

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —CHARTER MEETING OF
WEDNESDAY, JANUARY 9, 2013

THE COUNCIL

*Minutes of the Proceedings for the
CHARTER MEETING*

*of
Wednesday, January 9, 2013 1:10 p.m.*

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

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Sara M. Gonzalez	Michael C. Nelson
Charles Barron	David G. Greenfield	James S. Oddo
Gale A. Brewer	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	Andy King	Ydanis A. Rodriguez
Erik Martin Dilan	Peter A. Koo	Deborah L. Rose
Daniel Dromm	G. Oliver Koppell	Eric A. Ulrich
Mathieu Eugene	Karen Koslowitz	James Vacca
Julissa Ferreras	Bradford S. Lander	Peter F. Vallone, Jr.
Lewis A. Fidler	Jessica S. Lappin	Albert Vann
Helen D. Foster	Stephen T. Levin	James G. Van Bramer
Daniel R. Garodnick	Melissa Mark-Viverito	Mark S. Weprin
James F. Gennaro	Darlene Mealy	Jumaane D. Williams
Vincent J. Gentile	Rosie Mendez	Ruben Wills

Excused: Council Member Cabrera.

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

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

There is presently one vacancy in the Council pending the swearing-in of the winner of the scheduled February 19, 2013 Special Election for the 31st Council District (Queens).

There were 49 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, N.Y., N.Y. 10007.

INVOCATION

At this point, Council Member Helen Diane Foster (16th Council District, the Bronx) delivered the Invocation:

Dear heavenly Father,
we thank you for this time and this place
and the people assembled.
We ask you to bless us as we do your work
and remember our job is to do damage to injustice
and go out and help the people.
Lord, keep us from wandering from thee
and remind us that we are held to a higher calling,
and to whom much is given, much is required,
and let us do what is required of us.
Bless everyone that is here, that is assembled,
and bless us as we go out and do your work.
These in all blessings we ask in your son
Jesus Christ's name. Amen.

At this point, Council Member Mendez 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 individual:

Jeanne Manford, 92, a retired schoolteacher whose devotion to her son led her to found PFLAG (Parents, Families and Friends of Lesbians and Gays) forty years ago died on January 8, 2013. There are presently 500 chapters of PFLAG located throughout the fifty states. At this point, the floor was yielded to Council Member Dromm who spoke in respectful memory of his friend, Ms. Jeanne Manford.

Also during this segment of the Meeting, the Speaker (Council Member Quinn) asked that everyone keep in their thoughts and prayers the more than fifty people injured in a serious accident that had taken place in lower Manhattan that morning involving a commuter ferry from New Jersey.

PETITIONS & COMMUNICATIONS

M-1026

Communication from Council Member James Sanders, Jr. - Submitting his resignation as a member of the New York City Council effective January 1, 2013.

January 3, 2013

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

Dear Madam Speaker:

This letter serves as written confirmation of my resignation from the New York City Council. It has truly been a pleasure to work with you and my colleagues at the Council, where I have been equipped with the lessons I need to carry on in Albany.

Enjoy your New Year!

Sincerely,

James Sanders, Jr.

Received, Ordered, Printed & Filed.

LAND USE CALL UPS

M-1027

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

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application Nos. C 120397 ZSM and C 120398 ZSM shall be subject to Council review. These items are related to Uniform Land Use Review Procedure Application No. C 120396 ZMM.

Coupled on Call-Up Vote.

M-1028

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 10 Downing Street, Community Board No. 2, Application no. 20135162 TCM shall be subject to review by the Council.

Coupled on Call-Up Vote.

LAND USE CALL UP VOTE

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

Affirmative –Arroyo, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – 49.

At this point, the President Pro Tempore (Council Member Rivera) declared the aforementioned items **adopted** and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittee.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Consumer Affairs

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

Report for Int. No. 992

Report of the Committee on Consumer Affairs in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to stoop line stands.

The Committee on Consumer Affairs, to which the annexed proposed local law was referred on January 9, 2013, respectfully

REPORTS:

I. INTRODUCTION

On Tuesday, December 18, 2012, the New York City Council voted on Introductory Bill Number 939-A (“Int. No. 939-A”), a Local Law to amend the administrative code of the city of New York, in relation to stoop line stands. The Consumer Affairs Committee, chaired by Council Member Dan Garodnick, previously held a hearing on Int. No. 939-A on December 14, 2012. The bill was voted out of committee on December 17, 2012. On Tuesday, January 8, 2013, the Committee will vote on a preconsidered introduction that makes a technical correction to Int. No. 939-A.

a) BACKGROUND

Stoop line stands, ubiquitous throughout much of New York City’s retail landscape, are a rich part of the city’s entrepreneurial tradition and have been a part of the cultural fabric for almost as long as the City itself has existed. For many businesses throughout our city’s history, the stands also represent an additional revenue stream. First licensed by the New York City Department of Licenses in 1914, this responsibility was later transferred to DCA in 1968.¹ There are currently over 2,000 stoop line stands licensed in New York City. A business must acquire a Stoop Line Stand license “if fruits, vegetables, soft drinks, flowers, confectionary, cigars, cigarettes, tobacco, or ice cream are sold from a stand outside of and directly adjacent to an existing retail establishment.”² By law, a stoop line stand may only be used and operated by the store with which it is licensed, and the actual transactions must take place within the physical store.³

Because stoop line stands are situated on public sidewalks used by pedestrians, their dimensions are regulated by Chapter 20, subchapter 7 of the New York City Administrative Code. Generally, stoop line stands cannot exceed ten feet in length, four feet in width, or seven feet in height.⁴ If the space between the store with which the stand is licensed and the sidewalk is at least 16 feet wide, the width of the stoop line stand may be extended to five feet, provided that the additional width does not adversely affect the flow of pedestrian traffic.⁵ Before DCA can issue a stoop line stand license, the location must be approved by the Department of Transportation (“DOT”), whose approval is conditioned upon the determination that the presence of stoop line stand will not obstruct pedestrian traffic on that sidewalk.⁶ A license renewal would require a similar DOT determination.⁷ Stoop line stands may be temporarily removed where a police officer or other authorized City employee determines that exigent circumstances require their removal.⁸

b) Preconsidered Introduction

This preconsidered introduction makes a technical correction to the stoop line stand bill that the Council passed on December 18, 2012, Int. No. 939-A. The technical correction amends the language of that bill to clarify that a stoop line stand is permitted to extend further than three feet onto the sidewalk.

Proposed Int. No. 939-A redefined “stoop line stand” as a stand or booth operated on a sidewalk for the sale or display of fruits, vegetables, soft drinks, confectionary, ice cream, or flowers. This new definition eliminated the sale of cigars, cigarettes and tobacco at such stands, which had been permitted. Further, Proposed Int. No. 939-A amended the law to permit stands up to ten feet wide if such stands are: (i) located entirely in M1, M2 or M3⁹ zoning districts; (ii) were licensed on or before September 1, 2012; and (iii) the space between the store with which the stand is licensed and the sidewalk is at least 21 feet wide. Lastly, for any stand with a width larger than five feet, which is permitted under the conditions set forth above, Proposed Int. No. 939-A institutes an inspection fee of seventy-five dollars.

(The following is the text of the Fiscal Impact Statement for Int. No. 992:)



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

PRECONSIDERED INTRO. NO:
COMMITTEE:
Consumer Affairs

TITLE: To amend the administrative code of the city of New York, in relation to stoop line stands. **SPONSOR(S):** Council Member Greenfield

SUMMARY OF LEGISLATION: This legislation amends Proposed Int. 939-A as adopted by the Council on December 18, 2012 by including the provision that states that stoop line stands must not extending more than 3 feet from the front of any premises and also clarifies that stoop line stands must not extend 7 feet in height.

for the Lower Ma_____

¹ Consumer Affairs Committee Report on Int. 612-A A Local Law to amend the administrative code of the city of New York, in relation to the dimensions of stoop line stands (1993).

² Dep’t of Consumer Affairs, “Stoop Line Stand License,” Available at <http://www.nyc.gov/html/dca/html/licenses/033.shtml>, Accessed on December 5, 2012.

³ Santos, F., “Two Florists Fight Back as Sweet Smell of Success Turns Sour,” *N.Y. Times*, February 13, 2010, at A21.

⁴ N.Y.C. Admin. Code § 20-237.

⁵ *Id.*

⁶ N.Y.C. Admin. Code § 20-239.

⁷ *Id.*

⁸ N.Y.C. Admin. Code § 20-240.1.

⁹ “M” indicates a manufacturing zoning district.

EFFECTIVE DATE: This local law would take effect on the same date as Proposed Int. 939-A, as adopted by the Council on December 18, 2012, which is 90 days following enactment, except that the Department of Consumer Affairs Commissioner may take all actions necessary, including the promulgation of rules, to implement this local law on or before the date upon which it would take effect.

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 (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

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
New York City Council Finance Division

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Tanisha Edwards, Finance Counsel
New York City Council Finance Division

LEGISLATIVE HISTORY: The legislation is will be considered by the Consumer Affairs Committee on January 8, 2013. The legislation will be introduced at the Council Stated Meeting on January 9, 2013, and upon a successful Committee vote, the Full Council will vote on the legislation.

Accordingly, this Committee recommends its adoption.

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

DANIEL R. GARODNICK, Chairperson; MICHAEL C. NELSON, CHARLES BARRON, LEROY G. COMRIE, Jr., G.JULISSA FERRERAS, KAREN KOSLOWITZ; Committee on Consumer Affairs, January 8, 2013.

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

Report of the Committee on Finance

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

Report for Int. No. 995

Report of the Committee on Finance in favor of approving and adopting a Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards

of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand fourteen.

The Committee on Finance, to which the annexed proposed local law was referred on January 9, 2013, respectfully

REPORTS:

ANALYSIS:

Various provisions in chapter ten of the New York City Charter (the "Charter") prescribe the actions that need to be taken as part of the annual budget submission process for the following fiscal year's budget. Chapter one of the Charter contains a provision providing for the Mayor's submission of, and Council hearings on, the Mayor's Preliminary Management Report ("PMMR").

This intro would provide for an extension of the date for the submission by the Mayor of the preliminary budget for fiscal year 2014, as well as providing extensions for subsequent steps in the budget submission process. This legislation would also extend the dates for submission by the Mayor of the PMMR and the date by which the Council must conduct its hearings and submit its recommendations on the report.

Pursuant to the proposed legislation, the dates for the Charter-prescribed actions of the budget submission process, and PMMR would be extended as follows:

	<u>Charter Date</u>	<u>Extended Date For FY 2014</u>
OMB and CPC's submission of draft ten-year capital strategy (sec. 228)	not later than November 1	not later than February 7
CPC's submission of the report on the draft ten-year capital strategy (sec. 234)	not later than January 16	not later than March 6
Mayor's preliminary certificate on maximum capital debt and obligations (sec.235)	not later than January 16	not later than February 7
Mayor's submission of preliminary budget (sec.236)	not later than January 16	not later than February 7
	<u>Charter Date</u>	<u>Extended Date For FY 2014</u>
Mayor's submission of preliminary management report (Charter sec.12)	not later than January 30	not later than February 22
IBO revenue report (sec.237)	on or before February 1	on or before February 14
Community boards submission of assessment of preliminary budget (sec.238)	not later than February 15	not later than February 28
Finance Commissioner's submission of estimate of assessed valuation and of taxes due and uncollected (sec.239)	not later than February 15	not later than February 28
Mayor's submission of tax benefit report (sec.240)	not later than February 15	not later than February 28
Borough board's statement on borough priorities	not later than February 25	not later than March 20

(sec. 241)

Council's submission of operating budget (sec.243)

not later than March 10

not later than March 21

Borough President's submission of recommended modifications to preliminary budget (sec.245)

not later than March 10

not later than March 20

Campaign Finance Board's submission of financial needs (sec.1052)

not later than March 10

not later than March 20

IBO preliminary budget report (sec.246)

on or before March 15

on or before March 29

Charter Date

Extended Date For FY 2014

Council's preliminary budget hearings and submission of recommendations (sec.247)

not later than March 25

not later than April 12

Council's public hearings and report on preliminary management report (sec.12) *(These hearings are done jointly with the prelim. budget hearings)*

prior to April 8

prior to April 12

(The following is the text of the Fiscal Impact Statement for Int. No. 995:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
JEFF RODUS, FIRST DEPUTY DIRECTOR**

FISCAL IMPACT STATEMENT

PRECONSIDERED INT.

COMMITTEE:
Finance

TITLE: A Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the

SPONSORS:
Council
Member Recchia (by request of the Mayor)

borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand fourteen

SUMMARY OF LEGISLATION: This legislation would change the charter-mandated deadline dates for the following:

1. Mayor's submission of the preliminary management report no later than February 22, 2013.
2. Completion of the City Council's public hearings on the preliminary management report and submission of recommendations no later than April 12, 2013.
3. Office of Management and Budget Office's and City Planning Commission's (CPC) submission of draft ten-year capital strategy no later than January 29, 2013.
4. CPC's submission of the report on the draft ten-year capital strategy no later than March 6, 2013.
5. Mayor's submission of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects no later than January 29, 2013.
6. Mayor's submission of the preliminary budget no later than January 29, 2013.
7. Independent Budget Office's submission of report on revenues and expenditures no later than February 14, 2013.
8. Community Boards' submission of assessment of the preliminary budget no later than February 28, 2013
9. Commissioner of Finance's submission on estimates of the assessed valuation of real property and a certified statement of all real property taxes due no later than February 28, 2013.
10. Mayor's submission of tax benefit report no later than February 28, 2013
11. Borough Boards' submission of budget priorities no later than March 8, 2013.
12. City Council's submission of its operating budget no later than March 21, 2013.
13. Borough President's submission of any proposed modifications to the preliminary budget no later than March 20, 2013.
14. Independent Budget Office's submission of report analyzing the preliminary budget no later than March 20, 2013.
15. Completion of City Council's preliminary budget hearings and submission of recommendations no later than April 12, 2013.
16. Campaign Finance Board's submission of the financial needs of the campaign finance board no later than March 20, 2013.

EFFECTIVE DATE: This local law would take effect immediately and would be retroactive to and deemed to have been in full force and effect as of November 1, 2012.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2013

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Tanisha Edwards, Counsel
City Council Finance Division

HISTORY: To be considered by Committee on January 8, 2013.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 995:)

Int. No. 995

By Council Member Recchia (by request of the Mayor).

A Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand fourteen.

Be it enacted by the Council as follows:

Section 1. During the calendar year 2013 and in relation to the 2014 fiscal year:

1. Notwithstanding any inconsistent provisions of section 12 of the New York city charter, as amended by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a preliminary management report as therein described not later than February 22, 2013, and the council shall conduct public hearings on such report prior to April 12, 2013 and submit to the mayor and make public not later than April 12, 2013, a report or reports of findings and recommendations.

2. Notwithstanding any inconsistent provisions of section 228 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of management and budget and the director of city planning shall pursuant to such section jointly submit a draft ten-year capital strategy as therein described not later than February 7, 2013.

3. Notwithstanding any inconsistent provisions of section 234 of the New York city charter, as added by vote of the electors on November 7, 1989, the city planning commission shall pursuant to such section submit a report on the draft ten-year capital strategy as therein described not later than March 6, 2013.

4. Notwithstanding any inconsistent provisions of section 235 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit and publish a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects as therein described not later than February 7, 2013.

5. Notwithstanding any inconsistent provisions of section 236 of the New York city charter, as amended by local law number 25 for the year 1998, the mayor shall pursuant to such section submit a preliminary budget as therein described not later than February 7, 2013.

6. Notwithstanding any inconsistent provisions of section 237 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall publish a report on revenues and expenditures as therein described on or before February 14, 2013.

7. Notwithstanding any inconsistent provisions of section 238 of the New York city charter, as added by vote of the electors on November 7, 1989, each community board shall pursuant to such section submit a statement and recommendations in regard to the preliminary budget as therein described not later than February 28, 2013.

8. Notwithstanding any inconsistent provisions of section 239 of the New York city charter, as added by vote of the electors on November 7, 1989, the commissioner of finance shall pursuant to such section submit an estimate of the assessed valuation of real property and a certified statement of all real property taxes due as therein described not later than February 28, 2013.

9. Notwithstanding any inconsistent provisions of section 240 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a tax benefit report as therein described not later than February 28, 2013.

10. Notwithstanding any inconsistent provisions of section 241 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough board shall pursuant to such section submit a statement of budget priorities as therein described not later than March 20, 2013.

