



THE CITY RECORD

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THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

EDNA WELLS HANDY, Commissioner, Department of Citywide Administrative Services.
ELI BLACHMAN, Editor of The City Record.

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission Scheduling public hearings on the following matters to be held in Spector Hall, 22 Reade Street, New York, NY, on Wednesday, August 21, 2013 at 10:00 A.M.

BOROUGH OF BROOKLYN No. 1

DISPOSITION OF CITY-OWNED PROPERTY
CD 10 C 130266 PPK
IN THE MATTER OF an application submitted by the NYC Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of two (2) city-owned properties located on Block 6037, Lot 102 and Block 6339, Lot 164, pursuant to zoning.

BOROUGH OF QUEENS No. 2

EAST ELMHURST REZONING
CD 3, 4 C 130344 ZMQ
IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9c, 9d, 10a and 10b:

A. CD 3

- eliminating from within an existing R3-2 District a C1-2 District bounded by:
 - a line 150 feet northeasterly of Astoria Boulevard, 95th Street, Astoria Boulevard, 96th Street, a line 150 feet southwesterly of Astoria Boulevard, and 94th Street;
 - a line 150 feet northeasterly of Astoria Boulevard, 99th Street, Astoria Boulevard, 100th Street, a line 150 feet southwesterly of Astoria Boulevard, 98th Street, Astoria Boulevard, and 97th Street; and
 - a line 150 feet northeasterly of Astoria Boulevard, Gillmore Street, Astoria Boulevard, 105th Street, a line 150 feet southwesterly of Astoria Boulevard, 103rd Street, Astoria Boulevard, and 29th Avenue;
- eliminating from within an existing R4 District a C1-2 District bounded by a line 150 feet northerly of 31st Avenue, 92nd Street, 31st Avenue, and 90th Street;
- eliminating from within an existing R3-2 District a C2-2 District bounded by Astoria Boulevard, 88th Street, a line perpendicular to the easterly street line of 88th Street distant 140 feet northerly (as measured along the street line) from the easterly street line of 88th Street and the northeasterly

street line of Astoria Boulevard, 89th Street, a line 100 feet northeasterly of Astoria Boulevard, a line 100 feet northerly of 25th Avenue, 90th Place, a line 150 feet northerly of 25th Avenue, 92nd Street, 25th Avenue, and 87th Street;

- eliminating from within an existing R4 District a C2-2 District bounded by:
 - Astoria Boulevard, 24th Avenue, 85th Street, a line 150 feet southwesterly of Astoria Boulevard, and 82nd Street; and
 - 25th Avenue, 92nd Street, a line 125 feet southwesterly of Astoria Boulevard, 91st Street, a line 150 feet southwesterly of Astoria Boulevard, 90th Street, Astoria Boulevard, the westerly boundary line of a park and its northerly prolongation, a line 150 feet southerly of 25th Avenue, and 88th Street;
- changing from an R4 District to an R2A District property bounded by:
 - 25th Avenue, 84th Street, 30th Avenue, and a line midway between 83rd Street and 84th Street; and
 - a line 100 feet southwesterly of Astoria Boulevard, a line midway between 90th Street and 91st Street, 30th Avenue, and a line midway between 89th Street and 90th Street;
- changing from an R3-2 District to an R3A District property bounded by:
 - a line 100 feet southwesterly of Astoria Boulevard, a line midway between 94th Street and 95th Street, 30th Avenue, and 94th Street; and
 - Ditmars Boulevard, 102nd Street, Ericsson Street, a line 87 feet southeasterly of 24th Avenue, Curtis Street, a line 100 feet northwesterly of 25th Avenue,
 - Humphreys Street, 100th Street, 24th Avenue, and 101st Street and its northwesterly centerline prolongation;
- changing from an R4 District to an R3A District property bounded by:
 - a line 100 feet southwesterly of Astoria Boulevard, 94th Street, 30th Avenue, a line midway between 93rd Street and 94th Street, 31st Avenue, 93rd Street, 30th Avenue, 92nd Street, a line 100 feet northerly of 31st Avenue, and 91st Street; and
 - 31st Avenue, 92nd Street, 32nd Avenue, and a line midway between 91st Street and 92nd Street;
- changing from an R3-2 District to an R3X District property bounded by:
 - Ditmars Boulevard, 100th Street, 23rd Avenue, a line midway between 99th Street and 100th Street, a line 100 feet northerly of 24th Avenue, 98th Street, 24th Avenue, a line 90 feet westerly of 95th Street, a line 400 feet northerly of 24th Avenue, 97th Street, 23rd Avenue, a line midway between 97th Street and 98th

Street, a line 600 feet northerly of 23rd Avenue, and 97th Street and its northerly centerline prolongation;

- a line 100 feet northerly of 25th Avenue, a line midway between 92nd Street and 93rd Street, a line 340 feet northerly of 25th Avenue, 93rd Street, a line 160 feet southerly of 24th Avenue, 95th Street, a line 100 feet southerly of 24th Avenue, a line midway between 96th Street and 97th Street, a line 100 feet northerly of 25th Avenue, 96th Street, a line 200 feet southerly of 25th Avenue, a line midway between 96th Street and 97th Street, a line 100 feet northeasterly of Astoria Boulevard, 94th Street, 25th Avenue, and 92nd Street; and
- 27th Avenue, Gilmore Street,
 - 25th Avenue,
 - Curtis Street,
 - a line perpendicular to the northeasterly street line of Curtis Street distant 88 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Curtis Street and the northwesterly street line of 25th Avenue,
 - a line 95 feet northeasterly of Curtis Street,
 - a line connecting two points: the first point on Course v distant 35 feet southeasterly (as measured along such course) from its intersection with Course iv, and the second point on the southwesterly street line of Ditmars Boulevard distant 106 feet northwesterly (as measured along the street line from its point of intersection with the northwesterly street line of 25th Avenue,
 - Ditmars Boulevard,
 - a line 125 feet northwesterly of 25th Avenue,
 - Grand Central Parkway,
 - 31st Drive and its northeasterly centerline prolongation, Ditmars Boulevard,
 - Astoria Boulevard, and
 - Kearney Street;
- changing from an R4 District to an R3X District property bounded by 25th Avenue, 94th Street, a line 100 feet northeasterly of Astoria Boulevard, and 92nd Street;
- changing from an R3-2 District to an R3-1 District property bounded by:
 - Ditmars Boulevard, 97th Street and its northerly centerline prolongation, a line 600 feet northerly of 23rd Avenue, a line midway between 97th Street and 98th Street, 23rd Avenue, a line 100 feet westerly of 92nd Street, a line connecting two points: the first point on the last named course distant 504 feet northerly (as measured on such course) from its intersection with the northerly street line of 92nd Street, and the second point on a line perpendicular to the westerly street line of 92nd Street distant 155 feet southerly (as measured along the street line) from the point of intersection of the westerly street line of 92nd Street and the southerly street line of Ditmars Boulevard, and 92nd Street distant 74.5 feet westerly from its intersection with the westerly street line of 92nd Street; and
 - a line 100 feet northerly of 24th Avenue, a

- line midway between 99th Street and 100th Street, 23rd Avenue, 101st Street, 24th Avenue, 100th Street, Humphreys Street, a line 100 feet northwesterly of 25th Avenue, Curtis Street, 25th Avenue, Gillmore Street, 27th Avenue, a line midway between McIntosh Street and Humphreys Street, a line 425 feet northwesterly of 27th Avenue, McIntosh Street, 100th Street, a line 200 feet southerly of 25th Avenue, 99th Street, a line 100 feet southerly of 25th Avenue, and 98th Street;
11. changing from an R3-2 District to an R4 District property bounded by:
- Astoria Boulevard, 87th Street, 25th Avenue, and 85th Street; and
 - a line 100 feet southwesterly of Astoria Boulevard, 100th Street, 31st Avenue, and a line midway between 94th Street and 95th Street;
12. changing from an R3-2 District to an R4B District property bounded by 30th Avenue, a line midway between 94th Street and 95th Street, 31st Avenue, a line midway between 95th Street and 96th Street, Jackson Mill Road, and 94th Street;
13. changing from an R4 District to an R4B District property bounded by a line 100 feet southwesterly of Astoria Boulevard, 85th Street, 25th Avenue, 86th Street, a line 100 feet northerly of 30th Avenue, 88th Street, 25th Avenue, a line midway between 88th Street and 89th Street, a line 100 feet southerly of 25th Avenue, a line 100 feet southwesterly of Astoria Boulevard, a line midway between 89th Street and 90th Street, 30th Avenue, a line midway between 90th Street and 91st Street, a line 100 feet southwesterly of Astoria Boulevard, 91st Street, a line 100 feet northerly of 31st Avenue, 92nd Street, 30th Avenue, 93rd Street, 31st Avenue, a line midway between 93rd Street and 94th Street, 30th Avenue, 94th Street, 32nd Avenue, 92nd Street, 31st Avenue, 86th Street, 30th Avenue, 84th Street, 25th Avenue, a line midway between 83rd Street and 84th Street, 30th Avenue, a line midway between 82nd Street and 83rd Street, 25th Avenue, and 82nd Street;
14. changing from an R3-2 District to an R4-1 District property bounded by 31st Avenue, 103rd Street, a line 100 feet southerly of 31st Avenue, a line 100 feet southwesterly of Astoria Boulevard, 108th Street, 32nd Avenue, 94th Street, Jackson Mill Road, and a line midway between 95th Street and 96th Street;
15. changing from an R3-2 District to an R6B District property bounded by:
- a line 100 feet northeasterly of Astoria Boulevard, 99th Street, Astoria Boulevard, 108th Street, a line 100 feet southwesterly of Astoria Boulevard, a line 100 feet southerly of 31st Avenue, 103rd Street, 31st Avenue, 100th Street, a line 100 feet southwesterly of Astoria Boulevard, and 94th Street;
 - Astoria Boulevard, 88th Street, a line 100 feet northeasterly of Astoria Boulevard, a line 100 feet northerly of 25th Avenue, 92nd Street, 25th Avenue, and 87th Street;
16. changing from an R4 District to an R6B District property bounded by 25th Avenue, 92nd Street, a line 100 feet northeasterly of Astoria Boulevard, 94th Street, a line 100 feet southwesterly of Astoria Boulevard, a line 100 feet southerly of 25th Avenue, and a line midway between 88th Street and 89th Street;
17. establishing within an existing R3-2 District a C1-3 District bounded by ;
- 24th Avenue, a line midway between 85th Street and 86th Street, Astoria Boulevard, and 85th Street;
 - 23rd Avenue, 94th Street, a line 125 feet southerly of 23rd Avenue, and 93rd Street;
 - 23rd Avenue, 97th Street, a line 125 feet southerly of 23rd Avenue, and 96th Street; and
 - a line perpendicular to the southwesterly street line of Kearney Street distant 130 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Kearney Street and the northeasterly street line of Astoria Boulevard, Kearney Street, Astoria Boulevard, and 100th Street;
18. establishing within a proposed R4 District a C1-3 District bounded by 30th Avenue, 98th Street, 31st Avenue, and a line 125 feet westerly of 96th Street;
19. establishing within a proposed R4B District a C1-3 District bounded by:
- a line 100 feet northerly of 31st Avenue, 89th Street, 31st Avenue, and a line midway between 88th Street and 89th Street; and
 - a line 100 feet northerly of 31st Avenue, 92nd Street, 31st Avenue, and 90th Street;
20. establishing within a proposed R6B District a C1-3 District bounded by Astoria Boulevard, 88th Street, a line 100 feet northeasterly of Astoria Boulevard, a line 100 feet northerly of 25th Avenue, 92nd Street, a line 100 feet northeasterly of Astoria Boulevard, 99th Street, Astoria Boulevard, 31st Avenue, 100th Street, a line 100 feet southwesterly of Astoria Boulevard, 98th Street, Astoria Boulevard, 96th Street, a line 100 feet southwesterly of Astoria Boulevard, a line 100 feet southerly of 25th Avenue, a line midway between 88th Street and 89th Street, 25th Avenue, and 87th Street;
21. establishing within an existing R4 District a C2-3

District bounded by Astoria Boulevard, a westerly boundary line of a park and its southerly prolongation, a northerly boundary line of a park and its easterly prolongation, 83rd Street, 24th Avenue, 85th Street, a line 100 feet southwesterly of Astoria Boulevard, and 82nd Street;

22. establishing within a proposed R6B District a C2-3 District bounded by Astoria Boulevard, 108th Street, a line 100 feet southwesterly of Astoria Boulevard, a line 100 feet southerly of 31st Avenue, 103rd Street, and 31st Avenue;
- B. CD 4**
- eliminating from within an existing R6B District a C1-2 District bounded by:
 - Roosevelt Avenue, Junction Boulevard, 40th Road, and Warren Street; and
 - Roosevelt Avenue, 104th Street, 41st Avenue, and National Street;
 - eliminating from within an existing R6 District a C1-3 District bounded by Roosevelt Avenue, Aske Street, Whitney Avenue, a line 100 feet southerly of Roosevelt Avenue, a line perpendicular to the northeasterly street line of Case Street distant 175 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Case Street and the southeasterly street line of Elmhurst Avenue, Case Street, and Elmhurst Avenue;
 - eliminating from within an existing R6B District a C1-3 District bounded by Roosevelt Avenue, 98th Street, a line 100 feet southerly of Roosevelt Avenue, a line midway between Junction Boulevard and 97th Street, 40th Road, and Junction Boulevard;
 - eliminating from within an existing R5 District a C2-2 District bounded by Roosevelt Avenue, Warren Street, a line 100 feet southerly of Roosevelt Avenue, and 94th Street;
 - eliminating from within an existing R6 District a C2-2 District bounded by Roosevelt Avenue, 94th Street, a line 100 feet southerly of Roosevelt Avenue, and Aske Street;
 - eliminating from within an existing R6B District a C2-2 District bounded by:
 - Roosevelt Avenue, National Street, 41st Avenue, and a line 150 feet westerly of National Street; and
 - Roosevelt Avenue, 114th Street, a line midway between Roosevelt Avenue and 41st Avenue, and a line 100 feet southwesterly of 111th Street;
 - establishing within an existing R6B District a C1-4 District bounded by:
 - Roosevelt Avenue, 98th Street, a line 100 feet southerly of Roosevelt Avenue, a line midway between Junction Boulevard and 97th Street, 40th Avenue, Junction Boulevard, 40th Road, and Warren Street; and
 - Roosevelt Avenue, 111th Street, a line midway between Roosevelt Avenue and 41st Avenue, a line 100 feet northeasterly of 108th Street, 41st Avenue, 108th Street, a line midway between Roosevelt Avenue and 41st Avenue, a line 100 feet northeasterly of 104th Street, 41st Avenue, 104th Street, 41st Avenue, National Street, 41st Avenue, 102nd Street, a line 100 feet westerly of National Street, a line 100 feet southerly of Roosevelt Avenue, 102nd Street, Spruce Avenue, and 100th Street;
 - establishing within an existing R5 District a C2-4 District bounded by Roosevelt Avenue, Warren Street, a line 100 feet southerly of Roosevelt Avenue, and 94th Street;
 - establishing within an existing R6 District a C2-4 District bounded by Roosevelt Avenue, 94th Street, a line 100 feet southerly of Roosevelt Avenue, a line perpendicular to the northeasterly street line of Case Street distant 175 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Case Street and the southeasterly street line of Elmhurst Avenue, Case Street, and Elmhurst Avenue; and
 - establishing within an existing R6B District a C2-4 District bounded by Roosevelt Avenue, 114th Street, a line midway between Roosevelt Avenue and 41st Avenue, and 111th Street;
- as shown on a diagram (for illustrative purposes only) dated June 3, 2013 and subject to the conditions of CEQR Declaration E-314.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
22 Reade Street, Room 2E
New York, New York 10007
Telephone (212) 720-3370

a8-21

COMMUNITY BOARDS

PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 1 - Tuesday, August 13, 2013 at 6:30 P.M., Automotive High School, 50 Bedford Avenue, Brooklyn, NY

#140019HAK

Greenpoint Landing
 IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City

Charter, Urban Development Action Area Project (UDAAP) designation, project approval and disposition of city-owned property to facilitate the development of 431-units of affordable housing and 1.4 acres of new parkland.

a7-13

EQUAL EMPLOYMENT PRACTICES COMMISSION

PUBLIC MEETING

The next meeting of the Equal Employment Practices Commission will be held in the Commission's Conference Room/Library at 253 Broadway (Suite 602) on Thursday, August 15th, 2013 at 9:15 A.M.

a9-15

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee will hold a Public Meeting on Wednesday, August 14, 2013 at 2:30 P.M., at 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD users should call Verizon relay service.

a5-14

LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **August 13, 2013 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-1293 - Block 2574, lot 39-826 Manhattan Avenue-Greenpoint Historic District A one-story commercial building designed by Samuel Gardstein and built in 1938. Application is to install illuminated signage. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-7437 - Block 1959, lot 13-417 Clermont Avenue-Fort Greene Historic District An Italianate style rowhouse built c. 1866. Application is to replace windows and construct a rear yard addition. Zoned R-6B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-4900 - Block 1977, lot 10-473 Clinton Avenue-Clinton Hill Historic District A neo-Grec style rowhouse designed by John Mumford and built in 1878. Application is to install a rooftop deck and railings. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-5474 - Block 196, lot 15-208 Dean Street - Boerum Hill Historic District An Italianate style house built in 1852-53. Application is to alter the front areaway. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 14-4551 - Block 216, lot 13-56 Middagh Street -Brooklyn Heights Historic District A Federal style frame house with Greek Revival style details built in 1829. Application is to legalize alterations to the rear facade completed in non-compliance with Landmarks Preservation Commission permits. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 13-7503 - Block 1164, lot 42-230 Park Place-Prospect Heights Historic District An Art Deco style apartment building designed by Philip Birnbaum and built in 1937. Application is to establish a Master Plan governing the installation of windows. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6425 - Block 51, lot 31-86 Trinity Place aka 78-86 Trinity Place aka 113-23 Greenwich Street. -New York Curb Exchange, Later American Stock Exchange Building-Individual Landmark A through block exchange building built in two phases with a simplified neo-Renaissance style facade on Greenwich Street, built in 1920-21 and an Art-Deco style facade on Trinity Place, built in 1930-31 designed by Starrett and Van Vleck. Application is alter the facades at the first and second floors, and install signage. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6038 -Block 174, lot 28-71-73 Franklin Street-Tribeca East Historic District An Italianate/Second Empire style store and loft building built in 1859-1861. Application is to construct a rooftop addition and modify storefront infill. Zoned C6-2A. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14 -5361 -Block 229, lot 30-29 Greene Street-SoHo-Cast Iron Historic District A store building designed by J. Webb & Son and built in 1877-78. Application is to construct a five-story addition, remove a loading dock, and install new storefront infill. Zoned M1-5B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-9570 - Block 522, lot 5-

158 Crosby Street-NoHo Historic District A neo-Grec style store and loft building built in 1880-1882. Application is to install a canopy and doors. Zoned M1-5B. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5658 - Block 670, lot 70-239 11th Avenue-West Chelsea Historic District
An Industrial neo-Classical style warehouse and freight terminal designed by Maurice Alvin Long, and built in 1912-13. Application is to alter the ground floor and install storefront infill and construct a steel stair and platform. Community District 4.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6054 - Block 1290, lot 7502-699-703 Fifth Avenue, aka 2-12 East 55th Street-St. Regis Hotel-Individual Landmark A Beaux-Arts style hotel building designed by Trowbridge & Livingston and built in 1901-04, with an extension designed by Sloan & Robertson and built in 1927. Application is to replace storefront infill. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5757 - Block 1121, lot 6-65 West 68th Street-Upper West Side/Central Park West Historic District A Renaissance Revival style rowhouse designed by Edward Kilpatrick and built in 1893-94. Application is to install a barrier-free access lift. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5523 - Block 1141, lot 126-115 West 69th Street-Upper West Side/Central Park West Historic District A Renaissance Revival style rowhouse with Romanesque Revival style elements designed by Thom & Wilson and built in 1891. Application is to excavate the front areaway to create a light well and to alter the rear facade. Zoned R8B. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 13-1817 - Block 1150, lot 48-140 West 79th Street-Upper West Side/Central Park West Historic District
A neo-Tudor style apartment building designed by Rose & Goldstone and built in 1913-1914. Application is to construct a rooftop addition. Zoned R10-A. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-0615 - Block 1251, lot 37-186 Riverside Drive-Riverside/West End Historic District A neo-Renaissance style apartment building, designed by Emery Roth and built in 1927-28. Application is to alter the penthouse. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-5860 - Block 1086, lot 83-393 West End Avenue-West End-Collegiate Historic District Extension A Colonial Revival style apartment building designed by Goldner & Goldner and built in 1927. Application is to construct a rooftop bulkhead and elevator room. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-4953 - Block 1506, lot 5-1 East 94th Street-Carnegie Hill Historic District
A townhouse originally built in 1893-95, and altered in 1925 by Cas Gilbert. Application is to modify an existing rooftop addition. Community District 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 14-6547 - Block 1392, lot 70-965 Fifth Avenue - Upper East Side Historic District
A Classicizing Modern style apartment building designed by Irving Margon and built in 1937. Application is to alter window openings. Community Board 8.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF THE BRONX 14-5502 - Block 5813, lot 80-4503 Fieldston Road-Fieldston Historic District A Tudor Revival style house built in 1927-28 and designed by Leo J. Fernschild. Application is to alter an addition.

Community District 8.

Community District 8.

TRANSPORTATION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, August 28, 2013. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing 167 Lafayette LLC to construct, maintain and use a stoop, a fenced-in area and cornice on and above the north sidewalk of Lafayette Avenue, west of Adelphi Street, and on and above the west sidewalk of Adelphi Street, north of Lafayette Avenue, at 167 Lafayette Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2024 - \$25/annum.

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#2 In the matter of a proposed revocable consent authorizing 167 Lafayette LLC to construct, maintain and use a fenced-in area, together with part of a stoop, and a cornice on and above the west sidewalk of Adelphi Street, north of Lafayette Avenue, at 332 Adelphi Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2024 - \$25/annum.

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Five Million Dollars (\$5,000,000) aggregate.

#3 In the matter of a proposed revocable consent authorizing 375 Lafayette Street Properties, LLC to construct, maintain

and use planted areas on the north sidewalk of Great Jones Street, east of Lafayette Street and on the east sidewalk of Lafayette Street, north of Great Jones Street at 28 Great Jones Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2024 - \$433/annum.

the maintenance of a security deposit in the sum of \$8,000 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#4 In the matter of a proposed revocable consent authorizing 375 Lafayette Street Properties, LLC to construct, maintain and use planted areas on the north sidewalk of Great Jones Street, between Lafayette Street and Bowery Street, at 32 Great Jones Street in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of approval by the Mayor to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2024 - \$174/annum.

the maintenance of a security deposit in the sum of \$2,000 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#5 In the matter of a proposed revocable consent authorizing 1211 6th Avenue Property Owner LLC and 1221 Avenue Holdings LLC to continue to maintain and use a passageway under and across West 48th Street, west of Avenue of the Americas, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among others terms and conditions for compensation payable to the city according to the following schedule:

For the period July 1, 2013 to June 30, 2014 - \$132,069
For the period July 1, 2014 to June 30, 2015 - \$135,754
For the period July 1, 2015 to June 30, 2016 - \$139,439
For the period July 1, 2016 to June 30, 2017 - \$143,124
For the period July 1, 2017 to June 30, 2018 - \$146,809
For the period July 1, 2018 to June 30, 2019 - \$150,494
For the period July 1, 2019 to June 30, 2020 - \$154,179
For the period July 1, 2020 to June 30, 2021 - \$157,864
For the period July 1, 2021 to June 30, 2022 - \$161,549
For the period July 1, 2022 to June 30, 2023 - \$165,234

the maintenance of a security deposit in the sum of \$59,834.28 and the insurance shall be the amount of One Million Two Hundred Fifty Thousand Dollars (1,250,000) per occurrence, and Five Million Dollars (\$5,000,000) aggregate.

#6 In the matter of a proposed revocable consent authorizing 1221 Avenue Holdings LLC to continue to maintain and use lampposts, together with electrical conduits, on and in the sidewalk areas of West 48th Street, West 49th Street and Avenue of the Americas, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2013 to June 30, 2023 - 3,000/annum.

the maintenance of a security deposit in the sum of \$3,244.63 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and two Million Dollars (\$2,000,000) aggregate.

#7 In the matter of a proposed revocable consent authorizing 1251 Americas Associates II, L.P. to continue to maintain and use lampposts, together with electrical conduits, in and on the sidewalk areas of West 49th Street, West 50th Street and Avenue of the Americas, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period from July 1, 2013 to June 30, 2023 - \$3,000/annum.

the maintenance of a security deposit in the sum of \$3,244.63 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and two Million Dollars (\$2,000,000) aggregate.

#8 In the matter of a proposed revocable consent authorizing IMTT-Pipeline to continue to maintain and use a pipeline passing under Arthur Kill, Washington Avenue North, Washington Avenue South, Parcel "A", Western Avenue, Richmond Terrace and Newark Bay, all in the Borough of Staten Island. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2013 to June 30, 2014 - \$10,234
For the period July 1, 2014 to June 30, 2015 - \$10,520
For the period July 1, 2015 to June 30, 2016 - \$10,806
For the period July 1, 2016 to June 30, 2017 - \$11,092
For the period July 1, 2017 to June 30, 2018 - \$11,378
For the period July 1, 2018 to June 30, 2019 - \$11,664
For the period July 1, 2019 to June 30, 2020 - \$11,950
For the period July 1, 2020 to June 30, 2021 - \$12,236
For the period July 1, 2021 to June 30, 2022 - \$12,522
For the period July 1, 2022 to June 30, 2023 - \$12,808

the maintenance of a security deposit in the sum of \$12,900 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Thirty Five Million Dollars (\$35,000,000) aggregate.

#9 In the matter of a proposed revocable consent authorizing RCPI Landmark Properties, LLC to continue to maintain and use vehicular and pedestrian passageways under and across West 49th and West 50th Streets, between Fifth Avenue and Avenue of the Americas, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2013 to June 30, 2023 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2013 to June 30, 2014 - \$658,661
For the period July 1, 2014 to June 30, 2015 - \$677,038
For the period July 1, 2015 to June 30, 2016 - \$695,415
For the period July 1, 2016 to June 30, 2017 - \$713,792
For the period July 1, 2017 to June 30, 2018 - \$732,169
For the period July 1, 2018 to June 30, 2019 - \$750,546
For the period July 1, 2019 to June 30, 2020 - \$768,923
For the period July 1, 2020 to June 30, 2021 - \$787,300
For the period July 1, 2021 to June 30, 2022 - \$805,677
For the period July 1, 2022 to June 30, 2023 - \$824,054

the maintenance of a security deposit in the sum of \$23,000 and the insurance shall be in the amount of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) per occurrence, and Five Million Dollars (\$5,000,000) aggregate.

#10 In the matter of a proposed revocable consent authorizing SP Great Jones, LLC to construct, maintain and use planted areas on the north sidewalk of Great Jones Street, between Lafayette Street and Bowery Street, in front of the property located at 30 Great Jones Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2024 - \$78/annum.
the maintenance of a security deposit in the sum of \$1,100 and the insurance shall be in the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

a8-28

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

NOTICE

ASSET MANAGEMENT PROPOSED LEASES OF CERTAIN NEW YORK CITY REAL PROPERTY PUBLIC LEASE AUCTION BY SEALED BID

PUBLIC NOTICE IS HEREBY GIVEN THAT the Department of Citywide Administrative Services, Asset Management proposes to offer leases at public auction by sealed bid for the below listed properties.

In accordance with Section 384 of the New York City Charter, a public hearing will be held regarding the proposed leases on Wednesday, September 25, 2013, 22 Reade Street, 2nd Floor Conference Room, Borough of Manhattan, commencing at 10:00 A.M.

These properties will be leased in accordance with the Standard Terms and Conditions and the Special Terms and Conditions printed below.

If approved for lease by the Mayor of the City of New York, the time and place of the sealed bid lease auction will be separately advertised in *The City Record*.

Further information, including public inspection of the Terms and Conditions and the proposed leases, may be obtained at 1 Centre Street, 20th Floor North, New York, New York 10007. To schedule an inspection, please contact Shelley Goldman at (212) 386-0608 or sgoldman@dcas.nyc.gov.

Note: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th Floor, New York, New York 10007, (212) 788-7490, no later than **SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING**. TDD users should call Verizon relay services.

PREMISES ADDRESS: 127 East 105th Street
LOCATION: East 105th Street between Park Avenue and Lexington Avenue
BOROUGH: Manhattan
BLOCK: 1633
LOT: 13
PROPERTY TYPE: 3 Story Building
SQUARE FOOTAGE: Approximately 8,800
USE: Community Facility
ZONE: R7-2/C1-5
LEASE TERM: Five (5) Years
RENEWAL TERMS: One (1) five (5) year renewal term
MINIMUM **ANNUAL BID**: \$85,824

RATE OF ANNUAL INCREASE: The annual rental shall be increased by 3% per annum compounded every year or by the Consumer Price Index whichever is greater for the balance of the lease term including the renewal term, if applicable, with the first escalation occurring at the first anniversary of the Lease Commencement Date.

SPECIAL TERM AND CONDITION: There is presently a boiler (the "boiler") in the cellar of 127 East 105th Street that can be accessed by way of an underground tunnel, which connects the cellars of 127 East 105th Street and 1680 Lexington Avenue. This boiler operates as a shared utility for both buildings. Pursuant to a Declaration of Restrictions dated April 27, 2011, which shall be made part of the proposed long term lease, the boiler shall be shall be maintained and repaired by the fee owner or agent of 1680 Lexington Avenue. The fee owner or agent of 1680 Lexington Avenue shall be permitted to enter through the underground tunnel to make necessary repairs and perform regular maintenance. If the boiler is replaced, it will be of a similar make model and performance, and shall stand upon the same location. In the event that either 1680 Lexington Avenue, or 127 East 105th Street, shall come under separate ownership, the cost of repair or replacement of the boiler shall be equally borne by the fee owners of each building. This special term and condition will continue in perpetuity or until such time that a separate boiler is installed in 1680 Lexington Avenue. A copy of the proposed long term lease and the Declaration of Restrictions is available at the offices of DCAS.

PREMISES ADDRESS: 8501 Fifth Avenue
LOCATION: East side of Fifth Avenue, approximately 18 feet south of 85th Street
BOROUGH: Brooklyn
BLOCK: 6036
LOT: Part of Lot 1
PROPERTY TYPE: Ground floor retail store and basement space
SQUARE FOOTAGE: Approximately 2,352 square feet on ground floor and 2,352 square feet of basement space
USE: As of Right
ZONE: C4-2A
LEASE TERM: Five (5) Years
RENEWAL TERMS: Two (2) five (5) year renewal terms
MINIMUM **ANNUAL BID**: \$90,240

RATE OF ANNUAL INCREASE: The annual rental shall be increased by 3% per annum compounded every year or by the Consumer Price Index whichever is greater for the balance of

the lease term including the renewal term, if applicable, with the first escalation occurring at the first anniversary of the Lease Commencement Date.

SPECIAL TERM AND CONDITION: At the request of the highest qualified bidder, the City and said bidder will enter into a Revocable License Agreement (the "License") in form as acceptable to the City, for use of the Premises for the sole and exclusive purpose of conducting activities to prepare the Premises for occupancy pursuant to the contemplated long term lease. Use of the Premises under the License shall be strictly limited to architectural, engineering and construction work of a non-structural nature, and for no other purpose. The License fee shall be Ten Dollars (\$10.00) per month and shall not exceed sixty (60) calendar days. The day after the expiration of such License shall be the Commencement Date of the Lease.

PREMISES ADDRESS: 195-05 Linden Boulevard
LOCATION: Northeast Corner of Linden Boulevard and 195th Street
BOROUGH: Queens
BLOCK: 11067
LOT: 40
PROPERTY TYPE: 2 Story Building
SQUARE FOOTAGE: Approximately 17,400
USE: Community Facility
ZONE: R5B, C1-3
LEASE TERM: Five (5) Years
RENEWAL TERMS: One (1) five (5) year renewal term
MINIMUM ANNUAL BID: \$96,960

RATE OF ANNUAL INCREASE: The annual rental shall be increased by 3% per annum compounded every year or by the Consumer Price Index whichever is greater for the balance of the lease term including the renewal term, if applicable, with the first escalation occurring at the first anniversary of the Lease Commencement.

jy22-s25

CITYWIDE PURCHASING

NOTICE

The Department of Citywide Administrative Services, Office of Citywide Purchasing is currently selling surplus assets on the internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>. To begin bidding, simply click on "Register" on the home page. There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more. Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Purchasing, 1 Centre Street, 18th Floor, New York, NY 10007.

jy24-d1

POLICE

OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.

