SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF

**TUESDAY, NOVEMBER 27, 2012**

## THE COUNCIL

*Minutes of the Proceedings for the*
**STATED MEETING**
*of*
Tuesday, November 27, 2012, 3:40 p.m.

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

Council Members

Christine C. Quinn, Speaker

| | | |
|---|---|---|
| Maria del Carmen Arroyo | Vincent J. Gentile | Michael C. Nelson |
| Charles Barron | Sara M. Gonzalez | James S. Oddo |
| Gale A. Brewer | David G. Greenfield | Annabel Palma |
| Fernando Cabrera | Daniel J. Halloran III | Domenic M. Recchia, Jr. |
| Margaret S. Chin | Vincent M. Ignizio | Diana Reyna |
| Leroy G. Comrie, Jr. | Robert Jackson | Joel Rivera |
| Elizabeth S. Crowley | Letitia James | Ydanis A. Rodriguez |
| Inez E. Dickens | 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 |
| | Rosie Mendez | Ruben Wills |

Excused: Council Members Dilan and Sanders.

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

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

*There were 48 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, N.Y., N.Y. 10007.*

## INVOCATION

The Invocation was delivered by Rev. Daniel Delgado, Pastor, House Of Victory Church 70, Westervelt Avenue, Staten Island, N.Y. 10301.

Let us pray.
Eternal God and Father
and creator of the universe,
we come together today as your children,
citizens of this great [city]
that have been affected greatly
by a natural disaster
and many of residents are hurting
and have been displaced
and were going through situations
that we have never encountered before,
so we come before you today
to ask you, Lord,
as our legislators here gather to meet
that you would give them the wisdom
for the hard decisions
that they will need to make
to get help to the residents
that have been affected in this time.
I pray and I thank you
because you have been good to the city.
We thank you for being in a country
that we can - - on you,
that we can come together
and have representatives reach us
and thank you
for all of these council people
that have showed up in the disaster areas
and have sent volunteers
and are trying hard
to bring resources into all of
the areas that they serve,
and I pray that you encourage them,
the long hours that they are working
and their staff is working
to help the people
and their constituents.
So Lord we come for you
and we thank you in this day.
Help our city, Lord.
Help our city, give us for those
that have been affected
and have lost lives,
give them help at this time.
We thank you, Lord
in the name of He
who the ancients called
the rock of ages,
he who has been our present help
in the time of disaster
and times of need.
We thank you today.
Amen.

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

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

New York State Court of Appeals Judge Theodore T. Jones, 68, died of a heart attack on November 6, 2012 at his home in New York City. He was born in Brooklyn, raised in Queens, graduated from St. John University School of Law and was first elected to the Brooklyn Supreme Court in 1989. Judge Jones was a leading proponent of measures to prevent wrongful convictions and was appointed to the Court of Appeals in 2007. He is survived by his wife of 45 years, Joan, two sons, two grandchildren, his brother and his sister.

Lou Rispoli, 62, died on October 25, 2012 after being brutally beaten near his home in Sunnyside, Queens. Mr. Rispoli was a well-known LGBT activist, an advocate for the arts, a mentor for young musicians, and a devoted individual who cooked and cared for friends who suffered from HIV and AIDS. He is survived by his partner in marriage, Danyal Lawson. At this point, the floor was yielded to Council Member Van Bramer, who spoke in respectful memory of his close friend, Mr. Lou Rispoli.

Patricia Arlene Jones, 59, a committed community activist for New York City and northern Manhattan as well as a member of Community Board 9. She was former chair of the West Harlem Local Development Corp and chaired Community Board 9 during the passage of the West Harlem Rezoning 197-A Plan. At this point, the floor was yielded to Council Member Jackson who spoke in respectful memory of Pat Jones.

***

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

## ADOPTION OF MINUTES

Council Member Van Bramer moved that the Minutes of the Stated Meeting of October 11, 2012 be adopted as printed.

## MESSAGES & PAPERS FROM THE MAYOR

Preconsidered M-943

**Communication from the Mayor - Resubmitting the name of Nicholas Scoppetta to the Council for its advice and consent regarding his appointment to the New York City Conflict of Interest Board, pursuant to Section 2602 of the City Charter.**

November 16, 2012

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

Dear Speaker Quinn:

Pursuant to Section 2602 of the City Charter, I am very pleased to resubmit the name of Nicholas Scoppetta to the City Council for advice and consent prior to his appointment to the New York City Conflicts of Interest Board.

Mr. Scoppetta is a graduate of Bradley University and Brooklyn Law School. He has served the City of New York with distinction in many capacities, most recently as the 31st Commissioner of the Fire Department. When appointed to the Board, Mr. Scoppetta will succeed Steven Rosenfeld and serve for the remainder of a six-year term that will expire on March 31, 2014.

Thank you for reviewing the appointment of Nicholas Scoppetta.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Rules, Privileges and Elections.

M-944

**Communication from the Mayor – Disapproval, dated November 19, 2012, of the action of the City Council regarding ULURP No. C120267 PPM (L.U. 721 & Res 1578).**

November 19, 2012

Michael McSweeney
City Clerk of the Council
141 Worth Street
New York, NY 10013
Dear Mr. McSweeney:

Transmitted herewith is the resolution disapproved by the Mayor. The resolution is as follows:

**Resolution No. 1578**

Resolution approving ULURP No. C 120267 (A) PPM and denying ULURP No. C 120267 PPM, for the disposition of two (2) city-owned properties located at 22 Reade Street (Block 154, p/o Lot 23) and 49-51 Chambers Street (Block 153, Lot 1), Borough of Manhattan, pursuant to zoning (L.U. No. 721).

Sincerely,

Patrick A. Wehle

**(The following is the text of the Mayor's veto and disapproval letter for LU No. 721 & Res No. 1578:)**

November 19, 2012

Hon. Michael McSweeney
City Clerk and Clerk of the Council
141 Worth Street
New York, NY 10013

Dear Mr. McSweeney:

Pursuant to subdivision (e) of Section 197-d of the New York City Charter, I hereby disapprove the action of the City Council disapproving the decision of the City Planning Commission on ULURP No. C120267 PPM, as set forth in paragraph b of Resolution Number 1578.

In disapproving the disposition of 22 Reade Street the Council has significantly impeded the City's ability to save more than $100 million over the next twenty years, improve working conditions for City employees, and consolidate government operations. Additionally, this disapproval would result in the loss of significant tax revenue for the City, newly created jobs and much needed economic development.

The Civic Center Plan is a major initiative to reduce the City's real estate costs and increase efficiency. The Department of Citywide Administrative Services conducted a thorough review of City-managed office buildings by analyzing building conditions, configurations, and space utilization. These reviews have clearly shown that the City has more office space than it needs, and that much of the City-owned space is underutilized, in poor condition, and unnecessarily costing taxpayers millions of dollars.

Under the Civic Center Plan both 22 Reade Street and 49-51 Chambers Street were included within a Request for Proposals (RFP) which would allow for reinvestment of these properties by the private sector to save the City significant rehabilitation costs, generate new tax revenues, and provide substantial funding for modern outfitted space for City employees in other buildings.

After working with local elected officials for the past year, the Civic Center Plan included the dedication of at least 10,000 square feet of space for con-u-nunity facility use. This agreement was based on the ability of the City to dispose of both buildings in order to generate the revenue needed to provide space for the commtmity. The final use was to be determined after meeting with a community taskforce representing elected officials, members of Manhattan Community Board 1, and other stakeholders. If 22 Reade Street is not disposed of, the City will not be able to generate the revenue needed to incorporate community space.

On February 25, 1993, the Landmarks Preservation Commission designated the African Burial Ground Historic District which encompasses the area from the southern tip of City Hall Park to the north side of Duane Street. This district contains nearly 20,000 remains of both free and enslaved Africans from the 1690s until 1794.

Because of the historical significance of this site to countless New Yorkers, the City rnade it clear in both the formulation of the Civic Center Plan a.nd the subsequent RFP process that the African Burial Ground Historic District and monument should not be disturbed. As a result of this directive, no RFP respondent

presented any plan which would violate landmarks law or go against the City's clear desire to preserve this sacred ground.

The Council's disapproval is based, incorrectly, on the assertion that 22 Reade Street is available to be converted into a musetu-n for the African Burial Ground Historic District and that there are realistic proposals and funding to achieve this outcome. By not approving the disposition of 22 Reade Street, however, the Council has ensured that no museum or any other new use will occupy this location. Without the revenue generated from the sale of 22 Reade Street the City will not be able to relocate the building's current occupant, the Department of City Planning. Furthermore, there currently exists an African Burial Ground National Monument and Museum under the auspices of the National Parks Service located at 290 Broadway. My Administration was aware of an interest by Federal elected officials beginning in 2007 to utilize this land as an extension of the African Burial Ground Historic District. Since then, we have not received any realistic proposals or funding plans that warranted any other use except for continued use as a municipal building or by the private sector. The desire for a new African Burial Ground National Monument Museum is laudable, but requires a realistic plan for space, funding and long-term operations. Until then, the preservation of the historic district, and the existing Monument and Museum at 290 Broadway ensure that this vital part of the City's history is properly commemorated. Moreover, stopping the Civic Center Plan, including the disposition of 22 Reade Street, will only slow the pace of re-development needed to continue to generate private investment in this part of Lower Manhattan.

The public review of the proposal conducted under the Uniform Land Use Review Procedure did not identify any land use impacts or implications which warranted City Council disapproval. The Civic Center Plan was also considered in a City Environmental Quality Review which both the City Planning Commission and the City Council recognized met all environmental standards. Therefore there is no land use or environmental justification for the City Council's action.

Accordingly, for all the reasons set forth above, I hereby disapprove the action of the City Council disapproving the decision of the City Planning Decision on ULURP No. C120267 PPM, as set forth in paragraph b of Resolution Number 1578.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Land Use.

## COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-945

**Communication from the New York City Districting Commission – Submitting to the Council, its plan for dividing New York City into fifty-one districts for the election of members of the New York City Council.**

**(For text, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)**

Received, Ordered, Printed and Filed.

M-946

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license FENIX MOBILE DISPATCHERS LTD., Council District 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)**

Referred to the Committee on Transportation.

M-947

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license NORTHEAST QUEENS CAR SERVICE INC., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-948

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license ANGES CAR SERVICE CORP., Council District 36, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-949

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license MERENGUE LIMO. & CAR SERVICE INC., Council District 29, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-950

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station TWO WAY BLACK CARS & RADIO GROUP, Council District 8, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-951

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license NEW LACONIA RADIO DISPATCH INC., Council District 12, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-952

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station CONTINENTAL CAR & LIMOUSINE SERVICE, Council District 6, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-953

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license ALEX EXPRESS CAR & LIMOUSINE INC., Council District 47, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-954

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

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-955

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

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-956

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station BROOK CAR & LIMOUSINE SERVICE INC., Council District 18, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-957

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station NY 88 EXPRESS CORP., Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-958

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license STATE CAR & LIMOUSINE SERVICE CORP., Council District 42, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-959

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station METROPOLITAN MULTIPLEX CAR SERVICE CORP., Council District 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-960

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license BBA MANAGEMENT INC., Council District 48, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-961

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station LA POBLANITA CAR SERVICE CORP., Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-962

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

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-963

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license U.C. COLUMBUS RADIO DISPATCHER INC., Council District 8, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-964

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station LET IT RIDE INC., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-965

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station AZUAY CORP.,**

**Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-966

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station DREAMLAND CAR & LIMO. SERVICE INC., Council District 42, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-967

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation and ownership change base station THE CENTRAL RADIO DISPATCHER INC., Council District 34/42, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-968

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

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-969

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license CLEAN AIR CAR SERVICE & PARKING, Council District 20, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-970

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license EASY FAST CAR SERVICE INC., Council District 45, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-971

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license SAMFORD CORP. CAR SERVICE L.L.C., Council District 35, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

M-972

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license DOUBLE A CAR SERVICE INC., Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For TLC letter, please see M-946 printed in the Communications from City, County and Borough Offices section of these Minutes)**

Referred to the Committee on Transportation.

**LAND USE CALL UPS**

M-973

By The Speaker (Council Member Quinn):

**Pursuant to Rule 11.20b of the Council and §20-226 or §20-225(g) 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 57 Jane Street, Community Board No. 2, Application no. 20135080 TCM shall be subject to review by the Council.**

Coupled on Call – Up Vote

M-974

By The Speaker (Council Member Quinn):

**Pursuant to Rule 11.20b of the Council and §20-226 or §20-225(g) 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 28 8th Avenue, Community Board No. 2, Application no. 20135107 TCM shall be subject to review by the Council.**

Coupled on Call – Up Vote

M-975

By The Speaker (Council Member Quinn):

**Pursuant to Rule 11.20b of the Council and §20-226 or §20-225(g) 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 63 Gansevoort Street, Community Board No. 2, Application no. 20135112 TCM shall be subject to review by the Council.**

Coupled on Call – Up Vote

M-976

By The Speaker (Council Member Quinn):

**Pursuant to Rule 11.20b of the Council and §20-226 or §20-225(g) 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 89 MacDougal Street, Community Board No. 2, Application no. 20135084 TCM shall be subject to review by the Council.**

Coupled on Call – Up Vote

M-977

By The Speaker (Council Member Quinn):

**Pursuant to Rule 11.20b of the Council and §20-226 or §20-225(g) 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 3 Greenwich Avenue, Community Board No. 4, Application no. 20135137 TCM shall be subject to review by the Council.**

Coupled on Call – Up Vote

M-978

By Council Member Chin:

**Pursuant to Rule 11.20b of the Council and §20-226 or §20-225(g) 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 19 Kenmare Street, Community Board 2, Application no. 20135010 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 Comrie) put the question whether the Council would agree with and adopt such motion which was decided in the **affirmative** by the following vote:

**Affirmative** –Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, 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) – **48.**

At this point, the President Pro Tempore (Council Member Comrie) declared the aforementioned item **adopted** and referred this item 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**

Report for Int. No. 597-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 pedicab fares and receipts.**

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on June 14, 2011 (Minutes, page 1967), respectfully

**REPORTS:**

**I. INTRODUCTION**

On Monday, November 26, 2012, the Consumer Affairs Committee, chaired by Council Member Daniel R. Garodnick, will vote on Proposed Introductory Bill Number 597-A ("Proposed Int. No. 597-A"), a Local Law to amend the administrative code of the city of New York, in relation to pedicab fares and receipts. The Committee previously held a hearing on a version of Proposed Int. No. 597-A on October 18, 2012, at which time it heard from the Department of Consumer Affairs and members of the pedicab industry. During the hearing, the parties made proposed several changes to the bill, some of which have been incorporated into the version being voted on today.

**II. BACKGROUND**

**a. New York City's Pedicab Industry**

As the pedi cab industry developed during the last decade from a novel trend into a full industry, New York City experienced a marked increase in the number of these vehicles operating on the streets. Pedicabs are now a common mode of for-hire transportation for residents and tourists. Today, pedicabs are ubiquitous in midtown Manhattan, the Broadway theater district and the Central Park area[1]

Pedicabs are often described as "bicycle" or "tricycle" taxis.[2] The pedicab vehicle itself is manufactured in various incarnations, but the most common version is the "three-wheeled bicycle," in which the operator sits ahead of the main cabin atop a specifically designed seat. A set of handlebars attached to the front tire is steered by the operator's hands. The operator's feet rest upon pedals that are connected by a chain to the vehicle's rear axle. The vehicle's rear cabin is typically set over the rear axle, allowing a wide passenger compartment. The operator moves, stops, and directs the vehicle, as he or she would control a bicycle. Pedi cabs typically cost approximately $4,000 per vehicle.[3] The fares are not uniform throughout the industry, but are generally based on either the length of the trip or its duration.

[1] See Carl Skutsch, "Keep the Big Wheels Turning," New York Times (December 18, 2005).
[2] See Adam Gopnik, "Comment: Social Mobility," The New Yorker (July 26, 2004).

Like taxi drivers, pedicab operators roam the streets, most often in Midtown Manhattan, in search of customers willing to pay for their services. Because of the pedicab's relatively small size and quick maneuverability, these vehicles may weave though the congested streets of Manhattan. Environmentally conscious travelers appreciate that the pedicab operates without fuel and emits no hazardous exhaust fumes.[4]

**b. Local Law 19 of 2007**

In 2007, the Council passed Introductory Bill No. 331-A, a Local Law in relation to regulation and licensing of pedicabs. Key features of the legislation were: (i) a licensing scheme and insurance requirements for all pedicab businesses and drivers; (ii) a cap of 325 pedicabs that could be operated in the city at any one time that would sunset two years after the law's effective date; (iii) no more than 30 pedicabs could be owned or operated by any one business owner; (iv) a requirement that each pedicab conspicuously post the method by which the fare would be calculated; and (v) a ban on pedicabs operated by anything other than human power. The law also required each pedicab to conform to certain safety standards, including: (i) seating for no more than three passengers; (ii) brakes impervious to rain or wet conditions; (iii) headlights, tail lights, and turn lights; and (iv) seat belts for each passenger. Furthermore, all pedicabs were to be inspected by DCA annually and were required to display a DCA-issued License Plate.

[3] See Lisa Carucci, "One Man's Love of Biking Leads to A New Staple of NY Transportation," NYU Livewi re (November 23, 2004).
Department of Consumer Affairs, "Report to the New York City Council Authorized by LL 19 of 2007," February 15, 2011.

In March 2007, the Mayor vetoed the bill, citing his belief that the free market should determine the number of pedicabs on the street. The following month, the City Council overrode the Mayor's veto and the bill became Local Law 19 of 2007.[5] After it was enacted in April 2007, DCA promulgated rules to effectuate the distribution of pedicab business licenses and registration plates. The New York City Pedicab Owners' Association sued DCA in September 2007, claiming the promulgated rules were inconsistent with the language and intent of Local Law 19. The New York State Supreme Court immediately stayed the implementation of the law and any regulations adopted thereunder. Subsequently, the Court entered a judgment in January 2008 declaring the regulations invalid and ordering DCA to revise the regulations to conform to the intent of the local law. DCA appealed the ruling to the First Department, which upheld the lower court ruling in April of 2009. As a result of the First Department's ruling, and the amount of time that elapsed between Local Law 19's enactment and the First Department decision, the Council revisited the issue in 2009.

**c. Local Law 53 of 2009**

I n 2009, the Council passed Proposed Introductory Bill No. 1031-A ("Proposed Int. No. 1031-A"), a Local Law in relation to licensing of pedicabs. Proposed Int. No. 1031-A created a sixty day window of time during which pedicab owners could apply to DCA for pedicab registration plates, at the conclusion of which no new registration plates would be issued. It also required applicants for the registration plates to have a valid pedicab business license in order to obtain such plates, and to affix a registration plate to each pedicab in his or her possession. Although after the sixty day window closed registration plates would no longer be issued, an individual could still apply for a pedicab business or driver's license. Moreover, Proposed Int. [5] Hicks, J., "Pedicab Limit Withstands Mayor's Veto," *N. Y. Times*, April 24, 2007, at 3.

No. 1031-A contained a provision that would re-open the window on issuing registration plates eighteen months after the sixtieth day of the original application period.

The bill also contained provisions requiring safety inspections and insurance as a condition of licensure, and imposed additional safety requirements on the pedicab industry, including a mandate that business owners provide training for all pedicab drivers, a prohibition on pedicab operation in public plazas, and penalties for any driver who operated a pedicab with a suspended or revoked motor vehicle license or while intoxicated. The bill held pedicab business owners jointly liable for all pedicab driver actions and allowed the commissioner to suspend or revoke an owner's business license based on a determination that the number and/or type of violations issued to drivers of his or her pedicab(s) presented a threat to public

safety. Proposed Int. No.1031-A also mandated that a pedicab business license be suspended for one month if a pedi cab owned by such business was found to be operating without proper registration and revoked for up to one year if any pedi cabs owned by the business were found to be operating without registration three times within twelve months.

The Mayor signed Proposed Intro. 1031-A into law on August 13, 2009 and the bill became Local Law 53 of 2009. During that sixty-day window, DCA issued 889 pedicab registration plates and licensed 172 pedi cab businesses.

**d. 2011 Pedicab Bills**

In April 2011, the Council passed three bills related to pedi cabs: Proposed Introductory Bill No. 334-A ("Local Law 31 of 2011"), a Local Law to amend the administrative code of the city of New York, in relation to requiring pedi cabs to be subject to parking rules; Proposed Introductory Bill No. 466-A ("Local Law 33 of 2011"), a Local Law to amend the administrative code of the city of New York, in relation to seizing pedi cabs and suspending and/or revoking pedicab registration plates and drivers' licenses for certain violations; and Introductory Bill No. 467 ("Local Law 34 of 2011"), a Local Law to amend the administrative code of the city of New York, in relation to the permitted number of pedicab registration plates.

Local Law 31 of 2011 redefined the term "pedicab" for the purposes of the administrative code and subjected pedicabs to certain local parking rules as they apply to motor vehicles. Specifically, the law prohibits pedicabs from parking, standing or stopping in the zones throughout the city where such activities are prohibited for motor vehicles. The law does not subject pedicabs to meter parking requirements.

Local Law 33 of 2011 permits the seizure of any pedicab without a registration plate properly affixed in accordance with section 20-255 of the administrative code. Further, it requires that a pedicab driver's license be revoked if a driver operates a pedicab without a motor vehicle driver's license or with a revoked or suspended New York State motor vehicle driver's license, on two occasions within one year. Also, Local Law 33 requires the suspension for at least one year of the pedicab registration plate of any pedicab that accumulates three or more equipment violations relating to seat belts or brakes in one year. Such pedicab is required to be out of operation for that suspension period.

Local Law 34 of 2011 continued the Local law 53 cap on pedicab registration plates, which was set to expire on May 21, 2011. Since there were 850 registered pedicabs at the time Proposed Int. No. 467-A was drafted, the legislation amended the administrative code to prevent the number of registered pedicabs from exceeding that number. Further, Local Law 34 requires the DCA commissioner to conduct an annual review of pedicab registration plates and promulgate rules for issuing new registration plates if the number of plates drops below 840.

**e. Current Statistics on Pedicabs in New York City**

On February 15, 2011, as required by Local Law 19 of 2007, DCA published a report detai I i ng "the number of pedicab businesses licenses issued, the number of pedicabs registered, the number of pedicab driver licenses issued, the number of applications for pedicab business and pedicab driver licenses received by DCA, the number of pedicab business and pedicab driver applicants on awaiting list, if any and the number of traffic accidents involving pedicabs."[6] The report disclosed that in 2009, DCA received 181 pedicab business applications, issued 172 pedicab business licenses and registered 889 pedicam.[7] The following year, during the renewal period, DCA received approximately 203 pedicab business applications, issued 163 pedicab business licenses and registered 850 pedicabs.[8] The decrease in business licenses issued and pedicabs registered between 2009 and 2010 can be attributed to the failure of some pedicab businesses to renew their licenses during the renewal period and, in one case, to the revocation of the company's pedicab business license.[9] Since 2009, DCA has received 1,811 pedicab driver applications and issued 1,528 pedicab driver licenses.[10] There is currently no waiting list for pedicab registration plates.

The report also detailed two accidents involving pedi cabs that were reported to DCA. The first, which took place in July 2010, involved an encounter with a vehicle that resulted in $1,556.93 in damages." The second took place in September 2010 and involved an accidental collision between a vehicle stopped at a red light and a pedicab that hit the car's rear bumper after sliding on wet pavement.[12] The report did not disclose the extent of the damages, but [6]*Supra* note 4, at 2.

[7] *Id.,* at 2-3.

[8]/d.

[9]/d.

io *Id.*

[11] *Id.,* at 4. 12*/d.*

mentioned that there were no injuries and that the pedicab company reimbursed the owner of the vehicle for the damage to the car.[13]

**f. Pedicabs in the news**

In August 2012, a pedicab driver in New York City licensed by the Department of Consumer Affairs charged four tourists from Texas $442.54 for a 12-minute ride.[14] Although the driver advertised the rate as being one dollar per block, he did not disclose that he also charges at least $100 per passenger, a fact that was disclosed in small font on a sign affixed to the exterior of the pedicab.[15] In addition to the $406 the driver charged for the fare, he also added $36.54 in sales tax and asked his passengers for a ti **p.**[16] Unfortunately for the tourists, the $442.54 pedicab fare was technically legal, since local law allows pedicab drivers to charge whatever they want *as* long *as* they disclose the fare details on a sign on the exterior of the pedicab.[17]

**III. PROPOSED INT. NO. INTRODUCTORY BILL**

**IV. Proposed Introductory Bill Number 597-A ("Proposed Int. No. 597-A")**

Proposed Int. No. 597-A would amend the administrative code in relation to pedicabs in three ways. First, it would require that all pedicab rates be based on time calculated per minute per ride, and that all pedi cabs be equipped with a timer in clear view of passengers. Specifically, Proposed Int. 597-A would prohibit drivers from charging any fees unrelated to the duration of the pedicab ride, including added fees for additional passengers, and would require that: (i) rates be based solely on the timer affixed to the pedicab; (ii) each minute be charged at the same rate;

[13] *Id*

[14] Fermin, J., "Pedicab driver 'tricks' tourists for $442: riders," NY *Post,* August 6, 2012.