11. Notwithstanding any inconsistent provisions of section 243 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section approve and submit estimates of the financial needs of the council as therein described not later than March 21, 2013.

12. Notwithstanding any inconsistent provisions of section 245 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit any proposed modifications of the preliminary budget as therein described not later than March 20, 2013.

13. Notwithstanding any inconsistent provisions of section 246 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the preliminary budget as therein described on or before March 29, 2013.

14. Notwithstanding any inconsistent provisions of section 247 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section hold hearings and submit recommendations as therein described not later than April 12, 2013.

15. Notwithstanding any inconsistent provisions of subdivision c of section 1052 of the New York city charter, as added by vote of the electors on November 3, 1998, the campaign finance board shall pursuant to such subdivision submit estimates of the financial needs of the campaign finance board as therein described not later than March 20, 2013.

§2. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of November 1, 2012.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, KAREN KOSLOWITZ, JAMES S. ODDO; Committee on Finance, January 8, 2013.

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

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 995:)

**THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007**

Pursuant to authority vested in me by section twenty of the Municipal Home Rule and by section thirty-seven of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law, entitled:

A LOCAL LAW

In relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected

to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand fourteen.

Given under my hand and seal this 9th day of January, 2013 at City Hall in the City of New York.

Michael R. Bloomberg
Mayor

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

Report of the Committee on Housing and Buildings

Report for Int. No. 967

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the issuance of orders for repairs to buildings.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on November 27, 2012 (Minutes, page 4350), respectfully

REPORTS:

BACKGROUND AND ANALYSIS:

On January 8, 2013, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Int. No. 967, A Local Law to amend the administrative code of the city of New York, in relation the issuance of orders for repairs to buildings. This bill would allow the Department of Housing Preservation and Development (HPD or Department) to issue an order to property owners to correct an underlying condition which has caused or is causing a violation of the Housing Maintenance Code, the Multiple Dwelling Law, or other applicable laws. The Committee held an initial hearing on this bill on December 13, 2012 where the Department of Housing Preservation and Development, tenant advocates and other interested parties provided testimony on the item. The bill has not been amended since its initial hearing.

The Department of Housing Preservation and Development is the city agency charged with responding to complaints related to housing standards and when necessary ensuring that property owners rectify conditions which violate applicable laws and regulations. HPD enforces housing maintenance standards by issuing notices of violation to owners and their responsible agents to correct conditions. Depending on the nature of the condition, an owner is given a certain timeframe to make necessary repairs: 24 hours for Class C immediately hazardous violations, which are violations that must be addressed right away due to the potential impact on health and/or life or safety; 30 days for Class B hazardous violations; and 90 days for Class A non-hazardous violations. An owner who fails to correct violations within the required timeframe can be subject to an enforcement action in Housing Court.

It has been reported that even when an owner does "correct" a violation, sometimes that correction only relates to the surface condition and that the underlying cause of the violation is often unidentified or unresolved leading to repeat violations of the same kind. Mold and water leaks are common examples of violations that can reoccur if the cause of the condition is not addressed. Additionally, when these underlying conditions involve a building system or a structural defect, violations encompassing multiple dwelling units can be likely. Reoccurring violations and the failure to correct an underlying condition related to a violation can have a direct effect on a tenant's quality of life, health and safety. Int. 967 is intended to address these concerns.

This bill would allow HPD to order an owner that meets certain criteria established by the department by rule to correct an underlying condition that has caused or is causing a violation. If an owner fails to make the repair within a

prescribed period, the Department may complete the work and seek appropriate penalties against the owner for lack of compliance.

Int. No. 967

Bill section one would add a new subdivision c, to section 27-2091 of the Housing Maintenance Code, to provide that HPD may issue an order to an owner to correct any underlying condition existing in a building that has caused or is causing a violation of this code, of the multiple dwelling law, or of other state and local laws that impose requirements on dwellings.

Paragraph 1 of new subdivision c provides that such order may be issued to an owner of a building that meets criteria promulgated by the Department in rules.

Paragraph 2 of new subdivision c provides that the Department may file an order to correct an underlying condition with the county clerk in the county in which the building is located. Where such order has been filed by the Department and complied with by the owner, the Department must rescind the order.

Paragraph 3 of new subdivision c provides that an owner will have four months to comply with an order and submit documentation as required by HPD to demonstrate compliance with such order. HPD may grant an owner an extension of up to two months to complete necessary work. This correction period would be in addition to the initial correction timeframe specified on a violation. If an owner fails to comply with an underlying condition order, HPD may perform all or part of the required work.

Paragraph 4 of new subdivision c provides that all expenses incurred by the Department for work related to an underlying condition order which remain unpaid by an owner will constitute a debt recoverable from the owner and a lien upon the building and lot, and upon the rents and other income thereof. The effect and enforcement of such debt and lien will be governed by Article eight of Subchapter five of the Housing Maintenance Code. Additionally, HPD may serve a statement of account upon an owner for such amounts pursuant to section 27-2129 of this code.

Paragraph 5 of new subdivision c provides that an owner who fails to comply with an underlying condition order shall be subject to a civil penalty of \$1,000 for each dwelling unit that is the subject of such order, provided, however, that the total amount of such penalty shall not be less than \$5,000.

Bill section two contains the enactment clause and provides that this local law shall take effect 180 days after its enactment.

(The following is the text of the Fiscal Impact Statement for Int. No. 967:)



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

PROPOSED INTRO. NO: 967

COMMITTEE: Housing and Buildings

TITLE: A Local Law in relation to the issuance of orders for repairs to buildings.

SPONSORS: Council Members Brewer, Chin, Gonzalez, James, Mendez, Recchia, Williams, Rodriguez, Jackson, Lander

SUMMARY OF LEGISLATION: This legislation would allow the Department of Housing, Preservation and Development ("HPD") to issue an order to property owners to correct an underlying condition which has caused or is causing a violation of the Housing Maintenance Code, the Multiple Dwelling Law, or other applicable laws. The bill amends section 27-2091 of the administrative code by adding a new subdivision c.

The bill would allow HPD to issue an order to correct any underlying condition existing in a building that has caused or is causing a violation of this code, of the multiple dwelling law, or of other state and local laws that impose requirements on dwellings. An owner shall comply with such order no later than four months after the order has been issued, provided, however, that HPD may extend the deadline for compliance by a period not to exceed two months. If the owner fails to comply with such order, HPD may perform all or part of the work required. All amounts for expenses incurred by HPD that remain unpaid by an owner will constitute a debt recoverable and a lien upon the building and lot, and upon the rents and other income. An owner who fails to comply with an order shall also be subject to a civil penalty of one thousand dollars for each dwelling unit, provided, however, that the total amount of the penalty be five thousand dollars or greater. For example, if there are three affected units in a building, the total penalty will be the \$5,000 minimum amount. If there are six affected units, the total penalty will be \$6,000. This allows for an increased penalty in the aggravated situation where many tenants are being affected.

EFFECTIVE DATE: This law would take effect one hundred and eighty days after its enactment, provided that the commissioner of HPD take necessary actions for its implementation, prior to the effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 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: Because full compliance is expected, it is estimated that there would be minimal to no impact on revenues resulting from the enactment of this legislation.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Department of Housing, Preservation and Development

ESTIMATE PREPARED BY: Amy Stokes, Legislative Financial Analyst
Nathan Toth, Deputy Director
New York City Council Finance Division

HISTORY: Int. 967 was introduced to the City Council and referred to the Housing and Buildings Committee on November 27, 2012. The Committee held a hearing on Int. 967 on December 13, 2012, and the bill was laid over.

DATE SUBMITTED TO COUNCIL: January 8, 2013

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 967:)

Int. No. 967

By Council Members Brewer, Chin, Gonzalez, James, Mendez, Recchia, Williams, Rodriguez, Jackson, Lander, Van Bramer, Vann, Dromm, Lappin, Garodnick, Barron, Gennaro and Greenfield.

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.

Be it enacted by the Council as follows:

Section 1. Section 27-2091 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. The department shall have the power to issue an order to correct any underlying condition existing in a building that has caused or is causing a violation of this code, of the multiple dwelling law, or of other state and local laws that impose requirements on dwellings.

1. Such order may be issued to an owner of a building that meets the criteria promulgated by the department in rules.

2. The department may file such order in the office of the county clerk in the county in which the building is located. Where such order has been filed by the department and complied with by the owner, the department shall file a rescission of the order with such county clerk.

3. An owner shall comply with such order and submit such documentation as the department may require indicating compliance with the order no later than four months after the order has been issued, provided, however, that the department may extend the deadline for compliance by a period not to exceed two months, in accordance with criteria promulgated by the department in rules. If such owner fails to comply with such order, the department may perform all or part of the work required by such order.

4. All amounts for expenses incurred by the department pursuant to this subdivision that remain unpaid by an owner, shall constitute a debt recoverable from the owner and a lien upon the building and lot, and upon the rents and other income thereof. The provisions of article eight of subchapter five of this code shall govern the effect and enforcement of such debt and lien. The department may serve a

statement of account upon an owner for such amounts pursuant to section 27-2129 of this code.

5. Notwithstanding any provision of this code to the contrary, an owner who fails to comply with an order issued pursuant to this subdivision shall be subject to a civil penalty of one thousand dollars for each dwelling unit that is the subject of such order, provided, however, that the total amount of such penalty shall not be less than five thousand dollars.

§2. This local law shall take effect one hundred eighty days after its enactment, provided, however, that the commissioner of the department of housing preservation and development may take such actions as are necessary for implementation of this local law, including the promulgation of rules, prior to such effective date.

ERIK MARTIN DILAN Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, JAMES F. GENNARO, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH S. CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, ERIC A. ULRICH, JAMES S. ODDO; Committee on Housing and Buildings, January 8, 2013.

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

Reports of the Committee on Rules, Privileges and Elections

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

Report for Res. No. 1639

Report of the Committee on Rules, Privileges and Elections Resolution approving Membership Changes to Certain Standing Committees, a Subcommittee and Chairs.

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on January 9, 2013, respectfully

REPORTS:

SUBJECT: Resolution Approving Membership Changes to Certain Standing Committees, a Subcommittee and Chairs.

ANALYSIS: Before the Committee for its consideration are proposed changes to the membership and chairmanship of various committees of the Council. See the Resolution for each of the specific changes.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res No. 1639:)

Res. No. 1639

Resolution approving Membership Changes to Certain Standing Committees, a Subcommittee and Chairs.

By Council Member Rivera.

RESOLVED, that pursuant to Rule 7.00 of the Council, the Council does hereby consent to the following Membership changes to Certain Standing Committees, a Subcommittee and Chairs:

STANDING COMMITTEES

CIVIL RIGHTS

King

CIVIL SERVICE AND LABOR

Nelson, Chair

CULTURAL AFFAIRS, LIBRARIES AND INTERNATIONAL INTERGROUP RELATIONS

King

[Lappin]

HIGHER EDUCATIONKing**LAND USE**Wills

[Vacca]

LOWER MANHATTAN REDEVELOPMENTKing

[Wills]

SMALL BUSINESSWillsKing**WATERFRONTS**Koo, Chair

Nelson[, Chair]

YOUTH SERVICESKing**SUBCOMMITTEE****SUBCOMMITTEE ON ZONING AND FRANCHISES**Wills

[Vacca]

STANDING COMMITTEES**CIVIL SERVICE AND LABOR** - Nelson - \$10,000**WATERFRONTS** – [Nelson]Koo - \$10,000

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ERIK MARTIN-DILAN, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, January 9, 2013.

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

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

Report for Res. No. 1632

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution amending Rule 7.00 of the Rules of the Council in relation to Standing Committees.

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on January 9, 2013, respectfully

REPORTS:

SUBJECT: Resolution amending Rule 7.00 of the Rules of the Council in relation to Standing Committees.

ANALYSIS: Before the Committee for its consideration are proposed changes to Rule 7.00 of the Rules of the Council in relation to Standing Committees. The Resolution changes the name of the Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse and Disability Services to the Committee on Mental Health, Developmental Disability, Alcoholism, Drug Abuse and Disability Services and corrects various grammatical inconsistencies. See the Resolution for each of the specific changes.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res No. 1632:)

Res. No. 1632

By The Speaker (Council Member Quinn) and Council Members Greenfield, Arroyo, Comrie, Fidler, Jackson, Palma, Rose, Williams and Wills.

Resolution amending Rule 7.00 of the Rules of the Council in relation to Standing Committees.

Section 1. Subdivision a of Rule 7.00 of the Rules of the Council of the City of New York is hereby amended to read as follows:

7.00. Appointment a. Prior to the establishment of the membership of any other committee, and after the selection of the Speaker, the Council shall elect the membership of the Committee on Rules, Privileges and Elections. All other committees and appointments thereto shall be recommended by the Committee on Rules, Privileges and Elections, approved by the Council and published in the Calendar. All standing committee chairpersons shall be elected by the Council as a whole. The standing committees of the Council shall bear the following titles and possess the following substantive matter jurisdictions:

AGING - Department for the Aging and all federal, state and municipal programs pertinent to senior citizens.

CIVIL RIGHTS - Human Rights Commission, Equal Employment Practices Commission[,], and Equal Employment Opportunity.

CIVIL SERVICE AND LABOR - Municipal Officers and Employees, Office of Labor Relations, Office of Collective Bargaining, Office of Labor Services, and Municipal Pension and Retirement Systems.

COMMUNITY DEVELOPMENT - Issues relating to poverty and its reduction especially in low income neighborhoods.

CONSUMER AFFAIRS - Department of Consumer Affairs[,], and Business Integrity Commission.

CONTRACTS - Procurement Policy Board, review of City procurement policies and procedures, oversight over government contracts, Mayor's Office of Contracts[,], and collection agency contracts.

CULTURAL AFFAIRS, LIBRARIES AND INTERNATIONAL INTERGROUP RELATIONS - Department of Cultural Affairs, Libraries, Museums, Art Commission, New York City Commission for the United Nations, Consular Corps and International Business, Mayor's Office of Special Projects and Community Events, and to encourage harmony among the citizens of New York City, to promote the image of New York City[,], and enhance the relationship of its citizens with the international community.

ECONOMIC DEVELOPMENT - Economic Development Corporation[,], and Department of Small Business Services.

EDUCATION - Department of Education[,], and School Construction Authority.

ENVIRONMENTAL PROTECTION - Department of Environmental Protection.

FINANCE - Executive Budget review and Budget modification, Banking Commission, Comptroller's Office, Department of Design and Construction, Department of Finance, Independent Budget Office, [and] fiscal policy and revenue from any source.

FIRE AND CRIMINAL JUSTICE SERVICES - Fire/EMS (non-health-related issues), Legal Aid, Department of Probation, Correction.

GENERAL WELFARE - Human Resources Administration/Department of Social Services, Administration for Children's Services, Department of Homeless Services, Office of Immigrant Affairs[,], and charitable institutions.

GOVERNMENTAL OPERATIONS - Municipal governmental structure and organization, Department of Citywide Administrative Services, Community Boards, Tax Commission, Board of Standards and Appeals, Campaign Finance Board, Board of Elections, Voter Assistance Commission, Commission on Public Information and Communication, Department of Records and Information Services, Financial Information Services Agency[,], and Law Department.

HEALTH - Department of Health and Mental Hygiene, Health and Hospitals Corporation and Office of the Chief Medical Examiner[,] and EMS (health-related issues).

HIGHER EDUCATION - City University of New York.

HOUSING AND BUILDINGS - Department of Housing Preservation and Development, Department of Buildings[,] and rent regulation.

IMMIGRATION - Mayor's Office of Immigrant Affairs and other matters affecting immigration.

JUVENILE JUSTICE - Department of Juvenile Justice.

LAND USE - City Planning Commission, Department of City Planning, Department of Information Technology and Telecommunications, Landmarks Preservation Commission, land use and landmarks review.

LOWER MANHATTAN REDEVELOPMENT - Issues related to the redevelopment of lower Manhattan and the World Trade Center Site.

MENTAL HEALTH, [MENTAL RETARDATION]DEVELOPMENTAL DISABILITY, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES - Department of Health and Mental Hygiene [for [(issues of mental health, [mental retardation]developmental disability and alcoholism services) and Mayor's Office for People with Disabilities.

OVERSIGHT AND INVESTIGATIONS - To investigate any matters within the jurisdiction of the Council relating to property, affairs, or government of New York City[,] and the Department of Investigation.

PARKS AND RECREATION - Department of Parks and Recreation.

PUBLIC HOUSING - NYC Housing Authority.