The following listed property is in the custody, of the Property Clerk Division without claimants. Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

FOR MOTOR VEHICLES

(All Boroughs):

- * Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555
- * Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

FOR ALL OTHER PROPERTY

- * Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906.
- * Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- * Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- * Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- * Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

PROCUREMENT

"Compete To Win" More Contracts!
Thanks to a new City initiative - "Compete to Win" - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.

- Win More Contracts at nyc.gov/competetowin

"The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation

in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence."

BROOKLYN NAVY YARD

ENGINEERING UNIT

SOLICITATIONS

Construction / Construction Services

WINDOW REPLACEMENT AND EXTERIOR WALL RESTORATION AT BUILDING 20 – Competitive Sealed Bids – PIN# 090187 – DUE 09-17-13 AT 12:00 P.M. – Bid documents will be available on August 14, 2013. A non-refundable certified check or money order for \$100.00 is required. A mandatory pre-bid conference meeting will be held at BNYDC's offices: Building 292, Third Floor on August 23, 2013 at 10:00 A.M. Failure to attend will result in bidder disqualification.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Brooklyn Navy Yard Development Corporation,
63 Flushing Avenue, Building 292, Brooklyn, NY 11205.
Kerby Menardy (718) 907-5959; Fax: (718) 643-9296;
kmenardy@brooklynnavyard.com

a9

BUILDINGS

PURCHASING UNIT

INTENT TO AWARD

Goods & Services

UNIVERSAL INVENTORY SOFTWARE – Sole Source – Available only from a single source - PIN# 81014ADM0113 – DUE 08-22-13 AT 12:00 P.M. – Any vendor/firm that believes it can provide the required goods and services may so indicate by mail or email to the contact person listed by the date and time indicated.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Buildings, 280 Broadway, 6th Floor,
New York, NY 10007. Marie Gill (212) 393-2166;
mgill@buildings.nyc.gov

a7-13

CITYWIDE ADMINISTRATIVE SERVICES

AWARDS

Goods

CHEESE AND MARGARINE - D.O.C. – Competitive Sealed Bids – PIN# 8571300285 – AMT: \$155,600.40 – TO: Universal Atlantic Inc., 4604 17th Avenue, Brooklyn, NY 11204.

a9

FRUITS AND VEGETABLES, FRESH - D.O.C.

– Competitive Sealed Bids – PIN# 8571300028 – AMT: \$966,555.80 – TO: Frank Gargiulo and Son, Inc., 535 Sweetland Avenue, Hillside, NJ 07205.

a9

CITYWIDE PURCHASING

SOLICITATIONS

Services (Other Than Human Services)

PUBLIC SURPLUS ONLINE AUCTION – Other – PIN# 0000000000 – DUE 12-31-14.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Citywide Administrative Services,
66-26 Metropolitan Avenue, Queens Village, NY 11379.
Donald Lepore (718) 417-2152; Fax: (212) 313-3135;
dlepore@dcas.nyc.gov

s6-f25

MUNICIPAL SUPPLY SERVICES

SOLICITATIONS

Goods

BAKERY PRODUCTS - DRY MILK FOR DOC – Competitive Sealed Bids – PIN# 8571400026 – DUE 08-23-13 AT 10:00 A.M. – A copy of the bid can be downloaded from the City Record Online site at <http://a856-internet.nyc.gov/nycvendoronline/home.asp>. Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at dcasdmssbids@dcas.nyc.gov, by telephone at (212) 669-8610 or by fax at (212) 669-7603.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Citywide Administrative Services,
1 Centre Street, 18th Floor, New York, NY 10007.
Edith Fezzuoglio (212) 669-8589; Fax: (212) 313-3164;
efezzuo@dcas.nyc.gov

City Certified Minority and Women - Owned Business Enterprises (M/WBEs) are encouraged to respond to all DCAS solicitations for competitive Bids/Proposals.

a9

VENDOR LISTS

Goods

EQUIPMENT FOR DEPARTMENT OF SANITATION – In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

A. Collection Truck Bodies

B. Collection Truck Cab Chassis
C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Mr. Edward Andersen, Procurement Analyst, Department of Citywide Administrative Services, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8509.

j2-d31

COMPROLLER

AWARDS

Services (Other Than Human Services)

STATUTORY 50-H HEARINGS AND ANCILLARY SERVICES – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 01513BLA005 – AMT: \$1,309,332.00 – TO: Krez and Flores LLP, 225 Broadway, Suite 705, New York, NY 10007-3791.

a9

CULTURAL AFFAIRS

SOLICITATIONS

Goods

NATIONAL DANCE INSTITUTE STEINWAY PIANOS – Sole Source – Available only from a single source - PIN# 12614S0001 – DUE 08-29-13 AT 5:00 P.M. – Vendors may express their interests in providing similar goods, services, or construction in the future by contacting DCLA, 31 Chambers Street, 2nd Floor, NY, NY 10007. Attn: Louise Woehrle, ACCO, (212) 513-9310; lwoehrle@culture.nyc.gov

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Cultural Affairs, ACCO, 31 Chambers Street,
2nd Floor, New York, NY 10007.
Louise Woehrle (212) 513-9310; lwoehrle@culture.nyc.gov

a8-14

KINGS COUNTY DISTRICT ATTORNEY'S OFFICE

AWARDS

Goods & Services

TELECOMMUNICATION INSTALL MOVES, ADD, REPAIR, MAINTENANCE – Renewal – PIN# 90310TEL0001 – AMT: \$550,000.00 – TO: B and G Interconnect, Inc., 115 Dewey Avenue, Staten Island, NY 10308-2102.

a9

DESIGN & CONSTRUCTION

CONTRACT

SOLICITATIONS

Construction / Construction Services

RECONSTRUCTION OF PLAZA DE LAS AMERICAS WEST 175TH STREET BETWEEN BROADWAY AND ST. NICHOLAS AVENUE, MANHATTAN – Competitive Sealed Bids – PIN# 85013B0117 – DUE 09-10-13 AT 11:00 A.M. – PROJECT NO.: HWPLZ009M/DDCPIN: 8502013HW0036C. Experience Requirements. Apprenticeship participation requirements apply to this contract. Bid documents are available at: <http://www.nyc.gov/buildnyc>

This bid solicitation includes M/WBE participation goal(s). For the M/WBE goals, please visit our website at www.nyc.gov/buildnyc see "Bid Opportunities." To find out more about M/WBE certification visit www.nyc.gov/getcertified or call the DSBS certification helpline at (212) 513-6311. Vendor Source ID#: 84935.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Bid Document Deposit - \$35.00 per set. Company Check or Money Order only. No cash accepted. Late bids will not be accepted.
Department of Design and Construction,
30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Ben Perrone (718) 391-2200; Fax: (718) 391-2615.

a9

EDUCATION

CONTRACTS AND PURCHASING

SOLICITATIONS

Goods & Services

REPAIR AND INSTALLATION OF IRONWORK AND WELDING – Competitive Sealed Bids – PIN# B2312040 – DUE 09-25-13 AT 4:00 P.M. – The Contractor shall provide all labor, material, and supervision required and necessary to repair, replace and/or install steel stairs, fire escapes, rails and railings, decorative iron work, steel ladders, access doors, areaway gratings, chimney straps, chimney caps, and similar metal construction. If you cannot download this BID, please send an e-mail to VendorHotline@schools.nyc.gov with the BID number and title in the subject line of your e-mail. For all questions related to this BID, please send an e-mail to sepstei@schools.nyc.gov with the BID Number and title in the subject line of your e-mail.
Bid Opening Date and Time: September 26, 2013 at 11:00 A.M.

Pre-Bid Conference: Wednesday, August 28, 2013, at 65 Court Street, 12th Floor, Conference Room 1201, Brooklyn, NY 11201.

The New York City Department of Education (DOE) strives to give all businesses, including Minority and Women-Owned Business Enterprises (M/WBEs), an equal opportunity to compete for DOE procurements. The DOE's mission is to provide equal access to procurement opportunities for all qualified vendors, including M/WBEs, from all segments of

the community. The DOE works to enhance the ability of M/WBEs to compete for contracts. DOE is committed to ensuring that M/WBEs fully participate in the procurement process.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Education, 65 Court Street, Room 1201, Brooklyn, NY 11201. Vendor Hotline (718) 935-2300; vendorhotline@schools.nyc.gov

ENVIRONMENTAL PROTECTION

AGENCY CHIEF CONTRACTING OFFICER

■ SOLICITATIONS

Construction Related Services

GI-DCM TOC: TASK ORDER CONTRACT FOR DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR GREEN INFRASTRUCTURE – Request for Proposals – PIN# 82613OGIDCMS – DUE 09-13-13 AT 4:00 P.M. – DEP seeks the services of up to four consultants to provide design and construction management services for the Department's Green Infrastructure ("GI") projects. Each "Task Order" shall consist of design and/or construction management services within a Combined Sewer Overflow ("CSO") Tributary Area.

Pre-proposal Conference: August 22, 2013, 2:00 P.M.; New York City Department of Environmental Protection, 59-17 Junction Boulevard, 3rd Floor Cafeteria, Flushing, NY 11373.

Minimum Qualification Requirements: Consultant shall have at least one (1) active Professional Engineer ("P.E.") licensed in the State of New York.

This solicitation has M/WBE goals per LLI.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Environmental Protection, 59-17 Junction Blvd., 17th Floor Bid Room, Flushing, NY 11373.
Jeanne Schreiber (718) 595-3456; Fax: (718) 595-3278; Jeanne@dep.nyc.gov

■ INTENT TO AWARD

Services (Other Than Human Services)

ADMINISTRATION OF A PUBLIC EDUCATION PROGRAM - PHASE II – Sole Source – Available only from a single source - PIN# 82614S0001 – DUE 08-28-13 AT 4:00 P.M. – DEP intends to enter into a Sole Source Agreement with Catskill Watershed Corporation for CAT-436: Administration of a Public Education Program - Phase II. The Catskill Watershed Corporation is the locally-based and locally administered not-for-profit corporation established pursuant to the Watershed MOA to implement watershed protection and partnership programs in the West of Hudson Watershed. The Watershed MOA recognized that in order to gain the cooperation of the upstate watershed communities in the City's efforts to protect its water supply, local communities must have a meaningful role in the watershed protection programs. For that reason, the Watershed MOA provided that watershed protection programs be implemented and managed by a locally based, locally administered not-for-profit corporation. A locally based, locally administered entity representing the diverse interests of watershed communities is able to overcome many of the obstacles historically faced by DEP. Any firm which believes it can also provide the required service in the future is invited to so, indicated by letter which must be received no later than August 28, 2013, 4:00 P.M. at: Department of Environmental Protection, Agency Chief Contracting Officer, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373. Attn: Ms. Debra Butlien, dbutlien@dep.nyc.gov; (718) 595-3423.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Environmental Protection, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373.
Debra Butlien (718) 595-3423; Fax: (718) 595-3208; dbutlien@dep.nyc.gov

a8-14

FINANCE

■ INTENT TO AWARD

Services (Other Than Human Services)

MISCELLANEOUS BANKING SERVICES – Negotiated Acquisition – PIN# 83614N0001 – DUE 08-23-13 AT 3:00 P.M. – This negotiation is between Capital One Bank and the New York City Department of Finance.

This notice is required as per the Procurement Policy Board Rules of the City of New York. This is not a solicitation for work. It is an announcement only regarding the business of the City of New York.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Finance, 1 Centre Street, Room 1040, New York, NY 10007. Adenike Bamgboye (212) 669-4264; bamgboye@finance.nyc.gov

a8-14

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New

York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-4018.

j1-d31

■ SOLICITATIONS

Services (Other Than Human Services)

HEALTH CARE CONSULTING SERVICES – Request for Proposals – PIN# DCN2123 – DUE 08-29-13 AT 4:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Health and Hospitals Corporation, 160 Water Street Room 1138, New York, NY 10038.
Susan Fung (212) 788-9696; Susan.Fung@nychhc.org

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■ MATERIALS MANAGEMENT

■ SOLICITATIONS

Goods & Services

FOREIGN LANGUAGE INTERPRETER SERVICES – Competitive Sealed Bids – PIN# 033-0041 – DUE 08-27-13 AT 10:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Health and Hospitals Corporation, 346 Broadway, 5th Floor, Room 516, New York, NY 10013-3990.
Sherry Lloyd (212) 442-3863; Fax: (212) 442-3872; sherry.lloyd@nychhc.org

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HOUSING AUTHORITY

■ SOLICITATIONS

Goods & Services

JOB ORDER CONTRACT FOR PLUMBING RENOVATION WORK – Competitive Sealed Bids – DUE 09-12-13 –

RFQ# 59801 - Various Developments - located in The Bronx North Due at 10:00 A.M.

RFQ# 59802 - Various Developments - located in The Bronx South Due at 10:05 A.M.

RFQ# 59803 - Various Developments - located in Queens Due at 10:10 A.M.

RFQ# 59804 - Various Developments - located in Staten Island Due at 10:15 A.M.

Interested firms may obtain a copy and submit it on NYCHA's website: Doing Business with NYCHA. [Http://www.nyc.gov/html/nycha/html/business.shtml](http://www.nyc.gov/html/nycha/html/business.shtml). Vendors are instructed to access the "Register Here" line for "New Vendor;" if you have supplied goods or services to NYCHA in the past and you have your log-in credentials, click the "Log into iSupplier" link under "Existing Upon access, reference applicable RFQ number per solicitation.

Vendor electing to submit a non-electronic bid (paper document) will be subject to a \$25.00 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department at 90 Church Street, 6th Floor, New York, NY 10007; obtain receipt and present it to 6th Floor, Supply Management Dept., Procurement Group. A bid package will be generated at time of request.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007. Erneste Pierre-Louis (212) 306-3609; Fax: (212) 306-5109; Erneste.Pierre-Louis@nycha.nyc.gov

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Construction / Construction Services

GAS PIPING REPLACEMENT AT VARIOUS DEVELOPMENTS-CITYWIDE – Competitive Sealed Bids – PIN# PL1307265 – DUE 08-30-13 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA. Documents can also be obtained by registering with I-supplier and downloading documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Housing Authority, 90 Church Street, New York, NY 10007.
Vaughn Banks (212) 306-6727; Fax: (212) 306-5152; vaughn.banks@nycha.nyc.gov

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HOUSING PRESERVATION & DEVELOPMENT

■ MAINTENANCE

■ AWARDS

Construction Related Services

EMERGENCY DEMOLITION – Competitive Sealed Bids/Pre-Qualified List – Specifications cannot be made sufficiently definite - PIN# 80613E0060001 – AMT: \$248,869.00 – TO: Gateway Demolition Corp., 54-30 48th Street, Suite 3, Maspeth, NY 11378.
● **SANDY DEMOLITION "QB2" - 32 BUILDINGS DAMAGED BY HURRICANE SANDY** – Competitive

Sealed Bids/Pre-Qualified List – Specifications cannot be made sufficiently definite - PIN# 80613E0045001 – AMT: \$110,592.00 – TO: Tucci Equipment Rental Corp., 336 Barretto Street, Bronx, NY 10474.

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NEIGHBORHOOD PRESERVATION

■ AWARDS

Human / Client Services

ANTI-EVICTION AND LEGAL SERVICES – BP/City Council Discretionary – PIN# 80613L0111001 – AMT: \$202,975.00 – TO: MFY Legal Services, 299 Broadway, 4th Floor, New York, NY 10007.

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HUMAN RESOURCES ADMINISTRATION

AGENCY CHIEF CONTRACTING OFFICER

■ AWARDS

Human / Client Services

HOUSING RECOVERY OPERATIONS – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 06914H085401 – AMT: \$50,219,564.00 – TO: Public Financial Management, Inc., Two Logan Square, Suite 1600, Philadelphia, PA 19103-2770. Term: 6/24/2013-6/23/2015. E-PIN: 09613N0004001.

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PARKS AND RECREATION

■ SOLICITATIONS

Goods & Services

CENTRAL PARK MOBILE VENDING LOCATIONS – Public Bid – PIN# CWB2014A DPR – DUE 09-16-13 AT 11:00 A.M. – Sale of Food from mobile food units at various locations at Central Park, Manhattan.

Hard copies of the RFB can be obtained, at no cost, commencing on Wednesday, August 7, 2013 through Monday, September 16, 2013 between the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays, at the Revenue Division of the New York City Department of Parks and Recreation, which is located at 830 Fifth Avenue, Room 407, New York, NY 10065. All bids submitted in response to this RFB must be submitted no later than Monday, September 16, 2013 at 11:00 A.M.

The RFB is also available for download, commencing on Wednesday, August 7, 2013 through Monday, September 16, 2013, on Park's website. To download the RFB, visit www.nyc.gov/parks/businessopportunities, click on the link for "Concessions Opportunities at Parks" and, after logging in, click on the "download" link that appears adjacent to the RFB's description.

There will be a recommended bidder meeting on Monday, August 26, 2013 at 11:00 A.M. We will be meeting at The Arsenal, 830 Fifth Avenue, Gallery (third floor), New York, New York 10065. The Arsenal is located inside Central Park at Fifth Avenue and East 64th Street, Manhattan. If you are considering responding to this RFB, please make every effort to attend this recommended meeting.

For more information or to request to receive a copy of the RFB by mail, prospective bidders may contact Glenn Kaalund, Project Manager, at (212) 360-1397 or via email at glenn.kaalund@parks.nyc.gov
TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)
212-504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, The Arsenal, 830 Fifth Avenue, Gallery, New York, NY 10065.
Glenn Kaalund (212) 360-1397; Fax: (212) 360-3434; glenn.kaalund@parks.nyc.gov

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REVENUE AND CONCESSIONS

■ SOLICITATIONS

Services (Other Than Human Services)

OPERATION AND MAINTENANCE OF A HARBOR CRUISE AND TOUR CONCESSION – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# M5-M-2013 – DUE 08-29-13 AT 3:00 P.M. – At Gangway 1 or Gangway 2 in Battery Park, Manhattan.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)
(212) 504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, NY 10021.
Nate Grove (718) 478-0480; Fax: (212) 360-3434; nate.grove@parks.nyc.gov

gy26-a12

AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, N.Y. 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.

ENVIRONMENTAL PROTECTION

WATER SUPPLY

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held at the Department of Environmental Protection Offices at 59-17 Junction Boulevard, 17th Floor Conference Room, Flushing, New York, on August 22, 2013 commencing at 10:00 A.M. on the following:

IN THE MATTER OF a proposed contract between the Department of Environmental Protection and Catskill Watershed Corporation, P.O. Box 569, Margaretville, New York 12455 for DEL-392: Community Watershed Management Program III. The Contract term shall be 10 years from the date of the written notice to proceed. The Contract amount shall be \$29,500,000.00 - Location: NYC Watershed Region - EPIN 82613S0013.

A copy of the Contract may be inspected at the Department of Environmental Protection, 59-17 Junction Boulevard, Flushing, New York, 11373, on the 17th Floor Bid Room, on business days from August 9, 2013 to August 22, 2013 between the hours of 9:30 A.M. - 12:00 P.M. and from 1:00 P.M. - 4:00 P.M.

Note: Individuals requesting Sign Language Interpreters should contact Ms. Debra Butlien, Office of the ACCO, 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373, (718) 595-3423, no later than FIVE(5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

HUMAN RESOURCES ADMINISTRATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, August 22, 2013 at the Human Resources Administration of the City of New York, 180 Water Street, 14th Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of eighteen (18) proposed contracts between the Human Resources Administration of the City of New York and the contractors listed below, for the Provision of Home Care Services Program Audits for Fiscal Years 2012-2014. The term of these contracts will be from October 1, 2013 to September 30, 2016.

CONTRACTOR/ADDRESS

Dadia Valles Vendiola LLP
91-31 Queens Blvd., Suite 414, Elmhurst, NY 11373
E-PIN 09610P0026001
Contract Amount \$103,442.00
Lot# 2

Dadia Valles Vendiola LLP
91-31 Queens Blvd., Suite 414, Elmhurst, NY 11373
E-PIN 09610P0026002
Contract Amount \$93,067.00
Lot# 11

Allan S. Joseph, CPA
5 Hanover Square, Suite 1902, New York, NY 10004
E-PIN 09610P0026003
Contract Amount \$121,350.00
Lot# 4

Allan S. Joseph, CPA
5 Hanover Square, Suite 1902, New York, NY 10004
E-PIN 09610P0026004
Contract Amount \$90,100.00
Lot# 5

Allan S. Joseph, CPA
5 Hanover Square, Suite 1902, New York, NY 10004
E-PIN 09610P0026005
Contract Amount \$89,550.00
Lot# 8

TCBA Watson Rice LLP
5 Penn Plaza, 15th Floor, New York, NY 10001
E-PIN 09610P0026006
Contract Amount \$142,852.00
Lot# 14

TCBA Watson Rice LLP
5 Penn Plaza, 15th Floor, New York, NY 10001
E-PIN 09610P0026007
Contract Amount \$112,236.00
Lot# 17

Wei, Wei & Co., LLP
133-10 39th Avenue, Flushing, NY 11354
E-PIN 09610P0026008
Contract Amount \$155,640.00
Lot# 13

Wei, Wei & Co., LLP
133-10 39th Avenue, Flushing, NY 11354
E-PIN 09610P0026009
Contract Amount \$110,880.00
Lot# 16

Wei, Wei & Co., LLP
133-10 39th Avenue, Flushing, NY 11354
E-PIN 09610P0026010
Contract Amount \$104,640.00
Lot# 18

Gutierrez & Estabillo, LLP
141-05 Northern Blvd., Suite 1D, Flushing, NY 11354
E-PIN 09610P0026011
Contract Amount \$89,100.00
Lot# 1

Gutierrez & Estabillo, LLP
141-05 Northern Blvd., Suite 1D, Flushing, NY 11354
E-PIN 09610P0026012
Contract Amount \$80,100.00
Lot# 10

Gutierrez & Estabillo, LLP
141-05 Northern Blvd., Suite 1D, Flushing, NY 11354
E-PIN 09610P0026013
Contract Amount \$86,040.00
Lot# 15

A.F. Paredes & Co., CPAs LLP
99 John Street, Suite 408, New York, NY 10038
E-PIN 09610P0026014
Contract Amount \$165,360.00
Lot# 3

Toski & Co., CPAs P.C.
300 Essjay Rd., Suite 115, Williamsville, NY 14221
E-PIN 09610P0026015
Contract Amount \$75,025.00
Lot# 6

Toski & Co., CPAs P.C.
300 Essjay Rd., Suite 115, Williamsville, NY 14221
E-PIN 09610P0026016
Contract Amount \$103,471.00
Lot# 7

Toski & Co., CPAs P.C.
300 Essjay Rd., Suite 115, Williamsville, NY 14221
E-PIN 09610P0026017
Contract Amount \$138,720.00
Lot# 9

Padilla and Company, LLP
175-61 Hillside Ave., Suite 200, Jamaica, NY 11432
E-PIN 09610P0026018
Contract Amount \$100,500.00
Lot# 12

The proposed contractors have been selected through the Competitive Sealed Proposal method, pursuant to Section 3-03 of the Procurement Policy Board (PPB) Rules.

Draft copies of the proposed contracts will be available for public inspection at the Human Resources Administration of the City of New York, 180 Water Street, 14th Floor, Room 1418, New York, NY 10038 on business days from August 9, 2013 to August 22, 2013 excluding holidays, from 10:00 A.M. and 5:00 P.M.

AGENCY RULES

HUMAN RESOURCES ADMINISTRATION

■ NOTICE

In compliance with §1043(e) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Commissioner of the New York City Human Resources Administration in accordance with Social Services Law §§56 and 61(1) and Administrative Code §21-128(h), the rule amending Title 68 of the Rules of the City of New York and its statement of basis and purpose are hereby published:

STATEMENT OF BASIS AND PURPOSE

The Commissioner of the New York City Human Resources Administration (HRA) in accordance with New York State Social Services Law §§56 and 61(1), and Administrative Code of the City of New York §21-128(h) amends Title 68 of the Rules of the City of New York.

HRA's HIV/AIDS Services Administration (HASA, formerly DASIS) provides access to benefits and services, and otherwise ensures the provision of benefits and services, to New York City residents living with clinical/symptomatic HIV illness or with AIDS. The New York State Department of Health AIDS Institute determines whether a person is living with clinical/symptomatic HIV illness. The federal Centers for Disease Control and Prevention determines, based on established definitions, whether a person is living with AIDS.

Under federal and state law, public assistance recipients are required to participate in work programs unless specifically exempt. Medically eligible clients of the HASA program are generally exempt from participating in the work program because they are "deemed to be disabled" or "work limited" under New York State Social Services Law § 332-b(1)(b). However, under New York State Social Services §§ 331 and 336 et. seq., other non-exempt adult members of the HASA public assistance household are required to comply with the work requirements unless they fall into a statutorily prescribed exemption to the work program.

HRA/HASA amends Chapter 5 of Title 68 of the Rules of the City of New York to provide employment activities and opportunities to those adults (known as Associated Case Members – ACM). The proposed ACM employment rule creates a process for the provision of employment opportunities for eligible ACMs residing in a HASA household. To foster their long-term self-sufficiency, all ACMs will be assessed for employability and those determined to be eligible will be linked to existing HRA employment services. If the ACM refuses or fails without good cause to cooperate with the process or to comply with the work requirements, the household will, under federal, state, or local law, be subject to a pro-rated reduction of the household's cash assistance benefits.

The rule amendment also makes technical changes to reflect the change in name from DASIS to HASA.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

New text is underlined; deleted material is in [brackets].

Section 1. Section 5-01 of Chapter 5 of Title 68 of the Rules of the City of New York is amended to read as follows:

§5-01 Rights of Persons With Clinical/Symptomatic HIV Illness or with AIDS.

(a) Rights of persons with clinical/symptomatic HIV illness or with AIDS. All persons with clinical/symptomatic HIV illness or persons with AIDS shall have the right to apply for benefits and services as defined in §21-128(b) of the Administrative Code of the City of New York, and the right to apply for information, referral and assessment services from the [Division of AIDS Services and Income Support ("DASIS")] HIV/AIDS Services Administration ("HASA"). In

addition, such persons shall have the following rights:

(1) With certain exceptions provided pursuant to applicable federal, state or local law, regulation or rule, you have the right to confidentiality. Your medical condition cannot be revealed to anyone without your permission. Information you give to [DASIS] HASA staff will not be released to any individual or organization without your permission except where required by law.

(2) You have the right to receive information about and to apply for a variety of benefits and services including, but not limited to, medically appropriate transitional and permanent housing; Medicaid and other health related services; home care and home health services; personal care services; homemaker services; Food Stamps; transportation and nutrition allowances; housing subsidies, including, but not limited to, enhanced rental assistance; financial benefits; and intensive case management. You shall have the right to receive the benefits and services for which you are found eligible.

(3) If you are homebound (i.e., with physical or mental disabilities, confirmed by medical providers or home care agencies, which prevent you, permanently or temporarily, from visiting the local [DASIS] HASA service center), you have the right to a home or hospital visit from a case manager. These visits may be to determine your eligibility for benefits and services, to assist you in applying for benefits and services, or to maintain eligibility for benefits and services.

(4) You have the right to refuse any service.

(5) You have the right to be referred to a community based organization for any service not provided by [DASIS] HASA.

(6) You have the right to contact a [DASIS] HASA staff member whenever you need services.

(7) You have the right to receive services from [DASIS] HASA staff without the payment of gratuities in any form.

(8) You have the right to initiate complaints against [DASIS] HASA staff.

(9) If you feel that you are being unlawfully discriminated against in any way, you have the right to file a complaint of discrimination with the New York State Division of Human Rights Bias Hotline at (212) 662-2427 or the New York City Commission on Human Rights AIDS Hotline at 1-800-523-AIDS.

(10) You have the right to be treated fairly and with respect and courtesy.

(b) Additional rights and responsibilities of [DASIS] HASA clients. All persons who are deemed eligible pursuant to §21-128, subsection (a)(3) of the Administrative Code of the City of New York, have, in addition to all of the rights of persons with clinical/symptomatic HIV illness or with AIDS, the following additional rights and responsibilities:

(c) [DASIS] HASA client rights. (1) You have the right to have benefits and services provided in a timely manner after your applications for specific benefits and services have been approved. Once applications for benefits and services are complete, the time frames for the delivery of benefits and services are determined by:

(i) Federal law or regulations;

(ii) New York State Social Services Law or regulations; or

(iii) Local Law and the Rules of the City of New York.

If none of the above apply, provision of the benefit or service will be no later than twenty (20) business days following submission of all information or documentation required to determine eligibility.

(2) If accepted for Public Assistance or Food Stamps, you have the right to review your budget. If accepted or rejected for Public Assistance, Food Stamps, Medicaid, home care, or homemaker service, you have a right to an agency conference and to a New York State Fair Hearing with respect to actions taken to deny, reduce, discontinue, or restrict your benefits. Please consult the back of the notice which advises you of the determination of the agency with respect to your request for benefits and please follow the guidelines on the back of the notice with respect to requesting an agency conference or New York State Fair Hearing.

(3) If you are a [DASIS] HASA client with one or more children in your care or custody, you have the right to receive information and program referrals on child care options, custody planning, and transitional supports, including the availability of standby guardianship, and referral to legal assistance programs.

(4) You have the right to participate with [DASIS] HASA staff in the development of a service plan.

(5) You have the right to be notified in writing of any change in your case status or in benefits or services provided to you.

(6) You have the right to review your [DASIS] HASA case record and to dispute any information contained therein.

(7) You have the right to be treated fairly and with respect and courtesy.

(d) [DASIS] HASA client responsibilities. (1) You have the responsibility to apply for all benefits for which you may qualify, including, but not limited to, Public Assistance, Medicaid, Food Stamps, Supplemental Security Income ("SSI"), and Social Security Disability ("SSD"), to provide documentation and information necessary to establish eligibility for such benefits, and to comply with application requirements.

(2) You have the responsibility to maintain your benefits by providing information for recertification, and by reporting changes in your income, address, household composition, or any other aspect of your status that may be a factor in determining your eligibility. You have the responsibility to provide information concerning any members of your household, including, but not limited to, any Associated Case Member (ACM) in your household.

(3) ACM Employability Assessment and Employment Plan. (i) The ACM will receive an appointment notice to report for an Employability Assessment to determine whether the ACM is required to engage in work or other activities.

(ii) The ACM is responsible for appearing at the scheduled appointment and providing proof of employment income, school attendance or verification of another work activity, if applicable. The ACM is responsible for cooperating with the

Employability Assessment process.

(iii) HASA will determine whether the ACM is required to engage in work or other related activities under federal, state, or local law, regulations, or rules. If HASA determines that the ACM is required to engage in work or other related activities, HASA will provide the ACM with an Employment Plan and refer the ACM to the appropriate work activities, employment opportunities, training, or other necessary services for the ACM to achieve self sufficiency. The ACM is responsible for complying with all the work or other related activities required in the Employment Plan.

(iv) If an ACM refuses or fails without good cause to cooperate or to comply with the Employability Assessment process or with any activities required in the Employment Plan, the household will be subject to a pro-rated reduction of the household's cash assistance benefit(s) as provided in applicable federal, state, or local law, regulations, or rules.

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RENT GUIDELINES BOARD

■ NOTICE

NEW YORK CITY RENT GUIDELINES BOARD**2013 Apartment & Loft Order #45****June 20, 2013**

Order Number 45 - Apartments and Lofts, rent levels for leases commencing **October 1, 2013** through **September 30, 2014**.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY RENT GUIDELINES BOARD BY THE RENT STABILIZATION LAW OF 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended, implemented by Resolution No 276 of 1974 of the New York City Council and extended by Chapter 97 of the Laws of 2011, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board (RGB) hereby **adopts** the following levels of fair rent increases over lawful rents charged and paid on **September 30, 2013**. These rent adjustments will apply to rent stabilized apartments with leases commencing on or after **October 1, 2013** and through **September 30, 2014**. Rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law are also included in this order.

