credit is up to \$125,000, for the same expenses, but at half of the above rates. The total credits for a given year are capped at \$3 million. If credits in a given year exceed the cap they will be allocated on a prorated basis by the New York City Department of Finance.

Credit Success

Since the City's Biotechnology credit was initially authorized in 2009, the number of jobs in biotechnology research has increased by 11.6%, and the number of biotechnology firms *has* increased by 27% .The average wage in the City for biotechnology research jobs in the City is \$93,000.

For tax year 2010, 22 firms claimed the biotechnology credit, totaling approximately \$2 million in credits. For tax year 2011, 21 firms claimed the biotechnology credit, totaling approximately \$2 million in credits.

Authorizing Legislation

On August 17, 2012, the Governor signed Chapter 429 of the Laws of 2012, which amended the Tax Law to allow New York City to extend its existing Biotechnology Credit through December 31, 2015.

Proposed Int. 926-A

This legislation amends sections 1-604 and 11-503 of the Administrative Code to extend the biotechnology credit, which currently sunsets December 31, 2012, to December 31, 2015.

(The following is the text of the Fiscal Impact Statement for Int. No. 926-A:)



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

PRECONSIDERED INTRO. NO:
COMMITTEE: Finance

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to extending the biotechnology credit against the general corporation tax and the unincorporated business tax.

SPONSORS: Council Members Lappin, Garodnick.

SUMMARY OF LEGISLATION: This legislation extends the New York City Biotechnology credit. The credit is modeled after, and designed to work with, New York State's Qualified Emerging Technologies Facilities, Operations and Training credit. Firms are provided a refundable credit for three types of expenses: qualifying expenses related to acquiring research and development property, certain expenses related to training employees, and other research and development expenses. The credit is limited to small firms engaged in research and development that meet New York State standards as qualified emerging technology companies. Such qualified emerging technology companies are eligible for the credit for up to three years. The credit helps a young firm equip a lab, train technicians, patent their discoveries and fund access to high tech equipment that they do not own.

The credit differs from New York State's in that it is limited to biotechnology firms and focusses on growing firms. The allowable expenses and the credit based on those expenses are the same as for the New York State credit for firms that increase their employment by at least 5 percent, compared to a base year.¹ Those that do not grow are still eligible for the credit, but at half the rate. Growing firms have their credit capped at a maximum of \$250,000 per year and those that do not make the 5 percent threshold have a maximum credit of \$125,000.

Under this legislation, the total credits for a given year are capped at \$3 million. If credits in a given year exceed the cap they are allocated on a prorated basis by the New York City Department of Finance. The credit extension would be for three consecutive years starting in January 2013 and ending in December 2015.

EFFECTIVE DATE: This legislation 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	(\$2,000,000)	(\$2,000,000)
Expenditures	\$0	\$0	\$0
Net	\$0	(\$2,000,000)	(\$2,000,000)

IMPACT ON REVENUES: Although the legislation would be effective in Fiscal 2013, there would be no revenue impact until Fiscal 2014. There would be a reduction in revenue of \$2,000,000 in Fiscal 2014 resulting from the enactment of this legislation.

for the Lower Ma_____

¹ Base year employment is defined as the average number of individuals employed full-time by a taxpayer in the city in the year preceding the first calendar year in which the credit is claimed.

IMPACT ON EXPENDITURES: There would be no impact on expenditures as a result of 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: Paul Sturm, Unit Head/Revenue Unit
City Council Finance Division

HISTORY: This bill will be voted out of the Finance Committee as a Preconsidered Intro on December 10, 2012. Following a successful vote, the bill will be introduced and voted on by the Full Council on December 10, 2012.

Date Submitted to Council: DECEMBER 10, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 926-A:)

Int. No. 926-A

By Council Members Lappin, Garodnick, Brewer, Fidler, James, Koo, Lander, Recchia, Rodriguez, Arroyo, Van Bramer, Jackson, Reyna, Barron, Gennaro, Greenfield, Williams, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to extending the biotechnology credit against the general corporation tax, and the unincorporated business tax.

Be it enacted by the Council as follows:

Section 1. Subparagraph 8 of paragraph (a) of subdivision (o) of section 11-503 of the administrative code of the city of New York, as added by local law number 67 for the year 2009, is amended to read as follows:

(8) The credit allowed under this subdivision shall only be allowed for taxable years beginning on or after January first, two thousand ten and before January first, two thousand [thirteen] *sixteen*.

§2. Subparagraph 8 of paragraph (a) of subdivision 21 of section 11-604 of the administrative code of the city of New York, as added by local law number 67 for the year 2009, is amended to read as follows:

(8) The credit allowed under this subdivision shall only be allowed for taxable years beginning on or after January first, two thousand ten and before January first, two thousand [thirteen] *sixteen*.

§ 3. Section 5 of local law number 67 for the year 2009 is amended to read as follows:

§ 5. This local law shall take effect immediately; provided, however, that this local law shall apply to taxable years beginning on or after January 1, 2010 and before January 1, [2013] *2016*.

§ 4. This local law shall take effect immediately and, if it shall have become a law after December 31, 2012, shall be retroactive to and deemed to have been in full force and effect as of December 31, 2012.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, December 10, 2012.

On motion of the Acting Speaker (Council Member Rivera), 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. 958-A

Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the publication of a brochure explaining the New York City property tax system.

The Committee on Finance, to which the annexed amended proposed local law was referred on November 13, 2012 (Minutes, page 4202), respectfully

REPORTS:

Today, the Finance Committee will consider Proposed Int. 958-A, a Local

Law to amend the administrative code of the city of New York, in relation to the publication of a brochure explaining the New York City property tax system.

I. Background

In 1981, the State Legislature adopted Senate bill, S.7000A, which created Article 18 of the Real Property Tax Law ("RPTL").¹ For purposes of taxation, Article 18 established four classes of property², and allows special assessing units (New York City and Nassau County) to apply different fractional assessment percentages to each class of property.³ The main provisions contained in S.7000A established the framework for the City's present property tax system. Pursuant to these provisions, the Department of Finance ("DOF") and the City Council are subject to classification guidelines, assessment caps, and limits on the ability to shift taxes in and among the four classes of property.

A . DOF's Role Calculating Market and Assessed Value

Pursuant to Article 18, there are 4 classes of property. Class 1 consists primarily of one-, two-and three-family homes; Class 2 consists of other residential property that is not in Class 1 including rental, cooperative and condominium apartments (but not including motels and hotels); Class 3 consists of utility property of regulated utilities and holders of franchises, such as cable television providers; and Class 4 consists of real property not designated Class one, two, or three.⁴

¹ See Chapter 1057 of the Laws of 1981.
² See Real Property Tax Law § 1802(1)
³ See Real Property Tax Law § 305(2)
⁴ See Real Property Tax Law § 1802(1)

Each year, DOF estimates the value of every taxable property in the city.⁵ The determination of value assigned to a property is termed an "assessment,"⁶ and is commonly referred to as the "Market Value"⁷ of the property. Pursuant to section 305 of the Real Property Tax law, each class of property must be assessed at the same percentage of full value, which in turn is commonly referred to as the "Assessed Value"⁸ of the property. To comply with this statute, DOF calculates real property taxes by determining the full "market" value of each parcel, fixing the ratio of full "market" value to "assessed" value in each class, and finally, applying a uniform tax rate for each class of property to the "assessed" value producing the tax due.⁹

To prevent wide fluctuation in assessed value due to market conditions Article 18 sets forth limits on annual assessment increases and this is reflected in the assessed value of a property:

For class 1 properties, the assessment increases are subject to a 6% annual cap and a 20% cap over five years, regardless of the increase in market value.¹⁰

For small class 2 properties (buildings with 4-10 units), the assessment increases are subject to an 8% annual cap and a 30% cap over five years."

For large class 2 properties (buildings with more than 10 units) and Class 4 properties, no caps are in place, but the increases in assessment are phased in over 5 years.¹²

These caps only apply to changes due to market conditions, and do not apply to changes due to physical improvements or changes on a property.¹³ As a result of the caps, in periods of sharp

⁵ See New York City Charter § 1508.
⁶ See Real Property Tax Law § 102(2). See also New York City Charter § 1506. The term "assessment" shall mean a determination by the assessors of (a) the taxable status of real property as of the taxable status date; and (b) the valuation of real property, including the valuation of exempt real property, and where such property is parti ally exempt, the valuation of both the taxable and exempt portions.
⁷See New York City Department of Finance's 2010 Annual Report of the New York City Property Tax, at 51
⁸ See id at 49..
⁹ See 41 Kew Gardens Rd. Associates v. Tyburski, 70 N.Y.2d 325, 330 (1987).
¹⁰ See Real Property Tax Law § 1805(1).
¹¹ ee Real Property Tax Law § 1805(2).
¹² See Real Property Tax Law § 1805(3).
¹³ See Real Property Tax Law § 1805(5).
decline in market values, assessed values may continue to increase because the growth in value is phased in over a period of years.

All property owners can file an appeal with the Tax Commission, an independent review board which, if deemed proper, reviews all assessments of real property made by DOF.¹⁴

B. The Council's Role: Class Share Cap

Each class is responsible for a specific share of the property tax levy, called the class share or class levy.¹⁵ Similar to the assessment caps, the class share system was

designed to prevent a dramatic shift in the tax burden from commercial to residential taxpayers, and discourages increases in the overall tax rate because the formula ensures the increases will be equally borne by all the classes. To avoid large year-to-year shifts in the class shares, State law caps the maximum change in a class' market value share to 5%.¹⁶ When one class's market share exceeds the 5% cap, the City Council must allocate the excess to the other classes. The City Council can lower the cap below 5%, thereby effectively reducing class share increases for a specific class of property, if it seeks, and receives, State legislative approval.

C. DOF and the Council Working Together: Determining the Rate & the Property Tax Bill

After the DOF *has* completed the assessment rolls, the actual property tax levy is determined by the City Council when it sets the tax rates for each class pursuant to Section 1516 of the New York City Charter. This is generally done in conjunction with budget adoption in June and is one of the final steps in the budget adoption process.

¹⁴ See New York City Charter, §§ 153, 1504-A.
¹⁵ Each class is responsible for given share of the total tax levy. Baseline shares were based on class shares as of FY82 and then adjusted annually to reflect changes in the roll. Council has the discretion to shift up to 5% (of amend for lower amount) the class's share to other classes.
¹⁶ See Real Prop. Tax Law § 1803-a

Once DOF determines the market value of the property, DOF applies the target assessment ratio", or the maximum permissible increase under the assessment ratios, if applicable, to determine the assessed value of the property. The tax bill will equal the assessed value times the tax rate for the class for the year (*as* determined by the City Council).¹⁸

II. Helping the Public Understand the System

The property tax system is a very complex system, and the laws governing the system are equally as complex and difficult to understand. In efforts to assist the public in understanding the property tax system, and more importantly, the factors considered, and the application of such factors, when determining the amount of a property owner's tax bill, DOF created a brochure titled "NYC Residential Property Taxes", which explains the contents of a typical class one property owner's tax bill and how it is calculated. The brochure also provides a list and description of exemptions that could lower the tax bill for a class one property owner. The brochure, which has been reviewed and analyzed by the Finance Committee and the Finance Division and deemed very useful to property owners, is slated to be finalized by the end of the calendar year.

III. Proposed Int. 958-A

To assist property owners with a better understanding of the property tax system and their property tax bill, Proposed I nt. 958-A codifies DOF's informational brochure relating to cl ass one properties, and requires the creation of a new brochure(s), or amendment to the existing

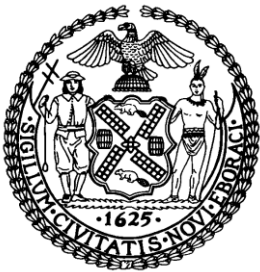
¹⁷ For Class one the target assessment ratio is equal to 6%, or the maximum permissible increase under the assessment ratios (6%/ 20%); for Class 2A, 2B, and 2C the target assessment ratio is 45%, or the maximum permissible increase under the assessment limits (8%/30%); for Class two (not Class 2A, 2B, or 2C properties) and Class four the target assessment ratio is equal to 45%, or cumulative value of assessment increases being phased in; and for Class three the target assessment ratio is equal to 45%.
¹⁸ Bills can be reduced by tax abatements. See New York City Department of Finance, Annual Report on the New York City, Fiscal Year 2010, page 49.

brochure for class two properties. Proposed Int. 958-A requires the brochures to contain the following information:

1. A description of the way the department determines market value and assessed value for all class one and class two property in the city of New York, and the way the property tax assessment determined by such values affects a property owner's property tax bill;
2. A description of the statement of account, notice of property value or similar document that provides a property owner with a description of his or her property, applied exemptions, and the assessed and market values of such property, and an explanation of the content contained therein;
3. A description of property tax exemptions and abatements administered by the department, and the eligibility requirements and application deadlines of such property tax exemptions and abatements;
4. A timeline of deadlines in the fiscal year *as* they relate to property tax assessment and payment of property taxes; and
5. A description of the property tax dispute process.

Proposed Int. 958-A requires the publication of the brochure(s) for class one and class two properties by January 15, 2013, and January 15, 2014, respectively.

(The following is the text of the Fiscal Impact Statement for Int. No. 958-A:)



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

PROPOSED INTRO. NO: 958-A
COMMITTEE: Finance

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the publication of a brochure explaining the New York City property tax system.

SUMMARY OF LEGISLATION: This law adds a new section to the administrative code, section 11-135, which would require the department of finance to publish on its website a brochure or brochures that explains property tax bills for Classes 1 and 2, how they are calculated, and other related information such as timelines and methods for appeal. The law requires the brochures for Class 1 and Class 2 properties to be made available on its website by January 15, 2013 and January 15, 2014, respectively. Such brochures shall be be updated on a periodic basis.

SPONSOR: Council Members Oddo, Ignizio, Recchia, Barron, Brewer, Cabrera, Dickens, Eugene, Ferreras, Gentile, James, Koo, Rose, Van Bramer, Vann, Williams, Wills, Crowley and Halloran.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2013.

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$25,000	\$0	\$25,000
Net	(\$25,000)	\$0	(\$25,000)

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

IMPACT ON EXPENDITURES: According to the Department of Finance, a onetime cost of \$25,000 will be spent in Fiscal Year 2013 to pay for an outside consultant to design the brochures. Other than that, all expected work to implement this bill will use existing resources.

SOURCE OF INFORMATION: NYC Department of Finance
Council Finance

ESTIMATE PREPARED BY: Raymond Majewski, Deputy Director/Chief Economist
Emre Edev, Senior Legislative Financial Analyst

HISTORY: Introduced by City Council and referred to the Committee on Finance as Proposed Int. 958 on November 13, 2012. An amended version, Proposed Int. 958-A, will be considered by the Committee on December 10, 2012.

Date Submitted to Council: NOVEMBER 13, 2012

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 958-A:)

Int. No. 958-A

By Council Members Oddo, Ignizio, Recchia, Barron, Brewer, Cabrera, Dickens, Eugene, Ferreras, Gentile, James, Koo, Rose, Van Bramer, Vann, Williams, Wills, Crowley, Koslowitz, Arroyo, Lappin, Fidler, Jackson, Reyna, Gennaro, Greenfield, Lander, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to the publication of a brochure explaining the New York City property tax system.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-135 to read as follows:

§ 11-135 Informational brochure. 1. The department of finance shall publish on its website a brochure or brochures written in plain English that contains the following information:

(a) A description of the way the department determines market value and assessed value for all class one and class two property in the city of New York, and the way the property tax assessment determined by such values affects a property owner’s property tax bill.

(b) A description of the statement of account, notice of property value or similar document that provides a property owner with a description of his or her property, applied exemptions, and the assessed and market values of such property, and an explanation of the content contained therein.

(c) A description of property tax exemptions and abatements administered by the department, and the eligibility requirements and application deadlines of such property tax exemptions and abatements.

(d) A timeline of deadlines in the fiscal year as they relate to property tax assessment and payment of property taxes.

(e) A description of the process specified in sections one hundred sixty-four, one hundred sixty-four a, and one hundred sixty-four b of the New York city charter to dispute assessments determined by the department.

2. The brochure or brochures required by this section shall be published on the department’s website as follows:

(a) for class one properties, no later than January fifteenth, two thousand thirteen; and

(b) for class two properties, no later than January fifteenth, two thousand fourteen.

3. Such brochure or brochures shall be updated by the department on a periodic basis.

§ 2. This local law shall take effect immediately.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, December 10, 2012.

On motion of the Acting Speaker (Council Member Rivera), 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 Int. No. 979

Report of the Committee on Finance in favor of approving and adopting a Local Law in relation to extension of the due date for payment of the installment of real property tax that is ordinarily due and payable on January 1, 2013 for real property determined to be damaged and unsafe to enter or occupy as a result of the severe storm that occurred on October twenty-ninth and thirtieth, two thousand twelve.

The Committee on Finance, to which the annexed proposed local law was referred on December 10, 2012, respectfully

REPORTS:

Today, the Finance Committee will consider a Preconsidered Intro, a Local Law in relation to extension of the due date for payment of the installment of real property tax that is ordinarily due and payable on January 1, 2013 for real property determined to be severely damaged and unsafe to enter or occupy as a result of the severe storm that occurred on October twenty-ninth and thirtieth, two thousand twelve.

I. Background

On the evening of Monday, October 29th, Hurricane Sandy brought a catastrophic and unprecedented storm surge of epic proportions to New York City, causing massive flooding and extensive property damage, including flooding, collapsed roofs, and other extensive structural property damage, which in hundreds of cases, resulted in complete property loss) Although Hurricane Sandy effectively

left the city on October 30th, the effects of the hurricane still remain.

In inspecting and assessing the structural damage to buildings affected by Hurricane Sandy, the New York City Department of Buildings ("DOB") has tagged such buildings with colored placards to indicate the severity of the structural damage. Red placards indicate buildings that DOB has determined to be seriously damaged and unsafe to enter or occupy; buildings completely demolished by the storm also received red placards. Yellow placards indicate less severe damage than buildings with red placards, but the DOB has still limited the use of the building and requires the owner to make repairs.²

Section 11-224.1 of the New York City Administrative Code allows property owners to pay their property taxes without incurring interest if payment is made within a specified time of the property tax due date. Accordingly, for real property with an assessed valuation of no greater

¹ See *Hurricane Sandy Slams Small Business: 'Losing My Business Means Losing My House'*, available at http://www.huffingtonpost.com/2012/11/02/ice-cream-puddle-rice-can_2060539.html

² See http://www.nyc.gov/html/dob/downloadstpdf/Storm_Cleanup_FAQs.pdf than \$250,000, real property taxes that are due on January 1, 2013 may be paid without interest if paid in full no later than January 15, 2013. For real property with an assessed valuation greater than \$250,000, no interest will accrue if paid before January 3, 2013.

In order to assist owners of residential buildings that the DOB has determined to have the most severe damage as a result of the effects of Hurricane Sandy (as indicated by red placards), the Council, along with the Administration has allowed for a one-time extension for the payment of real property taxes.

II. Preconsidered Int.

The Preconsidered Intro adds unconsolidated provisions to the Administrative Code to allow the installment of real property taxes that would otherwise be due on January 1, 2013 to be paid, without interest or penalty, by April 1, 2013. If such installment is not paid in full by April 1, 2013, interest will be imposed from April 1, 2013 to the date of payment on any unpaid amount.

Specifically, the grace period would be applicable to all Class 1 and Class 2 tax lots (regardless of assessment amount) that had a property that:

- In the month of November 2012, received a red sticker from the Department of Buildings due to damage as a result of the effects of Hurricane Sandy; or
- Up until December 28, 2012, has received a red sticker from the Department of Buildings due to damage as a result of the effects of Hurricane Sandy, after having already received a yellow sticker from the agency in the month of November.

Section 2 of this bill provides that the bill will take effect immediately.

III. Impact

According to the Administration, as of November 27, 2012, 550 property tax lots that encompass 3,028 properties are expected to be eligible for the extended grace period³. While about 79 percent of the eligible tax lots are located in Staten Island and Queens, there are eligible tax lots in all five boroughs. The January 1, 2013 tax bill installment for these tax lots represent about \$1,553,000. These numbers may increase as more yellow tagged properties are reviewed and converted to red tags, however any change is expected to be minimal.

³ The reason there are more properties than tax lots is because some contain multiple properties, such as Breezy Point, Queens, which is a cooperative where all the properties are located on one tax billing lot.

(The following is the text of the Fiscal Impact Statement for Int. No. 979:)



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

PRECONSIDERED INTRO. NO:
COMMITTEE: Finance

extension of the due date for payment of the installment of real property tax that is ordinarily due and payable on January 1, 2013 for real property determined to be damaged and unsafe to enter or occupy as a result of the severe storm that occurred on October twenty-ninth and thirtieth, two thousand twelve.

Recchia, The Speaker (Council Member Quinn), and Ignizio (in conjunction with the Mayor).

SUMMARY OF LEGISLATION: This legislation provides a one-time three month grace period for the payment of property taxes due on January 1, 2013 for Class 1 and Class 2 residential properties that were heavily damaged by Hurricane Sandy. Properties eligible for this grace period are those that either received a red placard from the Department of Buildings in November 2013, or those that received a yellow placard in November that was subsequently changed to a red placard by December 28, 2013. The grace period allows eligible property owners to pay their January 1, 2013 installment of the property tax as late as April 1, 2013 without incurring any late fees or interest.

EFFECTIVE DATE: This local law shall take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2013

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	<i>De minis*</i>	<i>De minis*</i>	<i>De minis*</i>
Net	<i>De minis*</i>	<i>De minis*</i>	<i>De minis*</i>

IMPACT ON EXPENDITURES: *The expenditures on this bill are expected to be minimal. They stem from revenues lost from not earning interest for three months on the approximately \$1.5 million in payments that are eligible to be deferred. Since interest rates are so low, the forgone revenue is expected to be de minis.

SOURCE OF INFORMATION: New York City Office of Management and Budget
Council Finance

ESTIMATE PREPARED BY: Raymond Majewski, Deputy Director/Chief Economist
Emre Edev, Senior Legislative Financial Analyst

HISTORY: This bill will be considered by the Committee on Finance on December 10, 2012, and upon a successful vote, will be voted on by the Full Council on December 10, 2012.

Date Submitted to Council: THIS BILL WILL BE INTRODUCED TO THE FULL COUNCIL ON DECEMBER 10, 2012.

(The following is the text of the Mayor's Memo in Support for Int No. 979:)

MEMORANDUM IN SUPPORT

TITLE: A LOCAL LAW in relation to extension of the due date for payment of the installment of real property tax that is ordinarily due and payable on January 1, 2013 for real property determined to be damaged and unsafe to enter or occupy as a result of the severe storm that occurred on October twenty-ninth and thirtieth, two thousand twelve

SUMMARY OF PROVISIONS:

Section 1 of this bill provides a one time extension of the due date for the payment of real property taxes for “eligible real property” as defined in section 2 of the bill. Section 1 extends the due date for the real property tax installment that is ordinarily due and payable on January 1, 2013 pursuant to section 1519-a of the New York City Charter to April 1, 2013 for such “eligible real property”. For any such “eligible real property”, the installment may be paid without interest if paid in full by April 1, 2013. If such installment is not paid in full by April 1, 2013, interest will be imposed from April 1, 2013 to the date of payment on any unpaid amount. No additional grace period beyond April 1, 2013 is granted by this bill.

Section 2 of this bill defines “eligible real property” to mean any tax lot that, as of January 5, 2012, the taxable status date for assessment of real property for fiscal

year 2013, contained class one or class two real property, on which any building has been designated, as described in section 3 of the bill, by the Department of Buildings (“DOB”).

Section 3 provides that a building has been designated by DOB if, after inspection, during the period between November 1, 2012 and November 30, 2012, DOB has determined either (a) that a building on the tax lot was seriously damaged and is unsafe to enter or occupy or was completely demolished as a result of the effects of the storm commonly known as Hurricane Sandy (“Hurricane Sandy”) and such determination has been indicated by a notation on DOB records and/or by the posting of a red placard warning on the building; or (b) that a building on the tax lot requires repairs or has a restricted area, and such determination has been indicated on DOB records and/or by the posting of a yellow sticker on the building, and, during the period beginning December 1, 2012 and ending December 28, 2012, DOB determined the building to be seriously damaged and unsafe to enter or occupy or completely demolished as a result of the effects of Hurricane Sandy, and such determination has been indicated by a notation on DOB records and/or by the posting of a red placard warning on the building.

Section 4 would make this bill take effect immediately.