[15] *Id.*

[16] *Id.*

[17] Oppenheim, S., "Pedicab Driver Scammed Tourists $400 for 10 Minute Ride: Report," *WPIX News,* August 6, 2012.

and (iii) the timer be started when the pedicab ride commences and stopped when the pedicab reaches the passengers' destination.

Second, Proposed Int. No. 597-A would require that there be a sign on both sides of the exterior of the pedicab indicating, in afont of no less than two inches high the dollar amount to be charged per minute per ride and in letters at least one half of one inch high that (i) there are no additional fees; and (iii) drivers shall give passengers a pedicab information card. Another sign would be affixed to the rear of the bike seat on the pedicab that indicates in afont of no less than two inches high the dollar amount to be charged per minute per ride. Proposed 597-A would make it unlawful to charge more than the rate displayed on the exterior of the pedicab.

Lastly, Proposed Int. No. 597-A would require DCA to create a "Pedicab Information Card." The card would state in substance: (i) all pedicabs shall display a posting disclosing the price to be charged per minute per ride on the exterior of the pedicab and on the rear of the bike seat; (ii) drivers are not permitted to charge tax; (iii) gratuity is not required; (iv) passengers may call 311 if they have a complaint regarding a pedicab driver or business; and (v) such additional information *as* required by the commissioner. Each card would include an area where pedicab drivers would be required to insert: (i) his or her name and pedicab driver's license number, which shall be clearly identified *as* a New York city department of consumer affairs license number; (ii) the pedicab business name, address, telephone number and pedicab business license number, which shall be clearly identified *as* a New York city department of consumer affairs license number; (iii) the rate per ride *as* indicated on the exterior of the pedicab; (iv) the date; (v) the total number of minutes and/or fraction of a minute of the pedicab ride; and (vi) the total charge of the pedi cab ride. Proposed Int. No. 597-A would require DCA to distribute the card to every licensed pedicab driver. Further, it would require that pedicab drivers distribute the card to their passengers before the passengers enter the pedi cab with the following information filled out by the driver: (i) the driver's name and pedicab driver's license number; (ii) the pedicab business name, address, telephone number and pedicab business license number; and (iii) the rate per ride as indicated on the exterior of the pedicab. At the conclusion of the pedicab ride, Proposed Int. No. 597-A would require the driver to enter the following information on the card before returning the card to the passenger: (i) the date; (ii) the total number of minutes and/or fraction of a minute of the pedicab ride; and (iii) the total charge of the pedicab ride.

**(The following is the text of the Fiscal Impact Statement for Int. No. 597-A:)**

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

**PROSED INTRO. NO: 597-A**
**COMMITTEE: Consumer Affairs**

| | |
|---|---|
| **TITLE:** To amend the administrative code of the city of New York, in relation to pedicab fares and receipts. | SPONSOR**: Garodnick, James, Koppell, Mendez, Williams, Comrie and Koslowitz** |

**SUMMARY OF LEGISLATION:** Proposed Int. 597-A would require that all pedicab drivers base their rates on the duration of the pedicab ride, specifically on the number of minutes it takes the driver to get from point A to point B. The number of minutes would be calculated by a timer affixed to the pedicab in full view of passengers. The legislation would prohibit drivers from charging any added fees unrelated to the duration of the ride, including fees for additional passengers, and each minute of the ride would be charged at the same rate.

Second, the legislation would require that every pedicab be equipped with a sign on both sides of the exterior of the pedicab indicating in letters at least two inches high the dollar amount per minute per ride, and in letters at least one half of an inch high that: (i) no additional fees may be charged; and (ii) drivers must give passengers a Pedicab Information Card. Such signs would be conspicuous to passengers before they enter the pedicab. The bill would also require that a sign indicating the dollar amount per minute per ride in letters at least two inches high be affixed to the bike seat of the pedicab. This sign would be conspicuous to passengers that are seated in the pedicab.

Lastly, Proposed Int. 597-A would require DCA to create a Pedicab Information Card. The Card would contain consumer protection information for pedicab riders, such as the pedicab driver's license number, the pedicab business contact information, instructions on directing complaints to 311 and rules related to pedicab rates. The Card would also serve as a customer receipt. The driver would be required to give passengers the Card before entering the pedicab, and would be required to record the: (i) date; (ii) total number of minutes of the ride; and (iii) the total cost of the ride before returning the Card to passengers at the conclusion of the ride.

**EFFECTIVE DATE:** This local law would take effect one hundred and twenty days after its enactment into law; provided, however, that the Commissioner of Consumer Affairs shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules

**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 would be no impact on revenues by the enactment of this legislation.

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** NYC Council Finance Division
Department of Consumer Affairs

**ESTIMATE PREPARED BY**: Ralph P. Hernandez, Principal Legislative Financial Analyst
Nathan Toth, Deputy Director
NYC Council Finance Division

**HISTORY:** The Committee on Consumer Affairs held a hearing on the pre-considered item and laid the bill over on June 13, 2011. The Council introduced the legislation as Int. 597 and referred it to the Committee. The Committee held a hearing, laid the bill over and proposed an amendment of the legislation on October 18, 2012. Proposed Int. 597-A would be considered by Council on October 28, 2012.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 597-A:)**

Int. No. 597-A

By Council Members Garodnick, James, Koppell, Mendez, Williams, Comrie, Koslowitz, Dromm, Rodriguez, Lappin, Barron, Brewer, Gennaro, Greenfield, Wills and Jackson.

**A Local Law to amend the administrative code of the city of New York, in relation to pedicab fares and receipts.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 12 of subdivision a of section 20-254 of subchapter nine of chapter two of title 20 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended to read as follows:

12. a timer, of a type approved by the commissioner, affixed within clear view of passengers[, if the rate charged is based on period of use];

§ 2. Paragraphs 13 and 14 of subdivision a of section 20-254 of subchapter nine of chapter two of title 20 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, are amended to read as follows:

13. a sign attached to the interior of the pedicab within view of passengers indicating the name and telephone number of the pedicab business, the pedicab's registration number and a telephone number that can be used to direct consumer complaints about such pedicab to the department; [and]

14. a sign conspicuously posted on *both sides of* the exterior of the pedicab indicating *in letters and numbers at least two inches high* the *dollar* amount to be charged [for the use of the pedicab or the basis for calculating such amount.] *per minute per ride, and in letters and numbers at least one half of an inch high that: (i) no additional fees may be charged and (ii) drivers must give passengers a pedicab information card; and*

§ 3. Subdivision a of section 20-254 of subchapter nine of chapter two of title 20 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended by adding new paragraph 15 to read as follows:

*15. a sign affixed to the rear of the bicycle seat of the pedicab indicating in letters and numbers at least two inches high the dollar amount to be charged per minute per ride.*

§ 4. Section 20-260 of subchapter nine of chapter two of title 20 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended to read as follows:

20-260. Rates of pedicabs. a. [The basis for calculating the amount of the charge for the use of a pedicab shall be displayed on the pedicab at all times] *Rates for pedicab rides shall be based on time calculated per minute per ride. Each pedicab driver shall make such calculation using the timer affixed to the pedicab pursuant to paragraph 12 of subdivision a of section 20-254 of this subchapter. Each pedicab driver shall activate such timer when all passengers are seated and the pedicab ride commences, and shall stop the timer when the pedicab has reached its destination and the pedicab is at a full stop*.

*1. It shall be unlawful for a pedicab driver to charge any added fee, including fees for additional passengers.*

*2. Each minute shall be charged at the same rate.*

*3. Rates shall be displayed on the exterior of the pedicab and the rear of the bike seat on the pedicab pursuant to paragraphs 14 and 15 of subdivision a of section 20-254 of this subchapter at all times.*

b. It shall be unlawful for a pedicab driver to charge a passenger *a higher rate than the [*more than the amount or] rate displayed on the pedicab *pursuant to paragraphs 14 and 15 of subdivision a of section 20-254 of this subchapter*.

c. *Pedicab Information Card.*[The pedicab driver shall provide passengers with a receipt listing the amount of the charge for the use of the pedicab, the license number of the pedicab business and a telephone number of such business to which complaints by consumers shall be directed, the pedicab driver's license number and the telephone number at the department where complaints by consumers can be reported.]*1. The department shall create a pedicab information card in a size and style to be determined by the commissioner that states in substance: (i) all pedicabs shall display a sign disclosing the price to be charged per minute per ride on the exterior of the pedicab and the rear of the bike seat of the pedicab; (ii) drivers are not permitted to charge tax; (iii) gratuity is not required; (iv) it shall be unlawful for a pedicab driver to charge any added fee, including fees for additional passengers; (v) passengers may call 311 if they have a complaint regarding a pedicab driver or business; and (vi) such additional information as required by the commissioner. Each such document shall include an area where each pedicab driver shall insert: (i) his or her name and pedicab driver's license number, which shall be clearly identified as a New York city department of consumer affairs license number; (ii) the pedicab business name, address, telephone number and pedicab business license number, which shall be clearly identified as a New York city department of consumer affairs license number; (iii) the rate per ride as indicated on the exterior of the pedicab and the rear of the bike seat of the pedicab pursuant to paragraphs 14 and 15 of subdivision a of section 20-254 of this subchapter; (iv) the date; (v) the total number of minutes and/or fraction of a minute of the pedicab ride; and (vi) the total charge of the pedicab ride.*

*2. Such pedicab information card shall be distributed to every pedicab driver licensed pursuant to section 20-257 of this subchapter by the department in a manner to be determined by the commissioner.*

*3. Before a passenger enters a pedicab, the driver shall provide such passenger with the information card required by paragraph one of this subdivision with the following information inserted by the driver: (i) the driver's name and pedicab driver's license number; (ii) the pedicab business name, address, telephone number and pedicab business license number; and (iii) the rate per ride as indicated on the exterior of the pedicab and the rear of the bike seat of the pedicab pursuant to paragraphs 14 and 15 of subdivision a of section 20-254 of this subchapter. At the conclusion of the pedicab ride, the driver shall enter the following information on*

*the information card: (i) the date; (ii) the total number of minutes and/or fraction of a minute of the pedicab ride; and (iii) the total charge of the pedicab ride. The driver shall then return the information card to the passenger.*

§ 5. This local law shall take effect one hundred and twenty days after its enactment into law; provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

DANIEL R. GARODNICK, Chairperson; MICHAEL C. NELSON, CHARLES BARRON, LEROY G. COMRIE, Jr., G. OLIVER KOPPELL, JULISSA FERRERAS, KAREN KOSLOWITZ; Committee on Consumer Affairs, November 26, 2012.

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

**Reports of the Committee on Land Use**

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

Report for M-944

**Report of the Committee on Land Use in favor of filing a Communication from the Mayor – Disapproval, dated November 19, 2012, of the action of the City Council regarding ULURP No. C120267 PPM (L.U. 721 & Res 1578)**

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

**REPORTS:**

*Since LU No. 721 & Res No. 1578 is being re-passed, notwithstanding the objection of the Mayor, this Committee has decided to file M-944 (the Mayoral veto and disapproval message for LU No. 721 & Res No. 1578) thereby removing this item from the legislative calendar.*

Accordingly, this Committee recommends the filing of M-944.

**(For overridden item, please see the Report of the Committee on Land Use for LU No. 721 & Res No. 1578)**

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, November 27, 2012.

Coupled to be Filed.

Override Report for L.U. No. 721

**Report of the Committee on Land Use in favor of approving, notwithstanding the objection of the Mayor, Application No. C 120267 PPM submitted by the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of two (2) city-owned properties located at 22 Reade Street (Block 154, p/o Lot 23) and 49-51 Chambers Street (Block 153, Lot 1), pursuant to zoning, Borough of Manhattan, Community Board 1, Council District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 11, 2012 (Minutes, page 4029), and originally adopted by the Council with coupled resolution on November 13, 2012 (Minutes, page 4115) but subsequently vetoed by the Mayor on November 19, 2012 (please see M-944), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 1** **C 120267 PPM**

City Planning Commission decision approving an application submitted by the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of two (2) city-owned properties located at 22 Reade Street (Block 154, p/o Lot 23) and 49-51 Chambers Street (Block 153, Lot 1), pursuant to zoning.

**INTENT**

To dispose of the subject properties to the New York City Land Development Corporation (NYCLDC), which will dispose of the subject properties to the New York City Economic Development Corporation (EDC) or any successor thereto. EDC intends to dispose of the properties to the private sector pursuant to a Request for Proposal.

**PUBLIC HEARING**

**DATE:** November 13, 2012

**Witnesses in Favor:** Seven **Witnesses Against:** One

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 13, 2012

The Subcommittee recommends that the Land Use Committee (a) approve the decision of the City Planning Commission with respect to the disposition of the property located at 49-51 Chambers Street and (b) disapprove the decision of the City Planning Commission with respect to the disposition of the property located at 22 Reade Street.

| **In Favor:** | **Against:** | **Abstain:** |
|---|---|---|
| Levin | None | None |
| Barron | | |
| Gonzalez | | |
| Dickens | | |
| Koo | | |

**COMMITTEE ACTION I**

**DATE:** November 13, 2012

The Committee recommends that the Council approve the attached resolution.

| **In Favor:** | **Against:** | **Abstain:** |
|---|---|---|
| Comrie | None | None |
| Rivera | | |
| Reyna | | |
| Barron | | |
| Jackson | | |
| Vann | | |
| Gonzalez | | |
| Arroyo | | |
| Dickens | | |
| Garodnick | | |
| Lappin | | |
| Vacca | | |
| Koo | | |
| Levin | | |
| Weprin | | |
| Williams | | |
| Halloran | | |

**COUNCIL ACTION**

On November 13, 2012, the Council adopted Resolution No. 1578, which approved ULURP No. C 120267(A) PPM for the disposition of 49-51 Chambers Street and disapproved ULURP No. C 120267 PPM for the disposition of 22 Reade Street, Borough of Manhattan. Said resolution was filed with the Mayor on November 13, 2012. On November 19, 2012, the Mayor filed with the Council a written disapproval of the Council's action regarding ULURP No. C120267 PPM (disapproving the proposed disposition of 22 Reade Street, Borough of Manhattan).

**COMMITTEE ACTION II (A)**

**DATE:** November 27, 2012

The Committee recommends that the Council readopt Resolution No. 1578 notwithstanding the Mayor's objection.

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

**COMMITTEE ACTION II (B)**

**DATE:** November 27, 2012

The Committee recommends that the Motion to file the Mayor's written disapproval dated November 19, 2012 regarding the Council's action regarding ULURP No. C 120267 PPM be approved.

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

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

Res. No. 1578

**Resolution approving ULURP No. C 120267 (A) PPM and denying ULURP No. C 120267 PPM, for the disposition of two (2) city-owned properties located at 22 Reade Street (Block 154, p/o Lot 23) and 49-51 Chambers Street (Block 153, Lot 1), Borough of Manhattan, pursuant to zoning (L.U. No. 721).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on September 21, 2012 its decision dated September 19, 2012 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Citywide Administrative Services ("DCAS"), for the disposition of two (2) city-owned properties located at 22 Reade Street (Block 154, p/o Lot 23) and 49-51 Chambers Street (Block 153, Lot 1), pursuant to zoning (application No. C 120267 PPM), Community District 1, Borough of Manhattan (the "Original Application");

**WHEREAS**, DCAS subsequently filed an amendment to the Original Application with the New York City Department of City Planning ("DCP") seeking the approval of the disposition of 49-51 Chambers Street (Block 153, Lot 1) Borough of Manhattan (hereinafter referred to as the "49-51 Chambers Street Application", and collectively with the Original Application, hereinafter referred to as the "Applications");

**WHEREAS**, DCP has assigned the 49-51 Chambers Street Application ULURP No. C 120267 (A) PPM;

**WHEREAS**, the Decision and the Applications are subject to review and action by the Council pursuant to Section 197-d(b)(3) of the New York City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and the Applications on November 13, 2012;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the negative declaration as set forth in the Negative Declaration issued on April 19, 2012 (the "Negative Declaration") (CEQR No. 12DME006M);

**RESOLVED**:

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

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and the Applications, and based on the environmental determination and consideration described the City Planning Commission report for ULURP Nos. C 120267 (A) PPM and C 120267 PPM, incorporated by reference herein, the Council:

(a) approves the Decision of the City Planning Commission for the 49-51 Chambers Street Application (referenced by DCP as ULURP No. C 120267 (A) PPM) for the disposition of the property located at 49-51 Chambers Street (Block 153, Lot 1), Borough of Manhattan; and

(b) disapproves the Decision of the City Planning Commission for the Original Application (referenced by DCP as ULURP No. C 120267 PPM).

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, November 27, 2012.

Coupled for an override vote.

Report for L.U. No. 681

**Report of the Committee on Land Use in favor of filing, pursuant to a Letter of Withdrawal, Application No. 20135038 HAQ submitted by New York City Department of Housing Preservation and Development ("HPD"), for an exemption of real property taxes for property located at 1-50 50th Avenue (Block 6, Lot 80) and 1-55 Borden Avenue (Block 6, Lot 6), Borough of Queens, Community Board 2, Council District 26. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 22, 2012 (Minutes, page 3392), respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 2** **20135038 HAQ**

Application submitted by New York City Department of Housing Preservation and Development ("HPD"), for an exemption of real property taxes for property located at 1-50 50th Avenue (Block 6, Lot 80) and 1-55 Borden Avenue (Block 6, Lot 6), Borough of Queens, Community Board 2, Council District 26. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

By submission dated October 18, 2012, and submitted October 18, 2012, HPD withdrew the application. HPD has submitted new applications for these properties, referenced as L.U. 729 and L.U. 730 (2012).

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 26, 2012

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the application by the New York City Department of Housing Preservation and Development.

| **In Favor:** | **Against:** | **Abstain:** |
|---|---|---|
| Levin | Barron | None |
| Gonzalez | | |
| Dickens | | |
| Koo | | |

**COMMITTEE ACTION**

**DATE:** November 27, 2012

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1589

**Resolution approving a motion to file pursuant to withdrawal of an application for a tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 1-50 50th Avenue (Block 6, Lot 80) and 1-55 Borden Avenue (Block 6, Lot 6), Borough of Queens (L.U. No. 681; 20135097 HAX).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on August 15, 2012 its request dated July 30, 2012 that the Council take the following action regarding the property located at 1-50 50th Avenue (Block 6, Lot 80) and 1-55 Borden Avenue (Block 6, Lot 6), Community District 2, Borough of Queens (the "Exemption Area"):

Approve a partial real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption");

**WHEREAS**, by submission dated October 18, 2012 and submitted to the City Council on October 18, 2012, the New York City Department of Housing Preservation and Development withdrew the application.

**RESOLVED:**

The Council approves the motion to file pursuant to withdrawal in accord with Rules 6.40a and 11.80 of the Rules of the Council.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, November 27, 2012.

Coupled to be filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 708

**Report of the Committee on Land Use in favor of filing, due to the Expiration of the Time to Act, Application No. 20135026 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Juicerie LLC, d.b.a Juicerie, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 19 Kenmare Street, Borough of Manhattan, Community Board 2, Council District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 24, 2012 (Minutes, page 3700), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2** **20135026 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Juicerie LLC, d/b/a Juicerie, for a revocable consent to establish, maintain and use an unenclosed sidewalk café located at 19 Kenmare Street.

**INTENT**

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

**PUBLIC HEARING**

**DATE:** October 3, 2012

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

**SUBCOMMITTEE RECOMMENDATION No. 1**

**DATE:** October 23, 2012

The Subcommittee recommended that the Land Use Committee approve the Petition, as amended, to limit the unenclosed sidewalk café to no more than ten (10) table and twenty (20) chairs, and to otherwise comply with all DCA requirements, rules and regulations.

| In Favor: | Against: | Abstain: |
|---|---|---|
| Weprin | None | None |
| Reyna | | |
| Comrie | | |
| Jackson | | |
| Vann | | |
| Garodnick | | |
| Lappin | | |
| Vacca | | |
| Ignizio | | |

**COMMITTEE ACTION No. 1**

**DATE:** October 25, 2012

The Committee recommended that the Council approve a resolution to amend the Petition pursuant to the recommendation of the Subcommittee.

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

**SUBCOMMITTEE RECOMMENDATION No. 2**

**DATE:** November 26, 2012

The Subcommittee recommends that the Land Use Committee approve motion to file pursuant to the expiration of time for the New York City Council to act on the Petition under Section 20-226 of the New York City Administrative Code, due to the occurrence and repercussions of Hurricane Sandy on October 29, 2012.

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

**COMMITTEE ACTION No. 2**

**DATE:** November 27, 2012

The Committee recommends that the Council approve the attached resolution.

| In Favor: | Against: | Abstain: |
|---|---|---|
| Comrie | None | None |
| Rivera | | |
| Reyna | | |
| Barron | | |
| Jackson | | |
| Vann | | |
| Gonzalez | | |
| Palma | | |
| Arroyo | | |
| Dickens | | |
| Garodnick | | |
| Lappin | | |
| Mendez | | |
| Vacca | | |
| Koo | | |
| **Cont'd** | | |
| Lander | | |
| Levin | | |
| Weprin | | |
| Williams | | |
| Ignizio | | |
| Halloran | | |

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

Res. No. 1590

**Resolution approving motion to file pursuant to expiration of time to act on the petition for a revocable consent for an unenclosed sidewalk café located at 19 Kenmare Street, Borough of Manhattan (20135026 TCM; L.U. No. 708).**

By Council Members Comrie and Weprin.

**WHEREAS,** the Department of Consumer Affairs filed with the Council on September 17, 2012 its approval dated September 17, 2012 of the petition of Juicerie LLC, d/b/a Juicerie, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 19 Kenmare Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS,** upon due notice, the Council held a public hearing on the Petition on October 3, 2012;

**WHEREAS,** on October 23, 2012, the Subcommittee on Zoning and Franchises voted to approve the Petition with amendments and referred same to the Land Use Committee;

**WHEREAS,** on October 25, 2012, the Land Use Committee voted to approve a resolution for consideration by the Council which approved the Petition with amendments; and

**WHEREAS,** due to the occurrence and repercussions of Hurricane Sandy on October 29, 2012, the statutory time for the Council to act on the Petition, pursuant to Section 20-226 of the Administrative Code, expired.

**RESOLVED:**

The Council approves the motion to file due to the expiration of time to act in accord with Rules 6.40a and 11.80 of the Council.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, November 27, 2012.

Coupled to be Filed due to the Expiration of the Time to Act.

Report for L.U. No. 725

**Report of the Committee on Land Use in favor of approving Application No. N 120305 ZRM submitted by Clinton Park Holdings pursuant to Section 201of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 (Special Clinton District), Borough of Manhattan, Community Board 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 13, 2012 (Minutes, page 4235), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4** **N 120305 ZRM**

City Planning Commission decision approving an application submitted by Clinton Park Holdings pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 (Special Clinton District),

**INTENT**

Zoning text amendment to allow certain accessory parking to be exempted from floor area to resolve otherwise non-compliant condition that would be created if NYPD horse stable does not occupy space constructed for its use.

**PUBLIC HEARING**

**DATE:** November 26, 2012

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

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 26, 2012

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

| **In Favor:** | **Against:** | **Abstain:** |
|---|---|---|
| Weprin | None | None |
| Reyna | | |
| Comrie | | |
| Jackson | | |
| Vann | | |
| Garodnick | | |
| Lappin | | |
| Vacca | | |

**COMMITTEE ACTION**

**DATE:** November 27, 2012

The Committee recommends that the Council approve the attached resolution.

| **In Favor:** | **Against:** | **Abstain:** |
|---|---|---|
| Comrie | None | None |
| Rivera | | |
| Reyna | | |
| Barron | | |
| Jackson | | |
| Vann | | |
| Gonzalez | | |
| Palma | | |
| Arroyo | | |
| Dickens | | |
| Garodnick | | |
| Lappin | | |
| Mendez | | |
| Vacca | | |
| Koo | | |
| Lander | | |
| **Cont'd** | | |
| Levin | | |
| Weprin | | |
| Williams | | |
| Ignizio | | |
| Halloran | | |

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

Res. No. 1591

**Resolution approving the decision of the City Planning Commission on Application No. N 120305 ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 (Special Clinton District) (L.U. No. 725).**

By Council Members Comrie and Weprin.

**WHEREAS,** the City Planning Commission filed with the Council on October 22, 2012 its decision dated October 17, 2012 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Clinton Park Holdings, for an amendment of the text of the Zoning Resolution of the City of New York, relating to Article X, Chapter 6 (Special Clinton District) to allow certain accessory parking to be exempted from floor area (Application No. N 120305 ZRM), Community District 4, Borough of Manhattan (the "Application");

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

**WHEREAS,** upon due notice, the Council held a public hearing on the Decision and Application on November 26, 2012;

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

**WHEREAS,** the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on March 6, 2009 and the CEQR Technical Memoranda dated March 17, 2009 and June 15, 2012 (the "Technical Memoranda") (CEQR No. 07DCP071M);

**RESOLVED:**

Having considered the FEIS and the Technical Memoranda with respect to the Decision and Application, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives, the proposed action is the one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the FEIS; and

(3) The adverse environmental impacts disclosed in the FEIS and the Technical Memoranda will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures which were identified as practicable; and

(4) The Decision, together with the FEIS and Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 120305 ZRM, incorporated by reference herein, the Council approves the Decision.