ADJUSTMENT FOR RENEWAL LEASES (APARTMENTS)

Together with such further adjustments as may be authorized by law, the annual adjustment for renewal leases for apartments shall be:

For a **one-year** renewal lease commencing on or after **October 1, 2013** and on or before **September 30, 2014**: **4.0%**

For a **two-year** renewal lease commencing on or after **October 1, 2013** and on or before **September 30, 2014**: **7.75%**

These adjustments shall also apply to dwelling units in a structure subject to the partial tax exemption program under Section 421a of the Real Property Tax Law, or in a structure subject to Section 423 of the Real Property Tax Law as a Redevelopment Project.

VACANCY ALLOWANCE FOR APARTMENTS

No vacancy allowance is permitted except as provided by sections 19 and 20 of the Rent Regulation Reform Act of 1997.

ADDITIONAL ADJUSTMENT FOR RENT STABILIZED APARTMENTS SUBLET UNDER SECTION 2525.6 OF THE RENT STABILIZATION CODE

In the event of a sublease governed by subdivision (e) of section 2525.6 of the Rent Stabilization Code, the allowance authorized by such subdivision shall be **10%**.

ADJUSTMENTS FOR LOFTS (UNITS IN THE CATEGORY OF BUILDINGS COVERED BY ARTICLE 7-C OF THE MULTIPLE DWELLING LAW)

The Rent Guidelines Board **adopts** the following levels of rent increase above the "base rent," as defined in Section 286, subdivision 4, of the Multiple Dwelling Law, for units to which these guidelines are applicable in accordance with Article 7-C of the Multiple Dwelling Law:

For **one-year** increase periods commencing on or after **October 1, 2013** and on or before **September 30, 2014**: **4.0%**

For **two-year** increase periods commencing on or after **October 1, 2013** and on or before **September 30, 2014**: **7.75%**

VACANT LOFT UNITS

No Vacancy Allowance is permitted under this Order. Therefore, except as otherwise provided in Section 286, subdivision 6, of the Multiple Dwelling Law, the rent charged to any tenant for a vacancy tenancy commencing on or after **October 1, 2013** and on or before **September 30, 2014** may not exceed the "base rent" referenced above plus the level of adjustment permitted above for increase periods.

FRACTIONAL TERMS

For the purposes of these guidelines any lease or tenancy for a period up to and including one year shall be deemed a one-year lease or tenancy, and any lease or tenancy for a period of over one year and up to and including two years shall be deemed a two-year lease or tenancy.

ESCALATOR CLAUSES

Where a lease for a dwelling unit in effect on May 31, 1968 or where a lease in effect on June 30, 1974 for a dwelling unit which became subject to the Rent Stabilization Law of 1969, by virtue of the Emergency Tenant Protection Act of 1974 and Resolution Number 276 of the New York City Council, contained an escalator clause for the increased costs of operation and such clause is still in effect, the lawful rent on **September 30, 2013** over which the fair rent under this Order is computed shall include the increased rental, if any, due under such clause except those charges which accrued within one year of the commencement of the renewal lease. Moreover, where a lease contained an escalator clause that

the owner may validly renew under the Code, unless the owner elects or has elected in writing to delete such clause, effective no later than **October 1, 2013** from the existing lease and all subsequent leases for such dwelling unit, the increased rental, if any, due under such escalator clause shall be offset against the amount of increase authorized under this Order.

SPECIAL ADJUSTMENTS UNDER PRIOR ORDERS

All rent adjustments lawfully implemented and maintained under previous apartment orders and included in the base rent in effect on **September 30, 2013** shall continue to be included in the base rent for the purpose of computing subsequent rents adjusted pursuant to this Order.

SPECIAL GUIDELINE

Under Section 26-513(b)(1) of the New York City Administrative Code, and Section 9(e) of the Emergency Tenant Protection Act of 1974, the Rent Guidelines Board is obligated to promulgate special guidelines to aid the State Division of Housing and Community Renewal in its determination of initial legal regulated rents for housing accommodations previously subject to the City Rent and Rehabilitation Law which are the subject of a tenant application for adjustment. The Rent Guidelines Board hereby **adopts** the following Special Guidelines:

For dwelling units subject to the Rent and Rehabilitation Law on **September 30, 2013**, which become vacant after **September 30, 2013**, the special guideline shall be the greater of:

1. **30%** above the maximum base rent, or
2. The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] [1]) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

Such HUD-determined Fair Market Rents will be published in the Federal Register, to take effect on **October 1, 2013**.

DECONTROLLED UNITS

The permissible increase for decontrolled units as referenced in Order 3a which become decontrolled after **September 30, 2013**, shall be the greater of:

- (1) **30%** above the maximum base rent, or
- (2) The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] [1]) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

Such HUD-determined Fair Market Rents will be published in the Federal Register, to take effect on **October 1, 2013**.

CREDITS

Rentals charged and paid in excess of the levels of rent increase established by this Order shall be fully credited against the next month's rent.

STATEMENT OF BASIS AND PURPOSE

The Rent Guidelines Board is authorized to promulgate rent guidelines governing apartment units subject to the Rent Stabilization Law of 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended. The purpose of these guidelines is to implement the public policy set forth in Findings and Declaration of Emergency of the Rent Stabilization Law of 1969 (§26-501 of the N.Y.C. Administrative Code) and in the Legislative Finding contained in the Emergency Tenant Protection Act of 1974 (L.1974 c. 576, §4 [§2]).

The Rent Guidelines Board is also authorized to promulgate rent guidelines for loft units subject to Section 286 subdivision 7 of the Multiple Dwelling Law. The purpose of the loft guidelines is to implement the public policy set forth in the Legislative Findings of Article 7-C of the Multiple Dwelling Law (Section 280).

Dated: June 20, 2013

Jonathan L. Kimmel
Chair
New York City Rent Guidelines Board

EXPLANATORY STATEMENT - APARTMENT ORDER #45
Explanatory Statement and Findings of the Rent Guidelines Board In Relation to 2013-14 Lease Increase Allowances for Apartments and Lofts under the Jurisdiction of the Rent Stabilization Law¹

Summary of Order No. 45

The Rent Guidelines Board (RGB) by Order No. 45 has set the following maximum rent increases for leases subject to renewal on or after October 1, 2013 and on or before September 30, 2014 for **apartments** under its jurisdiction:

For a **one-year** renewal lease commencing on or after October 1, 2013 and on or before September 30, 2014: **4.0%**

For a **two-year** renewal lease commencing on or after October 1, 2013 and on or before September 30, 2014: **7.75%**

¹ This Explanatory Statement explains the actions taken by the Board members on individual points and reflects the general views of those voting in the majority. It is not meant to summarize all the viewpoints expressed.

VACANCY ALLOWANCE

The vacancy allowance is now determined by a formula set forth in the State Rent Regulation Reform Act of 1997 and in Chapter 97 of the Laws of 2011, not by the Orders of the Rent Guidelines Board.

SUBLET ALLOWANCE

The increase landlords are allowed to charge when a rent stabilized apartment is sublet by the primary tenant to another tenant on or after October 1, 2013 and on or before September 30, 2014 shall be **10%**.

ADJUSTMENTS FOR LOFTS

For **Loft units** to which these guidelines are applicable in accordance with Article 7-C of the Multiple Dwelling Law, the Board established the following maximum rent increases for increase periods commencing on or after October 1, 2013 and on or before September 30, 2014. No vacancy allowance is included for lofts.

| <u>1 Year</u> | <u>2 Years</u> |
|---------------|----------------|
| 4.0% | 7.75% |

The guidelines do not apply to hotel, rooming house, and single room occupancy units that are covered by separate Hotel Orders.

Any increase for a renewal lease may be collected no more than once during the guideline period governed by Order No. 45.

SPECIAL GUIDELINE

Leases for units subject to rent control on September 30, 2013 that subsequently become vacant and then enter the stabilization system are not subject to the above adjustments. Such newly stabilized rents are subject to review by the State Division of Housing and Community Renewal (DHCR). In order to aid DHCR in this review the Rent Guidelines Board has set a special guideline of whichever is greater:

1. **30%** above the maximum base rent, or
2. The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] [1]) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

Such HUD-determined Fair Market Rents will be published in the Federal Register, to take effect on October 1, 2013.

All rent adjustments lawfully implemented and maintained under previous apartment Orders and included in the base rent in effect on **September 30, 2013** shall continue to be included in the base rent for the purpose of computing subsequent rents adjusted pursuant to this Order.

BACKGROUND OF ORDER NO. 45

The Rent Guidelines Board is mandated by the Rent Stabilization Law of 1969 (Section 26-510(b) of the NYC Administrative Code) to establish annual guidelines for rent adjustments for housing accommodations subject to that law and to the Emergency Tenant Protection Act of 1974. In order to establish guidelines the Board must consider, among other things:

- (1) the economic condition of the residential real estate industry in the affected area including such factors as the prevailing and projected (i) real estate taxes and sewer and water rates, (ii) gross operating and maintenance costs (including insurance rates, governmental fees, cost of fuel and labor costs), (iii) costs and availability of financing (including effective rates of interest), (iv) overall supply of housing accommodations and overall vacancy rates;
- (2) relevant data from the current and projected cost of living indices for the affected area;
- (3) such other data as may be made available to it.

The Board gathered information on the above topics by means of public meetings and hearings, written submissions by the public, and written reports and memoranda prepared by the Board's staff. The Board calculates rent increase allowances on the basis of cost increases experienced in the past year, its forecasts of cost increases over the next year, its determination of the relevant operating and maintenance cost-to-rent ratio, and other relevant information concerning the state of the residential real estate industry.

Material Considered by the Board

Order No. 45 was issued by the Board following **seven** public meetings, **one** public hearing, its review of written submissions provided by the public, and a review of research and memoranda prepared by the Board's staff. Approximately 109 written submissions were received at the Board's offices from many individuals and organizations including public officials, tenants and tenant groups, and owners and owner groups. The Board members were provided with copies of public comments received by the **June 17, 2013** deadline. All of the above listed documents were available for public inspection.

Open meetings of the Board were held following public notice on March 14, April 4, April 18, April 25, and May 30, 2013. On **April 30, 2013**, the Board adopted proposed rent guidelines for apartments, lofts, and hotels.

A public hearing was held on **June 13, 2013** pursuant to Section 1043 of the New York City Charter and Section 26-510(h) of the New York City Administrative Code. Testimony on the proposed rent adjustments for rent-stabilized apartments and lofts was heard from **10:00 A.M. to 7:50 P.M.** The hearing ended when all those who were in attendance who wished to testify did so and there were no additional speakers. Testimony from members of the public

additional speakers. Testimony from members of the public speaking at these hearings was added to the public record. The Board heard testimony from approximately 47 apartment tenants and tenant representatives, 24 apartment owners and owner representatives, and 5 public officials. In addition, 6 speakers read into the record written testimony from various public officials. On June 20, 2013 the guidelines set forth in Order No. 45 were adopted.

A written transcription and/or audio recording was made of all proceedings.

PRESENTATIONS BY RGB STAFF AND HOUSING EXPERTS INVITED BY MEMBERS OF THE BOARD

Each year the staff of the New York City Rent Guidelines Board is asked to prepare numerous reports containing various facts and figures relating to conditions within the residential real estate industry. The Board's analysis is supplemented by testimony from industry and tenant representatives, housing experts, and by various articles and reports gathered from professional publications.

Listed below are the other experts invited and the dates of the public meetings at which their testimony was presented:

| Meeting Date / Name | Affiliation |
|-------------------------|---|
| March 14, 2013: | Staff presentation, <i>2013 Mortgage Survey Report</i> |
| | <u>NYC Department of Housing Preservation and Development (HPD) testimony</u> |
| 1. Christopher Gonzalez | Assistant Commissioner, Government Affairs and Research |
| April 4, 2013: | Staff presentation, <i>2013 Income and Affordability Study</i> |
| | <u>NYU Furman Center for Real Estate and Urban Policy Fact Brief Presentation – Sandy's Effects on Housing in NYC</u> |
| 1. Max Weselcouch | Data and Research Analyst |
| April 18, 2013: | <u>Staff presentations</u> |
| | <i>2013 Price Index of Operating Costs</i> |
| | <i>2013 Income and Expense Study</i> |
| April 25, 2013: | <u>Apartment Tenants group testimony:</u> |
| 1. Barika Williams | Association for Neighborhood and Housing Development |
| 2. Greg Jost | University Neighborhood Housing Program |
| 3. Tomas J. Waters | Community Service Society |
| 4. Bobbie Sackman | Council of Senior Centers and Services of NYC |
| | <u>Apartment Owners group testimony:</u> |
| 1. Jack Freund | Rent Stabilization Association (RSA) |
| 2. Patrick Siconolfi | Community Housing Improvement Program (CHIP) |
| 3. Jimmy Silber | Small Property Owners of New York (SPONY) |
| | <u>Hotel Tenants group testimony:</u> |
| 1. Larry Wood | Goddard Riverside Community Center |
| 2. Daniel L. Parcerisas | Goddard Riverside SRO Law Project |
| 3. Brian Sullivan | SRO Law Project at MFY Legal Services, Inc. |
| May 30, 2013: | <u>Staff presentations</u> |
| | <i>2013 Housing Supply Report</i> |
| | <i>Changes to the Rent Stabilized Housing Stock in New York City in 2012</i> |
| | <u>NYS Division of Housing and Community Renewal (DHCR) testimony</u> |
| 1. Woody Pascal | Deputy Commissioner for Rent Administration |
| 2. Guy Alba | Assistant Commissioner for Research and Analysis |
| 3. Michael Rosenblatt | Assistant Commissioner for Rent Administration |
| 4. Michael Berrios | Executive Assistant to the Deputy Commissioner |

SELECTED EXCERPTS FROM ORAL AND WRITTEN TESTIMONY FROM TENANTS AND TENANT GROUPS²

Comments from tenants and tenant groups included:

"I have worked for Con Edison for over twenty years. I live in Stuyvesant Town in a rent stabilized apartment. I need to live nearby because I work long, unpredictable shifts, ensuring that I am providing reliable services. This is common practice among many long-term renters with similar occupations (e.g., FDNY, NYPD, etc.). As of now, my rent has grown to 50% of my salary. The next proposed range of increases, to 9.5%, threatens to evict countless middle class renters."

"Am I to understand that the City of New York is about to grant landlords yet another rent increase? ...I have not had a salary increase in over seven years. Landlords also have inflation and maintenance costs as well, but they have been given increases whereas working people like myself have not seen any relief at all."

"Over the last several years, the Rent Guidelines Board has dramatically overestimated operating costs; this overestimation is the direct cause of both higher rents for tenants and higher incomes for landlords. The overestimation of operating costs is evidenced by a growing discrepancy between the two primary methods used to determine operating cost changes: the Price Index of Operating Costs (PIOC) and Department of Finance (DOF) expense data; the PIOC, when compared to DOF data, is far less accurate. Since 2005, the disparity between the PIOC and DOF data has grown dramatically. On average the PIOC grew 5.4% per year, while DOF data show an average increase in operating costs of only 3.8% per year. The PIOC has overestimated operating cost changes by more than a third each year."

"Rent stabilization exists in New York City for a reason—to keep acceptable and comfortable affordable living for the city's people. Clearly, the system has a number of negative side-effects that inhibit the system's intended goal, most prominently: poor management, bad conditions and rent overcharges."

"I understand that landlords consider owning real estate property a business but they seem to forget that they are dealing with the lives of human beings and the way human beings live. My landlord owns several buildings, collects rents every month but does not invest any money to the properties they own."

² Sources: Submissions by tenant groups and testimony by tenants.

SELECTED EXCERPTS FROM ORAL AND WRITTEN TESTIMONY FROM OWNERS AND OWNER GROUPS³

Comments from owners and owner groups included:

"This year, the RSA and other owner associations have called for the following rent adjustments: one-year guideline of 7% or \$70, whichever is greater; two-year guideline of 11% or \$110 whichever is greater; a 10% sublet allowance; a special guideline for vacated rent controlled apartments of 100% of the MBR plus fuel cost adjustments or the HUD Fair Markets as adjusted for utility costs, whichever is greater."

"As a building manager I don't understand how we are supposed to provide a good quality of living for our tenants and upkeep maintenance on our properties if water bills continue to spiral wildly out of control like this. Many of us are struggling to maintain the property we have."

"Real estate assessment rises automatically, recession or no recession, oil prices peak and rise without a limit (tripling cost during the past two years), insurance and water and sewer costs rising with disregard to the real change in value of the building, court expenses rise, bringing expenses up by...over 30% per year, and income rises by a meager unrepresentative amount of few percents—rent is the only income of a building. Expenses are many and cumulative."

"Owners need a low rent supplement. Outside core Manhattan legal rents often fail to cover expenses. The biggest expense is payments to New York City at 40% of the budget. Apartments with the lowest rents can't cover this and other mandated expenses. What the RGB may not recognize is that essentially all expenses are mandated and few if any are discretionary."

"The economic condition of the housing industry is mischaracterized in the RGB *Income and Expense Study*. By relying on broad measures of net operating income (NOI) and characterizing average NOI in a 'typical' rent stabilized building, these reports fail to capture the reality of a City that really has two housing markets. One market consists of high rent, luxury housing...which is quite distinct from the majority of stabilized housing with relatively low rents providing workforce housing primarily in the City's outer boroughs."

³ Sources: Submissions by owner groups and testimony by owners

SELECTED EXCERPTS FROM ORAL AND WRITTEN TESTIMONY FROM PUBLIC OFFICIALS⁴

Comments from public officials included:

"Compelling justification exists for opposing any rental increase as our City's rental tenants continue to face very tough economic times. New York City's unemployment rate remains at an unacceptable level of nearly 9 percent. This fact is made worse because of an unprecedented loss of rent-regulated apartments...Since 1994, there has been a loss of more than 100,000 rent-regulated units in New York City."

"Given the continuing toll the recent economic recession has taken on average New Yorkers and the steady rent increases the RGB has annually approved, I am dismayed that the RGB is even considering rent increases of up to 6.25% for one year renewals and up to 9.5% for two year lease renewals for rent stabilized apartments. The statistics show that...in 2010, the median income of households in rent stabilized units as a whole was only \$37,000. Moreover, housing costs constitute a huge percentage of these tenants' income. The RGB's own *2013 Income and Affordability Study* found that one third of renter households in the City (33.6%) paid 50 percent or more of their household income for gross rent in 2011, the highest ratio in the history of the study."

"While renters should not be given a free pass, it's important to note the widening disparity between renters and owners needs. For the most recent data from 2010-2011, Net Operating Income for building owners Citywide increased by 5.6% over the previous data, attributing to the seventh consecutive yearly increase in a row. I want to caution the Board from authorizing a severe increase that could make this disparity even worse."

"If reasons of tenant affordability are not enough to persuade the Rent Guidelines Board to freeze rents this year, I urge the Board to also consider New York City's dwindling affordable housing supply. Since 1994, an estimated 105,242 units of rent stabilized housing have been deregulated in New York City, with some 2,539 units lost in 2012 and an estimated 6,096 units lost in 2011...Other affordable housing programs have exhibited similar losses."

"The smaller landlords who serve as the public face of [their] arguments represent only a tiny fraction of an industry that is, in actuality, dominated by wealthy landlords and faceless corporations who control the vast majority of properties. Year after year, we're seeing landlords' profits skyrocketing even as their tenants are twisting themselves in knots, scrambling to pay all their bills."

⁴ Sources: Submissions by public officials.

FINDINGS OF THE RENT GUIDELINES BOARD RENT GUIDELINES BOARD RESEARCH

The Rent Guidelines Board based its determination on its consideration of the oral and written testimony noted above,

as well as upon its consideration of statistical information prepared by the RGB staff set forth in these findings and the following reports:

- (1) *2013 Mortgage Survey Report*, March 2013, (An evaluation of recent underwriting practices, financial availability and terms, and lending criteria);
- (2) *2013 Income and Expense Study*, April 2013, (Based on income and expense data provided by the Finance Department, the *Income and Expense Study* measures rents, operating costs and net operating income in rent stabilized buildings);
- (3) *2013 Income and Affordability Study*, April 2013, (Includes employment trends, housing court actions, changes in eligibility requirements and public benefit levels in New York City);
- (4) *2013 Price Index of Operating Costs*, April 2013, (Measures the price change for a market basket of goods and services which are used in the operation and maintenance of stabilized buildings);
- (5) *2013 Housing Supply Report*, May 2013, (Includes new housing construction measured by certificates of occupancy in new buildings and units authorized by new building permits, tax abatement and exemption programs, and cooperative and condominium conversion and construction activities in New York City); and,
- (6) *Changes to the Rent Stabilized Housing Stock in NYC in 2012*, May 2013, (A report quantifying all the events that lead to additions to and subtractions from the rent stabilized housing stock).

The six reports listed above may be found in their entirety on the RGB's website, nycrgb.org, and are also available at the RGB offices, 51 Chambers St., Suite 202, New York, NY 10007 upon request.

2013 PRICE INDEX OF OPERATING COSTS FOR RENT STABILIZED APARTMENT HOUSES IN NEW YORK CITY

The *2013 Price Index of Operating Costs* for rent stabilized apartment houses in New York City found a 5.9% increase in costs for the period between March 2012 and March 2013.

This year, the PIOC for all rent stabilized apartment buildings increased by 5.9%, 3.1 percentage points more than the PIOC percentage change from the year before (2.8% in 2012). Increases occurred in all nine of the PIOC components. The PIOC was driven upward by significant increases in Fuel Oil (20.0%), Insurance Costs (7.1%) and Utilities (6.3%). More moderate increases were seen in Contractor Services (3.3%), Labor Costs (3.0%), Taxes (2.6%) and Administrative Costs (2.4%). The Parts and Supplies and Replacement Costs components, each of which carry very little weight in the PIOC, increased 4.7% and 2.0% respectively. The growth in the Consumer Price Index (CPI) during this same time period was lower than the PIOC, rising 1.9%.

The "core" PIOC, which excludes erratic changes in fuel oil, natural gas, and electricity costs, is useful for analyzing long-term inflationary trends. The core PIOC rose by 3.7% this year and was lower than the overall PIOC due to the exclusion of the costs for fuel oil, which rose 20.0%, and natural gas used for heating.

Table 1

| Monthly Asking Rent (HVS) | Rent Stabilized | Unregulated | All Apartments |
|---------------------------|-----------------|-------------|----------------|
| \$2,500 or more | --- | 6.0% | 5.3% |
| \$2,000 to \$2,499 | --- | 4.0% | 3.8% |
| \$1,500 to \$1,999 | 3.2% | 5.1% | 4.1% |
| \$1,250 to \$1,499 | 3.3% | 6.1% | 4.3% |
| \$1,000 to \$1,249 | 3.7% | 3.6% | 3.6% |
| \$800 to \$999 | 2.1% | 4.1% | 2.6% |
| Less than \$800 | 1.0% | 2.2% | 1.1% |
| Overall Vacancy Rate | 2.6% | 4.4% | 3.1% |

Source: *2013 Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City*. Note: The ^Δ symbol means change.

⁵ Totals may not add due to weighting and rounding.

On April 24, 2013 the staff of the Rent Guidelines Board released a memo to Board members with additional information concerning the 2013 Price Index of Operating Costs. Below is the memo in its entirety:

At the April 18 meeting of the RGB, four questions regarding the 2013 Price Index of Operating Costs (PIOC) were asked for which immediate answers could not be provided. Detailed answers follow.

Question 1: What is the breakdown of apartment buildings containing rent stabilized units that were built prior to 1947 (Pre-47) and those built in 1947 or later (Post-46)?
 In order to get a breakdown of the number of buildings built prior to 1947 and those built in 1947 or later, we used data supplied by the NYC Department of Finance that was used to calculate the Taxes component for the 2013 PIOC. This provided us with a building count and a unit count, both of which are contained in the table below. For a comparative view, we have also provided the number of Pre-47 and Post-46 rent stabilized units reported in the 2011 Housing and Vacancy Survey (HVS).

| Age of Buildings | Buildings Containing Rent Stabilized Apartments ¹ | | Total Number of Units Contained in These Buildings ² | | Number of Rent Stabilized Units in the HVS | |
|------------------|--|------------|---|------------|--|------------|
| | Number | Percentage | Number | Percentage | Number | Percentage |
| Pre-1947 | 31,472 | 87.4% | 751,843 | 67.4% | 743,528 | 75.3% |
| Post-1946 | 4,533 | 12.6% | 363,225 | 32.6% | 243,312 | 24.7% |
| Total | 36,005 | 100.0% | 1,115,068 | 100% | 986,840 | 100% |

1. There were 45 buildings used in the Tax component calculations where the year built was listed as "Unknown".
 2. The unit counts from the buildings registered with the NYC Department of Finance include both stabilized and unregulated units. Sources: NYC Department of Finance and the US Census Bureau, 2011 Housing and Vacancy Survey (HVS)

Question 2: What was the sample size of buildings used to calculate the PIOC Tax component for the past 10 years?

The sample of buildings used to compute the tax price relative (the ratio of current and prior year's prices or costs) for the PIOC is drawn by providing a list of rent stabilized properties registered with DHCR to the NYC Department of Finance. Finance then "matches" this list against its records to provide data on assessed value, tax exemptions, and taxes. The sample size differs each year for two reasons. First, the DHCR list provided to the Department of Finance changes from year to year. Newly built buildings containing stabilized units are added each year and, similarly, buildings are subtracted if they no longer contain stabilized units. In addition, there are a number of inconsistent filers who may file one year and not the next. Second, the Department of Finance cannot always match the buildings registered with the DHCR to its tax data. If the borough, block and lot number (BBL) differs from list to list, a match cannot be made. The inability to match the BBLs is often due to data entry error.

Below is a table containing the sample sizes used to compute the PIOC tax relative for the passed ten years:

Building Sample Sizes Used in Calculating the PIOC Tax Component, 2004-2013

| Year | Sample Size |
|------|-------------|
| 2013 | 36,050 |
| 2012 | 35,261 |
| 2011 | 38,208 |
| 2010 | 37,705 |
| 2009 | 34,122 |
| 2008 | 34,602 |
| 2007 | 37,419 |
| 2006 | 37,783 |
| 2005 | 36,015 |
| 2004 | 36,442 |

Source: NYC Rent Guidelines Board Price Indices of Operating Costs, 2004-2013

Question 3: Can you provide the component weights for the five apartment indices outlined in Appendix 3 of the 2013 PIOC?

The Price Index of Operating Costs (PIOC) measures the price change in a market basket of goods and services used in the operation and maintenance of rent stabilized apartment buildings in New York City. The relative importance, or weight, of the various goods and services in the market basket was determined by a survey that gathered information regarding the expenditure patterns of owners of rent stabilized apartment buildings. This survey concluded that expenditures varied by building age and by the heating system used in the building. As a result, in addition to the all-apartment PIOC, the 2013 PIOC report includes separate indices for buildings constructed before 1947 (pre-1947) and for buildings constructed in 1947 or later (post-1946) as well as gas-heated, oil-heated and master-metered buildings. Although the expenditure weights for all rent stabilized buildings and for each of the five subcategories of buildings differ, the price changes are the same for each of the six indices.

The PIOC is made up of nine price/cost components. The amount of importance, or weight, for each of these components differs by building category. For instance, in the Oil Heated Index, which rose 7.3%, the Fuel Oil component accounts for 22.5% of this entire index. Since the Fuel Oil relative was 19.8% in the Oil Heated Index, this significant rise in the Fuel Oil component had a large impact in the overall rise in the Oil Heated Index (7.3%). In contrast, the Fuel Oil component makes up only 1.5% of the Gas Heated Index. Therefore, the 21.0% rise in fuel oil costs witnessed in the Gas Heated Index had little impact in the overall rise in this index of 4.3%.

The table below contains the price weights and relatives by building type for the five subcategories of apartment indices.

Price Weights and Relatives by Building Type, Apartments, 2013

| PIOC Components | Pre-1947 | | Post-1946 | | Gas Heated | | Oil Heated | | Master Metered Bldgs. | |
|----------------------|----------|----------|-----------|----------|------------|----------|------------|----------|-----------------------|----------|
| | Weight | Relative | Weight | Relative | Weight | Relative | Weight | Relative | Weight | Relative |
| Taxes | 0.2142 | 3.0% | 0.3650 | 1.9% | 0.2608 | 2.6% | 0.2688 | 2.6% | 0.3667 | 2.6% |
| Labor Costs | 0.1126 | 2.8% | 0.1601 | 3.1% | 0.1215 | 3.0% | 0.1288 | 2.9% | 0.1302 | 3.0% |
| Fuel Oil | 0.1705 | 20.1% | 0.0981 | 19.4% | 0.0145 | 21.0% | 0.2248 | 19.8% | 0.0832 | 21.0% |
| Utilities | 0.1761 | 6.1% | 0.1445 | 6.6% | 0.2324 | 6.1% | 0.1073 | 6.1% | 0.1867 | 10.8% |
| Contractor Services | 0.1461 | 3.2% | 0.0828 | 3.4% | 0.1628 | 3.2% | 0.1126 | 3.3% | 0.1059 | 3.1% |
| Administrative Costs | 0.0644 | 2.4% | 0.0847 | 2.4% | 0.0848 | 2.5% | 0.0680 | 2.4% | 0.0537 | 2.2% |
| Insurance Costs | 0.0899 | 7.1% | 0.0480 | 7.1% | 0.0872 | 7.1% | 0.0704 | 7.1% | 0.0597 | 7.1% |
| Parts and Supplies | 0.0169 | 4.7% | 0.0119 | 4.7% | 0.0236 | 4.9% | 0.0136 | 4.6% | 0.0097 | 4.3% |
| Replacement Costs | 0.0094 | 2.2% | 0.0050 | 1.6% | 0.0125 | 2.0% | 0.0055 | 2.0% | 0.0041 | 2.5% |
| All Items | 1.000 | 6.8% | 1.000 | 4.9% | 1.000 | 4.3% | 1.000 | 7.3% | 1.000 | 6.0% |

Source: NYC Rent Guidelines Board, 2013 Price Index of Operating Costs

Question 4: What was the sample size of lofts used in the 2013 PIOC Taxes component relative?

There were 45 loft buildings included in the list used to calculate the PIOC Taxes component.

LOCAL LAW 63/ INCOME & EXPENSE REVIEW

The sample size for the Income and Expense (I&E) Study includes almost 14,700 properties containing nearly 672,900 units. This is the 21st year that staff has been able to obtain longitudinal data in addition to cross-sectional data. The RGB staff found the following average monthly (per unit) operating and maintenance (O&M) costs in 2012 Real Property Income and Expense (RPIE) statements for the year 2011:

Table 2

| | Pre '47 | Post '46 | All Stabilized |
|-------|---------|----------|----------------|
| Total | \$786 | \$884 | \$812 |

Source: 2013 Income and Expense Study, from 2012 Real Property Income and Expense filings for 2011, NYC Department of Finance.

In 1992, the Board benefited from the results of audits conducted on a stratified sample of 46 rent stabilized buildings by the Department of Finance. Audited income and expense (I&E) figures were compared to statements filed by owners. On average the audits showed an 8% over reporting of expenses. The categories, which accounted for nearly all of the expense over reporting, were maintenance, administration, and "miscellaneous." The largest over-reporting was in miscellaneous expenses.

If we assume that an audit of this year's I&E data would yield similar findings to the 1992 audit, one would expect the average O&M cost for stabilized buildings to be \$746, rather than \$812. As a result, the following relationship between operating costs and residential rental income was suggested by the Local Law 63 data:

Table 2(a)

| 2011 Operating Cost to Rent/Income Ratio Adjusted to 1992 Audit | | | |
|---|-------|---------|---------------------|
| O&M Costs ⁶ | Rent | Income | O&M to Income Ratio |
| All stabilized | \$746 | \$1,070 | 0.697 |
| | | \$1,208 | 0.618 |

Source: 2013 Income and Expense Study, from 2012 Real Property Income and Expense filings for 2011, NYC Department of Finance.

⁶ Overall O&M expenses were adjusted according to the findings of an income and expenses audit conducted by the Department of Finance in 1992. The unadjusted O&M to Rent ratio would be 0.761. The unadjusted O&M to Income ratio would be 0.675.

On May 29, 2013 the staff of the Rent Guidelines Board released a memo to Board members with additional information concerning RPIE cost-to-income ratios by decile. Below is the memo in its entirety. (The memo referenced below from last year can be found in the 2012 Apartment Explanatory Statement.)