PUBLIC SAFETY - Police Department, Courts, District Attorneys, Special Narcotics Prosecutor, Civilian Complaint Review Board, Criminal Justice Coordinator[,] and Emergency Management Department (OEM).

RULES, PRIVILEGES AND ELECTIONS - Council structure and organization and appointments.

SANITATION AND SOLID WASTE MANAGEMENT - Department of Sanitation.

SMALL BUSINESS - Matters relating to retail business and emerging industries.

STANDARDS AND ETHICS - Conflicts of Interest Board and Council Ethics.

STATE AND FEDERAL LEGISLATION - Federal legislation, State legislation and Home Rule requests.

TECHNOLOGY - Technology in New York City, Department of Information Technology and Telecommunications (non-land use-related issues), Mayor's Office of Film, Theatre and Broadcasting, NYC TV[,] and dissemination of public information through use of technology.

TRANSPORTATION - Mass Transportation Agencies and facilities, Department of Transportation, New York City Transit Authority[,] and Taxi and Limousine Commission.

VETERANS - Mayor's Office of Veterans Affairs and other veteran related issues.

WATERFRONTS - Matters relating to the waterfront.

WOMEN'S ISSUES - Issues relating to public policy concerns of women, domestic violence, Office to Combat Domestic Violence[,] and Agency for Child Development.

YOUTH SERVICES - Youth Board, Department of Youth and Community Development, Interagency Coordinating Council and youth related programs.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ERIK MARTIN-DILAN, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, January 9, 2013.

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

GENERAL ORDER CALENDAR

Report for Int. No. 702-A

Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring that all signs advertising the price of gasoline and/or diesel motor fuel disclose the total selling price for cash and credit card purchases.

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on November 3, 2011 (Minutes, page 4838), and was originally before the Council before being laid over on December 18, 2012 (Minutes, page 4631), respectfully

REPORTS:

INTRODUCTION

On Monday, December 17, 2012, the Consumer Affairs Committee, chaired by Council Member Dan Garodnick, will vote on Proposed Introductory Bill Number 702-A ("Proposed Int. No. 702-A"), a Local Law to amend the administrative code of the city of New York, in relation to requiring that all gas stations post road signs displaying the total selling price of gasoline and/or diesel motor fuel and that such road signs and any other sign, poster or placard advertising the price of gasoline and/or diesel motor fuel disclose the total selling price for cash and credit or debit card purchases. The Committee previously heard aversion of Int. No. 702 on December 14, 2012.

BACKGROUND

During economically uncertain times, fluctuations in the price of certain goods, such as gasoline, can have a debilitating impact on working families. Unfortunately, gasoline prices have experienced an upward trend in the past year in the New York City metropolitan area. According to the New York State Energy Research & Development Authority, regular grade gasoline averaged nearly \$3.65 per gallon on December 3, 2012.¹ For the majority of New York City residents, the price of gasoline is a major concern. According to the Siena Research Institute, in August of 2012, 53% of residents within the five boroughs considered gasoline prices to be "a somewhat or very serious problem."² The necessity of gasoline in daily life became all too clear in the aftermath of Hurricane Sandy, when fuel shortages shuttered some gas stations and left others with lines of cars stretching several blocks long. In light of its expense, and the fact that gas is often not an optional purchase, it is critically important that consumer protection regulations are enforced and that gasoline pricing policies be as transparent as possible.

¹ N.Y.S. Research & Dev. Auth. "Weekly Average Motor Gasoline Prices," at [http://www.nyserdany.gov/Page-Sections/Energy-Prices-Supplies-and-Weather-Data/Motor-](http://www.nyserdany.gov/Page-Sections/Energy-Prices-Supplies-and-Weather-Data/Motor-Gasoline-Average-Motor-Gasoline-Prices.aspx)

[Gasoline Average-Motor-Gasoline-Prices.aspx](http://www.nyserdany.gov/Page-Sections/Energy-Prices-Supplies-and-Weather-Data/Motor-Gasoline-Average-Motor-Gasoline-Prices.aspx) (accessed September 12, 2012).

Siena Research Inst. "Seriousness of Gas and Food Prices: Percentage of NY'ers," at http://www.sienaresearch.com/Uploads/Files/home/parents_and_community/community_pages/nyscc/Gas%20and%20Food%20Table0812.pdf (accessed on September 12, 2012).

a. State and Local Regulation of Gas Stations

Several provisions in State and local law address gasoline pricing and regulate the form and manner by which prices are disclosed in order to promote clear and accurate communication of information to consumers. First, consumers are protected against price gouging of any consumer goods and services by the State General Business Law, which prohibits offering or selling goods and services considered "vital and necessary," such as gasoline, at "unconscionably excessive" prices during times of "abnormal disruption" of the market.³ When price gouging is alleged, the State Attorney General can apply to enjoin or restrain the offensive activity, and whether or not the activity violates the price gouging prohibition becomes a question for the court.⁴

Second, local consumer protection laws prohibit, among other deceptive practices, acts that result in "a gross disparity between the value received by a consumer and the price paid, to the consumer's detriment."⁵ Specifically, local law defines fraudulent practices in which sellers of gasoline and petroleum products ("gas stations") are

³ N.Y.S. Gen. Bus. Law § 396-r.

⁴ *id.*

⁵ N.Y.C. Admin. Code § 20-710(b).

prohibited to engage, such as the sale of gasoline "in any manner so as to deceive, or tend to deceive the purchaser as to the price, nature, quality or identity thereof."⁶

Additionally, the State Agriculture and Markets Law requires that the selling price per gallon of gasoline be posted on all dispensing devices from which gasoline is extracted, and the law dictates the size and style of such posting.⁷ The law also requires the posting of multiple prices on a dispensing device that offers more than one type or grade of gasoline for sale. A civil penalty of \$100 is assessed for violating the law once and subsequent violations can be punished by fines of up to \$500. The law authorizes DCA to enforce the provisions that relate to price posting at the pump.⁸

Local law provides further regulations on price posting for gas stations in New York City. All signs displaying the price of gasoline at or near the premises of a gas station, such as road signs visible to drivers, must state the name or brand, grade or quality, and the total selling price per gallon of the gasoline.⁸ The total selling price is defined as "the sum of the basic price per gallon plus all applicable taxes."¹⁰ Further, local law dictates the size and style of such postings, requiring that all numbers and letters relating to the price of the gasoline be the same size and that the font shall be black on white background.¹¹

In 2006, the Council passed Local Law 38, which requires that sellers of gasoline adhere to the prices posted on such road signs, and prohibits such sellers from raising the posted prices for a period of 24 hours once they are posted.¹² The local law also

⁶ N.Y.C. Admin. Code § 20-673.

⁷ N.Y.S. Agriculture & Mkt. Law § 192(5).^{8/c/}

⁹ N.Y.C. Admin. Code § 20-672.

¹⁰ *Id.*

¹¹ *Id.*

¹² LL 38/2006; see N.Y.C. Admin. Code § 20-672(b).

contained recordkeeping requirements related to pricing.¹³ Additionally, the Agriculture and Markets Law and the Administrative Code both regulate disclosures at the pump related to octane ratings and proper representation of gasoline as either leaded or unleaded.¹⁴

b. Enforcement

Fortunately for drivers in New York City, DCA is tasked with ensuring that those who purchase gasoline are getting their money's worth. DCA's "gas squad" inspects each gas station at least once a year, testing for "pump dispensing accuracy; gas octane at levels advertised as priced; proper maintenance of gasoline storage tanks; properly marked fill ports for gas delivery; functioning equipment, including indicator lights, nozzles, air compressors, and valves; and proper signage, including matching prices on pumps and curb signs."¹⁵ According to DCA, its inspectors check the accuracy of every pump in the City, visiting each gas station about twice a year.¹⁶

In 2010, DCA conducted a sweep of gas stations in the City and found a 97% compliance rate for accuracy at the pump.¹⁷ The department inspected over 1,800 gas stations and 10,850 gas pumps, 345 of which were faulty and taken out of commission pending repairs.¹⁸ Three hundred eighty-two violations were issued for reasons that included failing to disclose octane ratings, improper priming of pumps, short measure on pumps, deceptive practices, and scales that failed to conform to the standards for weights

¹³ *Id.*

¹⁴ N.Y.S. Agriculture & Mkt. Law §§ 192-A, 192-B and 192-C; N.Y.C. Admin. Code §§ 20-673.1 and 20-673.2.

¹⁵ N.Y.C. Dep't of Consumer Affairs, "Department of Consumer Affairs Keeps Close Watch Over Gas Station Accuracy," Press Release, July 1, 2009, at http://www.nyc.gov/html/dca/html/pr2009/pr_070109.shtml.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

and measures as laid out by the National Institute of Standards and Technology.¹⁹ Of the 382 violations, 28 related to signage problems, including improper curb signage.²³ That year, DCA also received approximately 645 complaints about gas stations.²¹ The most common complaints were "overcharging, inaccurate meters and defective fuel pumps."²²

In 2011, the Office of New York State Attorney General Eric Schneiderman launched an investigation into possible price gouging and zone pricing in response to dramatic price fluctuations that were occurring throughout the state. Examining 89 gas stations throughout the state between February 1 and April 1 of 2011, the Attorney General's office ultimately concluded that despite the dramatic rise in gasoline prices during the period studied, and with the exception of two gas stations outside of New York City, price gouging did not occur and retail mark-ups on gasoline remained relatively consistent.²³ The fluctuations in gasoline prices, it was determined, were simply a reflection of the changes in the price of crude oil.²⁴ The Attorney General's office did, however, find that gasoline wholesalers were engaged in zone pricing, a practice where different gas stations are charged different prices depending on their location.²⁵ The report noted that, while such practice was banned by the State in 2008, weaknesses in the law's language render it unenforceable.²⁶

Attorney General Schneiderman revisited the issue of price gouging in 2012 in the wake of Hurricane Sandy. Prior to the storm making landfall, the Attorney General's

¹⁹ N.Y.C. Dep't of Consumer Affairs, data submitted via email to Council staff on February 28, 2012.

²⁰ *Id.*

²¹ N.Y.C. Dep't of Consumer Affairs, *supra* note 14.²² *Id.*

²³ Office of the N.Y.S. Attorney General "Report on New York Gasoline Prices," December 2011, at 3.²⁴ *Id.*

²⁵ *Id.*, at 4.

²⁶ *Id.*

office warned vendors in certain areas of the state against engaging in price gouging.²⁷ After the hurricane, the office received hundreds of complaints relating to price gouging, the majority of which related to gasoline prices.²⁸ The Attorney General subsequently launched an investigation into these allegations.²⁹ To date, his office has initiated enforcement proceedings against 25 gas retailers in the state, twelve of which are located in New York City.³⁰³¹

c. Cash Versus Credit Pricing

Despite the broad compliance with applicable laws and apparent lack of price gouging in New York, consumers still have reason to exercise caution when patronizing a gas station. A 2008 investigation of gas stations launched by then-Attorney General Andrew Cuomo found that roughly one quarter of the 130 stations examined in the New York City area were engaged in deceptive practices.³² Specifically, the Attorney General's office found that the offending gas stations were "charging customers more for using a credit card [and] posting only the lower cash prices on their large, street-facing signs in order to lure patrons to their station and then charging them more at the pump."³³

²⁷ Office of the N.Y.S. Attorney General, "A.G. Schneiderman Details Post-Hurricane Price Gouging Investigation As Consumer Complaints Rise," Press Release, November 5, 2012, at <http://www.ag.ny.gov/press-release/ag-schneiderman-details-post-hurricane-price-gouging-investigation-consumer-complaints>.

²⁸ *Id.*

²⁹ *Id.*

³⁰ Office of the N.Y.S. Attorney General, "A.G. Schneiderman Announced 12 More Enforcement Actions Against Gas Retailers in Post-Sandy Price Gouging Investigation," Press Release, November 29, 2012, at <http://www.ag.ny.gov/press-release/ag-schneiderman-announces-12-more-enforcement-actions-against-gas-retailers-post-sandy>.

³¹ Office of the N.Y.S. Attorney General, "A.G. Schneiderman Brings First Series of Enforcement Actions in Post-Hurricane Price Gouging Investigation As Consumer Complaints Rise," Press Release, November 15, 2012, at <http://www.ag.ny.gov/press-release/ag-schneiderman-brings-first-series-enforcement-actions-post-hurricane-price-gouging>.

³² Office of the N.Y.S. Attorney General, "Attorney General Cuomo Issues Consumer alert for NYC Drivers After Investigation Reveals Nearly 25% of NYC Area Gas Stations Inspected Engaged in Deceptive Practices," Press Release, August 28, 2008, at <http://www.ag.ny.gov/press-release/attorney-general-cuomo-issues-consumers-alert-nyc-drivers-after-investigation-reveals>.

³³ *Id.*

The Attorney General's office found that while some of the gas stations did include the word "cash" in their street-level signs, the font size was too small to be legible from the street.³⁴

The New York State General Business Law prohibits retailers from applying a surcharge to purchases made with a credit card.³⁵ Nevertheless, State law does not prohibit retailers from applying discounts to their sales. Therefore, gas stations are permitted to charge a discounted price for gasoline purchases made in cash. Many gas stations do so, charging the higher "non-discounted" price on non-cash purchases to offset the processing fees (also known as "interchange" fees) incurred when a consumer uses a debit or credit card.³⁶ It has been reported that gas stations in New York State are advertising only the (often lower) cash price on their street-level signs without adequate disclosure that such advertised price applies to cash transactions only.³⁷ As the 2008 investigation revealed, it is not always clear that the price being advertised on the street-level sign reflects only the cash price until the consumer has already pulled into the gas station next to a pump.

Price differentials received renewed attention earlier this year when drivers in Long Island complained about disparities of up to two dollars between cash and credit purchases.³⁸ This significant markup, combined with the high cost of fuel and the failure of gas stations to adequately label the cash price, prompted New York State Senator Lee Zeldin (R, C, I-Shirley) to introduce a bill that would require gas stations to post the

³⁴ *Id.*

³⁵ N.Y.S. Gen. Bus. Law §518.

³⁶ Morell, J., "Filling up the tank? It may pay to use cash," *CreditCards.com*, August 28, 2008, Available at <http://www.creditcards.com/credit-card-news/gas-discounts-for-cash-1275.php>.

³⁷ Polsky, C., "Tire over credit card pricing," *Newsday*, July 11, 2008, at A 19.

³⁸ "New York Senator Takes Aim At Gas Cash-Credit Price Gap," *CBS New York*, April 24, 2012, Available at http://newyork.cbslocal.com/2012/04/24/new-york-senator-takes-aim-at-gas-cash-credit-price-gap_4.

credit price on street-level signs when the disparity between the cash and credit price exceeds seven percent.³⁹ A similar bill was passed by the Westchester County Board of Legislators in December 2011, though that bill simply required that both cash and credit prices be displayed.⁴⁰ That same month, in response to price disparities in Long Island, Senator Charles Schumer (D-NY) sent a letter to the

Federal Trade Commission asking them to consider rules that would require street-level signs at gas stations to more clearly disclose the cash and credit prices of gasoline.⁴¹

d. September Gas Station Hearing

The Committee first heard Int. No. 702 on September 20, 2012 along with an oversight hearing entitled "Gas Stations in New York City: Putting a Premium on Consumer Protection." At that hearing, Council Member Fidler, the sponsor of Int. No. 702, asked Jeffrey Frediani, a Legislative Analyst at AAA New York, for his opinion on whether all gas stations in New York City should be required to have street-level signs so that gas prices are legible to drivers on the road. Mr. Frediani stated that this requirement would give consumers more information prior to entering the gas station. In light of this information, Int. No. 702 was amended to require that all gas stations have such street-level signs advertising the gas prices.

³⁹ "Gas Price Gap Between Credit And Cash Up to \$2 A Gallon At Some L.I.," *CBS New York*, April 20, 2012, Available at <http://newyork.cbslocal.com/2012/04/20/rising-gas-price-gap-between-credit-and-cash-up-to-2-a-gallon-at-some-li-stations/>.

⁴⁰ Swift, J., "Westchester Legislators Okay New Gas Pricing Law," *Peekskill Daily Voice*, December 1, 2011, Available at <http://peekskilldailyvoice.com/news/kaplowitzs-law-gasoline-price-passes>.

⁴¹ Coen, A., "Sen. Schumer Appears in Wantagh Calling for Better Cash Price Disclosure," *WantaghSeaford Patch*, December 6, 2011, Available at <http://wantagh.patch.com/articles/sen-schumer-appears-in-wantagh-calling-for-better-gas-price-disclosure>.