REASONS FOR SUPPORT:

Beginning on October 29, 2012, and continuing thereafter, Hurricane Sandy caused severe storm surge in areas of New York City. The DOB has inspected the structural stability of buildings affected by the hurricane and tagged with a red placard and/or indicated on its records, those buildings that it determined to be seriously damaged and unsafe to enter or occupy or completely demolished as a result of the effects of the hurricane, and in some cases tagged with a yellow sticker and/or indicated on its records, those buildings it determined to require repairs or to have a restricted area, that it then subsequently tagged with a red placard and/or indicated on its records that the building is seriously damaged and unsafe to enter or occupy or completely demolished. Ordinarily, under New York City Administrative Code §11-224.1, the installment of real property taxes that becomes due on January 1, 2013 may be paid without interest if paid in full no later than January 15, 2013 for real property with an assessed valuation no greater than \$250,000, and if paid in full no later than January 2, 2013 for real property with an assessed valuation greater than \$250,000. In order to assist owners of tax lots on which there is a building that the DOB determined to be seriously damaged and unsafe to enter or occupy or completely demolished as a result of the effects of Hurricane Sandy, this bill provides for such tax lots a one-time extension of the due date for payment of the real property tax installment that is ordinarily due on January 1, 2013, such that the real property tax installment that originally would have been due on January 1, 2013 on the affected parcels may be paid in full without interest no later than April 1, 2013.

Accordingly, the Mayor urges the earliest possible favorable consideration of this legislation.

Respectfully submitted,

Patrick A. Wehle

Accordingly, this Committee recommends its adoption.

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

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, December 10, 2012.

On motion of the Acting Speaker (Council Member Rivera), 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 M-981

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget in regard to transferring 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-1).

The Committee on Finance, to which the annexed resolution was referred on December 10, 2012, 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 December 10, 2012, the Committee on Finance received a communication, dated December 5, 2012, 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 \$7,785,746 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 Charter of the City of New York (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 Fiscal Year 2013 (the "Fiscal 2013 Expense Budget"). This Modification reallocates appropriations that were reflected in the Fiscal 2013 Expense Budget to fund City Council local initiatives as well as other discretionary programs.

Programs within the following agencies will receive funding as a result of this Modification:

- Administration of Children Services (\$5,140,172)
- City University of New York (\$215,000)
- Dept. of Cultural Affairs (\$199,783)
- Dept. of Education (\$544,500)
- Dept. of Health and Mental Hygiene (\$153,500)
- Dept. of Homeless Services (\$56,000)
- Dept. of Parks and Recreation (\$8,500)
- Dept. of Probation (\$647,000)
- Dept. of Sanitation of New York (\$14,085)
- Dept. of Small Business Services (\$324,639)
- Dept. of Social Services (\$12,000)
- Dept. of Transportation (\$3,000)
- Dept. of Youth and Community Development (\$393,567)
- District Attorneys (\$40,000)
- Housing Preservation and Development (\$28,000)
- NYPD (\$6,000)

Funding in the amount of \$5.5 million will be allocated from the general reserve to fund daycare centers.

The net effect of this Modification is zero. For more detail on the funding transfer between agencies, initiatives and discretionary programs, see Appendix A of the attached report.

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.

(The following is the text of a Finance 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: December 10, 2012

SUBJECT: A budget modification (MN-1) for Fiscal Year 2013 to implement changes in the City's expense budget.

INITIATION: By letter dated December 5, 2012, 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 \$7,785,746 between various agencies in Fiscal Year 2013 to implement changes in the City's expense budget.

BACKGROUND: MN-1 reallocates appropriations that were reflected in the FY 2013 Adopted Budget to fund City Council local initiatives as well as other discretionary programs.

FISCAL IMPACT: M N-1 represents the reallocation of appropriations. The net effect of this modification is zero.

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

Res. No. 1607

RESOLUTION APPROVING THE MODIFICATION (MN-1) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(b) OF THE CHARTER OF THE CITY OF NEW YORK.

By Council Member Recchia.

Whereas, at a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on December 10, 2012 the Committee on Finance received a communication, dated December 5, 2012 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 \$7,785,746 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 Charter of the City of New York (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:

December 5, 2012

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.

As requested by the City Council, this modification (MN-1) reallocates appropriations that were reflected in the FY 2013 Adopted Budget to fund City Council local initiatives as well as other discretionary programs.

Your approval of modification MN — 1 is respectfully requested.

Yours truly,

Mark Page

Fiscal Year 2013 Budget Modification		
- MN 1 -		
FROM		
040	DEPARTMENT OF EDUCATION	
454	CENTRAL ADMINISTRATION - OTPS	-750,000
057	FIRE DEPARTMENT	
005	EXECUTIVE ADMIN - OTPS	-5,000
098	MISCELLANEOUS	
002	OTPS	-9,000
002	GENERAL RESERVE	-5,500,172
125	DEPARTMENT FOR THE AGING	
003	COMMUNITY PROGRAMS - OTPS	-312,700
260	YOUTH & COMMUNITY DEVELOPMEN	
005	COMMUNITY DEVELOPMENT - OTPS	-948,285
816	DEPT HEALTH & MENTAL HYGIENE	
113	HLTH PROMO & DISEASE PREV-OTPS	-13,000
114	OTPS - ENVIRONMENTAL HLTH SVCS	-242,089
120	MENTAL HEALTH	-5,500
		-7,785,746

Fiscal Year 2013 Budget Modification		
- MN 1 -		
TO		
040	DEPARTMENT OF EDUCATION	
401	GE INSTR. & SCHOOL LEADERSHIP	64,000
402	GE INSTR. & SCHOOL LEADERSHIP	480,500
042	CITY UNIVERSITY	
001	COMMUNITY COLLEGE-OTPS	215,000
056	POLICE DEPARTMENT	
100	OPERATIONS - OTPS	6,000
068	ADMIN. FOR CHILDREN SERVICES	
004	HEADSTART/DAYCARE - OTPS	5,140,172
069	DEPARTMENT OF SOCIAL SERVICES	
105	ADULT SERVICES - OTPS	12,000
071	DEPT. OF HOMELESS SERVICES	
200	OTHER THAN PERSONAL SERVICE	56,000
126	DEPARTMENT OF CULTURAL AFFAIRS	
002	OFFICE OF COMMISSIONER - OTPS	99,950
003	CULTURAL PROGRAMS	95,833
007	THE WILDLIFE CONSERVATION SOC.	4,000

Fiscal Year 2013 Budget Modification		
- MN 1 -		
	TO	
260 YOUTH & COMMUNITY DEVELOPMENT		
312 OTHER THAN PERSONAL SERVICE		393,567
781 DEPARTMENT OF PROBATION		
003 PROBATION SERVICES - OTPS		647,000
801 DEPT. SMALL BUSINESS SERVICES		
002 DEPT OF BUSINESS SERV. - OTPS		324,639
806 HOUSING PRESERVATION & DEV.		
009 OFFICE OF DEVELOPMENT-OTPS		28,000
816 DEPT HEALTH & MENTAL HYGIENE		
112 OTPS - DISEASE INTERVENTION		3,500
117 OTPS - HEALTH CARE ACCESS		100,000
121 MENTAL RETARDATION SERVICES		50,000
827 DEPARTMENT OF SANITATION		
109 CLEANING & COLLECTION - OTPS		14,085
841 DEPARTMENT OF TRANSPORTATION		
014 OTPS-TRAFFIC OPERATIONS		3,000
846 DEPT OF PARKS AND RECREATION		
006 MAINTENANCE & OPERATIONS-OTPS		8,500

Thursday, December 06, 2012006Page 3 of 4

Fiscal Year 2013 Budget Modification		
- MN 1 -		
	TO	
901 DISTRICT ATTORNEY - N.Y.		
002 OTHER THAN PERSONAL SERVICE		40,000
		7,785,746
		0

Thursday, December 06, 2012002Page 4 of 4

APPENDIX A		
FROM		
040 DEPARTMENT OF EDUCATION		
454 CENTRAL ADMINISTRATION - OTPS		
Anti-Gun Violence Initiative		-750,000
Subtotal for CENTRAL ADMINISTRATION - OTPS		-750,000
Subtotal for DEPARTMENT OF EDUCATION		-750,000
057 FIRE DEPARTMENT		
005 EXECUTIVE ADMIN - OTPS		
Bedford Stuyvesant Volunteer Ambulance Corps		-5,000
Subtotal for EXECUTIVE ADMIN - OTPS		-5,000
Subtotal for FIRE DEPARTMENT		-5,000
098 MISCELLANEOUS		
002 OTPS		
Anti-Gun Violence Initiative		-55,000
New York City Alliance Against Sexual Assault		40,000
New York City Housing Authority		-1,500
Ralph J. Rangel Houses Tenant Association		3,500
South Brooklyn Legal Services		5,000
Stuyvesant Gardens II Tenant Association		-1,000
Subtotal for OTPS		-9,000
002 GENERAL RESERVE		
General Reserve		-5,500,172
Subtotal for GENERAL RESERVE		-5,500,172
Subtotal for MISCELLANEOUS		-5,509,172

Thursday, December 06, 2012Page 1 of 12

FROM		
125 DEPARTMENT FOR THE AGING		
003 COMMUNITY PROGRAMS - OTPS		
Council of Jewish Organizations of Staten Island, Inc.		5,000
Dorchester Senior Citizens Center, Inc.		3,800
Fenimore Senior Center, Inc.		-18,000
Jewish Association for Services for the Aged (JASA)		14,000
Maspeth Town Hall, Inc.		9,500
Metropolitan New York Coordinating Council on Jewish Poverty		2,000
Morris Park Community Association		5,000
Most Precious Blood Roman Catholic Church		5,000
Our Lady of Grace Roman Catholic Church		15,000
Queens Community House, Inc.		1,000
Queens Jewish Community Council, Inc.		5,000
Ridgewood Bushwick Senior Citizens Council, Inc.		-375,000
St. Mary's Roman Catholic Church		5,000
St. Simon and Jude Senior Group		5,000
United Chinese Association of Brooklyn		5,000
Subtotal for COMMUNITY PROGRAMS - OTPS		-312,700
Subtotal for DEPARTMENT FOR THE AGING		-312,700

Thursday, December 06, 2012Page 2 of 12

FROM		
260	YOUTH & COMMUNITY DEVELOPMENT	
005	COMMUNITY DEVELOPMENT - OTPS	
	Anti-Gun Violence Initiative	-997,000
	Best of Brooklyn, Inc.	-175,000
	B'nai B'rith Hillel Foundation, Inc. at Brooklyn College	25,000
	Bobbi and the Strays, Inc.	-5,000
	Bridge Street Development Corporation	1,000
	Brooklyn Arts Council, Inc.	-45,000
	Center for the Women of New York, Inc., The	3,500
	Chhaya Community Development Corporation	2,000
	City Harvest, Inc.	-3,500
	Comunilife, Inc.	-50,000
	Crown Heights North Association	5,000
	Doe Fund, Inc., The	-58,000
	Dominican Women's Development Center	50,000
	East Williamsburg Valley Industrial Development Corporation	10,000
	Erasmus Neighborhood Federation	-10,000
	Federation of Hindu Mandirs USA Inc.	-5,000
	Fractured Atlas Productions, Inc.	11,000
	Friends of Crown Heights Educational Centers, Inc.	-700
	Fund for the City of New York, Inc.	-3,000
	Fund for the City of New York, Inc. - SWAN	15,000
	Glendale Civilian Observation Patrol, Inc., The	5,000
	Hispanic Federation, Inc.	500
	Indo-Caribbean Alliance, Inc.	-5,000
	Leap Inc.	-3,500
	Maspeth Chamber of Commerce, Inc.	-8,000
	Metropolitan New York Coordinating Council on Jewish Poverty	-18,585
	Morris Park Community Association	-5,000
	New York City Alliance Against Sexual Assault	-40,000
Thursday, December 06, 2012		
Page 3 of 12		

FROM		
	New York Legal Assistance Group	3,000
	Queens Community House, Inc.	-10,000
	Ridgewood Bushwick Senior Citizens Council, Inc.	375,000
	South Brooklyn Legal Services	-5,000
	Staten Island Aid for Retarded Children (d/b/a Community Reso	-5,000
	Trinity's Services and Food for the Homeless, Inc.	-12,000
	Ujima Community Working Together Inc.	5,000
	United Chinese Association of Brooklyn	-5,000
	Wagner College	10,000
	Subtotal for COMMUNITY DEVELOPMENT - OTPS	-948,285
	Subtotal for YOUTH & COMMUNITY DEVELOPMENT	-948,285
816	DEPT HEALTH & MENTAL HYGIENE	
113	HLTH PROMO & DISEASE PREV-OTPS	
	Aesclepius Medical Society	-6,000
	Brain Tumor Foundation, The	-7,000
	Subtotal for HLTH PROMO & DISEASE PREV-OTPS	-13,000
114	OTPS - ENVIRONMENTAL HLTH SVCS	
	Animal Care and Control of New York City	-4,500
	Anti-Gun Violence Initiative	-337,589
	Department of Health and Mental Hygiene	100,000
	Subtotal for OTPS - ENVIRONMENTAL HLTH SVCS	-242,089
120	MENTAL HEALTH	
	Marble Hill Nursery School	-5,000
	Samaritans of New York, Inc.	-500
	Subtotal for MENTAL HEALTH	-5,500
	Subtotal for DEPT HEALTH & MENTAL HYGIENE	-260,589
	Subtotal for DEPT HEALTH & MENTAL HYGIENE	-260,589
Thursday, December 06, 2012		
Page 4 of 12		

TO		
040	DEPARTMENT OF EDUCATION	
401	GE INSTR. & SCHOOL LEADERSHIP	
	Department of Education	64,000
	Subtotal for GE INSTR. & SCHOOL LEADERSHIP	64,000
402	GE INSTR. & SCHOOL LEADERSHIP	
	Computers for Youth Foundation, Inc.	5,000
	Department of Education	4,000
	DOE-District 31, Region 7	4,500
	Enact, Inc.	96,400
	Fund for the City of New York, Inc. - Life Camp, Inc.	96,400
	Fund for the City of New York, Inc. - Man Up!	48,200
	Grover Cleveland High School	-15,000
	Morningside Center for Teaching Social Responsibility, Inc.	48,200
	New York Center for Interpersonal Development	96,400
	New York City Mission Society	48,200
	Street Corner Resources, Inc.	48,200
	Subtotal for GE INSTR. & SCHOOL LEADERSHIP	480,500
	Subtotal for DEPARTMENT OF EDUCATION	544,500
042	CITY UNIVERSITY	
001	COMMUNITY COLLEGE-OTPS	
	B'nai B'rith Hillel Foundation, Inc. at Brooklyn College	-25,000
	Research Foundation of the City University of New York	250,000
	Wagner College	-10,000
	Subtotal for COMMUNITY COLLEGE-OTPS	215,000
	Subtotal for CITY UNIVERSITY	215,000
Thursday, December 06, 2012		
Page 5 of 12		

TO		
056	POLICE DEPARTMENT	
100	OPERATIONS - OTPS	
	New York City Police Department	6,000
	Subtotal for OPERATIONS - OTPS	6,000
	Subtotal for POLICE DEPARTMENT	6,000
068	ADMIN. FOR CHILDREN SERVICES	
004	HEADSTART/DAYCARE - OTPS	
	Administration for Children Services	4,634,002
	Colony - South Brooklyn Houses, Inc.	506,170
	Subtotal for HEADSTART/DAYCARE - OTPS	5,140,172
	Subtotal for ADMIN. FOR CHILDREN SERVICES	5,140,172
069	DEPARTMENT OF SOCIAL SERVICES	
105	ADULT SERVICES - OTPS	
	Trinity's Services and Food for the Homeless, Inc.	12,000
	Subtotal for ADULT SERVICES - OTPS	12,000
	Subtotal for DEPARTMENT OF SOCIAL SERVICES	12,000
071	DEPT. OF HOMELESS SERVICES	
200	OTHER THAN PERSONAL SERVICE	
	Doe Fund, Inc., The	56,000
	Subtotal for OTHER THAN PERSONAL SERVICE	56,000
	Subtotal for DEPT. OF HOMELESS SERVICES	56,000
Thursday, December 06, 2012		
Page 6 of 12		

TO		
126	DEPARTMENT OF CULTURAL AFFAIRS	
002	OFFICE OF COMMISSIONER - OTPS	
	Department of Cultural Affairs	99,950
	Subtotal for OFFICE OF COMMISSIONER - OTPS	99,950
003	CULTURAL PROGRAMS	
	Afro-Latin Jazz Alliance, Inc.	3,000
	Brooklyn Arts Council, Inc.	45,000
	Fractured Atlas Productions, Inc.	-11,000
	Greater Ridgewood Historical Society, Inc.	-5,000
	Jazzmobile, Inc.	-3,500
	Latino International Theater Festival of New York, Inc.	5,000
	Nia Theatrical Production Company, Inc.	15,000
	Poppenhusen Institute	3,500
	Universal Temple of the Arts	43,833
	Subtotal for CULTURAL PROGRAMS	95,833
007	THE WILDLIFE CONSERVATION SOC.	
	Wildlife Conservation Society	4,000
	Subtotal for THE WILDLIFE CONSERVATION SOC.	4,000
	Subtotal for DEPARTMENT OF CULTURAL AFFAIRS	199,783

TO		
260	YOUTH & COMMUNITY DEVELOPMENT	
312	OTHER THAN PERSONAL SERVICE	
	Brooklyn Aquarium Society, Inc.	-4,000
	Brooklyn Steppers, Inc., The	-3,500
	Computers for Youth Foundation, Inc.	-5,000
	Council for Unity, Inc.	200,000
	Episcopal Social Services of New York, Inc.	-10,000
	Family Renaissance, Inc.	18,000
	Federation of Italian American Organizations of Brooklyn, Ltd.	160,000
	Friends United Youth Center	-3,100
	Gravesend Athletic Association	-30,000
	Greater Zion Hill Community Action Network, Inc.	-6,500
	Jewish Institute of Queens	150,000
	Man Up!, Inc.	5,000
	Maspeth Town Hall, Inc.	-9,500
	Reading Reform Foundation of New York	-4,000
	Saxrack Learning Center Inc.	1,000
	Universal Black Family Awareness Inc.	-15,000
	Universal Temple of the Arts	-43,833
	Youth Service League Inc.	-6,000
	Subtotal for OTHER THAN PERSONAL SERVICE	393,567
	Subtotal for YOUTH & COMMUNITY DEVELOPMENT	393,567

TO		
781	DEPARTMENT OF PROBATION	
003	PROBATION SERVICES - OTPS	
	Fund for the City of New York, Inc. - Center for Court Innovatic	129,400
	Fund for the City of New York, Inc. - Man Up	129,400
	New York City Mission Society	129,400
	Osborne Association, Inc., The	129,400
	Research Foundation of the City University of New York	129,400
	Subtotal for PROBATION SERVICES - OTPS	647,000
	Subtotal for DEPARTMENT OF PROBATION	647,000
801	DEPT. SMALL BUSINESS SERVICES	
002	DEPT OF BUSINESS SERV. - OTPS	
	Bedford Stuyvesant Restoration Corporation	-5,000
	Best of Brooklyn, Inc.	175,000
	Harlem Business Alliance, Inc.	6,500
	Leap Inc.	3,500
	Maspeth Chamber of Commerce, Inc.	8,000
	NYC & Company	-99,950
	Paraprofessional Healthcare Institute, Inc.	90,000
	SCO Center for Family Life Sunset Park	147,589
	Washington Heights and Inwood Development Corporation	-1,000
	Subtotal for DEPT OF BUSINESS SERV. - OTPS	324,639
	Subtotal for DEPT. SMALL BUSINESS SERVICES	324,639

TO		
806	HOUSING PRESERVATION & DEV.	
009	OFFICE OF DEVELOPMENT-OTPS	
	Erasmus Neighborhood Federation	13,000
	Neighborhood Housing Services of East Flatbush, Inc.	3,500
	Neighborhood Housing Services of Northern Queens	2,500
	Queens Community House, Inc.	9,000
	Subtotal for OFFICE OF DEVELOPMENT-OTPS	28,000
	Subtotal for HOUSING PRESERVATION & DEV.	28,000
816	DEPT HEALTH & MENTAL HYGIENE	
112	OTPS - DISEASE INTERVENTION	
	God's Love We Deliver, Inc.	3,500
	Subtotal for OTPS - DISEASE INTERVENTION	3,500
117	OTPS - HEALTH CARE ACCESS	
	Working Today Inc.	100,000
	Subtotal for OTPS - HEALTH CARE ACCESS	100,000
121	MENTAL RETARDATION SERVICES	
	Comunilife, Inc.	50,000
	Subtotal for MENTAL RETARDATION SERVICES	50,000
	Subtotal for DEPT HEALTH & MENTAL HYGIENE	153,500
827	DEPARTMENT OF SANITATION	
109	CLEANING & COLLECTION - OTPS	
	Department of Sanitation	14,085
	Subtotal for CLEANING & COLLECTION - OTPS	14,085
	Subtotal for DEPARTMENT OF SANITATION	14,085

		TO	
841	DEPARTMENT OF TRANSPORTATION		
014	OTPS-TRAFFIC OPERATIONS		
	Department of Transportation		3,000
	Subtotal for OTPS-TRAFFIC OPERATIONS		3,000
	Subtotal for DEPARTMENT OF TRANSPORTATION		3,000
846	DEPT OF PARKS AND RECREATION		
006	MAINTENANCE & OPERATIONS-OTPS		
	Department of Parks and Recreation		-1,500
	Forest Park Trust, Inc.		10,000
	Subtotal for MAINTENANCE & OPERATIONS-OTPS		8,500
	Subtotal for DEPT OF PARKS AND RECREATION		8,500
901	DISTRICT ATTORNEY - N.Y.		
002	OTHER THAN PERSONAL SERVICE		
	BrotherhoodSister Sol Inc., The		40,000
	Subtotal for OTHER THAN PERSONAL SERVICE		40,000
	Subtotal for DISTRICT ATTORNEY -N.Y.		40,000
			7785746

Thursday, December 06, 2012

Page 11 of 12

		TO	
			0

Thursday, December 06, 2012

Page 12 of 12

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, December 10, 2012.

On motion of the Acting Speaker (Council Member Rivera), 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 Res. No. 1587-A

Report of the Committee on Finance in favor of approving, as amended, a resolution concerning the increase in the annual expenditure for the Fifth Avenue Association, Bryant Park, Downtown-Lower Manhattan, Kings Highway, 47th Street, North Flatbush Avenue and Madison/23rd/Flatiron/Chelsea Business Improvement Districts, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.

The Committee on Finance, to which the annexed resolution was referred on November 27, 2012 (Minutes, page 4373), respectfully

REPORTS:

ANALYSIS

This resolution sets a date for a public hearing pursuant to requests from seven Business Improvement Districts (BIDs) to increase their annual expenditures effective *as* of July 1, 2013. December 18, 2012 is the scheduled date in the City Hall Committee Room in New York, NY, and 10 am. is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation, which would increase the amount to be expended annually in the seven BIDs.

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

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

The following BIDs have requested an assessment increase for Fiscal Year 2013:

BID ASSESSMENT INCREASE REQUESTS
FISCAL YEAR 2013

BID Name	Year Est.	Last Assessment Increase	Present Assessment	Requested Assessment	CM District	Purpose of Assessment Increase
Alliance for Downtown NY	1995	FY06 \$1,750,000	\$13,000,000	\$15,900,000 (\$2.9M increase or 22.3%)	Chin	Expanded outreach through a new website, mobile app, social media and printed materials, additional computer equipment; and hire a landscape architect to develop a district-wide planting plan.
Bryant Park	1986	FY94 \$100,000	\$900,000	\$1,100,000 (\$200K increase or 22.2%)	Quinn	Hire new staff in design, horticulture, and park programs; enhance park lighting project and repairs to bluestone pathway; added maintenance costs for the Carousel including the replacement of the canopy; new electric charges for Citi Pond ; increases in payroll and payroll-related costs.
5 th Avenue	1993	FY11 \$153,720	\$2,715,720	\$2,905,000 (\$190K increase or 6.9%)	Quinn & Garodnick	Added supplies and office expenses, and increase in uniform cost; and increases in real estate taxes, rent, and payroll-related costs.
47 th Street	1997	FY09 \$168,633	\$500,000	\$700,000 (\$200K increase or 40%)	Quinn	Hire two additional public safety officers, and maintain security cameras; strengthen the supervision and management of sanitation services; hire a public relations consultant; and administrative costs.
Flatiron	2006	None	\$1,600,000	\$2,200,000 (\$600K increase or	Quinn	Enhance sanitation services; and increases in payroll, insurance costs and taxes.