As a follow-up to last year's memo on the same subject, below is the distribution of operating costs in relation to total income in buildings containing rent stabilized units by deciles. This data is broken out by borough and citywide. The data was provided by the NYC Department of Finance and derived from cross-sectional 2011 RPIE data, as referenced in the 2013 Income and Expense Study.

The figures for each of the deciles represent the percentage of buildings with cost-to-income ratios at or below those figures. For instance, looking at the 70% decile Queens cell below (highlight 1) means 70% of stabilized buildings in Queens have cost-to-income ratios at or below 0.73. Another example: Looking at the 80% decile in Brooklyn (highlight 2) shows that 80% of stabilized buildings in Brooklyn have cost-to-income ratios at or below 0.81. A final example: Looking at the 50% decile Citywide (highlight 3), half of all stabilized buildings Citywide have cost-to-income ratios of 0.68 or less.

| Deciles | Cost-to-Income Ratios | | | | |
|---------|-----------------------|----------|--------|------|----------|
| | Manh | Brooklyn | Queens | SI | Citywide |
| # Bldgs | 6,999 | 3,497 | 1,895 | 78 | 14,669 |
| 10% | 0.49 | 0.51 | 0.51 | 0.51 | 0.51 |
| 20% | 0.53 | 0.56 | 0.55 | 0.56 | 0.56 |
| 30% | 0.57 | 0.60 | 0.59 | 0.61 | 0.60 |
| 40% | 0.61 | 0.64 | 0.63 | 0.64 | 0.64 |
| 50% | 0.65 | 0.67 | 0.66 | 0.68 | 0.68 |
| 60% | 0.69 | 0.71 | 0.69 | 0.72 | 0.72 |
| 70% | 0.75 | 0.75 | 0.73 | 0.74 | 0.77 |
| 80% | 0.83 | 0.81 | 0.79 | 0.79 | 0.84 |
| 90% | 0.96 | 0.90 | 0.87 | 0.86 | 0.95 |
| 100% | 9.04 | 2.35 | 3.37 | 1.23 | 9.04 |

Source: NYC Department of Finance, 2011 RPIE filings

The findings this year are similar to those found last year (last year's memo is attached). While the data used both last year and this year are cross-sectional, meaning the exact same set of buildings are not compared in both years, we can see that in many decile categories, the findings are the same or very similar. For instance, Citywide deciles are exactly the same in both years among all decile categories except at the 100% level. There is more variation among deciles when examining them on a borough level: For instance, in Manhattan, except for the 100% decile category, no other decile level sees a difference of more than 0.01 between the two years, with ratios generally lower in 2011. Similarly, in the Bronx, except for the 100% decile, there is no greater difference than 0.02 in a decile category, although the cost-to-income ratios are generally higher in 2011 than in 2010. The largest difference between any decile categories, except the 100% decile, in any of the boroughs, is no greater than 0.03.

FORECASTS OF OPERATING AND MAINTENANCE PRICE INCREASES FOR 2013-14

In order to decide upon the allowable rent increases for two-year leases, the RGB considers price changes for operating costs likely to occur over the next year. In making its forecasts the Board relies on expert assessments of likely price trends for the individual components, the history of changes in prices for the individual components and general economic trends. The Board's projections for 2013-14 are set forth in Table 3, which shows the Board's forecasts for price increases for the various categories of operating and maintenance costs.

Table 3

| Year-to-Year Percentage Changes in Components of the Price Index of Operating Costs: | Projected Price Index 2013-14 | |
|--|-------------------------------|-------------------|
| | Actual 2012-13 | Projected 2013-14 |
| Taxes | 2.6% | 2.2% |
| Labor Costs | 3.0% | 4.0% |
| Fuel Oil | 20.0% | -6.6% |
| Utilities | 6.3% | 6.1% |
| Contractor Services | 3.3% | 3.1% |
| Administrative Costs | 2.4% | 2.6% |
| Insurance Costs | 7.1% | 10.4% |
| Parts & Supplies | 4.7% | 2.1% |
| Replacement Costs | 2.0% | 1.8% |
| Total (Weighted) | 5.9% | 2.6% |

Source: 2013 Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City, which includes the 2014 PIOC Projection.

Overall, the PIOC is expected to grow by 2.6% from 2013 to 2014. Costs are predicted to rise in each component except Fuel Oil, where costs are anticipated to decline 6.6%. The largest growth, of 10.4%, is projected to be in the Insurance Costs component. The Utilities component is anticipated to increase 6.1%, while more moderate increases are projected in Labor (4.0%), Administrative Costs (2.6%) and Contractor Services (3.1%). Taxes, the component that carries the most weight in the Index, is projected to increase 2.2%. The Parts and Supplies and Replacement Costs components are expected to rise 2.1% and 1.8%, respectively. The table on this page shows predicted changes in PIOC components for 2014. The core PIOC is projected to rise 3.8%, more than the overall projected Apartment PIOC.

COMMENSURATE RENT ADJUSTMENT

Throughout its history, the Rent Guidelines Board has used a formula, known as the commensurate rent adjustment, to help determine annual rent guidelines for rent stabilized apartments. In essence, the "commensurate" combines various data concerning operating costs, revenues, and inflation into a single measure indicating how much rents would have to change for net operating income (NOI) in stabilized buildings to remain constant. The different types of "commensurate" adjustments described below are primarily meant to provide a foundation for discussion concerning prospective guidelines.

In its simplest form, the commensurate rent adjustment is the amount of rent change needed to maintain landlords' current dollar NOI at a constant level. In other words, the formula provides a set of one- and two-year renewal rent increases or guidelines that will compensate owners for the change in prices measured by the PIOC and keep net operating income "whole."

The first commensurate method is called the "Net Revenue" approach. While this formula takes into consideration the types of leases actually signed by tenants, it does not adjust landlords' NOI for inflation. The "Net Revenue" formula is presented in two ways: First, adjusting for the mix of lease terms; and Second, adding an assumption for stabilized apartment turnover and the impact of revenue from vacancy increases. Under the "Net Revenue" formula, a guideline that would preserve NOI in the face of this year's 5.9% increase in the PIOC is 5.0% for a one-year lease and 9.0% for a two-year lease. Using this formula and adding assumptions for the impact of vacancy increases on revenues when apartments experience turnover result in guidelines of 3.25% for one-year leases and 6.25% for two-year leases.

The second commensurate method considers the mix of lease terms while adjusting NOI upward to reflect general inflation, keeping both operating and maintenance (O&M) costs and NOI constant. This is commonly called the "CPI-Adjusted NOI" formula. A guideline that would preserve NOI in the face of the 1.9% increase in the Consumer Price Index and the 5.9% increase in the PIOC is 6.25% for a one-year lease and 9.75% for a two-year lease. Guidelines using this formula and adding the estimated impact of vacancy increases are 4.25% for one-year leases and 7.25% for two-year leases.⁷

The "traditional" commensurate adjustment is the formula that has been in use since the inception of the Rent Guidelines Board. The "traditional" commensurate yields 4.0% for a one-year lease and 4.9% for a two-year lease. This reflects the increase in operating costs of 5.9% found in the 2013 PIOC and the projection of a 2.6% increase next year.⁸

As a means of compensating for cost changes, this "traditional" commensurate rent adjustment has two major flaws. First, although the formula is supposed to keep landlords' current dollar income constant, the formula does not consider the mix of one- and two-year lease renewals. Since only about three-fifths of leases are renewed in any given year, with a preponderance of leases having a two-year duration, the formula does not necessarily accurately estimate the amount of income needed to compensate landlords for O&M cost changes.

A second flaw of the "traditional" commensurate formula is that it does not consider the erosion of landlords' income by inflation. By maintaining current dollar NOI at a constant level, adherence to the formula may cause profitability to decline over time. However, such degradation is not an inevitable consequence of using the "traditional" commensurate formula.⁹

All of these methods have their limitations. The "traditional" commensurate formula is artificial and does not consider the impact of lease terms or inflation on landlords' income. The "Net Revenue" formula does not attempt to adjust NOI based on changes in interest rates or deflation of landlord profits. The "CPI-Adjusted NOI" formula inflates the debt service portion of NOI, even though interest rates have been generally falling, rather than rising, over recent years. Including a consideration of the amount of income owners receive on vacancy assumes that turnover rates are constant across the City.

Finally, it is important to note that only the "traditional" commensurate formula uses the PIOC projection and that this projection is not used in conjunction with or as part of the "Net Revenue" and "CPI-Adjusted NOI" formulas. As stated previously, all three formulas attempt to compensate owners for the adjustment in their operating and maintenance costs measured each year in the PIOC. The "Net Revenue" and the "CPI-Adjusted NOI" formulas attempt to compensate owners for the adjustment in O&M costs by using only the known PIOC change in costs (5.9%). The traditional method differs from the other formulas in that it uses both the PIOC's actual change in costs as well as the projected change in costs (2.6%). If the change in projected costs, which may not be an accurate estimate of owner's costs, is added to the "Net Revenue" and "CPI-Adjusted NOI" formulas, the resulting guidelines will likely over- or under-compensate for the change in costs.

Each of these formulae may be best thought of as a starting point for deliberations. The other Rent Guidelines Board annual research reports (e.g., the Income and Affordability Report and the Income and Expense Study) and testimony to the Board can be used to modify the various estimates depending on these other considerations.

Consideration of Other Factors

Before determining the guideline, the Board considered other factors affecting the rent stabilized housing stock and the economics of rental housing.

⁷ The following assumptions were used in the computation of commensurates: (1) the required change in landlord revenue is 67.2% of the 2013 PIOC increase of 5.9%, or 4.0%. The 67.2% figure is the most recent ratio of average operating costs to average income in stabilized buildings; (2) for the "CPI-Adjusted NOI" commensurate, the increase in revenue due to the impact of inflation on NOI is 32.8% times the latest 12-month increase in the CPI ending February 2013 (1.9%) or 0.62%; (3) these lease terms are only illustrative—other combinations of one- and two-year guidelines could produce the adjustment in revenue; (4) assumptions regarding lease renewals and turnover were derived from the 2011 Housing and Vacancy Survey; (5) for the commensurate formulae, including a vacancy assumption, the 8.33% median increase in vacancy leases found in the rent stabilized apartments that reported a vacancy lease in the 2012 apartment registration file from the Division of Housing and Community Renewal was used; and (6) the collectability of these commensurate adjustments are assumed.

⁸ Calculating the "traditional" commensurate rent adjustment requires an assumption about next year's PIOC. In this case, the 2.6% PIOC projection for 2014 is used.

⁹ Whether profits will actually decline depends on the level of inflation, the composition of NOI (i.e., how much is debt service and how much is profit), and changes in tax law and interest rates.

EFFECTIVE RATES OF INTEREST

The Board took into account current mortgage interest rates and the availability of financing and refinancing. It reviewed the staff's 2013 Mortgage Survey Report of lending institutions. Table 4 gives the reported rate and points for the past nine years as reported by the mortgage survey.

Table 4

| 2013 Mortgage Survey ¹⁰ | | | | | | | | | | | |
|---|------|------|------|------|------|---|------|------|------|--|--|
| Average Interest Rates and Points for New and Refinanced Permanent Mortgage Loans 2005-2013 | | | | | | Refinancing of Permanent Mortgage Loans, Interest Rate and Points | | | | | |
| New Financing of Permanent Mortgage Loans, Interest Rate and Points | | | | | | Refinancing of Permanent Mortgage Loans, Interest Rate and Points | | | | | |
| | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | | |
| Avg. Rates | 5.5% | 6.3% | 6.3% | 5.9% | 6.5% | 6.3% | 5.8% | 4.6% | 4.4% | | |
| Avg. Points | 0.56 | 0.44 | 0.61 | 0.47 | 0.62 | 0.79 | 0.61 | 0.63 | 0.59 | | |
| | | | | | | | | | | | |
| Avg. Rates | 5.5% | 6.3% | 6.2% | 5.8% | 6.5% | 6.3% | 5.7% | 4.7% | 4.4% | | |
| Avg. Points | 0.56 | 0.44 | 0.61 | 0.44 | 0.62 | 0.83 | 0.61 | 0.63 | 0.40 | | |

Source: 2005-2013 Annual Mortgage Survey Reports, RGB.

¹⁰ Institutions were asked to provide information on their "typical" loan to rent stabilized buildings. Data for each variable in any particular year and from year to year may be based upon responses from a different number of institutions.

CONDITION OF THE RENT STABILIZED HOUSING STOCK

The Board reviewed the number of units that are moving out of the rental market due to cooperative and condominium conversion.

Table 5

| Number of Cooperative / Condominium Plans ¹¹ Accepted for Filing, 2004-2012 | Year | | | | | | | | |
|--|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
| New Construction | 268 | 361 | 644 | 573 | 454 | 335 | 235 | 185 | 121 |
| Conversion Non-Eviction | 16 | 24 | 53 | 66 | 50 | 29 | 20 | 22 | 36 |
| Conversion Eviction | 15 | 18 | 13 | 16 | 18 | 13 | 4 | 9 | 3 |
| Rehabilitation | 18 | 6 | 0 | 8 | 4 | 1 | 0 | 0 | 0 |
| Total | 317 | 409 | 710 | 663 | 526 | 378 | 259 | 216 | 160 |
| Subtotal: | | | | | | | | | |
| HPD Sponsored Plans | 15 | 18 | 13 | 16 | 18 | 13 | 4 | 9 | 3 |

Source: New York State Attorney General's Office, Real Estate Financing.

¹¹ The figures given above for eviction and non-eviction plans include those that are abandoned because an insufficient percentage of units were sold within the 15-month deadline. In addition, some of the eviction plans accepted for filing may have subsequently been amended or resubmitted as non-eviction plans and therefore may be reflected in both categories. HPD sponsored plans are a subset of the total plans. Some numbers revised from prior years.

On June 11, 2013 the staff of the Rent Guidelines Board released a memo to Board members with

additional information concerning the 2013 Housing Supply Report. Below is the memo in its entirety:

At the May 30, 2013 *Housing Supply Report* presentation, two questions were asked for which immediate answers could not be provided. Detailed answers follow.

Question 1: Of the units newly approved for J-51 benefits in 2012, how many were rental units and how many were owner units?

Per the NYC Department of Housing Preservation and Development, of the 45,886 units newly approved for J-51 benefits in 2012, 16,766 (36.5%) were rental units and 29,120 (63.5%) were owner units. Per data from the Department of Finance "Annual Report on Tax Expenditures," in FY 2013, approximately 60% of units currently receiving J-51 benefits (almost 550,000 units) are rentals, and 40% are owner.

Question 2: Of the units that were reported as being "completed" in 2012, how many are in 5-unit or more buildings?

Per the NYC Department of City Planning, which bases their completions data on Temporary and Final Certificates of Occupancy issued by the Department of Buildings, of the 9,455 units that were completed during 2012, 7,195 (76.1%) were in buildings with 5 units or more. Buildings with 5 or more units represent 17.9% of all buildings completed in 2012 (254 of 1,420 buildings), with an average size of 28.3 units for the City as a whole and 51.1 units in Manhattan. For a breakdown of units by borough, refer to the table below. For comparison purposes, 2011 data is also presented.

| | Units in Bldgs. with Less than 5 Units | | Units in Bldgs. with 5 Units or More | | % of Units in Bldgs. with 5 Units or More | | Total Units | |
|------------|--|-------|--------------------------------------|-------|---|-------|-------------|-------|
| | 2011 | 2012 | 2011 | 2012 | 2011 | 2012 | 2011 | 2012 |
| Borough | 401 | 337 | 2,986 | 1,076 | 88.2% | 76.2% | 3,387 | 1,413 |
| Bronx | 532 | 597 | 3,999 | 3,014 | 88.3% | 83.5% | 4,531 | 3,611 |
| Brooklyn | 1 | 35 | 2,129 | 1,124 | 100.0% | 97.0% | 2,130 | 1,159 |
| Manhattan | 1,065 | 754 | 1,689 | 1,878 | 61.3% | 71.4% | 2,754 | 2,632 |
| Queens | 897 | 537 | 112 | 103 | 11.1% | 16.1% | 1,009 | 640 |
| Staten Is. | 2,896 | 2,260 | 10,915 | 7,195 | 79.0% | 76.1% | 13,811 | 9,455 |
| Citywide | | | | | | | | |

Source: NYC Department of City Planning

CONSUMER PRICE INDEX

The Board reviewed the Consumer Price Index. Table 6 shows the percentage change for the NY-Northeastern NJ Metropolitan area since 2006.

Table 6

Percentage Changes in the Consumer Price Index for the New York City - Northeastern New Jersey Metropolitan Area, 2006-2013 (For "All Urban Consumers")

| | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|--------------------------------|------|------|------|------|------|------|------|------|
| 1st Quarter Avg. ¹² | 2.7% | 2.9% | 3.8% | 0.8% | 2.1% | 2.3% | 2.6% | 1.9% |
| Yearly Avg. | 3.8% | 2.8% | 3.9% | 0.4% | 1.7% | 2.8% | 2.0% | -- |

Source: U.S. Bureau of Labor Statistics.

¹² 1st Quarter Average refers to the change of the CPI average of the first three months of one year to the average of the first three months of the following year. Some numbers revised from prior years.

CALCULATING OF THE CURRENT OPERATING AND MAINTENANCE EXPENSE TO RENT RATIO

Each year the Board estimates the current average proportion of the rent roll which owners spend on operating and maintenance costs. This figure is used to ensure that the rent increases granted by the Board compensate owners for the increases in operating and maintenance expenses. This is commonly referred to as the O&M to rent ratio.

With current longitudinal income and expense data, staff has constructed an index, using 1989 as a base year. Except for the last three years, this index measures changes in building income and operating expenses as reported in annual income and expense statements. The second and third to last years in the table will reflect actual PIOC increases and projected rent changes. The last year in the table - projecting into the future - will include staff projections for both expenses and rents. This index is labeled as Table 7.

However, this index is not without limitations. First, as noted, for the past and coming year the index will continue to rely upon the price index and staff rent and cost projections. Second, while this table looks at the overall relationship between costs and income, it does not measure the specific impact of rent regulation on that relationship.

Table 7

Revised Calculation of Operating and Maintenance Cost Ratio for Rent Stabilized Buildings from 1989 to 2014

| Year ¹³ | Average Monthly O & M Per d.u. ¹⁴ | Average Monthly Income Per d.u. | Average O & M to Income Ratio |
|--------------------|--|---------------------------------|-------------------------------|
| 1989 | \$370 (\$340) | \$567 | .65 (.60) |
| 1990 | \$382 (\$351) | \$564 | .68 (.62) |
| 1991 | \$382 (\$351) | \$559 | .68 (.63) |
| 1992 | \$395 (\$363) | \$576 | .69 (.63) |
| 1993 | \$409 (\$376) | \$601 | .68 (.63) |
| 1994 | \$415 (\$381) | \$628 | .66 (.61) |
| 1995 | \$425 (\$391) | \$657 | .65 (.59) |
| 1996 | \$444 (\$408) | \$679 | .65 (.60) |
| 1997 | \$458 (\$421) | \$724 | .63 (.58) |
| 1998 | \$459 (\$422) | \$755 | .61 (.56) |
| 1999 | \$464 (\$426) | \$778 | .60 (.55) |
| 2000 | \$503 (\$462) | \$822 | .61 (.56) |
| 2001 | \$531 (\$488) | \$868 | .61 (.56) |
| 2002 | \$570 (\$524) | \$912 | .63 (.57) |
| 2003 | \$618 (\$567) | \$912 | .68 (.62) |
| 2004 | \$654 (\$601) | \$969 | .67 (.62) |
| 2005 | \$679 (\$624) | \$961 | .71 (.65) |
| 2006 | \$695 (\$638) | \$1,009 | .69 (.63) |
| 2007 | \$738 (\$678) | \$1,088 | .68 (.62) |
| 2008 | \$790 (\$726) | \$1,129 | .70 (.64) |
| 2009 | \$781 (\$717) | \$1,142 | .68 (.63) |
| 2010 | \$790 (\$726) | \$1,171 | .67 (.62) |
| 2011 | \$812 (\$746) | \$1,208 | .67 (.62) |
| 2012 ¹⁵ | \$835 (\$767) | \$1,255 | .67 (.61) |
| 2013 ¹⁶ | \$884 (\$812) | \$1,309 | .68 (.62) |
| 2014 ¹⁷ | \$907 (\$833) | \$1,364 | .66 (.61) |

Source: RGB *Income and Expense Studies, 1989-2013, Price Index of Operating Costs 2010 - 2013, RGB Rent Index for 2010 - 2013.*

- ¹³ The O&M and income data from 2007 to 2010 has been revised from that reported in previous explanatory statements to reflect actual, rather than estimated, expense and income data.
- ¹⁴ Operating and expense data listed is based upon unaudited filings with the Department of Finance. Audits of 46 buildings conducted in 1992 suggest that expenses may be overstated by 8% on average. See *Rent Stabilized Housing in New York City, A Summary of Rent Guidelines Board Research 1992*, pages 40-44. Figures in parentheses are adjusted to reflect these findings.
- ¹⁵ Estimated expense figure includes 2011 expense updated by the PIOC for the period from 3/1/11 through 2/29/12 (2.8%). Income includes the income estimate for 2011 updated by staff estimate based upon renewal guidelines and choice of lease terms for a period from 3/1/11 through 2/29/12 (3.87% - i.e., the 10/1/10 to 9/30/11 rent projection (3.40%) times (.583), plus the 10/1/11 to 9/30/12 rent projection (4.53%) times (.417)).
- ¹⁶ Estimated expense figure includes 2012 expense updated by the PIOC for the period from 3/1/12 through 2/28/13 (5.9%). Income includes the income estimate for 2012 updated by staff estimate based upon renewal guidelines and choice of lease terms for a period from 3/1/12 through 2/28/13 (4.29% - i.e., the 10/1/11 to 9/30/12 rent projection (4.53%) times (.583), plus the 10/1/12 to 9/30/13 rent projection (3.95%) times (.417)).
- ¹⁷ Estimated expense figure includes 2013 expense estimate updated by the staff PIOC projection for the period from 3/1/13 through 2/28/14 (2.6%). Income includes the income estimate for 2013 updated by staff estimate based upon renewal guidelines and choice of lease terms for a period from 3/1/13 through 2/28/14 (4.23% - i.e., the 10/1/12 to 9/30/13 rent projection (3.95%) times (.583), plus the 10/1/13 to 9/30/14 rent projection (4.62%) times (.417)).

CHANGES IN HOUSING AFFORDABILITY

Results from the 2011 *Housing and Vacancy Survey* were released last year, and showed that the vacancy rate for New York City is 3.12%. Approximately 45% of renter households in NYC are rent stabilized, with a vacancy rate of 2.63%. The survey also shows that the median household income in 2010 was \$37,000 for rent stabilized tenants, versus \$38,447 for all renters. The median gross rent for rent stabilized tenants was also lower than that of all renters, at \$1,160 versus \$1,204 for all renters. And rent stabilized tenants saw a median gross rent-to-income ratio of 34.9% in 2011, compared to 33.6% for all renters.

Looking at New York City's economy during 2012, it showed both strengths and weaknesses as compared with the preceding year. Positive indicators include growing employment levels, which rose for the third consecutive year, increasing 2.1% in 2012. Gross City Product also increased for the third consecutive year, rising in real terms by 2.2% in 2012. In addition, the rate of inflation also slowed, down to 2.0% from 2.8% in 2011, and housing court non-payment filings fell 1.5%.

Negative indicators included a 4.0% increase in evictions, despite the number of non-payment filings in Housing Court declining. In addition, cash assistance levels increased for the fourth consecutive year, increasing by 0.9% between 2011 and 2012. The number of Supplemental Nutrition Assistance Program (SNAP) recipients also rose, increasing for the tenth consecutive year, by 0.7% in 2012. In addition, homelessness rose over 2011 levels, increasing to an average of more than 43,000 persons a night, a 14.6% increase. Inflation-adjusted wages also decreased 4.5% during the most recent 12-month period (the fourth quarter of 2011 through the third quarter of 2012). And the unemployment rate rose slightly, following a decrease in the prior year, rising 0.2 percentage points, to 9.2%.

The most recent numbers, from the fourth quarter of 2012 (as compared to the fourth quarter of 2011), show that homeless levels were up 19.0%, SNAP recipients were up 2.3%, and cash assistance levels were up 1.6%. However, both non-payment housing court filings and calendared court cases fell, by 4.8% and 2.7% respectively, employment levels were up 1.6%, unemployment rates fell by 0.43 percentage points, and real GCP rose by 2.8%.

On April 17, 2013 the staff of the Rent Guidelines Board released a memo to Board members with additional information concerning the 2013 Income and Affordability Study. Below is the memo in its entirety:

At the April 4, 2013 *Income & Affordability Study (I&A)* presentation, seven questions were asked for which immediate answers could not be provided. Detailed answers follow.

Question 1: What is the sample size of the U.S. Census Bureau's American Community Survey?

The number of housing units surveyed in New York City for the 2011 *American Community Survey* was 46,201. For context, the sample sizes of the 2011 *Housing and Vacancy Survey* and the 2000 decennial Census, both also conducted by the U.S. Census Bureau, were 19,077 and 377,035 housing units, respectively.

Question 2: What is the vacancy rate, by asking rent, for rent stabilized apartments and unregulated apartments? What is the overall vacancy rate for unregulated apartments?

The table below shows the vacancy rates of rent stabilized, unregulated, and all apartments by various asking rent levels. It also provides the overall vacancy rate for each category of housing.

Vacancy Rates by Monthly Asking Rents

| Monthly Asking Rent (HVS) | Rent Stabilized | Unregulated | All Apartments |
|---------------------------|-----------------|-------------|----------------|
| \$2,500 or more | --* | 6.0% | 5.3% |
| \$2,000 to \$2,499 | --* | 4.0% | 3.8% |
| \$1,500 to \$1,999 | 3.2% | 5.1% | 4.1% |
| \$1,250 to \$1,499 | 3.3% | 6.1% | 4.3% |
| \$1,000 to \$1,249 | 3.7% | 3.6% | 3.6% |
| \$800 to \$999 | 2.1% | 4.1% | 2.6% |
| Less than \$800 | 1.0% | 2.2% | 1.1% |
| Overall Vacancy Rate | 2.6% | 4.4% | 3.1% |

Source: 2011 *Housing & Vacancy Survey*

* Number of vacant units is too small to report an accurate figure

Question 3: Can you provide median rents by borough and type of rental apartment?

Tables 1 and 2 (below) show median contract and gross rents as reported in the 2011 *Housing and Vacancy Survey*. Table 3, which highlights data from the 2011 *American Community Survey*, cannot be broken out by type of rental unit, but does show the breakdown of both contract and gross rents, by borough. All tables represent nominal rents from 2011.

Table 1 - Monthly Median Contract Rents, 2011 Housing and Vacancy Survey

| Monthly Median Contract Rents (HVS) | Bronx | Brooklyn | Manhattan | Queens | Staten Island | NYC |
|-------------------------------------|---------|----------|-----------|---------|---------------|---------|
| Rent Stabilized | \$950 | \$1,010 | \$1,200 | \$1,148 | --* | \$1,050 |
| Rent Controlled | \$750 | \$750 | \$800 | \$1,047 | --* | \$800 |
| Mitchell Lama | \$926 | \$1,160 | \$1,000 | \$900 | --* | \$1,000 |
| Public Housing | \$443 | \$425 | \$467 | \$549 | --* | \$450 |
| Other Regulated | \$933 | \$591 | \$910 | \$955 | --* | \$910 |
| Non Regulated | \$1,176 | \$1,200 | \$2,500 | \$1,300 | \$1,000 | \$1,369 |
| All Apartments | \$942 | \$1,020 | \$1,500 | \$1,200 | \$1,000 | \$1,100 |

Source: 2011 Housing & Vacancy Survey
* Sample size is too small to report an accurate figure

Table 2 - Monthly Median Gross Rents, 2011 Housing and Vacancy Survey

| Monthly Median Gross Rents (HVS) | Bronx | Brooklyn | Manhattan | Queens | Staten Island | NYC |
|----------------------------------|---------|----------|-----------|---------|---------------|---------|
| Rent Stabilized | \$1,060 | \$1,129 | \$1,305 | \$1,223 | --* | \$1,160 |
| Rent Controlled | \$895 | \$820 | \$863 | \$1,180 | --* | \$895 |
| Mitchell Lama | \$980 | \$1,200 | \$1,000 | \$900 | --* | \$1,021 |
| Public Housing | \$455 | \$452 | \$481 | \$550 | --* | \$480 |
| Other Regulated | \$1,000 | \$670 | \$1,113 | \$955 | --* | \$1,000 |
| Non Regulated | \$1,320 | \$1,330 | \$2,600 | \$1,400 | \$1,262 | \$1,510 |
| All Apartments | \$1,050 | \$1,143 | \$1,580 | \$1,265 | \$1,130 | \$1,204 |

Source: 2011 Housing & Vacancy Survey
* Sample size is too small to report an accurate figure

Table 3 - Monthly Median Contract and Gross Rents, 2011 American Community Survey

| Monthly Median Contract and Gross Rents (ACS) | Bronx | Brooklyn | Manhattan | Queens | Staten Island | NYC |
|---|---------|----------|-----------|---------|---------------|---------|
| Contract Rent | \$895 | \$1,020 | \$1,305 | \$1,162 | \$991 | \$1,063 |
| Gross Rent | \$1,012 | \$1,113 | \$1,403 | \$1,276 | \$1,112 | \$1,168 |

Source: 2011 American Community Survey

Question 4: The presentation showed a chart of median gross rents, inflation-adjusted, from the 2005-2011 American Community Surveys. Can this same information be provided for contract rents?

A graph showing inflation-adjusted contract rents from the 2005-2011 ACS surveys (for NYC as a whole) is attached (see Attachment 1). Both inflation-adjusted contract (Table 1) and gross (Table 2) rents are also presented below (by borough and Citywide), in "real" 2011 dollars.

Table 1 - Inflation Adjusted Contract Rents, 2005-2011 American Community Survey

| Monthly Median Contract Rents (ACS, \$2011) | Bronx | Brooklyn | Manhattan | Queens | Staten Island | NYC |
|---|-------|----------|-----------|---------|---------------|---------|
| 2005 | \$806 | \$918 | \$1,105 | \$1,097 | \$1,006 | \$962 |
| 2006 | \$817 | \$917 | \$1,134 | \$1,103 | \$987 | \$965 |
| 2007 | \$834 | \$934 | \$1,152 | \$1,099 | \$1,013 | \$980 |
| 2008 | \$847 | \$941 | \$1,168 | \$1,109 | \$985 | \$987 |
| 2009 | \$865 | \$977 | \$1,278 | \$1,158 | \$1,002 | \$1,032 |
| 2010 | \$886 | \$1,006 | \$1,243 | \$1,169 | \$1,044 | \$1,051 |
| 2011 | \$895 | \$1,020 | \$1,305 | \$1,162 | \$991 | \$1,063 |

Source: 2011 American Community Survey

Table 2 - Inflation Adjusted Gross Rents, 2005-2011 American Community Survey

| Monthly Median Gross Rents (ACS, \$2011) | Bronx | Brooklyn | Manhattan | Queens | Staten Island | NYC |
|--|---------|----------|-----------|---------|---------------|---------|
| 2005 | \$906 | \$1,012 | \$1,197 | \$1,183 | \$1,130 | \$1,059 |
| 2006 | \$927 | \$1,008 | \$1,213 | \$1,195 | \$1,113 | \$1,061 |
| 2007 | \$939 | \$1,030 | \$1,238 | \$1,205 | \$1,171 | \$1,075 |
| 2008 | \$957 | \$1,042 | \$1,259 | \$1,203 | \$1,136 | \$1,097 |
| 2009 | \$969 | \$1,068 | \$1,367 | \$1,248 | \$1,154 | \$1,136 |
| 2010 | \$1,002 | \$1,110 | \$1,342 | \$1,277 | \$1,173 | \$1,161 |
| 2011 | \$1,012 | \$1,113 | \$1,403 | \$1,276 | \$1,112 | \$1,168 |

Source: 2011 American Community Survey

Question 5: Can you provide the number of rent stabilized households paying more than 50% of their income towards gross rent, and detail how much more than 50% they are paying?

The table below details the number of all rent stabilized households, rent stabilized households not utilizing Section 8, and all rental apartments who are paying more than 50%, 60%, 70%, 80%, 90%, and 100% of their household income towards gross rent.