III. PROPOSED INT. NO. 702-A

Proposed Int. No. 702-A would require all gas stations in New York City to maintain a sign, poster or placard advertising the selling price of gasoline that is visible to drivers of approaching vehicles. It would also require all gas stations to clarify any price differences that may exist between cash and credit or debit purchases on such road signs, posters or placards. It would require gas stations that charge cash-paying customers less than customers who pay with credit or debit cards to post the total selling price for each type of accepted payment. Proposed Int. No. 702-A would also require that the language distinguishing the price for cash purchases from credit or debit purchases be written in letters no less than half the size of the numbers displaying the price.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 702-A:)

Int. No. 702-A

By Council Members Fidler, Rivera, Brewer, Dickens, Eugene, Gentile, James, Koppell, Lander, Mendez, Nelson, Recchia, Rose, Williams, Rodriguez, Dromm, Garodnick, Jackson, Greenfield, Barron, Vallone Jr., Crowley, Gennaro, Lappin and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that all gas stations post road signs displaying the total selling price of gasoline and/or diesel motor fuel and that such road signs and any other sign, poster or placard advertising the price of gasoline and/or diesel motor fuel disclose the total selling price for cash and credit or debit card purchases.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 20-672 of the administrative code of the city of New York, as amended by local law number 38 for the year 2006, is amended to read as follows:

[(b)]. [Where a sign, poster or placard advertises the selling price per gallon of gasoline or diesel motor fuel on, at or about the premises where such gasoline or diesel motor fuel is sold or offered for sale, or where such] *In addition to any sign or placard required pursuant to subdivision five of section one hundred ninety-two of the agriculture and markets law, there shall be a sign, poster or placard clearly visible to drivers of approaching motor vehicles on the premises of every location at which gasoline and/or diesel motor fuel are sold or offered for sale. Such sign shall be in a size and style to be determined by the commissioner. Such sign, in addition to any other sign, poster or placard that advertises the selling price of gasoline and directly or indirectly refers to a premises where the advertised gasoline [or] and/or diesel motor fuel [is] are sold or offered for sale, [such sign, poster or placard] shall state the name, trade name, brand, mark or symbol and grade or quality classification of such gasoline or diesel motor fuel, together with the total selling price per gallon. Total selling price shall be the sum of the basic price per gallon plus all applicable taxes. Such sign, poster or placard shall conform to the rules and regulations of all governmental agencies with jurisdiction as to structure and location.*

1. A retail dealer shall only sell at [such posted] the total selling price. Any such price when posted may not be raised for a period of not less than twenty-four hours. [Such sign, poster or placard shall conform to the rules and regulations of all governmental agencies with jurisdiction as to structure and location.]

2. Where the total selling price for purchases made with cash is less than the total selling price for purchases made with credit card, debit card or other form of non-cash payment, such sign, poster or placard shall state the total selling price for each type of accepted payment.

§2. Subdivision c of section 20-672 of the administrative code of the city of New York, as relettered by local law number 31 for the year 1988, is amended to read as follows:

c. All numbers referring to price shall be the same height, width and thickness. Identification of the gasoline or diesel motor fuel offered for sale, *and any non-numerical language distinguishing the total cash selling price from the total credit card, debit card or other form of non-cash payment selling price* shall be in letters and numbers not less than one-half of the height, width and thickness of the numbers referring to price. Letters and numbers shall be black on a white background.

§ 3. This local law shall take effect one hundred twenty days after it shall have been enacted into law; provided that the commissioner and the commissioner of the department of transportation may take any actions necessary for the implementation of this local law prior to such effective date including, but not limited to, promulgating rules.

DANIEL R. GARODNICK, Chairperson; MICHAEL C. NELSON, CHARLES BARRON, LEROY G. COMRIE, Jr., JULISSA FERRERAS, KAREN KOSLOWITZ; Committee on Consumer Affairs, December 17, 2012.

Laid Over by the Council.

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>
Marilyn Bree	330 East 46 th Street #7J New York, N.Y. 10017	4
Larisa Lipovetskaya	140 Alcott Place #26C Bronx, N.Y. 10475	12
Nashely Baez	2700 Marion Avenue #4A Bronx, N.Y. 10458	15
Miguel Gomez	355 East 187 th Street #H3 Bronx, N.Y. 10458	15
Wendy Sawyer	18-74 Menahan Street #3R Ridgewood, N.Y. 11385	34
Jonathan Sapp	135 Ashland Place #10A Brooklyn, N.Y. 11201	35
Carol E. LaBruzzo	132 Rockville Avenue Staten Island, N.Y. 10314	50
Dorothy Musumeci	586 Yetman Avenue Staten Island, N.Y. 10307	50
Elvira Tkach	44 Gunton Place Staten Island, N.Y. 10309	51
Janice Sypniewski	230 Wood Avenue Staten Island, N.Y. 10307	51

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Norma Nieves	170 Avenue C #19A New York, N.Y. 10009	2
Thomas K. Duane	345 8 th Avenue # 19A New York, N.Y. 10001	3
Reinaldo Pabon	1763 2 nd Avenue #34H New York, N.Y. 10128	5
Florence Middleton	2569 7 th Avenue #24H New York, N.Y. 10039	7
Tanja E. Boynes	1735 Madison Avenue #5A New York, N.Y. 10029	8
Constantinos Stivaros	311 East 116 th Street #4 New York, N.Y. 10029	8
Pauline Allen	485 Lenox Avenue #14F New York, N.Y. 10037	9
Gregory Watson	1925 7 th Avenue #4D New York, N.Y. 10026	9
Wanda I. Diaz	323 East Gun Hill Road #6A Bronx, N.Y. 10467	11

Karen Cash-Felder	3030 Cruger Avenue Bronx, N.Y. 10467	12
Pancheta Cowan Sampson	3628 Boller Avenue Bronx, N.Y. 10466	12
Carrie Marable	900 Co-Op City Blvd #10F Bronx, N.Y. 10475	12
Regina Simmons	4220 Hutchinson River Pkwy East Bronx, N.Y. 10475	12
Carlton Snaith	4200 Hutch River Pkwy East #24D Bronx, N.Y. 10475	12
Dawn Stephens	801 Tilden Street #5D Bronx, N.Y, 10467	12
Robert Barnes	587 Tinton Avenue Bronx, N.Y. 10455	17
Deborah L. May	1430 Thieriot Avenue #6L Bronx, N.Y. 10460	18
Janet Weather-Holley	1551 Unionport Road #6B Bronx, N.Y. 10462	18
Mark H. Winnegrad	1450 Parkchester Road #5A Bronx, N.Y. 10462	18
Veronica Diaz	12-12 117 th Street College Point, N.Y. 11356	19
Patricia McHugh	23-20 128 th Street College Point, N.Y. 11356	19
Timur Rozenblit	23-35 Broadway #1C Queens, N.Y. 11106	22
Boris Rubin	63-61 Yellowstone Blvd #6H Forest Hills, N.Y. 11375	24
Particia Tucker	109-43 164 th Street Jamaica, N.Y. 11433	27
Dorothy C. West	109-61 200 th Street Hollis, N.Y. 11412	27
Kevin Hopkins	120-23 Inwood Street Queens, N.Y. 11436	28
Federico Goldwurn	85-32 124 th Street Queens, N.Y. 11415	29
Amina Halls	59-24 Putnam Avenue #2A Ridgewood, N.Y. 11385	30
Beverly A. Austin	146-41 230 th Street Rosedale, N.Y. 11413	31
Ventrice Bowen	156-19 North Conduit Avenue Queens, N.Y. 11434	31
Rose I. Holloman	14-60 Beach Channel Drive #4B Queens, N.Y. 11691	31
Kerline Jacob	149-46 256 th Street Queens, N.Y. 11422	31
Torrence Jonas	146-79 Farmers Blvd Springfield Gardens, N.Y. 11434	31
Melody V. Ruiz	86-77 76 th Street Woodhaven, N.Y. 11421	31
Jean Sheil	792 President Street Brooklyn, N.Y. 11215	33
Patricia Denise Briggs	2 Stoddard Place #2E Brooklyn, N.Y. 11225	35
Lesley Henry	743 Empire Blvd #A1 Brooklyn, N.Y. 11213	35
Sarong Bingley	1587 Pacific Street Brooklyn, N.Y. 11213	36
Sheila Clark	355 Macon Street Brooklyn, N.Y. 11233	36
Cheryl N. Wright	239 Vernon Avenue Brooklyn, N.Y. 11206	36
Joanne Rizzuto	347 Smith Street Brooklyn, N.Y. 11231	39
Maxi Eugene	143 Linden Blvd #2A Brooklyn, N.Y. 11226	40
Dorothy Hosten	832 Midwood Street #6D Brooklyn, N.Y. 11203	41
Tracy Lilley	325 Remsen Avenue Brooklyn, N.Y. 11212	41
Joan T. LaPierre	792 East 51 st Street Brooklyn, N.Y. 11203	45
Latasha Richardson	3714 Avenue J	45

Kathoria S. Sparkman	Brooklyn, N.Y. 11210 1414 Brooklyn Avenue #4G	45
Pamela Bozeman	Brooklyn, N.Y. 11210 2275 Utica Avenue	46
Arnold Lubitz	Brooklyn, N.Y. 11234 1564 East 35 th Street	46
Margarita Bogolyubova	Brooklyn, N.Y. 11234 2018 Voorhies Avenue #B24	48
Grace L. Harris	Brooklyn, N.Y. 11224 435 Neptune Avenue #1E	48
Gloria Shatsky	Brooklyn, N.Y. 11210 921 East 23 rd Street	48
Vincent Colonna	Staten Island, N.Y. 10302 501 Jewett Avenue	49
Andrew L. Lewis	Staten Island, N.Y. 10301 214 Victory Blvd	49
Sallyann Bartels	Staten Island, N.Y. 10306 46 Bishop Street	50
Sandra Galante	Staten Island, N.Y. 10314 39 Franklin Place	50
Margaret V. Gatti	Staten Island, N.Y. 10305 418 Slater Blvd Box#53	50
Roberta Balber	Staten Island, N.Y. 10306 65 Hooper Avenue	51
Vincent P. Maniscalco	Staten Island, N.Y. 10314 38 Purdue Street	51

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

**ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)**

- | | | |
|-----|---|---|
| (1) | Int 992 - | In relation to stoop line stands. |
| (2) | Int 995 - | Dates for Preliminary Budget Process (with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage). |
| (3) | Int 967 - | In relation to the issuance of orders for repairs to buildings. |
| (4) | Res 1639 - | Membership Changes to Certain Standing Committees, a Subcommittee and Chairs. |
| (5) | Res 1632 - | Amending Rule 7.00 of the Rules of the Council in relation to Standing Committees. |
| (6) | Resolution approving various persons Commissioners of Deeds. | |

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

Affirmative – Arroyo, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **49**.

The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 992**:

Affirmative – Arroyo, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koslowitz, Lander,

Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 48.

Abstention – Koppell - 1.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 967, 992, and 995 (passed under a Message of Necessity from the Mayor).

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

RESOLUTIONS

Presented for voice-vote

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

Report for voice-vote Res. No. 1352

Report of the Committee on Civil Service and Labor in favor of approving a Resolution calling upon employers in New York City to hire more workers over 55 years of age.

The Committee on Civil Service and Labor, to which the annexed resolution was referred on May 31, 2012 (Minutes, page 1787), and was originally before the Council before being laid over on December 18, 2012 (Minutes, page 4712), respectfully

REPORTS:

INTRODUCTION:

On Friday, December 14, 2012, the Committee on Civil Service and Labor, chaired by Council Member James Sanders Jr., will hold a vote on Resolution Number 1352, which calls upon employers in New York City to hire more workers over 55 years of age. The Committee previously held a hearing on this resolution on November 28, 2012, during which representatives from the AARP; Services & Advocacy for Gay, Lesbian, Bisexual, Transgender Elders (SAGE); and the New York Academy of Medicine testified.

BACKGROUND:

The number of people aged 65 and older in the United States has increased significantly over the past century.¹ The federal government projects that the population of people aged 65 and over will increase from 40 million in 2010 to 55 million in 2020, a 36 percent increase.² Further, in 2006, seniors aged 60 and older accounted for nearly 17 percent of the population; however, by 2030, it is projected that this figure will rise to nearly 25 percent.³ In New York State, the number of older adults in this age range is projected to grow by 50 percent over the next twenty years from 2.7 million in 2011 to 3.9 million in 2030.⁴ Approximately 1 million, or 12 percent, of New York City residents are over age 60, a figure that is also projected to increase by 50 percent in the next twenty years.⁵

Currently, the United States is experiencing a demographic change due to the increased longevity of Americans, and the “baby boomer” generation reaching traditional retirement age. Every seven seconds, a baby boomer turns 60.⁶ The aging of the nation’s population will have a significant impact on society, in particular the labor market, including possible labor and skill shortages.⁷ According to the U.S. Department of Labor, Bureau of Labor Statistics, between 1977 and 2007, the employment of workers 65 years old and over increased 101 percent. The employment of Americans 16 years old and over increased 59 percent over the same period.⁸ Further, the number of employed men 65 and over rose 75 percent, and the employment of women 65 and older increased by 147 percent, nearly twice as much.⁹ Although the total labor force is projected to increase by 8.5 percent by 2016, the number of workers age 16-24 has been projected to decline, while the number of workers age 25-54 is projected to rise only slightly.¹⁰ In comparison, the number of workers age 55-64 is expected to climb by 36.5 percent.¹¹ Further, it has been projected that workers between the ages of 65 and over will grow by more than 80 percent, accounting for 6.1 percent of the total labor force by 2016.¹²

The unemployment situation for adults 55 years and older has looked bleak since 2007. People aged 55-64 make up 15.1 percent of the total labor force nationwide and make up 11.2 percent of the total unemployed population nationwide.¹³ Currently, the unemployment rate of people 55-64 hovers at 5.9 percent.¹⁴ The numbers are more troublesome for older people due to the staggering duration of unemployment; as of July 2011, the average length of time it takes an American 55 years old or older to find employment is 52.7 weeks compared to 36.5 weeks for people under 55.¹⁵

Res. No. 1352:

The resolution would note that according to the United States Department of Labor, of the 14.9 million individuals who are unemployed, more than 2.2 million are over 55 years of age and nearly half of the 2.2 million workers over 55 years of age that are unemployed have been so for 6 months or longer.

The resolution would also indicate that although the unemployment rate for this population is lower than the rest of the nation, it takes workers 55 years of age or older an average of 54 weeks to find a new job compared to an average of 36 weeks for younger workers. In addition, the poverty rate for workers between 55 and 64 years of age increased from 8.6 percent in 2007 to 9.4 percent in 2009.

The resolution would further state that the New York State Department of Aging projects that by 2030 nearly one in four New Yorkers will be 60 years of age or older. Additionally, the resolution would point out that according to a survey conducted by AARP, only 18 percent of businesses offered a part-time work arrangement with benefits, only 25 percent of the businesses surveyed offered training to managers about ways to utilize older employees, and, according to the same survey, hiring managers consider identifying and keeping skilled workers as a critical issue facing employers today.

The resolution additionally would point out that among the 29 qualities included in the survey, older employees are believed to possess six of the top seven qualities that all employers desire in an employee and that older workers have a wealth of workplace experience and are capable of learning new skills.

Finally, the resolution would point out that in order to address the changing economy and workforce, employers must utilize creative efforts to fill the labor gap.

Thus, the Council would call upon employers in New York City to hire more workers over 55 years of age.

¹ U.S. Administration on Aging. “A Profile of Older Americans: 2009.” Department of Health and Human Services. Washington, D.C.

² *Id.*

³ MetLife Mature Market Institute. (March 2009). “Broken Trust: Elders, Family, and Finances.” National Committee for the Prevention of Elder Abuse, and the center for Gerontology at Virginia Polytechnic Institute and State University, at 18.

⁴ Geriatric Mental Health Alliance of New York. (Spring 2011) “Geriatric Mental Health in New York State: A Reflection on Progress and Future Directions.” at 1.

⁵ Age Friendly New York, “Creating an Age Friendly NYC One Neighborhood at a Time,” 2012, available at <http://www.nyam.org/agefriendlynyc/tools-and-resources/>.

⁶ U.S. Department of Labor: “Report of the Taskforce on the Aging of the American Workforce,” February 2008, at 8. available at http://www.doleta.gov/reports/FINAL_Taskforce_Report_2_27_08.pdf.

⁷ *Id.* at 1.