				37.5%)		
Kings Highway	1990	FY06 \$50,000	\$250,000	\$290,000 (\$40K increase or 16%)	Nelson	Purchase new trash receptacles; install new lighting; and replace park benches.
North Flatbush	1986	FY07 \$22,000	\$115,000	\$200,000 (\$85K increase or 73.9%)	Levin & James	Increase in sanitation services; street scape, and increases in payroll, insurance, rent and printing costs.

FF = Per frontage foot, the length of the property facing the street
AV = Assessed Value, the assessed value is then multiplied by the given rate
SF = Square Foot, the square feet is then multiplied by the given rate

Accordingly, this Committee recommends its adoption, as amended.

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

Res. No. 1587-A

Resolution concerning the increase in the annual expenditure for the Fifth Avenue Association, Bryant Park, Downtown-Lower Manhattan, Kings Highway, 47th Street, North Flatbush Avenue and Madison/23rd/Flatiron/Chelsea Business Improvement Districts, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.

By Council Members Recchia, Koo, Wills, Fidler, Jackson, Reyna, Barron and Gennaro.

Whereas, pursuant to Chapter 4 of Title 25 of the Administrative Code of the City of New York or the predecessor of such Chapter (the "BID Law"), the City established the Fifth Avenue Association, Bryant Park, Downtown-Lower Manhattan, Kings Highway, 47th Street, North Flatbush Avenue and Madison/23rd/Flatiron/Chelsea Business Improvement Districts in the City of New York; and

Whereas, pursuant to Local Law No. 82 for the year of 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

Whereas, pursuant to Section 25-410(b) of the BID Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded; and

Whereas, the seven Business Improvement Districts wish to increase the amount to be expended annually beginning on July 1, 2012 as follows: Fifth Avenue Association, \$2,905,000; Bryant Park, \$1,100,000; Downtown-Lower Manhattan, \$15,900,000; Kings Highway, \$290,000; 47th Street, \$700,000; North Flatbush Avenue, \$200,000; and Madison/23rd/Flatiron/Chelsea, \$2,200,000; and

Whereas, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the districts specifying the time when and the place where the hearing will be held and stating the proposed amount to be expended annually; now, therefore, be it

RESOLVED, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

(i) December 18, 2012 is the date, and the City Hall Room Committee Room in Manhattan is the place, and 10 AM is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation, which would increase the amount to be expended annually in the seven Business Improvement Districts; and

(ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Associations of the Fifth Avenue Association, Bryant Park, Downtown-Lower Manhattan, Kings Highway, 47th Street, North Flatbush Avenue and Madison/23rd/Flatiron/Chelsea Business Improvement Districts are hereby authorized to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and setting forth the increase in the amount to be expended annually in each of the seven Business Improvement Districts.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, December 10, 2012.

On motion of the Acting Speaker (Council Member Rivera), 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 Res. No. 1603

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 December 10, 2012, 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").

Analysis. This Resolution, dated December 10, 2012, amends the description for the Description/Scope of St. Margaret Mary, an organization receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget in the amount of \$9,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of Services to read: "To provide their food pantry to the community at large. Funds will be used to offset the utility costs of providing these programs"

Additionally, this Resolution amends the description for the Descri pti on/Scope of Services for 110th Precinct Community Council, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2013 Expense Budget in the amount of \$3,500 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of Services to read: "To support youth centered programming designed to heighten crime and drug prevention awareness in youth and for general operating expenses and bookkeeping fees."

Moreover, this Resolution amends the description for the Description/Scope of Services for St. Ann's Warehouse, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget in the amount of \$34,500 within the budget of the Department of Cultural Affairs. This Resolution changes the Description/Scope of Services to read: "To sponsor the Roadkill Forum which helps to inform the public about the dangers of human sex trafficking. The Roadkill Forum will hold a free series of wrap-around public programming events."

Additionally, this Resolution amends the description for the Description/Scope of Services for Council on the Environment of New York City, Inc. D/B/A GrowNYC., an organization receiving EBTs at Food Markets discretionary funding in accordance with the Fiscal 2013 Expense Budget in the amount of \$270,000 within the budget of the Department of Youth and

Community Development. This Resolution changes the Description/Scope of Services to read: "Funds will be used for both EBT (\$245,000) and Learn it, Grow it, Eat it (\$25,000) programs."

Lastly, this Resolution also approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2013 Expense Budget, and approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in such budgets.

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 Expense Budget.

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; and 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.

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, asset forth in Adjustments Summary/Schedule C/ Fiscal 2013 Expense Budget, dated June 28, 2012.

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 Senior Centers and Programs Restoration 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 Infant Mortality Reduction 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 the OST 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 Coalition of Theaters of Color 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 Design Week Initiative in accordance with the Fiscal 2013 Expense Budget.

Chart 9 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 10 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Early Learn/Childcare Initiative in accordance with the Fiscal 2013 Expense Budget.

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

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

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

Accordingly, this Committee recommends its adoption.

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

Res. No. 1603

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

By Council Members Recchia, Fidler, Jackson, Reyna, James and Wills.

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 the new Description/Scope of Services for St. Margaret Mary, as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for the 110th Precinct Community Council, Inc., as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for St. Ann's Warehouse, Inc., as described in the report attached hereto; 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 Senior Centers and Programs Restoration 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 Infant Mortality Reduction 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 the 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 Coalition of Theaters of Color 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 and changes in the designation of certain organizations receiving funding pursuant to the Design Week 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 designation and changes in the designation of certain organizations receiving funding pursuant to the Early Learn/Childcare Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 9.

ATTACHMENT:

CHART 1: Local Initiatives - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agg. 2	UJA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Braverman	St. Luke's-Roosevelt Hospital Center for Comprehensive	13-2697201	OC-LC	(\$3,000.00)	008	002		
Braverman	Crime Victims Treatment Center	13-2697201	OC-LC	\$3,000.00	008	002		
Reyna	Grover Cleveland High School **	11-6038568	DOE	(\$10,000.00)	040	407		
Reyna	Greater Ridgewood Historical Society, Inc. **	11-2408274	DCLA	\$10,000.00	126	003		
Palma	Educational Social Services of New York, Inc. **	13-3708066	DYCD	(\$10,000.00)	260	312		
Palma	Reading Reform Foundation of New York, Inc. **	13-3081223	DYCD	(\$4,000.00)	260	312		
Palma	Jewish Association for Services for the Aged (JASA) - MacArthur Hall Senior Center **	13-2620866	DFTA	\$14,000.00	126	003		
Fidler	Congregation Menzies Shulrei Torah	41-2671364	DYCD	(\$6,000.00)	260	005		
Fidler	Congregation Menzies Shulrei Torah DGA Mayan Yisrael	41-2671364	DYCD	\$6,000.00	260	005		
Oddo	Metropolitan Jewish Community Center of New York, Inc.	96-2649778	DYCD	(\$3,000.00)	260	005		
Oddo	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738816	DYCD	\$3,500.00	260	005		
Palma	Department of Transportation	13-6400434	DOT	(\$3,000.00)	841	007		
Palma	Dominican Women's Development Center **	13-3693865	DYCD	\$50,000.00	260	005		
Recchia	Universal Temple of the Arts **	13-3335266	DYCD	(\$25,000.00)	260	312		
Recchia	Universal Temple of the Arts **	13-3335266	DCLA	\$25,000.00	126	003		
Urlich	Federation of Hindu Mendris USA, Inc. **	11-3276918	DYCD	(\$5,000.00)	260	005		
Urlich	Forest Park Trust, Inc. **	31-1558545	DHR	\$5,000.00	848	006		
CC	Brooklyn Arts Council, Inc. **	28-1072915	DYCD	(\$45,000.00)	260	005		
CC	Brooklyn Arts Council, Inc. **	28-1072915	DYCD	\$45,000.00	260	005		
Landier	Old Stone House of Brooklyn	11-3032348	DCLA	\$5,000.00	828	003		
Landier	Old Stone House of Brooklyn	11-3032348	DYCD	\$6,000.00	260	005		
Eugene	Aesclepius Medical Society **	11-3204211	DCHMH	(\$6,000.00)	816	113		
Eugene	New York Legal Assistance Group **	13-3654528	DYCD	\$3,000.00	260	005		
Eugene	Erasmus Neighborhood Federation **	11-2490966	HPD	\$3,000.00	806	009		
Rodriguez	Northern Manhattan Coalition for Economic Development, Inc.	13-3651565	DYCD	(\$4,000.00)	260	005		
Rodriguez	Hispanic Federation, Inc.	13-3573652	DYCD	\$4,000.00	260	005		
CC	New York City Alliance Against Sexual Assault **	31-1702032	DYCD	(\$40,000.00)	260	005		
CC	New York City Alliance Against Sexual Assault **	31-1702032	OC-LC	\$40,000.00	098	002		
Oddo	Staten Island Senile Fastpitch Softball Club Inc.	27-2925251	DYCD	(\$1,000.00)	260	312		
Oddo	Enrichment Through the Arts	11-3051230	DYCD	(\$3,500.00)	260	312		
Oddo	St. Margaret Mary	13-2693960	DYCD	\$4,500.00	260	005		

* 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 ConduitSponsoring Organization	Fiscal Conduit EIN *
Siebrock	Jewish Association for Services for the Aged (JASA)	13-2620896	DFTA	(\$5,000.00)	125	003		
Siebrock	Jewish Association for Services for the Aged (JASA) - Einstein Senior Center	13-2620896	DFTA	\$8,000.00	125	003		
Mealy	Fort Greene Senior Citizens Council, Inc.	11-2300840	DFTA	(\$10,000.00)	125	003		
Mealy	Fort Greene Senior Citizens Council, Inc. - Christopher Bluman Senior Center	11-2300840	DFTA	\$10,000.00	125	003		
Mealy	Fort Greene Senior Citizens Council, Inc.	11-2300840	DFTA	(\$10,000.00)	125	003		
Mealy	Wayide Out-Reach Development, Inc. (WORD) - Brevoort Senior Center	11-3529860	DFTA	(\$9,158.00)	125	003		
Mealy	Wayide Out-Reach Development, Inc. (WORD) - Yliden Senior Center	11-3529860	DFTA	\$7,000.00	125	003		
Mealy	Wayide Out-Reach Development, Inc. (WORD) - Van Dyke I Senior Center	11-3529860	DFTA	\$10,000.00	125	003		
Mealy	Wayide Out-Reach Development, Inc. - Spring Creek Gardens Senior	11-3529860	DFTA	\$2,168.00	125	003		
Barron	Domain Community Services DBA Spring Creek Gardens Senior Center	11-3529860	DFTA	(\$8,000.00)	125	003		
Barron	Domain Community Services DBA Spring Creek Gardens Senior Center	45-3272811	DFTA	\$8,000.00	125	003		*
Mendez	United Jewish Council of the East Side, Inc.	13-2735378	DFTA	(\$1,500.00)	125	003		
Mendez	United Jewish Council of the East Side, Inc.	13-2735378	DFTA	\$2,500.00	125	003		

* Indicates pending completion of pre-qualification review.

CHART 1: Local Initiatives - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal ConduitSponsoring Organization	Fiscal Conduit EIN *
Mendez	Trinity's Services and Food for the Homeless, Inc. **	13-3401340	DYCD	(\$12,000.00)	260	005		
Ferreiras	Trinity's Services and Food for the Homeless, Inc. **	13-3401340	HRA	\$12,000.00	069	105		
Ferreiras	Centro Comunitario de Asistencia Legal Inc.	11-3569657	DYCD	(\$7,500.00)	260	005		
Ferreiras	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818	DYCD	\$7,500.00	260	005		
Brewer	Fund for the City of New York, Inc.	13-2612524	DCLA	(\$3,000.00)	126	003		
Brewer	Afro-Latin Jazz Alliance, Inc.	26-0670214	DCLA	\$3,000.00	126	003		
Koslowitz	Queens Chamber of Commerce das Chamber of Commerce	11-0569220	D88S	(\$5,000.00)	801	002		
Koslowitz	Queens Chamber of Commerce das Chamber of Commerce	11-0569220	D88S	(\$5,000.00)	801	002		
Dilan	Community Improvement Athletic League	27-2483521	DYCD	(\$4,000.00)	260	312		*
Dilan	Youth Service League Inc. **	11-1973738	DYCD	\$6,000.00	260	312		
Dilan	New York City Police Department **	11-1973738	DYCD	(\$6,000.00)	260	312		
Vann	Vanguard Urban Improvement Association, Inc.	13-6400434	NYPD	\$6,000.00	056	100		
Vann	Vanguard Urban Improvement Association, Inc.	11-2442042	DYCD	(\$6,000.00)	260	312		
Vann	Bedford Stuyvesant Restoration Corporation	11-6063162	DYCD	(\$25,714.00)	260	312		
Vann	Bedford Stuyvesant Restoration Corporation	11-6063162	DYCD	\$10,000.00	260	005		
Vann	Bridge Street Development Corporation	11-3260772	DYCD	\$25,714.00	260	312		

* Indicates pending completion of pre-qualification review.

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

CHART 4: Senior Centers and Programs Restoration - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit EIN *
	Jewish Association for Services for the Aged (JASA) - Dreiser Senior Center	13-2620896	DFTA	(\$50,000.00)	125	003	
	Jewish Association for Services for the Aged (JASA) - Einstein Senior Center	13-2620896	DFTA	\$50,000.00	125	003	
	Presbyterian Senior Services - Ennis Francis Senior Center	13-1981482	DFTA	(\$60,000.00)	125	003	
	Presbyterian Senior Services - Pelham Fritz Center	13-1981482	DFTA	\$60,000.00	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 ConduitSponsoring Organization	Fiscal Conduit EIN *
Palma	Episcopal Social Services of New York, Inc.	13-3709095	DYCD	(\$10,000.00)	260	312		
Palma	Gloabhood, Inc.	20-8670614	DYCD	\$10,000.00	260	312		
Dilan	Youth Service League Inc.	11-1973738	DYCD	(\$6,000.00)	260	312		*
Dilan	Community Improvement Athletic League	27-2483521	DYCD	\$6,000.00	260	312		
Eugene	Children Foundation	06-7188143	DYCD	(\$5,000.00)	260	312		*
Staten	Children Foundation For Help In Haiti	06-7188143	DYCD	\$5,000.00	260	312		*
Staten	Jewish Community Services of New York, Inc.	11-2425813	DYCD	\$5,000.00	260	312		*
Staten	Jewish Community Council of the Bockansey Peninsula, Inc.	11-2425813	DYCD	\$5,000.00	260	312		*
Odde	St. Margaret Mary	13-2653060	DYCD	(\$1,500.00)	260	312		*
Odde	Staten Island Saints Fastpitch Softball Club Inc.	27-2525251	DYCD	\$1,000.00	260	312		
Odde	Enrichment Through the Arts	11-3051230	DYCD	\$3,500.00	260	312		

* Indicates pending completion of pre-qualification review.

CHART 6: OST - Fiscal 2013

Organization		EIN Number	Agency	Amount	Agy #	U/A *
Ridgewood Bushwick Youth Center - Ridgewood Bushwick Youth Center		11-2518141	DYCD	(\$95,000.00)	260	312
Ridgewood Bushwick Senior Citizens Council, Inc. - Ridgewood Bushwick Youth Center		11-2453853	DYCD	\$95,000.00	260	312
Chinese American Planning Council, Inc. - CPC Queens School Age/Day Care Center - PS 20 John Bowne		13-6202892	DYCD	(\$100,000.00)	260	312
Child Center of New York, Inc., The - Public School 24 - Andrew Jackson Elementary School		11-1733454	DYCD	\$100,000.00	260	312
Childrens Arts & Science Workshops, Inc. - West Prep Academy		13-2752494	DYCD	(\$97,500.00)	260	312
Citizen Schools, Inc. - Global Technology Preparatory		04-3259160	DYCD	\$97,500.00	260	312
Supportive Childrens Advocacy Network (SCAN) - Mullaly Park Recreation Center		13-2912863	DYCD	(\$78,000.00)	260	312
Supportive Childrens Advocacy Network (SCAN) - CIS 339		13-2912863	DYCD	\$78,000.00	260	312
Bergen Basin Community Development Corp. - P.S./I.S. 225 Seaside School		11-3199040	DYCD	(\$200,000.00)	260	312
Bergen Basin Community Development Corp. - PS 317 The Waterside School		11-3199040	DYCD	\$200,000.00	260	312
Women's Housing and Economic Development Corporation (WHEDCO) - P/Is 218 R Hernandez Dual Lang (K218)		11-3069604	DYCD	(\$85,000.00)	260	312
Supportive Childrens Advocacy Network (SCAN) - PS 073 BRONX (X073)		13-2912863	DYCD	\$13,500.00	260	312
Learning Through An Expanded Arts Program, Inc. - JHS 22		13-2925233	DYCD	\$71,500.00	260	312

* Indicates pending completion of pre-qualification review.

CHART 5: Infant Mortality Reduction - Fiscal 2013

Organization		EIN Number	Agency	Amount	Agy #	U/A *
Queens Comprehensive Perinatal Council		11-2870422	DOHMH	(\$127,018.59)	816	113
Clergy United for Community Empowerment, Inc. (formerly SQCCE)		11-3030795	DOHMH	\$127,018.59	816	113

* Indicates pending completion of pre-qualification review.

CHART 8: Design Week - Fiscal 2013

Organization		EIN Number	Agency	Amount	Agy #	U/A *
NYC & Company **		13-4020446	DSBS	(\$99,950.00)	801	002
Department of Cultural Affairs **		13-6400434	DCLA	\$99,950.00	126	002

* Indicates pending completion of pre-qualification review.

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

CHART 7: Coalition of Theaters of Color - Fiscal 2013

Organization		EIN Number	Agency	Amount	Agy #	U/A *
Coalition of Theaters of Color		13-6400434	DCLA	(\$95,000.00)	126	003
Billie Holiday Theatre, Inc.		11-2336154	DCLA	\$95,000.00	126	003

* Indicates pending completion of pre-qualification review.

CHART 9: HIV/AIDS Faith Based Initiative - Fiscal 2013

Organization			EIN Number	Agency	Amount	Agy #	U/A *
Mount Carmel Youth Development Corporation			13-396802	DOHMH	\$6,400.00	816	112
Mount Carmel Youth Development Corporation			11-356875	DOHMH	\$6,400.00	816	112
New Hope for the World Ministries			28-043461	DOHMH	\$6,400.00	816	112
New Hope Community Church			06-101359	DOHMH	\$6,400.00	816	112
Evangelical Christian Church			11-252849	DOHMH	\$6,400.00	816	112
Good News Power Outreach Ministries			27-464663	DOHMH	\$6,400.00	816	112

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

CHART 10: EarlyLearn / Childcare - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Barron	Colony - South Brooklyn Houses, Inc. - Pine Street DCC**	11-219764	ACS	\$508,170.00	068	004

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

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, December 10, 2012.

On motion of the Acting Speaker (Council Member Rivera), 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. 731
Report of the Committee on Finance in favor of approving 539 & 541 E. 147th Street Apartments, Block 2274, Lots 33 & 34, Bronx, Community District No. 1, Council District No. 17

The Committee on Finance, to which the annexed resolution was referred on November 27, 2012 (Minutes, page 4378), respectfully

REPORTS:

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

December 10, 2012

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

Members of the Finance Committee

FROM: Amy Stokes, Finance Division

RE: Finance Committee Agenda of December 10, 2012 - Resolution approving tax exemptions for one preconsidered Land Use Item (Council Districts 17).

HPD has submitted a request to the Council to approve a property tax exemption for the following property: 539 & 541 East 147th Street, located in Council Member Arroyo’s district.

539 & 541 East 147th Street (Block 2274, Lot 33 & 34) in the Bronx consists of two buildings with 20 units of rental housing for low income families and one superintendent unit. Under the proposed project, the East 147th Street Housing Development Fund Corporation (“HDFC”) will acquire the reference property (“Exemption Area”) and WFHA East 147 Street, L.P. ("Partnership"), a limited partnership, will be the beneficial owner and will operate the Exemption Area. The HDFC and the Partnership (collectively, “Owner”) will finance the acquisition and rehabilitation of the property with loans from a private lender and the City of New York Department of Housing Preservation and Development (“HPD”). The Owner and HPD will enter into a regulatory agreement establishing certain controls upon the operation of the Exemption Area. The Exemption Area currently does not receive any exemption from real property taxation. In order to facilitate the project, HPD respectfully requests that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, an exemption from real property taxation.

This item has the approval of Councilmember Arroyo.

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

Res. No. 1608
Resolution approving a full exemption from real property taxes for property located at (Block 2274, Lot 33 & 34), The Bronx, pursuant to Section 577 of the Private Housing Finance Law (LU 731).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated October 10, 2012 that the Council take the following action regarding a housing project to be located at (Block 2274, Lot 33 & 34), The Bronx (“Exemption Area”):

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

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

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

RESOLVED:

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

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

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

(b) "Exemption" shall mean the exemption from real property taxation provided hereunder;

(c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2274, Lots 33 & 34 on the Tax Map of the City of New York;

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

(e) "HDFC" shall mean the East 147th Street Housing Development Fund Corporation;

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

(g) "Owner" shall mean, collectively, the HDFC and the Partnership;

(h) "Partnership" shall mean WFHA East 147 Street, L.P.;

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

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

3. Notwithstanding any provision hereof to the contrary:

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

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

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

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

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, December 10, 2012.

On motion of the Acting Speaker (Council Member Rivera), 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 Housing and Buildings

Report for Int. No. 575-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city building code, in relation to requiring newly constructed multi-family residences to provide adequate space to store and sort designated recyclable material.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on May 26, 2011 (Minutes, page 1632), respectfully

REPORTS:

INTRODUCTION

On December 10, 2012, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 575-A, in relation to requiring newly constructed multi-family residences to provide adequate space to store and sort designated recyclable material. This bill is based on one of the recommendations issued by the Green Codes Task Force.² On June 21, 2011, the Committee heard an earlier version of this bill and received testimony from representatives of the Department of Buildings (DOB or Department), and other persons interested in this legislation. The bill before the Committee today, Proposed Int. No. 575-A, was amended following this initial hearing.

BACKGROUND

The New York City Administrative Code requires building owners to provide sufficient storage space for source separated recyclables in residential buildings with four or more units.³ Recycling storage requirements have been in place since the inception of the City's recycling laws in 1989.⁴ Requiring storage space for recyclables serves multiple purposes: first, it ensures that designated recyclables that are source separated at the point of generation – within a residential unit – remain separate from regular waste prior to collection by the Department of Sanitation; and second, the law also serves as a tool for education and outreach, because building owners are required to post appropriate recycling information for residents in such spaces.⁵

Although City law requires building owners to provide storage space for recyclables, newly constructed residential buildings are not required to provide sufficient storage space. Recycling advocates believe that the City's modest 15% residential recycling diversion rate could be improved if buildings provide proper storage for residents.

Several other municipalities require residential buildings to provide sufficient storage space for designated recyclables including San Francisco, Santa Monica and Portland, Oregon.⁶ Leadership in Energy and Environmental Design (LEED)⁷ requires sufficient storage space for source separated metal, glass, plastic and paper, and LEED 2009 specifies a minimum size for refuse storage rooms in commercial buildings.⁸

PROPOSED INT. NO. 575-A

In order to ensure that residential buildings contain sufficient storage space for recyclables, Proposed Int. No. 575-A would require new multi-family residential buildings to provide adequate space to store and sort recyclable materials. The requirements of Int. 575-A are not retroactive and as such will only apply to new construction.⁹

Section one of the bill sets forth the legislative findings and intent.

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² Recognizing the important role of building performance, Mayor Bloomberg and Speaker Quinn convened the New York City Green Codes Task Force in July of 2008. The Task Force was composed of industry experts, union representatives, tenant advocates, environmentalists, academics, developers, buildings owners, and representatives of City agencies as well as the Mayor's office and the Speaker's office. This group was divided into nine technical committees, a steering committee, and an industry advisory committee. After two years of work examining each of New York City's building codes, the Task Force presented 111 recommendations for "greening the codes." The recommended improvements are intended to raise the bar for environmental performance in buildings throughout the City.

³ NYC Admin Code 16-305(e)(1).

⁴ *Id.*

⁵ *Id.* at (e)(2).