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

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

* * *

**Article IX, Chapter 6 - Special Clinton District**.

* * *

**96-80**
**EXCLUDED AREAS**

Except as provided in this Section, the regulations set forth in this Chapter shall not apply to the following areas:

(a) parcels within the blocks bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue, provided that in this area the provisions of Sections 96-40 (MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS), 96-51 (Mandatory Tree Planting Provisions) and 96-82 (C6-3X Districts) shall apply.

In addition, for parcels in C6-3X Districts, bounded by West 53rd Street, Tenth Avenue, West 54th Street and Eleventh Avenue, the following shall be permitted #uses# below the level of any floor occupied by #dwelling units#:

(1) automobile showrooms with automobile sales and preparation of automobiles for delivery;

(2) automobile repairs; and

(3) New York City Police Department stables for horses, with #accessory# automobile parking.

~~Should the floor to ceiling height of such Police Department stable, as measured from the #base plane#, exceed 23 feet, then any floor space occupied by #accessory# parking located on the floor immediately above the floor occupied by such Police Department stable and immediately below the level of any floor occupied by #dwelling units# shall be exempted from the definition of #floor area#.~~

For a #building#, that at the time of approval by the Department of Buildings, included space designed for stable use for New York City Police Department horses, and the ceiling height of such stable space, as measured from the #base plane#, exceeds 23 feet, then any floor space occupied by #accessory# parking located on the floor immediately above such stable space and immediately below the level of any floor occupied by #dwelling units# shall be exempted from the definition of #floor area#.

* * *

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, November 27, 2012.

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

Report for L.U. No. 727

**Report of the Committee on Land Use in favor of approving Application No. 20105658 SCQ pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new approximately 800-seat primary school facility located on the east side of 98th Street between 50th and Christie Avenues (Block 1891, Lots 1, 12, 15, 20 and 22), Borough of Queens, Community School District No. 24.**

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

**REPORTS:**

**SUBJECT**

**QUEENS CB - 4** **20105658 SCQ**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 800-Seat Primary School facility known as P.S. 298, Queens, to be located at 50-51 98th Street (Tax Block 1891/Lots 1, 12, 15, 20 and 22), in the Corona section of Queens, Community School District No. 24.

**INTENT**

To facilitate construction of a new, approximately 800-Seat Primary School facility which would alleviate overcrowded conditions in Community School District 24.

**PUBLIC HEARING**

**DATE:** November 26, 2012

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

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 26, 2012

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

| **In Favor:** | **Against:** | **Abstain:** |
|---|---|---|
| Lander | None | None |
| Palma | | |
| Arroyo | | |
| Mendez | | |

**COMMITTEE ACTION**

**DATE:** November 27, 2012

The Committee recommends that the Council approve the attached resolution.

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

Ignizio
Halloran

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

Res. No. 1592

**Resolution approving the site plan for a new, approximately 800-Seat Primary School Facility known as P.S. 298, Queens, to be located at 50-51 98th Street (Tax Block 1891/Lots 1, 12, 15, 20 and 22), Borough of Queens (Non-ULURP No. 20105658 SCQ; L.U. No. 727).**

By Council Members Comrie and Lander.

**WHEREAS,** the New York City School Construction Authority submitted to the Council on November 16, 2012, a site plan dated November 15, 2012, pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 800-Seat Primary School Facility, known as P.S. 298, Queens, to be located at 50-51 98th Street (Tax Block 1891/Lots 1, 12, 15, 20 and 22), in the Corona section of Queens, Community Board No. 4, Borough of Queens, Community School District No. 24 (the "Site Plan");

**WHEREAS,** the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

**WHEREAS,** upon due notice, the Council held a public hearing on the Site Plan on November 26, 2012;

**WHEREAS,** the Council has considered the relevant environmental issues and the Negative Declaration issued on November 14, 2012 (SEQR Project Number 13-005); and

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

**RESOLVED:**

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

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, November 27, 2012.

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

Report for L.U. No. 728

**Report of the Committee on Land Use in favor of approving Application No. 20125527 SCQ pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new approximately 444-seat primary school facility located at 360 Seneca Avenue (Block 3425, Lot 7), Borough of Queens, Community School District No. 24.**

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

**REPORTS:**

**SUBJECT**

**QUEENS CB - 5** **20125527 SCQ**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 472-Seat Primary School facility, known as P.S. 320, Queens, to be located at 360 Seneca Avenue (Tax Block 3425/Lot 7), Community School District No. 24.

**INTENT**

To facilitate construction of a new, approximately 472-Seat Primary School facility to serve students in pre-kindergarten through fifth grade.

**PUBLIC HEARING**

**DATE:** November 26, 2012

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

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 26, 2012

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

| **In Favor:** | **Against:** | **Abstain:** |
|---|---|---|
| Lander | None | None |
| Palma | | |
| Arroyo | | |
| Mendez | | |

**COMMITTEE ACTION**

**DATE:** November 27, 2012

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1593

**Resolution approving the site plan for a new, approximately 472-Seat Primary School Facility known as P.S. 320, Queens, to be located at 360 Seneca Avenue (Tax Block 3425/Lot 7), Borough of Queens (Non-ULURP No. 20125527 SCQ; L.U. No. 728).**

By Council Members Comrie and Lander.

**WHEREAS,** the New York City School Construction Authority submitted to the Council on November 16, 2012, a site plan dated November 15, 2012, pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 472-Seat Primary School Facility, known as P.S. 320, Queens, to be located at 360 Seneca Avenue (Tax Block 3425/Lot 7), Community Board No. 5, Borough of Queens, Community School District No. 24 (the "Site Plan");

**WHEREAS,** the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

**WHEREAS,** upon due notice, the Council held a public hearing on the Site Plan on November 26, 2012;

**WHEREAS,** the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") issued on October 15, 2012 (SEQR Project Number 13-004); and

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

**RESOLVED:**

Having considered the FEIS, with respect to the Site Plan, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives, the proposed action is the one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the FEIS; and

(3) The adverse environmental effects revealed in the FEIS will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval those mitigative measures which were identified as practicable; and

(4) The Site Plan and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, November 27, 2012.

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

Report for L.U. No. 729

**Report of the Committee on Land Use in favor of approving Application No. 20135155 HAQ submitted by the New York City Department of Housing Preservation and Development ("HPD"), for an exemption of real property taxes for property located at 1-50 50th Avenue (Block 6, Lot 80), Borough of Queens, Community Board 2, Council District 26. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 13, 2012 (Minutes, page 4237), respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 2** **20135155 HAQ**

Application submitted by the New York City Department of Housing Preservation and Development ("HPD"), for an exemption of real property taxes for property located at 1-50 50th Avenue (Block 6, Lot 80), Borough of Queens, Community Board 2, Council District 26. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

**INTENT**

To approve a tax exemption pursuant to Section 577 of the Private Housing Finance Law for an Urban Development Action Area Project (Hunter's Point South-Parcel A).

**PUBLIC HEARING**

**DATE:** November 26, 2012

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

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 26, 2012

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

| **In Favor:** | **Against:** | **Abstain:** |
|---|---|---|
| Levin | Barron | None |
| Gonzalez | | |
| Dickens | | |
| Koo | | |

**COMMITTEE ACTION**

**DATE:** November 27, 2012

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1594

**Resolution approving a tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 1-50 50th Avenue (Block 6, Lot 80), Hunters Point South Phase I (Parcel A), Borough of Queens (L.U. No. 729; 20135155 HAQ).**

By Council Members Comrie and Levin.

**WHEREAS,** the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 11, 2012 its request dated October 10, 2012 that the Council take the following actions regarding the previously approved Urban Development Action Area Project (the "Project") located at 1-50 50th Avenue (Block 6, Lot 80), Hunters Point South Phase I (Parcel A), Community District 2, Borough of Queens (the "Exemption Area"):

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

**WHEREAS,** upon due notice, the Council held a public hearing on the Project on November 26, 2012; and

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

**RESOLVED:**

The Council approves the Tax Exemption as follows:

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

(a)"Effective Date" shall mean the later of (i) the date of conveyance of the Disposition Area to Sponsor, and (ii) the date that HPD and Sponsor enter into the Regulatory Agreement.

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

(c)"Exemption Area" shall mean the real property located on the Tax Map of the City of New York in the Borough of Queens, City and State of New York, identified as Block 6, Lot 80.

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

(e)"HDFC" shall mean Hunters Point South Housing Development Fund Corporation.

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

(g)"Owner" shall mean the HDFC or any future owner of the Exemption Area.

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

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

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

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, November 27, 2012

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

Report for L.U. No. 730

**Report of the Committee on Land Use in favor of approving Application No. 20135156 HAQ submitted by the New York City Department of Housing Preservation and Development ("HPD"), for an exemption of real property taxes for property located at 1-55 Borden Avenue (Block 6, Lot 6), Borough of Queens, Community Board 2, Council District 26. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 13, 2012 (Minutes, page 4237), respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 2** **20135156 HAQ**

Application submitted by the New York City Department of Housing Preservation and Development ("HPD"), for an exemption of real property taxes for property located at 1-55 Borden Avenue (Block 6, Lot 6), Borough of Queens, Community Board 2, Council District 26. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

**INTENT**

To approve a tax exemption pursuant to Section 577 of the Private Housing Finance Law for an Urban Development Action Area Project (Hunter's Point South – Parcel B).

**PUBLIC HEARING**

**DATE:** November 26, 2012

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

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 26, 2012

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

| **In Favor:** | **Against:** | **Abstain:** |
|---|---|---|
| Levin | Barron | None |
| Gonzalez | | |
| Dickens | | |
| Koo | | |

**COMMITTEE ACTION**

**DATE:** November 27, 2012

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1595

**Resolution approving a tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 1-55 Borden Avenue (Block 6, Lot 6), Hunters Point South Phase I (Parcel B), Borough of Queens (L.U. No. 730; 20135156 HAQ).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 11, 2012 its request dated October 10, 2012 that the Council take the following actions regarding the previously approved Urban Development Action Area Project (the "Project") located at 1-55 Borden Avenue (Block 6, Lot 6), Hunters Point South Phase I (Parcel B), Community District 2, Borough of Queens (the "Exemption Area"):

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on November 26, 2012; and

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

**RESOLVED:**

The Council approves the Tax Exemption as follows:

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

(a)"Effective Date" shall mean the later of (i) the date of conveyance of the Disposition Area to Sponsor, and (ii) the date that HPD and Sponsor enter into the Regulatory Agreement.

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

(c)"Exemption Area" shall mean the real property located on the Tax Map of the City of New York in the Borough of Queens, City and State of New York, identified as Block 6, Lot 6.

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

(e)"HDFC" shall mean Hunters Point South Borden Housing Development Fund Corporation.

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

(g)"Owner" shall mean the HDFC or any future owner of the Exemption Area.

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

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

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

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III; Committee on Land Use, November 27, 2012

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 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 M-943

**Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of Nicholas Scoppetta as a member of the Conflicts of Interest Board.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred November 27, 2012, respectfully

**REPORTS:**

**Topic:** ***New York City Conflicts of Interest Board — (Mayoral Candidate for appointment upon advice and consent of the Council)***

- **Nicholas Scoppetta [Preconsidered-M-943]**

The New York City Conflicts of Interest Board ("COIB"), which is mandated to meet at least once per month, primarily serves to provide clear guidance to public employees regarding prohibited conduct through training, education, and the issuance of advisory opinions. COIB is required to publish an index of its opinions and an annual report. COIB's mandate covers Council as well as mayoral agency employees. COIB also collects and reviews financial disclosure reports *[New York City Charter* ("Charter") §§ 2602 and 2603]. COIB promulgates rules as necessary to implement and interpret the provisions of Chapter 68 of the *Charter ("Conflicts of Interest Code"* or the *"Code")*, consistent with the goal of providing clear guidance regarding prohibited conduct *[Charter* § 2603(a)]. COIB is authorized to hear and decide violations of the *Code*. Additionally, COIB is empowered to impose fines of up to $10,000 and recommend suspensions or removals from City employment in appropriate cases.

COIB members are chosen for their independence, integrity, civic commitment and high ethical standards. Members are prohibited from holding public office, seeking election to any public office, being a public employee in any jurisdiction, holding political party office, or appearing as a lobbyist before the city *[Charter §* 2602(b)].

COIB consists of five members who are appointed by the Mayor with the advice and consent of the City Council.' The term of office for COIB members is six years. The Council must act on mayoral nominations to COIB within forty-five days of submission *[Charter §* 2602(c)]. If the Council fails to act within forty-five days of receipt of such nomination from the Mayor, the nomination is deemed to be confirmed [Charter § 2602(c)]. If the Mayor does not submit a nomination for appointment of a successor to the Council at least sixty days prior to the expiration of the term of the member whose term is expiring, the term of the member in office is extended for an additional year and the term of the eventual successor to such member is shortened by an equal amount of time. COIB members are prohibited from serving more than two consecutive six-year terms *[Charter §* 2602(c)]. Two members of COIB constitute a quorum and all acts of COIB must be by the affirmative vote of at least two members *[Charter §* 2602 (h)].

Members of COIB serve until their successors have been confirmed. Any vacancy occurring other than by expiration of term is filled by nomination by the Mayor, made to the Council within sixty days of the creation of the vacancy, for the un-expired portion of the term of the member succeeded. If the Council fails to act within forty-five days of receipt of such nomination from the Mayor, the nomination is deemed to be confirmed *[Charter §* 2602(e)].

COIB members may be removed by the Mayor for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of the COIB section of the *Charter,* after written notice and an opportunity for a reply *[Charter §* 2602(f)].
Pursuant to the Charter, COIB is authorized to appoint a Counsel to serve at its pleasure and to employ or retain other such officers, employees and consultants as are necessary to exercise its powers and fulfill its obligations. The authority of the Counsel may be defined in writing, provided that neither the Counsel, nor any other officer, employee or consultant of COIB, shall be authorized to issue advisory opinions, promulgate rules, issue subpoenas, issue final determinations concerning violations of Chapter 68 of the *Charter,* or recommend or impose penalties. Also, COIB may, and has, delegated its authority to issue advisory opinions under *Charter §* 2604(e) to its Chair *[Charter §* 2602(g), and as per COIB's Executive Director[2]].

[1] At present, COIB's members indude: Steven B. Rosenfeld (Chair), Monica Blum, Andrew Irving, Burton Lehman, and Erika Thomas-Yuille.

By statute, members are entitled to receive per-diem compensation for each calendar day when performing the work of COIB. According to COIB's Deputy Executive Director, the rate for members is $250 per-diem, and the rate for the Chair is $275 per-diem.

If appointed, Mr. Scoppetta, a Manhattan resident, will replace Steven B. Rosenfeld and be eligible to serve the remainder of a six-year term that expires on March 31, 2014. Copies of Mr. Scoppetta's resume and report/resolution are annexed to this briefing paper.

[2] Mark Davies currently serves as the COIB's Deputy Executive Director.

*After interviewing the candidate and reviewing the relevant material, this Committee decided to approve the nominee Nicholas Scopetta (M-943); please see the coupled resolution below:*

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 2602 of the *New York City Charter,* the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Nicholas Scoppetta as a member of the Conflicts of Interest Board to serve for the remainder of a six-year term that expires on March 31, 2014.

This matter was referred to the Committee on November 27, 2012.

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

Res. No. 1596

**RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF NICHOLAS SCOPPETTA AS A MEMBER OF THE CONFLICTS OF INTEREST BOARD.**

By Council Member Rivera.

**RESOLVED**, that pursuant to §§ 31 and 2602 of the *New York City Charter,* the Council does hereby approve the appointment by the Mayor of Nicholas Scoppetta as a member of the Conflicts of Interest Board to serve for the remainder of a six-year term that expires on March 31, 2014.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, November 27, 2012.

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 Standard and Ethics**

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

Report for Int. No. 968

**Report of the Committee on Standard and Ethics in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to the filing of annual disclosure reports.**

The Committee on Standard and Ethics, to which the annexed proposed local law was referred on November 27, 2012, respectfully

**REPORTS:**

**I. INTRODUCTION**

On Tuesday, November 27, 2012, the Committee on Standards and Ethics will consider Preconsidered Int. No. ("Proposed Legislation") to amend the administrative code of the city of New York, in relation to financial disclosure. The Proposed Legislation is by request of the Mayor.

**II. BACKGROUND**

a. Financial Disclosure

The laws governing financial disclosure have developed over time through a combination of local and state law. The interaction between these two laws is complex, and as amendments have been made to state and local law, the filing requirements have not always been in alignment. The Proposed Legislation will bring consistency to state and local financial disclosure requirements.

Prior to any state requirements for the disclosure of financial interests by public servants, New York City's Administrative Code created requirements that certain public officials, including elected officials, candidates for elected office and other public servants designated by their agency *as* having substantial policy discretion, file an annual statement disclosing their financial interests. This annual statement is referred to as financial disclosure, and is intended primarily as a way for the public to ascertain whether a public servant's private interests might conflict with the performance of his or her public service. The Conflicts of Interest Board ("Board") is the city agency responsible for collecting and retaining financial disclosure information each calendar year.

Currently, both state and local laws govern the filing of financial disclosure. Together this statutory framework covers three categories of filers:

**(i)** Compensated elected officials, officers and certain employees. The Proposed Legislation makes certain changes to the form

currently used by these filers' who will continue to provide detailed financial information in their annual disclosure statements

**(ii)** Members and certain employees of local public authorities. The Proposed Legislation would amend current law to permit these filers—mandated by state law to disclose certain financial interests—to file a new short disclosure form.

**(iii)** Uncompensated members of city policymaking boards and commissions. The Proposed Legislation would remove the exception from filing for these filers required by state law to file and provide that they could file the new short disclosure form.[2]

b. State Law

New York state law also *has* a framework for financial disclosure. In particular, section 811 of the General Municipal Law authorizes the governing bodies of municipalities to adopt local laws to require financial disclosure by "municipal officers and employees" and others as determined by the governing body.[3] When adopted, section 811 required that the city's financial disclosure law be as strict as the state's law, which was reflected in the requirements set forth in GM L § 811. In 2008, GM L § 811 was amended. The amendment removed the requirement that the city's law be as strict as the state's and now provides that the city, through the Board, may create two forms for financial disclosure: one for "local elected officials and compensated local officers and employees"[4] and another with the minimum disclosure for other officials required by state law to file with the Board. The second form, the short form, must include the minimum disclosure requirement set forth in GM L § 811(1)(a-1), namely the disclosure of property in the city and outside employment, gifts, financial interests and business with entities that have business dealings with the city. Currently § 12-110 only provides for the long form and would have to be amended for the Board to use the short form. The legislative history of this amendment cites the specific concern that uncompensated public servants in the city not be required to file forms that would be too long so as to "devastate efforts to recruit and retain them, and thus threaten the existence of these boards and commissions."[5]

[1] See *infra Sec III*

[2] Members of uncompensated policy-making boards and commissions and members, officers and employees of public authorities are collectively referred to as "New Filers" throughout.

[3] GML §811(a)(i)

Additionally, the Public Authorities Accountability Act of 2005 ("PAAA") requires that members, officers and employees of local public authorities file financial disclosure statements with their local ethics board. [6] PAAA was enacted prior to the amendment to section 811, and is also listed *as* a reason for amendment—allowing these PAAA filers to file financial disclosure statements other than the form required by the state is cited *as* a benefit of the amendment.

c. City Law

Administrative code § 12-110 contains the city's financial disclosure requirements. Those who file financial disclosures are required to submit their statements to the Board each calendar year to disclose their interests from the preceding calendar year. Filers are also required to file a financial disclosure statement with the Board at the time of their separation from city service. Financial disclosure statements include information about, among other things, outside income and employment' gifts worth $1000 or more;[8] the market value of securities,[9] reimbursement for travel ,[1°] ownership in real property," and creditors[12].

[4] GM L §811(a-1)(i), (ii)

[5] Leg. Memo relating to Ch. 41, Memo in Support, pg. 3

[6] PBA Art. 9 §2825(3)

The city law currently applies only to elected officials and local political party officials, candidates for public office, and compensated public officials, who currently file the long form. To bring city law into compliance with state law, the city would need to require that uncompensated members of policy-making boards and commissions file financial disclosure statements. The Board and the Mayor's office have represented that because the long form is so detailed, the Board has only this year required that all the PAAA entities required by state law to file financial disclosure statements actually do so.[13] If the Council does not amend local law, these filers will have to file the long form, and the concern is that they and others would be discouraged from engaging in public service if they are required to file the current, detailed financial disclosure statement.

III. Preconsidered Int. No. 968

Preconsidered Int. No. 968 Proposed Legislation")

The Mayor *has* requested that the Council consider this Proposed Legislation in order to bring the city into compliance with state law before the end of the 2012 filing period. The Proposed Legislation would amend the administrative code in relation to financial disclosure in a few significant ways. First, the Proposed Legislation would make several changes to the definitions. "Agency" or "city agency" would be added as defined terms, and defined in accordance with Charter § 2601 to include, among other things, the New York city housing authority and the New York city housing development corporation. The term "relative" would no longer include grandparents or their direct descendants but would include brothers and sisters and the spouses or domestic partners of the relatives of the filer. Additionally, the Proposed Legislation would add "unemancipated child" as a defined term, to include an unmarried child or stepchild living in the filer's household at the time the filer files his or her financial disclosure statement.

[7] Admi n. Code §12-110d 1(b)

[8] Id. at d 1(h)(4)

[9] Id.atd1(I)

[10] Id. at d 1(h)(2)

[11] Id. at d 1(m)

[12] Id. at d(o)

[13] Certain PAAA entities, Trust for Governor's Island, Brooklyn Bridge Park Corporation, Trust for Cultural Resources, and The Planetary Authority for the Museum of Natural History, were required to file the current financial disclosure statements in 2011 for the 2010 calendar year. These entities will complete the short form going forward.

Second, the Proposed Legislation would require certain additional disclosure for current filers. The Proposed Legislation would expand the "gifts" that are required to be filed. Gifts of $1,000 or more from any entity that does not have business dealings with the city for the filing period covered by the disclosure statement and gifts of $50 or more from any entity that has business dealings with the city during the filing period covered by the disclosure statement are now required to be disclosed. The Proposed Legislation would also require the disclosure of agreements for future employment or wages and the name, title and position of any "relative" in city service.

Third, the Proposed Legislation would amend Admin Code § 12-110b(3)(1) to remove the exception for members of uncompensated policy-making boards and commissions from the filing requirement. In addition, the Proposed Legislation permits the filing of the new short form for officers, members and employees of city public authorities.[14] In so doing, the Proposed Legislation would bring the administrative code into compliance with state law.

Fourth, the Proposed Legislation would require New Filers to file the short form, disclosing: (i) positions with the City of New York; (ii) real estate interest; (iii) outside employers and businesses; (iv) investments; and (v) gifts. The short form would also ask New Filers to disclose potential conflicts of interest with their agency rather than with the entire city.[15]

[14] Admin Code § 1 2-1 1 Ob(6)

[5] GML § 811 (1)(a-1) provides that conflicts of interest are those defined in Chapter 68 of the City Charter, which only applies to city officials and prohibits part-time officials from having conflicts with their specific agencies, rather than the entire city. Members of boards and commissions are reasonably considered part-time officials, so this disclosure is consistent with Chapter 68. PAAA entities are not city officials, and as such are not subject to Chapter 68. Permitting them to disclose conflicts with their agency rather than the city, then, does not run afoul of state law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 968:)**

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

**INTRO. NO: 968**

**COMMITTEE:**
**Standards and Ethics**

**TITLE:** A Local Law To amend the administrative code of the city of New York, in relation to the filing of annual disclosure reports.

SPONSOR: **Inez Dickens (by request of the Mayor)**

**SUMMARY OF LEGISLATION**: This legislation would amend annual financial disclosure filing requirements to include uncompensated members of policymaking boards and commissions such as the Landmarks Preservation Commission or the Board of Standards and Appeals as well as public authorities.

In addition, the bill details filing requirements for those who have recently separated from city service, and would empower COIB to promulgate rules allowing additional time for filing when deemed necessary.

The bill also lists the information included in each filing that would be available for public inspection and under what circumstances. It would set restrictions on access to information related to the spouse, domestic partner or unemancipated child of a filer, and would set the procedure to be followed when requests to examine disclosure forms are submitted by third parties. Further, the bill would indicate when COIB must notify filers of third party requests to examine information included in their filings including when such requests are submitted and the name of the party making the request (no such notification is required when the request is made by the Department of Investigation or any governmental entity in the performance of law enforcement duties).