⁸ U.S. Department of Labor, Bureau of Labor Statistics: “Spotlight on Statistics: Older Workers,” July 2008 available at <http://www.bls.gov/spotlight/2008/older%5Fworkers/>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Report by the Joint Economic Committee Chairman’s Staff: “Addressing Long-Term Unemployment After The Great Recession: The Crucial Role of Workforce Training.” August 2011, at 6, available at http://jec.senate.gov/public/?a=Files.Serve&File_id=97c2e98e-a791-47fc-a324-6b407948e083

¹⁴ See U.S. Dept. of Labor, Bureau of Labor Statistics website at <http://www.bls.gov/news.release/empsit.t10.htm>.

¹⁵ Fleck, C., AARP Bulletin, August 5, 2011 “Jobs Rise by 117,000; But news is mixed for older workers, who remain unemployed longer.” available at <http://www.aarp.org/work/job-hunting/info-08-2011/unemployment-down-older-workers-unemployed-longer.html>

Accordingly, this Committee recommends its adoption.

(The following is the text of Res No. 1352 :)

Res. No. 1352

Resolution calling upon employers in New York City to hire more workers over 55 years of age.

By Council Members Lappin, Dromm, Jackson, James, Koo, Koslowitz, Mendez, Palma, Rose, Vann, Williams, Wills, Rodriguez, Chin, Nelson, Eugene, Barron, Greenfield, Mealy and Ulrich.

Whereas, According to the United States Department of Labor, of the 14.9 million individuals who are unemployed, more than 2.2 million are over 55 years of age; and

Whereas, Nearly half of the 2.2 million workers over 55 years of age that are unemployed have been so for 6 months or longer; and

Whereas, Although the unemployment rate for this population is lower than the rest of the nation, it takes workers 55 years of age or older an average of 54 weeks to find a new job compared to an average of 36 weeks for younger workers; and

Whereas, The poverty rate for workers between 55 and 64 years of age increased from 8.6 percent in 2007 to 9.4 percent in 2009; and

Whereas, The New York State Department of Aging projects that by 2030 nearly one in four New Yorkers will be 60 years of age or older; and

Whereas, According to a survey conducted by AARP, only 18 percent of businesses offered a part-time work arrangement with benefits; and

Whereas, Only 25 percent of the businesses surveyed offered training to managers about ways to utilize older employees; and

Whereas, The same survey revealed that hiring managers consider identifying and keeping skilled workers as a critical issue facing employers today; and

Whereas, Among the 29 qualities included in the survey, older employees are believed to possess six of the top seven qualities that all employers desire in an employee; and

Whereas, Older workers have a wealth of workplace experience and are capable of learning new skills; and

Whereas, In order to address the changing economy and workforce, employers must utilize creative efforts to fill the labor gap; now, therefore, be it

Resolved, That the Council of the City of New York calls upon employers in New York City to hire more workers over 55 years of age.

JAMES SANDERS, Jr., Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, DOMENIC M. RECCHIA, Jr., MELISSA MARK-VIVERITO, ERIC A. ULRICH; Committee on Civil Service and Labor, December 14, 2012.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

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. 1633

Report of the Committee on Finance in favor of approving a Resolution calling on the President's Interagency Task Force to Reduce Gun Violence to support the Gun Trafficking Prevention Act and the Fix Gun Checks Act in its final report.

The Committee on Finance, to which the annexed resolution was referred on January 9, 2013, respectfully

REPORTS:

In response to the recent nationwide spate of mass shootings, most particularly the horrific tragedy that unfolded on December 14, 2012 at the Sandy Hook Elementary School in Newtown, Connecticut, President Barack Obama announced the formation of an Interagency Task Force to Reduce Gun Violence.¹⁰ The Task Force is being led by Vice President Joseph Biden and it includes members of the President's cabinet as well as other outside organizations. President Obama requested that the Task Force come up with "real reforms" and present a final report with recommendations by the end of January.

Two of the often discussed gun control regulations include placing restrictions on the sale and possession of high capacity ammunition feeding devices and banning semi-automatic assault weapons. However, more must be done to curb the everyday gun violence taking place in cities and towns across the nation.

For this reason, Senators Schumer and Gillibrand recently wrote a letter to the Vice President requesting that the Interagency Task Force support the Gun Trafficking Prevention Act and the Fix Gun Checks Act in its final report.¹¹ Both of these pieces of legislation would help to stop illegal guns from making their way into unfit hands.

For example, while the State and City of New York have enacted numerous stringent gun control statutes and provisions that effectively reduce the incidence of gun-related crime, accidents, and violence,¹² there are myriad sources of illegal guns. In fact, 85% of the guns recovered at crime scenes in New York City were originally sold and purchased in another state.¹³ The Gun Trafficking Prevention Act would

for the Lower Ma_____

¹⁰ See Remarks by the President in a Press Conference, December 19, 2012, available at: <http://www.whitehouse.gov/the-press-office/2012/12/19/remarks-president-press-conference>.

¹¹ Schumer, Charles E. and Kisten Gillibrand letter to Vice President Joseph Biden. Available at <http://www.gillibrand.senate.gov/newsroom/press/release/gillibrand-schumer-to-urge-obama-administrations-task-force-to-prevent-gun-violence-to-include-first-federal-law-cracking-down-on-illegal-guns-and-enhanced-background-check-legislation-in-final-recommendations-due-this-month>

¹² These include, for example, strict licensing eligibility requirements, the nation's first gun offender registry act, and tight gun sale laws.

¹³ See NYC Criminal Justice Coordinator Website, Confronting Crime: Illegal Handguns, available at: <http://www.nyc.gov/html/cjc/html/crime/guns.shtml>

address this by focusing on "entire criminal networks," thereby combatting trafficking at all points in the chain. To accomplish this, the Gun Trafficking Prevention Act would create the crime of trafficking in firearms, defined as when an individual knowingly ships, transports, transfers, or receives two or more firearms if the individual knows or has a reason to believe that such exchange would violate any law punishable by a prison term of more than a year. It would also be illegal for an individual to knowingly make materially false statements to a licensed importer, manufacturer, or dealer relating to the purchase of 2 or more firearms, for the person or on behalf of any other person. This would essentially criminalize the act of being a straw-purchaser – someone who buys a gun for someone else to help evade required recordkeeping and background checks. Additionally, the legislation also seeks to crackdown on "kingpins" by making it unlawful for an individual to direct, promote, or facilitate trafficking in firearms.

Federal passage of the Gun Trafficking Prevention Act would not only ensure that corrupt gun sellers, straw purchasers and organized gun traffickers are properly punished, but it could also help to dramatically decrease the number of illegal firearms available in the City of New York.

In addition to cracking down on gun trafficking, Senators Schumer and Gillibrand also believe both that it is important for all gun purchases to be accompanied by a background check and that the federal background check system must be robust. For that reason, Senators Schumer and Gillibrand called on the Interagency Task Force to include the Fix Gun Checks Act as part of its recommendations. The Fix Gun Checks Act would require background checks on all firearm sales, would close all private sale loopholes, and would provide further assurances that firearms are only sold to those who are not prohibited from owning them.

The purpose of the FBI's National Instant Criminal Background Check System (NICS) is to determine if a prospective gun owner is allowed to purchase a firearm. The NICS database contains information on those who are prohibited from purchasing a firearm including, but not limited to, anyone who has been: (i) convicted of a crime punishable by imprisonment for more than a year, (ii) adjudicated as a mental defective or committed to a mental institution, or (iii) convicted of a misdemeanor crime of domestic violence. Unfortunately, the NICS database does not contain complete information on those who are ineligible because of lax reporting by states, and in some cases, federal agencies. The Fix Gun Checks Act would make the NICS database a more effective tool by ensuring that more names of individuals federally prohibited from purchasing a gun are included in the NICS.

Taken together, these two pieces of legislation would help to further reduce gun violence nationwide and make our communities safer. Therefore, this preconsidered resolution calls on the President's Interagency Task Force to Reduce Gun Violence to support the Gun Trafficking Prevention Act and the Fix Gun Checks Act in its final report.

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, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, KAREN KOSLOWITZ; Committee on Finance, January 8, 2013.

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

The following Council Member formally voted against this item: Council Member Halloran.

The following 3 Council Members formally abstained to vote on this item: Council Members Ignizio, Ulrich, and Oddo..

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Preconsidered Res. No. 1632

By The Speaker (Council Member Quinn) and Council Members Greenfield, Arroyo, Comrie, Fidler, Jackson, Palma, Rose, Williams and Wills.

Resolution amending Rule 7.00 of the Rules of the Council in relation to Standing Committees.

Section 1. Subdivision a of Rule 7.00 of the Rules of the Council of the City of New York is hereby amended to read as follows:

7.00. Appointment a. Prior to the establishment of the membership of any other committee, and after the selection of the Speaker, the Council shall elect the membership of the Committee on Rules, Privileges and Elections. All other committees and appointments thereto shall be recommended by the Committee on Rules, Privileges and Elections, approved by the Council and published in the Calendar. All standing committee chairpersons shall be elected by the Council as a whole. The standing committees of the Council shall bear the following titles and possess the following substantive matter jurisdictions:

AGING - Department for the Aging and all federal, state and municipal programs pertinent to senior citizens.

CIVIL RIGHTS - Human Rights Commission, Equal Employment Practices Commission[,] and Equal Employment Opportunity.

CIVIL SERVICE AND LABOR - Municipal Officers and Employees, Office of Labor Relations, Office of Collective Bargaining, Office of Labor Services, and Municipal Pension and Retirement Systems.

COMMUNITY DEVELOPMENT - Issues relating to poverty and its reduction especially in low income neighborhoods.

CONSUMER AFFAIRS - Department of Consumer Affairs[,] and Business Integrity Commission.

CONTRACTS - Procurement Policy Board, review of City procurement policies and procedures, oversight over government contracts, Mayor's Office of Contracts[,] and collection agency contracts.

CULTURAL AFFAIRS, LIBRARIES AND INTERNATIONAL INTERGROUP RELATIONS - Department of Cultural Affairs, Libraries, Museums, Art Commission, New York City Commission for the United Nations, Consular Corps and International Business, Mayor's Office of Special Projects and Community Events, and to encourage harmony among the citizens of New York City, to promote the image of New York City[,] and enhance the relationship of its citizens with the international community.

ECONOMIC DEVELOPMENT - Economic Development Corporation[,] and Department of Small Business Services.

EDUCATION - Department of Education[,] and School Construction Authority.

ENVIRONMENTAL PROTECTION - Department of Environmental Protection.

FINANCE - Executive Budget review and Budget modification, Banking Commission, Comptroller's Office, Department of Design and Construction, Department of Finance, Independent Budget Office, [and] fiscal policy and revenue from any source.

FIRE AND CRIMINAL JUSTICE SERVICES - Fire/EMS (non-health-related issues), Legal Aid, Department of Probation, Correction.

GENERAL WELFARE - Human Resources Administration/Department of Social Services, Administration for Children's Services, Department of Homeless Services, Office of Immigrant Affairs[,] and charitable institutions.

GOVERNMENTAL OPERATIONS - Municipal governmental structure and organization, Department of Citywide Administrative Services, Community Boards, Tax Commission, Board of Standards and Appeals, Campaign Finance Board, Board of Elections, Voter Assistance Commission, Commission on Public Information and Communication, Department of Records and Information Services, Financial Information Services Agency[,] and Law Department.

HEALTH - Department of Health and Mental Hygiene, Health and Hospitals Corporation and Office of the Chief Medical Examiner[,] and EMS (health-related issues).

HIGHER EDUCATION - City University of New York.

HOUSING AND BUILDINGS - Department of Housing Preservation and Development, Department of Buildings[,] and rent regulation.

IMMIGRATION - Mayor's Office of Immigrant Affairs and other matters affecting immigration.

JUVENILE JUSTICE - Department of Juvenile Justice.

LAND USE - City Planning Commission, Department of City Planning, Department of Information Technology and Telecommunications, Landmarks Preservation Commission, land use and landmarks review.

LOWER MANHATTAN REDEVELOPMENT - Issues related to the redevelopment of lower Manhattan and the World Trade Center Site.

MENTAL HEALTH, [MENTAL RETARDATION]DEVELOPMENTAL DISABILITY, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES - Department of Health and Mental Hygiene [for](issues of mental health, [mental retardation]developmental disability and alcoholism services) and Mayor's Office for People with Disabilities.

OVERSIGHT AND INVESTIGATIONS - To investigate any matters within the jurisdiction of the Council relating to property, affairs, or government of New York City[,] and the Department of Investigation.

PARKS AND RECREATION - Department of Parks and Recreation.

PUBLIC HOUSING - NYC Housing Authority.

PUBLIC SAFETY - Police Department, Courts, District Attorneys, Special Narcotics Prosecutor, Civilian Complaint Review Board, Criminal Justice Coordinator[,] and Emergency Management Department (OEM).

RULES, PRIVILEGES AND ELECTIONS - Council structure and organization and appointments.

SANITATION AND SOLID WASTE MANAGEMENT - Department of Sanitation.

SMALL BUSINESS - Matters relating to retail business and emerging industries.

STANDARDS AND ETHICS - Conflicts of Interest Board and Council Ethics.

STATE AND FEDERAL LEGISLATION - Federal legislation, State legislation and Home Rule requests.

TECHNOLOGY - Technology in New York City, Department of Information Technology and Telecommunications (non-land use-related issues), Mayor's Office of Film, Theatre and Broadcasting, NYC TV[,] and dissemination of public information through use of technology.

TRANSPORTATION - Mass Transportation Agencies and facilities, Department of Transportation, New York City Transit Authority[,] and Taxi and Limousine Commission.

VETERANS - Mayor's Office of Veterans Affairs and other veteran related issues.

WATERFRONTS - Matters relating to the waterfront.

WOMEN'S ISSUES - Issues relating to public policy concerns of women, domestic violence, Office to Combat Domestic Violence[,] and Agency for Child Development.

YOUTH SERVICES - Youth Board, Department of Youth and Community Development, Interagency Coordinating Council and youth related programs.

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections).

Preconsidered Res. No. 1633

Resolution calling on the President's Interagency Task Force to Reduce Gun Violence to support the Gun Trafficking Prevention Act and the Fix Gun Checks Act in its final report.

By The Speaker (Council Member Quinn) and Council Members Williams, Cabrera, Vallone, Jr., Dickens, Recchia, Reyna, Comrie, Fidler, Foster, Jackson, Vann, Mealy, Ferreras, Koslowitz, Van Bramer, Arroyo, Barron, Chin, Gennaro, Koo, Koppell, Lander, Mendez, Palma, Rose and Wills.