⁶ Urban Green, *Green Codes Task Force*, "RC 2: Provide Recycling Areas in Apartment Buildings" (2010) available at: <http://www.urbangreencouncil.org/greencodes/full-proposal/>.

⁷ LEED is an internationally-recognized green buildings certification system which was developed by the U.S. Green Building Council (USGBC) in March 2000 to provide building owners and operators with a framework for identifying and implementing practical and measurable green building design, construction, operations and maintenance solutions. See, U.S. Green Building Council website, available at <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=1988>.

⁸ *Supra* note 5.

⁹ Section 28-102.4 of the Administrative Code states that the lawful use of an existing building or structure may be continued unless a retroactive change is required by the Code.

Section two amends section BC 1213.1 of the building code and states that space shall be provided for storage of refuse and recyclables in “Group R-2” occupancies as a common accessory space. The location of such refuse and recyclable rooms must be clearly identified in the construction documents and configured to permit separate unobstructed access by building personnel to store refuse and recyclables. Specifically, such storage space must be a minimum of 1.5 square feet per dwelling unit, or a minimum of 350 square feet, whichever is less.

Section two also includes two exceptions. The first exception states that in buildings required to have a compactor in accordance with section BC 1213.2, any such refuse and recycling room must be, in addition to the space required for the equipment or circulation, a minimum of 1.0 square foot per dwelling unit, or a minimum of 350 square feet, whichever is less. The second exception states that refuse and recycling storage rooms are not required in multiple dwelling buildings that are equipped with a chute system that provides separate chutes for regular waste and recyclables without cross-contamination and an integrated mechanical system to transport such materials off-site that has been approved by the commissioner.

Section two also adds two new sections, BC 1213.1.1 and BC 1213.1.2. BC 1213.1.1 would require that where an interior room is provided for the storage of refuse and recyclables, such room shall be completely enclosed by construction that has a fire-resistance rating of not less than 2 hours, with self-closing opening protectives having a fire protection rating of not less than 1½ hours. BC 1213.1.2 would require that where space is provided on the exterior of a building for the storage of refuse and recyclables, such refuse and recyclables storage space must include a minimum of 4 square feet in addition to the space per dwelling unit required by Section 1213.1. In addition, such space must be clearly identified on the construction documents and may not be located in the public right-of-way.

Section three amends section BC 1213.3 of the building code and states that a multiple dwelling that is five or more stories in height and that contains 9 or more dwelling units must have a refuse chute, chute access rooms, and refuse chute termination room constructed in accordance with section BC 707.13. Refuse chute access rooms must contain a minimum of 5 square feet of floor area for the temporary holding of recyclables. Such floor area must be clearly identified on the construction documents. Section three includes two exceptions. The floor area for the temporary holding of recyclables is not required (1) in buildings without an elevator or (2) in buildings equipped with separate chutes designated for refuse, for paper and cardboard, and for metal, glass and plastic. Chutes for designated recyclable materials shall be constructed in accordance with section BC 707.13.

Bill section four contains the enactment clause which provides that this local law would take effect January 1, 2014.

Amendments to Proposed Int. No. 575-A

- Legislative findings and intent was added.
- The bill now amends sections 1213.1 and 1213.3 of the Building Code instead of creating new sections.
- This bill no longer applies to R-1 occupancies.
- This bill now applies to all R-2 occupancies, instead of applying to R-2 occupancies having 12 or more dwelling units.
- The method for determining the minimum required size of the refuse and recyclable storage room was changed to scale directly with the number of units in the building.
- The cap for the minimum required size of the refuse and recyclable storage room was increased from 250 square feet to 350 square feet.
- Language relating to the fire resistance rating of enclosed refuse and recyclable storage rooms was moved from section 1213.1 of the Building Code to 1213.1.1.
- Provisions relating to exterior space provided for refuse and recyclable storage, including minimum required space and identification on construction documents, were added.
- References to secondary recycling rooms were removed.
- The effective date was changed from one hundred eighty days after its enactment to January 1, 2014.
- Technical changes were made throughout the proposed bill for clarity and to organize the material by subject matter.

(The following is the text of the Fiscal Impact Statement for Int. No. 575-A:)



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

PROPOSED INTRO. NO: 575-A
COMMITTEE:
Housing and
Buildings

TITLE: To amend the New York city building code, in relation to requiring newly constructed multi-family residences to provide adequate space to

SPONSORS: Council Members
Garodnick, Chin, Dromm, Fidler,
Foster, James, Koppell, Lander,
Mark-Viverito, Mendez, Palma,

store and sort designated recyclable material. Rose, Williams, Koo, Rodriguez, Lappin and Gentile

SUMMARY OF LEGISLATION: Proposed Int. No. 575-A requires that Group R-2 occupancies, defined as buildings containing sleeping units of more than two dwelling units, provide a space for the storage of refuse and recyclables. The minimum size of the space must be 1.5 square feet per dwelling unit or a minimum of 350 square feet, whichever is less. This space must be clearly identified on construction documents and must permit unobstructed access by building personnel to store refuse and recyclables.

Exceptions:

- In multiple dwellings required to have a compactor, the space will be a minimum of 1.0 square feet per dwelling unit or a minimum of 350 square feet, whichever is less.
- Multiple dwellings with chute system that provides a separation of refuse and recyclable materials.

If the space is provided in the interior room of the building, the room must be completely enclosed by construction that has a fire-resistance rating of not less than 2 hours, with self-closing opening protectives having a fire protection rating of not less than 1½ hours. If the space is at the exterior of the building, the space must be a minimum of 4 square feet and must be clearly identified on construction documents and must not be located in the public right-of-way.

For buildings with 9 or more dwelling units, a minimum of 5 square feet would be provided for the temporary holding of recyclables.

Exceptions:

- In buildings without an elevator, floor area within refuse chute access rooms for the temporary holding of recyclables is not required.
- In buildings equipped with separate chutes for each recyclable material.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2014

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: There would be no impact on expenditures by the enactment of this legislation. The building owners will bear the cost of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council

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

Nathan Toth, Deputy Director
New York City Council Finance Division

HISTORY: Intro. 575 was introduced by Council and referred to the Housing and Buildings Committee on May 26, 2011. A hearing was held by the Committee on Intro. 575, and the bill was laid over on June 21, 2011. The Committee will vote on an amended version, Proposed Intro. 575-A, on December 10, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 575-A:)

Int. No. 575-A

By Council Members Garodnick, Chin, Dromm, Fidler, Foster, James, Koppell, Lander, Mark-Viverito, Mendez, Palma, Rose, Williams, Koo, Rodriguez, Lappin, Gentile, Van Bramer, Jackson, Brewer, Barron and Gennaro.

A Local Law to amend the New York city building code, in relation to requiring newly constructed multi-family residences to provide adequate space to store and sort designated recyclable material.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. Recycling is good for the environment because it takes less energy and fewer resources to make new products out of recycled materials than from new materials. It also has the potential to save the city money as the cost of exporting waste to out-of-state landfills rises. At least 50% of New York’s total waste stream (and 15% of residential waste) is currently recycled. Other large cities have exceeded this rate, and the City has set a goal of diverting 75% of solid waste from landfills. One barrier to increasing recycling rates in multi-family residential buildings is that many lack a dedicated room or exterior space to store and sort recyclables and waste. Without this dedicated space, it is challenging for residents or superintendents to keep recyclables separated from refuse. For this reason, many other cities and the Battery Park City Authority require that residential buildings provide a waste/recycling room for storing separated recyclables.

§2. Section BC 1213.1 of the New York city building code is amended to read as follows:

1213.1 General. Multiple dwellings shall comply with Section 18 of the *New York State Multiple Dwelling Law* and Section 27-2021 of the *New York City Housing Maintenance Code*. [Where a room is] *In Group R-2 occupancies, space shall be* provided for the storage of refuse and recyclables [in a building, such room shall be completely enclosed by construction that has a fire-resistance rating of not less than 2 hours, with self-closing opening protectives having a fire protection rating of not less than 1½ hours] *as a common accessory space*. The location of such refuse *and recyclables* storage [room] *space* shall be *clearly* identified on the construction documents *and configured to permit separate unobstructed access by building personnel to stored refuse and recyclables. Such refuse and recyclables storage space shall be a minimum of 1.5 square feet (0.140 m²) per dwelling unit, or a minimum of 350 square feet (32.516 m²), whichever is less, for the storage of collected refuse and recyclables.*

Exceptions:

1. *In multiple dwellings required to have a compactor in accordance with Section 1213.2, such refuse and recyclables storage space shall be, in addition to space required for equipment or circulation, a minimum of 1.0 square foot (0.094 m²) per dwelling unit, or a minimum of 350 square feet (32.516 m²), whichever is less, for the storage of collected refuse and recyclables.*

2. *Refuse and recyclables storage space shall not be required in multiple dwellings equipped with a chute system that provides for source separation of refuse and recyclable materials without cross contamination and an integrated mechanical system to transport such materials off-site that has been approved by the commissioner.*

1213.1.1 Interior space. *Where an interior room is provided for the storage of refuse and recyclables, such room shall be completely enclosed by construction that has a fire-resistance rating of not less than 2 hours, with self-closing opening protectives having a fire protection rating of not less than 1½ hours.*

1213.1.2 Exterior space. *Where space is provided on the exterior of a building for the storage of refuse and recyclables, such refuse and recyclables storage space shall include a minimum of 4 square feet (0.372 m²) in addition to the space per dwelling unit required by Section 1213.1, shall be clearly identified on the construction documents, and shall not be located in the public right-of-way.*

§3. Section BC 1213.3 of the New York city building code is amended to read as follows:

1213.3 Refuse chute and chute access rooms. A multiple dwelling that is five or more stories in height and that contains [more than 12] *9 or more* dwelling units shall be provided with a refuse chute, chute access rooms, and refuse chute termination room constructed in accordance with Section 707.13. *A minimum of 5 square feet (0.470 m²) of floor area within each refuse chute access room shall be provided for the temporary holding of recyclables. Such floor area shall be clearly identified on the construction documents.*

Exceptions:

1. *In buildings without an elevator, floor area within refuse chute access rooms for the temporary holding of recyclables is not required.*

2. *In buildings equipped with separate chutes designated for refuse, for paper and cardboard, and for metal, glass and plastic, and in buildings equipped with a chute system that provides for source separation of recyclable materials without cross contamination, floor area within refuse chute access rooms for the temporary holding of recyclables is not required. Chutes for designated recyclable materials shall be constructed in accordance with Section 707.13 of this code.*

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

ERIK MARTIN DILAN Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, ERIC A.

ULRICH, JAMES S. ODDO; Committee on Housing and Buildings, December 10, 2012.

On motion of the Acting Speaker (Council Member Rivera), 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. 720

Report of the Committee on Land Use in favor of approving Application no. 20135041 HKQ (N 130043 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of Brinckerhoff Cemetery located at 69-65 to 69-73 182nd Street (Block 7135, Lots 54 and 60), (Designation List 458, LP-2087). Borough of Queens, Community Board 8, Council District no. 24.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 11, 2012 (Minutes, page 4029), respectfully

REPORTS:

SUBJECT

QUEENS CB - 820135041 HKQ (N 130043 HKQ)

Designation by the Landmarks Preservation Commission (List No. 458/LP-2087), pursuant to Section 3020 of the New York City Charter, of the landmark designation of Brinckerhoff Cemetery located at 69-65 to 69-73 182nd Street (Tax Map Block 7135, Lots 54 and 60), as an historic landmark.

PUBLIC HEARING I

DATE: October 23, 2012

Witnesses in Favor: FourWitnesses Against: One

PUBLIC HEARING II

DATE: November 26, 2012

Witnesses in Favor: NoneWitnesses Against: Two

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2012

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

In Favor:Against:Abstain: LanderNoneNone Arroyo Mendez Williams Halloran

COMMITTEE ACTION

DATE: December 6, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:Against:Abstain: ComrieNoneNone Rivera Reyna

Barron
Jackson
Vann
Gonzalez
Palma
Arroyo
Dickens
Garodnick
Lappin
Mendez
Vacca
Lander
Cont’d
Levin
Weprin
Williams
Halloran
Koo

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

Res. No. 1609
Resolution affirming the designation by the Landmarks Preservation Commission of the Brinckerhoff Cemetery located at 69-65 to 69-73 182nd Street (Tax Map Block 7135, Lots 54 and 60), Borough of Queens, Designation List No. 458, LP-2087 (L.U. No. 720; 20135041 HKQ; N 130043 HKQ).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on August 21, 2012 a copy of its designation dated August 14, 2012 (the "Designation"), of the Brinckerhoff Cemetery located at 69-65 to 69-73 182nd Street, Community District 8, Borough of Queens, as a landmark and Tax Map Block 7135, Lots 54 and 60, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on October 5, 2012 its report on the Designation dated October 3, 2012 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on October 23, 2012 and November 26, 2012; and

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

RESOLVED:

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN III; Committee on Land Use, December 6, 2012

On motion of the Acting Speaker (Council Member Rivera), 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. 726
Report of the Committee on Land Use in favor of approving Application No. N 120384 (A) ZRK submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article X, Chapter I (Special Downtown Brooklyn District) to modify the parking regulations of the Special Downtown Brooklyn District, Borough of Brooklyn, Community Board 2, Council District 35.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 13, 2012 (Minutes, page 4236), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 2 **N 120384 (A) ZRK**

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article X, Chapter I (Special Downtown Brooklyn District) to modify the parking regulations of the Special Downtown Brooklyn District.

INTENT

To reduce the parking requirements for new residential development to better reflect actual parking demand in Downtown Brooklyn and provide additional opportunities for public parking.

PUBLIC HEARING

DATE: November 26, 2012

Witnesses in Favor: Seventeen **Witnesses Against:** One

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2012, recessed to December 6, 2012

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Vann		
Garodnick		
Lappin		
Vacca		

COMMITTEE ACTION

DATE: December 6, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
<u>Cont’d</u>		
Levin		

Weprin
Williams
Halloran
Koo

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

Res. No. 1610

Resolution approving the decision of the City Planning Commission on Application No. N 120384 (A) ZRK, for an amendment of the Zoning Resolution of the City of New York, relating to Article X, Chapter I (Special Downtown Brooklyn District) to modify the parking regulations of the Special Downtown Brooklyn District (L.U. No. 726).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on October 22, 2012 its decision dated October 17, 2012 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, relating to Article X, Chapter I (Special Downtown Brooklyn District) to modify the parking regulations of the Special Downtown Brooklyn District to reduce the parking requirements for new residential development to better reflect actual parking demand in Downtown Brooklyn and provide additional opportunities for public parking (Application No. N 120384 (A) ZRK), Community District 2, Borough of Brooklyn (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 November 26, 2012;

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 for which a Negative Declaration was issued on June 4, 2012 for the original application (N 120384 ZRK), and a Revised Negative Declaration was issued October 16, 2012 for the subject application (N 120384 (A) ZRK), which reflects the modifications to the original application made by the City Planning Commission (CEQR No. 12DCP175K);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 120384 (A) ZRK, incorporated by reference herein, the Council approves the Decision.

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

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicate where unchanged text appears in the Zoning Resolution

Article X
Special Purpose Districts

Chapter 1
Special Downtown Brooklyn District

* * *
101-01
Definitions

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 101-302 (Definitions Specific to the Atlantic Avenue Subdistrict) or in this Section.

Automated parking facility

An “automated parking facility” shall refer to an *#accessory# off-street parking facility or #public parking garage# where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system, and shall not refer to a parking facility with parking lift systems that require an attendant to operate the vehicle that is to be parked.*

Development or to develop

For purposes of this Chapter, "development" includes a *#development#*, an *#enlargement#* or an *#extension#*.

To "develop" is to create a *#development#*.

* * *

101-50
OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The provisions of Article II, Chapter 5 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS), and Article III, Chapter 6 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS), shall apply, except as modified in this Section 101-50, inclusive.

101-51
Minimum Parking Requirements in R7-1 Districts

~~In R7-1 Districts, the provisions of Article II, Chapter 5 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS), shall apply, except that~~

The provisions of this Section shall apply to all districts within the #Special Downtown Brooklyn District#, except R6B Districts:

(a) The #accessory# parking requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified to require #accessory# off-street parking spaces for at least 50-20 percent of the total number of new #dwelling units#.

(b) There shall be no minimum parking requirement for #affordable housing units# as defined in Section 23-90 (INCLUSIONARY HOUSING), inclusive, or for #dwelling units# eligible for reduced parking pursuant to Section 25-25 (Modification of Requirements for Public, Publicly-Assisted and Government-Assisted Housing or for Non-profit Residences for the Elderly).

101-52
Curb Cut Restrictions

Along the *#streets#* specified on Map 5 (Curb Cut Restrictions) in Appendix E of this Chapter, no curb cuts for parking facilities or loading berths shall be permitted.

However, the City Planning Commission may, by authorization, permit a curb cut, on a *#street#* specified on Map 5, for parking facilities and loading berths on a *#zoning lot#* that does not have access or egress on another *#street#*, provided that such curb cut will not unduly inhibit surface traffic or result in conflict between pedestrian and vehicular circulation, and will result in a good overall site plan.

101-53
Reservoir Spaces

The provisions of this Section shall apply to parking facilities created after (date of adoption) or for parking facilities enlarged by 50 or more spaces after (date of adoption). For the purpose of determining required reservoir spaces, fractions equal to or greater than one-half resulting from the calculations in this Section shall be considered one reservoir space.

(a) Attended parking facilities

Attended #accessory# off-street parking facilities, #public parking garages# or #public parking lots# with more than 25 off-street parking spaces shall provide the following amount of off-street reservoir space at the vehicular entrance:

- (1)for parking facilities with more than 25 parking spaces and up to 50 parking spaces; five percent of the total number of parking spaces;
- (2)for parking facilities with more than 50 parking spaces and up to 100 parking spaces; ten percent of the total number of parking spaces;
- (3)for parking facilities with more than 100 parking spaces and up to 200 parking spaces; ten parking spaces ; and
- (4)for parking facilities with more than 200 off-street parking spaces; five percent of the total number of parking spaces. However such number of reservoir spaces need not exceed 50.

(b)Automated parking facilities#

For #automated parking facilities#, off-street reservoir space at the vehicle entrance shall be provided as set forth in paragraph (a) of this Section.

Each individual parking location where a driver is permitted to leave a vehicle for transfer to a mechanized automobile storage and retrieval unit shall constitute one reservoir space. Additional reservoir spaces may be located where drivers queue to access such locations for vehicle transfer.

In addition, the number of reservoir spaces required pursuant to paragraph (a) of this Section may be reduced where the Commissioner of Buildings determines that the operational characteristics of such #automated parking facility# warrant such a reduction.

(c)Self-parking facilities

For self-parking #accessory# off-street parking facilities, #public parking garages# and #public parking lots#, where entering vehicles are required to stop before a mechanically operated barrier before entering the parking facility, such barrier shall be placed a minimum of 20 feet beyond the #street line#.

101-54
Garages

101-541
Public parking garages

#Public parking garages# with 225 or fewer spaces shall be permitted as of right, provided that such garages are, except for entrances and exits, entirely below the level of any #street# or #publicly accessible open area# upon which such facility, or portion thereof, fronts. In addition to a maximum number of 225 public parking spaces, such garages may include required #accessory# parking spaces, which may be provided at any level. Any #accessory# parking spaces that are not required shall be included with all other public parking spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number or location of parking spaces in such #public parking garage#.

101-542
Off-site accessory parking spaces in public garages

Section 36-57 (Accessory Off-Street Parking Spaces in Public Garages) shall be modified to allow #accessory# off-street parking spaces in any #public parking garage developed# after (date of adoption) provided such off-site spaces comply with the provisions of Section 101-56 (Location of Off-Site Parking Spaces).

101-543
Pedestrian safety

The provisions of this Section shall apply to parking facilities created after (date of adoption) or for parking facilities enlarged by 50 or more spaces after (date of adoption). For all #accessory# parking garages and #public parking garages#, the following safety features shall be provided at all vehicular exit points:

- (a)a ‘stop’ sign which shall be clearly visible to drivers. Such signage shall comply with the standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration (FHWA) for a conventional single lane road; and
- (b)a speed bump, which shall be located within the exit lane of the parking facility. Such speed bump shall:

(1)span the entire width of such exit lane;

(2)have a minimum of two inches in height, as measured from the adjoining grade of the exit lane and shall have a maximum depth of 12 inches; and

- (3)be located a minimum of four feet beyond the #street line#, as measured perpendicular to the #street line#.

101-544
Stackers in garages

Within an enclosed attended parking facility with parking lift systems, for individual lifted trays upon which a vehicle is stored, each tray upon which a vehicle is stored shall be considered 153 square feet of #floor area#, except for portions exempt from the definition of #floor area# pursuant to Section 12-10 (DEFINITIONS).

101-545
Automated parking facilities

For an #automated parking facility#, the minimum size of spaces regulated in Sections 25-62 (Size and Location of Spaces) and 36-351 (Size of spaces) shall not apply.

For the purpose of calculating parking spaces in #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one off-street parking space. However, auxiliary parking trays may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are needed to routinely store and retrieve vehicles for the efficient operation of such #automated parking facility#.

Within an #automated parking facility#, each tray upon which a vehicle is stored shall be considered 153 square feet of #floor area#, except for portions exempt from the definition of #floor area# pursuant to Section 12-10 (DEFINITIONS).

101-546
Special permit for public parking garages

Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall not apply to #public parking garages#. In lieu thereof, the following provisions shall apply.

The City Planning Commission may permit:

(a) a #public parking garage# that does not comply with the provisions of Section 101-541 (Public parking garages) provided that such garage complies with all other applicable regulations set forth in Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS); and

(b) floor space on one or more #stories#, up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS).

In order to grant a special permit for such #use# or #floor area# exemption, the Commission shall find:

(1) that such #use# will be compatible with the surrounding area, and will not adversely affect the growth and development of #uses# comprising vital and essential functions in the general area within which such #use# is to be located;

(2) the proposed materials and articulation of the #street wall# of the parking facility are compatible with #buildings# in the surrounding area;

(3) the ground floor level of such parking facilities that front upon #streets# with a width of 60 feet or more, or that front upon public access areas, is occupied by #commercial#, #community facility# or #residential uses# that generate activity on all such adjoining #streets# or public areas, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from such adjoining #streets# or public access areas with a strip at least five feet deep, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years. Where such screening is not desirable, a total of at least 50 percent of the exterior building wall with adjacent parking spaces shall consist of opaque materials that include graphic or sculptural art, or living plant material;

(4) any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential floor area#, so as to minimize the visibility of the parking facility from adjoining #streets# with a width of 60 feet or more, or public access areas. Any exterior wall of the parking facility visible from an adjoining #street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;

(5) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow and that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

(6) that such #use# and its vehicular entrances and exits are so located as to draw a minimum of vehicular traffic to and through residential #streets# in nearby areas; and

(7) that, if any floor space is exempted from the definition of #floor area#, such additional floor space is necessary to prevent excessive on-street parking demand and relieve traffic congestion.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, or locations of entrances and exits.

101-55
Restrictions on Use of Accessory Off-Street Parking Spaces

The provisions of Section 36-46 (Restrictions on Use of Accessory Off-Street Parking Spaces) shall apply, provided that all #Commercial Districts# within the #Special Downtown Brooklyn District# shall be considered a C6 District for the purposes of such Section, inclusive. However, the provisions of this Section shall not apply within the Atlantic Avenue Subdistrict.

101-56
Location of Off-Site Parking Spaces

Sections 25-50 and 36-40 (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) shall apply, except that where the #use# generating the parking requirement and the #zoning lot# providing the parking spaces are both within the #Special Downtown Brooklyn District#, Sections 25-521 and 36-421 (Maximum distance from zoning lot) shall be modified to permit #accessory# parking spaces to be located up to 2,500 feet from the #zoning lot# occupied by the #residences# to which they are accessory.

* * *

101-60
FULTON MALL SUBDISTRICT
* * *

101-63
Modification of Accessory Off-Street Parking and Loading Requirements

The parking regulations of Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS) shall apply except as set forth in this Section, inclusive.