Finally, the bill would set a retention and destruction schedule for disclosure filings requiring that filings be retained for two years after filers have separated from service, and for two years after candidates for office have been defeated in an election. COIB and the Department of Records and Information Services (DORIS) would have some latitude to set these retention schedules or simply return the filings to their owners.

**EFFECTIVE DATE:** This legislation would take effect immediately upon passage by the Council.

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

**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:** N/A

**IMPACT ON EXPENDITURES:** It is not anticipated that any additional financial resources will be required to implement this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** Mayor's Office of Legislative Affairs, City Council Finance Division.

**ESTIMATE PREPARED BY**: Lionel Francois, Finance Division
Regina Poreda Ryan, Finance Division

**HISTORY:** This bill will be considered November 27, 2012 by the Standards and Ethics Committee.

Date Submitted to Council**: THE BILL WILL BE INTRODUCED TO THE FULL COUNCIL ON NOVEMBER 27, 2012.**

Accordingly, this Committee recommends its adoption.

**(The following is the text of Int. No. 968:)**

Int. No. 968

By Council Members Dickens, Koo, Palma and Williams (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to the filing of annual disclosure reports.**

*Be it enacted by the Council as follows*:

Section 1. Subdivision a of section 12-110 of the administrative code of the city of New York, as added by local law number 43 for the year 2003, paragraphs 2 and 9 as amended by local law number 14 for the year 2006, is amended to read as follows:

§12-110 Annual disclosure.

a. Definitions. As used in this section:

1. The term ["business dealings with a state or local agency" shall mean any transaction with any state or local agency involving the sale, purchase, rental, disposition or exchange of any goods, services or property, any license, permit, grant or benefit, and any performance of or litigation with respect to any of the foregoing, but shall not include any transaction involving a public servant's residence or any ministerial matter] *"affiliated" shall mean a firm that is a subsidiary of another firm, or two firms that have a parent in common, or two firms with a stockholder in common who owns at least twenty-five per cent of the shares of each such firm*.

2. The term ["city employee" shall be defined as an employee of a city, county, borough or other office, position, administration, department, division, bureau, board, commission, authority, corporation or other agency of government, the expenses of which are paid in whole or in part from the city treasury and shall include but not be limited to employees of the New York city health and hospitals corporation, the New York city industrial development agency, the offices of the district attorneys of the counties of Bronx, Kings, New York, Queens and Richmond, and of the special narcotics prosecutor, and the New York city housing development corporation] *"agency" or "city agency" shall mean a city, county, borough or other office, position, administration, department, division, bureau, board, commission, authority, corporation, committee or other agency of government, the expenses of which are paid in whole or in part from the city treasury, and shall include but not be limited to the council, the offices of each elected city official, the board of education, community boards, the health and hospitals corporation, the New York city industrial development agency, the offices of the district attorneys of the counties of Bronx, Kings, New York, Queens and Richmond, and of the special narcotics prosecutor, the New York city housing authority, and the New York city housing development corporation, but shall not include any court or any corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility or any advisory committee as that term is defined in subdivision one of section twenty-six hundred one of the charter.*

*3. The term "business dealings" shall mean any transaction involving the sale, purchase, rental, disposition or exchange of any goods, services, or property, any license, permit, grant or benefit, and any performance of or litigation with respect to any of the foregoing, but shall not include any transaction involving a public servant's residence or any ministerial matter.*

*4. The term "city" shall mean the city of New York and shall include an agency of the city.*

[3.] *5.* The term "conflicts of interest board" *or "board"* shall mean the conflicts of interest board appointed pursuant to section twenty-six hundred two of the New York city charter.

[4.] *6.* The term "domestic partners" shall mean persons who have a registered domestic partnership, which shall include any partnership registered pursuant to section 3-240 of the administrative code of the city of New York.

*7. The term "gift" shall mean anything of value for which a person pays nothing or less than fair market value and may be in the form of money, services, reduced interest on a loan, travel, travel reimbursement, entertainment, hospitality, thing, promise, or in any other form. "Gift" shall not include reimbursements.*

*8. The term "income" shall include, but not be limited to, salary from government employment, income from other compensated employment whether public or private, directorships and other fiduciary or advisory positions, contractual arrangements, teaching income, partnership income, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property.*

[5.] *9.* The term "independent body" shall mean any organization or group of voters which nominates a candidate or candidates for office to be voted for at an election, and which is not a political party as defined in paragraph [seven] *twelve* of this subdivision.

*10. The terms "local authority," "local public authority" or "city public authority" shall be given the same meaning as the term "local authority" is given in subdivision two of section two of the public authorities law and shall include only such entities that have their primary office in the city of New York.*

[6.] *11.* The term "local political party official" shall mean:

[(1)] *(a)* any chair of a county committee elected pursuant to section 2-112 of the election law, or his or her successor in office, who received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more;

[(2)] *(b)* that person (usually designated by the rules of a county committee as the "county leader" or "chair of the executive committee") by whatever title designated, who pursuant to the rules of a county committee or in actual practice, possesses or performs any or all of the following duties or roles, provided that such person received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more:

[(i)] *(1)* the principal political, executive and administrative officer of the county committee;

[(ii)] *(2)* the power of general management over the affairs of the county committee;

[(iii)] *(3)* the power to exercise the powers of the chair of the county committee as provided for in the rules of the county committee;

[(iv)] *(4)* the power to preside at all meetings of the county executive committee if such a committee is created by the rules of the county committee or exists de facto,

or any other committee or subcommittee of the county committee vested by such rules with or having de facto the power of general management over the affairs of the county committee at times when the county committee is not in actual session;

[(v)] *(5)* the power to call a meeting of the county committee or of any committee or subcommittee vested with the rights, powers, duties or privileges of the county committee pursuant to the rules of the county committee, for the purpose of filling an office at a special election in accordance with section 6-114 of the election law, for the purpose of filling a vacancy in accordance with section 6-116 of such law or for the purpose of filling a vacancy or vacancies in the county committee which exist by reason of an increase in the number of election districts within the county occasioned by a change of the boundaries of one or more election districts, taking effect after the election of its members, or for the purpose of determining the districts that the elected members shall represent until the next election at which such members of such committee are elected; provided, however, that in no event shall such power encompass the power of a chair of an assembly district committee or other district committee smaller than a county and created by the rules of the county committee, to call a meeting of such district committee for such purpose;

[(vi)] *(6)* the power to direct the treasurer of the party to expend funds of the county committee; or

[(vii)] *(7)* the power to procure from one or more bank accounts of the county committee the necessary funds to defray the expenses of the county committee. The terms "constituted committee" and "political committee" as used in this subparagraph shall have the same meanings as those contained in section 14-100 of the election law.

*12. The term "policymaking position" shall mean the position held by a person charged with "substantial policy discretion" as referenced in paragraphs twelve and fifteen of subdivision b of section twenty-six hundred four of the New York city charter and as defined by rule of the conflicts of interest board.*

[7.] *13.* The term "political party" shall mean any political organization which at the last preceding election for governor polled at least fifty thousand votes for its candidate for governor.

[8.] *14.* The term "political organization" shall mean any political party as defined in paragraph [seven] *thirteen* of this subdivision, or independent body, as defined in paragraph [five] *nine* of this subdivision, or any organization that is affiliated with or a subsidiary of a party or independent body.

*15. The term "reimbursements" shall mean any travel-related expenses provided by non-governmental sources, whether directly or as repayment, for activities related to the reporting person's official duties, such as speaking engagements, conferences, or fact-finding events, but shall not include gifts.*

[9.] *16.* The term "relative" shall mean the spouse, domestic partner, [parent, grandparent,] child, stepchild, *brother, sister, parent,* or stepparent of the person reporting, or any person [who is the direct descendant of the grandparents of the person reporting or of the spouse or domestic partner of the person reporting] *whom the person reporting claimed as a dependent on his or her most recently filed personal income tax return, and each such relative's spouse or domestic partner*.

*17. The term "securities" shall mean bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and such other evidences of indebtedness and certificates of interest as are usually referred to as securities.*

[10.] *18.* The terms "state agency" and "local agency" shall be given the same meanings as such terms are given in section eight hundred ten of the general municipal law.

*19. The term "unemancipated child" shall mean any son, daughter, stepson or stepdaughter who is under age eighteen, unmarried and living in the household of the person reporting at the time the person files his or her annual disclosure report, and shall also include any son or daughter of the spouse or domestic partner of such person who is under age eighteen, unmarried and living in the household of the person reporting at the time the person files his or her annual disclosure report.*

§ 2. Subdivision b of section 12-110 of the administrative code of the city of New York, as added by local law number 43 for the year 2003, paragraph 3 as amended by local law number 14 for the year 2006, is amended to read as follows:

b. Persons required to file [a financial] *an annual* disclosure report.

The following persons shall file with the conflicts of interest board [a] *an annual disclosure* report, in such form as the board shall determine, disclosing certain financial interests as hereinafter provided. Reports [filed prior to January first, two thousand six may be filed electronically, in such form as the board may determine, and thereafter] shall, except as otherwise provided by the board [in consultation with the filer's agency], be filed electronically, in such form as the board may determine.

1. Elected and political party officials.

(a) Each elected officer described in sections four, twenty-four, twenty-five, eighty-one, ninety-one and eleven hundred twenty-five of the New York city charter, and each local political party official described in paragraph [six] *eleven* of subdivision a of this section, shall file such report not later than [May first of] *such date designated by the conflicts of interest board* each year.

(b) A local political party official required to file a report pursuant to subparagraph (a) of this paragraph who is also subject to the financial disclosure filing requirements of subdivision two of section seventy-three-a of the public officers law may satisfy the requirements of paragraph one by filing with the conflicts of interest board a copy of the statement filed pursuant to section seventy-three-a of the public officers law, on or before the filing deadline provided in such section seventy-three-a, notwithstanding the filing deadline otherwise imposed by paragraph one of this subdivision.

2. Candidates for public office.

(a) Each person, other than any person described in paragraph one, who has declared his or her intention to seek nomination or election and who has filed papers or petitions for nomination or election, or on whose behalf a declaration or nominating paper or petition has been made or filed which has not been declined, for an office described in paragraph one of subdivision b of this section shall file such report on or before the last day for filing his *or her* designating petitions pursuant to the election law.

(b) Each person, other than any person described in paragraph one, who was a write-in candidate at the primary election for an office described in paragraph one of subdivision b of this section and whose name is thereafter entered in the nomination book at the board of elections, shall file such report within twenty days after such primary election.

(c) Each person, other than any person described in paragraph one, who has been designated to fill a vacancy in a designation or nomination for an office described in paragraph one of subdivision b of this section shall file such report within fifteen days after a certificate designating such person to fill such vacancy is filed with the board of elections, or within five days before the election for which the certificate is filed, whichever is earlier.

(d) The conflicts of interest board shall obtain from the board of elections lists of all candidates for the elected positions set forth below, and from such lists, shall determine and publish lists of those candidates who have not, within ten days after the required date for filing such reports, filed the reports required by this section.

3. (a) The following categories of persons who had such status during the preceding calendar year or up until the date of filing their [financial] *annual* disclosure report shall be required to file a report not later than [May first of] *the date designated by the conflicts of interest board* each year:

(1) Each agency head, deputy agency head, assistant agency head, and member of any board or commission[, other than a member of a board or a commission who serves without compensation, provided, however, that a member of the New York city housing development corporation shall be deemed to be a compensated member of such corporation for purposes of this section] *who on the date designated by the board for filing holds a policymaking position, as defined by rule of the board and as annually determined by the head of his or her agency, subject to review by the board*;

(2) Each *officer or* employee of *the city in* the mayor's office, the city council, a district attorney's office, the office of the special narcotics prosecutor, or any other agency that does not employ M-level mayor's management plan indicators for its managers, whose responsibilities on [April thirtieth of each year] *the date designated by the board for filing* involve the independent exercise of managerial or policymaking functions[,] *or who holds a policymaking position on such date, as defined by rule of the board and* as annually determined by the appointing authority of his or her agency, subject to review by the [conflicts of interest] board;

(3) Each [city] *officer or* employee *of the city*, other than an *officer or* employee of the *city in the* mayor's office, the city council, a district attorney's office or the special narcotics prosecutor's office, who, on [April thirtieth of each year] *the date designated by the board for filing*, is paid in accordance with the mayor's management pay plan at level M4 or higher, or who holds a policymaking position on such date, as defined by rule of the board and as annually determined by the head of his or her agency, subject to review by the board;

(4) Each *officer or* employee *of the city* whose duties at any time during the preceding calendar year involved the negotiation, authorization or approval of contracts, leases, franchises, revocable consents, concessions and applications for zoning changes, variances and special permits, as defined by rule of the [conflicts of interest] board and as annually determined by his or her agency head [or employer], subject to review by the [conflicts of interest] board.

(5) Each assessor required to file a report solely by reason of section three hundred thirty-six of the real property tax law[, provided, however, that the report filed by any such assessor shall be the report prescribed by such section of the real property law].

(6) *Each of the following members, officers and employees of city public authorities:*

*(i) Each member of the authority;*

*(ii) Each head, deputy head or assistant head of the authority;*

*(iii) Each officer and employee of the authority who on the date designated by the board for filing holds a policymaking position, as defined by rule of the board and as annually determined by the head of his or her authority, subject to review by the board; and*

*(iv) Each officer or employee of the authority whose duties at any time during the preceding calendar year involved the negotiation, authorization or approval of contracts, leases, franchises, revocable consents, concessions and applications for zoning changes, variances and special permits, as defined by rule of the conflicts of interest board and as annually determined by the head of his or her authority, subject to review by the board.*

*(7)* Any [other] person required by New York *state* law to file [a financial] *an annual* disclosure report with the conflicts of interest board.

(b) Separation from service:

(1) Each person described in this paragraph shall, following separation from service, file such report for the portion of the last calendar year in which he or she served in his or her position within sixty days of his or her separation from service or on *or before* the [May first next succeeding] *date designated by the conflicts of interest board for filing pursuant to subparagraph (a) of this paragraph*, whichever is earlier, if such person met the criteria of this subparagraph on his or her last day of service. Each such person who leaves service prior to [May first] *the date designated*

*by the board for filing pursuant to subparagraph (a) of this paragraph* shall also file a report for the previous calendar year within sixty days of his or her separation from service or [on the May first next succeeding] *on or before such date designated by the board*, whichever is earlier.

(2) Each such person who is terminating or separating from service shall not receive his or her final paycheck, and/or any lump sum payment to which he or she may be entitled, until such person has complied with the requirements of this section.

(3) Each elected officer and each local political party official described in paragraph [six] *eleven* of subdivision a of this section shall, after leaving office, file such report for the previous calendar year, if such officer or local political party official has not previously filed such report, and shall file such report for the portion of the last calendar year in which he or she served in office, within sixty days of his or her last day in office or on *or before* the [May first next succeeding] *date designated by the board for filing pursuant to subparagraph (a) of paragraph one of this subdivision*, whichever is earlier.

§ 3. Subdivision c of section 12-110 of the administrative code of the city of New York, as added by local law number 43 for the year 2003, is amended to read as follows:

c. Procedures involving the filing of [financial] *annual* disclosure reports.

1. Each agency *head or head of a city public authority* shall file with the conflicts of interest board, prior to the date required for the filing of reports, a list of persons obligated to report pursuant to this section.

2. Each agency head *or head of a city public* authority shall determine, subject to review by the conflicts of interest board, which persons within the agency *or city public* authority occupy positions that are described in clauses three and four of subparagraph (a) of paragraph three of subdivision b of this section, and shall, prior to the date on which the filing of the report is required, inform such employees of their obligation to report. The conflicts of interest board shall promulgate rules establishing procedures whereby any employee may seek review of the agency's *or city public* authority's determination that he or she is required to report.

3. The speaker of the council, each district attorney and the special narcotics prosecutor shall determine, subject to review by the conflicts of interest board, which persons on their staff occupy positions that are described in clause two of subparagraph (a) of paragraph three of subdivision b of this section, and shall, prior to the date required for the filing of the reports, inform such employees of their obligation to report.

4. The conflicts of interest board shall promulgate rules establishing procedures whereby a person required to file an annual [financial] disclosure report may request an additional period of time within which to file such report, due to justifiable cause or undue hardship. Such rules shall include, but not be limited to, the establishment of a date beyond which in all cases of justifiable cause or undue hardship no further extension of time will be granted.

5. Any amendments and changes to [a financial] *an annual* disclosure report made after its filing shall be made on a [separate] form to be [provided] *prescribed* by the conflicts of interest board [and attached to the report. Said form shall contain the corresponding page and item numbers of the report, the amendment, the signature of the person making such amendment and the initials of the chair of the board or his or her designee]. Amendments shall be made only by the person who originally filed such report.

§ 4. Subdivision d of section 12-110 of the administrative code of the city of New York, as added by local law number 43 for the year 2003, paragraph 1, subparagraph (a) of paragraph 3, subparagraphs (b) and (d) of paragraph 8, subparagraphs (a) and (b) of paragraph 9, and paragraphs 13, 14 and 15 as amended by local law number 14 for the year 2006, is amended to read as follows:

d. Information to be reported.

[The report shall contain the following information:]

1. *Officers and employees of the city; members of city boards and commissions entitled to compensation; candidates for public office; elected and political party officials. The report filed by officers and employees of the city, members of city boards and commissions entitled to compensation, candidates for public office, elected officials, political party officials, and any other person required by state law to file a report other than a person described by paragraph three or four of this subdivision, shall contain the information required by this paragraph on such form as the board shall prescribe. For purposes of filing an annual disclosure report, members of the New York city housing development corporation shall be deemed to be members of a city board or commission entitled to compensation.*

*(a)* List the name of the person reporting; his or her title or position; the entity by which he or she is employed or from which he or she receives compensation; his or her office address and telephone number; list the marital status of the person reporting, and if married, list the spouse's full name including maiden name where applicable; indicate whether the person is a member of a domestic partnership, and if so, list the partner's full name; list the names of all unemancipated children. [For purposes of this section, the term "unemancipated child" shall mean any son, daughter, stepson or stepdaughter who is under age eighteen, unmarried and living in the household of the person reporting, and shall also include any son or daughter of the spouse or domestic partner of such person who is under age eighteen, unmarried and living in the household of the person.]

[2.] *(b)* List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, whether compensated or not, held by the person reporting or his or her spouse or domestic partner or unemancipated child with any firm, corporation, association, partnership, or other organization other than the state of New York. Do not list membership positions. If the listed entity was licensed or regulated by any state or local agency, or engaged in business dealings with, or had matters other than ministerial matters before, any state or local agency, list the name of such agency.

[3. (a)] *(c) (1)* List the name, address and description of any occupation, trade, business, profession or employment, other than the employment listed pursuant to paragraph one of this subdivision, engaged in by the person reporting. If such employer or business was licensed or regulated by any state or local agency, or engaged in business dealings with, or matters other than ministerial matters before, any state or local agency, list the name of any such agency.

[(b)] *(2)* If the spouse, domestic partner or unemancipated child of the person reporting was engaged in any occupation, employment, trade, business or profession which activity was licensed or regulated by any state or local agency, or engaged in business dealings with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.

[4.] *(d)* List any positions the person reporting held as an officer of any political party or political organization, as a member of any political party committee, or as a political party district leader.

[5.] *(e)* If the person reporting practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the state department of education, give a general description of the principal subject areas of matters undertaken by such person. If the person reporting practices with a firm or corporation of which he or she is a partner or shareholder, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do not list the name of the individual clients, customers or patients.

[6. (a)] *(f) (1)* Describe the terms of, and the parties to, any agreement providing for [continuation of] *future* payments or benefits to the person reporting [of one thousand dollars or more from] by a prior *or current* employer other than the city of New York. Such description of an agreement shall include interests in or contributions to a pension fund, profit-sharing plan, life or health insurance, buy-out agreements or severance payments, etc.

[(b)] *(2)* Describe the terms of, and the parties to, any contract, promise or agreement between the person reporting and any person, firm or corporation with respect to the *future* employment of such reporting person [after leaving his or her office or position, other than a leave of absence].

[7.] *(g)* List the nature and amount of any income of one thousand dollars or more from each source derived during the preceding calendar year, to the person reporting or his or her spouse or domestic partner. [For purposes of this paragraph, "income" shall include, but not be limited to, salary for government employment, income from other compensated employment whether public or private, directorships and other fiduciary or advisory positions, contractual arrangements, teaching income, partnership income, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property.] Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

[8.] *(h)* List the source of each of the following items received or accrued during the preceding calendar year by the person reporting:

[(a)] *(1)* Any deferred income to be paid following the close of the calendar year for which this disclosure statement is filed, other than any source of income otherwise disclosed pursuant to subparagraph (a) of paragraph nine of this subdivision, of one thousand dollars or more from each source. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall be identified as to the source, including the name of the firm, corporation, partnership or association through which the income was derived, but shall not include individual clients' identities.

[(b)] *(2)* Reimbursement to the person reporting or his or her spouse or domestic partner, for expenditures, excluding campaign expenditures and expenditures in connection with official duties reimbursed by the city, of one thousand dollars or more in each instance. [For purposes of this subparagraph, the term "reimbursements" shall mean any travel-related expenses provided by non-governmental sources, whether directly or as repayment, for activities related to the reporting person's official duties, such as speaking engagements, conferences, or fact-finding events, but shall not include gifts reported pursuant to subparagraph (d) of this paragraph.]

[(c)] *(3)* Honoraria received by the person reporting or his or her spouse or domestic partner from a single source in the aggregate amount of one thousand dollars or more.

[(d)] *(4)* Any gift, its value and nature, [in the aggregate amount or value of one thousand dollars or more] from any single source received by the person reporting, his or her spouse or domestic partner or unemancipated child, during the preceding calendar year, excluding gifts from a relative, except as otherwise provided under the election law covering campaign contributions. [For purposes of this subparagraph, the term "gift" shall not include reimbursements, as defined in subparagraph (b) of this paragraph.] *Gifts in the aggregate amount or value of less than one thousand dollars from any single source shall not be reported where, from the beginning of the reporting period until the date the report is filed, the donor engaged in no business dealings with the city. Gifts in the aggregate amount or value of less than fifty dollars from any single source shall not be reported. The value of separate gifts from the same or affiliated donors during the reporting period shall be aggregated.*

[9. (a)] *(i)(1)* List the identity and value, if reasonably ascertainable, of each interest in a trust, estate or beneficial interest held by the person reporting or his or her spouse or domestic partner, including but not limited to (1) retirement plans (other than retirement plans of the state of New York or city of New York) and (2) deferred compensation plans established in accordance with the internal revenue code, where the person reporting or his or her spouse or domestic partner held a beneficial interest of one thousand dollars or more during the preceding calendar year. Do not report interests in an estate of a relative or interests in a trust or other beneficial interest established by or for a relative or by or for the estate of a relative.

[(b)] *(2)* List each assignment of income of one thousand dollars or more, and each transfer other than to a relative during the preceding calendar year for less than fair consideration of an interest of one thousand dollars or more, in a trust, estate, or other beneficial interest, securities or real property, by the person reporting, which would otherwise be required to be reported herein and is not or has not been reported.

[10.] *(j)* List any interest of one thousand dollars or more, excluding bonds and notes, held by the person reporting, his or her spouse or domestic partner or the reporting person's unemancipated child, or partnership of which any such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency. Include the name of the entity which holds such interest and the relationship of the person reporting, or his or her spouse or domestic partner or unemancipated child, to such entity and the interest in such contract. Do not list any interest in any such contract on which final payment has been made and all obligations under the contract, except for guarantees and warranties, have been performed, provided, however, that such an interest shall be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do not list any interest in a contract made or executed by a state agency after public notice and pursuant to a process for competitive bidding or a process for competitive requests for proposals.

[11.] *(k)* List the name, principal address and general description or the nature of the business activity of any entity in which the person reporting or his or her spouse or domestic partner *or unemancipated child* had an investment of one thousand dollars or more, excluding investments in securities and interests in real property.

[12.] *(l)* List the type and market value of securities held by the person reporting or his or her spouse or domestic partner *or unemancipated child* from each issuing entity, valued at one thousand dollars or more at the close of the preceding calendar year, including the name of the issuing entity, exclusive of securities held by the person reporting issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed only if the person reporting has knowledge thereof, except where the person reporting or his or her spouse or domestic partner has transferred assets to such trust for his or her benefit; in that event the securities shall be listed unless they are not ascertainable by the person reporting because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the person reporting. Securities of which the person reporting or his or her spouse or domestic partner is the owner of record but in which he or she has no beneficial interest shall not be listed. Where the person or his or her spouse or domestic partner holds more than five per centum of the stock of a publicly held corporation or more than ten per centum of a privately held corporation, percentage of ownership shall be listed. List any securities owned for investment purposes by a corporation more than fifty per centum of the stock of which is owned or controlled by the person reporting or his or her spouse or domestic partner. [For purposes of this paragraph the term "securities" shall mean bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits and such other evidences of indebtedness and certificates of interest as are usually referred to as securities.] The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in [paragraph five] *subparagraph e* of this subdivision or if the security is corporate stock, not publicly traded, in a trade or business of the reporting person or his or her spouse or domestic partner.