Whereas, On December 14, 2012, a gunman claimed the lives of 20 children and six faculty members at Sandy Hook Elementary School in Newton, Connecticut; and

Whereas, The gunman who entered Sandy Hook Elementary School was heavily armed with a semi-automatic assault rifle, two handguns, and high-capacity ammunition magazines, all of which enabled him to wreak havoc on multiple innocent lives in a short period of time; and

Whereas, In response to this tragedy, on December 19, 2012, President Barack Obama announced that Vice President Joe Biden would be in charge of leading an interagency Task Force to Reduce Gun Violence (“Interagency Task Force”); and

Whereas, To find ways to curb gun violence and prevent mass shootings, the Interagency Task Force is charged with formulating a package of policy recommendations by the end of January; and

Whereas, As President Obama stated, the Interagency Task Force has a “very specific task to pull together real reforms right now;” and

Whereas, New York State Senators Schumer and Gillibrand made a request to the Vice President that the Interagency Task Force support the Gun Trafficking Prevention Act and the Fix Gun Checks Act in its final report; and

Whereas, Regulating semi-automatic assault rifles and high-capacity magazines is certainly crucial, but it is only one step toward curbing all levels of nationwide gun violence and the legislation supported by Senators Schumer and Gillibrand is an additional critical component; and

Whereas, For example, although the State and City of New York have enacted numerous stringent gun control statutes and provisions that effectively reduce the incidence of gun-related crime, accidents, and violence, illegal guns tend to make their way into New York City from other states with less rigorous gun regulations; and

Whereas, In fact, 85% of the guns recovered at crime scenes in New York City were originally sold and purchased in another state; and

Whereas, The Gun Trafficking Prevention Act would empower local, state, and federal law enforcement entities to investigate and prosecute gun traffickers and their entire criminal networks; and

Whereas, Specifically, the Gun Trafficking Prevention Act would make it illegal for an individual to knowingly ship, transport, transfer, or receive two or more firearms if the individual has reason to believe that the gun would be used to commit a felony; and

Whereas, The Gun Trafficking Prevention Act would make it unlawful for an individual to knowingly make materially false statements to a licensed manufacturer, importer, manufacturer, or dealer of two or more firearms; and

Whereas, Additionally, the Gun Trafficking Prevention Act would also include greater penalties for “kingpins” who organize gun trafficking rings and subject individuals who conspire to possess and purchase illegal firearms, such as straw-purchasers, to the same punishment as those who physically sell and receive the illegal guns; and

Whereas, The New York City Council voiced its support of the Gun Trafficking Prevention Act by passing a resolution in support of the Act on January 4, 2012; and

Whereas, In addition to addressing the issue of firearms being illegally trafficked throughout the country, and particularly to New York City, the Interagency Task Force should also seek to ensure that only those fit to purchase guns are permitted to do so by requiring that all firearm sales be accompanied by a background check; and

Whereas, The Fix Gun Checks Act addresses it by ensuring that all individuals who should be prohibited from buying a gun are listed in the FBI’s National Instant Criminal Background Check System (NICS), and would require background checks for all firearm sales; and

Whereas, The purpose of the NICS is to determine if a prospective gun owner is allowed to purchase a firearm; and

Whereas, The NICS database contains information on those who are prohibited from purchasing a firearm including, but not limited to anyone who has been: (i) convicted of a crime punishable by imprisonment for more than a year, (ii) adjudicated as a mental defective or committed to a mental institution, or (iii) convicted of a misdemeanor crime of domestic violence; and

Whereas, Unfortunately, the NICS database is neither comprehensive nor up to date because of lax reporting by states and in some cases federal agencies; and

Whereas, In fact, according to Mayors Against Illegal Guns, 28 states have submitted 100 or fewer mental health records to NICS; and

Whereas, The Fix Gun Checks Act would achieve an accurate gun background check system by ensuring that more names of persons federally prohibited from purchasing a gun are included in NICS; and

Whereas, Passage of these two pieces of legislation is crucial to the effort to combat gun violence across the country and to keep our children and families safe; and

Whereas, The Interagency Task Force should therefore support this legislation in its final recommendations; now, therefore, be it

Resolved, That the Council of the City of New York calls on the President’s Interagency Task Force to Reduce Gun Violence to support the Gun Trafficking Prevention Act and the Fix Gun Checks Act in its final report.

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

Res. No. 1634

Resolution concerning an amendment to the District Plan of the Downtown-Lower Manhattan Business Improvement District that provides for a change in the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing a change in the method of assessment upon which the district charge in the Downtown-Lower Manhattan Business Improvement District is based.

By Council Members Chin, Comrie, James, Koo, Palma, Wills and Halloran.

Whereas, pursuant to chapter 4 of title 25 of the Administrative Code of the City of New York (the “BID Law”), the City established the Downtown-Lower Manhattan Business Improvement District in the City of New York; and

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

Whereas, pursuant to Section 25-410(b) of the Law, an amendment to the District Plan that provides for any change in the method of assessment upon which the district charge is based 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 such change and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such change; and

Whereas, the Downtown-Lower Manhattan Business Improvement District wishes to amend the District Plan in order to provide for a change in the method of assessment upon which the district charge is based; 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 district specifying the time when and the place where the hearing will be held and stating the proposed change in the method of assessment upon which the district charge in the Downtown-Lower Manhattan Business Improvement District is based; 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) _____ is the date and the City Council Committee Meeting Room, 2nd floor, City Hall, is the place and _____ is the time for a public hearing (the “Public Hearing”) to hear all persons interested in the legislation that would authorize a change in the method of assessment upon which the district charge in the Downtown-Lower Manhattan Business Improvement District is based; and
- (ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Association of the Downtown-Lower Manhattan Business Improvement District is hereby authorized to publish in a newspaper of general circulation in the district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and stating the proposed change in the method of assessment upon which the district charge in the Downtown-Lower Manhattan Business Improvement District is based.

Referred to the Committee on Finance.

Res. No. 1635

Resolution commemorating the 40th anniversary of Roe v. Wade and calling on the United States Congress to support funding for comprehensive reproductive health care.

By Council Members Ferreras, Lappin, Mendez, Arroyo, The Speaker (Council Member Quinn), Mark-Viverito, Koppell, Palma, Brewer, Rose, Weprin, Garodnick and Ignizio.

Whereas, Every woman needs access to a range of safe, affordable and comprehensive reproductive health care throughout her life, including cancer and sexually transmitted infection screenings, contraceptive services, abortion care, prenatal care, and labor and delivery services; and

Whereas, On January 22, 1973, the United States Supreme Court legalized abortion throughout the country with the Roe v. Wade decision; and

Whereas, Since 1973, many states have passed laws limiting women’s ability to access the procedure, often without consideration of maternal health and privacy; and

Whereas, Many of these laws reduce options for women facing life and death decisions as well as for the doctors treating them; and

Whereas, According to the Guttmacher Institute, twenty states have laws that could be used to restrict the legal status of abortion; and

Whereas, In addition, budgetary actions taken by the federal government have increased barriers to accessing such services by restricting public funding to providers for abortion services; and

Whereas, When a woman needs to end her pregnancy it is important that she have access to safe medical care, and insurance coverage can help ensure such care is available; and

Whereas, All women, regardless of income, should also have insurance coverage to ensure that economic barriers do not play a role in critical health care decisions and access; and

Whereas, Reproductive health is a vital component of women's overall health, and reproductive freedom is equally vital to women's safety and well-being; and

Whereas, For 40 years Roe v. Wade has established women's rights to make medical choices for themselves and has strengthened their doctors' ability to make medical decisions based on their best judgment; and

Whereas, Funding family planning services is vital to ensuring women can lead full healthy lives and participate equally in society; now, therefore, be it

Resolved, That the Council of the City of New York commemorates the 40th anniversary of Roe v. Wade and calls upon the United States Congress to support funding for comprehensive reproductive health care.

Referred to the Committee on Women's Issues.

Int. No. 991

By Council Members Greenfield, Arroyo, Brewer, Chin, Comrie, Dromm, Fidler, Gennaro, Gentile, Gonzalez, Jackson, James, King, Koo, Koppell, Lander, Palma, Recchia, Rose, Williams, Wills, Lappin and Halloran.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to replacing references to "mental retardation" with references to "developmental disability".

Be it enacted by the Council as follows:

Section 1. No print, online, or other publication produced or printed after the effective date of this law by any New York city agency shall refer to individuals with developmental disabilities as "mentally retarded" or refer to any developmental disability as "mental retardation". The term "mentally retarded" shall be replaced with the term "individuals with developmental disabilities" or "developmentally disabled individuals" or "the developmentally disabled". The term "mental retardation" shall be replaced with the term "developmental disability" or "developmental disabilities".

§2. Subdivision d of section 15 of the New York city charter is amended to read as follows:

d. 1. The city of New York recognizes that services for people suffering from [mental retardation and] developmental disabilities are provided by programs administered within a number of different city agencies, as well as by non-governmental entities. The city of New York further recognizes the need for coordination and cooperation among city agencies and between city agencies and non-governmental entities that provide such services.

2. There shall be [mental retardation and] developmental disability coordination within the office of operations. In performing functions relating to such coordination, the office of operations shall be authorized to develop methods to: (i) improve the coordination within and among city agencies that provide services to people with [mental retardation or] developmental disabilities, including but not limited to the department of health and mental hygiene, the administration for children's services, the human resources administration, department of youth and community development, the department of juvenile justice, and the department of employment, or the successors to such agencies, and the health and hospitals corporation and the board of education; and (ii) facilitate coordination between such agencies and non-governmental entities providing services to people with [mental retardation or] developmental disabilities; review state and federal programs and legislative proposals that may affect people with [mental retardation or] developmental disabilities and provide information and advice to the mayor regarding the impact of such programs or legislation; recommend legislative proposals or other initiatives that will benefit people with [mental retardation or] developmental disabilities; and perform such other duties and functions as the mayor may request to assist people with [mental retardation or] developmental disabilities and their family members.

§3. Section 550 of the New York city charter is amended to read as follows:

§ 550 Definitions. When used in this chapter: the term "mentally disabled" shall mean those with mental illness, [mental retardation] *developmental disability*, alcoholism, substance dependence or chemical dependence as these terms are defined in section 1.03 of the mental hygiene law; or any other mental illness or mental condition placed under the jurisdiction of the department by the mayor; the term "provider of services" shall mean an individual, association, corporation or public or private agency which provides for the mentally disabled; and the term "services for the mentally disabled" shall mean examination, diagnosis, care, treatment, rehabilitation, training, education, research, preventive services, referral, residential services or domiciliary care of or for the mentally disabled, not specifically limited by any other law. Notwithstanding the foregoing, planning and programs for persons

with substance dependence or chemical dependence shall be conducted by the department, and the department may act as a "local agency" to conduct substance abuse programs and seek reimbursement therefore pursuant to provisions of the mental hygiene law relating to funding for substance abuse services, as deemed appropriate by the commissioner in recognition of the programs currently administered by the New York state office of alcoholism and substance abuse services or its successor agency under article nineteen of the mental hygiene law.

§4. Subdivision a of section 551 of the New York city charter is amended to read as follows:

a. There shall be a department of health and mental hygiene, the head of which shall be the commissioner of health and mental hygiene who shall be appointed by the mayor. The department shall have and exercise all powers of a local health department set forth in law. Notwithstanding any other provision of this charter to the contrary, the department shall be a social services district for purposes of the administration of health-related public assistance programs to the extent agreed upon by the department, the department of social services and the department of homeless services. Appropriations to the department for mental health, [mental retardation] *developmental disability* and alcoholism services shall be set forth in the expense budget in separate and distinct units of appropriation. In determining the annual amount of city funds to be appropriated by the city for mental health, [mental retardation] *developmental disability* and alcoholism services, the following provision shall apply: in the event that the executive budget proposes a decrease in city funds measured against the budget for the current fiscal year, as modified in accordance with section one hundred seven, for the units of appropriation for mental health, [mental retardation] *developmental disability* and alcoholism services, the executive budget shall not propose a greater percentage decrease in city funds measured against the budget for the current fiscal year, as modified in accordance with section one hundred seven, for the units of appropriation for mental health, [mental retardation] *developmental disability* and alcoholism services than has been proposed for the units of appropriation for public health services. If, however, in his or her discretion, the mayor determines that it is in the city's best interest to submit an executive budget at variance with the requirements of this provision, the mayor shall include an explanation of the basis for this variation as part of the budget message.

§5. Section 552 of the New York city charter is amended to read as follows:

§ 552 Deputy commissioners. The commissioner may appoint deputy commissioners, one of whom shall have the same qualifications as the commissioner. There shall be at least two executive deputy commissioners, one of whom shall have the qualifications established pursuant to the mental hygiene law for a director of community services of a local governmental unit, and shall be the director within the department of the division of mental hygiene services. Such division shall be and shall exercise the powers of a local governmental unit for purposes of the mental hygiene law, and the executive deputy commissioner heading such division shall have the powers of a director of community services of a local governmental unit as set forth in or pursuant to such law, and shall report directly to the commissioner. In the exercise of such powers, such executive deputy commissioner shall coordinate the fiscal and programmatic administration of contracts awarded by the department for mental health, [mental retardation] *developmental disability*, and alcoholism services.

§6. Section 556 of the New York city charter is amended to read as follows:

§ 556 Functions, power and duties of the department. Except as otherwise provided by law, the department shall have jurisdiction to regulate all matters affecting health in the city of New York and to perform all those functions and operations performed by the city that relate to the health of the people of the city, including but not limited to the mental health, [mental retardation] *developmental disability*, alcoholism and substance abuse-related needs of the people of the city. The jurisdiction of the department shall include but not be limited to the following:

a. General functions. (1) Enforce all provisions of law applicable in the area under the jurisdiction of the department for the preservation of human life, for the care, promotion and protection of health and relative to the necessary health supervision of the purity and wholesomeness of the water supply and the sources thereof;

(2) maintain an office in each borough and maintain, furnish and operate in each borough office health centers and health stations or other facilities which may be required from time to time for the preservation of health or the care of the sick;

(3) exercise its functions, powers and duties in the area extending over the city, and over the waters adjacent thereto, within the jurisdiction of the city and within the quarantine limits as established by law;

(4) receive and expend funds made available for public health purposes pursuant to law; and

(5) arrange, with the approval of the mayor, for the rendition of services and operation of facilities by other agencies of the city;

b. Review of public health services and general public health planning. (1) Develop and submit to the mayor and council a program for the delivery of services for the mentally disabled, including construction and operation of facilities;

(2) determine the needs of the mentally disabled in the city, which determination shall include the review and evaluation of all mental hygiene services and facilities within the department's jurisdiction;

(3) engage in short-range, intermediate-range and long-range mental hygiene planning that reflects the entire array of city needs in the areas of mental health, [mental retardation and] developmental disabilities and alcoholism and substance abuse services within the department's jurisdiction;

(4) implement and administer an inclusive citywide planning process for the delivery of services for people with mental disabilities; and design and incorporate within that planning process, consistent with applicable law, standards and

procedures for community participation and communication with the commissioner at the borough and local community level;

(5) establish coordination and cooperation among all providers of services for the mentally disabled, coordinate the department's program with the program of the state department of mental hygiene so that there is a continuity of care among all providers of services, and seek to cooperate by mutual agreement with the state department of mental hygiene and its representatives and with institutions in such department and their representatives in pre-admission screening and in post-hospital care of persons suffering from mental disability;

(6) receive and expend funds made available for the purposes of providing mental health, [mental retardation and] developmental disability and alcoholism and substance abuse related services;

(7) administer, within the division of mental hygiene, the unit responsible for early intervention services pursuant to the public health law; and

(8) in accordance with section five hundred fifty-five of this chapter, determine the public health needs of the city and prepare plans and programs addressing such needs.

c. Supervision of matters affecting public health. (1) Supervise and control the registration of births, fetal deaths and deaths;

(2) supervise the reporting and control of communicable and chronic diseases and conditions hazardous to life and health; exercise control over and supervise the abatement of nuisances affecting or likely to affect the public health;

(3) make policy and plan for, monitor, evaluate and exercise general supervision over all services and facilities for the mentally disabled within the department's jurisdiction; and exercise general supervisory authority, through the promulgation of appropriate standards consistent with accepted professional practices for the care and treatment of patients within such services and facilities for the mentally disabled within the department's jurisdiction;

(4) except as otherwise provided by law, analyze and monitor hospitals, clinics, nursing homes, and homes for the aged, and analyze, evaluate, supervise and regulate clinical laboratories, blood banks, and related facilities providing medical and health services and services ancillary thereto;

(5) to the extent necessary to carry out the provisions of this chapter, the mental hygiene law and other applicable laws and when not inconsistent with any other law, arrange for the visitation, inspection and investigation of all providers of services for the mentally disabled, by the department or otherwise;

(6) conduct such inquiries into services and facilities for the mentally disabled as may be useful in performing the functions of the department, including investigations into individual patient care, and for such purpose the department may exercise the powers set forth in section five hundred fifty-five of this chapter and shall, consistent with the provisions of the mental hygiene law, have access to otherwise confidential patient records, provided such information is requested pursuant to the functions, powers and duties conferred upon the department by law;

(7) supervise and regulate the public health aspects of water supply and sewage disposal and water pollution;

(8) supervise and regulate the public health aspects of the production, processing and distribution of milk, cream and milk products, except for such inspection, regulation and supervision of the sanitary quality of milk and cream distributed, consumed or sold within the city as performed by the New York department of agriculture and markets pursuant to section seventy-one-l of the agriculture and markets law;

(9) supervise and regulate the food and drug supply of the city and other businesses and activities affecting public health in the city, and ensure that such businesses and activities are conducted in a manner consistent with the public interest and by persons with good character, honesty and integrity;

(10) supervise and regulate the removal, transportation and disposal of human remains;

(11) supervise and regulate the public health aspects of ionizing radiation, the handling and disposal of radioactive wastes, and the activities within the city affecting radioactive materials, excluding special nuclear materials in quantities sufficient to form a critical mass; and

(12) in furtherance of the purposes of this chapter and the mental hygiene law, make rules and regulations covering the provision of services by providers of services for the mentally disabled.

d. Promotion or provision of public health services. (1) Maintain and operate public health centers and clinics as shall be established in the department;

2. engage in or promote health research for the purpose of improving the quality of medical and health care; in conducting such research, the department shall have the authority to conduct medical audits, to receive reports on forms prepared or prescribed by the department; such information when received by the department shall be kept confidential and used solely for the purpose of medical or scientific research or the improvement of the quality of medical care;

(3) produce, standardize and distribute certain diagnostic, preventive and therapeutic products and conduct laboratory examinations for the diagnosis, prevention and control of disease;

(4) promote or provide for public education on mental disability and the prevention and control of disease;

(5) promote or provide for programs for the prevention and control of disease and for the prevention, diagnosis, care, treatment, social and vocational rehabilitation, special education and training of the mentally disabled;

(6) promote or provide diagnostic and therapeutic services for maternity and child health, family planning, communicable disease, medical rehabilitation and other diseases and conditions affecting public health;

(7) promote or provide medical and health services for school children and the ambulant sick and needy persons of the city;

(8) promote or provide medical and health services for the inmates of prisons maintained and operated by the city;

(9) within the amounts appropriated therefor, enter into contracts for the rendition or operation of services and facilities for the mentally disabled on a per capita basis or otherwise, including contracts executed pursuant to subdivision e of section 41.19 of the mental hygiene law;

(10) within the amounts appropriated therefor, execute such programs and maintain such facilities for the mentally disabled as may be authorized under such appropriations; and

(11) use the services and facilities of public or private voluntary institutions whenever practical, and encourage all providers of services to cooperate with or participate in the program of services for the mentally disabled, whether by contract or otherwise.

e. Other functions. (1) Prior to the sale, closing, abandonment of a city hospital or transfer of a city hospital to any other hospital or facility, hold a public hearing with reference to such proposed sale, closing, abandonment or transfer; publish notice of such public hearing in the City Record and in such daily newspaper or newspapers published in the city of New York as shall be selected by the commissioner, such publication to take place not less than ten days nor more than thirty days prior to the date fixed for the hearing; and adjourn such hearing from time to time, if necessary, in order to allow persons interested to attend or express their views;

(2) submit all materials required by the mental hygiene law for purposes of state reimbursement;

(3) provide for membership on such state or federally authorized committees as may be appropriate to the discharge of the department's functions, powers and duties; and

(4) perform such other acts as may be necessary and proper to carry out the provisions of this chapter and the purposes of the mental hygiene law.