* * *

101-70
ATLANTIC AVENUE SUBDISTRICT

* * *

101-74
Modification of Accessory Off-Street Parking and Loading Requirements

The provisions of Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, shall not apply within the Atlantic Avenue Subdistrict.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN III; Committee on Land Use, December 6, 2012

On motion of the Acting Speaker (Council Member Rivera), 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. 733

Report of the Committee on Land Use in favor of approving Application no. 20135010 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Travertine, LLC, d/b/a Ken & Cooks Restaurant, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 19 Kenmare Street, Borough of Manhattan, Community Board 4, Council District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 27, 2012 (Minutes, page 4379), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 420135010 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Travertine, LLC, d/b/a Ken & Cooks Restaurant, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 19 Kenmare 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: December 4, 2012

Witnesses in Favor: OneWitnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2012, recessed to December 6, 2012

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Vann		
Garodnick		
Lappin		
Vacca		

COMMITTEE ACTION

DATE: December 6, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		

Reyna
Barron
Jackson
Vann
Gonzalez
Palma
Arroyo
Dickens
Garodnick
Lappin
Mendez
Vacca
Lander
Levin

Cont’d
Weprin
Williams
Halloran
Koo

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

Res. No. 1611

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 19 Kenmare Street, Borough of Manhattan (20135010 TCM; L.U. No. 733).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on November 14, 2012 its approval dated November 14, 2012 of the petition of Travertine, LLC, d/b/a Ken & Cooks Restaurant, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 19 Kenmare Street, Community District 4, 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 December 4, 2012; 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, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN III; Committee on Land Use, December 6, 2012

On motion of the Acting Speaker (Council Member Rivera), 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. 734

Report of the Committee on Land Use in favor of approving Application no. 20135080 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Cereli Inc., d/b/a Mole’, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 57 Jane Street, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council

pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 27, 2012 (Minutes, page 4379), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2 **20135080 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Cereli, Inc., d/b/a Mole’, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 57 Jane Street.

INTENT

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

PUBLIC HEARING

DATE: December 4, 2012

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2012, recessed to December 6, 2012

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Vann		
Garodnick		
Lappin		
Vacca		

COMMITTEE ACTION

DATE: December 6, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
<u>Cont’d</u>		
Levin		

Weprin
Williams
Halloran
Koo

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

Res. No. 1612
Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 57 Jane Street, Borough of Manhattan (20135080 TCM; L.U. No. 734).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on November 8, 2012 its approval dated November 7, 2012 of the petition of Cereli, Inc., d/b/a Mole’, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 57 Jane Street, Community District 2, 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 December 4, 2012; 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, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN III; Committee on Land Use, December 6, 2012

On motion of the Acting Speaker (Council Member Rivera), 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. 735
Report of the Committee on Land Use in favor of approving Application no. 20135107 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of C&O Coffee Shop, Inc., d/b/a La Bonbonniere Restaurant, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 28 Eighth Avenue, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 27, 2012 (Minutes, page 4380), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2 20135107 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of C&O Coffee Shop, Inc., d/b/a La Bonbonniere Restaurant, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 28 Eighth Avenue.

INTENT

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

PUBLIC HEARING

DATE: December 4, 2012

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2012, recessed to December 6, 2012

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Vann		
Garodnick		
Lappin		
Vacca		

COMMITTEE ACTION

DATE: December 6, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		

Cont’d

Levin
Weprin
Williams
Halloran
Koo

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

Res. No. 1613
Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 28 Eighth Avenue, Borough of Manhattan (20135107 TCM; L.U. No. 735).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on November 8, 2012 its approval dated November 7, 2012 of the petition of C&O Coffee Shop, Inc., d/b/a La Bonbonniere Restaurant, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 28 Eighth Avenue, Community District 2, 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 December 4, 2012; 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, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN III; Committee on Land Use, December 6, 2012

On motion of the Acting Speaker (Council Member Rivera), 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. 736

Report of the Committee on Land Use in favor of approving Application no. C 100218 ZMK submitted by McGuinness Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 13a, changing an M1-1 District to an R7A District and establishing a C2-4 District within the proposed R7A District, Borough of Brooklyn, Community Board 1, Council District 33.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 27, 2012 (Minutes, page 4380), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1 **C 100218 ZMK**

City Planning Commission decision approving an application submitted by McGuinness Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 13a:

1. changing from an M1-1 District to an R7A District property bounded by Greenpoint Avenue, McGuinness Boulevard, Calyer Street, and a line midway between McGuinness Boulevard and Eckford Street; and
2. establishing within a proposed R7A District a C2-4 District bounded by Greenpoint Avenue, McGuinness Boulevard, Calyer Street, and a line midway between McGuinness Boulevard and Eckford Street;

as shown on a diagram (for illustrative purposes only) dated July 23, 2012, and subject to the conditions of CEQR Declaration E-287.

INTENT

To facilitate the construction of an 8-story, 155,000-square-foot mixed use development with approximately 141 dwelling units, including affordable units, and ground floor retail uses.

PUBLIC HEARING

DATE: December 4, 2012

Witnesses in Favor: One

Witnesses Against:

None

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2012, recessed to December 6, 2012

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Vann		
Garodnick		
Lappin		
Vacca		

COMMITTEE ACTION

DATE: December 6, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		

Cont’d

Levin
Weprin
Williams
Halloran
Koo

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

Res. No. 1614

Resolution approving the decision of the City Planning Commission on ULURP No. C 100218 ZMK, a Zoning Map amendment (L.U. No. 736).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on November 16, 2012 its decision dated November 14, 2012 (the "Decision"), on the application submitted by McGuinness Realty Corp., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 13a, to change an M1-1 district to an R7A district with a C2-4 overlay to facilitate the construction of an 8-story, 155,000-square-foot mixed use development with 141 dwelling units and ground floor retail located on the eastern half of Block 2576 on McGuinness Boulevard, between Greenpoint Avenue and Calyer Street in the Greenpoint neighborhood of Brooklyn (ULURP No. C 100218 ZMK), Community District 1, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Application N 100219 ZRK (L.U. No. 737), an amendment to the text of the Zoning Resolution of the City of New York to apply the Inclusionary Housing Program to the proposed R7-A district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 4, 2012;

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. 10DCP024K) issued on November 14, 2012 (the “Conditional Negative Declaration”);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment subject to the terms of the Conditional Negative Declaration and CEQR Declaration E-287.

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 100218 ZMK, 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. 13a,

1.

changing from an M1-1 District to an R7A District property bounded by Greenpoint Avenue, McGuinness Boulevard, Calyer Street, and a line midway between McGuinness Boulevard and Eckford Street; and
2.

establishing within a proposed R7A District a C2-4 District bounded by Greenpoint Avenue, McGuinness Boulevard, Calyer Street, and a line midway between McGuinness Boulevard and Eckford Street;

as shown on a diagram (for illustrative purposes only) dated July 23, 2012, and subject to the conditions of CEQR Declaration E-287, in the Borough of Brooklyn, Community District 1.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN III; Committee on Land Use, December 6, 2012

On motion of the Acting Speaker (Council Member Rivera), 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. 737
Report of the Committee on Land Use in favor of approving Application No. N 100219 ZRK, submitted by McGuinness Realty Corp. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing Designated Areas) relating to the extension of the Inclusionary Housing Program to a proposed R7A district in Greenpoint, Brooklyn, Community Board 1, Council District 33.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 27, 2012 (Minutes, page 4380), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1 **N 100219 ZRK**

City Planning Commission decision approving an application submitted by McGuinness Realty Corp. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing Designated Areas) relating to the extension of the Inclusionary Housing Program to a proposed R7A district.

INTENT

To facilitate the construction of an 8-story, 155,000-square-foot mixed use development with approximately 141 dwelling units, including affordable units, and ground floor retail uses.

PUBLIC HEARING

DATE: December 4, 2012

Witnesses in Favor: One	Witnesses	Against:
None		

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2012, recessed to December 6, 2012

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

In Favor:	Against:	Abstain:
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Vann		
Garodnick		
Lappin		
Vacca		

COMMITTEE ACTION

DATE: December 6, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		

Cont’d

Lander
Levin
Weprin
Williams
Halloran
Koo

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

Res. No. 1615

Resolution approving the decision of the City Planning Commission on Application No. N 100219 ZRK, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing Designated Areas) relating to the extension of the Inclusionary Housing Program to a proposed R7A district in the Borough of Brooklyn (L.U. No. 737).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on November 16, 2012 its decision dated November 14, 2012 (the "Decision"), pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing Designated Areas) relating to the extension of the Inclusionary Housing Program to a proposed R7A district in the Borough of Brooklyn; to facilitate the construction of an 8-story, 155,000-square-foot mixed use development with 141 dwelling units and ground floor retail uses located on the eastern half of Block 2576 on McGuinness Boulevard, between Greenpoint Avenue and Calyer Street in the Greenpoint neighborhood of Brooklyn (Application No. N 100219 ZRK), Community District 1, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Application C 100218 ZMK (L.U. No. 736), an amendment to the Zoning Map to replace an M1-1 district with an R7A district and C2-4 overlay;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 4, 2012;

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. 10DCP024K) issued on November 14, 2012 (the "Conditional Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment subject to the terms of the Conditional Negative Declaration and CEQR Declaration E-287.

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 100219 ZRK, incorporated by reference herein, the Council approves the Decision.

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

- Matter in underline is new, to be added;
- Matter in ~~strikeout~~ is old, to be deleted;
- Matter within # # is defined in Section 12-10;
- * * * indicate where unchanged text appears in the Zoning Resolution

APPENDIX F
Inclusionary Housing Designated Areas

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

* * *

Brooklyn, Community District 1

In Waterfront Access Plan BK-1 and in the R6, R6A, R6B, R7A, R7-3 and R8 Districts within the areas shown on the following Maps 1, 2, 3 and 4:

* * *

EXISTING
(TO BE DELETED)
Map 1 (7/29/10)



Portion of Community District 1, Brooklyn

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



Portion of Community District 1, Brooklyn
* * *

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN III; Committee on Land Use, December 6, 2012

On motion of the Acting Speaker (Council Member Rivera), 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. 738

Report of the Committee on Land Use in favor of approving Application no. 20135153 HKM (N 130075 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Edward Ridley & Sons Department Store Buildings located at 315-317 Grand Street (aka 66-68 Allen Street) and 319-321 Grand Street (aka 65 Orchard Street) (Tax Map Block 308, Lots 14 and 15) (Designation List 459, LP-2397), Borough of Manhattan, Community Board 2, Council District 1, as an historic landmark.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 27, 2012 (Minutes, page 4381), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2 20135153 HKM (N 130075 HKM)

Designation by the Landmarks Preservation Commission (List No. 459/LP-2397), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Edward Ridley & Sons Department Store Buildings located at 315-317 Grand Street (a/k/a 66-68 Allen Street) and 319-321 Grand Street (a/k/a 65 Orchard Street) (Tax Map Block 308, Lots 14 and 15), as an historic landmark.

PUBLIC HEARING

DATE: December 4, 2012

Witnesses in Favor: Three Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2012

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

In Favor:	Against:	Abstain:
Lander	None	None
Arroyo		
Mendez		
Williams		
Halloran		

COMMITTEE ACTION

DATE: December 6, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Halloran		
Koo		

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

Res. No. 1616

Resolution affirming the designation by the Landmarks Preservation Commission of the Edward Ridley & Sons Department Store Buildings located at 315-317 Grand Street (a/k/a 66-68 Allen Street) and 319-321 Grand Street (a/k/a 65 Orchard Street) (Tax Map Block 308, Lots 14 and 15), Borough of Manhattan, Designation List No. 459, LP-2397 (L.U. No. 738; 20135153 HKM; N 130075 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on September 19, 2012 a copy of its designation dated September 11, 2012 (the "Designation"), of the Edward Ridley & Sons Department Store Buildings located at 315-317 Grand Street (a/k/a 66-68 Allen Street) and 319-321 Grand Street (a/k/a 65 Orchard Street), Community District 2, Borough of Manhattan, as a landmark and Tax Map Block 308, Lots 14 and 15, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on November 16, 2012 its report on the Designation dated November 14, 2012 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on December 4, 2012; and

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

RESOLVED:

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN III; Committee on Land Use, December 6, 2012

On motion of the Acting Speaker (Council Member Rivera), 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. 739

Report of the Committee on Land Use in favor of approving In Rem Action No. 45: Application No. 20135096 HAM, submitted by the New York City Department of Finance and the Department of Housing Preservation and Development, pursuant to § 11-412.1 of the New York City Administrative Code and Article 16 of the General Municipal Law (GML) for the transfer and disposition of property located at 273 Wadsworth Avenue (aka 618 West 187th Street), Community Board 12, Council District 10, Borough of Manhattan, and the designation of such property as an Urban Development Action Area Project and Area and related tax exemptions pursuant to GML § 696 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 November 27, 2012 (Minutes, page 4381), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 1220135096 HAM

In Rem Action No. 45: Application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to §11-412.1 of the Administrative Code of the City of New York and Article 16 of the New York General Municipal Law for the transfer and disposition of property located at 273 Wadsworth Avenue, aka 618 West 187th Street, Council District 10, and the designation of such property as an Urban Development Action Area and Project and related tax exemptions pursuant to Section 577 of the Private Housing Finance Law and Section 696 of the General Municipal Law.

INTENT

To transfer and dispose of property pursuant to the Thirty Party Transfer Program, and to facilitate, by rehabilitation, the development of twenty-one (21) affordable housing units.

PUBLIC HEARING

DATE: December 4, 2012

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

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2012

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

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

COMMITTEE ACTION

DATE: December 6, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Halloran		
Koo		

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

Res. No. 1617

Resolution approving an Urban Development Action Area Project located at 273 Wadsworth Avenue a.k.a. 618 West 187th Street (Block 2166/Lot 69), Borough of Manhattan; waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure; and granting related tax exemptions pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law (L.U. No. 739; 20135096 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on September 10, 2012 its request dated September 7, 2012 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 273 Wadsworth Avenue a.k.a. 618 West 187th Street (Block 2166/Lot 69), Community District 12, Borough of Manhattan (the "Transfer Area"):

- Find that the present status of the Transfer 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;
- Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;

3. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
4. Approve an exemption of the Project from real property taxes pursuant to Sections 577 of Article XI of the Private Housing Finance Law; and Section 696 of the General Municipal Law (the "Tax Exemptions");

WHEREAS, the Project is to be developed on land that is now an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple 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 December 4, 2012;

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

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

The Council approves the Tax Exemptions as follows:

1. Pursuant to Section 577 of the Private Housing Finance Law as follows:
 - a. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Transfer Area to the transferee ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance ("Article XI Expiration Date").
 - b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.
 - c. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.
2. Pursuant to Section 696 of the General Municipal Law as follows:
 - a. All of the value of the buildings, structures, and other improvements situated on the Transfer 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 Article XI Expiration Date ("UDAAP Commencement Date"); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.

- b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder ("UDAAP Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the UDAAP Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.
- c. The UDAAP Exemption shall terminate with respect to all or any portion of the Transfer Area if the Department of Housing Preservation and Development ("HPD") 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 transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD 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 UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.
- d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed forty (40) years.
- e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Transfer Area.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN III; Committee on Land Use, December 6, 2012

On motion of the Acting Speaker (Council Member Rivera), 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. 740

Report of the Committee on Land Use in favor of approving Application No. 20135197 HAK submitted by the New York City Department of Housing Preservation and Development, pursuant to Article 16 of the General Municipal Law, for an amendment to a previously approved Urban Development Action Area Project and Area located at 640 Broadway, Borough of Brooklyn, Community Board 1, Council District 33.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 27, 2012 (Minutes, page 4382), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

20135197 HAK

Application submitted by the New York City Department of Housing Preservation and Development for Council approval, pursuant to Article 16 of the General Municipal Law, for an amendment to a previously approved Urban Development Action Area Project and Area located at 640 Broadway (Block

2270/Lot 10), Borough of Brooklyn in Council District No. 33.

INTENT

To facilitate the development of a newly constructed residential project with seven (7) units of affordable housing, and commercial or community facility space.

PUBLIC HEARING

DATE: December 4, 2012

Witnesses in Favor: Two Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: December 4, 2012

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

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

COMMITTEE ACTION

DATE: December 6, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	Reyna	Williams
Rivera	Barron	
Jackson	Vann	
Gonzalez	Palma	
Arroyo	Mendez	
Dickens		
Garodnick		
Lappin		
Vacca		
Lander		
Levin		
Weprin		
Halloran		
Koo		

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

Res. No. 1618

Resolution approving an amended project summary for a previously approved Urban Development Action Area Project located at 640 Broadway (Block 2270, Lot 10), Borough of Brooklyn, approving the designation of the disposition area and approving the project as an urban development action area project pursuant to Article 16 of the New York General Municipal Law (L.U. No. 740; 20135197 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 15, 2012 its request dated October 22, 2012 that the Council take the following actions regarding a previously approved Urban Development Action Area Project (the "Project") located at 640 Broadway (Block 2270, Lot 10), Community District 1, Borough of Brooklyn (the "Disposition Area");

- 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;

- Approve the designation of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law; and
- Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law;

WHEREAS, the Project was previously approved by the (1) New York City Planning Commission by decision dated August 19, 2009, pursuant to Section 197-c of the City Charter and (2) the New York City Council, by Resolution No. 2223, (L.U. No. 1207), dated October 14, 2009 pursuant to Section 197-d of the City Charter and Article 16 of the General Municipal Law;

WHEREAS, in its request of October 22, 2012, HPD has submitted an amended project summary for the Project (the “Amended Project Summary”);

WHEREAS, upon due notice, the Council held a public hearing on the Project on December 4, 2012;

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

WHEREAS, the Council has considered the relevant environmental review (CEQR No. 09HPD020K) and the Negative Declaration which was issued on March 18, 2009;

RESOLVED:

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

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 approves the designation of the Disposition Area requirement pursuant to Section 693 of the General Municipal Law.

The Council approves the Project, as set forth in the Amended Project Summary, 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 Amended Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, ROBERT JACKSON, JAMES SANDERS, Jr., SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, December 6, 2012

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

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

Approved New Applicant’s Report

<u>Name</u>	<u>Address</u>	<u>District #</u>
Deborah Dorce	67-14 Parsons Blvd #7C Queens, N.Y. 11365	24
Glenn Brown	104 Adelphi Street #141 Brooklyn, N.Y. 11205	35
Kristen DePaul	173 Dover Green Staten Island, N.Y. 10312	51

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Naimah Abdul Rashid	331 East 29 th Street #9C New York, N.Y. 10016	2
Hilda Garcia	309 West 54 th Street #2B New York, N.Y. 10019	3
Alexander Feingold	230 West 79 th Street #125 New York, N.Y. 10024	6
Loretta Bruton	410 St. Nicholas Avenue #20D New York, N.Y. 10027	7
Tamika C. Ortiz	630 West 135 th Street #61 New York, N.Y. 10031	7
Ambar C. Ventura	457 West 166 th Street #2A New York, N.Y. 10032	7
Ellen Chambers	2110 First Avenue #2201 New York, N.Y. 10029	8
Emma R. Cuadrado	489 East 142 nd Street #2D Bronx, N.Y. 10454	8
Milagros Torres	3030 Johnson Avenue #4K Bronx, N.Y. 10463	11
Idelfonso Class	3131 Kingsland Avenue Bronx, N.Y. 10469	12
Crystal N. Paris	100 Debs Place #16D Bronx, N.Y. 10475	12
Clifton Robertson	814 Tilden Street Bldg A #5J Bronx, N.Y. 10467	12
Carol Aim Brumley-McManus	839 Wilcox Avenue Bronx, N.Y. 10465	13
Dahaviah Rajah	2045 Holland Avenue #6C Bronx, N.Y. 10462	13
Carmen N. Vega	2187 Cruger Avenue #2B Bronx, N.Y. 10462	13
Charlene Patrick	775 Concourse Village East #15G Bronx, N.Y. 10451	16
Nilza Vazquez	1148 Taylor Avenue #3 Bronx, N.Y. 10472	18
Florence Goro	212-30 23 rd Avenue #2G Bay Terrace, N.Y. 11360	19
Lois Marbach	64-64 229 th Street Queens, N.Y. 11364	23
Maria Nickens	69-31B 213 th Street Oakland, N.Y. 11364	23
Theodore H. Johnson	92-15 50 th Avenue Elmhurst, N.Y. 11373	25
Cynthia Crawford	160-15 118 th Road Jamaica, N.Y. 11434	27
Claudia Jurgens	87-01 85 th Road Woodhaven, N.Y. 11421	30
Gary B. Spiegel	61-30 78 th Street Middle Village, N.Y. 11379	30
Lois-Jean Benjamin	2027 Seagirt Blvd #1D Far Rockaway, N.Y. 11691	31
Shirley Greaves	165-16 144 th Terrace Queens, N.Y. 11434	31
Frances Cuadrado	163-37 96 th Street Howard Beach, N.Y. 11414	32

Nancy Cruz	202 South 2 nd Street #5 Brooklyn, N.Y. 11211	34
Kathleen Dibble	1824 Putnam Avenue #3L Ridgewood, N.Y. 11385	34
Philip Elins	179 Norman Avenue #1 Brooklyn, N.Y. 11222	37
Joan T. Galvin	211 East 8 th Street Brooklyn, N.Y. 11218	40
Carol Y. Telfair	51 Malta Street #3B Brooklyn, N.Y. 11207	42
Marsha Ballow	1956 80 th Street Brooklyn, N.Y. 11214	43
Kathleen Johnson	31 87 th Street Brooklyn, N.Y. 11209	43
Chaya Schlafrig	4317 15 th Avenue Brooklyn, N.Y. 11219	44
Rhonda G. Pitt	1190 Schenectady Avenue Brooklyn, N.Y. 11203	45
Judith Posniack	1566 East 29 th Street Brooklyn, N.Y. 11229	45
Stuart Rimmer	3018 Avenue M Brooklyn, N.Y. 11210	45
Stephen Kirby	1466 East 102 nd Street Brooklyn, N.Y. 11236	46
Jo-Ann Appice	400 Getz Avenue Staten Island, N.Y. 10312	51
Nadezhda Kravchenko	104 Brook Avenue Staten Island, N.Y. 10306	51
Camille P. Manning	15 Salamander Court Staten Island, N.Y. 10309	51
Doreen Zuccaro	51 Seguin Place Staten Island, N.Y. 10312	51

On motion of the Acting Speaker (Council Member Rivera), 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 981 & Res 1607 -	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-1)
(2)	Int 575-A -	Requiring newly constructed multi-family residences to provide adequate space to store and sort designated recyclable material.
(3)	Int 926-A -	In relation to extending the biotechnology credit against the general corporation tax, and the unincorporated business tax.
(4)	Int 958-A -	In relation to the publication of a brochure explaining the New York City property tax system.
(5)	Int 979 -	Extension of the due date for payment of the installment of real property tax that is ordinarily due and payable on January 1, 2013 for real property determined to be damaged and unsafe to enter or occupy as a result of the severe storm that occurred on October twenty-ninth and thirtieth, two thousand twelve.
(6)	Res 1587-A -	Increase in the annual expenditure for the Fifth Avenue Association, Bryant Park, Downtown-Lower Manhattan, Kings Highway, 47 th Street, North Flatbush Avenue and Madison/23 rd /Flatiron/Chelsea Business Improvement Districts, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.

- (7)

Res 1601

Resolution calling upon the United States Congress and the President of the United States to reach an agreement on debt reduction before the end of the year that would avert short-term economic damage.
- (8)

Res 1603 -

Designation of funding in the Expense Budget (**Transparency Resolution**).
- (9)

L.U. 720 & Res 1609 -

App. **20135041 HKQ (N 130043 HKQ)**, at 69-65 to 69-73 182nd Street (Block 7135, Lots 54 and 60), (Designation List 458, LP-2087). Borough of Queens, Community Board 8, Council District no. 24.
- (10)

L.U. 726 & Res 1610 -

App. N **120384 (A) ZRK**, Zoning Resolution of the City of New York, relating to Article X, Chapter I (Special Downtown Brooklyn District) to modify the parking regulations of the Special Downtown Brooklyn District, Borough of Brooklyn, Community Board 2, Council District 35.
- (11)

L.U. 731 & Res 1608 -

539 & 541 E. 147th Street Apartments, Block 2274, Lots 33 & 34, Bronx, Community District No. 1, Council District No. 17
- (12)

L.U. 733 & Res 1611 -

App. **20135010 TCM**, 19 Kenmare Street, Borough of Manhattan, Community Board 4, Council District 1.
- (13)

L.U. 734 & Res 1612 -

App. **20135080 TCM**, 57 Jane Street, Borough of Manhattan, Community Board 2, Council District 3.
- (14)

L.U. 735 & Res 1613 -

App. **20135107 TCM**, 28 Eighth Avenue, Borough of Manhattan, Community Board 2, Council District 3.
- (15)

L.U. 736 & Res 1614 -

App. **C 100218 ZMK** amendment of the Zoning Map, Section No. 13a, changing an M1-1 District to an R7A District and establishing a C2-4 District within the proposed R7A District, Borough of Brooklyn, Community Board 1, Council District 33.
- (16)

L.U. 737 & Res 1615 -

App. N 100219 ZRK, amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing Designated Areas) relating to the extension of the Inclusionary Housing Program to a proposed R7A district in Greenpoint, Brooklyn, Community Board 1, Council District 33.
- (17)

L.U. 738 & Res 1616 -

App. **20135153 HKM (N 130075 HKM)**, 315-317 Grand Street (aka 66-68 Allen Street) and 319-321 Grand Street (aka 65 Orchard Street) (Tax Map Block 308, Lots 14 and 15) (Designation List 459, LP-2397), Borough of Manhattan, Community Board 2, Council District 1,.
- (18)

L.U. 739 & Res 1617 -

In Rem Action No. 45: Application No. 20135096 HAM, submitted by the New York City Department of Finance and the Department of Housing Preservation and Development, 273 Wadsworth Avenue (aka 618 West 187th Street), Community Board 12, Council District 10, Borough of Manhattan.
- (19)

L.U. 740 & Res 1618 -

App. **20135197 HAK**, 640 Broadway, Borough of Brooklyn, Community Board 1, Council District 33.
- (20)

Resolution approving various persons Commissioners of Deeds.