[13.] *(m)* List the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest of one thousand dollars or more was held by the person reporting or his or her spouse or domestic partner *or unemancipated child* during the preceding calendar year. List real property owned for investment purposes by a corporation more than fifty per centum of the stock of which is owned or controlled by the person reporting or his or her spouse or domestic partner. Do not list any real property which is the primary or secondary personal residence of the reporting person or his or her spouse or domestic partner, except where there is a co-owner who is other than a relative.

[14.] *(n)* List the identity of each note or account receivable or other outstanding loan in the amount of one thousand dollars or more held by the person reporting or his or her spouse or domestic partner during the preceding calendar year, including debts secured by a mortgage, and other secured and unsecured debts. List the name of the debtor, type of obligation, date due and the nature of the collateral, if any, securing payment for each such debt. Debts, notes and accounts receivable owed to the person reporting or his or her spouse or domestic partner by a relative shall not be reported.

[15.] *(o)* List each creditor to whom the person reporting or his or her spouse or domestic partner was indebted, for a period of ninety consecutive days or more during the preceding calendar year, and each such creditor to whom any debt was owed on the date of filing, in an amount of five thousand dollars or more. Debts to be listed include real estate mortgages and other secured and unsecured loans. If any reportable liability has been guaranteed by any third person, list the name of such guarantor. Do not list liabilities incurred by, or guarantees made by, the person reporting or his or her spouse or domestic partner or by any proprietorship, partnership or corporation in which such person has an interest, when incurred or made in the ordinary course of trade, business or professional practice of such person. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. Do not list any liability to a relative or any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Revolving charge account information shall only be set forth if the liability thereon is in excess of five thousand dollars for a period of ninety consecutive days or more during the preceding calendar year, or if the liability thereon is in excess of five thousand dollars as of the time of filing. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded.

*(p) The name, title, and position of any relative of the person reporting who holds a position, whether paid or unpaid, with the city; the city agency with which such position is held; and the relationship between such relative and the person reporting.*

[16.] *(q)* Whenever a "value" or "amount" is required to be reported pursuant to this section, such value or amount shall be reported as being within one of the following categories: (a) at least one thousand dollars but less than five thousand dollars; (b) at least five thousand dollars but less than thirty-two thousand dollars, or such other amount as the conflicts of interest board shall set pursuant to subdivision sixteen of section twenty-six hundred one and subdivision a of section twenty-six hundred three of the charter; (c) at least thirty-two thousand dollars, or such other amount as the conflicts of interest board shall set pursuant to subdivision sixteen of section twenty-six hundred one and subdivision a of section twenty-six hundred three of the charter, but less than sixty thousand dollars; (d) at least sixty thousand dollars but less than one hundred thousand dollars; (e) at least one hundred thousand dollars but less than two hundred fifty thousand dollars; (f) at least two hundred fifty thousand dollars but less than five hundred thousand dollars; and *(*g) five hundred thousand dollars or more.

*2. Uncompensated members of boards and commissions of the city***.** *The report required to be filed by a person who is a member of a city board or commission and is not entitled to compensation for such service shall contain the information required by this paragraph on such form as the board shall prescribe. For purposes of filing an annual disclosure report, members of the New York city housing development corporation shall be deemed to be compensated members of a city board or commission who are required to file an annual disclosure report in accordance with paragraph one of subdivision d of this section.*

*(a) The name of the person reporting; each of his or her city board, commission or agency titles and positions; his or her city employee identification number, if any; his or her office address, email address, if any, and telephone number; his or her home address, personal email address, if any, and home telephone number; whether he or she has a spouse or domestic partner and, if so, the full name of such spouse or domestic partner; and the names of all unemancipated children.*

*(b) The location, size, and general nature of any residential, commercial, retail or industrial real property that is owned by, rented to or rented by the person reporting, or his or her spouse or domestic partner or unemancipated child. Only real property that is within the city of New York shall be reported. Residential property in which the person reporting or a relative resides shall not be reported. For other residential property, only the borough, city (if outside New York city), town, or village shall be reported.*

*(c) The name of each employer or business, other than the city of New York, from which the person reporting or his or her spouse or domestic partner or unemancipated child received, during the reporting period, compensation for services performed or for goods sold or produced or as a member, officer, director, or employee. The name of individual clients, customers or patients shall not be reported, nor shall any business in which the reporting person or his or her spouse or domestic partner or unemancipated child was an investor only. The nature of the business shall also be identified, as well as the relationship between the reporting person or his or her spouse, domestic partner, or unemancipated child and the employer or business (owner, partner, officer, director, member, employee, and/or shareholder). An employer or business shall not be reported where, from the beginning of the reporting period until the date the report is filed, the employer or business engaged in no business dealings with the agency of which the person reporting is a board or commission member.*

*(d) The name of any entity in which the person reporting or his or her spouse or domestic partner or unemancipated child has an interest that exceeds five percent of the firm or an investment of ten thousand dollars, whichever is less. The nature of the business and the type of business shall also be identified. An entity shall not be reported where, from the beginning of the reporting period until the date the report is filed, the entity engaged in no business dealings with the agency of which the person reporting is a board or commission member.*

*(e) Gifts having a value of fifty dollars or more received by the person reporting or his or her spouse or domestic partner or unemancipated child during the reporting period, including the recipient of the gift, the donor of the gift, the relationship between the recipient and the donor, and the nature of the gift. The value of separate gifts from the same or affiliated donors during the reporting period shall be aggregated.*

*A gift shall not be reported where (i) the gift is from a relative; or (ii) from the beginning of the reporting period until the date the report is filed, the donor engaged in no business dealings with the agency of which the person reporting is a board or commission member; or (iii) the gift consists of attendance, including meals and*

*refreshments, at a meeting, public affair, function, or occasion and complies with the rules of the board governing the acceptance of such attendance, meals, or refreshments.*

*3. Members, officers and employees of city public authorities. The report required to be filed by a person pursuant to subdivision three of section twenty-eight hundred twenty-five of the public authorities law shall contain the following information:*

*(a) The name of the person reporting; the name of the city public authority of which the person reporting is a board member, officer or employee; his or her title and position with such entity; any city title and position that he or she holds; any city agency of which the person reporting is a member, officer or employee; his or her city employee identification number, if any; his or her office address, email address, if any, and telephone number; his or her home address, personal email address, if any, and home telephone number; whether he or she has a spouse or domestic partner and, if so, the full name of such spouse or domestic partner; and the names of all unemancipated children.*

*(b) The location, size, and general nature of any residential, commercial, retail or industrial real property that is owned by, rented to or rented by the person reporting, or his or her spouse or domestic partner or unemancipated child. Only real property that is within the city of New York shall be reported. Residential property in which the person reporting or a relative resides shall not be reported. For other residential property, only the borough, city (if outside New York city), town, or village shall be reported.*

*(c) The name of each employer or business, other than the city of New York, from which the person reporting or his or her spouse or domestic partner or unemancipated child received, during the reporting period, compensation for services performed or for goods sold or produced or as a member, officer, director, or employee. The name of individual clients, customers or patients shall not be reported, nor shall any business in which the reporting person or his or her spouse or domestic partner or unemancipated child was an investor only. The nature of the business shall also be identified, as well as the relationship between the reporting person or his or her spouse, domestic partner, or unemancipated child and the employer or business (owner, partner, officer, director, member, employee, and/or shareholder). An employer or business shall not be reported where, from the beginning of the reporting period until the date the report is filed, the employer or business engaged in no business dealings with the local public authority of which the person reporting is a board member, officer or employee.*

*(d) The name of any entity in which the person reporting or his or her spouse or domestic partner or unemancipated child has an interest that exceeds five percent of the firm or an investment of ten thousand dollars, whichever is less. The nature of the business and the type of business shall also be identified. An entity shall not be reported where, from the beginning of the reporting period until the date the report is filed, the entity engaged in no business dealings with the local public authority of which the person reporting is a board member, officer or employee.*

*(e) Gifts having a value of fifty dollars or more received by the person reporting or his or her spouse or domestic partner or unemancipated child during the reporting period, including the recipient of the gift, the donor of the gift, the relationship between the recipient and the donor, and the nature of the gift. The value of separate gifts from the same or affiliated donors during the reporting period shall be aggregated.*

*A gift shall not be reported where (i) the gift is from a relative; or (ii) from the beginning of the reporting period until the date the report is filed, the donor engaged in no business dealings with the local public authority of which the person reporting is a board member, officer or employee; or (iii) the gift consists of attendance, including meals and refreshments, at a meeting, public affair, function, or occasion and complies with the rules of the board governing the acceptance of such attendance, meals, or refreshments.*

*4. Tax assessors. The report required to be filed by a person pursuant to section three hundred thirty-six of the real property tax law shall be on the form prescribed by such law.*

*5. Filers in multiple filing categories. If a person is required to file an annual disclosure report by more than one paragraph of subdivision b of this section, he or she shall file the most comprehensive report of those required by paragraphs one through four of this subdivision. The most comprehensive report shall be deemed to be the report required by paragraph one of this subdivision; the second most comprehensive report shall be deemed to be the report required by paragraph four of this subdivision; and the third most comprehensive report shall be deemed to be the report required by paragraphs two and three of this subdivision.*

§ 5. Subparagraph (d) of paragraph 1 of subdivision e of section 12-110 of the administrative code of the city of New York, as relettered by local law number 14 for the year 2006, is amended to read as follows:

(d) Any information regarding any financial interests of the spouse, domestic partner or an unemancipated child of a person filing in which the person filing has no financial interest shall be withheld from public inspection, *except the information disclosed pursuant to subparagraph (p) of paragraph one of subdivision d of this section,* as an unwarranted invasion of privacy unless the conflicts of interest board determines that such information involves an actual or potential conflict of interest on the part of the person filing, subject to the factors set forth in subparagraph (b) of paragraph one of this subdivision.

§ 6. Paragraph 2 of subdivision e of section 12-110 of the administrative code of the city of New York, as amended by local law number 14 for the year 2006, is amended to read as follows:

2. Requests to examine reports.

Whenever pursuant to this section the conflicts of interest board produces a report for public inspection, the board shall notify the person who filed the report of the production and of the identity of the person to whom such report was produced, except that no such notification shall be required if the request to examine the report is made by the department of investigation or any governmental unit, or component thereof, which performs as one of its principal functions any activity pertaining to the enforcement of criminal laws, provided that such report is requested solely for a law enforcement function. Nothing in this section shall preclude the conflicts of interest board from disclosing any and all information in [a financial] *an annual* disclosure report to the department of investigation or any other governmental unit, or component thereof, which performs as one of its principal functions any activity pertaining to the enforcement of criminal laws, provided that such report is requested solely for a law enforcement function.

§ 7. Subdivision f of section 12-110 of the administrative code of the city of New York, as added by local law number 43 for the year 2003, is amended to read as follows:

f. Retention of reports. Reports filed pursuant to this section shall be retained by the conflicts of interest board for a period of two years following the termination of the public employment *or service* of the person who filed the report. In the case of candidates for office who have filed reports pursuant to this section and who were not elected, the reports shall be retained by the board for a period of two years following the day of an election on which the candidates were defeated. Notwithstanding the foregoing, the board, in consultation with the department of records and information services and the department of investigation, may establish by rule a different period or periods of retention of [financial] *annual* disclosure reports which takes into account the need for efficient records management and the need to retain such reports for a reasonable period for investigatory and other purposes. Such reports shall thereafter be destroyed by the board unless a request for public disclosure of an item contained in such report is pending. In lieu of the destruction of such reports, the board, in its discretion, may establish procedures providing for their return to the persons who filed them.

§ 8. Paragraphs 1 and 3 of subdivision g of section 12-110 of the administrative code of the city of New York, as added by local law number 43 for the year 2003, are amended to read as follows:

1. Any person required to file a report pursuant to this section who has not so filed at the end of one week after the date required for filing shall be subject to a fine of not less than two hundred fifty dollars or more than ten thousand dollars. Factors to be considered by the conflicts of interest board in determining the amount of the fine shall include but not be limited to the person's failure in prior years to file a report in a timely manner, and the length of the delay in filing. In addition, *within* two [weeks] *months* after the date required for filing, the conflicts of interest board shall inform the appropriate agency and the commissioner of investigation of the failure to file of any such person.

3. Any intentional and willful *unlawful* disclosure of confidential information that is contained in a report filed in accordance with this section, by a city officer or employee or by any other person who has obtained access to such a report or confidential information contained therein, shall constitute a misdemeanor punishable by imprisonment for not more than one year or a fine not to exceed one thousand dollars, or by both, and shall constitute grounds for imposition of disciplinary penalties, including removal from office *or position* in the manner provided by law.

§ 9. This local law shall take effect immediately; provided, however, that the amendments set forth in paragraph 1 and 2 of subdivision d of section 12-110 of the administrative code of the city of New York, as added by section 4 of this local law, shall apply to reports filed in 2014 for calendar year 2013 and reports filed pursuant to paragraph 3 of subdivision d of section 12-110 of the administrative code of the city of New York, as added by section 4 of this local law, shall be filed in 2012 for calendar year 2011.

INEZ E. DICKENS Chairperson; JOEL RIVERA, ROBERT JACKSON, ANNABEL PALMA, KAREN KOSLOWITZ, VINCENT M. IGNIZIO, JAMES S. ODDO. Committee on Standards and Ethics November 27, 2012.

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

**Report of the Committee on Transportation**

Report for Int. No. 599-A

**Report of the Committee on Standard and Ethics 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 taxicabs be accessible to people with vision impairments.**

The Committee on Transportation, to which the annexed amended proposed local law was referred on June 14, 2011 (Minutes, page 1980), respectfully

**REPORTS:**

**INTRODUCTION**

On November 26, 2012, the Committee on Transportation, chaired by Council Member James Vacca, held a hearing on Int. No. 599-A, a Local Law to amend the administrative code of the city of New York in relation to requiring that taxicabs be accessible to people with vision impairments. This was the second hearing on this legislation. The first hearing on this legislation was held on September 19, 2012. Representatives of the New York City Taxi and Limousine Commission, Lighthouse International, representatives of the taxi and for-hire industries and other interested industry and community stakeholders testified at the first hearing. Amendments were made to this legislation since that first hearing.

**BACKGROUND**

The Taxi and Limousine Commission ("TLC") licenses and regulates 13,237 medallion taxicabs, 38,662 for-hire vehicles, 2,460 para-transit vehicles, 398 commuter vans, and 108,987 drivers[1].

In 2007, the TLC introduced the Taxi Passenger Enhancement Program ("TPEP") to the yellow taxi fleet.[2] The central feature of TPEP was to allow taxi passengers to pay for their rides using a credit or debit card, with additional other services such as in-taxi news, entertainment and trip data information which would be displayed on a screen that was installed in the backseat of the taxi.[3] For the TLC, TPEP provides a wealth of data and information regarding trips, including GPS in the taxis to monitor the locations taxis have gone, as well as the number of trips that have been taken. Notably, TPEP has also increased accountability and helped prevent overcharging, since individual trips could be tracked by a GPS system.[4]

A major criticism of TPEP has been that it is not accessible to people with disabilities, especially those with vision impairments. For example, people with low or impaired vision had to rely on taxi drivers to swipe their credit cards, choose a tip and enter the correct fare, which sometimes led to complaints of overcharging.[5]

As a result, in April 2012, Creative Mobile Technologies ("CMT"), one of the two TPEP vendors for the taxi industry,[6] with Lighthouse International, former Governor David Paterson and Chair Vacca, announced the roll out of upgraded software that would make CMT's credit card payment system accessible to people with visual impairments.[7] With the new system, a visually impaired individual will be able to access an audible system by swiping a special card or asking the driver to activate the audible system, thus transforming the existing "screen into large, easy-to-navigate sections that are operated by touch and prompted by step-by-step spoken instructions."[8] CMT has estimated that over 350,000 New Yorkers could benefit from such a system. Currently, there are approximately 1600 taxis that have this accessible TPEP system. However, because CMT is one of two companies currently providing TPEP, not all taxis will be accessible.[9] In addition, there is no guarantee that any future vendors for this system will make their system accessible.

Int. 599-A would require that all taxis, no matter which software or payment platform they are using, be accessible to people with visual impairments.

**ANALYSIS**

Section one of Int. No. 599-A would amend chapter five of title 19 of the New York City Administrative Code by adding a new section 19-538. Subdivision a of new section 19-538 would define "accessible to people with vision impairments" as a taxicab that is equipped with instructions for contacting the TLC in Braille and large-print text, that has audio instruction for paying the fare, audible announcements of the initial charge, the fare periodically during the taxi trip, the fare at the conclusion of the trip, and any rate code changes and any toll charges.

Subdivision b of new section 19-538 would require that all taxicabs be accessible to people with vision impairments as of May 1, 2013. The information described in subdivision a for contacting TLC would be required to be on the same side and in the same passenger compartment of all taxicabs. The payment technology described in subdivision a would be required to be in the same passenger compartment of all taxicabs.

Subdivision c of new section 19-538 would permit the TLC to establish greater levels of accessibility than what is required by the bill.

Section two of Int. No. 599-A would state that the local law take effect immediately.

**UPDATE**

On November 26, 2012, the Committee on Transportation voted 11-0 in favor of the bill, with no abstentions.

for the Lower Ma———————————

[1] Mayor's Management Report, September 13, 2012. Page 131.

[2] Perry Santanachote, "Technology in Cabs Takes Different Routes" THIRTEEN (MetroFocus: The Tech Economy), April 20, 2012. Accessed at http://www.thirteen.org/metrofocus/2012/04/technology-in-cabs-take-different-routes/ on September 13, 2012.

[3] Id.

[4] Id.

[5] According to the Mayor's Management Report, in 2011, the TLC received 3,494 complaints from passengers about overcharging, although it is unclear how many complaints were made by people with visual impairments.

[6] Verifone is the other TPEP vendor.

[7] "Vacca, Creative Mobile Technologies, Lighthouse International, former Governor Paterson to Unveil Pioneering Taxi Technology for Blind and Visually Impaired Passengers." April 17, 2012. Accessed at http://lighthouse.org/news/press-releases/vacca on 9/13/2012.

[8] Id.

[9] Id.

**(The following is the text of the Fiscal Impact Statement for Int. No. 599-A:)**

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

**PROSED INTRO. NO: 599-A**
**COMMITTEE: Transportation**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring that taxicabs be accessible to people with vision impairments.

SPONSORS**: Vacca, Arroyo, Brewer, Cabrera, Chin, Fidler, Gentile, Gonzalez, James, Koppell, Koslowitz, Mendez, Vann, Williams, Foster, Mark-Viverito, Garodnick, Barron, Jackson, Nelson, Rose, Levin, Lappin, Dromm and Rodriguez**

**SUMMARY OF LEGISLATION:** This legislation would amend chapter five of title 19 of the Administrative Code of the city of New York, by adding a new section 19-538, to require that all taxicabs be accessible to people with visual impairments as of May 1, 2013. Specifically, the bill would require all taxicabs to have information on how to contact the Taxi and Limousine Commission (TLC) in the same passenger compartment area and be in Braille and large print. Payment technology in all taxicabs would have to have audio instruction so that those with visual impairments could pay unassisted, and the fare, and changes to the rate of fare, and any toll charges would have to be audibly announced. To further aid those with visual impairments, the payment technology would have to be on the same side of the same passenger compartment area in all taxicabs. The TLC would be permitted to set greater levels of accessibility for taxicabs than those required by this bill.

**EFFECTIVE DATE:** This local law would take effect immediately upon enactment.

**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 would be no impact on revenues by the enactment of this legislation.

**IMPACT ON EXPENDITURES:** The City will not incur any costs as a result of this legislation. The costs to the taxi industry will be minimal as the current contracts for payment systems will expire in February and the new payment system hardware and software would be created in accordance with the new law.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** NYC Council Finance Division
NYC Council Human Resources and Infrastructure Division

**ESTIMATE PREPARED BY:** Nathan Toth, Deputy Director
Chima Obichere, Unit Head

**HISTORY:** Introduced as Intro. 599 by the Council on June 14, 2011 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committees on Transportation and Technology on September 19, 2012. Intro. 599 has been amended, and the amended version, Proposed Int. 599-A, will be considered by the Committee on Transportation on November 26, 2012.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 599-A:)**

Int. No. 599-A

By Council Members Vacca, Arroyo, Brewer, Cabrera, Chin, Fidler, Gentile, Gonzalez, James, Koppell, Koslowitz, Mendez, Vann, Williams, Foster, Mark-Viverito, Garodnick, Barron, Jackson, Nelson, Rose, Levin, Lappin, Dromm, Rodriguez and Greenfield.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that taxicabs be accessible to people with vision impairments.**

*Be it enacted by the Council as follows*:

Section 1. Chapter five of title 19 of the administrative code of the city of New York is amended by adding a new section 19-538 to read as follows:

*§ 19-538 Vision impairment accessibility requirements. a. For the purposes of this section, "accessible to people with vision impairments" shall mean any taxicab that is equipped with instructions for contacting the commission in Braille and large-print text on the same side and in the same passenger compartment in each taxicab. If such taxicab has payment technology installed, such technology should be in the same passenger compartment in each taxicab, and should also provide a payment option, with the fare audibly announced and with audio instruction, to permit visually impaired passengers to pay unassisted, in such manner as provided for and adopted by the commission.*

*b. Commencing May 1, 2013, all taxicabs must be accessible to people with vision impairments.*

*c. The commission may by rule establish greater levels of accessibility for taxicabs than those required by this section.*

§2. This local law shall take effect immediately.

JAMES VACCA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, November 26, 2012.