§7. Paragraph 1 of subdivision a of section 568 of the New York city charter is amended to read as follows:

(1) There shall be a mental hygiene advisory board which shall be advisory to the commissioner and the deputy commissioner for mental hygiene services in the development of community mental health, [mental retardation] *developmental disability*, alcoholism and substance abuse facilities and services and programs related thereto. The board shall have separate subcommittees for mental health, for [mental retardation and] developmental disabilities, and for alcoholism and substance abuse. The board and its subcommittees shall be constituted and their appointive members appointed and removed in the manner prescribed for a community services board by the provisions of the mental hygiene law. Pursuant to the provisions of such law, such members may be reappointed without limitation on the number of consecutive terms which they may serve.

§8 Subdivision m of section 17-306 of the administrative code of the City of New York is amended to read as follows:

m. "Disabled person". Any person who has or had a physical or mental impairment that substantially limits one or more major life activities and has a record of such an impairment. For the purposes of this subdivision, "physical impairment" means a physiological disorder or condition, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; genitourinary; hemic and lymphatic; or skin and endocrine. It includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, muscular dystrophy, and multiple sclerosis. For the purposes of this subdivision, "mental impairment" means any mental or psychological disorder such as [mental retardation] *developmental disability*, organic brain syndrome, emotional or mental illness, and specific learning disabilities. For the purposes of this subdivision, "major life activities" means functions such as walking, seeing, hearing and speaking. For the purposes of this subdivision, a record of such an impairment shall be established by submission to the commissioner of either:

(a) A letter or certificate describing the physical or mental impairment of the applicant which must include the notarized signature of one of the following:

(i) A licensed physician, ophthalmologist, optometrist or psychologist; or

(ii) An authorized representative of a social agency that conducts programs for the disabled in cooperation with an official agency of the state and from which the applicant is receiving services such as, but not limited to, the state office of vocational rehabilitation; or

(b) A previous certification not more than one year old establishing the physical or mental impairment of the applicant such as, but not limited to, verification of an income tax exemption or social security benefits on the basis of physical or mental impairment.

§9. Subdivision cc of section 17-502 of the administrative code of the city of New York is amended to read as follows:

cc. "Day treatment program" means a facility which is (i) licensed by the *New York* state [department of health or the office of alcoholism and substance abuse services, the office of mental health, or the office of mental retardation and developmental disabilities within the state department of mental hygiene] *office for people with developmental disabilities* to provide treatment to aid in the rehabilitation or recovery of its patients based on a structured environment requiring

patient participation for no less than three hours each day; or (ii) which is authorized by the state commissioner of health to conduct a program pursuant to section 80.135 of title ten of the New York code of rules and regulations.

§10. Section 308.3 of the New York city building code is amended to read as follows:

§ 308.3. Group I-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or personal care on a 24-hour basis or overnight of more than two children under the age of 2, or more than three persons who are not capable of self-preservation and not capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

Adult homes, where occupants are not capable of self-preservation, operated pursuant to and meeting the additional construction requirements of Section 460 of the New York State Social Services Law and regulations of the New York State Department of Health

Community Residences or Intermediate Care Facilities, where occupants are not capable of self-preservation, operated pursuant to and meeting the additional construction requirements of the New York State Mental Hygiene Law and applicable regulations of the New York State Office of [Mental Health and Office of Mental Retardation and] *People with Developmental Disabilities*

Enriched Housing, where occupants are not capable of self-preservation, operated pursuant to and meeting the additional construction requirements of Section 460 of the New York State Social Services Law and regulations of the New York State Department of Health

Hospitals

Nursing homes (both intermediate-care facilities and skilled nursing facilities)

Mental hospitals where patients are not under restraint

Detoxification facilities

Exception: Such a facility offering care on a 24-hour basis for 3 or fewer persons who are not capable of self-preservation may occupy not more than one dwelling unit in a Group R occupancy.

§11. For the purposes of rules adopted to carry out a provision amended by this local law, a reference in a rule to mental retardation shall be considered a reference to intellectual disability, and a reference to mentally retarded individuals shall be considered a reference to individuals with intellectual disabilities. In amending a rule which carries out a provision amended by this local law, the rulemaking entity shall ensure that the rule clearly states that an intellectual disability was formerly termed mental retardation, and that individuals with intellectual disabilities were formerly termed individuals who are mentally retarded.

§12. This local law is not intended to change the coverage, eligibility, rights, or responsibilities referred to in any amended provision.

§13. This local law shall take effect immediately.

Referred to the Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse and Disability Services.

Preconsidered Int. No. 992

By Council Members Greenfield, Barron, Comrie, Gentile, Koo, Koslowitz, Palma and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to stoop line stands.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 20-237 of the administrative code of the city of New York, as amended by section four of introduction number 939-A as adopted by the council on December 18, 2012, is amended to read as follows:

§ 20-237. Stoop line stands; restrictions. a. Stoop line stands shall not [extend farther than three feet from the front of any premises and shall not] exceed seven feet in height. Every stoop line stand shall be maintained wholly within the stoop line and shall not obstruct the free use of the sidewalk by pedestrians. Stoop line stands shall not exceed ten feet in length nor four feet in width, except as provided in subdivision b of this section.

§2. This local law shall take effect on the same date as introduction number 939-A, as adopted by the council on December 18, 2012, takes effect.

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

Int. No. 993

By Council Members Jackson, Rose, Chin, Comrie, Dickens, Gennaro, Gentile, James, Koo, Mealy, Palma, Williams, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to notification to property owners of requests for evaluation for landmark status.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-323 to read as follows:

§ 25-323 *Request for evaluation; notification.* a. Any member of the public may propose individual properties and districts for landmark designation by submitting a request for evaluation. The commission at its discretion may consider such properties or districts for landmark designation in the manner prescribed by section 25-303.

b. No later than ten days after the submission of a request for evaluation of an individual property, the owner of such property shall be notified in writing by the commission. Such notice shall be sent to the owner or owners at his or her or their last known address or addresses, as the same appear in the records of the office of the commissioner of finance or if there is no name in such records, such notice may be sent to the street address of the property in question, addressed to "Owner." The failure by the commission to give such notice shall not invalidate or affect any actions or proceedings pursuant to this chapter relating to such property.

§ 2. This local law shall become effective one-hundred twenty days after its enactment; provided, however, that the commission shall promulgate rules in accordance with the provisions of this local law and such other rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Governmental Operations.

Res. No. 1636

Resolution in support of the New York Congressional delegation's request for the Federal Emergency Management Agency to extend the deadline for small businesses to apply for physical disaster loans.

By Council Members Lappin, Arroyo, Barron, Brewer, Chin, Comrie, Dickens, Dromm, Fidler, Gennaro, Gentile, James, King, Koo, Koppell, Koslowitz, Mealy, Mendez, Palma, Rose, Vann, Williams, Wills, Foster and Ulrich.

Whereas, The United States Small Business Administration (SBA) runs the disaster loans program for the United States Department of Homeland Security's Federal Emergency Management Agency (FEMA); and

Whereas, SBA provides physical disaster loans of up to \$2 million to qualified small businesses; and

Whereas, To qualify for a physical disaster loan, a business must have been located in a declared disaster area and must have suffered physical damage; and

Whereas, Currently, small business owners have 60 days after a natural disaster to apply for low-interest loans to make repairs, purchase merchandise, and pay for other work necessary to reopen; and

Whereas, Interest rates on the loan will not exceed 4 percent if the business owner does not have credit available elsewhere; and

Whereas, The repayment term can be as long as 30 years depending on the business's ability to repay; and

Whereas, The recently extended deadline for small businesses affected by Tropical Storm Sandy to apply for a physical disaster loan is January 28, 2013; and

Whereas, The current deadline does not take into account the reality that some New Yorker businesses are still experiencing disarray, are unfamiliar with dealing with disaster relief requirements and are in need of greater education and technical assistance around related loan applications; and

Whereas, According to the New York Congressional delegation, small business owners within their districts are still assessing the damage to their businesses, and state that it may take months for them to fully understand the true extent of the damage; and

Whereas, In some areas, businesses still remain without power and cannot begin assessment until their electrical systems are restored; and

Whereas, The New York Congressional delegation is requesting an extension of the application deadline for small businesses affected by Tropical Storm Sandy to May 1, 2013; and

Whereas, An extended deadline would provide additional time for small business owners to evaluate the damage to their businesses and properly fill out their applications; now, therefore, be it

Resolved, That the Council of the City of New York supports the New York Congressional delegation's request for the Federal Emergency Management Agency to extend the deadline for small businesses to apply for physical disaster loans.

Referred to the Committee on Small Business.

Int. No. 994

By Council Members Oddo, Ulrich, Vallone Jr., Arroyo, Chin, Comrie, Dromm, Fidler, Gentile, James, Mealy, Williams, Wills, Halloran and Ignizio.

A Local Law to amend the administrative code of the City of New York, in relation to creating a civil penalty for any individual who is convicted of fraud or property related crimes that occur in a mandatory evacuation zone during a mandatory evacuation period.

Be it enacted by the Council as follows:

Section 1. Chapter one of title ten of the administrative code of the city of New York is amended by adding a new section 10-171 to read as follows:

§10-171. *Civil penalty for fraud or property related crimes committed in a mandatory evacuation zone during a mandatory evacuation period.*

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

1. *“Fraud related offenses” shall mean any of the felonies, misdemeanors, or violations as defined in the following sections of the New York Penal Law: (i) sections one hundred and ninety point twenty-five and one hundred and ninety point twenty-six, relating to offenses involving criminal impersonation; and (ii) sections one hundred and ninety point sixty and one hundred and ninety point sixty-five, relating to offenses involving schemes to defraud;*

2. *“Mandatory evacuation period” shall mean the timeframe during which the occupancy and use of buildings and homes is prohibited for public safety purposes in response to a natural or man-made disaster as determined by the Mayor of the City of New York, pursuant to section twenty-four of the New York State Executive Law;*

3. *“Mandatory evacuation zone” shall mean any area where the occupancy and use of buildings and homes is prohibited for public safety purposes in response to a natural or man-made disaster as determined by the Mayor of the City of New York, pursuant to section twenty-four of the New York State Executive Law; and*

4. *“Property related offenses” shall mean any of the felonies, misdemeanors, or violations as defined in the following articles or sections of the New York Penal Law: (i) sections one hundred and forty through one hundred and forty point thirty, relating to offenses involving damage to and intrusion upon property; (ii) sections one hundred and forty-five through one hundred and forty-five point twelve, relating to offenses involving criminal mischief; (iii) sections one hundred and forty-five point fourteen through one hundred and forty-five point twenty, relating to offenses involving criminal tampering; (iv) section one hundred and forty-five point twenty-five, relating to the offenses of reckless endangerment of property; (v) section one hundred and forty-five point sixty, relating to the offense of making graffiti; (vi) article one hundred fifty, relating to offenses involving arson; and (vii) article one hundred fifty-five, relating to offenses involving theft, provided that the offense involves real property.*

b. *Civil penalties. Any individual who is convicted of committing any fraud related offenses or property related offenses, as defined in this section, against a person or property located in a mandatory evacuation zone during a mandatory evacuation period, shall be liable to the city for a civil penalty in the amount of not more than fifty thousand dollars. The corporation counsel, upon notification by an appropriate law enforcement agency that such a conviction has occurred, may commence a civil action under this section. Such civil penalty shall be in addition to any criminal penalty or sanction that may be imposed, and shall not limit or preclude any cause of action available to any person or entity aggrieved by any of the acts applicable to this section.*

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Preconsidered Int. No. 995

By Council Member Recchia (by request of the Mayor).

A Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the director of management and budget and the director of city planning of a draft ten-year capital strategy, the date of submission by the city planning commission of a report on the draft ten-year capital strategy, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial

needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand fourteen.

Be it enacted by the Council as follows:

Section 1. During the calendar year 2013 and in relation to the 2014 fiscal year:

1. Notwithstanding any inconsistent provisions of section 12 of the New York city charter, as amended by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a preliminary management report as therein described not later than February 22, 2013, and the council shall conduct public hearings on such report prior to April 12, 2013 and submit to the mayor and make public not later than April 12, 2013, a report or reports of findings and recommendations.

2. Notwithstanding any inconsistent provisions of section 228 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of management and budget and the director of city planning shall pursuant to such section jointly submit a draft ten-year capital strategy as therein described not later than February 7, 2013.

3. Notwithstanding any inconsistent provisions of section 234 of the New York city charter, as added by vote of the electors on November 7, 1989, the city planning commission shall pursuant to such section submit a report on the draft ten-year capital strategy as therein described not later than March 6, 2013.

4. Notwithstanding any inconsistent provisions of section 235 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit and publish a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects as therein described not later than February 7, 2013.

5. Notwithstanding any inconsistent provisions of section 236 of the New York city charter, as amended by local law number 25 for the year 1998, the mayor shall pursuant to such section submit a preliminary budget as therein described not later than February 7, 2013.

6. Notwithstanding any inconsistent provisions of section 237 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall publish a report on revenues and expenditures as therein described on or before February 14, 2013.

7. Notwithstanding any inconsistent provisions of section 238 of the New York city charter, as added by vote of the electors on November 7, 1989, each community board shall pursuant to such section submit a statement and recommendations in regard to the preliminary budget as therein described not later than February 28, 2013.

8. Notwithstanding any inconsistent provisions of section 239 of the New York city charter, as added by vote of the electors on November 7, 1989, the commissioner of finance shall pursuant to such section submit an estimate of the assessed valuation of real property and a certified statement of all real property taxes due as therein described not later than February 28, 2013.

9. Notwithstanding any inconsistent provisions of section 240 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a tax benefit report as therein described not later than February 28, 2013.

10. Notwithstanding any inconsistent provisions of section 241 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough board shall pursuant to such section submit a statement of budget priorities as therein described not later than March 20, 2013.

11. Notwithstanding any inconsistent provisions of section 243 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section approve and submit estimates of the financial needs of the council as therein described not later than March 21, 2013.

12. Notwithstanding any inconsistent provisions of section 245 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit any proposed modifications of the preliminary budget as therein described not later than March 20, 2013.

13. Notwithstanding any inconsistent provisions of section 246 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the preliminary budget as therein described on or before March 29, 2013.

14. Notwithstanding any inconsistent provisions of section 247 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section hold hearings and submit recommendations as therein described not later than April 12, 2013.