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

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Ulrich, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **46**.

The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for LU No. 720 & Res No. 1609:

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

Negative – Ignizio - **1**.

The following was the vote recorded for LU No. 740 & Res No. 1618:

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Nelson, Palma, Recchia, Rodriguez, Ulrich, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **43**.

Negative – Barron and Reyna – **2**.

Abstention – Mendez – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 575-A, 926-A, 958-A, and 979.

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 Finance and had been favorably reported for adoption.

Report for voice-vote Res. No. 1601

Report of the Committee on Finance in favor of approving a Resolution calling upon the United States Congress and the President of the United States to reach an agreement on debt reduction before the end of the year that would avert short-term economic damage.

The Committee on Finance, to which the annexed resolution was referred on December 10, 2012, respectfully

REPORTS:

Introduction

The U.S. economy is moving forward slowly, but it faces a significant challenge. If no action is taken by Congress and the President, a set of expiring tax provisions and automatic spending reductions could put the economy back into a recession. These expirations, known as the "fiscal cliff", would begin January 1, 2013.(Since the spending reductions and tax increases would take place over several years, it is actually more of a "fiscal hill" than a cliff, but the impact will nonetheless be dramatic for the economy and citizens)

In addition, the Federal debt ceiling will need to be raised soon. Failure to do so may leave the government unable to finance its operations and service its debt.

National impact background

Fiscal deficit reduction as priority

Fiscal deficit reduction has been on the legislative agenda for quite some time. After lengthy negotiations, a preliminary compromise was reached in August of 2011 via the Budget Control Act (BCA).¹A provision of the BCA will go into effect in 2013 if no alternate deficit reduction actions take place. At roughly the same time, a

number of tax provisions will expire, and across the board automatic spending cuts will take effect. The resulting "fiscal cliff" will consist of :

- The end of 2011's temporary payroll tax cuts, leading to a 2 percent tax increase for most workers in the United States.
- Changes in the Alternative Minimum Tax which would raise taxes for a significant share of taxpayers.
- Reversal of tax rate reductions and of expanded credits and deductions enacted in 2001, 2003 and 2009.

¹Budget Control Act of 2011 (Pub.L. 112-25, S. 65, 125 Stat. 240). Available online: <http://www.opo.gov/fdsys/pkg/BILLS-112s365eah/pdf/BILLS-112s365eah.pdf>

- Expiration of the more recent emergency unemployment benefits beyond the standard 26 weeks
- Across the board cuts to approximately 1,000 government-sponsored programs, including domestic programs, defense and Medicare .²
-

If Congress takes no action, the CBO estimates that in 2013 the fiscal cliff will cause \$375 billion in tax increases and \$88 billion of spending reductions. These actions would reduce the federal government's deficit; CBO (2012a) estimates the deficit will shrink approximately \$641 billion or 4 percent of country's GDP during the 2013 federal fiscal year.³

The Financial Times also forecasts a sharp improvement to the def i cit starting immediately in the first quarter of 2013.⁴ According to this estimate, the budget deficit improves from approximately \$1.1 trillion to an almost balanced \$0 by 2017.This balanced budget achievement would be significant, and possibly considered prudent by some. Nevertheless, there are many considerations that should go into any austerity action.

Macroeconomic policy challenge

According to I HS Global Insight, the above five factors of fiscal tightening that form the 'fiscal cliff would cost the U.S. economy 3.1 percent of its GDP in 2013. With real GDP growth in the 3rd quarter of 2012 only 2.7 percent, annual ized,⁵ not addressing the fiscal cliff could push the U.S. economy back into a recession.

While acknowledging the upside to reducing the budget deficit, CBO (2012a) draws attention to several concerns over economic policy of fiscal tightening. Most importantly, fiscal tightening would

²Medicare cuts are limited to provider payments Social Security, veterans' benefits, federal pensions, Temporary A ssi stance for Needy Families (TA NF), food stamps (SNAP), Medicaid, the Chi I drens Health Insurance Program (CHI P), unemployment insurance, and several other programs are exempt from the automatic cuts.

CBO. 2012a An Update to the Budget and Economic Outlook: Fiscal Years 2012 to 2022. August 2012. Available online: <http://www.cbo.gov/publ i cati on/43539>

⁴Politi, J., C.Nevitt, K. Carni a and N.Sivathasan. 2012. What is the fiscal cliff?.*Financial Times*.
<http://www.ft.com/ i ntl/cms/s/0/57fec19e-3021-11e2-a040-00144feabdc0.html#axzz2ECm13nC0> ⁵U .S. Bureau of Economic Analysis, gross domestic product, third quarter 2012 (second estimate).

likely lead the economy into a recession, resulting in at least 0.5 percent decline in real GDP between the last quarter of 2012 and the fourth quarter of 2013. The unemployment rate would be expected to rise to 9 percent early in the second half of 2013, posing additional stress to the economy and raising demand for unemployment benefits and other services (CBO, 2012a).

As an alternative, CBO (2012b) looks at the possibility of extending some or all expiring tax breaks and avoiding the most severe spending cuts. The CBO report finds evidence for strong output and employment improvement in the medium term.⁶This allows adequate time to develop a more sustainable long term policy. For example, in some CBO scenarios, output and employment would be greater than the full "fiscal cliff" scenario (e.g. extending the 2 percent cut in payroll tax and emergency unemployment benefits would result in a real GDP boost of 0.75 percent by the end of 2013; or extending all expiring tax provisions and maintaining spending policies that are currently subject to expiration would contribute 2.25 percent to real GDP growth). In the best case scenario, real GDP would receive a 3 percent boost by the end of 2013.

According to economists J. Bradford Delong and Lawrence Summers, normally the Federal Reserve is in a position to offset the economic effects of lower government spending and higher taxes. With interest rates currently near zero, however, the Federal Reserve's main tool to accelerate a slowing economy is no longer available. According to these economists great caution is needed with the

pace of deficit reduction. Trying to cut the deficit too quickly could tip the economy back into recession.'

⁶CBO.2012b. Economic effects of policies contributing to fiscal tightening in 2013. November 2012.

⁷ DeLong, J.B. and L. H. Summers, "Fiscal Policy in a Depressed Economy", Brookings Papers on Economic Activity, forthcoming.

3. Impact on the New York State and New York City economies

New York State

According to The National Economic Council, 7.3 million middle-class New York families will see their taxes go up as tax cuts such as the Child Tax Credit, marriage penalty relief, and the American Opportunity Tax Credit expire.⁸ On average, a median income of a NYS family of four could see its income taxes rise by \$2,200 (for income of \$81,500). Among other things, this would have a negative impact on NYS consumer spending and as a result affect the 915,000 New Yorkers employed in the retail industry – the biggest beneficiary of consumer spending.

For atypical NYS family of four earning \$81,500 a year, there could be an increase of \$1,000 in taxes because of the drop in the Child Tax Credit (from \$1,000 to \$500). An additional \$890 tax increase would be due to the merging of the 10 percent tax bracket into the 15 percent bracket. There would be another tax increase of \$310 due to the expiration of marriage penalty relief .

Over 718,000 middle-class NYS families will lose the help they receive paying for college from the American Opportunity Tax Credit.

These examples are simple consequences of the fiscal cliff. The ultimate results could be even more severe. The State Comptroller notes several elements of the "fiscal cliff" that would hit New Yorkers the most.

Among the worst, changes in the Alternative Minimum Tax would increase the number of New Yorkers paying the tax to 3.9 million (from currently under 500,000 in 2010—the latest annual data

⁸The National Economic Council. (2012). The President's plan to extend middle-class tax cuts: impact for New York December 2012. Available online: <http://www.whitehouse.gov/si tes/def ault/fi l es/upl oads/mi dd l e classreport7242012.pdf>

available). It would also result in an additional \$20.8 billion impact in 2013, an average of \$5,180 per tax filer.⁹

The other significant event, Social Security payroll tax returning to the 6.2 percent rate, would cost New York workers \$7.7 billion in 2013. The State Comptroller's report finds that practically all 8.9 million workers i n the State will see higher payroll withholdings.

Taken all together, the State Comptroller estimates the immediate tax impact due to the fiscal cliff to be \$43.4 billion in 2013 and \$44.9 billion in 2014.

Certain recently suggested compromises could also have a detrimental impact on the New York State economy. For example, reduction or elimination of the federal tax exemption on municipal bonds would mean higher debt costs on the State and local government levels. The negative implications for the State's and City's capital funding programs are clear and would be immediate.

Finally the New York State Division of the Budget estimates that the State and its localities stand to potentially lose over \$5.0 billion in federal aid transfers over the next nine years. During the Federal FY2013 (ending September 30, 2013), NYS would lose \$609 million in aid including \$210 million in education programs, \$137 million in health and human services, etc. Over 100,000 unemployed New Yorkers would stop receiving their unemployment benefits should the "fiscal cliff" go as scheduled. Evidently, a more balanced approach is needed during these difficult times.

New York City

In the event of a "fiscal cliff", the City would experience an impact equivalent to the national and state scale described above. OMB estimates the reduction in Federal aid to the City would be \$285 million across City Fiscal 2013 & 2014. The sequestration would affect FFY 2013 spending. This would impact the City budget in CFY 2013-2015. In FFY 2014, mandatory cuts would work differently and, currently it is impossible to predict their impact on NYC.

⁹Di Napoli , T.P. (2012). Impact of the fiscal cliff on New York State.Office of the NYS Comptroller. Available online: <https://www.osc.state. ny. us/press/re! easestlec12/120612.htm>

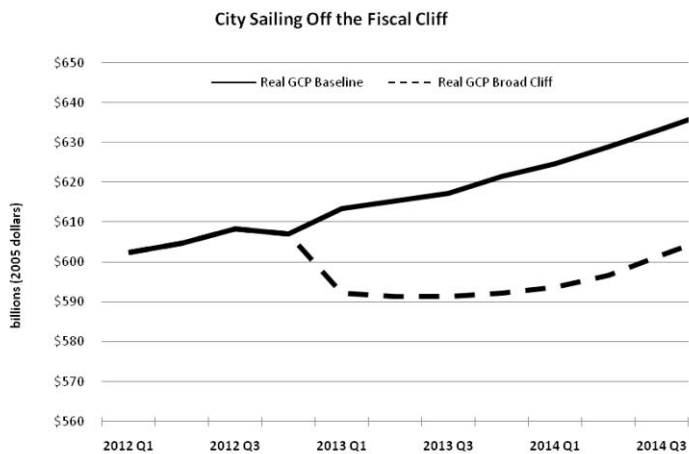
Under the Budget Control Act of 2011, the total pool of discretionary spending will grow at a rate of a bit over 2% a year — significantly less than the economy. This will reduce non-defense discretionary spending to a post WWII low,by FFY 2014with sequestration, and by FFY 2017 without.

Over the last 20 years, federal aid to the City has grown at an average rate of about 4 percent. After FFY 2013 the composition of BCA and sequestration cuts are impossible to specify as mentioned above. But the BCA limits the growth rate of discretionary spending to around 2 percent.. Given this, it is likely that Federal aid will continue to shrink as a percentage of City revenue The impact of the expiration of tax breaks will lead to a change in the tax bracket of a typical household. For example, a single mother with an income of \$24,000 will see a tax increase of \$1,670 - \$1,500 because of a reduction in the Child Tax Credit and \$170 because of the disappearance of 10 percent tax bracket. With the loss of the \$1,500 child credit, most single mothers would find it hard to continue to afford chi l d care while they work.

In other examples from the National Economic Council, a middle class family will lose \$1,000 because of the Child Tax Credit reduction, \$890 from the expiration of the 10 percent tax bracket, and \$310 because of the end to the marriage penalty relief (which would reduce their standard deduction). An upper middle class family will lose \$890 because of the expiration of the 10 percent bracket, \$3,150 from a combined loss of marriage penalty relief and increase of the 25 percent bracket to 28 percent.

Finally, the failure to reach a deficit reduction agreement will push the City economy back into a recession worse than that of 2009. The Finance Division expects the City's economy to grow by slightly less than 2 percent in 2013 (Figure 1). Real (inflation-adjusted) Gross City Product (GCP) is forecasted in a "Baseline" scenario (Council Finance's current forecast) and a "Broad Cliff" scenario, which assumes no agreement is reached for a prolonged period of time. If the "fiscal cliff" hits, we expect GCP to shrink by slightly more than 2 percent when compared to 2012 - for a net loss of around 4 percent of GCP when compared to the baseline. The net loss would be about \$25 billion of GCP in 2005 prices. That would reduce employment in NYC by 170,000 in 2013 compared to 2012. The result would be a worse recession than that of 2009.

Figure 1. New York City Gross City Product Simulation



Source: NYCC-Finance calculations based on IHS Global Insight data, 2012.

4. Some Special Issues for Deficit Reduction

Equity Across the Country. One revenue-raising option under consideration is reducing or eliminating some or all tax deductions. Depending on the framing, scaling back itemized deductions can have a disparate effect on different regions in the county. New York City is an expensive place. Residents spend a lot on housing and taxes, and the City has a large capital program which is dependent on its ability to sell tax exempt bonds. For example consider homeowners. The home mortgage interest deduction is used extensively by middle income as well as upper income families. Depending on which part of the country the taxpayer resides, the price of two similar homes can vary considerably, impacting mortgage interest costs. According to the Council for Community and Economic Research, mortgage payments required in order to buy a home in Brooklyn or Queens are more than twice the national average for a similar home.¹⁰ The average mortgage deduction in New York State was \$10,639 in 2010 compared to \$7,177 in Iowa or \$7,764 in Arkansas.¹¹

Equity for Middle Class and Working Families. The vast disparity in income among Americans, and as a result, the ability to afford spending cuts or tax increases is also an issue. Data from the U.S. Bureau of the Census shows that in 2011 the lowest 20th percentile of household income was \$20,262, compared to the 95th percentile at \$186,000. Income inequality has dramatically increased through time. A study from the University of California at Berkley found that real income among the top 1 percent grew by 52 percent between 1993 and 2010 while that of the bottom 99 percent grew by only 6.4 percent. The top 10 percent of households in 2010 received 48 percent of all market income, up from 35 percent in 1980.¹² Families with income above \$250,000 are better able to afford the higher tax rates than middle and low income families who depend on government funded social services and other programs slated to be cut.

5. Conclusion

This resolution calls upon Congress and the President to reach a deficit reduction agreement in a timely manner so as to avert damage to the economy. It asks that any agreement consider the growing income disparity, the preservation of vital programs, and fairness in the treatment of all regions of the country, including cities like New York. It endorses President Obama's approach and recommends allowing the Bush-era tax cuts to sunset for the top two tax brackets.

¹⁰ Council I for Community and Economic Research, ¹¹ACCRA Cost of Living Index", October 2011. ¹¹Wall Street Journal, "Uneven bit of limited deductions," November 19, 2012. ¹²Kett T. and E. Saez. (2003). Income inequality in the United States 1913-1998 - updated to 2010, *Quarterly Journal of Economics*, 118(1): pp. 1-39.

Accordingly, this Committee recommends its adoption.

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

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER; Committee on Finance, December 10, 2012.

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

The following Council Members formally voted against this item: Council Members Halloran, Ignizio, and Oddo.

The following Council Member formally abstained to vote on this item: Council Member Vallone, Jr.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 976

By Council Members Chin, Dromm, Gonzalez, James, Koo, Lander, Mendez, Williams and Wills.

A Local Law to amend the New York city charter, in relation to city agencies' collection of demographic data.

Be it enacted by the Council as follows:

Section 1. Section 15 of chapter 1 of the New York city charter is amended by adding a new subdivision g to read as follows:

g. 1. The office of operations shall ensure that any city agency that collects via form documents demographic information regarding the ancestry or ethnic origin of city residents seeking services shall include on any such form documents an option for multiracial ancestry or ethnic origin; provided, however, that such requirement shall not apply to form documents used by a city agency that originate from a state or federal agency.

2. Within three years of the effective date of this subdivision, every agency that collects via form documents demographic information regarding the ancestry or ethnic origin of city residents seeking services shall ensure that any computer system or database used by such agency for the purpose of maintaining or compiling such information has the capacity to receive and maintain information regarding multiracial ancestry or ethnic origin.

§2. This local law shall take effect one-hundred twenty days following its enactment.

Referred to the Committee on Governmental Operations.

Res. No. 1597

Resolution calling on the state and federal governments to amend their official forms and databases to accommodate multiracial identification in all instances where racial identification is required.

By Council Members Chin, Dromm, Ferreras, James, Koo, Lander, Mendez, Van Bramer, Williams and Wills.

Whereas, The 2000 United States Census (“Census”) was the first census to allow individuals to record their race using more than one category; that year, more than 2.4 percent of the population selected a multiracial identity; and

Whereas, By the 2010 Census, the number of people identifying as more than one race grew 32 percent, accounting for 9 million people nationwide; and

Whereas, Between the 2000 Census and the 2010 Census, individuals of two or more races grew at a faster rate than any group identifying with a single race; and

Whereas, According to the United States Census Bureau, approximately 2.2 percent of the population of New York State and 2.3 percent of the population of the United States identify as belonging to two or more races; and

Whereas, Additionally, a 2012 Pew Research report found that interracial marriages have increased significantly over the past three decades, accounting for 6.7 percent of new marriages in 1980 and 15 percent in 2010; and

Whereas, Despite a growing population of people who identify as being multiracial, forms at the federal and state levels do not always reflect the realities of these demographic trends; and

Whereas, The Federal Bureau of Investigation’s fingerprinting form, for example, is coded in such a way that only one of five different demographic categories can be entered: Asian or Pacific Islander, Black, American Indian or Alaskan Native, Unknown, and White; and

Whereas, Employees in the United States Army and Air National Guard wishing to file a complaint alleging racial discrimination are similarly limited, able only to identify their race as Black, White, American Indian/Alaskan Native or Asian/Pacific Islander, with no indication that selecting more than one race is permitted; and

Whereas, At the state level, minority businesses applying for certification as Minority and Women-Owned Business Enterprises are only able to select one of the following categories: Black, Hispanic, Asian-Pacific, Asian-Indian Subcontinent and Native American; and

Whereas, It is unfair to ask people that belong to more than one racial demographic to choose only the race selections provided on government documents, essentially forcing them to misrepresent themselves; and

Whereas, Failure to include multiracial identifiers on state and federal forms can also have broader consequences, as it produces an inaccurate picture of the state’s and the country’s racial diversity; now, therefore, be it

Resolved, That the Council of the City of New York calls on the state and federal governments to amend their official forms and databases to accommodate multiracial identification in all instances where racial identification is required.

Referred to the Committee on Governmental Operations.

Res. No. 1598

Resolution calling on the United States Congress to pass and the President to sign H.R. 2169/S.1195, also known as the POWER Act, which would allow victims of any federal, state, or local labor law violations with regard to wages and hours, labor relations, family and medical leave, occupational health and safety, and discrimination to apply for lawful status if they have suffered substantial mental or physical abuse as a result of the violation, have been helpful or are likely to be helpful in the investigation of the violation, and will suffer extreme hardship if removed from the United States.

By Council Members Dromm, Brewer, Chin, Ferreras, James, Koppell, Lander, Mendez and Williams.

Whereas, New York City is home to approximately three million immigrants, and according to the State Comptroller’s 2010 report *The Role of Immigrants in the New York City Economy* (“the Report”), immigrant New Yorkers represent 34 percent of the city’s workforce; and

Whereas, According to the U.S. Department of Homeland Security (“DHS”), approximately 400,000 undocumented immigrants were deported each year from the United States in both FY 2010 and FY 2011; and

Whereas, The vigorous enforcement of immigration laws by the federal government has resulted in increased fear of apprehension and deportation among immigrants; and

Whereas, Immigrants are highly vulnerable to abuse and often subject to poor working conditions and unpaid and subminimum wages; and

Whereas, For example, in 2008, the Saigon Grill restaurant, located in New York City, was ordered by the United States District Court for the Southern District of New York to pay 36 delivery workers \$4.6 million in unpaid wages, and in 2009, Amish Markets in New York City agreed to pay \$1.5 million in unpaid wages to 550 workers, many of whom were immigrants; and

Whereas, In some cases, immigrants leave their native country due to political unrest or because of military conflicts within their country or region; and

Whereas, As such, immigrants who fear deportation are often afraid to report crimes or are unaware that they can seek relief from local law enforcement or the judicial system; and

Whereas, Furthermore, such fears often prevent immigrants from bringing cases or cooperating with the government when United States labor laws have been or are being violated; and

Whereas, To help curb some of the abuse immigrants face, on July 14, 2011, S.1195/H.R.2169, known as the “POWER Act,” was introduced, according to the bill, “to protect victims of crime or serious labor violations from deportation during DHS’s enforcement actions”; and

Whereas, If enacted, according to the bill, this legislation would allow an undocumented immigrant to be granted temporary immigration relief, “if the Secretary of [DHS] determines that the [immigrant]: (1) has suffered abuse or harm as a result of having been a victim of criminal activity; (2) has suffered substantial abuse or harm related to specified labor or employment violations related to a workplace claim; (3) is a victim of specified criminal activity and would suffer extreme hardship upon removal; (4) has suffered a workplace violation and would suffer extreme hardship upon removal; (5) has been helpful to a local judge, DHS, the Equal Employment Opportunity Commission (EEOC), the Department of Labor,

or the National Labor Relations Board (NLRB) or to other authorities investigating, prosecuting, or seeking civil remedies for workplace violations; or (6) has filed, is a material witness in, or is likely to be helpful in the investigation of, a bona fide workplace claim and reasonably fears, has been threatened with, or has been the victim of, an action involving force, physical restraint, retaliation, or abuse of the immigration or other legal process by the employer in relation to acts underlying or related to the filing of the claim”; and

Whereas, If enacted, the legislation would provide protections to undocumented workers and an avenue for immigrants to report abuses without the fear of deportation; and

Whereas, If enacted, the legislation would assist immigrants in this city who, according to the Report, accounted for \$215 billion in economic activity in 2008 and, therefore, play a vital role in the city’s economic health; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign H.R. 2169/S.1195, also known as the POWER Act, which would allow victims of any federal, state, or local labor law violations with regard to wages and hours, labor relations, family and medical leave, occupational health and safety, and discrimination to apply for lawful status if they have suffered substantial mental or physical abuse as a result of the violation, have been helpful or are likely to be helpful in the investigation of the violation, and will suffer extreme hardship if removed from the United States.

Referred to the Committee on Immigration.

Res. No. 1599

Resolution calling upon the New York State Legislature and the Governor to amend the Vehicle and Traffic Law to eliminate the penalty of incarceration for individuals convicted of operating a motor vehicle with a suspended license when such license was suspended solely due to failing to respond to a summons.

By Council Members Greenfield, Wills, Dromm, Eugene, James, Nelson and Williams.