Percentage of Income Spent on Gross Rent, 2011 Housing and Vacancy Survey

| % of Income Towards Gross Rent* (HVS) | Rent Stabilized | Rent Stabilized (Excluding Section 8) | All Apartments |
|---------------------------------------|-----------------|---------------------------------------|----------------|
| 50 Percent or More | 35.0% | 30.4% | 32.7% |
| 60 Percent or More | 29.1% | 24.3% | 26.5% |
| 70 Percent or More | 24.4% | 19.6% | 21.7% |
| 80 Percent or More | 20.4% | 15.9% | 18.2% |
| 90 Percent or More | 17.3% | 13.2% | 15.4% |
| 100 Percent or More | 15.0% | 11.3% | 13.3% |

Source: 2011 Housing and Vacancy Survey

* Note that these figures are derived from the raw data provided by the U.S. Census Bureau for the 2011 Housing and Vacancy Survey, because it is not available via pre-configured tables released directly from the Census Bureau, as published on their website. Raw data excludes "top coded" records, which are deemed a privacy concern by the Census Bureau. Because only the Census Bureau has complete access to the full data set, statistics derived from the raw data can sometimes differ slightly from the data they provide through the tables on their website. For instance, this table shows that 32.7% of all households pay more than 50% of their income towards rent, while the number provided directly from the HVS tables (on their website) is 32.5%. Figures presented here should generally be considered 0.1 to 0.2 percentage points higher than actual figures.

Question 6: Can you provide homeless rates by borough and by type of housing last being resided in?

The Department of Homeless Services does not have data on the type of housing being resided in prior to homelessness. They have been able to provide some data on homeless rates by borough. They cannot provide the total number of individuals sheltered in each borough, but can provide both the total number of families, and the number of single adults. The table below shows shelter censuses, by borough, for April 15 of 2012 and April 15 of 2013.

NYC Dept. of Homeless Services Shelter Censuses, by Borough

| | Single Adults | | Families | |
|---------------|----------------|----------------|----------------|----------------|
| | April 15, 2012 | April 15, 2013 | April 15, 2012 | April 15, 2013 |
| Bronx | 1,122 | 1,214 | 3,972 | 4,969 |
| Brooklyn | 3,420 | 3,998 | 2,867 | 3,140 |
| Manhattan | 3,790 | 4,123 | 2,153 | 2,527 |
| Queens | 321 | 537 | 1,106 | 1,179 |
| Staten Island | 10 | 11 | 45 | 43 |

Source: NYC Dept. of Homeless Services

Question 7: Can you provide copies of the ACS Gross Rent and CPI slides from the PowerPoint presentation?

The two slides in question are attached, as Attachments 2 and 3.

After the presentation, an additional question related to the I&A was asked by Board member Harvey Epstein. That question is presented here.

Can the number of evictions/possessions be broken down by borough and Community District, with the corresponding number of rent stabilized apartments?

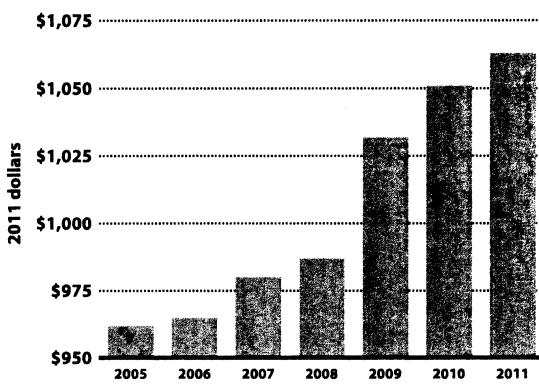
We have not been able to obtain data for evictions/possessions by Community District, but the table below presents this data at the borough level. The column entitled "Evictions/Possessions" shows the number of evictions and possessions in each borough in 2012, and the share of evictions/possessions of the Citywide total. The column entitled "Total Apts." shows the number of rental apartments in each borough per the 2011 Housing and Vacancy Survey, and the share of apartments of the Citywide total. The column entitled "Rent Stabilized Apts." shows the number rent stabilized apartments in each borough, and both their share of rent stabilized apartments Citywide, and share of total rental apartments within each borough (i.e., 23.2% of all rent stabilized apartments are in the Bronx, and 59.1% of apartments within the Bronx are rent stabilized).

| | Evictions/Possessions | | Total Rental Apts. | | Rent Stabilized Apts. | | |
|---------------|-----------------------|---------|--------------------|---------|-----------------------|------------------------|---------------------------------|
| | Number | Percent | Number | Percent | Number | Percent of Citywide RS | Percent of All Apts. in Borough |
| Bronx | 10,956 | 38.1% | 388,022 | 17.9% | 229,361 | 23.2% | 59.1% |
| Brooklyn | 8,514 | 29.6% | 691,177 | 31.8% | 295,631 | 30.0% | 42.8% |
| Manhattan | 3,775 | 13.1% | 587,313 | 27.0% | 264,365 | 26.8% | 45.0% |
| Queens | 4,605 | 16.0% | 449,108 | 20.7% | 189,021 | 19.2% | 42.1% |
| Staten Island | 893 | 3.1% | 57,013 | 2.6% | 8,461 | 0.9% | 14.8% |
| NYC | 28,743 | 100.0% | 2,172,633 | 100.0% | 986,839 | 100.0% | 45.4% |

Source: NYC Dept. of Investigation and the 2011 Housing and Vacancy Survey

Attachment 1

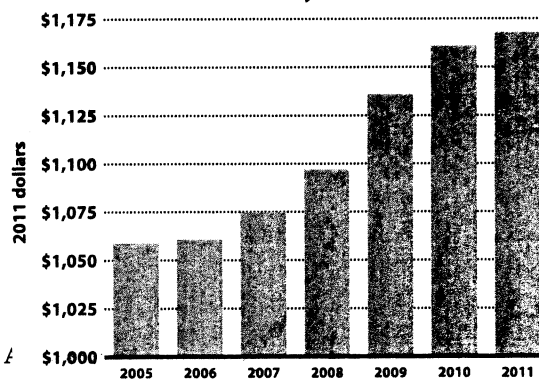
Monthly Contract Rent in Real 2011 Dollars (ACS Survey)



Source: 2005-2011 American Community Surveys

Attachment 2

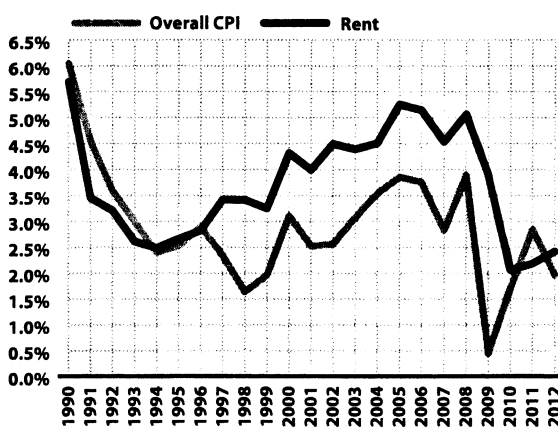
Monthly Gross Rent in Real 2011 Dollars (ACS Survey)



Source: 2005-2011 American Community Surveys

Attachment 3

Consumer Price Index



Source: Bureau of Labor Statistics

BUILDINGS WITH DIFFERENT FUEL AND UTILITY ARRANGEMENTS

The Board was also informed of the circumstances of buildings with different fuel and utility arrangements including buildings that are master-metered for electricity and that are heated with gas versus oil (see Table 8). Under some of the Board's Orders in the past, separate adjustments have been established for buildings in certain of these categories where there were indications of drastically different changes in costs in comparison to the generally prevailing fuel and utility arrangements. This year the Board did not make a distinction between guidelines for buildings with different fuel and utility arrangements under Order 45.

Table 8

| Index Type | Changes in Price Index of Operating Costs for Apartments in Buildings with Various Heating Arrangements, 2012-13, and Commensurate Rent Adjustment | |
|--------------------------------|--|--|
| | 2012-13 Price Index Change | One-Year Rent Adjustment Commensurate With O&M to Income Ratio of .672 |
| All Dwelling Units | 5.9% | 3.96% |
| Pre 1947 | 6.8% | 4.57% |
| Post 1946 | 4.9% | 3.29% |
| Oil Used for Heating | 7.3% | 4.91% |
| Gas Used for Heating | 4.3% | 2.89% |
| Master Metered for Electricity | 6.0% | 4.03% |

Note: The O&M to Income ratio is from the 2013 Income and Expense Study.

Source: RGB's 2013 Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City.

ADJUSTMENTS FOR UNITS IN THE CATEGORY OF BUILDINGS COVERED BY ARTICLE 7-C OF THE MULTIPLE DWELLING LAW (LOFTS)

Section 286 sub-division 7 of the Multiple Dwelling Law states that the Rent Guidelines Board "shall annually establish guidelines for rent adjustments for the category of buildings covered by this article." In addition, the law specifically requires that the Board, "consider the necessity of a separate category for such buildings, and a separately determined guideline for rent adjustments for those units in which heat is not required to be provided by the owner, and may establish such separate category and guideline."

In 1986, Abt Associates Inc. conducted an expenditure study of loft owners to construct weights for the Loft Board's index of operating costs and to determine year-to-year price changes. In subsequent years, data from the PIOC for stabilized apartments was used to compute changes in costs and to update the loft expenditure weights. This is the procedure used this year.

The increase in the Loft Index this year was 5.8%, nearly the same increase seen in apartments (5.9%). Although the increases in the components for these indices were similar, there were disparities in the importance that the components hold in each index. Insurance Costs rose 7.1% in both indices but this rise in costs carried more weight in the Lofts Index, making up 17% of this index versus 7% for the Apartment Index. In contrast, the similar increases in Utilities, 6.3% for apartments versus 6.4% for lofts, carried more weight in the Apartment Index (16%) as compared to the Lofts Index (8%). These disparities in the weights for components that make up these two indices resulted in a Loft Index that was just 0.1 percentage points lower than the PIOC for Apartments.

This year's guidelines for lofts are: 4.0% for a one-year lease and 7.75% for a two-year lease.

Table 9

Changes in the Price Index of Operating Costs for Lofts from 2012-2013

| Loft O & M Price Index Change | |
|-------------------------------|------|
| All Buildings | 5.8% |

Source: 2013 Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City.

SPECIAL GUIDELINES FOR VACANCY DECONTROLLED UNITS ENTERING THE STABILIZED STOCK

Pursuant to Section 26-513(b) of the New York City Administrative Code, as amended, the Rent Guidelines Board establishes a special guideline in order to aid the State Division of Housing and Community Renewal in determining

fair market rents for housing accommodations that enter the stabilization system. This year, the Board set the guidelines at the greater of the following:

- (1) 30% above the Maximum Base Rent, or
- (2) The Fair Market Rent for existing housing as established by the United States Department of Housing and Urban Development (HUD) for the New York City Primary Metropolitan Statistical Area pursuant to Section 8(c) (1) of the United States Housing Act of 1937 (42 U.S.C. section 1437f [c] (1)) and 24 C.F.R. Part 888, with such Fair Market Rents to be adjusted based upon whether the tenant pays his or her own gas and/or electric charges as part of his or her rent as such gas and/or electric charges are accounted for by the New York City Housing Authority.

The Board concluded that for units formerly subject to rent control, either an increase to rent levels reflecting the Fair Market Rent guidelines established by the U.S. Department of Housing and Urban Development (HUD), or 30% above the maximum base rent was a desirable minimum increase. Notably, the HUD guidelines differentiate minimum rents on the basis of bedroom count.

INCREASE FOR UNITS RECEIVING PARTIAL TAX EXEMPTION PURSUANT TO SECTION 421 AND 423 OF THE REAL PROPERTY TAX LAW

The guideline percentages for 421-A and 423 buildings were set at the same levels as for leases in other categories of stabilized apartments.

This Order does not prohibit the inclusion of the lease provision for an annual or other periodic rent increase over the initial rent at an average rate of not more than 2.2 per cent per annum where the dwelling unit is receiving partial tax exemption pursuant to Section 421-A of the Real Property Tax Law. The cumulative but not compound charge of up to 2.2 per cent per annum as provided by Section 421-A or the rate provided by Section 423 is in addition to the amount permitted by this Order.

VACANCY ALLOWANCE

As of June 15, 1997, Vacancy Allowances are now determined by a formula set forth in the State Rent Regulation Reform Act of 1997 and in Chapter 97 of the Laws of 2011.

SUBLET ALLOWANCE

The increase landlords are allowed to charge under Order #45 when a rent stabilized apartment is sublet by the primary tenant to another tenant on or after October 1, 2013 and on or before September 30, 2014 shall be **10%**.

VOTES

The votes of the Board on the adopted motion pertaining to the provisions of Order #45 were as follows:

| | Yes | No | Abstentions |
|------------------------------------|-----|----|-------------|
| Guidelines for Apartment Order #45 | 5 | 4 | - |

Dated: June 21, 2013

Filed with the City Clerk: June 25, 2013

Jonathan L. Kimmel
Chair
NYC Rent Guidelines Board

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Chapter 576 of the Laws of 1974 (The Emergency Tenant Protection Act).
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Chapter 403 of the Laws of 1983.
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NEW YORK CITY RENT GUIDELINES BOARD

2013 Hotel Order #43

June 20, 2013

Order Number 43 - Hotels, Rooming Houses, Single Room Occupancy Buildings and Lodging Houses. Rent levels to be effective for leases commencing **October 1, 2013** through **September 30, 2014**.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE NEW YORK CITY RENT GUIDELINES BOARD BY THE RENT STABILIZATION LAW OF 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended, implemented by Resolution No. 276 of 1974 of the New York City Council and extended by Chapter 97 of the Laws of 2011, and in

accordance with the requirements of Section 1043 of the New York City Charter, that the Rent Guidelines Board hereby **adopts** the following levels of fair rent increases over lawful rents charged and paid on **September 30, 2013**.

APPLICABILITY

This order shall apply to units in buildings subject to the Hotel Section of the Rent Stabilization Law (Sections 26-504(c) and 26-506 of the N.Y.C. Administrative Code), as amended, or the Emergency Tenant Protection Act of 1974 (L.1974, c. 576 §4[§5(a)(7)]). With respect to any tenant who has no lease or rental agreement, the level of rent increase established herein shall be effective as of one year from the date of the tenant's commencing occupancy, or as of one year from the date of the last rent adjustment charged to the tenant, or as of **October 1, 2013**, whichever is later. This anniversary date will also serve as the effective date for all subsequent Rent Guidelines Board Hotel Orders, unless the Board shall specifically provide otherwise in the Order. Where a lease or rental agreement is in effect, this Order shall govern the rent increase applicable on or after **October 1, 2013** upon expiration of such lease or rental agreement, but in no event prior to one year from the commencement date of the expiring lease, unless the parties have contracted to be bound by the effective date of this Order.

RENT GUIDELINES FOR HOTELS, ROOMING HOUSES, SINGLE ROOM OCCUPANCY BUILDINGS AND LODGING HOUSES

Pursuant to its mandate to promulgate rent adjustments for hotel units subject to the Rent Stabilization Law of 1969, as amended, (§26-510(e) of the N.Y.C Administrative Code) the Rent Guidelines Board hereby **adopts** the following rent adjustments:

The allowable level of rent adjustment over the lawful rent actually charged and paid on **September 30, 2013** shall be:

- | | |
|---|-----------|
| 1) Residential Class A (apartment) hotels - | 0% |
| 2) Lodging houses - | 0% |
| 3) Rooming houses (Class B buildings containing less than 30 units) - | 0% |
| 4) Class B hotels - | 0% |
| 5) Single Room Occupancy buildings (MDL section 248 SRO's) - | 0% |

NEW TENANCIES

No "**vacancy allowance**" is permitted under this order. Therefore, the rents charged for tenancies commencing on or after **October 1, 2013** and on or before **September 30, 2014** may not exceed the levels over rentals charged on **September 30, 2013** permitted under the applicable rent adjustment provided above.

ADDITIONAL CHARGES

It is expressly understood that the rents collectible under the terms of this Order are intended to compensate in full for all services provided without extra charge on the statutory date for the particular hotel dwelling unit or at the commencement of the tenancy if subsequent thereto. No additional charges may be made to a tenant for such services, however such charges may be called or identified.

STATEMENT OF BASIS AND PURPOSE

The Rent Guidelines Board is authorized to promulgate rent guidelines governing hotel units subject to the Rent Stabilization Law of 1969, as amended, and the Emergency Tenant Protection Act of 1974, as amended. The purpose of these guidelines is to implement the public policy set forth in Findings and Declaration of Emergency of the Rent Stabilization Law of 1969 (§26-501 of the N.Y.C. Administrative Code) and in the Legislative Finding contained in the Emergency Tenant Protection Act of 1974 (L.1974 c. 576, §4 [§2]).

Dated: June 20, 2013

Jonathan L. Kimmel
Chair
New York City Rent Guidelines Board

EXPLANATORY STATEMENT - HOTEL ORDER #43

Explanatory Statement and Findings of the Rent Guidelines Board In Relation to 2013-14 Lease Increase Allowances for Hotels Under the Jurisdiction of the Rent Stabilization Law

Explanatory Statement and Findings of the Rent Guidelines Board Concerning Increase Allowances for Hotel Units Under the Jurisdiction of the Rent Stabilization Law, Pursuant to Hotel Order Number 43, Effective October 1, 2013 through and including September 30, 2014.¹⁸

Pursuant to the authority vested in it by the Rent Stabilization Law of 1969 and the Emergency Tenant Protection Act of 1974, implemented by Resolution Number 276 of 1974 of the New York City Council, and extended by Chapter 97 of the Laws of 2011, it is the responsibility of the Rent Guidelines Board to establish guidelines for hotel increases. Hotel Order Number 43, adopted on June 20, 2013, applies to stabilized hotel units occupied by non-transient tenants.

Hotel Order Number 43 provides for an allowable increase of 0% over the lawful rent actually charged and paid on September 30, 2013 for rooming houses, lodging houses, Class B hotels, single room occupancy buildings, and Class A residential hotels. The Order does not limit rental levels for commercial space, non-rent stabilized residential units, or transient units in hotel stabilized buildings during the guideline period. The Order also provides that for any dwelling unit in a hotel stabilized building which is voluntarily vacated by the tenant thereof, the level of rent increase governing a new tenancy shall be the same as the guideline for rent increases set forth above.

¹⁸ This Explanatory Statement explains the actions taken by the Board on individual points and reflects the general views of those voting in the majority. It is not meant to summarize all viewpoints expressed.

SPECIAL NOTE

In the past the Board has adopted rent increases to the rent stabilized hotel universe. In recent years, when increases were granted, the Board adopted a proviso that was designed to deny owners from taking these increases under certain conditions. Since the Board voted a 0% increase for all classifications of rent stabilized hotels, this proviso is not included in Hotel Order 43. In event that increases are considered for subsequent Hotel Orders, at such time the current members of the Rent Guidelines Board urge future Boards to consider reinstating this proviso or some form thereof. Below is the proviso and explanatory language previously adopted in Hotel Order 41:

Rooming house, lodging house, Class B hotel, single room occupancy building, and Class A residential hotel owners shall not be entitled to any of the above rent adjustments, and shall receive a **0% percent adjustment** if permanent rent stabilized or rent controlled tenants paying no more than the legal regulated rent, at the time that any rent increase in this Order would otherwise be authorized, constitute fewer than **85%** of all units in a building that are used or occupied, or intended, arranged or designed to be used or occupied in whole or in part as the home, residence or sleeping place of one or more human beings.

The following outlines the Rent Guidelines Board's intent of the above proviso:

The Board's intention for the meaning of this proviso is that ALL dwelling units in the hotel, whether occupied, vacant, rented to tourists, transients, contract clients, students or other non-permanent tenants, or to permanent rent stabilized tenants, be counted in the denominator of the calculation. The only type of units in the hotel that may be excluded from the denominator are units that are used as stores or for similar business purposes such as a doctor's office. The numerator of the calculation is the number of units occupied by permanent rent stabilized or rent controlled tenants.

Here are two examples. One: a hotel has 100 units and 2 stores. 32 units are rented to permanent rent stabilized tenants, 10 are vacant and 58 are rented to transients and tourists. The calculation is as follows, the denominator is 100 and the numerator is 32. This calculation results in an occupancy percentage of LESS than 85% under the formula (32%) and an increase CANNOT be taken for the permanent stabilized tenants.

Two: a hotel has 150 units, 2 of which are used by a dentist and a doctor for their businesses, 8 are rented to tourists, 5 are vacant and 135 are occupied by permanent rent stabilized tenants. The denominator would be 148 and the numerator would be 135. This calculation results in an occupancy percentage of GREATER than 85% under the formula (91%) and an increase CAN be taken for the permanent stabilized tenants.

DEFINITIONS

For the purpose of determining the appropriate classification of a hotel stabilized unit, the Board has set its definitions as follows:

- Residential hotels are "apartment hotels" which are designated as Class A multiple dwellings on the Certificate of Occupancy.
- Rooming houses are Class B multiple dwellings having fewer than thirty sleeping rooms as defined in Section 4(13) of the multiple dwelling law.
- A single room occupancy building is a Class A multiple dwelling which is either used in whole or in part for single room occupancy or as a furnished room house, pursuant to Section 248 of the multiple dwelling law.
- A Class B hotel is a hotel, which carries a Class B Certificate of Occupancy and contains units subject to rent stabilization.
- Lodging houses are those buildings designated as lodging houses on the Certificate of Occupancy.

BACKGROUND

Public meetings of the Board were held on March 14, April 4, 18 and 25, and May 30, 2013 following public notices. On April 30, the Board adopted proposed rent guidelines for hotels, apartments, and lofts.

A public hearing was held on June 13, 2013 to hear comments on the proposed rent adjustments for rent stabilized hotels and apartments. The hearing was held from 10:00 A.M. to 7:50 P.M. The Board heard testimony from approximately 15 hotel tenants and tenant representatives, one hotel owner, and one public official. One speaker read into the record written testimony from a public official. In addition, the Board's office received approximately 10 written statements from eight tenants and two public officials. On June 20, 2013, the guidelines set forth in Hotel Order Number 43 were adopted.

Selected Oral and Written Testimony from Tenants and Tenant Groups:

– "The conditions that warranted last year's 0% vote remain essentially unchanged: SRO tenants continue to struggle while buildings designated for residential use by rent-stabilized tenants are increasingly used for other purposes."

– "SROs are housing of last resort for low-income people who would otherwise be homeless. Thousands of hard-working people as well as a disproportionate number of elderly and disabled people call an SRO their home. If the economic situation is difficult for low-income New Yorkers, it is dire for most residents of SROs. Many rely on SSI, disability pensions, food stamps and other similar resources as their sole source of income. Tenants routinely report incomes as low as \$10,000 per year. For many, the affordability of their SRO home means the difference between having a roof over their head and being homeless. With

vacancy rates in apartments costing below \$800 at just 1.1% and homelessness already at a nightly average of over 43,295 persons per night – a 14.6% increase over last year – the City cannot afford to increase rents on what is one of the last sources of truly affordable housing for low-income New Yorkers.”

– “As the Board knows, SROs are housing of last resort for poor New Yorkers. They are the safety net at the bottom of the market that keeps thousands of people off the street and out of shelters. Unfortunately, this safety net is steadily fraying. Homeless rates continue to climb and the City continues to suffer a poverty rate higher than the national average. A rental increase for SRO tenants would only exacerbate these problems. SRO owners, on the other hand, continue to find profitable operating strategies, such as renting to transient guests and institutional tenants that will not be affected by a rental increase.”

– “We respectfully request that the Rent Guidelines Board decline to approve a rent increases for SRO units. SRO owners are not dependent upon the rents paid by the dwindling permanent tenant population to cover their overhead and make a profit. However, even the smallest rent increase will have a devastating impact upon tenants and will further exacerbate the City’s homelessness crisis.”

– “Today, we are seeking relief from any more rent increases, the horrors becoming homeless through the owners utilization of tactic described, by taking tenants to housing court unwarrantedly. We are seeking a justifiable end to warehousing SRO units, and also from the burden as economical outcasts from owners who profit handsomely as recipients of financial housing subsidies from Human Resources and from financial tax breaks.”

– “As a tenant, I want to share with you the importance of preserving the hotel proviso so that you do not someday forget about us....Rent stabilized tenants get their repairs done last and we have observed our services significantly decrease over the years. As our numbers dwindle in the remaining hotels throughout the city, our voices weaken....As the number of homeless families rise, our city cannot begin to recover from this economic depression. The elimination of affordable housing by annual rent increases displaces families and counteracts whatever small progress we have made in reducing the unemployment rate. The expression, one step forward and two steps back, comes to mind.”

Selected Oral and Written Testimony from Owners and Owner Groups:

– “These units are subject to SRO rent guidelines. This has created a severe hardship in that alternate years there is a zero percent increase allowed for these SROS, and on alternate years for these units there is also a zero percent rent increase allowed for units in this building because of the stipulation in the rent guidelines that if permanent rent stabilized or rent controlled tenants constitute fewer than 85% of all units in the building used as a home, residential sleeping place, there will also be a zero percent rent increase. Therefore, for these four apartments, there are presently no rent increases ever allowed, on any of them, for existing tenants.”

– “There is no other situation in housing where rent can be frozen like this while expenses continue to increase based upon market conditions. The present SRO guidelines were not primarily established for small, residential buildings like this, but for much larger hotel buildings, and rooming houses. We’re asking that small units like this, buildings consisting of eight units, that you consider that these units... be granted the same type of rent stabilization increases as the general rent stabilized units on the market and further that the stipulation prohibiting any rent increase on these apartments, based upon the rent regulated makeup of the building be eliminated, again, for small buildings like this.”

Selected Oral and Written Testimony from Public Officials:

– “The average SRO tenant now pays 50% or more of his/her income towards rent, and they have very little left over for basic necessities. Yet this kind of housing, sometimes using shared facilities, is desperately needed in our city. Most of these buildings have a mixture of regulated and “other” uses – such as hotel, city referrals (DHS) and many more – on the premises, and I respectfully urge the RGB to decline to approve any rent increase for these units, as you have done in the past.”

– “Unless the Rent Guidelines Board significantly reduces or eliminates these increases they will have a devastating impact on the lives of millions of low- and middle-income residents who are struggling in this slow-growth economy. I am here today to request that the Board freeze rent increases for all regulated rental units, including Class A Hotels, Single Room Occupancy Buildings, and Rooming Houses.”

– “Therefore I urge the RGB impose a freeze on rents for all rent regulated apartments as well as for lofts, hotels, rooming houses, single room occupancy buildings and lodging houses.”

MATERIAL CONSIDERED BY THE BOARD

In addition to oral and written testimony presented at its public hearing, the Board’s decision is based upon material gathered from the 2013 Price Index of Operating Costs, prepared by the staff of the Rent Guidelines Board, reports and testimony submitted by owner and tenant groups relating to the hotel sector, and reports submitted by public agencies. The Board heard and received written testimony from invited guest speakers on April 25, 2013. Guest speakers representing hotel tenants included Daniel L. Parcerisas, from the Goddard-Riverside SRO Law Project, Brian Sullivan from the SRO Law Project at MFY Legal Services, and Larry Wood from the Goddard Riverside Community Center. There were no guest speakers representing hotel landlords at this meeting.

FINDINGS OF THE RENT GUIDELINES BOARD

RENT GUIDELINES BOARD RESEARCH

The Rent Guidelines Board based its determination on its consideration of the oral and written testimony noted above, as well as upon its consideration of statistical information prepared by the RGB staff set forth in these findings and the following reports:

- (1) 2013 Mortgage Survey Report, March 2013 (An evaluation of recent underwriting practices, financial availability and terms, and lending criteria);
- (2) 2013 Income and Affordability Study, April 2013

(Includes employment trends, housing court actions, changes in eligibility requirements and public benefit levels in New York City);

- (3) 2013 Price Index of Operating Costs, April 2013 (Measures the price change for a market basket of goods and services which are used in the operation and maintenance of stabilized hotels);
- (4) 2013 Housing Supply Report, May 2013 (Includes information on the conversion of Hotels to luxury apartments and transient use, new housing construction measured by certificates of occupancy in new buildings and units authorized by new building permits, tax abatement and exemption programs, and cooperative and condominium conversion and construction activities in New York City); and,
- (5) Changes to the Rent Stabilized Housing Stock in NYC in 2012, May 2013 (A report quantifying all the events that lead to additions to and subtractions from the rent stabilized housing stock).

The five reports listed above may be found in their entirety on the RGB’s website, www.nycrgb.org, and are also available at the RGB offices, 51 Chambers St., Suite 202, New York, NY upon request.

PRICE INDEX OF OPERATING COSTS FOR RENT STABILIZED HOTEL UNITS

The Hotel Price Index includes separate indices for each of three categories of rent stabilized hotels (due to their dissimilar operating cost profiles) and a general index for all stabilized Hotels. The three categories of hotels are: 1) “traditional” hotels – a multiple dwelling which has amenities such as a front desk, maid or linen services; 2) Rooming Houses – a multiple dwelling other than a hotel with thirty or fewer sleeping rooms; and 3) single room occupancy hotels (SROs) – a multiple dwelling in which one or two persons reside separately and independently of other occupants in a single room.

The Price Index for all stabilized Hotels rose 7.4% this year, a significantly higher increase than the 3.7% rise in 2012. The Price Index for Hotels was 1.5 percentage points higher than the increase in costs measured in the Apartment Price Index. Significant disparities between the Hotel Index and the Apartment Index were seen in the Taxes and Utilities components. Taxes for Hotels increased at a higher pace (5.8%) than the increase for apartments (2.6%). Furthermore, the increase in Utilities for all types of Hotels was 7.9%, versus the 6.3% rise for apartment buildings.

In addition to the changes in costs in Taxes and Utilities mentioned above, increases were seen in the remaining Hotel cost components. The highest increase was seen in Fuel Oil costs, which make up 16% of the PIOC for hotels, rising 19.8%. Insurance also witnessed a significant increase, with costs growing 7.1%. More moderate increases were seen in the remaining components. Contactor Services increased 3.5%, Labor by 3.1% and Administrative Costs rose 2.4%. Parts and Supplies and Replacement Costs, which carry very little weight in the Hotel Index, rose 4.1% and 0.1%, respectively.

Among the different categories of Hotels, the index for “traditional” hotels increased 7.5%, Rooming Houses (RH) by 6.1% and SROs by 7.7%.

Percent Change in the Components of the Price Index of Operating Costs March 2012 to March 2013, By Hotel Type and All Hotels

| Item Description | Hotel | RH | SRO | All Hotels |
|------------------------|-------------|-------------|-------------|-------------|
| TAXES, FEES, & PERMITS | 6.7% | 1.8% | 6.4% | 5.8% |
| LABOR COSTS | 3.1% | 3.0% | 3.0% | 3.1% |
| FUEL | 19.9% | 21.0% | 18.6% | 19.8% |
| UTILITIES | 9.1% | 2.9% | 7.8% | 7.9% |
| CONTRACTOR SERVICES | 3.5% | 2.8% | 3.8% | 3.5% |
| ADMINISTRATIVE COSTS | 2.5% | 2.3% | 2.4% | 2.4% |
| INSURANCE COSTS | 7.1% | 7.1% | 7.1% | 7.1% |
| PARTS AND SUPPLIES | 3.6% | 5.5% | 4.4% | 4.1% |
| REPLACEMENT COSTS | -0.1% | 0.5% | 0.7% | 0.1% |
| ALL ITEMS | 7.5% | 6.1% | 7.7% | 7.4% |

SOURCE: 2013 PRICE INDEX OF OPERATING COSTS

Changes in Housing Affordability

Results from the 2011 Housing and Vacancy Survey were released last year, and showed that the vacancy rate for New York City is 3.12%. Approximately 45% of renter households in NYC are rent stabilized, with a vacancy rate of 2.63%. The survey also shows that the median household income in 2010 was \$37,000 for rent stabilized tenants, versus \$38,447 for all renters. The median gross rent for rent stabilized tenants was also lower than that of all renters, at \$1,160 versus \$1,204 for all renters. And rent stabilized tenants saw a median gross rent-to-income ratio of 34.9% in 2011, compared to 33.6% for all renters.

Looking at New York City’s economy during 2012, it showed both strengths and weaknesses as compared with the preceding year. Positive indicators include growing employment levels, which rose for the third consecutive year, increasing 2.1% in 2012. Gross City Product also increased for the third consecutive year, rising in real terms by 2.2% in 2012. In addition, the rate of inflation also slowed, down to 2.0% from 2.8% in 2011, and housing court non-payment filings fell 1.5%.