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

## GENERAL ORDER CALENDAR

**Resolution approving various persons Commissioners of Deeds**

**By the Presiding Officer –**

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

*Approved New Applicant's Report*

| Name | Address | District # |
|---|---|---|
| Vincent E. Castagnozzi | 1617 Mulford Avenue<br>Bronx, N.Y. 10461 | 13 |
| Laura Acosta | 1315 Kearney Avenue<br>Bronx, N.Y. 10465 | 13 |
| Ana Made | 1804 Weeks Avenue #24<br>Bronx, N.Y. 10457 | 14 |
| Darlene Cruz | 913C Elder Avenue<br>Bronx, N.Y. 10473 | 17 |
| Darlene Ford | 155-14 Jewel Avenue #2C<br>Queens, N.Y. 11367 | 24 |
| Alexandra Castillo | 37-50 62nd Street<br>Woodside, N.Y. 11377 | 26 |
| Bryan Dildy | 164-23 109th Road<br>Queens, N.Y. 11433 | 27 |
| Grace E. Perry | 500 Prospect Avenue #3<br>Brooklyn, N.Y. 11215 | 39 |
| Alison Leggio | 27 Hull Avenue<br>Staten Island, N.Y. 10306 | 50 |

*Approved New Applicants and Reapplicants*

| Name | Address | District # |
|---|---|---|
| Amy Look | 22 Spring Street #3<br>New York, N.Y. 10012 | 1 |
| Cecelia A. Mogilansky | 213 Mott Street #C2<br>New York, N.Y. 10012 | 1 |
| Jennie S. Too | 217 Mulberry Street #4<br>New York, N.Y. 10012 | 1 |
| Marisol Semprit | 725 F.D.R. Drive #2G<br>New York, N.Y. 10009 | 2 |
| Renee Cofer | 211 West 144th Street #2C<br>New York, N.Y. 10030 | 7 |
| Joan Culpepper | 2541 Seventh Avenue #11J<br>New York, N.Y. 10039 | 7 |
| Evelyn Estrella | 547 West 142nd Street #33<br>New York, N.Y. 10031 | 7 |
| Carolyn R. Thompson | 725 Riverside Drive #11A<br>New York, N.Y. 10031 | 7 |
| Jacqueline Guzman | 226 West 122nd Street #4A<br>New York, N.Y. 10027 | 9 |
| Larry B. Steptoe | 2333 5th Avenue #11E<br>New York, N.Y. 10037 | 9 |
| Deborah Taft | 112-126 East 128th Street #10LL<br>New York, N.Y. 10035 | 9 |
| Maria Medina | 82 Elmwood Street #1B<br>New York, N.Y. 10040 | 10 |
| Lonnie Elson | 525 West 236th Street #3H<br>Bronx, N.Y. 10463 | 11 |
| Miriam Neustein | 3001 Arlington Avenue<br>Bronx, N.Y. 10463 | 11 |
| Deborah Alicea | 1066 Rhinderlander Avenue #1<br>Bronx, N.Y. 10461 | 13 |
| Rosa L. Hernandez | 1718 Matthew Avenue #2<br>Bronx, N.Y. 10462 | 13 |
| Ana Maria Ortiz | 1055 Esplanade Avenue #3A<br>Bronx, N.Y. 10461 | 13 |
| Benjamin F. Brown | 2420 Sedgwick Avenue #3/2B<br>Bronx, N.Y. 10468 | 14 |
| Theresa Emeterio | 1827 Loring Place South<br>Bronx, N.Y. 10453 | 14 |
| Lillian Dixon | 1270 Webster Avenue #9A<br>Bronx, N.Y. 10456 | 16 |
| Nathy Saavedra | 544 Claremont Parkway #3<br>Bronx, N.Y. 10457 | 16 |
| Diana Scott | 775 Concourse Village East #23G<br>Bronx, N.Y. 10451 | 16 |
| Iris N. Echevarria | 930 Fox Street #2H<br>Bronx, N.Y. 10459 | 17 |
| Stephanie Gonzalez | 860 Grand Concourse #1F<br>Bronx, N.Y. 10451 | 17 |
| Maria Ovalles | 645 Prospect Avenue #201<br>Bronx, N.Y. 10455 | 17 |
| Kathy Chiodi | 1268 Olmstead Avenue #6L<br>Bronx, N.Y. 10462 | 18 |
| Cesar J. Rangel | 1970 East Tremont Avenue 411A<br>Bronx, N.Y. 10462 | 18 |
| Pi-Chu Kuo | 136-17 Maple Avenue #8G<br>Queens, N.Y. 11355 | 20 |
| Alan Zibo Mei | 147-43 Elm Avenue<br>Flushing, N.Y. 11355 | 20 |
| Teresa Santos-Gutierrez | 144-40 38th Avenue #D2<br>Queens, N.Y. 11354 | 20 |
| Fernando Contreras | 105-09 27th Avenue East<br>Elmhurst, N.Y. 11369 | 21 |
| Beatriz Duran | 35-24 87th Street<br>Queens, N.Y. 11372 | 21 |
| William Chiappetta | 84-64 265th Street<br>Queens, N.Y. 11001 | 23 |
| Li-Ping Tsuan | 69-07 224th Street<br>Queens, N.Y. 11364 | 23 |

| | | |
|---|---|---|
| Waldo Ramirez | 77-07 Woodside Avenue #1A<br>Elmhurst, N.Y. 11373 | 25 |
| Bernardo Gutierrez | 37-19 Greenpoint Avenue #2R<br>Queens, N.Y. 11101 | 26 |
| Paulette Blucher-Percival | 112-24 208th Street<br>Queens Village, N.Y. 11429 | 27 |
| Natasha Davis | 134-35 166th Place #8A<br>Queens, N.Y. 11434 | 28 |
| Joanne Scott-Wright | 163-29 130th Avenue #1G<br>Queens, N.Y. 11434 | 28 |
| David Abramov | 98-19 64th Avenue #3B<br>Rego Park, N.Y. 11374 | 29 |
| Dariuzs Matuzsewski | 60-46 86th Street<br>Queens, N.Y. 11379 | 29 |
| Mariann Rowan | 82-42 Penelope Street<br>Queens, N.Y. 11379 | 30 |
| John Rowan | 82-42 Penelope Street<br>Queens, N.Y. 11379 | 30 |
| Anthony Kwasi Adjei | 145-101 225th Street<br>Rosedale, N.Y. 11413 | 31 |
| Sylvia Kirby | 131-37 234th Street<br>Queens, N.Y. 11422 | 31 |
| Lisandro Diaz | 85-65 80th Street #2<br>Woodhaven, N.Y. 11421 | 32 |
| Jose Gonzalez | 106 Bleecker Street #2<br>Brooklyn, N.Y. 11221 | 34 |
| Lisa Gill | 837 Lincoln Place<br>Brooklyn, N.Y. 11216 | 35 |
| Ray Jackson | 1437 Carroll Street #3A<br>Brooklyn, N.Y. 11213 | 35 |
| Jean North Brewer | 16 Monroe Place<br>Brooklyn, N.Y. 11201 | 36 |
| Deneen L. King | 1015 Halsey Street<br>Brooklyn, N.Y. 11207 | 37 |
| Nancy Lan Tran | 145 Logan Street<br>Brooklyn, N.Y. 11208 | 37 |
| Armida Alarcon | 571 39th Street #2F<br>Brooklyn, N.Y. 11232 | 38 |
| Soraida Burgos | 525 45th Street<br>Brooklyn, N.Y. 11220 | 38 |
| Ivette Molina | 447 55th Street<br>Brooklyn, N.Y. 11220 | 38 |
| Keisha Myers | 70 Bush Street #1A<br>Brooklyn, N.Y. 11231 | 38 |
| Nancy Lazaro | 303 East 3"1 Street<br>Brooklyn, N.Y. 11218 | 39 |
| Michael Augustus Blugh | 2114 Albemarle Terrace<br>Brooklyn, N.Y. 11226 | 40 |
| Betty Boney | 426 Rockaway Parkway #A5<br>Brooklyn, N.Y. 11212 | 41 |
| Sylvia Cox | 183 Dumont Avenue<br>Brooklyn, N.Y. 11212 | 41 |
| Annie Jones | 838 Putnam Avenue<br>Brooklyn, N.Y. 11221 | 41 |
| Alex Sheldon | 465 Utica Avenue<br>Brooklyn, N.Y. 11203 | 41 |
| Tamerlyn M. Harris | 245 Wortman Avenue #2F<br>Brooklyn, N.Y. 11207 | 42 |
| Marilyn A. McNeill | 1490 Hornell Loop #2A<br>Brooklyn, N.Y. 11239 | 42 |
| Sheldon Levin | 5709 14th Avenue<br>Brooklyn, N.Y. 11219 | 44 |
| Giuseppina Tornabene-Colon | 1764 59th Street<br>Brooklyn, N.Y. 11204 | 44 |
| Gay Linda Baskin | 859 East 10th Street<br>Brooklyn, N.Y. 11230 | 45 |
| Ner Bresler | 895 East 18th Street<br>Brooklyn, N.Y. 11230 | 45 |
| Denise Grant | 816 East 51$t Street<br>Brooklyn, N.Y. 11203 | 45 |
| J. Ramon Madrazo | 1065 East 31st Street<br>Brooklyn, N.Y. 11210 | 45 |
| Marciana G. Sealey | 592 East 38th Street<br>Brooklyn, N.Y. 11203 | 45 |
| Beatrice Rothbaum | 2820 West 8th Street #17G<br>Brooklyn, N.Y. 11224 | 47 |
| William L. Corey | 86 Confederation Place<br>Staten Island, N.Y. 10303 | 49 |
| Vanessa Fudge | 20 Post Lane<br>Staten Island, N.Y. 10303 | 49 |
| Lisa Turman | 24 Bailey Place<br>Staten Island, N.Y. 10303 | 49 |
| Amelia Aquilino | 160 McFarland Avenue<br>Staten Island, N.Y. 10305 | 50 |
| Susan A. Baierlein | 139 Suffolk Avenue #1<br>Staten Island, N.Y. 10314 | 50 |
| Viktoriya Bobrovskaya | 515 Tarrytown Avenue<br>Staten Island, N.Y. 10306 | 50 |
| Dolores Bongiorno | 210 Buel Avenue<br>Staten Island, N.Y. 10305 | 50 |
| Patricia Landolfi | 124 Pouch Terrace<br>Staten Island, N.Y. 10305 | 50 |
| Michael Milone | 55B Raritan Avenue<br>Staten Island, N.Y. 10304 | 50 |
| Cathy Aranzullo | 14 Montreal Avenue<br>Staten Island, N.Y. 10306 | 51 |
| Lynn C. Fiume | 32 King James Court<br>Staten Island, N.Y. 10308 | 51 |
| Jennifer LaMattina | 506 Sharrotts Road<br>Staten Island, N.Y. 10309 | 51 |
| Patricia A. Walker | 47 Carlin Street<br>Staten Island, N.Y. 10309 | 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)** | **M 943 & Res 1596 -** | **Nicholas Scoppetta** - New York City Conflict of Interest Board. |
| **(2)** | **M 944 -** | Communication from the Mayor – Disapproval, dated November 19, 2012, ULURP No. **C120267 PPM (L.U. 721 & Res 1578) (Coupled to be Filed).** |
| **(3)** | **Int 597-A -** | In relation to pedicab fares and receipts. |
| **(4)** | **Int 599-A -** | In relation to requiring that taxicabs be accessible to people with vision impairments. |
| **(5)** | **Int 968 -** | In relation to the filing of annual disclosure reports |
| **(6)** | **L.U. 681 & Res 1589 -** | App. **20135038 HAQ** , 1-50 50th Avenue (Block 6, Lot 80) and 1-55 Borden Avenue (Block 6, Lot 6), Borough of Queens, Community Board 2, Council District 26 **(Coupled to be Filed pursuant to a Letter of Withdrawal).** |
| **(7)** | **L.U. 708 & Res 1590 -** | App. **20135026 TCM**, 19 Kenmare Street, Borough of Manhattan, Community Board 2, Council District 1 **(Coupled to be Filed due to the Expiration of the Time to Act).** |
| **(8)** | **L.U. 721 & Res 1578 -** | App. **C 120267 PPM** 22 Reade Street (Block 154, p/o Lot 23) and 49-51 Chambers Street (Block 153, Lot 1), pursuant to zoning, Borough of Manhattan, Community Board 1, Council District 1 **(Coupled for override vote).** |
| **(9)** | **L.U. 725 & Res 1591-** | App. **N 120305 ZRM,** Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 (Special Clinton District), Borough of Manhattan, Community Board 4, Council District 3. |
| **(10)** | **L.U. 727 & Res 1592 -** | App. **20105658 SCQ,** 800-seat primary school facility located on the east side of 98th Street between 50th and Christie Avenues (Block 1891, Lots 1, 12, 15, 20 |

and 22), Borough of Queens, Community School District No. 24.

**(11)** **L.U. 728 & Res 1593 -** App. **20125527 SCQ,** 444-seat primary school facility located at 360 Seneca Avenue (Block 3425, Lot 7), Borough of Queens, Community School District No. 24.

**(12)** **L.U. 729 & Res 1594 –** App. **20135155 HAQ**, at 1-50 50th Avenue (Block 6, Lot 80), Borough of Queens, Community Board 2, Council District 26. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

**(13)** **L.U. 730 & Res 1595 -** App. **20135156 HAQ**, exemption of real property taxes for property located at 1-55 Borden Avenue (Block 6, Lot 6), Borough of Queens, Community Board 2, Council District 26.

**(14)** **Resolution approving various persons Commissioners of Deeds.**

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

**Affirmative –** Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, 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) – **48**.

**The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **M-943 & Res No. 1596**:

**Affirmative –** Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, 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) – **47**.

**Negative –** Barron **– 1.**

The following was the vote recorded for **LU No. 729 & Res No. 1594** and **LU No. 730 & Res No. 1595:**

**Affirmative –**Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, 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) –**47**.

**Negative –**Barron **– 1.**

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos.597-A, 599-A, and 968.*

## INTRODUCTION AND READING OF BILLS

Int. No. 967

By Council Members Brewer, Chin, Gonzalez, James, Mendez, Recchia, Williams and Rodriguez.

**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.*

Referred to the Committee on Housing and Buildings

Int. No. 968

By Council Members Dickens, Koo, Palma and Williams (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to the filing of annual disclosure reports.**

*Be it enacted by the Council as follows*:

Section 1. Subdivision a of section 12-110 of the administrative code of the city of New York, as added by local law number 43 for the year 2003, paragraphs 2 and 9 as amended by local law number 14 for the year 2006, is amended to read as follows:

§12-110 Annual disclosure.

a. Definitions. As used in this section:

1. The term [“business dealings with a state or local agency” shall mean any transaction with any state or local agency involving the sale, purchase, rental, disposition or exchange of any goods, services or property, any license, permit, grant or benefit, and any performance of or litigation with respect to any of the foregoing, but shall not include any transaction involving a public servant’s residence or any ministerial matter] *"affiliated" shall mean a firm that is a subsidiary of another firm, or two firms that have a parent in common, or two firms with a stockholder in common who owns at least twenty-five per cent of the shares of each such firm*.

2. The term [“city employee” shall be defined as an employee of a city, county, borough or other office, position, administration, department, division, bureau, board, commission, authority, corporation or other agency of government, the expenses of which are paid in whole or in part from the city treasury and shall include but not be limited to employees of the New York city health and hospitals corporation, the New York city industrial development agency, the offices of the district attorneys of the counties of Bronx, Kings, New York, Queens and Richmond, and of the special narcotics prosecutor, and the New York city housing development corporation] *"agency" or "city agency" shall mean a city, county, borough or other office, position, administration, department, division, bureau, board, commission, authority, corporation, committee or other agency of government, the expenses of which are paid in whole or in part from the city treasury, and shall include but not be limited to the council, the offices of each elected city official, the board of education, community boards, the health and hospitals corporation, the New York city industrial development agency, the offices of the district attorneys of the counties of Bronx, Kings, New York, Queens and Richmond, and of the special narcotics prosecutor, the New York city housing authority, and the New York city*

*housing development corporation, but shall not include any court or any corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility or any advisory committee as that term is defined in subdivision one of section twenty-six hundred one of the charter.*

*3. The term "business dealings" shall mean any transaction involving the sale, purchase, rental, disposition or exchange of any goods, services, or property, any license, permit, grant or benefit, and any performance of or litigation with respect to any of the foregoing, but shall not include any transaction involving a public servant's residence or any ministerial matter.*

*4. The term "city" shall mean the city of New York and shall include an agency of the city.*

[3.] *5.* The term "conflicts of interest board" *or "board"* shall mean the conflicts of interest board appointed pursuant to section twenty-six hundred two of the New York city charter.

[4.] *6.* The term "domestic partners" shall mean persons who have a registered domestic partnership, which shall include any partnership registered pursuant to section 3-240 of the administrative code of the city of New York.

*7. The term "gift" shall mean anything of value for which a person pays nothing or less than fair market value and may be in the form of money, services, reduced interest on a loan, travel, travel reimbursement, entertainment, hospitality, thing, promise, or in any other form. "Gift" shall not include reimbursements.*

*8. The term "income" shall include, but not be limited to, salary from government employment, income from other compensated employment whether public or private, directorships and other fiduciary or advisory positions, contractual arrangements, teaching income, partnership income, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property.*

[5.] *9.* The term "independent body" shall mean any organization or group of voters which nominates a candidate or candidates for office to be voted for at an election, and which is not a political party as defined in paragraph [seven] *twelve* of this subdivision.

*10. The terms "local authority," "local public authority" or "city public authority" shall be given the same meaning as the term "local authority" is given in subdivision two of section two of the public authorities law and shall include only such entities that have their primary office in the city of New York.*

[6.] *11.* The term "local political party official" shall mean:

[(1)] *(a)* any chair of a county committee elected pursuant to section 2-112 of the election law, or his or her successor in office, who received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more;

[(2)] *(b)* that person (usually designated by the rules of a county committee as the "county leader" or "chair of the executive committee") by whatever title designated, who pursuant to the rules of a county committee or in actual practice, possesses or performs any or all of the following duties or roles, provided that such person received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more:

[(i)] *(1)* the principal political, executive and administrative officer of the county committee;

[(ii)] *(2)* the power of general management over the affairs of the county committee;

[(iii)] *(3)* the power to exercise the powers of the chair of the county committee as provided for in the rules of the county committee;

[(iv)] *(4)* the power to preside at all meetings of the county executive committee if such a committee is created by the rules of the county committee or exists de facto, or any other committee or subcommittee of the county committee vested by such rules with or having de facto the power of general management over the affairs of the county committee at times when the county committee is not in actual session;

[(v)] *(5)* the power to call a meeting of the county committee or of any committee or subcommittee vested with the rights, powers, duties or privileges of the county committee pursuant to the rules of the county committee, for the purpose of filling an office at a special election in accordance with section 6-114 of the election law, for the purpose of filling a vacancy in accordance with section 6-116 of such law or for the purpose of filling a vacancy or vacancies in the county committee which exist by reason of an increase in the number of election districts within the county occasioned by a change of the boundaries of one or more election districts, taking effect after the election of its members, or for the purpose of determining the districts that the elected members shall represent until the next election at which such members of such committee are elected; provided, however, that in no event shall such power encompass the power of a chair of an assembly district committee or other district committee smaller than a county and created by the rules of the county committee, to call a meeting of such district committee for such purpose;

[(vi)] *(6)* the power to direct the treasurer of the party to expend funds of the county committee; or

[(vii)] *(7)* the power to procure from one or more bank accounts of the county committee the necessary funds to defray the expenses of the county committee. The terms "constituted committee" and "political committee" as used in this subparagraph shall have the same meanings as those contained in section 14-100 of the election law.

*12. The term "policymaking position" shall mean the position held by a person charged with "substantial policy discretion" as referenced in paragraphs twelve and fifteen of subdivision b of section twenty-six hundred four of the New York city charter and as defined by rule of the conflicts of interest board.*

[7.] *13.* The term "political party" shall mean any political organization which at the last preceding election for governor polled at least fifty thousand votes for its candidate for governor.

[8.] *14.* The term "political organization" shall mean any political party as defined in paragraph [seven] *thirteen* of this subdivision, or independent body, as defined in paragraph [five] *nine* of this subdivision, or any organization that is affiliated with or a subsidiary of a party or independent body.

*15. The term "reimbursements" shall mean any travel-related expenses provided by non-governmental sources, whether directly or as repayment, for activities related to the reporting person's official duties, such as speaking engagements, conferences, or fact-finding events, but shall not include gifts.*

[9.] *16.* The term "relative" shall mean the spouse, domestic partner, [parent, grandparent,] child, stepchild, *brother, sister, parent,* or stepparent of the person reporting, or any person [who is the direct descendant of the grandparents of the person reporting or of the spouse or domestic partner of the person reporting] *whom the person reporting claimed as a dependent on his or her most recently filed personal income tax return, and each such relative's spouse or domestic partner*.

*17. The term "securities" shall mean bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and such other evidences of indebtedness and certificates of interest as are usually referred to as securities.*

[10.] *18.* The terms "state agency" and "local agency" shall be given the same meanings as such terms are given in section eight hundred ten of the general municipal law.

*19. The term "unemancipated child" shall mean any son, daughter, stepson or stepdaughter who is under age eighteen, unmarried and living in the household of the person reporting at the time the person files his or her annual disclosure report, and shall also include any son or daughter of the spouse or domestic partner of such person who is under age eighteen, unmarried and living in the household of the person reporting at the time the person files his or her annual disclosure report.*

§ 2. Subdivision b of section 12-110 of the administrative code of the city of New York, as added by local law number 43 for the year 2003, paragraph 3 as amended by local law number 14 for the year 2006, is amended to read as follows:

b. Persons required to file [a financial] *an annual* disclosure report.

The following persons shall file with the conflicts of interest board [a] *an annual disclosure* report, in such form as the board shall determine, disclosing certain financial interests as hereinafter provided. Reports [filed prior to January first, two thousand six may be filed electronically, in such form as the board may determine, and thereafter] shall, except as otherwise provided by the board [in consultation with the filer's agency], be filed electronically, in such form as the board may determine.

1. Elected and political party officials.

(a) Each elected officer described in sections four, twenty-four, twenty-five, eighty-one, ninety-one and eleven hundred twenty-five of the New York city charter, and each local political party official described in paragraph [six] *eleven* of subdivision a of this section, shall file such report not later than [May first of] *such date designated by the conflicts of interest board* each year.

(b) A local political party official required to file a report pursuant to subparagraph (a) of this paragraph who is also subject to the financial disclosure filing requirements of subdivision two of section seventy-three-a of the public officers law may satisfy the requirements of paragraph one by filing with the conflicts of interest board a copy of the statement filed pursuant to section seventy-three-a of the public officers law, on or before the filing deadline provided in such section seventy-three-a, notwithstanding the filing deadline otherwise imposed by paragraph one of this subdivision.

2. Candidates for public office.

(a) Each person, other than any person described in paragraph one, who has declared his or her intention to seek nomination or election and who has filed papers or petitions for nomination or election, or on whose behalf a declaration or nominating paper or petition has been made or filed which has not been declined, for an office described in paragraph one of subdivision b of this section shall file such report on or before the last day for filing his *or her* designating petitions pursuant to the election law.

(b) Each person, other than any person described in paragraph one, who was a write-in candidate at the primary election for an office described in paragraph one of subdivision b of this section and whose name is thereafter entered in the nomination book at the board of elections, shall file such report within twenty days after such primary election.

(c) Each person, other than any person described in paragraph one, who has been designated to fill a vacancy in a designation or nomination for an office described in paragraph one of subdivision b of this section shall file such report within fifteen days after a certificate designating such person to fill such vacancy is filed with the board of elections, or within five days before the election for which the certificate is filed, whichever is earlier.

(d) The conflicts of interest board shall obtain from the board of elections lists of all candidates for the elected positions set forth below, and from such lists, shall determine and publish lists of those candidates who have not, within ten days after the required date for filing such reports, filed the reports required by this section.

3. (a) The following categories of persons who had such status during the preceding calendar year or up until the date of filing their [financial] *annual* disclosure report shall be required to file a report not later than [May first of] *the date designated by the conflicts of interest board* each year:

(1) Each agency head, deputy agency head, assistant agency head, and member of any board or commission[, other than a member of a board or a commission who serves without compensation, provided, however, that a member of the New York city housing development corporation shall be deemed to be a compensated member of such corporation for purposes of this section] *who on the date designated by the board for filing holds a policymaking position, as defined by rule of the board and as annually determined by the head of his or her agency, subject to review by the board*;

(2) Each *officer or* employee of *the city in* the mayor's office, the city council, a district attorney's office, the office of the special narcotics prosecutor, or any other agency that does not employ M-level mayor's management plan indicators for its managers, whose responsibilities on [April thirtieth of each year] *the date designated by the board for filing* involve the independent exercise of managerial or policymaking functions[,] *or who holds a policymaking position on such date, as defined by rule of the board and* as annually determined by the appointing authority of his or her agency, subject to review by the [conflicts of interest] board;

(3) Each [city] *officer or* employee *of the city*, other than an *officer or* employee of the *city in the* mayor's office, the city council, a district attorney's office or the special narcotics prosecutor's office, who, on [April thirtieth of each year] *the date designated by the board for filing*, is paid in accordance with the mayor's management pay plan at level M4 or higher, or who holds a policymaking position on such date, as defined by rule of the board and as annually determined by the head of his or her agency, subject to review by the board;

(4) Each *officer or* employee *of the city* whose duties at any time during the preceding calendar year involved the negotiation, authorization or approval of contracts, leases, franchises, revocable consents, concessions and applications for zoning changes, variances and special permits, as defined by rule of the [conflicts of interest] board and as annually determined by his or her agency head [or employer], subject to review by the [conflicts of interest] board.

(5) Each assessor required to file a report solely by reason of section three hundred thirty-six of the real property tax law[, provided, however, that the report filed by any such assessor shall be the report prescribed by such section of the real property law].

(6) *Each of the following members, officers and employees of city public authorities:*

*(i) Each member of the authority;*

*(ii) Each head, deputy head or assistant head of the authority;*

*(iii) Each officer and employee of the authority who on the date designated by the board for filing holds a policymaking position, as defined by rule of the board and as annually determined by the head of his or her authority, subject to review by the board; and*

*(iv) Each officer or employee of the authority whose duties at any time during the preceding calendar year involved the negotiation, authorization or approval of contracts, leases, franchises, revocable consents, concessions and applications for zoning changes, variances and special permits, as defined by rule of the conflicts of interest board and as annually determined by the head of his or her authority, subject to review by the board.*

*(7)* Any [other] person required by New York *state* law to file [a financial] *an annual* disclosure report with the conflicts of interest board.

(b) Separation from service:

(1) Each person described in this paragraph shall, following separation from service, file such report for the portion of the last calendar year in which he or she served in his or her position within sixty days of his or her separation from service or on *or before* the [May first next succeeding] *date designated by the conflicts of interest board for filing pursuant to subparagraph (a) of this paragraph*, whichever is earlier, if such person met the criteria of this subparagraph on his or her last day of service. Each such person who leaves service prior to [May first] *the date designated by the board for filing pursuant to subparagraph (a) of this paragraph* shall also file a report for the previous calendar year within sixty days of his or her separation from service or [on the May first next succeeding] *on or before such date designated by the board*, whichever is earlier.

(2) Each such person who is terminating or separating from service shall not receive his or her final paycheck, and/or any lump sum payment to which he or she may be entitled, until such person has complied with the requirements of this section.

(3) Each elected officer and each local political party official described in paragraph [six] *eleven* of subdivision a of this section shall, after leaving office, file such report for the previous calendar year, if such officer or local political party official has not previously filed such report, and shall file such report for the portion of the last calendar year in which he or she served in office, within sixty days of his or her last day in office or on *or before* the [May first next succeeding] *date designated by the board for filing pursuant to subparagraph (a) of paragraph one of this subdivision*, whichever is earlier.

§ 3. Subdivision c of section 12-110 of the administrative code of the city of New York, as added by local law number 43 for the year 2003, is amended to read as follows:

c. Procedures involving the filing of [financial] *annual* disclosure reports.

1. Each agency *head or head of a city public authority* shall file with the conflicts of interest board, prior to the date required for the filing of reports, a list of persons obligated to report pursuant to this section.