Whereas, According to the United States Department of Transportation, in 2009, there were 11,329,488 New York State licensed drivers; and

Whereas, As a mechanism to protect other motorists and civilians from dangerous drivers, the state may suspend an individual’s driver license for traffic violations; and

Whereas, Individuals who have their driver license suspended due to serious violations of the law, such as driving while intoxicated, pose a threat to public safety and should not be operating a motor vehicle; and

Whereas, An individual may also have his or her license suspended for a less serious violation of the law, such as failing to answer a summons; and

Whereas, Under Section 511 of the New York State Vehicle and Traffic Law, an individual is guilty of aggravated unlicensed operation of a motor vehicle in the third degree if he or she operates a motor vehicle upon any public roadway while knowing or having reason to know his or her license is suspended, regardless of the reason why such individual’s license was suspended; and

Whereas, Aggravated unlicensed operation of a motor vehicle in the third degree is a misdemeanor and is punishable by a maximum fine of \$500 and/or up to 30 days in jail; and

Whereas, Individuals are often charged with knowingly having their driver licenses suspended simply because of a failure to address a previously acquired traffic summons; and

Whereas, Individuals who fail to address a traffic summons and have their licenses suspended should not be subjected to the same type of criminal penalty as those who commit serious violent crimes against society; and

Whereas, Individuals that are found to be operating a motor vehicle with suspended licenses solely due to failing to respond to a traffic summons should be subject to a fine rather than possibly facing incarceration for their traffic violation; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature and the Governor to amend the Vehicle and Traffic Law to eliminate the penalty of incarceration for individuals convicted of operating a motor vehicle with a suspended license when such license was suspended solely due to failing to respond to a summons.

Referred to the Committee on Public Safety.

Int. No. 977

By Council Members Ignizio, Chin, Dilan, Dromm, Eugene, Ferreras, Gentile, James, Koo, Lander, Mendez, Nelson, Williams, Wills, Comrie, Recchia, Jackson, Rodriguez, Halloran and Ulrich (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to waiving certain permit and inspection fees for the demolition,

alteration, rebuilding or repair of certain buildings and systems damaged by the severe storm that occurred on October 29 and 30, 2012, commonly referred to as “Hurricane Sandy”.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 28-112.10 to read as follows:

§28-112.10 Waiver of application, permit and inspection fees for certain work arising out of the storm that occurred on October 29 and 30, 2012. *The commissioner shall waive the fees that would otherwise be required to be paid by this code, the electrical code or the rules of the department for applications, permits and inspections for certain work arising out of the storm that occurred on October 29 and 30, 2012 as provided in sections 28-112.10.1 and 28-112.10.2.*

§28-112.10.1 Eligible buildings. *For the purposes of this article, eligible buildings are those buildings that, following the storm and pursuant to an inspection program established by the department under an emergency order of the Mayor, are designated by the department after inspection through a notation on the department’s records and/or by the posting of a red placard warning on the building or premises as seriously damaged and unsafe to enter or occupy or completely demolished and/or washed away. With respect to eligible buildings, fees associated with applications, permits and inspections shall be waived for alteration work, demolition work, construction of new buildings and associated work, including but not limited to associated electrical and plumbing work. The commissioner may request the applicant to submit additional information relating to the damage. Waiver of such fees pursuant to this section shall be applicable for jobs where the initial application for construction document approval or, if no construction documents are required, application for permit is submitted on or after October 30, 2012 and before October 31, 2014.*

§28-112.10.2 Storm related damage to electrical and plumbing systems. *In buildings other than eligible buildings, fees shall be waived only for applications, permits and inspections for work related to plumbing and electrical systems damaged by such storm. Applicants must submit certification by a licensed master electrician or a licensed master plumber or fire suppression piping contractor that the proposed work is related to such storm damage. The commissioner may request the applicant to submit additional information relating to the damage. Waiver of such fees pursuant to this section shall be applicable for jobs where the initial application for construction document approval or, if no construction documents are required, application for permit is submitted on or after October 30, 2012 and before January 31, 2013.*

§2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 1600

Resolution calling upon the Metropolitan Transportation Authority, the Department of Transportation, and Cemusa to work together to install bus arrival time displays in bus shelters using data from the MTA’s Bus Time technology.

By Council Members Lander, Gonzalez, Rose, Levin, Ignizio, Gentile, Brewer, Chin, Eugene, Ferreras, James, Koppell, Koslowitz, Mendez, Vann, Williams and Lappin.

Whereas, In July 2005, the New York City Department of Transportation (DOT) awarded a franchise to Cemusa, a Spanish street furniture company, to design, manufacture, install, and maintain the City’s street furniture, including bus shelters, at no cost to the City; and

Whereas, In exchange, the City allows Cemusa to sell advertising space on the structures within clearly defined limits; and

Whereas, In 2011, the Metropolitan Transportation Authority (MTA) introduced Bus Time in Staten Island and plans to have it in operation in all five boroughs by the end of 2013; and

Whereas, Bus Time provides real-time information about bus arrival time and location to customers via text messages, smart phones, and the Internet using GPS technology and continuously updated information from the MTA; and

Whereas, The Bus Time system cannot be utilized by bus riders, particularly many senior citizens, who do not have cell phones; and

Whereas, Bus arrival time displays were in operation at bus shelters serving the M34 and M16 lines along 34th Street in Manhattan as recently as February 2011, but their use was officially discontinued by the MTA in April 2012 when it transitioned to the new Bus Time system; and

Whereas, According to testimony given by the MTA at a joint hearing of the Council’s Committees on Transportation and Technology on October 24, 2012, the widespread introduction of bus arrival time displays in bus shelters would need to be accomplished through negotiations between DOT and Cemusa, since the current contract does not specify the terms of the installation of such displays; and

Whereas, Other major cities, including Albany, Boston, Syracuse, Washington, DC and Paris, utilize electronic displays to inform passengers of bus arrival times; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Metropolitan Transportation Authority, the Department of Transportation, and Cemusa to work together to install bus arrival time displays in bus shelters using data from the MTA’s Bus Time technology.

Referred to the Committee on Transportation.

Res. No. 1601

Resolution calling upon the United States Congress and the President of the United States to reach an agreement on debt reduction before the end of the year that would avert short-term economic damage.

By Council Members Lander, Foster, Recchia, the Speaker (Council Member Quinn), and Council Members Reyna, Fidler, Jackson, Chin, Eugene, Ferreras, Gentile, James, Koppell, Koslowitz, Mendez, Nelson, Van Bramer, Vann, Williams, Wills and Gennaro.

Whereas, On January 2, 2013, barring Congressional and Presidential action, all the tax cuts enacted under President George W. Bush will expire, and there will be \$1.2 trillion in automatic sequester spending cuts; and

Whereas, Also due to expire are the payroll tax cut of 2 percentage points, emergency unemployment benefits beyond the standard 26 weeks, and the special depreciation incentive for capital equipment purchases; and

Whereas, According to IHS Global Insight, together these actions would create a ‘fiscal cliff’ that would cost the U.S. economy 3.1 percent of its gross domestic product, pushing it back into recession and likely causing an increase in unemployment, which is already too high at 7.9% nationally; and

Whereas, Income inequality has dramatically increased over the last thirty years, and households with the highest incomes are better able to afford higher tax rates than are middle- and low-income families, as shown by a study from the University of California at Berkley which found that real income among the top 1 percent grew by 52 percent between 1993 and 2010, while that of the bottom 99 percent grew by only 6.4 percent, and found further that the top 10 percent of households in 2010 received 48 percent of all income, up from 35 percent in 1980; and

Whereas, Social Security, Medicare, and Medicaid are central to the vitality of the middle class and keep millions of Americans out of poverty, and federal investments in education and infrastructure are essential to the nation’s future prosperity;

Whereas, New York City, and other large urban centers nationwide, have high concentrations of high-need populations who can ill afford cuts in the federal domestic discretionary spending and entitlement programs they depend upon, programs that are especially important in the wake of Hurricane Sandy, and cuts to federal spending often shift costs to cities and states at moments when they are least equipped to handle them; and

Whereas, One revenue-raising option reportedly under consideration is limiting itemized tax deductions, which could result in disparate effects in different regions in the county; and

Whereas, According to economists J. Bradford Delong and Lawrence Summers, while normally the Federal Reserve is in a position to offset the economic effects of lower government spending and higher taxes by lowering interest rates, with interest rates currently near zero, the Federal Reserve’s main tool to speed up a slowing economy is no longer available; therefore great caution is needed with the pace of deficit reduction, because trying to go too fast could tip the economy back into recession; and

Whereas, President Obama has proposed a long-term deficit reduction plan that takes into consideration the current condition of the economy, the income disparity in this country, and the differing conditions and needs of various parts of the country; now, therefore, be it

Resolved, That the New York City Council urges both political parties to reach an agreement on debt reduction before the end of the year that would avert short-term damage to an already struggling economy, minimize additional burdens on middle and low income families, and prioritize broadly-shared economic recovery, and be it further

Resolved, That in framing debt reduction, the Council appeals to lawmakers to factor in the vast disparity in income among Americans, and the subsequent ability to shoulder necessary spending cuts or tax increases, and preserve the Bush Era tax cuts for 97% of Americans while allowing tax rates on the wealthiest 3% of households to return to the levels of the Clinton Administration; and be it further

Resolved, That the Council urges Congress and the President to enact a deficit reduction plan that takes into account the need to treat different parts of the country equitably; and be it further

Resolved, That the Council of the City of New York calls upon the United States Congress and the President of the United States to reach an agreement on debt reduction before the end of the year that would avert short-term economic damage.

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

Res. No. 1602

Resolution calling upon the Metropolitan Transportation Authority (MTA) to rate bus lines on the basis of a letter grading system of A to F, utilizing criteria such as cleanliness, on-time arrival, and availability of seats.

By Council Members Lappin, Chin, Eugene, James, Koo, Van Bramer, Vann, Williams, Wills and Ulrich.

Whereas, Currently the MTA does not rate individual bus lines on the basis of cleanliness, on-time performance, or availability of seats; and

Whereas, The MTA utilizes the Passenger Environment Survey - Key Performance Indicator (PES-KPI) to rate individual subway lines; and

Whereas, The PES-KPI is a composite index that measures customer experience on individual subway lines, that is published monthly by the MTA and includes the categories of Appearance, Equipment, and Information; and

Whereas, Each year the Straphangers Campaign and Transportation Alternatives awards the “Pokey” award to the slowest bus lines and the “Schleppie” award to the least reliable bus lines, in New York City based on a sample study; and

Whereas, The 2011 report found that New York City buses are the slowest in the United States and that the reliability of City buses decreased from 2010 due to an aging fleet and an increase in breakdowns; and

Whereas, The findings in the Straphangers/TA report are reflected by MTA’s own customer satisfaction surveys; and

Whereas, According to the MTA’s 2012 customer satisfaction survey, only 69 percent of bus riders are satisfied, in comparison to 78 percent of subway riders who are satisfied; and

Whereas, Providing a clear rating system for bus lines operated by the MTA will increase awareness of the issues faced by many bus riders and could provide motivation to the MTA to improve bus services; now, therefore, be it

Resolved, That the Council of the City of New York call upon the Metropolitan Transportation Authority (MTA) to rate bus lines on the basis of a letter grading system of A to F, utilizing criteria such as cleanliness, on-time arrival, and availability of seats.

Referred to the Committee on Transportation.

Int. No. 978

By Council Members Mendez, James, Van Bramer, Williams and Wills.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the campaign finance board and the New York City campaign finance act.

Be it enacted by the Council as follows:

Section 1. Subdivision 8 of section 3-702 of the administrative code of the city of New York is amended to read as follows:

8. The term "contribution" shall mean: (a) any gift, subscription, advance, or deposit of money or any thing of value, made in connection with the nomination for election, or election, of any candidate; (b) any funds received by a political committee from another political committee to the extent such funds do not constitute a transfer; (c) any payment, by any person other than a candidate or a political committee authorized by the candidate, made in connection with the nomination for election, or election, of any candidate, including but not limited to compensation for the personal services of any individual which are rendered in connection with a candidate’s election or nomination without charge; provided however, that none of the foregoing shall be deemed a contribution if it is made, taken or performed by a person or a political committee independent of the candidate or his agents or political committees authorized by such candidate pursuant to section 14-112 of the New York state election law. For purposes of this subdivision, the term "independent of the candidate or his or her agents or political committees authorized by such candidate pursuant to section 14-112 of the New York state election law" shall mean that the candidate or his or her agents or political committees so authorized by such candidate did not authorize, request, suggest, foster or cooperate in any such activity; and provided further, that the term "contribution" shall not include:

(i) the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee,

(ii) the use of real or personal property and the cost of invitations, food and beverages voluntarily provided by an individual to a candidate or political committee on the individual’s residential premises for candidate-related activities to the extent such services do not exceed five hundred dollars in value, [and]

(iii) the travel expenses of any individual who on his or her own behalf volunteers his or her personal services to any candidate or political committee to the extent such expenses are unreimbursed and do not exceed five hundred dollars in

value[.], and

(iv) any communication in connection with the nomination for election, or election, of any candidate made by a labor or other membership organization aimed at its members or executive or administrative personnel, or by a corporation aimed at its stockholders or executive or administrative personnel, or any de minimis, incidental such communication with individuals who are not members, stockholders or administrative or executive personnel of the labor or other membership organization or corporation, provided that the labor or other membership organization or corporation uses reasonable efforts to restrict the communication to its members, stockholders and executive or administrative personnel, except that an express advocacy communication that is disseminated as a mass mailing and is coordinated with a candidate within the meaning of this paragraph shall be treated as an in-kind contribution to that candidate. For purposes of this subdivision:

(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 is related to a “member” as defined in this paragraph and resides within the same household as that member;

(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;

(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;

(D) “coordinated” shall mean, with respect to a communication in connection with the nomination for election, or election, of any candidate made by either a labor or other membership organization aimed at its members or executive or administrative personnel, or by a corporation aimed at its stockholders or executive or administrative personnel, that that candidate or his or her agent or political committee so authorized by such candidate either (i) controls, (ii) expressly requests, (iii) expressly approves, or (iv) is knowingly and materially involved in decisions regarding, the communication’s strategy, content, means of dissemination or timing. There shall be no presumption that a particular communication is coordinated; and

(E) “mass mailing” shall mean a mailing by United States mail, common carrier, or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.

Notwithstanding anything in this subdivision to the contrary, any coordinated express advocacy communication created and distributed by a labor or other membership organization aimed at its members or executive or administrative personnel, or created and distributed by a corporation aimed at its stockholders or executive or administrative personnel, shall be reported to the board using the same schedule of disclosure statement filing dates and reporting periods and in the same manner as in the board’s rules on independent expenditures. For the purposes of this subdivision, “express advocacy communication” shall mean a communication that contains a phrase including, but not limited to, “vote for,” “re-elect,” “support,” “cast your ballot for,” “[Candidate] for [elected office],” “vote against,” “defeat,” “reject,” or “sign the petition for,” or a campaign slogan or words that in context and with limited reference to external events, such as the proximity to an election, can have no reasonable meaning other than to advocate the nomination for election or election or defeat of one or more clearly identified candidates in a covered election.

A loan made to a participating candidate or his or her principal committee, or a non-participating candidate or his or her authorized committees other than in the regular course of the lender’s business shall be deemed, to the extent not repaid by the date of the first covered election in which such candidate is governed by this chapter following the date of the loan, a contribution by the lender. A loan made to a participating candidate or his or her principal committee, or a non-participating candidate or his or her authorized committees in the regular course of the lender's business shall be deemed, to the extent not repaid by the date of the first covered election in which the candidate is governed by this chapter following the date of the loan, a contribution by the obligor on the loan and by another other person endorsing, cosigning guaranteeing, collateralizing or otherwise providing security for the loan.

§ 2. Subdivision 1 of section 3-716 of the administrative code of the city of New York is amended to read as follows:

1. Nothing in this chapter shall be construed to restrict candidates or their agents from making appearances at events sponsored or paid for by persons, political committees, or other entities that are not [in any way] affiliated with such candidate or any agent of such candidate. The costs of such events shall not be considered contributions to or expenditures by such a candidate pursuant to this chapter solely because such an appearance is made; provided that this subdivision shall not apply to any event in relation to which contributions are solicited on behalf of such candidate. For the purposes of this subdivision, “affiliated with” shall mean owned, employed or otherwise controlled by, such as the relationship between a candidate and the candidate’s authorized committee.

§ 3. 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, request, 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 executive or administrative personnel, or by a corporation aimed at its stockholders or executive or administrative personnel. 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 is related to a “member” as defined in this item and resides within the same household as that member;

(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

(6) Any de minimis, incidental communication by a labor or other membership organization or corporation with non-members or non-stockholders, so long as the labor or other membership organization or corporation uses reasonable efforts to restrict such communication to members/stockholders/executive or administrative personnel.

§ 4. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 979

By Council Members Oddo, Recchia, The Speaker (Council Member Quinn), and Council Members Ignizio, Fidler, Jackson, Reyna, Arroyo, Barron, Chin, Eugene, Ferreras, Gennaro, Gentile, James, Koo, Lappin, Mendez, Williams, Wills, Halloran and Van Bramer (in conjunction with the Mayor).

A Local Law in relation to extension of the due date for payment of the installment of real property tax that is ordinarily due and payable on January 1, 2013 for real property determined to be damaged and unsafe to enter or occupy as a result of the severe storm that occurred on October twenty-ninth and thirtieth, two thousand twelve.

Be it enacted by the Council as follows:

Section 1. Notwithstanding the provisions of subdivisions a and b of section 11-224.1 of the administrative code of the city of New York or of any other law, any installment of real property tax that is ordinarily due and payable on January first, two thousand thirteen pursuant to paragraph b of subdivision 2 or paragraph b of subdivision 3 of section 1519-a of the New York city charter, with respect to eligible real property as defined in section two of this local law, shall be due and payable on April first, two thousand thirteen. With respect to any such eligible real property, if the installment of real property tax that is due and payable on April first, two thousand thirteen under this local law is not paid in full on or before April first, two thousand thirteen, the commissioner of finance shall charge, receive and collect interest upon the amount of such installment not paid on or before such date, to be calculated from April first, two thousand thirteen to the date of payment.

§2. For purposes of this local law, “eligible real property” shall mean any tax lot that contained, on January fifth, two thousand twelve, class one or class two real property as such classes of real property are defined in subdivision one of section eighteen hundred two of the real property tax law, on which any building has been designated by the department of buildings in accordance with section three of this local law.

§3. For purposes of this local law, a building has been designated by the department of buildings if:

(a) during the period beginning November first, two thousand twelve and ending November thirtieth, two thousand twelve, after inspection by the department, such building has been determined to be seriously damaged and unsafe to enter or occupy or completely demolished as a result of damage caused by the effects of the severe

storm that occurred on October twenty-ninth and thirtieth, two thousand twelve, and such determination has been indicated by a notation on such department’s records and/or by the posting of a red placard warning on the building; or

(b) during the period beginning November first, two thousand twelve and ending November thirtieth, two thousand twelve, after inspection by the department, such building has been determined to require repairs or to have a restricted area and such determination has been indicated by a notation on such department’s records and/or by the posting of a yellow sticker on the building, and during the period beginning December first, two thousand twelve and ending December twenty-eighth, two thousand twelve, after inspection by the department, has been determined to be seriously damaged and unsafe to enter or occupy or completely demolished as a result of damage caused by the effects of the severe storm that occurred on October twenty-ninth and thirtieth, two thousand twelve, and such determination has been indicated by a notation on such department’s records and/or by the posting of a red placard warning on the building.

§4. This local law shall take effect immediately.

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

Res. No. 1603

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

By Council Members Recchia, Fidler, Jackson, Reyna, James and Wills.

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 the new Description/Scope of Services for St. Margaret Mary, as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for the 110th Precinct Community Council, Inc., as described in the report attached hereto; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new Description/Scope of Services for St. Ann's Warehouse, Inc., as described in the report attached hereto; 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 Senior Centers and Programs Restoration 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 Infant Mortality Reduction 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 the 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 Coalition of Theaters of Color 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 and changes in the designation of certain organizations receiving funding pursuant to the Design Week 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 designation and changes in the designation of certain organizations receiving funding pursuant to the Early

Learn/Childcare Initiative in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 9.

Adopted by the Committee on Finance (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 1603 printed in these Minutes).

Int. No. 980

By Council Members Rose, Brewer, Chin, Dromm, Eugene, Ferreras, Gonzalez, James, Koppell, Mendez, Nelson, Vann, Williams and Wills.

A Local Law to amend the administrative code and the building code of the city of New York, in relation to requiring a sign at inaccessible building entrances indicating that a portable ramp is available when such a ramp exists.

Be it enacted by the Council as follows:

Section 1. Subdivision 1 of section 28-201.2.3 of the administrative code of the city of New York is amended to read as follows:

1. A violation of item 5 of section 1110.1, *of item 5 of section 1110.3*, or of section 1110.2 of the New York city building code, or a violation of section 28-313.1, [or] 28-313.2 *or of 28-313.3* of the administrative code of the city of New York.

§2. Article 313 of the administrative code of the city of New York is amended by adding a new section 28-313.3 to read as follows:

§ 28-313.3 *Retroactive requirement for inaccessible building entrances. The provisions of item 5 of section 1110.3 of the New York city building code requiring signage stating that a portable ramp is available and a phone number to request such ramp to be posted at inaccessible building entrances where such a ramp is available shall apply retroactively to all buildings that have such portable ramps. Buildings in existence on the effective date of this section shall post such signage on or before August 1, 2013. Such signage shall be maintained in good condition.*

§3. Section BC 1110.3 of the New York city building code is amended by adding a new item 5 to read as follows:

5. *At each inaccessible building entrance, signage stating that a portable ramp is available and a phone number to request such ramp, shall be provided where such a ramp is available.*

§4. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings

Int. No. 981

By Council Members Rose, Brewer, Eugene, James, Mendez, Vann, Williams and Dromm.

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

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 9 of the administrative code of the city of New York as it relates to the DEPARTMENT OF JUVENILE JUSTICE is REPEALED.