Negative indicators included a 4.0% increase in evictions, despite the number of non-payment filings in Housing Court declining. In addition, cash assistance levels increased for the fourth consecutive year, increasing by 0.9% between 2011 and 2012. The number of Supplemental Nutrition Assistance Program (SNAP) recipients also rose, increasing for the tenth consecutive year, by 0.7% in 2012. In addition, homelessness rose over 2011 levels, increasing to an average of more than 43,000 persons a night, a 14.6% increase. Inflation- adjusted wages also decreased 4.5% during the most recent 12-month period (the fourth quarter of 2011 through the third quarter of 2012). And the unemployment rate rose slightly, following a decrease in the prior year, rising 0.2 percentage points, to 9.2%.

The most recent numbers, from the fourth quarter of 2012 (as compared to the fourth quarter of 2011), show that homelessness levels were up 19.0%, SNAP recipients were up 2.3%, and cash assistance levels were up 1.6%. However, both non-payment housing court filings and calendared court cases fell, by 4.8% and 2.7% respectively, employment levels were up 1.6%, unemployment rates fell by 0.43 percentage points, and real GCP rose by 2.8%.

CONSUMER PRICE INDEX

The Board reviewed the Consumer Price Index. The table that follows shows the percentage change for the NY-Northeastern NJ Metropolitan area since 2005.

| | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|--------------------------------|------|------|------|------|------|------|------|------|------|
| 1st Quarter Avg. ¹⁹ | 4.1% | 3.4% | 2.9% | 3.7% | 1.3% | 2.1% | 2.0% | 2.7% | 2.1% |
| Yearly Avg. | 3.9% | 3.8% | 2.8% | 3.9% | 0.4% | 1.7% | 2.8% | 2.0% | - |

Source: U.S. Bureau of Labor Statistics.

¹⁹ 1st Quarter Average refers to the change of the CPI average of the first three months of one year to the average of the first three months of the following year.

EFFECTIVE RATES OF INTEREST

The Board took into account current mortgage interest rates and the availability of financing and refinancing. It reviewed the staff’s 2013 Mortgage Survey Report of lending institutions. The table below gives the reported rate and points for the past ten years as reported by the Mortgage Survey.

| 2013 Mortgage Survey ²⁰ | | | | | | | | | | | | |
|---|------|------|------|------|------|------|------|------|------|------|--|--|
| Average Interest Rates and Points for New and Refinanced Permanent Mortgage Loans 2004-2013 | | | | | | | | | | | | |
| New Financing of Permanent Mortgage Loans, Interest Rate and Points | | | | | | | | | | | | |
| | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | | |
| Avg. Rates | 5.8% | 5.5% | 6.3% | 6.3% | 5.8% | 6.5% | 6.3% | 5.8% | 4.6% | 4.4% | | |
| Avg. Points | 0.67 | 0.56 | 0.44 | 0.61 | 0.47 | 0.62 | 0.79 | 0.61 | 0.63 | 0.59 | | |
| Refinancing of Permanent Mortgage Loans, Interest Rate and Points | | | | | | | | | | | | |
| | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | | |
| Avg. Rates | 5.7% | 5.5% | 6.3% | 6.2% | 5.8% | 6.5% | 6.3% | 5.7% | 4.7% | 4.4% | | |
| Avg. Points | 0.60 | 0.56 | 0.44 | 0.61 | 0.44 | 0.62 | 0.83 | 0.61 | 0.63 | 0.40 | | |

Source: 2004-2013 Annual Mortgage Surveys, RGB.

²⁰ Institutions were asked to provide information on their "typical" loan to rent stabilized buildings. Data for each variable in any particular year and from year to year may be based upon responses from a different number of institutions.

HOTEL CONVERSION

Conversion of single room occupancy (SRO) buildings also continued over the past year. SRO owners may convert SRO housing to other uses after obtaining a "Certificate of No Harassment" (CONH) from HPD. After seven consecutive years of decline, approved CONH applications rose in 2012, up 23.0% from 100 CONH in 2011 to 123 in 2012.²¹ Efforts are also underway to ensure that SROs are used for permanent housing rather than as transient hotels. As of May 1, 2011, laws were newly passed strengthening the City's ability to crack down on housing being used illegally for transient occupancy. Transient occupancy is now clearly defined as stays of less than 30 days, and between May of 2011 and April of 2012 1,820 violations (ranging from \$800 to \$2,000) were issued to illegal hotel operators.²² Approximately 2,415 violations have been issued since,²³ and late last year, the City Council strengthened this law even further, increasing fines to up to \$25,000 for repeat offenders.²⁴ Among the illegal hotel operators that the City has targeted is a company that it accused of offering short-term stays in permanent residential apartments in nearly 50 different locations in Manhattan and Brooklyn.²⁵ While the lawsuit continues, in February of 2013 the Supreme Court of New York County preliminarily ruled in favor of the City and issued an injunction against the company, barring it from operating or advertising hotel units.²⁶

²¹ NYC Department of Housing Preservation and Development.
²² Mayor Bloomberg Announces Results of City's Efforts to Curb Dangerous Illegal Hotels in New York City After State Legislation Enhances Enforcement Abilities." Mayor's Office Press Release 157-12. April 27, 2012.
²³ Office of the Criminal Justice Coordinator, Mayor's Office of Special Enforcement. Inclusive of data through April 30, 2013.
²⁴ "Illegal Hotel Fines Could Skyrocket," The Real Deal. September 12, 2012.
²⁵ "Mayor Bloomberg Announces Suit Against Major Operator of Illegal Hotels as Part of the City's Crackdown on Unsafe and Illegal Tourist Accommodations in New York City," Mayor's Office Press Release. October 23, 2012.
²⁶ <http://law.justia.com/cases/new-york/other-courts/2013/2013-ny-slip-op-23054.html>. February 13, 2013.

OTHER RELEVANT INFORMATION

On June 4, 2013, staff released a memo to the Board analyzing hotel data contained in the NYS Division of Housing and Community Renewal's 2012 apartment and building registration databases. Below is the memo in its entirety.

This memo is an update to staff memos released June 4, 2007, June 4, 2009, and June 12, 2012, which analyzed hotel registration data filed with the NYS Division of Housing and Community Renewal (DHCR) in 2005, 2008, and 2011, respectively. Staff members recently analyzed the 2012 DHCR registration database for data related to hotels, SROs, and rooming houses (hereafter referred to only as "hotels").

Note that when staff was analyzing this data, they found some irregularities in the way certain large buildings were being registered. These buildings were registered as "rooming houses" by the owner, but upon a detailed inspection were found by staff to be rent stabilized apartment buildings, and not rooming houses. A minimum of two owners, registering a total of 2,389 units in 13 buildings (12 in Manhattan, and one in Brooklyn), were found to be incorrectly registering their buildings as rooming houses with DHCR.²⁷ The same 13 buildings were incorrectly registered with DHCR in 2011, and data from these buildings was included in the memo released on June 12, 2012. Data from these 13 buildings will not be included in this memo, and therefore data from this

year cannot be compared to data from last year's memo. Please see Appendix 1, attached at the end of this memo, for updated 2011 data, which can be used for comparison purposes.

In 2012, 521 buildings, which were identified by owners as hotels, registered units with DHCR, 15 less than in 2011.²⁸ Within these 521 buildings, 16,263 individual apartment registrations were filed (999 more than in 2011). Owners identified a total of 10,483 of the registered units as being "rent stabilized" and the balance (5,780 units) were identified as being either "permanently exempt," "temporarily exempt," or "vacant." Of these 521 buildings, 46 (8.8% of the total) consisted entirely of exempt and/or vacant units. In addition, 207 buildings (39.7% of the total buildings) contain less than 85% permanently stabilized units.

Building owners/managers were asked to identify which of their units were temporarily or permanently exempt from rent stabilization laws. In 2012, 45 units were reported as being permanently exempt (0.3% of the total number of registered hotel units), while 3,777 units were reported as temporarily exempt (23.2% of the total number of registered hotel units). The most commonly reported reason for being temporarily exempt is "Hotel/SRO (Transient)" status, as was the classification given to 3,034 (80.3%) of the temporarily exempt units. Less common was "Not Prime Residence" (244 units, or 6.5%) and "Owner Occupancy/Employee" (232 units, or 6.1%). Among permanently exempt units, 16 (35.6% of these units) were reported as being deregulated due to High Rent/Vacancy or High Rent/High Income Decontrol, with the rest reported as being deregulated due to owner occupancy, "hotel room renting," substantial rehabilitation, rent control and a few other isolated reasons. In general, units that are temporarily exempt are either rented at what the market will bear, for as little as one night, or rented to government agencies, not-for-profit organizations, or universities as temporary housing. In addition, 1,958 units (12.0% of total units) were registered with DHCR as "Vacant."

The analysis starts by looking at the reported legal rents of those units identified as "rent stabilized" by building owners. The legal rents are the maximum amount that a landlord is able to charge to tenants (or government agencies subsidizing tenants), but do not necessarily reflect what a tenant is actually paying. Owners can choose to charge tenants a lower rent than legally allowed (known as a "preferential rent") and owners are also asked to provide DHCR with data for subsidized tenants, whose "actual" rents are the rents actually paid out of pocket by tenants, with the balance being made up by various government agencies and programs. See the tables below for detailed information on legal, preferential, and actual rents paid by rent stabilized hotel tenants.

²⁷ Note that there are a minimum of 13 buildings incorrectly registered by owners as hotels in the 2012 DHCR database. Staff cannot check every record for discrepancies, but are fairly confident that due to the size of these buildings (comprising 13% of all owner-identified hotel units), that any additional incorrect data will not significantly skew the analysis. Staff also intends to report these discrepancies to DHCR for their review.
²⁸ All data in this memo is based on owner-reported information as reported to DHCR in their 2012 registration database.

Table 1 shows the number of rent stabilized units and buildings that registered legal rents with DHCR in 2012. It also provides the median and mean legal rents for these units, by borough, and Citywide. These rents reflect the maximum amount that owners could charge for their units, as of April 2012.

Table 1: 2012 median and mean "legal" rents for units identified as rent stabilized (excludes exempt and vacant units)

| Borough | # of Stabilized Buildings | # of Stabilized Units | Median Legal Rent | Mean Legal Rent |
|-----------------------------|---------------------------|-----------------------|-------------------|-----------------|
| Bronx | 40 | 771 | \$1,123 | \$1,082 |
| Brooklyn | 155 | 2,947 | \$1,081 | \$1,216 |
| Manhattan ²⁹ | 210 | 5,779 | \$993 | \$1,409 |
| Queens | 66 | 898 | \$1,298 | \$1,511 |
| Staten Island ³⁰ | 4 | 66 | \$812 | \$837 |
| Citywide | 475 | 10,461 | \$1,065 | \$1,336 |

Source: 2012 DHCR Building and Apartment Registration filings

²⁹ Note that there was one large building in Manhattan (more than 200 units) in which 81% of units were registered as "rent stabilized" with DHCR, all but six of which had legal rents in excess of \$4,000 a month (up to as much as \$7,500 a month). This

particular building registered all of their units as "temporarily exempt" in 2011, which means that rent figures from these units were not reported or analyzed in data from last year's memo (see Appendix 1). For comparison purposes, had this building been left out of the 2012 analysis, the median legal rent in Manhattan would be \$958, and the mean legal rent would be \$1,293. Note that staff cannot investigate every record, and this may or may not be the only building with such a discrepancy.
³⁰ Excluding the Manhattan building noted in footnote #12, the median Citywide legal rent would be \$1,050 and the mean legal rent would be \$1,271.

Table 2 illustrates the median and mean "preferential" rents for the over one-quarter (31.5%) of rent stabilized units that reported charging one. Also shown is the percentage difference from the median and mean legal rents of just those units with reported preferential rents. The median Citywide legal rent for these units is \$1,359 and the mean legal rent is \$1,535.

Table 2: 2012 Median and Mean "Preferential" Rents for Units Identified as Rent Stabilized (excludes exempt and vacant units)*

| Borough | # of Stabilized Units | Median | | Mean | |
|-----------------|-----------------------|-------------------|--------------------------------|-------------------|--------------------------------|
| | | Preferential Rent | % Difference from Legal Rent** | Preferential Rent | % Difference from Legal Rent** |
| Bronx | 286 | \$988 | -27% | \$940 | -38% |
| Brooklyn | 1,220 | \$1,085 | -26% | \$1,051 | -28% |
| Manhattan | 1,473 | \$807 | -31% | \$840 | -42% |
| Queens | 312 | \$1,208 | -49% | \$1,287 | -42% |
| Staten Island | 2 | \$654 | -46% | \$654 | -46% |
| Citywide | 3,293 | \$998 | -27% | \$969 | -37% |

Source: 2012 DHCR Building and Apartment Registration filings

*Excludes units where the "preferential" rent reported is equal to, or more than, the reported "legal" rent.
 **Refers to the legal rents of just those units that reported preferential rents.

³⁰ Upon a close examination of the DHCR apartment registration file, 208 units in five buildings (one in Brooklyn, two in Manhattan, and two in Queens) were found to have erroneously registered all the "preferential" rents in their buildings as "actual" rents. In these 208 cases, the "actual" rent that they registered was either \$1,129, \$1,166, or \$1,183 (which were the HUD Fair Market Rent levels for studio apartments in 2010-2013, respectively). These building owners identified their tenants as receiving subsidies from a variety of government programs, including principally Shelter Plus and Section 8. By knowing that these tenants were part of government subsidy programs, we can infer that they actually paid significantly less than the HUD Fair Market Rent a month (although the owner did receive this amount through a combination of payments from the tenant and the government). As such, the records of these 203 units were altered to make the relevant HUD FMR the "preferential" rent, while the "actual" rent field was modified to be blank, as we do not know the true out of pocket rents for these tenants. Absent these modifications, the means and medians reported in Tables 2-4 would be somewhat different. Note that the balance of units in the DHCR registration files may or may not have been registered correctly. DHCR registration files are submitted by owners, and staff cannot verify the accuracy of every record. For the purposes of this memo, we are assuming that all other registrations were accurate.

Table 3 shows the median and mean "actual" rents paid by a reported 27.9% of rent stabilized hotel tenants. These are the rents that are paid by tenants out of pocket, with the balance being paid by government programs such as Section 8, Shelter Plus or SCRIE. Also included are the mean and median legal rents of just those apartments reporting "actual" rents. Theoretically, the owners of the 2,921 units reporting actual rents can receive the difference between the actual and legal rents from government programs, and in fact, 74% of these units do not report any "preferential" rents, implying that in most cases owners do receive the full legal rent for these units. Not reported here are detailed statistics for the 755 units that report both actual and preferential rents (which would indicate that these units do not receive the full legal rent). The Citywide median preferential rent for these 755 units is \$814 and the mean preferential rent is \$895.

Table 3: 2012 Median and Mean "Actual"³² Rents for Units Identified as Rent Stabilized (excludes exempt and vacant units)*

| Borough | # of Stabilized Units | Median | | Mean | |
|-----------------|-----------------------|------------------|----------------|------------------|----------------|
| | | Actual Rent Paid | Legal Rent** | Actual Rent Paid | Legal Rent** |
| Bronx | 221 | \$228 | \$1,440 | \$357 | \$1,605 |
| Brooklyn | 392 | \$292 | \$975 | \$424 | \$993 |
| Manhattan | 2,234 | \$255 | \$1,171 | \$479 | \$1,612 |
| Queens | 74 | \$587 | \$1,480 | \$688 | \$1,407 |
| Staten Island | 0 | -- | -- | -- | -- |
| Citywide | 2,921 | \$262 | \$1,166 | \$468 | \$1,523 |

Source: 2012 DHCR Building and Apartment Registration filings

* Excludes units where the "actual" rent reported is equal to, or more than, the reported "legal" rent.
 **Refers to the legal rents of just those units that reported actual rents.

³² See footnote #14.

Finally, to show rents that landlords are actually receiving for rent stabilized hotel units, Table 4 shows median and mean "rent received," which uses a combination of preferential and legal rents to identify the rent actually being collected. For the purposes of this table, "rent received" is defined as the legal rent, unless a preferential rent is registered, in which case the preferential rent is used.

Table 4: 2012 Median and Mean "Rent Received"³³ for Units Identified as Rent Stabilized (excludes exempt and vacant units)

| Borough | # of Stabilized Units | Median "Rent Received"* | Mean "Rent Received"* |
|-----------------------------|-----------------------|-------------------------|-----------------------|
| Bronx | 771 | \$902 | \$868 |
| Brooklyn | 2,947 | \$1,004 | \$1,044 |
| Manhattan ³⁴ | 5,779 | \$875 | \$1,253 |
| Queens | 898 | \$1,200 | \$1,191 |
| Staten Island ³⁵ | 66 | \$812 | \$820 |
| Citywide | 10,461 | \$957 | \$1,158 |

Source: 2012 DHCR Building and Apartment Registration filings

**"Rent Received" refers to the preferential rent (if one is provided), or the legal rent (if a preferential rent is not provided)

³³ See footnote #14.

³⁴ Excluding the large building in Manhattan that registered all their apartments as temporarily exempt in 2011 (See footnote #12), the median rent received in Manhattan would have been \$852 and the mean rent received would have been \$1,132.

³⁵ Excluding the Manhattan building noted in footnote #12, the median Citywide rent received would be \$950 and the mean rent received would be \$1,090.

Appendix 1 - Updated 2011 DHCR Hotel Registration Data

Table 1 shows the number of rent stabilized units and buildings that registered legal rents with DHCR in 2011. It also provides the median and mean legal rents for these units, by borough, and Citywide. These rents reflect the maximum amount that owners could charge for their units, as of April 2011.

Table 1: 2011 Median and Mean "Legal" Rents for Units Identified as Rent Stabilized (excludes exempt and vacant units)

| Borough | # of Stabilized Buildings | Median Legal Rent | Mean Legal Rent |
|-----------------|---------------------------|-------------------|-----------------|
| Bronx | 48 | \$1,063 | \$1,094 |
| Brooklyn | 161 | \$1,026 | \$1,143 |
| Manhattan | 201 | \$895 | \$1,019 |
| Queens | 65 | \$1,200 | \$1,195 |
| Staten Island | 7 | \$831 | \$817 |
| Citywide | 482 | \$983 | \$1,076 |

Source: 2011 DHCR Building and Apartment Registration filings

Table 2 illustrates the median and mean "preferential" rents for the over one-quarter (27.6%) of rent stabilized units that reported charging one. Also shown is the percentage difference from the median and mean legal rents of just those units with reported preferential rents. The Citywide median legal rent for these units is \$1,291 and the mean legal rent is \$1,335.

Table 2: 2011 Median and Mean "Preferential" Rents for Units Identified as Rent Stabilized (excludes exempt and vacant units)*

| Borough | # of Stabilized Units | Median | | Mean | |
|-----------------|-----------------------|-------------------|--------------------------------|-------------------|--------------------------------|
| | | Preferential Rent | % Difference from Legal Rent** | Preferential Rent | % Difference from Legal Rent** |
| Bronx | 353 | \$809 | -38% | \$834 | -43% |
| Brooklyn | 1,045 | \$1,075 | -23% | \$986 | -28% |
| Manhattan | 1,117 | \$769 | -36% | \$804 | -35% |
| Queens | 175 | \$1,129 | -29% | \$1,110 | -28% |
| Staten Island | 17 | \$950 | -1% | \$928 | -6% |
| Citywide | 2,707 | \$916 | -29% | \$899 | -33% |

Source: 2011 DHCR Building and Apartment Registration filings

*Excludes units where the "preferential" rent reported is equal to, or more than, the reported "legal" rent.
 **Refers to the legal rents of just those units that reported preferential rents.

Table 3 shows the median and mean "actual" rents paid by a reported 27.4% of rent stabilized hotel tenants. These are the rents that are paid by tenants out of pocket, with the balance being paid by government programs such as Section 8, Shelter Plus or SCRIE. Also included are the mean and median legal rents of just those apartments reporting "actual" rents. Theoretically, the owners of the 2,686 units reporting actual rents can receive the difference between the actual and legal rents from government programs, and in fact, 77% of these units do not report any "preferential" rents, implying that in most cases owners do receive the full legal rent for these units. Not reported here are detailed statistics for the 631 units that report both actual and preferential rents (which would indicate that these units do not receive the full legal rent). The Citywide median preferential rent for these 631 units is \$809 and the mean preferential rent is \$857.

Table 3: 2011 Median and Mean "Actual" Rents for Units Identified as Rent Stabilized (excludes exempt and vacant units)*

| Borough | # of Stabilized Units | Median | | Mean | |
|-----------------|-----------------------|------------------|----------------|------------------|----------------|
| | | Actual Rent Paid | Legal Rent** | Actual Rent Paid | Legal Rent** |
| Bronx | 260 | \$228 | \$1,394 | \$356 | \$1,534 |
| Brooklyn | 464 | \$238 | \$919 | \$370 | \$988 |
| Manhattan | 1,878 | \$224 | \$964 | \$365 | \$1,042 |
| Queens | 83 | \$606 | \$1,350 | \$630 | \$1,254 |
| Staten Island | 1 | \$689 | \$1,179 | \$689 | \$1,179 |
| Citywide | 2,686 | \$228 | \$1,035 | \$374 | \$1,087 |

Source: 2011 DHCR Building and Apartment Registration filings

*Excludes units where the "actual" rent reported is equal to, or more than, the reported "legal" rent.
 **Refers to the legal rents of just those units that reported actual rents.

Finally, to show rents that landlords are actually receiving for rent stabilized hotel units, Table 4 shows median and mean "rent received," which uses a combination of preferential and legal rents to identify the rent actually being collected. For the purposes of this table, "rent received" is defined as the legal rent, unless a preferential rent is registered, in which case the preferential rent is used.

Table 4: 2011 Median and Mean "Rent Received" for Units Identified as Rent Stabilized (excludes exempt and vacant units)

| Borough | # of Stabilized Units | Median "Rent Received"* | Mean "Rent Received"* |
|-----------------|-----------------------|-------------------------|-----------------------|
| Bronx | 1,023 | \$813 | \$881 |
| Brooklyn | 3,069 | \$950 | \$1,013 |
| Manhattan | 4,896 | \$821 | \$920 |
| Queens | 718 | \$1,129 | \$1,092 |
| Staten Island | 102 | \$825 | \$806 |
| Citywide | 9,808 | \$900 | \$957 |

Source: 2011 DHCR Building and Apartment Registration filings

*"Rent Received" refers to the preferential rent (if one is provided), or the legal rent (if a preferential rent is not provided)

VOTE

The vote of the Rent Guidelines Board on the adopted motion pertaining to the provisions of Order Number 43 was as follows:

| | Yes | No | Abstentions |
|-----------------------|-----|----|-------------|
| Guidelines for Hotels | 7 | 2 | - |

Dated: June 21, 2013

Filed with the City Clerk: June 25, 2013

Jonathan L. Kimmel
 Chair
 NYC Rent Guidelines Board

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 RGB Staff, 2013 Income and Affordability Study.
 RGB Staff, 2013 Mortgage Survey Report.
 RGB Staff, 2013 Housing Supply Report.
 RGB Staff, Changes to the Rent Stabilized Housing Stock in NYC in 2012.

Written submissions by tenants, tenant organizations, owners, and owner organizations.

TAXI AND LIMOUSINE COMMISSION

NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Taxi and Limousine Commission is considering changing its rules. This change would delete sections of the TLC Rules relating to adjudications, which have been transferred to the Office of Administrative Trials and Hearings pursuant to Mayoral Executive Order 148 of 2011.

When and where is the Hearing? The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 A.M. on Thursday, September 12, 2013. The hearing will be in the twenty-second floor hearing room at 33 Beaver Street, New York, New York.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

Mail. You can mail written comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street - 22nd Floor, New York, New York 10004.

Fax. You can fax written comments to the Taxi and Limousine Commission, Office of Legal Affairs, at 212-676-1102.

Email. You can email written comments to tlcrules@tlc.nyc.gov.

Website. You can submit comments to the Taxi and Limousine Commission through the NYC Rules Web site at www.nyc.gov/nycrules.

By Speaking at the Hearing. Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-676-1135. You can also sign up in the hearing room before the hearing begins on September 12, 2013. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by September 9, 2013.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by Thursday, September 5, 2013.

Can I review the comments made on the proposed rules? A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Office of Legal Affairs.

What authorizes the Commission to make this rule? Sections 1043 and 2303 of the City Charter and section 19-503 of the City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in the Commission's regulatory agenda for this Fiscal Year because it was not contemplated when the Commission published the agenda.

Where can I find the Commission's rules? The Commission's rules are in title 35 of the Rules of the City of New York.

What rules govern the rulemaking process? The Commission must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose

These proposed rules amend the Taxi and Limousine Commission (TLC) Rules (Title 35 of the Rules of New York City) relating to adjudications of summonses and other enforcement actions to reflect the transfer of the administrative tribunal of the TLC (the TLC Tribunal) to the New York City Office of Administrative Trials and Hearings (OATH). This transfer took place on July 3, 2011, as a result of Mayoral Executive Order No. 148 of 2011 (EO 148).

Background

On November 2, 2010, the voters approved Revisions to the New York City Charter which granted the Mayor the authority to review the tribunals of various agencies, including TLC's, to determine whether to consolidate them into OATH. The Mayor convened a Committee on Consolidation of Administrative Tribunals (the Committee) to make recommendations on the consolidation of several adjudicatory tribunals.

The Committee issued its report on June 5, 2011, and recommended that the TLC Tribunal and other tribunals be transferred to OATH, where the TLC Tribunal would become the "Taxi and Limousine Tribunal at OATH." The report provided that after the transfer the new tribunal maintain certain TLC rules relating to adjudications as rules of OATH, with some resulting modifications, pending further rulemaking by TLC and OATH.

In EO 148 the Mayor adopted the Committee's recommendation and ordered that the TLC Tribunal be transferred to OATH. EO 148 specified that the respective agencies may amend their rules to implement the transfer.

On July 3, 2011, the TLC Tribunal was transferred to OATH and is now the Taxi and Limousine Tribunal at OATH. Certain TLC Rules relating to adjudications (from Chapters 68 and 69 of the TLC Rules) became effective as Rules of OATH, pending further rulemaking by OATH and the TLC.

The Proposed Rules

The proposed rules revise the TLC Rules to reflect the transfer to OATH of the TLC Tribunal and of most of the procedural rules governing the tribunal and its proceedings. OATH will publish a similar set of proposed revisions to its rules (Title 48 of the Rules of the City of New York) to reflect the transfer. Most of the TLC's proposed rule changes are deletions from the TLC Rules relating to adjudications; some of the proposals are amendments to existing rules to reflect the transfer of the tribunal. Chapter 68 will retain rules for procedures that will remain with the TLC, including procedures for the service of summonses, determinations made by the TLC Chairperson, and the seizure and forfeiture of vehicles.

In addition, these proposed rules include a process for the TLC Chairperson to review Appeals Unit decisions of the Taxi and Limousine Tribunal at OATH. The Committee on Consolidation recommended this Chairperson review process because the consolidation of the TLC Tribunal with OATH was not meant to supplant the TLC's authority to interpret TLC rules and regulations. The review process in the proposed rules permits the Chairperson, after notice and opportunity to be heard, to reverse, modify, or affirm an Appeals Unit decision based on an interpretation of a TLC rule or regulation. The review will be based on issues of law, and either party may petition the Chairperson for review pursuant to this process. The Chairperson's decision will be made within 30 days of the non-petitioning party's deadline for response. The determination of an appeal by the Appeals Unit that is not acted upon by the Chairperson shall become a final decision of TLC.

The proposed revisions:

- Update the definition sections to include the Taxi and Limousine Tribunal at OATH.
- Remove the adjudicatory tribunal as a power and duty of the TLC.
- Update the penalty sections to add the Taxi and Limousine Tribunal at OATH.
- Remove hearing procedures sections.
- Create a process by which the Chairperson may review interpretations of TLC rules and regulations made by the Taxi and Limousine Tribunal at OATH.
- Update the sections relating to summary suspensions and vehicle seizures to add the Taxi and Limousine Tribunal at OATH.
- Update the sections for vehicle forfeitures to reflect current case law that requires opportunity for a preliminary hearing on the continued retention of a vehicle during the forfeiture process.

New Material is underlined.
 Deleted Material is bracketed []

Section 1. It is hereby proposed to amend section 51-03 of Title 35 of the Rules of the City of New York by adding, deleting, or amending the following definitions, in alphabetical order:

Administrative Law Judge (or ALJ) is [an attorney admitted to practice law in the State of New York who has been appointed by the Commission to conduct administrative hearings for the Commission] a person designated as an OATH Administrative Law Judge or a Hearing Officer by the Chief Administrative Law Judge of OATH or his/her designee.

Appeal is the request for review of a decision of an ALJ, an OATH ALJ or the Chairperson.

Appeals Unit is a unit of ALJs within the [Commission Adjudications Tribunal] Taxi and Limousine Tribunal at OATH responsible for deciding cases on Appeal, who do not hear cases in the first instance.

[Commission Adjudications Tribunal (or Commission Tribunal)] Taxi and Limousine Tribunal at OATH (or Taxi and Limousine Tribunal) is the [judicial body] Office of Administrative Trials and Hearings tribunal established under Chapter 5 of Title 48 of the Rules of the City of New York that has, except as otherwise provided in these Rules, jurisdiction over:

- (1) Violations of Title 19, Chapter 5 of the Administrative Code
- (2) Violations of Commission Rules

[**De Novo** is a legal term meaning "over again from the beginning."]

Default is a decision against a Respondent after a Respondent fails to appear for a Hearing, enter a plea, or make a request for an adjournment as required by Chapter 5 of Title 48 of the Rules of the City of New York.

[**Hearing Officer** is the Administrative Law Judge who presides over a hearing.]

[**Inquest** is the presentation and consideration of evidence at a Hearing before an ALJ, when the Respondent has failed to appear.]

[**OATH ALJ** is an administrative law judge appointed by OATH.]

OATH Tribunal is the Office of Administrative Trials and Hearings tribunal established under Chapter 1 of Title 48 of the Rules of the City of New York.

Recommended Decision. A Recommended Decision is a decision made by an ALJ [(or by OATH)] following a Hearing that must be reviewed by the Chairperson, either in its entirety or for the appropriateness of the penalty being imposed, before it becomes final.

[**Representative** is a non-attorney authorized by the Commission to represent Respondents before the Commission's Adjudications Tribunal.]

Section 2. It is hereby proposed to amend Chapter 52 of Title 35 of the Rules of the City of New York by repealing subdivision (b) of section 52-04, relating to the establishment of an administrative tribunal within the Taxi and Limousine Commission, and by relettering subdivision (c) as subdivision (b).

Section 3. It is hereby proposed to amend subdivision (c) of section 53-02 of Title 35 of the Rules of the City of New York, to read as follows:

- (c) Payment of Fines.
 - (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation[,], unless:
 - (i) the Respondent requests a copy of the Hearing recording pursuant to Chapter 5 of Title 48 of the Rules of the City of New York within the time required by that section, in which case the time for paying the fines will be the later of either 21 days from the date the recording is provided or 30 days from the date of the decision; or
 - (ii) the Respondent files an appeal

of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the appeal is decided.

- (2) [If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued (see §68-14(f) of these Rules).

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in [ten] 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 4. It is hereby proposed to amend subdivision (c) of section 54-02 of Title 35 of the Rules of the City of New York, to read as follows:

(c) Payment of Fines.

- (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation[.], unless:
 - (i) the Respondent requests a copy of the Hearing recording pursuant to Chapter 5 of Title 48 of the Rules of the City of New York within the time required by that section, in which case the time for paying the fines will be the later of either 21 days from the date the recording is provided or 30 days from the date of the decision; or
 - (ii) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the appeal is decided.

(2) [If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued (see §68-14(f) of these Rules).