2. Each agency head *or head of a city public* authority shall determine, subject to review by the conflicts of interest board, which persons within the agency *or city public* authority occupy positions that are described in clauses three and four of subparagraph (a) of paragraph three of subdivision b of this section, and shall, prior to the date on which the filing of the report is required, inform such employees of their obligation to report. The conflicts of interest board shall promulgate rules establishing procedures whereby any employee may seek review of the agency's *or city public* authority's determination that he or she is required to report.

3. The speaker of the council, each district attorney and the special narcotics prosecutor shall determine, subject to review by the conflicts of interest board, which persons on their staff occupy positions that are described in clause two of subparagraph (a) of paragraph three of subdivision b of this section, and shall, prior to the date required for the filing of the reports, inform such employees of their obligation to report.

4. The conflicts of interest board shall promulgate rules establishing procedures whereby a person required to file an annual [financial] disclosure report may request an additional period of time within which to file such report, due to justifiable cause or undue hardship. Such rules shall include, but not be limited to, the establishment of a date beyond which in all cases of justifiable cause or undue hardship no further extension of time will be granted.

5. Any amendments and changes to [a financial] *an annual* disclosure report made after its filing shall be made on a [separate] form to be [provided] *prescribed* by the conflicts of interest board [and attached to the report. Said form shall contain the corresponding page and item numbers of the report, the amendment, the signature of the person making such amendment and the initials of the chair of the board or his or her designee]. Amendments shall be made only by the person who originally filed such report.

§ 4. Subdivision d of section 12-110 of the administrative code of the city of New York, as added by local law number 43 for the year 2003, paragraph 1, subparagraph (a) of paragraph 3, subparagraphs (b) and (d) of paragraph 8, subparagraphs (a) and (b) of paragraph 9, and paragraphs 13, 14 and 15 as amended by local law number 14 for the year 2006, is amended to read as follows:

d.Information to be reported.

[The report shall contain the following information:]

1. *Officers and employees of the city; members of city boards and commissions entitled to compensation; candidates for public office; elected and political party officials. The report filed by officers and employees of the city, members of city boards and commissions entitled to compensation, candidates for public office, elected officials, political party officials, and any other person required by state law to file a report other than a person described by paragraph three or four of this subdivision, shall contain the information required by this paragraph on such form as the board shall prescribe. For purposes of filing an annual disclosure report, members of the New York city housing development corporation shall be deemed to be members of a city board or commission entitled to compensation.*

*(a)* List the name of the person reporting; his or her title or position; the entity by which he or she is employed or from which he or she receives compensation; his or her office address and telephone number; list the marital status of the person reporting, and if married, list the spouse's full name including maiden name where applicable; indicate whether the person is a member of a domestic partnership, and if so, list the partner's full name; list the names of all unemancipated children. [For purposes of this section, the term "unemancipated child" shall mean any son, daughter, stepson or stepdaughter who is under age eighteen, unmarried and living in the household of the person reporting, and shall also include any son or daughter of the spouse or domestic partner of such person who is under age eighteen, unmarried and living in the household of the person.]

[2.] *(b)* List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, whether compensated or not, held by the person reporting or his or her spouse or domestic partner or unemancipated child with any firm, corporation, association, partnership, or other organization other than the state of New York. Do not list membership positions. If the listed entity was licensed or regulated by any state or local agency, or engaged in business dealings with, or had matters other than ministerial matters before, any state or local agency, list the name of such agency.

[3. (a)] *(c) (1)* List the name, address and description of any occupation, trade, business, profession or employment, other than the employment listed pursuant to paragraph one of this subdivision, engaged in by the person reporting. If such employer or business was licensed or regulated by any state or local agency, or engaged in business dealings with, or matters other than ministerial matters before, any state or local agency, list the name of any such agency.

[(b)] *(2)* If the spouse, domestic partner or unemancipated child of the person reporting was engaged in any occupation, employment, trade, business or profession which activity was licensed or regulated by any state or local agency, or engaged in business dealings with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.

[4.] *(d)* List any positions the person reporting held as an officer of any political party or political organization, as a member of any political party committee, or as a political party district leader.

[5.] *(e)* If the person reporting practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the state department of education, give a general description of the principal subject areas of matters undertaken by such person. If the person reporting practices with a firm or corporation of which he or she is a partner or shareholder, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do not list the name of the individual clients, customers or patients.

[6. (a)] *(f) (1)* Describe the terms of, and the parties to, any agreement providing for [continuation of] *future* payments or benefits to the person reporting [of one thousand dollars or more from] by a prior *or current* employer other than the city of

New York. Such description of an agreement shall include interests in or contributions to a pension fund, profit-sharing plan, life or health insurance, buy-out agreements or severance payments, etc.

[(b)] *(2)* Describe the terms of, and the parties to, any contract, promise or agreement between the person reporting and any person, firm or corporation with respect to the *future* employment of such reporting person [after leaving his or her office or position, other than a leave of absence].

[7.] *(g)* List the nature and amount of any income of one thousand dollars or more from each source derived during the preceding calendar year, to the person reporting or his or her spouse or domestic partner. [For purposes of this paragraph, "income" shall include, but not be limited to, salary for government employment, income from other compensated employment whether public or private, directorships and other fiduciary or advisory positions, contractual arrangements, teaching income, partnership income, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property.] Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

[8.] *(h)* List the source of each of the following items received or accrued during the preceding calendar year by the person reporting:

[(a)] *(1)* Any deferred income to be paid following the close of the calendar year for which this disclosure statement is filed, other than any source of income otherwise disclosed pursuant to subparagraph (a) of paragraph nine of this subdivision, of one thousand dollars or more from each source. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall be identified as to the source, including the name of the firm, corporation, partnership or association through which the income was derived, but shall not include individual clients' identities.

[(b)] *(2)* Reimbursement to the person reporting or his or her spouse or domestic partner, for expenditures, excluding campaign expenditures and expenditures in connection with official duties reimbursed by the city, of one thousand dollars or more in each instance. [For purposes of this subparagraph, the term "reimbursements" shall mean any travel-related expenses provided by non-governmental sources, whether directly or as repayment, for activities related to the reporting person's official duties, such as speaking engagements, conferences, or fact-finding events, but shall not include gifts reported pursuant to subparagraph (d) of this paragraph.]

[(c)] *(3)* Honoraria received by the person reporting or his or her spouse or domestic partner from a single source in the aggregate amount of one thousand dollars or more.

[(d)] *(4)* Any gift, its value and nature, [in the aggregate amount or value of one thousand dollars or more] from any single source received by the person reporting, his or her spouse or domestic partner or unemancipated child, during the preceding calendar year, excluding gifts from a relative, except as otherwise provided under the election law covering campaign contributions. [For purposes of this subparagraph, the term "gift" shall not include reimbursements, as defined in subparagraph (b) of this paragraph.] *Gifts in the aggregate amount or value of less than one thousand dollars from any single source shall not be reported where, from the beginning of the reporting period until the date the report is filed, the donor engaged in no business dealings with the city. Gifts in the aggregate amount or value of less than fifty dollars from any single source shall not be reported. The value of separate gifts from the same or affiliated donors during the reporting period shall be aggregated.*

[9. (a)] *(i)(1)* List the identity and value, if reasonably ascertainable, of each interest in a trust, estate or beneficial interest held by the person reporting or his or her spouse or domestic partner, including but not limited to (1) retirement plans (other than retirement plans of the state of New York or city of New York) and (2) deferred compensation plans established in accordance with the internal revenue code, where the person reporting or his or her spouse or domestic partner held a beneficial interest of one thousand dollars or more during the preceding calendar year. Do not report interests in an estate of a relative or interests in a trust or other beneficial interest established by or for a relative or by or for the estate of a relative.

[(b)] *(2)* List each assignment of income of one thousand dollars or more, and each transfer other than to a relative during the preceding calendar year for less than fair consideration of an interest of one thousand dollars or more, in a trust, estate, or other beneficial interest, securities or real property, by the person reporting, which would otherwise be required to be reported herein and is not or has not been reported.

[10.] *(j)* List any interest of one thousand dollars or more, excluding bonds and notes, held by the person reporting, his or her spouse or domestic partner or the reporting person's unemancipated child, or partnership of which any such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency. Include the name of the entity which holds such interest and the relationship of the person reporting, or his or her spouse or domestic partner or unemancipated child, to such entity and the interest in such contract. Do not list any interest in any such contract on which final payment has been made and all obligations under the contract, except for guarantees and warranties, have been performed, provided, however, that such an interest shall be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do not list any interest in a contract made or executed by a state agency after public notice and pursuant to a process for competitive bidding or a process for competitive requests for proposals.

[11.] *(k)* List the name, principal address and general description or the nature of the business activity of any entity in which the person reporting or his or her spouse or domestic partner *or unemancipated child* had an investment of one thousand dollars or more, excluding investments in securities and interests in real property.

[12.] *(l)* List the type and market value of securities held by the person reporting or his or her spouse or domestic partner *or unemancipated child* from each issuing entity, valued at one thousand dollars or more at the close of the preceding calendar year, including the name of the issuing entity, exclusive of securities held by the person reporting issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed only if the person reporting has knowledge thereof, except where the person reporting or his or her spouse or domestic partner has transferred assets to such trust for his or her benefit; in that event the securities shall be listed unless they are not ascertainable by the person reporting because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the person reporting. Securities of which the person reporting or his or her spouse or domestic partner is the owner of record but in which he or she has no beneficial interest shall not be listed. Where the person or his or her spouse or domestic partner holds more than five per centum of the stock of a publicly held corporation or more than ten per centum of a privately held corporation, percentage of ownership shall be listed. List any securities owned for investment purposes by a corporation more than fifty per centum of the stock of which is owned or controlled by the person reporting or his or her spouse or domestic partner. [For purposes of this paragraph the term "securities" shall mean bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits and such other evidences of indebtedness and certificates of interest as are usually referred to as securities.] The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in [paragraph five] *subparagraph e* of this subdivision or if the security is corporate stock, not publicly traded, in a trade or business of the reporting person or his or her spouse or domestic partner.

[13.] *(m)* List the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest of one thousand dollars or more was held by the person reporting or his or her spouse or domestic partner *or unemancipated child* during the preceding calendar year. List real property owned for investment purposes by a corporation more than fifty per centum of the stock of which is owned or controlled by the person reporting or his or her spouse or domestic partner. Do not list any real property which is the primary or secondary personal residence of the reporting person or his or her spouse or domestic partner, except where there is a co-owner who is other than a relative.

[14.] *(n)* List the identity of each note or account receivable or other outstanding loan in the amount of one thousand dollars or more held by the person reporting or his or her spouse or domestic partner during the preceding calendar year, including debts secured by a mortgage, and other secured and unsecured debts. List the name of the debtor, type of obligation, date due and the nature of the collateral, if any, securing payment for each such debt. Debts, notes and accounts receivable owed to the person reporting or his or her spouse or domestic partner by a relative shall not be reported.

[15.] *(o)* List each creditor to whom the person reporting or his or her spouse or domestic partner was indebted, for a period of ninety consecutive days or more during the preceding calendar year, and each such creditor to whom any debt was owed on the date of filing, in an amount of five thousand dollars or more. Debts to be listed include real estate mortgages and other secured and unsecured loans. If any reportable liability has been guaranteed by any third person, list the name of such guarantor. Do not list liabilities incurred by, or guarantees made by, the person reporting or his or her spouse or domestic partner or by any proprietorship, partnership or corporation in which such person has an interest, when incurred or made in the ordinary course of trade, business or professional practice of such person. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. Do not list any liability to a relative or any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Revolving charge account information shall only be set forth if the liability thereon is in excess of five thousand dollars for a period of ninety consecutive days or more during the preceding calendar year, or if the liability thereon is in excess of five thousand dollars as of the time of filing. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded.

*(p) The name, title, and position of any relative of the person reporting who holds a position, whether paid or unpaid, with the city; the city agency with which such position is held; and the relationship between such relative and the person reporting.*

[16.] *(q)* Whenever a "value" or "amount" is required to be reported pursuant to this section, such value or amount shall be reported as being within one of the following categories: (a) at least one thousand dollars but less than five thousand dollars; (b) at least five thousand dollars but less than thirty-two thousand dollars, or such other amount as the conflicts of interest board shall set pursuant to subdivision sixteen of section twenty-six hundred one and subdivision a of section twenty-six hundred three of the charter; (c) at least thirty-two thousand dollars, or such other amount as the conflicts of interest board shall set pursuant to subdivision sixteen of section twenty-six hundred one and subdivision a of section twenty-six hundred three of the charter, but less than sixty thousand dollars; (d) at least sixty thousand dollars

but less than one hundred thousand dollars; (e) at least one hundred thousand dollars but less than two hundred fifty thousand dollars; (f) at least two hundred fifty thousand dollars but less than five hundred thousand dollars; and (g) five hundred thousand dollars or more.

*2. Uncompensated members of boards and commissions of the city. The report required to be filed by a person who is a member of a city board or commission and is not entitled to compensation for such service shall contain the information required by this paragraph on such form as the board shall prescribe. For purposes of filing an annual disclosure report, members of the New York city housing development corporation shall be deemed to be compensated members of a city board or commission who are required to file an annual disclosure report in accordance with paragraph one of subdivision d of this section.*

*(a) The name of the person reporting; each of his or her city board, commission or agency titles and positions; his or her city employee identification number, if any; his or her office address, email address, if any, and telephone number; his or her home address, personal email address, if any, and home telephone number; whether he or she has a spouse or domestic partner and, if so, the full name of such spouse or domestic partner; and the names of all unemancipated children.*

*(b) The location, size, and general nature of any residential, commercial, retail or industrial real property that is owned by, rented to or rented by the person reporting, or his or her spouse or domestic partner or unemancipated child. Only real property that is within the city of New York shall be reported. Residential property in which the person reporting or a relative resides shall not be reported. For other residential property, only the borough, city (if outside New York city), town, or village shall be reported.*

*(c) The name of each employer or business, other than the city of New York, from which the person reporting or his or her spouse or domestic partner or unemancipated child received, during the reporting period, compensation for services performed or for goods sold or produced or as a member, officer, director, or employee. The name of individual clients, customers or patients shall not be reported, nor shall any business in which the reporting person or his or her spouse or domestic partner or unemancipated child was an investor only. The nature of the business shall also be identified, as well as the relationship between the reporting person or his or her spouse, domestic partner, or unemancipated child and the employer or business (owner, partner, officer, director, member, employee, and/or shareholder). An employer or business shall not be reported where, from the beginning of the reporting period until the date the report is filed, the employer or business engaged in no business dealings with the agency of which the person reporting is a board or commission member.*

*(d) The name of any entity in which the person reporting or his or her spouse or domestic partner or unemancipated child has an interest that exceeds five percent of the firm or an investment of ten thousand dollars, whichever is less. The nature of the business and the type of business shall also be identified. An entity shall not be reported where, from the beginning of the reporting period until the date the report is filed, the entity engaged in no business dealings with the agency of which the person reporting is a board or commission member.*

*(e) Gifts having a value of fifty dollars or more received by the person reporting or his or her spouse or domestic partner or unemancipated child during the reporting period, including the recipient of the gift, the donor of the gift, the relationship between the recipient and the donor, and the nature of the gift. The value of separate gifts from the same or affiliated donors during the reporting period shall be aggregated.*

*A gift shall not be reported where (i) the gift is from a relative; or (ii) from the beginning of the reporting period until the date the report is filed, the donor engaged in no business dealings with the agency of which the person reporting is a board or commission member; or (iii) the gift consists of attendance, including meals and refreshments, at a meeting, public affair, function, or occasion and complies with the rules of the board governing the acceptance of such attendance, meals, or refreshments.*

*3. Members, officers and employees of city public authorities. The report required to be filed by a person pursuant to subdivision three of section twenty-eight hundred twenty-five of the public authorities law shall contain the following information:*

*(a) The name of the person reporting; the name of the city public authority of which the person reporting is a board member, officer or employee; his or her title and position with such entity; any city title and position that he or she holds; any city agency of which the person reporting is a member, officer or employee; his or her city employee identification number, if any; his or her office address, email address, if any, and telephone number; his or her home address, personal email address, if any, and home telephone number; whether he or she has a spouse or domestic partner and, if so, the full name of such spouse or domestic partner; and the names of all unemancipated children.*

*(b) The location, size, and general nature of any residential, commercial, retail or industrial real property that is owned by, rented to or rented by the person reporting, or his or her spouse or domestic partner or unemancipated child. Only real property that is within the city of New York shall be reported. Residential property in which the person reporting or a relative resides shall not be reported. For other residential property, only the borough, city (if outside New York city), town, or village shall be reported.*

*(c) The name of each employer or business, other than the city of New York, from which the person reporting or his or her spouse or domestic partner or unemancipated child received, during the reporting period, compensation for services performed or for goods sold or produced or as a member, officer, director, or employee. The name of individual clients, customers or patients shall not be reported, nor shall any business in which the reporting person or his or her spouse or domestic partner or unemancipated child was an investor only. The nature of the business shall also be identified, as well as the relationship between the reporting person or his or her spouse, domestic partner, or unemancipated child and the employer or business (owner, partner, officer, director, member, employee, and/or shareholder). An employer or business shall not be reported where, from the beginning of the reporting period until the date the report is filed, the employer or business engaged in no business dealings with the local public authority of which the person reporting is a board member, officer or employee.*

*(d) The name of any entity in which the person reporting or his or her spouse or domestic partner or unemancipated child has an interest that exceeds five percent of the firm or an investment of ten thousand dollars, whichever is less. The nature of the business and the type of business shall also be identified. An entity shall not be reported where, from the beginning of the reporting period until the date the report is filed, the entity engaged in no business dealings with the local public authority of which the person reporting is a board member, officer or employee.*

*(e) Gifts having a value of fifty dollars or more received by the person reporting or his or her spouse or domestic partner or unemancipated child during the reporting period, including the recipient of the gift, the donor of the gift, the relationship between the recipient and the donor, and the nature of the gift. The value of separate gifts from the same or affiliated donors during the reporting period shall be aggregated.*

*A gift shall not be reported where (i) the gift is from a relative; or (ii) from the beginning of the reporting period until the date the report is filed, the donor engaged in no business dealings with the local public authority of which the person reporting is a board member, officer or employee; or (iii) the gift consists of attendance, including meals and refreshments, at a meeting, public affair, function, or occasion and complies with the rules of the board governing the acceptance of such attendance, meals, or refreshments.*

*4. Tax assessors. The report required to be filed by a person pursuant to section three hundred thirty-six of the real property tax law shall be on the form prescribed by such law.*

*5. Filers in multiple filing categories. If a person is required to file an annual disclosure report by more than one paragraph of subdivision b of this section, he or she shall file the most comprehensive report of those required by paragraphs one through four of this subdivision. The most comprehensive report shall be deemed to be the report required by paragraph one of this subdivision; the second most comprehensive report shall be deemed to be the report required by paragraph four of this subdivision; and the third most comprehensive report shall be deemed to be the report required by paragraphs two and three of this subdivision.*

§ 5. Subparagraph (d) of paragraph 1 of subdivision e of section 12-110 of the administrative code of the city of New York, as relettered by local law number 14 for the year 2006, is amended to read as follows:

(d) Any information regarding any financial interests of the spouse, domestic partner or an unemancipated child of a person filing in which the person filing has no financial interest shall be withheld from public inspection, *except the information disclosed pursuant to subparagraph (p) of paragraph one of subdivision d of this section*, as an unwarranted invasion of privacy unless the conflicts of interest board determines that such information involves an actual or potential conflict of interest on the part of the person filing, subject to the factors set forth in subparagraph (b) of paragraph one of this subdivision.

§ 6. Paragraph 2 of subdivision e of section 12-110 of the administrative code of the city of New York, as amended by local law number 14 for the year 2006, is amended to read as follows:

2. Requests to examine reports.

Whenever pursuant to this section the conflicts of interest board produces a report for public inspection, the board shall notify the person who filed the report of the production and of the identity of the person to whom such report was produced, except that no such notification shall be required if the request to examine the report is made by the department of investigation or any governmental unit, or component thereof, which performs as one of its principal functions any activity pertaining to the enforcement of criminal laws, provided that such report is requested solely for a law enforcement function. Nothing in this section shall preclude the conflicts of interest board from disclosing any and all information in [a financial] *an annual* disclosure report to the department of investigation or any other governmental unit, or component thereof, which performs as one of its principal functions any activity pertaining to the enforcement of criminal laws, provided that such report is requested solely for a law enforcement function.

§ 7. Subdivision f of section 12-110 of the administrative code of the city of New York, as added by local law number 43 for the year 2003, is amended to read as follows:

f. Retention of reports. Reports filed pursuant to this section shall be retained by the conflicts of interest board for a period of two years following the termination of the public employment *or service* of the person who filed the report. In the case of candidates for office who have filed reports pursuant to this section and who were not elected, the reports shall be retained by the board for a period of two years following the day of an election on which the candidates were defeated. Notwithstanding the foregoing, the board, in consultation with the department of records and information services and the department of investigation, may establish by rule a different period or periods of retention of [financial] *annual* disclosure reports which takes into account the need for efficient records management and the need to retain such reports for a reasonable period for investigatory and other purposes. Such reports shall thereafter be destroyed by the board unless a request for public disclosure of an item contained in such report is pending. In lieu of the destruction of such reports, the

board, in its discretion, may establish procedures providing for their return to the persons who filed them.

§ 8. Paragraphs 1 and 3 of subdivision g of section 12-110 of the administrative code of the city of New York, as added by local law number 43 for the year 2003, are amended to read as follows:

1. Any person required to file a report pursuant to this section who has not so filed at the end of one week after the date required for filing shall be subject to a fine of not less than two hundred fifty dollars or more than ten thousand dollars. Factors to be considered by the conflicts of interest board in determining the amount of the fine shall include but not be limited to the person's failure in prior years to file a report in a timely manner, and the length of the delay in filing. In addition, *within* two [weeks] *months* after the date required for filing, the conflicts of interest board shall inform the appropriate agency and the commissioner of investigation of the failure to file of any such person.

3. Any intentional and willful *unlawful* disclosure of confidential information that is contained in a report filed in accordance with this section, by a city officer or employee or by any other person who has obtained access to such a report or confidential information contained therein, shall constitute a misdemeanor punishable by imprisonment for not more than one year or a fine not to exceed one thousand dollars, or by both, and shall constitute grounds for imposition of disciplinary penalties, including removal from office *or position* in the manner provided by law.

§ 9. This local law shall take effect immediately; provided, however, that the amendments set forth in paragraph 1 and 2 of subdivision d of section 12-110 of the administrative code of the city of New York, as added by section 4 of this local law, shall apply to reports filed in 2014 for calendar year 2013 and reports filed pursuant to paragraph 3 of subdivision d of section 12-110 of the administrative code of the city of New York, as added by section 4 of this local law, shall be filed in 2012 for calendar year 2011.

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

Res. No. 1586

**Resolution calling on the Federal Housing Finance Agency to reject state-level guarantee fee pricing which will increase the cost of single-family mortgages in New York.**

By Council Members Fidler, Chin, Dickens, Eugene, Gonzalez, James, Koslowitz, Mendez, Palma, Recchia, Williams, Halloran and Rodriguez.