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

§21-905. *Demographic Data.*

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

1. *“Detention” shall mean the temporary care and maintenance of youth held away from their homes pursuant to article three or seven of the family court act, or held pending a hearing for alleged violation of the conditions of release from an office of children and family services or ACS facility or authorized agency, or held pending a hearing for alleged violation of the condition of parole as a juvenile offender, or held pending return to a jurisdiction other than the one in which the youth is held, or held pursuant to a securing order of a criminal court if the youth named therein as principal is charged as a juvenile offender or held pending a hearing on an extension of placement or held pending transfer to a facility upon commitment or placement by a court. Detention shall be authorized only in a facility certified pursuant to section five hundred three of the executive law;*

2. *“Detention facility” shall mean a facility, certified by the New York state office of children and family services, for the care of youth detained in accordance*

with the provisions of the family court act, regulations of the New York state office of children and family services, and the criminal procedure law;

3. *“Limited secure placement facility” shall mean a placement facility characterized by some level of physically restricting construction, hardware and procedures;*

4. *“Non-secure detention/placement facility” shall mean a detention or placement facility characterized by the absence of physically restricting construction, hardware and procedures;*

5. *“Placement” shall mean the temporary care and maintenance of adjudicated youth held away from their homes pursuant to the article three of the family court act;*

6. *“Placement facility” shall mean a facility, certified by the New York state office of children and family services, for the care of youth placed in accordance with the provisions of the family court act and the regulations of the New York state office of children and family services;*

7. *“Secure detention facility” shall mean a detention facility characterized by the highest level of security with physically restricting construction, hardware and procedures; and*

8. *“Youth” shall mean a person not less than seven years of age and not more than twenty years of age.*

b. *On or before September 30 of each year, ACS shall post a report on its website regarding the total number of admissions to (1) secure detention facilities and (2) non-secure detention facilities in the previous fiscal year, disaggregated by the following: (i) age; (ii) gender; (iii) race; (iv) zip code of residence, except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol; (v) for youth remanded to a detention facility by a court, the most serious charged offense on the court petition, complaint or indictment at the time ACS assumed custody; and (vi) for youth brought to detention by police, whether the top arrest charge was a misdemeanor or a felony at the time ACS assumed custody.*

c. *On or before September 30 of each year, ACS shall post a report on its website regarding the average daily population in (1) secure detention facilities and (2) non-secure detention facilities in the previous fiscal year and the number of youth admitted during the reporting period who spent time either in non-secure detention only, secure detention only, or both non-secure and secure detention, during the reporting period, disaggregated by the following: (i) age; (ii) gender; (iii) race; (iv) zip code of residence except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol; (v) for youth remanded to a detention facility by a court, the most serious charged offense on the court petition, complaint or indictment at the time ACS assumed custody; and (vi) for youth brought to detention by police, whether the top arrest charge was a misdemeanor or a felony at the time ACS assumed custody.*

d. *On or before September 30 of each year thereafter, ACS shall post a report on its website regarding the total number of admissions to (1) non-secure placement facilities and (2) limited secure placement facilities in the previous fiscal year, disaggregated by the following: (i) age; (ii) gender; (iii) race; (iv) zip code of residence, except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol; (v) youth who were detained at a detention facility immediately prior to being ordered to a placement facility by a court pursuant to the family court act; (vi) youth who were not detained at a detention facility immediately prior to being ordered to a placement facility by a court pursuant to the family court act; (vii) youth who were transferred to an ACS placement facility from the custody of the New York state office of children and family services pursuant to the family court act; and (viii) for youth ordered to a placement facility by a court, the most serious offense adjudicated against such youth by the court.*

e. *On or before September 30 of each year, ACS shall post a report on its website regarding the average daily population in (1) non-secure placement facilities and (2) limited secure placement facilities in the previous fiscal year and the number of youth admitted during the reporting period who spent time either in non-secure placement only, limited secure placement only, or both non-secure and limited secure placement, during the reporting period, disaggregated by the following: (i) age; (ii) gender; (iii) race; (iv) zip code of residence except that for a number between one and five admissions from one zip code, the number shall be replaced with a symbol; and (v) for youth ordered to a placement facility by a court, the most serious offense adjudicated against such youth by the court.*

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

§21-906. *Incident Reports.*

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

1. *“Abused child” shall mean an “abused child in residential care” as defined in section 412-a of the New York social services law, except that for purposes of this section, “abused child” shall include a youth who is eighteen years of age or older and is in the custody of ACS;*

2. *“Detention” shall mean the temporary care and maintenance of youth held away from their homes pursuant to article three or seven of the family court act, or held pending a hearing for alleged violation of the conditions of release from an office of children and family services or ACS facility or authorized agency, or held pending a hearing for alleged violation of the condition of parole as a juvenile offender, or held pending return to a jurisdiction other than the one in which the youth is held, or held pursuant to a securing order of a criminal court if the youth named therein as principal is charged as a juvenile offender or held pending a hearing on an extension of placement or held pending transfer to a facility upon commitment or placement by a court;*

3. “Detention facility” shall mean a facility, certified by the New York state office of children and family services, for the care of youth detained in accordance with the provisions of the family court act, regulations of the New York state office of children and family services, and the criminal procedure law;

4. “Limited secure placement facility” shall mean a placement facility characterized by some level of physically restricting construction, hardware and procedures;

5. “Mechanical restraint” shall mean the use of a mechanical device to restrict the movement or normal function of a portion of a child’s body, including but not limited to, handcuffs, leg cuffs, daisy chains or waist restraint;

6. “Neglected child” shall mean a “neglected child in residential care” as defined in section 412-a of the New York social services law, except that for purposes of this section, “neglected child” shall include a youth who is eighteen years of age or older and is in the custody of ACS;

7. “Non-secure detention/placement facility” shall mean a detention or placement facility characterized by the absence of physically restricting construction, hardware and procedures;

8. “Physical injury or impairment” shall mean the term as it is defined in section 412-a of the New York social services law;

9. “Physical restraint” shall mean the use of bodily force to limit a child’s freedom of movement during a physical confrontation or to prevent a confrontation;

10. “Placement” shall mean the temporary care and maintenance of adjudicated youth held away from their homes pursuant to the article three of the family court act;

11. “Placement facility” shall mean a facility, certified by the New York state office of children and family services, for the care of youth placed in accordance with the provisions of the family court act and the regulations of the New York state office of children and family services;

12. “Room confinement” shall mean the confinement of a child in a room, including but not limited to the child’s own room, when locked or when the child is authoritatively told not to leave;

13. “Secure detention facility” shall mean a detention facility characterized by the highest level of security with physically restricting construction, hardware and procedures; and

14. “Youth” shall be synonymous with the term “child” and shall mean a person not less than seven years of age and not more than twenty years of age.

b. Quarterly incident reports. Within sixty days after the end of each quarter of the fiscal year, ACS shall post a report on its website containing the total number of the following incidents for the previous quarter, for: (i) non-secure detention facilities; (ii) each secure detention facility; (iii) non-secure placement facilities; and (iv) limited secure placement facilities:

1. use of physical restraint by staff on children;
2. physical injuries or impairment to children as a result of the use of physical restraint;
3. use of mechanical restraint by staff on children;
4. physical injuries or impairment to children as a result of the use of mechanical restraint;
5. fights and altercations between children;
6. physical injuries or impairment to children as a result of fights with other children;
7. physical injuries or impairment to children resulting from any other means not previously mentioned; and
8. the number of room confinements and the length of stay for each instance.

c. Annual incident reports. Within sixty days after the end of each fiscal year, commencing with the end of the fiscal year after the date of enactment of the local law that added this section, ACS shall post a report on its website containing the following data, disaggregated by secure detention, non-secure detention, non-secure placement and limited secure placement:

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

§4. This local law shall take effect immediately after its enactment into law, except that clause vii of subdivision d of section 21-905 of the administrative code of the city of New York, as added by section one of this local law, shall be deemed repealed two years after it shall have become a law.

Referred to the Committee on Juvenile Justice.

Res. No. 1604

Resolution calling on the New York State Assembly to pass, the Senate to introduce and pass companion legislation and the Governor to sign A.9700, which amends the Social Services Law by clarifying that public assistance applicants and recipients are not subject to ineligibility provisions for child care related compliance issues when a parent is unable to find suitable child care.

By Council Members Vann, Brewer, Chin, Eugene, James, Lander, Mendez, Williams and Wills.

Whereas, The Temporary Assistance for Needy Families (“TANF”) program provides assistance and work opportunities to needy families by providing federal funds to states in order to allow them to develop and implement their own public assistance programs; and

Whereas, TANF mandates that recipients who are determined to be work-eligible must engage in approved work activities in order to receive public assistance; and

Whereas, If a recipient is determined to be work-eligible and has a child the family may qualify for subsidized child care; and

Whereas, The intent of providing subsidized child care is so the parent or caretaker can engage in approved work activities to comply with requirements in order to receive public assistance; and

Whereas, If an applicant refuses to comply with public assistance requirements they will be found ineligible for public assistance; and

Whereas, If a recipient fails or refuses to comply with public assistance requirements they are subject to sanctions; and

Whereas, New York State issues pro-rata sanctions, which reduce the amount of household benefits for recipients who fail or refuse to comply with a program requirement; and

Whereas, New York State Social Services Law mandates that child care must be provided to a family who has applied for or is receiving public assistance when such services are needed for a child under age 13 in order for the parent to engage in work activities; and

Whereas, However, according to a report by NOW Legal Defense and Education Fund titled, “Still Nowhere to Turn: New York City’s Continuing Failure to Inform Parents of their Child Care Rights” (“the report”), parents are not always provided with adequate information about child care; and

Whereas, According to the report, 95 percent of parents surveyed in New York City said they were not informed by their public assistance caseworker that they could not be sanctioned if they were unable to work due to lack of child care and 45 percent said they had been threatened with sanctions if they were unable to work due to lack of child care; and

Whereas, No parent should be deemed ineligible for public assistance during the time that participation in work activities is prevented due to the lack of appropriate available child care; and

Whereas, A.9700 clarifies New York State Social Services Law related to public assistance recipients by stating that, “no applicant or recipient who is the parent or caretaker relative of an eligible child shall be subject to the ineligibility provisions if the lack of child care that is appropriate, suitable, and within a reasonable distance, and reflects parental preferences prevents the individual from complying with the requirements...”; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Assembly to pass, the Senate to introduce and pass companion legislation and the Governor to sign A.9700, which amends the Social Services Law by clarifying that public assistance applicants and recipients are not subject to ineligibility provisions for child care related compliance issues when a parent is unable to find suitable child care.

Referred to the Committee on General Welfare

Res. No. 1605

Resolution calling on the United States Congress to pass, and the President to sign, a bill that would allow bankruptcy courts to impose a reorganization plan, known as a “cramdown,” on mortgage debts, which would encourage mortgage companies to modify loans and provide a back-up plan for borrowers who cannot get the mortgage assistance they need.

By Council Members Vann, Brewer, Chin, Dickens, Eugene, Ferreras, Fidler, James, Koppell, Lander, Mendez, Williams and Wills.

Whereas, During the first years of the housing crisis, recognition of the various obstacles that impede loan modification-principal reduction in particular-led to several advocates proposing that bankruptcy courts in personal bankruptcy proceedings should be allowed to modify the terms of a mortgage without the consent of the mortgagee; and

Whereas, While this process, known as “cramdown” or “stripdown,” is a tool which bankruptcy courts can use for other classes of debts, under current federal law, bankruptcy courts are not allowed to perform cramdowns on loans secured by mortgages on debtors’ primary residences; and

Whereas, While United States bankruptcy law provides for an automatic stay of any legal process against debtors or their assets during the pendency of a bankruptcy action, creditors of loans secured by primary residences may receive relief from the stay and proceed with foreclosure immediately upon being granted relief; and

Whereas, President Obama sponsored cramdown legislation as a United States Senator, endorsed it as a presidential candidate, and repeatedly promised voters that he would fight for changes to bankruptcy laws to assist homeowners before he took office; and

Whereas, A 2009 bankruptcy reform bill, known as the “cramdown bill,” would have given bankruptcy courts authority to write down mortgages on a primary residence to the current fair-market price of the property and would have enabled the courts to also monitor and stop other widespread abuses such as robo-signing, where banks used fraudulent affidavits to foreclose on homeowners; and

Whereas, The cramdown bill, H.R. 1106, also known as the Helping Families Save Their Homes Act of 2009, passed the United States House of Representatives on March 5, 2009, but was blocked in the U.S. Senate; and

Whereas, According to RealtyTrac Inc., in October 2012, two thirds of the nation’s largest metropolitan areas posted decreases in new foreclosures but New York City experienced a 69 percent increase in default, auction and repossession filings; and

Whereas, The foreclosure process in New York State averaged 1,072 days during the third quarter of 2012; and

Whereas, The rising number of properties facing foreclosure remains a threat to home price stability and growth within New York City; and

Whereas, Cramdown in bankruptcy is still an appropriate policy in addressing the continued aftermath of the recent housing crisis and current reform and action is needed to stem the rising tide of foreclosure filings within the City, now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, a bill that would allow bankruptcy courts to impose a reorganization plan, known as a “cramdown,” on mortgage debts, which would encourage mortgage companies to modify loans and provide a back-up plan for borrowers who cannot get the mortgage assistance they need.

Referred to the Committee on Community Development.

Res. No. 1606

Resolution in support of A.2957 and S.1326, which would amend the social service law in relation to considering the opinion of a public assistance applicant’s health care practitioner when determining if an applicant has work limitations.

By Council Members Vann, Chin, Eugene, Fidler, James, Koppell, Lander, Williams and Wills.

Whereas, The Temporary Assistance for Needy Families (“TANF”) program provides public assistance including, but not limited to, cash assistance and work opportunities to families in need by granting states federal funds through the TANF block grant; and

Whereas, TANF places an emphasis on working for one’s benefits and requires each state to meet a 50 percent work activity engagement rate for all families receiving public assistance in order for the state to receive the maximum TANF grant amount; the remaining 50 percent of a state’s caseload is work-exempt and does not need to be engaged in a work activity; and

Whereas, Work-exempt public assistance recipients include those who are: (i) disabled or incapacitated; (ii) pregnant and due to have child within 30 days; (iii) youth under 16 years old or under 19 and enrolled in school; (iv) adults 60 years old and over; and (v) parents with children under one year of age; and

Whereas, In New York City the Human Resources Administration (“HRA”) is the agency charged with providing assistance to eligible applicants; and

Whereas, Individuals seeking public assistance in New York City apply at an HRA Job Center and, as part of the application process, an HRA staff member must inquire whether the applicant has a medical condition that would limit his or her participation in a work activity; and

Whereas, When applicants disclose their physical or mental disabilities at intake or if the HRA staff member observes such disabilities, clients are referred to the WeCARE program; and

Whereas, When an applicant is referred to WeCARE they undergo an assessment conducted by a social services appointed examining practitioner to identify medical or other issues that affect an individual’s ability to participate in work related activities; and

Whereas, Based on the findings, applicants are assigned to one of four service tracks: (i) fully employable (employable without limitations); (ii) vocational rehabilitation (employable but may require minimal accommodation); (iii) wellness rehabilitation (client is temporarily unemployable and needs medical treatment to stabilize condition); and (iv) federal disability (client is unemployable for 12 months or more); and

Whereas, In March of 2007, Community Voices Heard released a report entitled, “Failure to Comply: The Disconnect Between Design and Implementation in HRA’s WeCARE Program,” which found that 52% of those surveyed did not agree with the results of the WeCARE assessment and did not believe they received an adequate, comprehensive assessment; and

Whereas, Currently, it is within the social services appointed examiner’s discretion what, if any, weight is given to the treating health care practitioner's opinion; and

Whereas, However, the federal government recognizes the importance of giving sufficient consideration to an applicant’s physician's medical opinion as demonstrated

in how they determine if an individual is eligible for Supplemental Security Income; and

Whereas, A.2957, currently pending in the New York State Assembly, and companion bill S.1326, currently pending in the New York State Senate, provide that if the social services appointed examiner makes any findings contrary to the treating health care practitioner's diagnosis, the reasons for the differing diagnosis should have to be defended and explicitly stated in writing; and

Whereas, A.2957 and S.1326 would help create a more comprehensive assessment by ensuring that the opinions and determinations of a public assistance applicant's treating health care practitioner are given sufficient weight when making disability determinations; now, therefore, be it

Resolved, That the Council of the City of New York supports of A.2957 and S.1326, which would amend the social service law in relation to considering the opinion of a public assistance applicant’s health care practitioner when determining if an applicant has work limitations.

Referred to the Committee on General Welfare.

L.U. No. 745

By Council Member Comrie:

Application No. 20135180 HKM (N 130098 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Rainbow Room located in the eastern section of the 65th floor interior at 30 Rockefeller Plaza (Tax Map Block 1265, Lot 1069, in part) (Designation List 461, LP-2505), Borough of Manhattan, Community Board 5, Council District 1, as an interior landmark.

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

L.U. No. 746

By Council Member Comrie:

Application No. 20135199 HAM submitted by the New York City Department of Housing Preservation and Development for a modification of an exemption of real property taxes for the property located at 235 Central Park North (Tax Block 1826, Lot 8), Borough of Manhattan, Community Board 9, Council District 9. This matter is subject to review and action at the request of HPD and pursuant to Sections 123(4), 125 and 577 of the Private Housing Finance Law.

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

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

ANNOUNCEMENTS:

Tuesday, December 11, 2012

★ *Deferred*
~~Committee on HOUSING AND BUILDINGS10:00 A.M.~~
~~Agenda to be announced~~
~~Committee Room— 250 Broadway, 14th FloorErik Martin Dilan, Chairperson~~

★ *Deferred*
~~Committee on PUBLIC SAFETY10:00 A.M.~~
~~Agenda to be announced~~
~~Committee Room— 250 Broadway, 16th FloorPeter Vallone, Chairperson~~

★ *Addition*
Committee on IMMIGRATION10:00 A.M.
Oversight - How NYC Can Support Beneficiaries of Deferred Action for Childhood Arrivals (DACA)
Committee Room – 250 Broadway, 16th FloorDaniel Dromm, Chairperson

★ Note Committee Addition
Committee on **CIVIL RIGH**ts jointly with the
Committee on **HIGHER EDUCATION** and the
★Committee on **WOMEN’S ISSUES**..... **1:00 P.M.**
Oversight - Analyzing Trends in Student Diversity at NYC Public and Private Higher Education Institutions.
Committee Room– 250 Broadway, 14th FloorDeborah Rose, Chairperson
.....Ydanis Rodriguez, Chairperson
.....Julissa Ferreras, Chairperson

★ Deferred
Committee on ~~COMMUNITY DEVELOPMENT~~.....~~1:00 P.M.~~
Agenda to be announced
Committee Room— 250 Broadway, 16th FloorAlbert Vann, Chairperson

Wednesday, December 12, 2012

★ Deferred
Committee on ~~PARKS AND RECREATION~~.....~~10:00 A.M.~~
Agenda to be announced
Committee Room— 250 Broadway, 14th
.....Melissa Mark Viverito, Chairperson

★ Deferred
Committee on ~~SMALL BUSINESS~~.....~~10:00 A.M.~~
Agenda to be announced
Committee Room— 250 Broadway, 16th FloorDiana Reyna, Chairperson

★ Deferred
Committee on ~~CONTRACTS~~~~10:00 A.M.~~
Agenda to be announced
Hearing Room— 250 Broadway, 16th FloorDarlene Mealy, Chairperson

★ Deferred
Committee on ~~EDUCATION~~.....~~1:00 P.M.~~
Agenda to be announced
Committee Room— 250 Broadway, 16th FloorRobert Jackson, Chairperson

★ Note Location Change
Committee on **HEALTH**..... **1:00 P.M.**
Proposed Res. 982-A - By Council Members Eugene, Dickens, Gonzalez, James, Koslowitz, Mendez, Recchia, Vann, Williams and Jackson - Resolution calling upon the United States Congress and the President of the United States to increase funding for research on stroke prevention and treatment.
Committee Room – 250 Broadway, 16th Floor
..... Maria del Carmen Arroyo, Chairperson

★ Note Time Change
Committee on **AGING**..... ★ **3:00 P.M.**
Oversight - NORCs in New York City - Supporting Naturally Occurring Retirement Communities
Committee Room – 250 Broadway, 14th Floor Jessica Lappin, Chairperson

Thursday, December 13, 2012

Subcommittee on **ZONING & FRANCHISES**.....**9:30 A.M.**
See Land Use Calendar Available Monday, December 10, 2012
Committee Room – 250 Broadway, 16th FloorMark Weprin, Chairperson

★ Deferred
Committee on ~~MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES~~~~10:00 A.M.~~
Agenda to be announced
Committee Room— 250 Broadway, 14th Floor Oliver Koppell, Chairperson

★ Note Topic Addition
Committee on **HOUSING AND BUILDINGS****10:00 A.M.**

Int. 967 - By Council Members Brewer, Chin, Gonzalez, James, Mendez, Recchia and Williams – A Local Law to amend the administrative code of the city of New York, in relation to the issuance of orders for repairs to buildings.
★Int. 977 - By Council Member Ignizio (in conjunction with the Mayor) - A Local Law to amend the administrative code of the city of New York, in relation to waiving certain permit and inspection fees for the demolition, alteration, rebuilding or repair of certain buildings and systems damaged by the severe storm that occurred on October 29 and 30, 2012, commonly referred to as “Hurricane Sandy”.
Committee Room – 250 Broadway, 14th Floor
..... Erik Martin-Dilan, Chairperson

★ Deferred
Committee on ~~WOMEN’S ISSUES~~.....~~10:00 A.M.~~
Agenda to be announced
Hearing Room— 250 Broadway, 16th FloorJulissa Ferreras, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....**11:00 A.M.**
See Land Use Calendar Available Monday, December 10, 2012
Committee Room– 250 Broadway, 16th Floor Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... **1:00 P.M.**
See Land Use Calendar Available Monday, December 10, 2012
Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

★ Deferred
Committee on ~~PUBLIC HOUSING~~~~1:00 P.M.~~
Agenda to be announced
Committee Room— 250 Broadway, 14th FloorRosie Mendez, Chairperson

★ Addition
Committee on **GOVERNMENTAL OPERATIONS** **2:00 P.M.**
Int. 978 - By Council Member Mendez - A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the campaign finance board and the New York City campaign finance act.
Hearing Room– 250 Broadway, 16th Floor Gale Brewer, Chairperson

Friday, December 14, 2012

★ Note Topic Additions
Committee on **CONSUMER AFFAIRS**.....**10:00 A.M.**
Proposed Int. 702-A - By Council Members Fidler, Rivera, Brewer, Dickens, Eugene, Gentile, James, Koppell, Lander, Mendez, Nelson, Recchia, Rose, Williams, Rodriguez and Dromm - A Local Law to amend the administrative code of the city of New York, in relation to requiring that all signs advertising the price of gasoline and/or diesel motor fuel disclose the total selling price for cash and credit card purchases.
Proposed Int. 939-A - By Council Members Greenfield, Recchia, Gonzalez, Fidler, James, Nelson, Williams, Palma, Koslowitz, Gentile, Dromm, Oddo and Halloran - A Local Law to amend the administrative code of the city of New York, in relation to stoop line stands.
Committee Room – 250 Broadway, 14th Floor
..... Daniel Garodnick, Chairperson

★ Note Topic Addition
Committee on **ECONOMIC DEVELOPMENT****10:00 A.M.**
Oversight - The Restructuring of the New York City Economic Development Corporation - What is the impact going forward?
Committee Room – 250 Broadway, 16th Floor Karen Koslowitz, Chairperson

★ Note Topic and Committee Addition
Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS** jointly with the
Committee on **TECHNOLOGY****10:00 A.M.**
Oversight - How Can Social Media and Other Technologies Increase Participation in the Arts?
Hearing Room – 250 Broadway, 16th Floor James Van Bramer, Chairperson
Fernando Cabrera, Chairperson

★Topic Addition
Committee on **EDUCATION**.....**11:00 A.M.**
Tour:Queens Metropolitan High School (Q686)
Location: 91-30 Metropolitan Avenue
Queens, NY 11375
Details Attached..... Robert Jackson, Chairperson

★Note Topic and Committee Addition
Committee on **YOUTH SERVICES** jointly with the
★Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES**..... **1:00 P.M.**
★Oversight - Mental Health Services for Runaway and Homeless Youth
Committee Room – 250 Broadway, 14th Floor Lewis Fidler, Chairperson
..... Oliver Koppell, Chairperson

★Note Topic Addition
Committee on **CIVIL SERVICE AND LABOR** **1:00 P.M.**
Res. 1352 - By Council Members Lappin, Dromm, Jackson, James, Koo, Koslowitz, Mendez, Palma, Rose, Vann, Williams, Wills and Rodriguez - Resolution calling upon employers in New York City to hire more workers over 55 years of age.
Committee Room – 250 Broadway, 16th Floor James Sanders, Chairperson

Monday, December 17, 2012

★Addition
Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**.....**9:00 A.M.**
See Land Use Calendar
Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

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

★Addition
Committee on **SMALL BUSINESS**..... **10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Diana Reyna, Chairperson

★Deferred
~~Committee on **JUVENILE JUSTICE****10:00 A.M.**~~
~~Agenda to be announced~~
~~Committee Room – 250 Broadway, 14th Floor Sara Gonzalez, Chairperson~~

Committee on **VETERANS**... **1:00 P.M.**
Agenda to be announced
Committee Room– 250 Broadway, 14th Floor Mathieu Eugene, Chairperson

Committee on **ENVIRONMENTAL PROTECTION** **1:00 P.M.**
Int. 887 - By Council Members Gennaro, Brewer, Fidler, James, Koppell, Koslowitz, Lander, Mendez, Rose, Van Bramer, Williams and Levin - A Local Law to amend the administrative code of the city of New York, in relation to the creation of a sustainable energy systems web portal.
Committee Room – 250 Broadway, 16th Floor James Gennaro, Chairperson

★Note Topic Addition
Committee on **FIRE AND CRIMINAL JUSTICE SERVICES**..... **1:00 P.M.**
Int. 943 - By Council Members Dickens, Comrie, Fidler, Koo, Mealy, Rose, Williams and Rodriguez (in conjunction with the Mayor) - A Local Law to amend the administrative code of the city of New York, in relation to the place of assembly certificate of operation and the place of assembly permit.
Hearing Room – 250 Broadway, 16th FloorElizabeth Crowley, Chairperson

Tuesday, December 18, 2012

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*
..... *Agenda – 1:30 p.m.*

Location ~ *Council Chambers ~ City Hall*

MEMORANDUM

December 10, 2012

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEE ON EDUCATION

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

Queens Metropolitan High School (Q686)
91-30 Metropolitan Avenue
Queens, NY 11375
(This school is currently hosting Rockaway Collegiate High School which was displaced due to damage incurred from Hurricane Sandy)

The tour will be on **Friday, December 14, 2012 beginning at 11:00 a.m.**
A van will be leaving City Hall at **10:00 a.m.**

Due to school being in session at the time of the tour, this tour is only open to Council Members and Staff. Council Members and Staff that are interested in attending should contact Joan Povolny at 212-788-7059.

Robert Jackson, Chairperson
Committee on Education
Council

Christine C. Quinn
Speaker of the Council

Whereupon on motion of the Acting Speaker (Council Member Rivera), the President Pro Tempore (Council Member Dickens) adjourned these proceedings to meet again for the Stated Meeting on Tuesday, December 18, 2012.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

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