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in [ten] 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 5. It is hereby proposed to amend subdivision (e) of section 54-02 of Title 35 of the Rules of the City of New York, to read as follows:

- (e) **Mandatory Penalties.** If a Licensee has violated a Rule listed below, or any combination of these Rules, the [Commission] Taxi and Limousine Tribunal at OATH or, if applicable, the Chairperson will impose the following mandatory penalties and fines.

| VIOLATION Description | Rule | Mandatory Penalty/Fine - ALL |
|--|------------------------------|--|
| 1. Overcharging Passengers | §54-17(a)(1) & (2), 54-17(i) | First violation: \$350 if plead guilty before a hearing; \$500 if found guilty following a hearing. |
| 2. Refusal of service - Unjustified refusal to transport Passengers within NYC or defined counties | §54-20(a)(1) | Second violation (any combination of violations) w/in 24 months: \$700 if plead guilty before a hearing; \$1,000 and possible suspension of License for up to 30 days if found guilty following a hearing. |
| 3. Refusal of service - Requiring assistant for disabled Passengers, or seeking to charge additional fares for such an assistant | §54-20(a)(2) | Third violation (any combination of violations) w/in 36 months: \$750 and Revocation of License if plead guilty before a hearing; \$1,000 and Revocation of License if found guilty following a hearing. |
| 4. Refusal of service - Refusing to transport wheelchairs, crutches or other mobility aids for disabled Passengers | §54-20(a)(3) | |
| 5. Refusal of service - Seeking destination before Passenger is seated inside vehicle | §54-20(a)(4) | |

- (1) **\$10-or-More Overcharge.** Notwithstanding the penalty cited above for overcharging passengers in violation of Rule 54-17(a)(1) and (2), if a Driver charges or attempts to charge \$10 or more above the approved rate of fare, the [Commission] Taxi and Limousine Tribunal at OATH or the Chairperson will revoke the Driver's License and may require a Driver to return any overpayment to the Passenger.

- (2) **Calculating Time Periods.** The [Commission] Taxi and Limousine Tribunal at OATH or the Chairperson will count the 24- and 36-month penalty periods going backwards, from the date of the last violation.
- (3) **No License Issued for Period of One Year Following Certain Violations.** A driver who has had his or her Taxicab Driver's License revoked for any of the above violations will not be able to receive any Commission License for a period of [one] 1 year from the date of revocation.

Section 6. It is hereby proposed to amend subdivision (c) of section 55-02 of Title 35 of the Rules of the City of New York, to read as follows:

(c) Payment of Fines.

- (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation[.], unless:
 - (i) the Respondent requests a copy of the Hearing recording pursuant to Chapter 5 of Title 48 of the Rules of the City of New York within the time required by that section, in which case the time for paying the fines will be the later of either 21 days from the date the recording is provided or 30 days from the date of the decision; or
 - (ii) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the appeal is decided.

(2) [If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued (see §68-14(f) of these Rules).

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in [ten] 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 7. It is hereby proposed to amend subdivision (c) of section 56-02 of Title 35 of the Rules of the City of New York, to read as follows:

(c) Payment of Fines.

- (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation[.], unless:
 - (i) the Respondent requests a copy of the Hearing recording pursuant to Chapter 5 of Title 48 of the Rules of the City of New York within the time required by that section, in which case the time for paying the fines will be the later of either 21 days from the date the recording is provided or 30 days from the date of the decision; or
 - (ii) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the appeal is decided.

(2) [If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued (see §68-14(f) of these Rules).

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in [ten] 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 8. It is hereby proposed to amend subdivision (d) of section 56-02 of Title 35 of the Rules of the City of New York, to read as follows:

- (d) **Mandatory Penalties.** If a Licensee has violated a

Rule listed below, or any combination of these Rules, the [Commission] Taxi and Limousine Tribunal at OATH or, if applicable, the Chairperson will enforce the following mandatory penalties and fines:

| VIOLATION Description | Rule | |
|---|--------------|--|
| 1. Proper licensing | §56-11(a) | First Violation: \$100 - \$350 |
| 2. only Licensees can operate Paratransit Vehicles | §56-11(d) | Second Violation within 24 months: \$350 - \$500 |
| 3. refusal to serve | §56-20(a) | |
| 4. refusal to transport equipment for disabled passengers | §56-15(k)(1) | Third Violation within 24 months: Revocation of relevant License for Driver, base owner, or owner found in violation |
| 5. attempt to overcharge additional fare to passengers | §56-15(g)(1) | |
| 6. can conduct prearranged service only | §56-19(a) | |

- (1) The Commission can also suspend or revoke a Paratransit Driver's License.
- (2) The 24-month period referred to above will be counted backward from the date of the most recent conviction.
- (3) Any individual or Business Entity whose License has been revoked will not be eligible for any Commission License for at least [one] 1 year after revocation.
- (4) The [Commission] Taxi and Limousine Tribunal at OATH or the Chairperson will automatically revoke the License of any Licensee who has [five] 5 or more summonses that remain open and outstanding for 12 months. The 12-month period will be counted from the date the earliest summons was issued.

Section 9. It is hereby proposed to amend subdivision (c) of section 57-02 of Title 35 of the Rules of the City of New York, to read as follows:

(c) Payment of Fines.

- (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation[.], unless:
 - (i) the Respondent requests a copy of the Hearing recording pursuant to Chapter 5 of Title 48 of the Rules of the City of New York within the time required by that section, in which case the time for paying the fines will be the later of either 21 days from the date the recording is provided or 30 days from the date of the decision; or
 - (ii) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the appeal is decided.

(2) [If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued (see §68-14(f) of these Rules).

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in [ten] 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 10. It is hereby proposed to amend subdivision (c) of section 58-02 of Title 35 of the Rules of the City of New York, to read as follows:

(c) Payment of Fines.

- (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation[.], unless:
 - (i) the Respondent requests a copy of the Hearing recording pursuant to Chapter 5 of Title 48 of the Rules of the City of New York within the time required by that section, in which case the time for paying the fines will be the later of either 21 days from the date the recording is provided or 30 days from the date of the decision; or
 - (ii) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the appeal is decided.

30 days after the appeal is decided.

- (2) [If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued (see §68-14(f) of these Rules).

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in [ten] 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 18. It is hereby proposed to amend subdivision (c) of section 63-02 of Title 35 of the Rules of the City of New York, to read as follows:

(c) Payment of Fines.

- (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation[.], unless:

(i) the Respondent requests a copy of the Hearing recording pursuant to Chapter 5 of Title 48 of the Rules of the City of New York within the time required by that section, in which case the time for paying the fines will be the later of either 21 days from the date the recording is provided or 30 days from the date of the decision; or

(ii) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the appeal is decided.

- (2) [If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued (see §68-14(f) of these Rules).

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in [ten] 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 19. It is hereby proposed to amend subdivision (c) of section 64-02 of Title 35 of the Rules of the City of New York, to read as follows:

(c) Payment of Fines.

- (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation[.], unless:

(i) the Respondent requests a copy of the Hearing recording pursuant to Chapter 5 of Title 48 of the Rules of the City of New York within the time required by that section, in which case the time for paying the fines will be the later of either 21 days from the date the recording is provided or 30 days from the date of the decision; or

(ii) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the appeal is decided.

- (2) [If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued (see §68-14(f) of these Rules).

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in [ten] 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 20. It is hereby proposed to amend subdivision (b) of section 65-02 of Title 35 of the Rules of the City of New York, to read as follows:

(b) Payment of Fines.

- (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation[.], unless:

(i) the Respondent requests a copy of the Hearing recording pursuant to Chapter 5 of Title 48 of the Rules of the City of New York within the time required by that section, in which case the time for paying the fines will be the later of either 21 days from the date the recording is provided or 30 days from the date of the decision; or

(ii) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the appeal is decided.

- (2) [If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued (see §68-14(f) of these Rules).

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in [ten] 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 21. It is hereby proposed to amend subdivision (c) of section 82-02 of Title 35 of the Rules of the City of New York, to read as follows:

(c) Payment of Fines.

- (1) Fines are due within 30 days of the day the Respondent is found guilty of the violation[.], unless:

(i) the Respondent requests a copy of the Hearing recording pursuant to Chapter 5 of Title 48 of the Rules of the City of New York within the time required by that section, in which case the time for paying the fines will be the later of either 21 days from the date the recording is provided or 30 days from the date of the decision; or

(ii) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the appeal is decided.

- (2) [If the Respondent files an appeal of the decision imposing the fines within 30 days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

(3) If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within 7 calendar days of the hearing, the time for either filing an appeal or paying the fines will be the later to occur of either 30 days from the date of the decision or 21 days from the date the recording is issued (see §68-14(f) of these Rules). (4) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in [ten] 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 22. It is hereby proposed to amend subdivision (c) of section 83-02 of Title 35 of the Rules of the City of New York, to read as follows:

(c) Payment of Fines.

- (1) Fines are due within [thirty] 30 days of the day the Respondent is found guilty of the violation[.], unless:

(i) the Respondent requests a copy

of the Hearing recording pursuant to Chapter 5 of Title 48 of the Rules of the City of New York within the time required by that section, in which case the time for paying the fines will be the later of either 21 days from the date the recording is provided or 30 days from the date of the decision; or

(ii) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the appeal is decided.

- (2) [If the Respondent files an appeal of the decision imposing the fines within thirty (30) days of the date of the decision, the payment of the fines will be deferred until a decision on the appeal is made (see §68-14(d) of these Rules).

If the Respondent requests a copy of the Hearing recording (see §68-14(e) of these Rules) within seven (7) calendar days of the hearing, the time for either filing an appeal or paying the fines will be the later to occur of:

- thirty (30) days from the date of the decision, or
- twenty-one (21) days from the date the recording is issued.

(3) If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in [ten] 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

Section 23. It is hereby proposed to amend Title 35 of the Rules of the City of New York by repealing Chapter 68 and adding a new Chapter 68, to read as follows:

**CHAPTER 68
PROCEDURES RELATING TO ENFORCEMENT**

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§68-01 Scope of this Chapter

(a) To establish procedures for the enforcement of violations of TLC Rules and other laws enforced by the TLC, including the Administrative Code of the City of New York.

(b) To establish:

1. the requirements for imposing the immediate summary suspension of a License.
2. procedures and protections for Licensees whose Licenses have been revoked,
3. procedures and protections related to the seizure and forfeiture of unlicensed vehicles, and
4. the requirements for the settling and withdrawal of violations.

(c) These rules are to be read in conjunction with the rules and procedures established by the Office of Administrative Trials and Hearings, as described in Chapter 5 of Title 48 of the Rules of the City of New York.

§68-02 Penalties

(a) Prescribed Penalties. Whenever a Respondent is charged with a violation of any Commission Rule or Administrative Code Section, Respondent may be subject to the civil penalties as set forth in the Commission Rules or the Administrative Code.

(b) Discretionary Penalties. Where provided by local law, instead of any of the specific penalties in the Commission Rules, the Commission can, in its discretion, in accordance with subdivision (b) of section 68-13, revoke a License, suspend a License up to 6 months, and/or impose:

1. A fine, not to exceed \$10,000 for each violation, against:
 - (A) the Owner of a Licensed Taxicab or For-Hire vehicle,
 - (B) a Base,
 - (C) a Commuter Van Service or vehicle,

(D) a Paratransit service or vehicle,

(E) a Taximeter Business,

(F) a Taxicab Broker, or

(G) a Taxicab agent.

2. A fine, not to exceed \$1,000 for each violation, against a Licensed Driver.

(c) Imposition of Penalties. Any revocation, suspension, Persistent Violator Penalty or Penalty Points will become effective on the date the Respondent is found guilty of the violation.

1. Suspensions. Suspensions go into effect when the decision imposing the violation is issued. However, the length of the suspension will be calculated from the day the Licensee turns the License in to the Commission.

2. Fines. Fines are due within 30 days of the day the Respondent is found guilty of the violation, unless:

(A) the Respondent requests a copy of the Hearing recording pursuant to Chapter 5 of Title 48 of the Rules of the City of New York within the time required by that section, in which case the time for paying the fines will be the later of either 21 days from the date the recording is provided or 30 days from the date of the decision, or

(B) the Respondent files an appeal of the decision issued by the Taxi and Limousine Tribunal within the time required by Chapter 5 of Title 48 of the Rules of the City of New York, in which case the payment of the fines will be deferred until 30 days after the appeal is decided.

3. If the fine is not paid by the close of business on the date due, the Commission will notify the Respondent in writing that the Respondent's License will be suspended in 10 business days of the date of the notification until the fine is paid, unless the Respondent demonstrates to the Commission, in person or in writing, that the fine has been paid.

§68-03 Definitions Specific to this Chapter

(a) Administrative Law Judge (or ALJ) is a person designated as an OATH Administrative Law Judge or a Hearing Officer by the Chief Administrative Law Judge of OATH or his/her designee.

(b) Appeal is the request for review of a decision of an ALJ or the Chairperson.

(c) Appeals Unit is a unit of ALJs within the Taxi and Limousine Tribunal at OATH responsible for deciding cases on Appeal, who do not hear cases in the first instance.

(d) Default is a decision against a Respondent after a Respondent fails to appear for a Hearing, enter a plea, or make a request for an adjournment as required by Chapter 5 of Title 48 of the Rules of the City of New York.

(e) Discretionary Revocation is the imposition of the penalty of revocation when a Rule does not specify that revocation must be imposed; Discretionary Revocation can be sought by the Chairperson for any Rule violation, if the Chairperson determines that the continued licensure of the Respondent presents a threat to public health, safety, or welfare.

(f) Mandatory Revocation is the imposition of the penalty of revocation when a Rule specifies that revocation must be imposed.

(g) Notice of Seizure is a document served upon and mailed to an owner of a vehicle that has been seized and removed to a secure facility.

(h) OATH is the New York City Office of Administrative Trials and Hearings.

(i) OATH Tribunal is the Office of Administrative Trials and Hearings tribunal established under Chapter 1 of Title 48 of the Rules of the City of New York.

(j) Recommended Decision. A Recommended Decision is a decision made by an ALJ following a Hearing that must be reviewed by the Chairperson, either in its entirety or for the appropriateness of the penalty being imposed, before it becomes final.

(k) Respondent is an individual or Business Entity who has been noticed and charged with a violation of one or more of these Rules or the Administrative Code, or with being not Fit to Hold a License.

(l) Secondary Owner is an individual or Business Entity that has a lien or mortgage or any other type of legal interest in a vehicle.

(m) Taxi and Limousine Tribunal at OATH (or Taxi and Limousine Tribunal) is the Office of Administrative Trials and Hearings tribunal established under Chapter 5 of Title 48 of the Rules of the City of New York that has, except as otherwise provided in these Rules, jurisdiction to hear cases regarding:

- Violations of Title 19, Chapter 5 of the Administrative Code
- Violations of Commission Rules.

(n) Unlicensed Activity is the provision or advertising of any Commission-regulated for-hire transportation service by any (i) Licensee whose License is suspended, revoked, or expired and not yet renewed, or by any (ii) person who does not hold

a Valid License or Authorization for the vehicle, for the driver of the vehicle and, if applicable, for the service. Unlicensed Activity specifically includes the activities specified in sections 19-506 and 19-528 of the Administrative Code and can subject the violator to the seizure and possible forfeiture of his or her vehicle.

§68-04 Forum

(a) The Commission may refer any adjudication to the OATH Tribunal instead of the Taxi and Limousine Tribunal at OATH. In this event, the OATH Tribunal's rules will govern the case. The determination of the OATH Tribunal with regard to the penalty will be a recommendation to the Chairperson ("Recommended Decision").

§68-05 Service of Summonses

(a) Service. A Respondent must be served with a summons specifying the nature of the violation charged or the basis for any charge that the Respondent is not Fit to Hold a License.

(b) Licensees. Service of a summons upon a Licensee can be accomplished through:

- personal service;
- USPS first class mail addressed to the last Mailing Address filed with the Commission;
- If the Licensee is a Vehicle Owner (of a Taxicab, For-Hire Vehicle, Paratransit Vehicle, or Commuter Van), by personal service upon the Driver, who must promptly forward the summons or notice to the Owner or Agent; a Driver who fails to do so will be in violation of these Rules.
- If the Licensee is any Licensee other than a Vehicle Owner or Driver (for example, owner of a Commuter Van Service, For-Hire Vehicle Base, Paratransit Base, Taxicab Agent, or Taximeter Business), by personal service upon a person of suitable age and discretion employed by or acting as an agent of the Licensee at the Licensee's place of business.

(c) Non-Licensees. Service of a summons upon a Respondent who is not a Licensee can be accomplished through any of the following methods consistent with the requirements set in the Civil Practice Law and Rules:

- By personal service.
- By USPS first class mail addressed to the address on the Respondent's state-issued driver's License or vehicle registration.
- If the Respondent is the registered owner of a vehicle, by personal service upon the driver of the vehicle.
- If the Respondent is charged with operating an unlicensed Commuter Van Service, For-Hire Vehicle Base, Paratransit Base, Taxicab Agent, or Taximeter Business, by personal service upon a person of suitable age and discretion employed by or acting as an agent of the Respondent at the Respondent's place of business.

§68-06 Contents of Summonses

(a) Required Information. A summons must contain, at a minimum, the following information:

- The date, time, and location of the alleged violation.
- A description of the nature of the violation sufficient to inform the Respondent of the prohibited conduct, including the basis for any charge that the Respondent is not Fit to Hold a License.
- The Rule or Administrative Code Section alleged to have been violated. If there is a conflict between the Rule or Code Section cited and the description of the violation, the description controls the final resolution of the issue.
- The date, time, and location of the scheduled Hearing on the violation, or instructions to the Respondent on how to schedule a Hearing date.
- Whether the Respondent must appear in person at the Hearing.
- If the rule violated includes the penalty of discretionary revocation, a specific statement that a finding of guilt could result in the revocation of the Respondent's License.
- If the rule violated includes the penalty of mandatory revocation, a specific statement that a finding of guilt will result in the revocation of the Respondent's License.

§68-07 Temporary Licenses Pending Appeal

(a) Temporary License.

- (A) If the Taxi and Limousine Tribunal's decision results in the suspension of the Respondent's License and the Respondent files a timely appeal, the Chairperson can, in his or her discretion, issue a temporary license pending the determination of the Appeals Unit.
- (B) If the Appeals Unit's decision results in the suspension of the Respondent's License (or the continuance of the suspension) and the Chairperson notifies the Respondent of a review of the

Appeals Unit decision pursuant to section 68-12, the Chairperson can, in her or her discretion, issue a temporary license pending the determination of his or her review.

2. In deciding whether or not to issue a temporary license, the Chairperson can consider:

- the Respondent's record,
- the seriousness of the charges,
- the likelihood of the success of the appeal, and
- the significance of the issues raised on appeal.

§68-08 Failure to Prosecute by the Commission

(a) If the Commission fails to request a Hearing within 1 year from the date of the summons, the charges will be dismissed.

(b) If the Chairperson fails to make a determination after receiving a Recommended Decision within 120 calendar days of the date of receipt of the Recommended Decision, the charges will be dismissed.

§68-09 ALJ Final and Recommended Decisions

(a) Except as provided in subdivision (b) of this section, the decision of the ALJ at the Taxi and Limousine Tribunal at OATH is final subject to the appeals process provided for in Chapter 5 of Title 48 of the Rules of the City of New York and the Chairperson review process provided for in TLC Rule 68-12.

(b) The determination of the ALJ at the OATH Tribunal or at the Taxi and Limousine Tribunal at OATH, as applicable, will be a Recommended Decision, subject to review by the Chairperson for the following matters. These matters are not subject to the appeals process provided for in Chapter 5 of Title 48 of the Rules of the City of New York and the Chairperson Review process provided for in TLC Rule 68-12:

- findings and penalty determinations as to the fitness of Licensees under section 68-14 or as a result of Discretionary Revocation proceedings under section 68-13 of the TLC Rules;
- penalty determinations in padlocking or proceedings under subdivision (b) of section 19-528 of the Administrative Code; and
- findings and penalty determinations in Summary Suspension proceedings pending Revocation and in Summary Suspension proceedings pending Compliance.

§68-10 Procedure for Finalizing Recommended Decisions

(a) Respondent's Opportunity to Respond.

- When a Recommended Decision is issued, the Respondent must be given an opportunity to provide a written response to the Chairperson.
- The response from the Respondent must be limited to only the record of the Hearing and the determination of the ALJ.

(b) Submission to Chairperson. The Recommended Decision and record of the Hearing will be submitted to the Chairperson along with any written comments submitted by the Respondent as provided in subdivision (a) of this section.

(c) Final Decision by Chairperson.

- The Chairperson will determine whether to accept, modify, or reject the Recommendation of the ALJ and will issue a Final Decision.
- The Final Decision will be precedent for deciding later cases that involve similar facts or issues.
- As an alternative to 1. above, and instead of issuing a Final Decision, the Chairperson can remand the matter to the ALJ for further consideration.

§68-11 Appeal of Chairperson's Final Decision

(a) The only Chairperson's Final Decision that can be appealed to the Commissioners is a Final Decision that imposes Discretionary Revocation (see section 68-13).

(b) The Chairperson's Final Decision to impose Discretionary Revocation can be appealed to the Commissioners as follows:

- The Respondent must file a written appeal with the Deputy Commissioner for Legal Affairs/General Counsel within 30 calendar days from the date of the Chairperson's final decision.
- The filing must describe the basis for the appeal and must include all supporting statements and arguments.
- The Chairperson can prescribe the form for the conduct and filing of these appeals.
- A review of the Chairperson's decision by

the Commissioners must be limited to the issues of law raised in the appeal submitted and whether the decision of the Chairperson and the Recommended Decision of the ALJ are supported by substantial evidence. The Commissioners cannot review findings of fact or determinations of credibility by an ALJ.

5. The Commission may submit a written response to any appeal filed by the Respondent.
6. The Respondent must be given the opportunity to respond in writing to the Commission's written submission.
7. The Commissioners must each receive a copy of the ALJ's Recommended Decision, the Chairperson's Final Decision, the Respondent's appeal, and any responses filed by the Commission or the Respondent.
8. The Commission must affirm, reject, modify, or remand the Chairperson's Final Decision.
 - (A) A minimum of 5 votes is required to reject, modify, or remand the Final Decision.
 - (B) If there are fewer than 5 votes to reject, modify, or remand the Final Decision, the decision is affirmed.
 - (C) The Chairperson cannot vote on these appeals.
9. The Commission must communicate at a public meeting the results of the vote and the action taken.

§ 68-12 Chairperson Review

- (a) The Chairperson, or if he or she designates, the General Counsel for the TLC, may review any determination of the Appeals Unit that interprets any of the following:
 - (1) A rule set forth in Title 35 of the Rules of the City of New York;
 - (2) A provision of law set forth in Chapter 5 of Title 19 of the Administrative Code;
 - (3) A provision of law set forth in Chapter 65 of the City Charter.
- (b) Upon review of a determination of the Appeals Unit, the Chairperson or the General Counsel may issue a decision adopting, rejecting or modifying the Appeals Unit decision. The Chairperson will be bound by the findings of fact in the record and will set forth his or her decision in a written order. The Chairperson's interpretation of the Commission's rules and the statutes it administers shall be considered agency policy and must be applied in future adjudications involving the same rules or statutes.
- (c) Process for Chairperson Review.
 1. Within 30 days of service by OATH of the determination of an appeal by the Appeals Unit of the tribunal, either party may petition the Chairperson to reject the determination by delivering a petition to the General Counsel of the TLC and mailing a copy to the adverse party.
 - A. Petitions to the Chairperson must state the errors of law that the Petitioner wishes to have reviewed, and must be accompanied by a copy of the decision of the Appeals Unit.
 2. If the respondent delivers and mails such a petition, TLC may submit an answer to the petition within 30 days by delivering such an answer to the General Counsel of TLC and serving it on the respondent. Unless the Chairperson takes action on the respondent's petition within 30 days of its delivery, the determination of the appeal by the Appeals Unit shall become the final decision of TLC.
 3. If TLC delivers and mails such a petition, within 30 days the Chairperson may notify the respondent that he or she is considering the petition, and within 30 days thereof, the respondent may mail an answer to the General Counsel of TLC. If the Chairperson does not notify the respondent that he or she is considering the petition within 30 days of its receipt, or takes no action on the petition within 30 days of the receipt of respondent's answer or within 60 days of its notification to the respondent if no answer is received, the determination of the appeal by the Appeals Unit shall become the final decision of TLC.
 4. In reviewing the determination of the Appeals Unit of the Taxi and Limousine Tribunal at OATH, the Chairperson shall be bound by the findings of fact in the decision.
 5. The determination of an appeal by the Appeals Unit that is not acted upon by

the Chairperson shall become a final decision of TLC.

§68-13 Special Procedures - Mandatory Revocation and Discretionary Revocation (and Other Penalties)

- (a) Mandatory Revocation. Mandatory License revocation will be imposed when a Respondent is found liable for a violation in which mandatory revocation is specified.
- (b) Discretionary Penalties. If the Commission seeks Discretionary Revocation or other discretionary penalties as specified in subdivision (b) of section 68-02, the following procedure must be followed.
 1. The Chairperson must determine that the continued licensure of the Respondent presents a threat to public health, safety, or welfare.
 2. The proceeding must be commenced before the OATH Tribunal.
 3. The Commission must notify the Respondent of the proceeding by serving a written summons detailing the charged misconduct and warning the Respondent that a finding of guilt could result in License revocation.
 4. The Respondent must be served with charges according to the procedures adopted by OATH, which include the location, date, and time of any scheduled Hearing.
 5. The Hearing will be conducted by an OATH Tribunal ALJ and governed by OATH Tribunal procedures. The affirmative defenses set forth in subdivision (b) of section 19-512.1 of the Administrative Code will be available in the Hearing.
 6. The OATH Tribunal decision will be a Recommended Decision. The recommended penalties can include:
 - (A) License revocation,
 - (B) License suspension for a period up to 6 months,
 - (C) a fine not to exceed \$1,000 for each offense for which a Licensed Driver is found guilty, and
 - (D) a fine not to exceed \$10,000 for each offense for which any other Respondent is found guilty.

§68-14 Special Procedures - Fitness Revocation Hearings

- (a) The Chairperson will notify the Licensee to appear as a Respondent for a fitness Hearing if the Chairperson believes that a Licensee is not Fit to Hold a License, for the following reasons, based upon:
 1. Any act that implicates the Licensee's ability to safely interact with the public or operate a TLC licensed vehicle, including but not limited to:
 - (A) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while Impaired by intoxicating liquor (regardless of its alcoholic content), or Drugs;
 - (B) Any act, as prohibited by these Rules, of bribery, fraud, material misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force;
 - (C) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules;
 2. Any felony conviction;
 3. Any conviction of the following criminal offenses:
 - (A) Assault in the third degree, as set forth in PL § 120.00;
 - (B) Reckless endangerment in the second degree, as set forth in § 120.20;
 - (C) Criminal obstruction of breathing, as set forth in § 121.11;
 - (D) Sexual misconduct, as set forth in PL § 130.20;
 - (E) Forcible touching, as set forth in PL § 130.52;
 - (F) Sexual abuse in the third or second degree, as set forth in PL § 130.55 and § 130.60, respectively;
 - (G) Promoting prostitution in the third, second, or first degree, as set forth in PL § 230.25, § 230.30, and § 230.32, respectively;

- (H) Compelling prostitution, as set forth in PL § 230.33;
- (I) Sex trafficking, as set forth in PL § 230.34;
- (J) Public lewdness, as set forth in PL § 245.00;
- (K) Endangering the welfare of a child, as set forth in PL § 260.10;
- (L) Criminal possession of a weapon in the fourth degree, as set forth in PL § 265.01;
- (M) Overdriving, torturing, and injuring animals or failing to provide proper sustenance, as set forth in AGM § 353;
- (N) Leaving the scene of an accident, as set forth in VAT § 600.2;
- (O) Driving while ability impaired, as set forth in VAT § 1192.1;
- (P) Operation of a motor vehicle while intoxicated, as set forth in VAT § 1192.2;
- (Q) Operation of a motor vehicle with an illegal blood-alcohol content, as set forth in VAT § 1192.3;
- (R) Driving while ability impaired by drugs, as set forth in VAT § 1192.4.

4. A failed drug test as a result of illegal drug use or failure to comply with drug testing procedures.

- (b) Prior to the hearing, the Commission must notify the Respondent of the proceeding by serving a written summons specifying the reason the Respondent is not Fit to Hold a License and warning the Respondent that a finding of guilt could result in License revocation.
- (c) The Tribunal's decision after the Hearing will be a Recommended Decision.
- (d) The Chairperson can accept, reject, or modify the Recommended Decision. The decision of the Chairperson will constitute the final determination of the Commission.
- (e) In determining whether the Licensee is to be deemed unfit, to the extent possible, the Chair shall consider, as guided by the New York State Correction Law §753, the following factors in his Decision:
 1. The specific duties and responsibilities necessarily related to licensure as a driver licensed by the TLC.
 2. The bearing, if any, the criminal offense or offenses for which the Licensee was previously convicted will have on his fitness or ability to perform such duties or responsibilities as are necessary to safely transport the riding public as a driver licensed by the TLC.
 3. The time which has elapsed since the occurrence of the criminal offense or offenses.
 4. The age of the Licensee at the time of occurrence of the criminal offense or offenses.
 5. The seriousness of the offense or offenses.
 6. Any information produced by the Licensee, or produced on his behalf, in regard to his rehabilitation and good conduct.
 7. The legitimate interest of the Commission in protecting property, and the safety and welfare of specific individuals or the general public.
 8. In making this determination, the Chairperson shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the Licensee, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

- (f) The License of a Licensee who is found to be not Fit to Hold a License will be revoked.

§68-15 Special Procedures - Summary Suspension Pending Revocation

- (a) Summary Suspension.
 1. The Chairperson can summarily suspend a License if the Chairperson believes that continued licensure would constitute a direct and substantial threat to public health or safety, pending revocation proceedings.
 2. Any Licensee whose License is summarily suspended is entitled to a Summary Suspension Hearing at the Taxi and

- Limousine Tribunal at OATH as set forth below.
3. The Commission will notify the Licensee either by personal service or by USPS first class mail of the Summary Suspension, within 5 days of the suspension.
- (b) Summary Suspension or Revocation Hearing. If a Revocation Hearing is not scheduled to be held within 15 calendar days from the suspension:
1. The Respondent can request a Hearing on the Summary Suspension by notifying the Commission within 10 calendar days from receiving the notice of suspension.
 2. Upon receipt of a request for a Hearing, the Commission must request a Summary Suspension Hearing to be held within 10 calendar days of the receipt of the request (if the tenth day falls on a Saturday, Sunday or holiday, the hearing may be held on the next business day), unless the Chairperson determines that the Hearing will impair an ongoing civil or criminal investigation.
 3. No Summary Suspension Hearing will be required where the Revocation Hearing is scheduled within 15 calendar days of the suspension.
 4. If a Respondent does not request a Hearing on the Summary Suspension within the time specified in paragraph (1) of this subdivision, then all of the following apply:
 - (A) the Respondent is deemed to have waived the opportunity to be heard on an expedited basis.
 - (B) The Respondent will be scheduled for a Hearing on the underlying violation in accordance with the normal procedures set forth in Chapter 1 of Title 48 of the Rules of the City of New York.
 - (C) The Summary Suspension will be continued until lifted by the ALJ in the Revocation Hearing.
- (c) Conduct of Summary Suspension Hearing.
1. The Summary Suspension Hearing will be conducted according to the Hearing procedures established in Chapter 5 of Title 48 of the Rules of the City of New York.
 2. Where applicable, the affirmative defenses will include those provided in subdivision (b) of section 19-512.1 of the Administrative Code.
 3. The decision in the Summary Suspension Hearing will be a Recommended Decision that includes findings of fact, conclusions of law, and a recommendation as to continuation of the suspension.
 4. The decision of the Chairperson is the final determination of the Commission with respect to the Summary Suspension.
 5. If the Chairperson does not render a decision within 60 calendar days from the end of the Summary Suspension Hearing, the suspension must be lifted until the decision is rendered.
- (d) Summary Suspension for Criminal Charges.
1. The Chairperson can summarily suspend a License based upon an arrest on criminal charges if the Chairperson believes that the charges, if true, would demonstrate that continued licensure would constitute a direct and substantial threat to public health or safety. Such charges include but are not limited to the following:
 - (A) Any act, as prohibited by these Rules, of driving a TLC licensed vehicle while Impaired by intoxicating liquor (regardless of its alcoholic content), or Drugs;
 - (B) Any act, as prohibited by these Rules, of bribery, fraud, material misrepresentation, theft, threat against a person, harassment, abuse, or use of physical force;
 - (C) Any act, as prohibited by these Rules, involving the possession of a Weapon in a vehicle licensed under these Rules;
 - (D) Any felony conviction;
 - (E) Or any conviction of the following criminal offenses:
 - A. Assault in the third degree, as set forth in PL § 120.00;
 - B. Reckless endangerment in the second degree, as set forth in § 120.20;
 - C. Criminal obstruction of breathing, as set forth in § 121.11;
 - D. Sexual misconduct, as set forth

- E. in PL § 130.20;
 - F. Forcible touching, as set forth in PL § 130.52;
 - G. Sexual abuse in the third or second degree, as set forth in PL § 130.55 and § 130.60, respectively;
 - H. Promoting prostitution in the third, second, or first degree, as set forth in PL § 230.25, § 230.30, and § 230.32, respectively;
 - I. Compelling prostitution, as set forth in PL § 230.33;
 - J. Sex trafficking, as set forth in PL § 230.34;
 - K. Public lewdness, as set forth in PL § 245.00;
 - L. Endangering the welfare of a child, as set forth in PL § 260.10;
 - M. Criminal possession of a weapon in the fourth degree, as set forth in PL § 265.01;
 - N. Overdriving, torturing, and injuring animals or failing to provide proper sustenance, as set forth in AGM § 353;
 - O. Leaving the scene of an accident, as set forth in VAT § 600.2;
 - P. Driving while ability impaired, as set forth in VAT § 1192.1;
 - Q. Operation of a motor vehicle while intoxicated, as set forth in VAT § 1192.2;
 - R. Operation of a motor vehicle with an illegal blood-alcohol content, as set forth in VAT § 1192.3;
 - S. Driving while ability impaired by drugs, as set forth in VAT § 1192.4.
2. The Chairperson need not commence revocation proceedings while the criminal charges are pending. However, the Respondent is entitled to request a Summary Suspension Hearing.
 3. At the Summary Suspension Hearing, the issue will be whether the charges underlying the Licensee's arrest, if true, demonstrate that the continuation of the License while awaiting a decision on the criminal charges would pose a direct and substantial threat to public health or safety.
 4. Within 5 calendar days from the date the Commission receives from the Licensee a certificate of disposition of the criminal charges, the Chairperson must either lift the suspension if the charges are not sustained or commence revocation proceedings.