**Whereas,** Fairness, accuracy, and due process in the home foreclosure process protects the rights of home owners and preserves the integrity of our legal proceedings; and

**Whereas,** Since the beginning of the Great Recession in 2008, 238,692 homes have been foreclosed upon in New York State according to the Center for Responsible Lending, 22,886 of which are in New York City; and

**Whereas,** According to the Neighborhood Economic Development Advocacy Project, in 2011 the number of homes at risk for foreclosure statewide remained distressingly high with 345,435 mortgages at risk, of which 94,890 were in New York City; and

**Whereas,** A report entitled "Do Foreclosures Cause Crime?" by the Furman Center for Real Estate and Urban Policy at New York University found that violent crime increases about two percent on blocks where a home becomes foreclosed and by approximately six percent if a second home is foreclosed on the same block; and

**Whereas,** According to the report entitled "Neighborhood Effects of Concentrated Mortgage Foreclosures," a single foreclosure can reduce the price of nearby homes by one to two percent and three foreclosures can reduce the price of nearby homes by about three percent; and

**Whereas,** According to the Federal Reserve Bank of New York, it is anticipated that there will be 210,000 new foreclosure filings in New York State in 2012 and 52,000 in New York City; and

**Whereas,** On average it takes 820 days to complete a foreclosure proceeding in New York State according to data compiled by the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac); and

**Whereas,** In recent years, banks and entities filing foreclosure proceedings have been criticized for commencing these actions in large volume without review and without regard to accuracy of the claims or supporting documentation, a practice dubbed "robo-signing"; and

**Whereas,** The New York State Unified Court System, in response to these abuses and to protect homeowners and rescue the integrity of the foreclosure process, among other actions, requires lawyers to verify the accuracy of the foreclosure documents they file, in addition to conference in good faith with delinquent borrowers; and

**Whereas,** New York State also amended its foreclosure laws to require banks and entities initiating foreclosure proceedings to participate in settlement conferences with delinquent borrowers for the purpose of evaluating the potential for a resolution in which payment schedules or amounts may be modified or other workout options may be agreed to; and

**Whereas,** Such mandatory conferences are intended to protect communities and assist homeowners in avoiding foreclosure, thereby avoiding the adverse effects that foreclosures can have on neighborhoods; and

**Whereas,** The Federal Housing Finance Agency (FHFA) was created by the Housing and Economic Recovery Act of 2008 to provide regulatory oversight over Fannie Mac, Freddie Mac, and the Federal Home Loan Banks and serves as a conservator for these enterprises; and

**Whereas,** On September 20, 2012, FHFA proposed an increase to the guarantee fees charged by Fannie Mae and Freddie Mac on single-family mortgages in five states, including New York, where the costs associated with foreclosure proceedings are higher, on average, than the national average due to regulatory or judicial actions; and

**Whereas,** Under the proposed guarantee fee pricing increase, according to the Financial Times, home buyers in New York are facing a potential increase of 30 basis points on mortgages to cover these additional fees, which would increase a monthly mortgage payment by $3.50 to $7.00 per month for a homeowner with a 30-year fixed rate mortgage of $200,000; and

**Whereas,** According to data provided by Fannie Mae and Freddie Mac, the FHFA proposed state-level guarantee fee pricing action would affect nearly 88,000 borrowers of mortgages on single-family homes in New York City; and

**Whereas,** The Financial Times reported an FHFA spokesman as saying, "If those states were to adjust their laws and requirements sufficiently to move their foreclosure timelines and costs more in line with the national average… the fees imposed under the planned approach would be lowered or eliminated"; and

**Whereas,** The regulatory and judicial actions instituted by our State and courts in response to the foreclosure crisis and illegal activity, are now being wrongfully cited by the FHFA as justification for imposing additional fees on New York home buyers; and

**Whereas,** Due process and fairness should not be sacrificed to allow faster foreclosures nor should the FHFA ignore that homeowners were victimized by illegal foreclosure practices necessitating state regulatory and judicial action; and

**Whereas,** If the FHFA takes its proposed action, New York would be required to either allow expedited foreclosures which could allow wrongful foreclosures or allow the local market for home sales to be chilled by the increasing the costs of mortgages; and

**Whereas,** The FHFA will determine a final methodology for state-level guarantee fee pricing after the public comment period but the pricing increase is not necessary or beneficial; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the Federal Housing Finance Agency to reject state-level guarantee fee pricing which will increase the cost of single-family mortgages in New York.

Referred to the Committee on Housing and Buildings.

Int. No. 969

By Council Members Greenfield, Arroyo, Cabrera, Dickens, Gentile, Gonzalez, Koo, Palma, Recchia, Rivera, Williams, Wills, Rodriguez, Halloran and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to alternate side of the street parking.**

*Be it enacted by the Council as follows*:

Section 1. Subdivision a of section 19-163 of the administrative code of the city of New York is amended as follows:

§ 19-163 Holiday suspensions of parking rules. a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, *the Friday following Thanksgiving*, and all state and national holidays.

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

Referred to the Committee on Transportation.

Int. No. 970

By Council Members Greenfield, Arroyo, Cabrera, Dickens, Gentile, Gonzalez, Koo, Palma, Recchia, Williams, Wills, Rodriguez and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to days that parking meters and muni-meters are suspended.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-163 of title nineteen of the administrative code of the city of New York is amended by adding a new paragraph d to read as follows:

*d. Notwithstanding any other provision of law, no person parking a vehicle at a parking meter or muni-meter shall be required to activate such meter the Friday following Thanksgiving and no notice of violation or summons may be issued solely for the failure to activate such meter the Friday following Thanksgiving. For the purposes of this section, "muni-meter" shall have the same meaning as set forth in subdivision b of section 19-167.1.*

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

Referred to the Committee on Transportation.

Int. No. 971

By Council Members Lander, Oddo, Chin, Ferreras, Fidler, Gentile, Jackson, James, Koo, Koslowitz, Mendez, Palma, Recchia, Reyna, Van Bramer, Williams, Wills, Rodriguez, Lappin, Halloran and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the online publication of city laws.**

*Be it enacted by the Council as follows*:

Section 1. Chapter 1 of title 7 of the administrative code of the city of New York is amended by adding a new section 7-111 to read as follows:

*§7-111. Online publication of city laws. The corporation counsel shall make available on the city's website a true and complete compilation of the charter, the administrative code, and the rules of the city of new york. Such compilation shall be in a searchable format and shall be updated on a regular basis.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 972

By Council Members Recchia, Dickens, 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 authorizing an increase in the amount to be expended annually in seven business improvement districts.**

*Be it enacted by the Council as follows*:

Section 1. Subdivision a of section 25-431.1 of the administrative code of the city of New York, as amended by local law number 5 for the year 2011, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fifth Avenue Association business improvement district beginning on July 1, [2010] *2012*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two million seven hundred fifteen thousand seven hundred twenty dollars ($2,715,720)] *two million nine hundred five thousand dollars ($2,905,000)*.

§2. Subdivision a of section 25-441 of the administrative code of the city of New York, as added by local law number 33 for the year 1994, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Bryant Park business improvement district beginning on July 1, [1994] *2012*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [nine hundred fifty thousand dollars ($950,000)] *one million one hundred thousand dollars ($1,100,000)*.

§3. Subdivision a of section 25-442.2 of the administrative code of the city of New York, as added by local law number 133 for the year 2005, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Downtown-Lower Manhattan business improvement district beginning on July 1, [2005] *2012*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [thirteen million dollars ($13,000,000)] *fifteen million nine hundred thousand dollars ($15,900,000)*.

§4. Subdivision a of section 25-445 of the administrative code of the city of New York, as amended by local law number 133 for the year 2005, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Kings Highway business improvement district beginning on July 1, [2005] *2012*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two hundred fifty thousand dollars ($250,000)] *two hundred ninety thousand dollars ($290,000)*.

§5. Subdivision a of section 25-452.1 of the administrative code of the city of New York, as amended by local law number 60 for the year 2008, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 47th Street business improvement district beginning on July 1, [2008] *2012*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [five hundred thousand dollars ($500,000)] *seven hundred thousand dollars ($700,000)*.

§6. Subdivision a of section 25-453 of the administrative code of the city of New York, as amended by local law number 56 for the year 2006, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the North Flatbush Avenue business improvement district beginning on July 1, [2006] *2012*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one hundred fifteen thousand dollars ($115,000)] *two hundred thousand dollars ($200,000)*.

§7. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-463.1 to read as follows:

*§ 25-463.1 Madison/23rd/Flatiron/Chelsea business improvement district.*

*a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Madison/23rd/Flatiron/Chelsea business improvement district beginning on July 1, 2012, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of two million two hundred thousand dollars ($2,200,000).*

*b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Madison/23rd/Flatiron/Chelsea business improvement district plan.*

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

Referred to the Committee on Finance.

Res. No. 1587

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

By Council Members Recchia, Koo and Wills.

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

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

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

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

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

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

(i)_____ is the date and the City Council Hearing Room, 16th floor, 250 Broadway, Manhattan is the place and _____ is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation, which would increase the amount to be expended annually in the seven Business Improvement Districts; and

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

Referred to the Committee on Finance.

Int. No. 973

By Council Members Rivera, Koo, Palma, Williams, Rodriguez and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to sidewalk construction permits that involve trees.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-155 to read as follows:

*§ 19-155 Sidewalk permits, trees. Notwithstanding any provision of this code, all application forms to repair a public sidewalk shall ask whether a tree would need to be removed as a result of such repair work. The department shall inform the applicant in each such application form that they need to obtain a permit from the department of parks and recreation to remove a tree that is on the public sidewalk. The department shall also inform the person of the penalties for removing a tree under the jurisdiction of the department of parks and recreation without a permit.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 974

By Council Members Vacca, Lander, Palma, Rose, Lappin, Arroyo, Brewer, Chin, Eugene, Ferreras, Gentile, Jackson, James, Koo, Koppell, Koslowitz, Mendez, Reyna, Rivera, Williams, Rodriguez, Ulrich, Mark-Viverito and Sanders.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination in employment based on pregnancy, childbirth, or a related condition.**

*Be it enacted by the Council as follows*:

Section 1. Legislative findings and intent. It has been reported that pregnant women are regularly being discriminated against in the workplace. For example, women who request an accommodation that will allow them to maintain a healthy pregnancy, or who need a reasonable accommodation during the 16 week post-partum period, are regularly removed from their positions, placed on unpaid leave, or fired. It is the intent of the Council to combat this form of discrimination by requiring employers to provide a reasonable accommodation to pregnant women and those who suffer conditions related to pregnancy and childbirth. A reasonable accommodation may include bathroom breaks, leave for a period of disability arising from childbirth, breaks to facilitate increased water intake, periodic rest for those who stand for long periods of time, and assistance with manual labor, among other things.

§2. Subdivision 18 of section 8-102 of chapter one of title eight of the administrative code of the city of New York, as amended by local law number 54 for the year 2011, is amended to read as follows:

18. The term "reasonable accommodation" means such accommodation that can be made that shall not cause undue hardship in the conduct of the covered entity's business. The covered entity shall have the burden of proving undue hardship. In making a determination of undue hardship with respect to claims filed under subdivisions one, [or] two, *or twenty-one* of section 8-107 or section 8-107.1 of this chapter, the factors which may be considered include but shall not be limited to:

(a) the nature and cost of the accommodation;

(b) the overall financial resources of the facility or the facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;

(c) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees, the number, type, and location of its facilities; and

(d) the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

In making a determination of undue hardship with respect to claims for reasonable accommodation to an employee's or prospective employee's religious observance filed under subdivision three of section 8-107 of this chapter, the definition of "undue hardship" set forth in paragraph b of such subdivision shall apply.

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

*(21) Employment; Pregnancy, childbirth, or a related condition. (a) It shall be an unlawful discriminatory practice for an employer to refuse to provide a reasonable accommodation as defined in section 8-102(18) of this chapter to the needs of an employee due to pregnancy, childbirth, or a related medical condition, if the employee requests such an accommodation and provides a statement from her health care provider containing sufficient facts and opinions to support such request.*

*(b) The term "health care provider," as used in this subdivision shall mean a health care practitioner who is licensed under relevant federal or state laws to provide medical, emergency or health services and is treating an employee for reasons related to pregnancy, childbirth, or a related medical condition.*

*(c) Required disclosures related to pregnancy, childbirth, or a related medical condition. The commission shall create a written notice regarding employees' rights in relation to pregnancy, and childbirth, and related medical conditions that employers shall post in the workplace.*

*(d) This subdivision shall not be construed to affect any other provision of law relating to sex discrimination or pregnancy, or in any way to diminish the coverage of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth under any other provision of this section.*

§4. This local law shall take effect upon enactment.

Referred to the Committee on Civil Rights.

Int. No. 975

By Council Members Vallone Jr., Arroyo, Gentile and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to renaming City-owned property after living persons.**

*Be it enacted by the Council as follows:*

Section 1. Section 25-102.1 of the administrative code of the city of New York, as added by local law number 28 for the year 1992, is amended by adding a new subdivision d to read as follows:

*d: No local law shall name any street, park, playground or portion thereof, or any facility or structure located and laid out on the city map after a living person.*

§2. This law shall become effective immediately after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on Parks and Recreation.

Res. No. 1588

**Resolution calling upon the New York City Department of Education to provide enough seats in middle school Gifted and Talented programs for each student who graduates from his or her elementary school's Gifted and**

**Talented program, in the respective borough in which the student resides or in the respective borough in which the student's school is located.**

By Council Members Vallone, Jr., Dromm, Wills, Arroyo, Brewer, Cabrera, Eugene, Ferreras, Fidler, Gentile, James, Koo, Koppell, Williams, Rodriguez, Lappin and Halloran.

**Whereas,** The New York City Department of Education (DOE) Gifted and Talented (G&T) programs provide challenging instruction to children with exceptional academic capacity; and

**Whereas,** According to the DOE, G&T students are identified after a rigorous testing process; and

**Whereas,** Starting in kindergarten, students are grouped together in a class with similar students and receive appropriate instruction in all content areas; and

**Whereas,** Depending upon availability, some students are able to remain in the G&T program through the end of middle school; and

**Whereas,** The admissions process, according to the DOE, includes the administration of verbal and nonverbal assessments at various times from January through February, and the scores become available in May; and

**Whereas,** Students with a composite score at or above the 90th percentile on the admissions test receive an application upon which they can rank their preferences for G&T programs in their district; and

**Whereas,** Students with a composite score at or above the 97th percentile on the admissions test can apply for acceptance into one of the five elite citywide gifted and talented schools; and

**Whereas,** According to the DOE, in 2012, a total of 14,249 preschoolers took the hour-long G&T test and nearly 5,000 qualified for G&T kindergarten seats at either a citywide or district school, a 22 percent increase from last year; and

**Whereas,** In response to a shortage of G&T middle school seats, on October 12, 2012, DOE released a proposal which would require students to be re-tested to remain in the G&T program when graduating into middle school; and

**Whereas,** In four of the five citywide gifted and talented schools, students are automatically guaranteed middle school G&T seats upon elementary school graduation; and

**Whereas,** However, in some areas of the city, such as Community School District 30, where there is only one G&T middle school program with four classes, there will be no guarantee that a child currently enrolled in his or her elementary school's G&T program will remain in a G&T program in middle school; and

**Whereas,** In 2012, 600 students applied for the 60 middle school seats that remained in Community School District 30; and

**Whereas,** In order to ensure that eligible children are not shut out of G&T programs upon graduation into middle school, more seats need to be added to G&T programs across the city; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York City Department of Education to provide enough seats in middle school Gifted and Talented programs for each student who graduates from his or her elementary school's Gifted and Talented program, in the respective borough in which the student resides or in the respective borough in which the student's school is located.

Referred to the Committee on Education.

L.U. No. 731

By Council Member Recchia:

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

Referred to the Committee on Finance.

L.U. No. 732

By Council Member Recchia:

**Section 202 Supportive Housing Program for The Elderly, Council Towers VII, 2219 Givan Avenue, Bronx, Block: 5141, Lot: p/o 326, Community District No. 10, Council District No. 12**

Referred to the Committee on Finance.

L.U. No. 733

By Council Member Comrie:

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

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

L.U. No. 734

By Council Member Comrie:

**Application no. 20135080 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Cereli Inc., d/b/a Mole', for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 57 Jane Street, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.**

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

L.U. No. 735

By Council Member Comrie:

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

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

L.U. No. 736

By Council Member Comrie:

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

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

L.U. No. 737

By Council Member Comrie:

**Application No. N 100219 ZRK, submitted by McGuinness Realty Corp. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Appendix F (Inclusionary Housing Designated Areas) relating to the extension of the Inclusionary Housing Program to a proposed R7A district in Greenpoint, Brooklyn, Community Board 1, Council District 33.**

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

L.U. No. 738

By Council Member Comrie:

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

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

L.U. No. 739

By Council Member Comrie:

**In Rem Action No. 45: Application No. 20135096 HAM submitted by the New York City Department of Finance and the Department of Housing Preservation and Development, pursuant to § 11-412.1 of the New York City Administrative Code and Article 16 of the General Municipal Law (GML) for the transfer and disposition of property located at 273 Wadsworth Avenue (aka 618 West 187th Street), Community Board 12, Council District 10, Borough of Manhattan, and the designation of such property as an Urban Development Action Area Project and Area and related tax exemptions pursuant to GML § 696 and Section 577 of the Private Housing Finance Law.**

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

L.U. No. 740

By Council Member Comrie:

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

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

L.U. No. 741

By Council Member Comrie:

**Application No. 20135198 HAM submitted by the New York City Department of Housing Preservation and Development, pursuant to Article 16 of the General Municipal Law, for the designation of a Urban Development Action Area Project and Area and related tax exemption for the property located at 2110 Amsterdam Avenue and 2185 Amsterdam Avenue, Borough of Manhattan, Community Board 12, Council District 10.**

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

L.U. No. 742

By Council Member Comrie:

**Application no. 20135112 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 14 Bar LLC, d/b/a The Double Seven, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 63 Gansevoort 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.

L.U. No. 743

By Council Member Comrie:

**Application no. 20135084 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Tobsk LLC, d/b/a McCoy, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 89 MacDougal 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.

L.U. No. 744

By Council Member Comrie:

**Application no. 20135137 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Olio Restaurants LLC, d/b/a Olio, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 3 Greenwich Avenue, Borough of Manhattan, Community Board 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.**

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:**

**Wednesday, November 28, 2012**

★ ***Deferred***

~~Committee on **FINANCE** ..... **10:00 A.M.**~~
~~Agenda to be announced~~
~~Committee Room – 250 Broadway, 16th Floor~~
~~..... Domenic M. Recchia, Chairperson~~

★ ***Addition***

Committee on **CIVIL SERVICE AND LABOR** ..... **1:00 P.M.**

**Res. 1352** - By Council Members Lappin, Dromm, Jackson, James, Koo, Koslowitz, Mendez, Palma, Rose, Vann, Williams, Wills and Rodriguez - **Resolution** calling upon employers in New York City to hire more workers over 55 years of age.

Committee Room – 250 Broadway, 14th Floor ..... James Sanders, Chairperson

★ ***Deferred***

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

**Thursday, November 29, 2012**

★ ***Deferred***

~~Committee on **CIVIL RIGHTS** ..... **10:00 A.M.**~~
~~Agenda to be announced~~
~~Committee Room – 250 Broadway, 14th Floor ..... Deborah Rose, Chairperson~~

★ ***Deferred***

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

★***Topic Addition***
Committee on **HIGHER EDUCATION** .....**10:00 A.M.**
**Tour:** .....**CUNY in the Heights**
**Location:**.....**5030 Broadway**
.....**New York, NY 10034**
Details Attached.....Ydanis Rodriguez, Chairperson

★***Deferred***
~~Committee on **JUVENILE JUSTICE** .....**10:00 A.M.**~~
~~Agenda to be announced~~
~~Hearing Room – 250 Broadway, 16th Floor ..... Sara Gonzalez, Chairperson~~

★***Deferred***
~~Committee on **FIRE AND CRIMINAL JUSTICE SERVICES**.....**1:00 P.M.**~~
~~Agenda to be announced~~
~~Committee Room – 250 Broadway, 14th Floor~~
~~.....Elizabeth Crowley, Chairperson~~

★***Addition***
Committee on **SMALL BUSINESS**..... **1:00 P.M.**
**Tour:** .....**New York City College of Technology**
.....**Small Business Development Center**
**Location:**.....**25 Chapel Street, 11th Floor**
.....**Brooklyn, NY 11201**
Details Attached .....Diana Reyna, Chairperson

★***Deferred***
~~Committee on **TRANSPORTATION**.....**1:00 P.M.**~~
~~Agenda to be announced~~
~~Committee Room – 250 Broadway, 16th Floor .....James Vacca, Chairperson~~

★***Deferred***
~~Committee on **WATERFRONTS** .....**1:00 P.M.**~~
~~Agenda to be announced~~
~~Hearing Room – 250 Broadway, 16th Floor~~
~~.....Michael Nelson, Chairperson~~

★***Addition***
Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS.** .....**3:00 P.M.**
**Tour:** .....**Lincoln Center**
**Location:**..... **70 Lincoln Center Plaza (W 65th St. near Amsterdam Ave.)**
.....**New York, NY 10023**
Details Attached…..... James Van Bramer, Chairperson

**Friday, November 30, 2012**

★***Deferred***
~~Committee on **SANITATION AND SOLID WASTE MANAGEMENT**.....**10:00 A.M.**~~
~~Agenda to be announced~~
~~Committee Room – 250 Broadway, 14th Floor ..... Letitia James, Chairperson~~

★***Deferred***
~~Committee on **CONSUMER AFFAIRS**.....**10:00 A.M.**~~
~~Agenda to be announced~~
~~Committee Room – 250 Broadway, 16th Floor .....Daniel Garodnick, Chairperson~~

★***Deferred***
~~Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS.** .....**10:00 A.M.**~~
~~Agenda to be announced~~
~~Hearing Room – 250 Broadway, 16th Floor .....James Van Bramer, Chairperson~~

★***Deferred***
~~Committee on **COMMUNITY DEVELOPMENT**.....**1:00 P.M.**~~
~~Agenda to be announced~~
~~Committee Room – 250 Broadway, 14th Floor .....Albert Vann, Chairperson~~

★***Note Topic Addition***
Committee on **YOUTH SERVICES**.....**1:00 P.M.**
**Oversight** - The Summer Youth Employment Program (SYEP) Request for Proposals
Committee Room – 250 Broadway, 16th Floor ..... Lewis Fidler, Chairperson

**Tuesday, December 4, 2012**

Subcommittee on **ZONING & FRANCHISES**.....**9:30 A.M.**
**See Land Use Calendar** Available Wednesday, November 28, 2012
Committee Room – 250 Broadway, 16th Floor ..... Mark Weprin, Chairperson

Subcommittee **ON LANDMARKS, PUBLIC SITING & MARITIME USES**.....**11:00 A.M.**
**See Land Use Calendar** Available Wednesday, November 28, 2012
Committee Room– 250 Broadway, 16th Floor ..... Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**.....**1:00 P.M.**
**See Land Use Calendar** Available Wednesday, November 28, 2012
Committee Room – 250 Broadway, 16th Floor ..... Stephen Levin, Chairperson

**Wednesday, December 5, 2012**

Committee on **GOVERNMENTAL OPERATIONS**.....**10:00 A.M.**
**Oversight** - Evaluating the Board of Elections' Performance in the 2012 General Election
Council Chambers – City Hall ..... Gale Brewer, Chairperson

Committee on **TRANSPORTATION**..... ……**1:00 P.M.**
**Int. 527** - By Council Member Van Bramer, Ferreras, James, Mark-Viverito, Mendez, Williams, Gentile, Eugene, Nelson, Vacca and Crowley - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring that the department of transportation shall give certain notice of permanent street sign changes that will affect parking.
**Int. 762** - By Council Members Barron, James, Levin, Vann, Williams, Wills, Foster, Dromm, Reyna, Recchia, Dickens, Mark-Viverito, Gentile and Arroyo - **A Local Law** to amend the administrative code of the city of New York, in relation to permissible standing near schools and child day care centers.
**Int. 824** - By Council Members Vacca, Gentile, James, Koo, Koslowitz, Palma, Recchia, Williams and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to permissible parking in front of private driveways.

Committee Room – 250 Broadway, 14th Floor .....James Vacca, Chairperson

**Thursday, December 6, 2012**

Committee on **IMMIGRATION** .....**10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor ..... Daniel Dromm, Chairperson

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

Committee on **LOWER MANHATTAN REDEVELOPMENT** ..... **1:00 P.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor ..... Margaret Chin, Chairperson

**Monday, December 10, 2012**

Committee on **FINANCE**.....**10:00 A.M.**
Agenda to be announced
Council Chambers – City Hall ..... Domenic M. Recchia, Chairperson

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

**M E M O R A N D U M**

November 19, 2012

**TO:** ALL COUNCIL MEMBERS

**RE:** TOUR BY THE COMMITTEE ON **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS**

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

**Lincoln Center**
**70 Lincoln Center Plaza (W 65th St. near Amsterdam Ave.)**
**New York, NY 10023**

The tour will be on **Thursday, November 29, 2012 beginning at 3:00 p.m.** A van will be leaving City Hall at **2:30 p.m. sharp.**

Council Members interested in riding in the van should call Tai Meah at **212-788-9063.**

James Van Bramer, Chairperson
Committee on Cultural Affairs, Libraries & International Intergroup Relations

Christine C. Quinn
Speaker of the Council

M E M O R A N D U M

November 21, 2012

**TO:** ALL COUNCIL MEMBERS

**RE:** TOUR BY THE COMMITTEE ON **HIGHER EDUCATION**

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

**CUNY in the Heights**
**5030 Broadway**
**New York, NY 10034**

The tour will be on **Thursday, November 29, 2012 beginning at 10:00 a.m.**

Council Members interested in attending should call Tonya Cyrus at 212-341-0360.

Ydanis Rodriguez, Chairperson
Committee on Higher Education

Christine C. Quinn
Speaker of the Council

**M E M O R A N D U M**

November 26, 2012

**TO:** ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEE ON **SMALL BUSINESS**

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

**New York City College of Technology**
**Small Business Development Center**
**25 Chapel Street, 11th Floor**
**Brooklyn, NY 11201**

The Tour will be on **Thursday, November 29, 2012 beginning at 1:00 p.m.**

**Train Directions**

From 250 Broadway:

2 or 3 train (Park Place) heading downtown to (Borough Hall)

A or C train (Chambers Street) heading downtown to (High Street/Brooklyn Bridge)

Council Members interested in attending please contact Faith Corbett at **212-788- 2802**

Diana Reyna, Chairperson
Committee on Small Business

Christine C. Quinn
Speaker of the Council

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Comrie) adjourned these proceedings to meet again for the Stated Meeting on Monday, December 10, 2012.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council