15. Notwithstanding any inconsistent provisions of subdivision c of section 1052 of the New York city charter, as added by vote of the electors on November 3, 1998, the campaign finance board shall pursuant to such subdivision submit estimates of the financial needs of the campaign finance board as therein described not later than March 20, 2013.

§2. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of November 1, 2012.

Adopted by the Council - Passed under a Message of Necessity from the Mayor (preconsidered and approved by the Committee on Finance).

Int. No. 996

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

A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Downtown-Lower Manhattan business improvement district to change the method of assessment upon which the district charge is based.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-442.3 to read as follows:

§25-442.3 *Downtown-Lower Manhattan business improvement district; amendment of the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize a change in the method of assessment upon which the district charge in the Downtown-Lower Manhattan business improvement district is based, and the council having determined further that the tax and debt limitations prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in such district such change as is set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

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

§2. This local law shall take effect on January 1, 2013, provided that if it shall have become a law subsequent to such day, this local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of January 1, 2013.

Referred to the Committee on Finance.

Res. No. 1637

Resolution calling upon the New York City Department of Education to take full advantage of the Community Eligibility Option offered by the United States Department of Agriculture, in order to enable all eligible schools to provide universal free meal service to all students.

By Council Members Reyna, Brewer, Chin, Comrie, Dickens, Dromm, Jackson, James, Koppell, Lander, Mealy, Mendez, Rose, Vann, Williams, Wills, Foster and Lappin.

Whereas, School breakfast and lunch are national programs, authorized by Congress and administered by the United States Department of Agriculture (USDA); and

Whereas, The programs provide federal subsidies for each meal served as well as smaller state subsidies; and

Whereas, For the period July 1, 2012 through June 30, 2013, the federal lunch reimbursement rate is \$2.86 for free lunch, \$2.46 for reduced-price lunch and 27 cents for paid lunch, while New York State lunch reimbursement rate is 6 cents for free lunch, 20 cents for reduced-price lunch and 6 cents for paid lunch; and

Whereas, Children from families with incomes at or below 130 percent of the poverty level are eligible for free meals, while those with incomes between 130 percent and 185 percent of the poverty level are eligible for reduced-price meals, for which students can be charged no more than 40 cents; and

Whereas, Children from families with incomes over 185 percent of poverty (currently \$42,643 annually for a family of four) pay a full price of \$1.50 for lunch in New York City public schools; and

Whereas, Even though they are eligible, many low-income children and teens do not take advantage of free school meals in order to avoid the stigma of being labeled as poor; and

Whereas, In addition, the process of collecting and verifying applications from hundreds of thousands of students every year is labor-intensive, inefficient and prone to inaccuracy; and

Whereas, The Healthy, Hunger-Free Kids Act of 2010 provides an alternative program option that can replace the inefficient, application-based system with a paperless data-driven system that allows students to eat free of charge and free of stigma; and

Whereas, This program is called the Community Eligibility Option (CEO) and is available to districts in New York State beginning in the 2012-13 school year; and

Whereas, The CEO is a viable and valuable alternative for districts and schools in high poverty areas, which reduces administrative paperwork and costs while making it easier for eligible children in low income communities to receive meals; and

Whereas, The CEO enables eligible districts or schools to serve all children meals at no charge for four successive school years, before being required to recertify eligibility; and

Whereas, The primary certification method for CEO participation is electronic “direct certification” data matching with the Supplemental Nutrition Assistance Program (SNAP), called Food Stamps in New York State, or Temporary Assistance to Needy Families (TANF); and

Whereas, Certain categories of students, including homeless, migrant, runaway and foster children, among others, are also included in eligibility calculations; and

Whereas, A school, group of schools or district is eligible for the CEO if at least 40 percent of its students are directly certified for free meals based on their participation in specified programs such as SNAP and TANF; and

Whereas, To account for low-income families not reflected in the direct certification data, the USDA increases the proportion of students receiving the highest reimbursement rates, so that a school with 40 percent of its students directly certified would receive reimbursement from the USDA of 64 percent at the free lunch rate and 36 percent at the paid lunch reimbursement rate, while a school with 62.5 percent of its students directly certified would receive 100 percent reimbursement at the free lunch rate; and

Whereas, The New York City Department of Education (DOE) is the largest public school system in the United States, serving approximately 1.1 million students; and

Whereas, DOE’s Office of School Food, known as “SchoolFood,” is the largest school food service provider in the United States, providing over 860,000 meals each day to students in over 1,600 locations including public elementary, middle, special education and high schools, as well as charter schools and some non-public schools in the City; and

Whereas, Since 2003-04, the DOE has provided breakfast at no charge to students, regardless of their family income, in recognition of the importance of eating breakfast to learning; and

Whereas, DOE’s free breakfast program has led to an increase of more than 50% in student participation, according to a report by the organization Community Food Advocates; and

Whereas, According to the DOE, in FY12, SchoolFood served an average of 642,957 lunches per day, of which 76.7% were free, 8% were reduced-price and just 15.2% paid full price; and

Whereas, Further, in FY12, 71.5% of students were eligible for free meals, 8.6% were eligible for reduced-price meals and just 20% were not eligible for free or reduced-price meals and had to pay full price, according to Community Food Advocates; and

Whereas, These numbers indicate that New York City is a low-income school district and that many or most City schools would be eligible for the CEO program; and

Whereas, To date, DOE has not applied for the CEO program for all eligible schools and should do so as soon as possible; and

Whereas, In addition to reducing paperwork and administrative costs, implementing the CEO program in all eligible City schools would encourage more children and youth to take advantage of free school meals without the stigma of being labeled as poor; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to take full advantage of the Community Eligibility Option offered by the United States Department of Agriculture, in order to enable all eligible schools to provide universal free meal service to all students.

Referred to the Committee on Education.

Int. No. 997

By Council Members Rivera, Arroyo, Dickens, James, Vann, Wills and Foster.

A Local Law to amend the administrative code of the city of New York, in relation to permissible double parking adjacent to schools.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.4 to read as follows:

§19-175.4 *Permissible double parking adjacent to schools. Notwithstanding any provisions of this code or the rules of the city of New York, it shall be permissible for an individual to double park a motor vehicle with its engine off for up to five minutes in a roadway immediately adjacent to any school while a student at such school is being dropped off at such school by such motorist, and for up to ten minutes while such motorist waits to pick up or is in the process of picking up a student from such school. This section shall not apply where movement of such vehicle is required by an on duty emergency service vehicle.*

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

Referred to the Committee on Transportation.

Res. No. 1638

Resolution calling on the New York State Legislature to pass and the Governor to sign A.9917A/S.6730A, relating to updating and clarifying animal cruelty laws in New York.

By Council Members Vallone Jr., Chin, Dickens, Gentile, James, Koo, Koppell, Mendez, Rose and Ulrich.

Whereas, Currently, the New York State Agriculture and Markets Law sets forth the law prohibiting animal cruelty; and

Whereas, In order to strengthen existing laws against animal cruelty, Assemblywoman Linda Rosenthal and Senator Charles J. Fuschillo introduced legislation in the New York State Legislature, A.9917A/S.6730A, to transfer certain sections of the Agriculture and Markets Law that relate to animal abuse to the Penal Code; and

Whereas, If adopted, this legislation will provide greater training to new police officers, increase sentences for certain felony crimes against animals, and allow certain offenders to be classified as “Violent Felony Offender” for purposes of sentencing; and

Whereas, If adopted, A.9917A/S.6730A would also clarify existing provisions contained in the Agriculture and Markets Law, because as the law is currently written, law enforcement agencies and the courts are unable to fully maximize the law to protect animals; and

Whereas, For example, due to vague wording, section 353 of the Agriculture and Markets Law raises potential constitutional problems; and

Whereas, In at least two cases involving animal cruelty, the constitutional vagueness of section 353 has been raised; and

Whereas, In 2009, a defendant pled guilty to animal cruelty but appealed on the grounds that section 353 is constitutionally vague; the Appellate Division for the Third Department did not address the constitutional question, finding that the conviction could be upheld on other grounds; and

Whereas, In 2004, a Kings County Criminal Court judge granted a defendant’s motion to dismiss animal cruelty charges, finding that “section 353 is unconstitutionally vague as applied to the facts of this case”; and

Whereas, The Kings County Criminal Court also noted that while it would not address whether section 353 was unconstitutionally vague on its face, “the language of the statute is not an example of precision and clarity”; and

Whereas, Animal cruelty is a problem in New York as illustrated by several recent cases;

Whereas, For example, in June 2012 a Bronx resident was arrested for a pit bull fighting operation that involved 50 dogs; and

Whereas, In September 2012, a man was arrested by the NYPD for allegedly beating a dog inside an elevator; and

Whereas, The adoption of A.9917A/S.6730A would provide greater tools with which to protect animals by clarifying existing law to aid law enforcement and by strengthening the penalties against those who commit offenses against animals; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact and the Governor to sign A.9917A/S.6730A, relating to updating and clarifying animal cruelty laws in New York.

Referred to the Committee on Health.

L.U. No. 749

By Council Member Comrie:

Application No. C 120396 ZMM submitted by Durst Development L.L.C. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing an M1-5 district to a C6-2 district to facilitate a proposed mixed-use development on the property bounded by West 58th Street, Eleventh Avenue, West 57th Street and Twelfth Avenue, Borough of Manhattan, Community Board 4, Council District 6.

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

L.U. No. 750

By Council Member Comrie:

Application No. C 120397 ZSM submitted by Durst Development L.L.C. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 74-743(a)(1) and 74-743(a)(2)

of the Zoning Resolution to modify the applicable district bulk regulations for a proposed mixed-use development on the property bounded by West 58th Street, Eleventh Avenue, West 57th Street and Twelfth Avenue, Borough of Manhattan, Community Board 4, Council District 6. This application is subject to review and action by the Council only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by a vote of the Council pursuant to Charter Section 197-d(b)(3).

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

L.U. No. 751

By Council Member Comrie:

Application No. C 120398 ZSM submitted by Durst Development L.L.C. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an enclosed attended accessory parking garage with a maximum capacity of 285 parking spaces on portions of the ground floor and mezzanine level of a proposed mixed-use development on the westerly portion of the property bounded by West 58th Street, Eleventh Avenue, West 57th Street and Twelfth Avenue, Borough of Manhattan, Community Board 4, Council District 6. This application is subject to review and action by the Council only if appealed to the Council pursuant to Chapter Section 197-d(b)(2) or called up by a vote of the Council pursuant to Charter Section 197-d(b)(3).

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

L.U. No. 752

By Council Member Comrie:

Application no. 20135179 HKM (N 130097 HKM) pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the East Village/Lower East Side Historic District (List No. 460, LP-2446), Borough of Manhattan, Community Board 3, Council District 2.

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

L.U. No. 753

By Council Member Comrie:

Application no. 20135162 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Naco NYC LLC, d/b/a El Toro Blanco, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 10 Downing 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.

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

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

ANNOUNCEMENTS:

Monday, January 14, 2013

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

Tuesday, January 15, 2013

★ *Deferred*

Subcommittee on ZONING & FRANCHISES9:30 A.M.
See Land Use Calendar Available Thursday, January 10, 2013
Committee Room - 250 Broadway, 16th FloorMark Weprin, Chairperson

★ *Deferred*

Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES11:00 A.M.
See Land Use Calendar Available Thursday, January 10, 2013
Committee Room - 250 Broadway, 16th Floor Brad Lander, Chairperson

★ *Deferred*

Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS1:00 P.M.
See Land Use Calendar Available Thursday, January 10, 2013
Committee Room - 250 Broadway, 16th Floor Stephen Levin, Chairperson

Committee on CONSUMER AFFAIRS..... 1:00 P.M.
Int. 690 - By Council Members Koslowitz, Gennaro, Comrie, Koppell, Dromm, Fidler, James, Mendez, Rose and Williams - A Local Law to amend the administrative code of the city of New York, in relation to amusement arcades.
Committee Room - 250 Broadway, 14th Floor Daniel Garodnick, Chairperson

Wednesday, January 16, 2013

Committee on PUBLIC SAFETY jointly with the
Committee on FIRE AND CRIMINAL JUSTICE SERVICES the
Committee on MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES the
Committee on AGING the
Committee on HEALTH and the
Committee on GENERAL WELFARE10:00 A.M.
Oversight - Emergency Planning and Management During and After the Storm: Disaster Management.
Council Chambers - CityPeter Vallone, Chairperson
..... Elizabeth Crowley, Chairperson
..... Oliver Koppell, Chairperson
..... Jessica Lappin, Chairperson
..... Maria del Carmen Arroyo, Chairperson
..... Annabel Palma, Chairperson

★ *Deferred*

Committee on EDUCATION10:00 A.M.
Agenda to be announced
Committee Room - 250 Broadway, 16th Floor Robert Jackson, Chairperson

★ *Note Topic Addition*

Committee on GOVERNMENTAL OPERATIONS 1:00 P.M.
Proposed Int. 978-A - By Council Member Mendez, Van Bremer, Williams, and Willis - A Local Law to amend the New York city charter, in relation to the campaign finance board.
Committee Room - 250 Broadway, 14th Floor Gale Brewer, Chairperson

Thursday, January 17, 2013

★ *Deferred*

Committee on IMMIGRATION10:00 A.M.
Agenda to be announced
Committee Room - 250 Broadway, 14th Floor Daniel Dromm, Chairperson

★ *Deferred*

Committee on LAND USE10:00 A.M.
All items reported out of the subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room - 250 Broadway, 16th Floor Leroy Comrie, Chairperson

Subcommittee on ZONING & FRANCHISES11:00 A.M.

See Land Use Calendar Available Thursday, January 10, 2013
Committee Room - 250 Broadway, 16th Floor Mark Weprin, Chairperson

★ *Deferred*

Committee on CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS1:00 P.M.
Agenda to be announced
Committee Room - 250 Broadway, 14th Floor James Van Bramer, Chairperson

Committee on PUBLIC HOUSING... 1:00 P.M.
Oversight - Emergency Planning and Management During and After the Storm: NYCHA Emergency Planning and Response
Council Chambers - City Hall Rosie Mendez, Chairperson

Friday, January 18, 2013

★ *Note Topic Addition*

Committee on WOMEN'S ISSUES.10:00 A.M.
Res. 1635 - By Council Members Ferreras, Lappin, Mendez, Arroyo and The Speaker (Council Member Quinn) - Resolution commemorating the 40th anniversary of Roe v. Wade and calling on the United States Congress to support funding for comprehensive reproductive health care.
Committee Room - 250 Broadway, 16th Floor Julissa Ferreras, Chairperson

★ *Note Topic Addition*

Committee on CONSUMER AFFAIRS jointly with the
Committee on LOWER MANHATTAN REDEVELOPMENT and the
Committee on TECHNOLOGY 1:00 P.M.
★Int. 985 - By Council Members Comrie, Arroyo, Cabrera, Dickens, Fidler, Gentile, Greenfield, James, Koslowitz, Palma, Vallone, Williams, Halloran and Ulrich - A Local Law in relation to underground power lines.
Oversight - Emergency Planning and Management During and After the Storm: Assessing and Improving Public Utility Risk Mitigation Measures.
Committee Room - 250 Broadway, 16th Floor Daniel Garodnick, Chairperson
..... Margaret Chin, Chairperson
..... Fernando Cabrera, Chairperson

Tuesday, January 22, 2013

★ *Note Topic Addition*

Committee on HOUSING AND BUILDINGS10:00 A.M.
Oversight - Modular Building: The future of prefabricated construction practices in New York City.
Committee Room - 250 Broadway, 16th Floor Erik Martin-Dilan, Chairperson

★ *Addition*

Committee on TRANSPORTATION.....10:00 A.M.
Agenda to be announced
Committee Room - 250 Broadway, 14th FloorJames Vacca, Chairperson

Committee on PUBLIC SAFETY jointly with the
Committee on FIRE AND CRIMINAL JUSTICE SERVICES and the
Committee on TECHNOLOGY1:00 P.M.
Oversight - Emergency Planning and Management During and After the Storm: How did 911, 311 and Emergency Alerts Perform?
Committee Room - 250 Broadway, 16th FloorPeter Vallone, Chairperson
..... Elizabeth Crowley, Chairperson
..... Fernando Cabrera, Chairperson

Wednesday, January 23, 2013

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

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, January 23, 2013.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: *Int Nos. 911-A, 943-A, 972, and 977-A, all adopted by the Council at the December 18, 2012 Stated Council Meeting, were signed into law by the Mayor on January 7, 2013 as, respectively, Local Law Nos. 1, 2, 3, and 4 of 2013.*