§68-16 Special Procedures - Summary Suspension Pending Compliance

- (a) Summary Suspension. If the Chairperson finds that the Licensee is not in compliance with a rule in this title that provides for "summary suspension until compliance," the Licensee's TLC-issued License can be summarily suspended until compliance pending an opportunity to be heard.
- (b) Notice to Licensee. The Commission will send a notice to the Licensee (Respondent) by personal service or by USPS first class mail to the Respondent's current Mailing Address with the following information:
1. That the Respondent's TLC-issued License is being suspended for a violation of the Commission's rules or applicable provision of the Administrative Code.
 2. A description of the nature of the violation.
 3. That the Respondent's License will be suspended:
 - (A) Immediately upon service of the notice if made by personal service; or
 - (B) Five days from the date of the mailing if the notice was sent by USPS first class mail to the Respondent's current Mailing Address.
 4. That the Respondent has the right to an expedited Hearing at the Taxi and Limousine Tribunal at OATH by following the instructions contained in the notice and responding:
 - (A) Within 10 calendar days from receiving the notice, if notice was given by personal service; or
 - (B) Within 15 calendar days from the mailing of the notice of suspension, if the notice was mailed.
- (c) Respondent's Right to Expedited Hearing.
1. Except as set forth in subdivision (d) of this section, any Licensee whose License has been summarily suspended is entitled to an expedited Hearing at the Taxi and

Limousine Tribunal at OATH, provided the Licensee or Respondent requests an expedited Hearing by notifying the Commission

- (A) within 10 calendar days from receiving the notice referred to in subdivision (b) of this section, if notice was given by personal service; or
 - (B) within 15 calendar days from the mailing of the notice of suspension, if the notice was mailed.
2. Scheduling a Summary Suspension Hearing.
 - (A) Upon receipt of a timely request for an expedited Hearing, the Commission must request a Suspension Hearing (or a Hearing on the underlying violation) to be held within 10 calendar days of the Commission's receipt of the request (if the tenth day falls on a Saturday, Sunday or holiday, the hearing may be held on the next business day).
 - (B) The Summary Suspension Hearing will be conducted according to the Hearing procedures established in Chapter 5 of Title 48 of the Rules of the City of New York.
 3. The decision in the Summary Suspension Hearing will be a Recommended Decision that includes findings of fact, conclusions of law, and a recommendation as to continuation of the suspension.
 4. The decision of the Chairperson is the final determination of the Commission with respect to the Summary Suspension.
 5. If the Chairperson does not render a decision within 60 calendar days from the end of the Summary Suspension Hearing, the suspension must be lifted until the decision is rendered.
 6. Failure to Request an Expedited Hearing on the Suspension. If a Respondent does not request an expedited Hearing within the time specified in paragraph (1) of this subdivision, then all of the following apply:
 - (A) The Respondent is deemed to have waived the opportunity to be heard on an expedited basis.
 - (B) The Respondent will be scheduled for a Hearing on the underlying violation in accordance with the normal procedures set forth in Chapter 5 of Title 48 of the Rules of the City of New York.
 - (C) The Summary Suspension will be continued until lifted by the ALJ in the Hearing on the underlying violation or until the Licensee furnishes proof of compliance satisfactory to the Chairperson.
- (d) Respondent's Right to be Heard Through Written Documentation.
1. Violation of Drug-Testing Rules. A Taxicab or For-Hire Vehicle Driver who fails to be timely tested for drug use, in accordance with subdivision (c) of section 54-14 or subdivision (d) of section 55-14 of these Rules, and whose License is then summarily suspended, is not entitled to a Hearing, but can provide the Commission, within 10 calendar days of the notice described in subdivision (b), with a single submission of written documentation refuting the suspension of his or her License.
 2. ALJ Review of Documentation. The Commission will submit the documentation submitted by a Licensee refuting the Summary Suspension to the Taxi and Limousine Tribunal at OATH which will then issue a decision including findings of fact and conclusions of law. This decision can be appealed in accordance with the process established in Chapter 5- of Title 48 of the Rules of the City of New York.
 3. Failure to Submit Documentation. If the Driver does not timely submit written documentation refuting the Summary Suspension, the opportunity to be heard is waived and the Driver will be deemed to be guilty of the violation.
- (e) Continuation of a Suspension. The TLC will not reinstate any Licenses suspended under this section until the Licensee pays all fines assessed and complies with the underlying Commission rule or Administrative Code provision to the satisfaction of the Chairperson or his or her designee.
- #### §68-17 Special Procedures - Seizures
- (a) Right to Seize Vehicle.

1. The Commission and/or any police officer may seize any vehicle where probable cause exists to believe that the vehicle is operated or engaged in Unlicensed Activity as set forth in sections 19-506 and 19-529.2 of the Administrative Code.
 2. The driver and all passengers in a seized Commuter Van will be left in or transported to a location that is readily accessible to other means of public transportation.
 3. Any vehicle that has been seized will be taken to a designated secured facility.
- (b) Procedure After Seizure.
1. The officer or representative of the Commission seizing the vehicle will serve a summons for Unlicensed Activity and a notice of seizure of the vehicle by service upon the Owner and any person who using the vehicle with the permission of the Owner, express or implied, at the time of seizure. The notice of seizure will include, but not be limited to, the following information:
 - (A) Identification of the seized vehicle;
 - (B) Information concerning these regulations;
 - (C) If the vehicle is subject to forfeiture at the time of seizure, notification of the Owner's right, upon conviction of Unlicensed Activity, to present evidence of hardship for consideration in determining whether the TLC will retain possession of the vehicle pending forfeiture.
 - (D) The designated secured facility to which the vehicle was or will be taken.
 2. The summons against the Owner will set a date and time for a Hearing at the Taxi and Limousine Tribunal at OATH to take place no later than:
 - (A) 7 calendar days (or the next business day if the seventh day is not a business day) following seizure of a Paratransit Vehicle.
 - (B) 14 calendar days (or the next business day if the fourteenth day is not a business day) following seizure of a For-Hire Vehicle or Taxicab.
 - (C) 5 business days following seizure of a Commuter Van.
 3. An officer or representative of the Commission will also mail the notice of seizure and a copy of the summons to the Owner of the seized vehicle, as listed in the records of the Department of Motor Vehicles (or equivalent agency) in the state in which the vehicle is registered.
 - (A) The notice of seizure and copy of the summons will be mailed to the Owner of a seized Commuter Van within 1 business day.
 - (B) Any defect in delivery or mailing of the notice of seizure and copy of the summons will not affect the validity of service of a summons served upon the Owner in accordance with paragraph (1) of this subdivision.
 4. For purposes of this section, the term Owner means:
 - (A) An Owner as defined in section 128 and section 388 of the Vehicle and Traffic Law, unless the vehicle is a Commuter Van;
 - (B) If the vehicle is a Commuter Van, the term Owner when used in this section means an Owner as defined in subdivision (i) of section 19-502 of the Administrative Code.
- (c) Release of Vehicle Prior to Hearing if Vehicle is Not Subject to Forfeiture
1. The procedure described herein to obtain release of the vehicle prior to Hearing applies if the Owner meets the following requirements. Otherwise, release of the vehicle is governed by subsection (d) of Rule 68-17.:
 - (A) The vehicle if NOT a Commuter Van, and the Owner has not been found to have committed violation of subdivisions (b) or (c) of section 19-506 of the Administrative Code two or more times within the 36 months prior to the commitment of the violation resulting in the seizure.
 - (B) The vehicle is a Commuter Van, and the Owner has not been found to have committed violation of section 19-529.2 of the Administrative Code one or more times within the 5 years prior to the commitment of the violation resulting in the seizure.
 2. To obtain the release of a seized vehicle, an Owner who meets the eligibility requirements set forth in paragraph 1 of this subdivision must personally bring the summons for Unlicensed Activity to the Commission on or before the scheduled hearing date, and either:
 - (A) Show proof of having pled guilty before the Taxi and Limousine Tribunal at OATH, whereupon:
 - A. The Commission must verify that the Owner meets the eligibility requirements in paragraph (1) of this subdivision;
 - B. The Commission must verify that a Taxi and Limousine Tribunal ALJ has determined the amount of the civil penalty;
 - C. The Commission will determine the removal and storage fees;
 - D. The Owner must pay in full the civil penalty and removal and storage fees;
 - E. Upon receiving payment, the Commission will issue an order to release the vehicle;
 - F. The Owner or his or her agent can present the order at the designated secured facility to obtain the vehicle; or
 - (B) Post a Bond, whereupon:
 - A. The Commission must verify that the Owner meets the eligibility requirements in paragraph (1) of this subdivision;
 - B. The Owner must post a bond in the amount of the maximum civil penalty, plus removal and storage fees determined by the Commission;
 - C. Upon the bond being posted, the Commission will issue an order to release the vehicle;
 - D. The Owner or his or her agent can present the order at the designated secured facility to obtain the vehicle.
 - (C) If the Owner does not obtain the vehicle by the date specified in the order of release, the Owner will be responsible for any further storage fees, which the Owner must pay before the vehicle will be released.
- (d) Release of Vehicle Prior to Hearing if Vehicle is Subject to Forfeiture:
1. A vehicle seized under the provision of subsection (a) of this section is subject to forfeiture and the Owner has a right to a hearing to determine custody of the vehicle pending the forfeiture proceeding pursuant to section 68-18(e) of these rules if either of the following are true:
 - (A) The vehicle is NOT a Commuter Van and the Owner has been found to have committed violation of subdivisions (b) or (c) of section 19-506 of the Administrative Code three or more times within the 36 months prior to the commitment of the violation resulting in the seizure, or,
 - (B) The vehicle is a Commuter Van and the Owner has been found to have committed violation of section 19-529.2 of the Administrative Code two or more times within the 5 years prior to the commitment of the violation resulting in the seizure.
- (e) Hearing on Unlicensed Activity.
1. The Hearing against the Owner will be conducted at the Taxi and Limousine Tribunal at OATH according to the procedures in Chapter 5 of Title 48 of the Rules of the City of New York within the number of days specified in paragraph (2) of subdivision (b) of this section.
 2. Default Review. If the Owner of the seized vehicle fails to appear for the Hearing, a Default will be found in accordance with Chapter 5 of Title 48 of the Rules of the City of New York.
 - (A) The Default determination will include, and is subject to, the provisions of subdivision (g) of this section concerning Abandoned Vehicles.
 - (B) The Owner can appear at the Commission offices within 7 calendar days of the notice to comply with the Default determination or to show he or she has moved for an order
 - (C) A Hearing will be scheduled within 7 calendar days of the order vacating the Default determination.
- (f) Hearing Decision.
1. Not Guilty Finding. If the Taxi and Limousine Tribunal at OATH finds that the charge of Unlicensed Activity has not been sustained, the vehicle will be released to the Owner without removal or storage fees.
 2. Guilty Finding. If the Taxi and Limousine Tribunal at OATH finds that the vehicle has been engaged in Unlicensed Activity:
 - (A) If the vehicle is not subject to forfeiture, the Commission will release the vehicle to the Owner upon payment of the applicable civil penalties and all reasonable removal and storage costs.
 - (B) The vehicle is subject to forfeiture if either of the following are true:
 - (i) The vehicle is NOT a Commuter Van and the Owner has been found to have committed violation of subdivisions (b) or (c) of section 19-506 of the Administrative Code two or more times within the 36 months prior to the commitment of the violation resulting in the seizure, or,
 - (ii) The vehicle is a Commuter Van and the Owner has been found to have committed violation of section 19-529.2 of the Administrative Code one or more times within the 5 years prior to the commitment of the violation resulting in the seizure.
 - (C) If the vehicle is subject to forfeiture, the Commission will either:
 - (i) Release the vehicle to the Owner upon payment of the applicable civil penalties and all removal and storage fees as determined by the Commission, or
 - (ii) Commence a forfeiture action, provided that, in the case of a seized Commuter Van, the Commission must commence such forfeiture action within 10 days after the Owner's written demand for such vehicle.
- (g) Appeal.
- (1) If the Owner has been found guilty of Unlicensed Activity, he or she must pay the civil penalty and removal and storage fees in order to appeal.
 - (2) If the vehicle remains in custody in accordance with subparagraph (C)(ii) of paragraph (2) of subdivision (f) of this section, the Owner must pay only the civil penalty in order to appeal.
 - (3) If upon appeal the decision is reversed, the relevant civil penalty and fees will be refunded to the Owner.
- (h) Declaration of Abandonment.
- (1) Vehicles that are not Commuter Vans Notwithstanding any other provision of this section, a seized vehicle, other than a seized Commuter Van, will be declared Abandoned by the Commission or its agent, if the Owner of such vehicle does not:
 - (A) Remove the vehicle from storage within 5 days of obtaining an order of release; or
 - (B) Pay the civil penalty and removal and storage fees within 5 days after a determination by the Taxi and Limousine Tribunal that the vehicle is eligible for release under paragraph (2) of subdivision (e) of this section; or
 - (C) Within 7 calendar days after notice of a Default determination of violation is mailed to the Owner:
 - A. Pay the civil penalty and removal and storage fees if the vehicle is eligible for release after a determination of violation was made under paragraph (2) of subdivision (e) of this section, or
 - B. File a motion to vacate the Default determination of violation and set a new hearing on the violation.
 - (2) Commuter Vans. If an Owner has not tried to reclaim a seized Commuter Van within 30 days after the Taxi and Limousine Tribunal mails notice of its final determination regarding the underlying the seizure, the vehicle will be declared Abandoned, regardless of whether the owner was found guilty or not guilty of the violation.

(3) All Vehicles. An abandoned vehicle will be disposed of by the City or its agent according to section 1224 of the NYS Vehicle and Traffic Law. If an Owner seeks to reclaim the abandoned vehicle under section 1224, the Owner will be deemed to have made a written demand for the vehicle and the Commission will take whichever action is authorized by this section.

(A) In the event that a vehicle has been deemed Abandoned, the Commission or its agent will:

(i) Mail notice to the Owner and any Secondary Owners that the vehicle has been declared abandoned and that, unless claimed within 10 days of the mailing date of the letter, the vehicle will become the property of the Commission and will be sold.

(ii) The Owner or any Secondary Owner can claim the vehicle by paying the removal and storage fees due and, in the case of the Owner, the civil penalty claimed that is now a lien on the vehicle.

(iii) If the vehicle is not claimed within the allotted time, the Commission or its agent can sell the vehicle by public auction or by bid.

(B) Disposition of the Proceeds from the Sale of the Vehicle.

(i) Proceeds from any sale, minus expenses incurred for removal, storage and sale of the vehicle and minus the civil penalty lien, will be held without interest for the benefit of the former Owner of the vehicle for 1 year.

(ii) If these proceeds are not claimed within the 1-year period, they will be paid into the City's general fund.

§68-18 Special Procedures - Forfeitures

(a) For purposes of this section, the term Owner means:

(1) An Owner as defined in section 128 and section 388 of the Vehicle and Traffic Law, unless the vehicle is a Commuter Van;

(2) If the vehicle is a Commuter Van, the term Owner when used in this section means an Owner as defined in subdivision (i) of section 19-502 of the Administrative Code.

(b) A vehicle seized under the provision of subsection (a) of Rule 68-17 is subject to forfeiture if either of the following are true:

(1) The vehicle is NOT a Commuter Van and the Owner has been found to have committed violation of subdivisions (b) or (c) of section 19-506 of the Administrative Code three or more times within the 36 months prior to the commitment of the violation resulting in the seizure; or

(2) The vehicle is a Commuter Van and the Owner has been found to have committed violation of section 19-529.2 of the Administrative Code two or more times within the 5 years prior to the commitment of the violation resulting in the seizure.

(c) A forfeiture action is commenced by the filing of a summons with notice of right to a preliminary hearing or a summons and complaint according to the New York Civil Practice Law and Rules.

(d) Service of a summons with notice of right to a preliminary hearing or a summons and complaint will be made upon the driver of the:

(1) By personal service (according to the New York Civil Practice Law and Rules) upon all Owners listed in the records of the Department of Motor Vehicles (or equivalent agency) in the state in which the vehicle is registered;

(2) By first class mail upon all individuals who have notified the Commission or the Taxi and Limousine Tribunal at OATH that they are an Owner of the vehicle; and

(3) By first class mail upon all persons holding a valid security interest filed with the Department of Motor Vehicles (or equivalent agency) in the state in which the vehicle is registered, at the address shown in the filing.

(e) Preliminary Hearing for Custody of the Vehicle while Forfeiture Is Pending. The Owner of a vehicle subject to forfeiture is entitled to a preliminary hearing to determine custody of the vehicle pending the forfeiture proceeding in accordance with the following:

(1) Upon receipt of notice of right to a preliminary hearing, the Owner may request the Commission to schedule a preliminary Hearing at the Taxi and Limousine Tribunal at OATH to determine the probable validity of continued deprivation of the vehicle.

(2) Within 5 business days of the seizure, the Commission will serve notice, by personal service or by mail, on the Owner(s) specified in subdivision (c), and on the driver of the vehicle at the time it was seized, of the right to a preliminary hearing.

(3) Upon receipt of a request by the Owner for preliminary hearing, the Commission will request the Taxi and Limousine Tribunal at OATH to schedule a preliminary Hearing to be held within 10 business days of the date of the Commission's receipt of the request. The Commission will notify, by personal service or by mail, the Owner(s) specified in subdivision (c) of the Hearing date. Only one person may appear as an Owner at the Hearing with priority going to the registered owner of the vehicle.

(4) In order to retain possession of the vehicle pending the forfeiture proceeding, the Commission must prove the following at the preliminary hearing:

(A) Probable cause for stopping the vehicle;

(B) Likelihood the vehicle was used in connection with Unlicensed Activity, or likelihood the Commission will prevail at the forfeiture proceeding;

(C) Likelihood the vehicle will not be returned if the Commission prevails at the forfeiture proceeding; and

(D) If the claimant is an innocent Owner who was not driving the vehicle at the time of seizure, that the Owner knew or should have known of the Unlicensed Activity or that the driver at the time of seizure is the beneficial owner.

(5) The decision by the Taxi and Limousine Tribunal at OATH will be made no later than 3 business days following the close of evidence and the completion of argument, unless both parties consent on the record or in writing to extend the time for the decision.

(6) If the Taxi and Limousine Tribunal at OATH Tribunal determines, based on the standard set forth in paragraph (1) of this subdivision, that the vehicle should be released to the Owner during pendency of the forfeiture proceeding, then the vehicle will be released to such person or entity after they pay to the City any civil penalty due as a result of the Unlicensed Activity and reasonable expenses for the safekeeping of the vehicle from the time of seizure and its release.

(7) If the Taxi and Limousine Tribunal at OATH determines that the vehicle should not be released during the forfeiture proceedings, the vehicle will remain in the custody of the City pending the final determination of the forfeiture action.

(f) Asserting a Claim. Any Owner or Secondary Owner who receives notice of the forfeiture action and who claims an interest in the vehicle must assert a claim for the recovery of the vehicle or his or her interest in the vehicle by intervening in the forfeiture proceedings (in accordance with the New York Civil Practice Law and Rules).

(g) Affirmative Defenses Required to Sustain a Claim. In order to sustain a claim in the vehicle, a claimant must plead and prove that he or she was not in any way a party to allowing the actions that constituted the violation, by showing that:

(1) The claimant had no knowledge of the actions;

(2) If the claimant had knowledge of the actions, the claimant took all reasonable steps to prevent the use of the vehicle for the unlawful conduct and did not knowingly obtain his or her interest in the vehicle in order to avoid forfeiture of the vehicle; or

(3) The person who committed the actions that constituted the violation did not have lawful possession of the vehicle.

(h) Public Sale Pursuant to Forfeiture.

(1) Following judicial determination of forfeiture, a public sale of the forfeited vehicle will be held, and the net proceeds of the sale will go into the City's general fund. The City may retain a Commuter Van for official use.

(2) The public sale will be held no sooner than 30 days after the Owner is served notice of the judicial determination of forfeiture.

(3) At least 5 days before the sale, or, in the case of the sale of a Commuter Van, at least 20 days before the sale, notice of the sale:

(A) Must be published in the City Record or in a newspaper of general circulation, and

(B) Must be mailed to any Owner or

Secondary Owner shown in the records of the Commission or listed in the records of the Department of Motor Vehicles (or equivalent agency) in the state in which the vehicle is registered.

(i) Rights of Secondary Owners (Other than Commuter Vans).

(1) A person wishing to assert an ownership claim to the vehicle must either:

(A) File a claim and participate in the forfeiture proceeding, or

(B) Submit a claim in writing to the Commission within 30 days after the judicial determination of forfeiture.

(2) If a Secondary Owner submits the claim after the forfeiture hearing (but within 30 days of the judicial determination of forfeiture), the Commission will schedule a Hearing at the Taxi and Limousine Tribunal at OATH and will mail notice to the claimant at least 10 business days before the Hearing.

(3) A person or entity that establishes a right of ownership or other legal interest in the vehicle (other than an owner whose interest has been forfeited) can recover the vehicle, provided such person or entity:

(A) Redeems the ownership interest which was subject to forfeiture, by paying the city the value of that interest;

(B) Pays the reasonable expenses for the safekeeping of the vehicle from the time of seizure and redemption; and

(C) Proves one of the affirmative defenses set forth in subdivision (g) of this section.

(j) Rights of Secondary Owners Unaware of Forfeiture Proceedings of Commuter Vans.

(1) Any Secondary Owner of a Commuter Van who did not receive notice of the forfeiture action and who did not otherwise receive actual notice of the action may assert a claim within 6 months after the forfeiture.

(2) The claim must be one that could have been asserted in the original forfeiture action, and, as set forth in section 19-529.3 of the Administrative Code, must be adjudicated before the Justice of the Supreme Court who presided at the original forfeiture action.

(3) The court can grant the relief sought upon such terms and conditions as it deems reasonable and just if the claimant:

(A) Establishes that he or she was not sent notice of the commencement of the forfeiture action and did not know about the forfeiture action, and

(B) Proves one of the affirmative defenses set forth in subdivision (g) of this section.

(k) Total Claims May Not Exceed Value of Vehicle at Sale.

(1) In any forfeiture action of a commuter van, including a subsequent action started under subdivision (i) of this section, where the court awards a sum of money to one or more persons to satisfy the claims in the forfeited vehicle, the total amount awarded to satisfy all interests must not exceed the amount of the net proceeds from the sale of the forfeited vehicle.

(2) The net proceeds is the amount remaining after deduction of the lawful expenses incurred by the City, including the reasonable costs of removal and storage of the vehicle from the time of seizure and the date of sale.

§68-19 Special Procedures - Removal and Storage Fees for Seized Vehicles

(a) Removal Fee. The removal fee for all vehicles is one hundred eighty-five dollars (\$185).

(b) Storage Fee.

(1) The storage fee for vehicles seized for unlicensed Taxicab, Paratransit, or For-Hire activity will be the fee set by the New York City Police Department or such other agency as may store the vehicles.

(2) The storage fee for vehicles seized for unlicensed Commuter Van activity is fifteen dollars (\$15) per day.

§68-20 Special Procedures - Settlements and Withdrawals

(a) Settlements. The Chairperson and a Respondent may dispose of a summons by entering into a settlement agreement.

(1) The settlement agreement must be in writing.

(2) The settlement agreement may provide for penalties different than the penalties provided for in these Rules.

(3) The settlement agreement may provide for canceling an adjudication that is open or

that has been completed. If the adjudication is open or completed before the Taxi and Limousine Tribunal at OATH, the Chairperson will promptly notify the tribunal.

- (4) The settlement agreement may provide for penalties to be imposed, with or without a further Hearing, if the Respondent does not comply with the terms of the settlement agreement.
 - (5) Unless the settlement agreement explicitly provides otherwise, the License of a Respondent who does not comply with the terms of the settlement agreement may be suspended by the Chairperson without a Hearing until the Respondent complies with the settlement agreement.
 - (6) By entering into a settlement agreement, the Chairperson and the Respondent both waive their rights to any further Hearings or appeals on the summons or notice of violation that is disposed of by the settlement agreement.
- (b) Withdrawals.
- (1) The Chairperson may withdraw a summons, even if it has been adjudicated, if the Chairperson determines that it was:
 - (i) Written in error,
 - (ii) Ineffectively served on the Respondent, or
 - (iii) Written in contravention of the Chairperson's enforcement policy.
 - (2) If the Chairperson withdraws a summons:
 - (i) Any fine, suspension, revocation, or Persistent Violator Points or Penalty Points imposed after the Hearing will be vacated.
 - (ii) Any fines paid will be refunded.
 - (iii) The Chairperson will notify the Respondent that the summons has been withdrawn.
 - (iv) If a withdrawn summons is open or has been completed before the Taxi and Limousine Tribunal at OATH, the Chairperson shall promptly notify the tribunal.

Section 24. It is hereby proposed that Chapter 69 of Title 35 of the Rules of the City of New York, relating to the regulation of non-attorney Representatives authorized to appear before the administrative tribunal of the Taxi and Limousine Commission, be repealed.

NEW YORK CITY LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007
212-788-1087

CERTIFICATION PURSUANT TO
CHARTER §1043(d)

RULE TITLE: TLC Tribunal Consolidation

REFERENCE NUMBER: 2013 RG 063

RULEMAKING AGENCY: Taxi and Limousine Commission

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: July 17, 2013

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400

CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: TLC Tribunal Consolidation

REFERENCE NUMBER: TLC-39

RULEMAKING AGENCY: TLC

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

July 18, 2013
Date

SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

MUNICIPAL SUPPLY SERVICES

NOTICE

OFFICIAL FUEL PRICE SCHEDULE NO. 7133
FUEL OIL AND KEROSENE

| CONTRACT NO. | ITEM NO. | FUEL/OIL TYPE | | VENDOR | CHANGE | PRICE EFF. 8/5/2013 |
|--------------|----------|-------------------|---------------------------------|------------------------|-------------|---------------------|
| 3187251 | 11.0 | #1DULS >=80% | CITY WIDE BY TW | SPRAGUE ENERGY CORP. | +0.007 GAL. | 3.9062 GAL. |
| 3187251 | 12.0 | #1DULS B100 <=20% | CITY WIDE BY TW | SPRAGUE ENERGY CORP. | +0.007 GAL. | 5.1720 GAL. |
| 3187251 | 13.0 | #1DULS >=80% | P/U | SPRAGUE ENERGY CORP. | +0.007 GAL. | 3.8219 GAL. |
| 3187251 | 14.0 | #1DULS B100 <=20% | P/U | SPRAGUE ENERGY CORP. | +0.007 GAL. | 5.0876 GAL. |
| 3187249 | 1.0 | #2DULS | CITY WIDE BY TW | CASTLE OIL CORPORATION | +0.055 GAL. | 3.2127 GAL. |
| 3187249 | 2.0 | #2DULS | P/U | CASTLE OIL CORPORATION | +0.055 GAL. | 3.1712 GAL. |
| 3187249 | 3.0 | #2DULS | CITY WIDE BY TW | CASTLE OIL CORPORATION | +0.055 GAL. | 3.2282 GAL. |
| 3187249 | 4.0 | #2DULS | P/U | CASTLE OIL CORPORATION | +0.055 GAL. | 3.1912 GAL. |
| 3187249 | 7.0 | #2DULS >=80% | CITY WIDE BY TW | CASTLE OIL CORPORATION | +0.055 GAL. | 3.2205 GAL. |
| 3187249 | 8.0 | #2DULS B100 <=20% | CITY WIDE BY TW | CASTLE OIL CORPORATION | +0.055 GAL. | 3.3577 GAL. |
| 3187249 | 9.0 | #2DULS >=80% | P/U | CASTLE OIL CORPORATION | +0.055 GAL. | 3.1812 GAL. |
| 3187249 | 10.0 | #2DULS B100 <=20% | P/U | CASTLE OIL CORPORATION | +0.055 GAL. | 3.3147 GAL. |
| 3387022 | 15.1 | #2DULS | BARGE MTF III & ST. GEORGE & WI | SPRAGUE ENERGY CORP. | +0.055 GAL. | 3.3086 GAL. |
| 3387090 | 1.1 | JETA | FLOYD BENNETT | SPRAGUE ENERGY CORP. | +0.200 GAL. | 3.7204 GAL. |
| 3387042 | 1.0 | #2B5 | CITY WIDE BY TW | CASTLE OIL CORPORATION | +0.056 GAL. | 3.1756 GAL. |
| 3387042 | 2.0 | #4B5 | CITY WIDE BY TW | CASTLE OIL CORPORATION | +0.122 GAL. | 2.8618 GAL. |
| 3387042 | 3.0 | #6B5 | CITY WIDE BY TW | CASTLE OIL CORPORATION | +0.194 GAL. | 2.5710 GAL. |
| 3387042 | 4.0 | B100 <=20% | CITY WIDE BY TW | CASTLE OIL CORPORATION | +0.056 GAL. | 3.7791 GAL. |
| 3387042 | 5.0 | #2(ULSH) >=80% | CITY WIDE BY TW | CASTLE OIL CORPORATION | +0.056 GAL. | 3.1438 GAL. |

NOTE:

| | | | | | | |
|---------|-----------|-----------------------------|-----------------|------------------------|-------------|-------------|
| 3187249 | #2DULSB5 | 95% ITEM 7.0 & 5% ITEM 8.0 | CITY WIDE BY TW | CASTLE OIL CORPORATION | +0.056 GAL. | 3.2274 GAL. |
| 3187249 | #2DULSB20 | 80% ITEM 7.0 & 20% ITEM 8.0 | CITY WIDE BY TW | CASTLE OIL CORPORATION | +0.056 GAL. | 3.2480 GAL. |

Contract No. 3387094, Gasoline, expired June 30, 2013. If you have questions regarding the Gasoline Fuel Card, please contact Mahanth Joishy, mjoishy@dcas.nyc.gov, Fleet Department, (212) 386-0367 for assistance.

OFFICIAL FUEL PRICE SCHEDULE NO. 7134
FUEL OIL, PRIME AND START

| CONTRACT NO. | ITEM NO. | FUEL/OIL TYPE | | VENDOR | CHANGE | PRICE EFF. 8/5/2013 |
|--------------|----------|------------------------|-----------------|-----------------------|-------------|---------------------|
| 3087225 | 1.0 | #4 | CITY WIDE BY TW | METRO FUEL OIL CORP. | +0.126 GAL. | 3.2576 GAL. |
| 3087225 | 2.0 | #6 | CITY WIDE BY TW | METRO FUEL OIL CORP. | +0.201 GAL. | 2.8990 GAL. |
| 3087154 | 1.0 | ULSH MANH | | F & S PETROLEUM CORP. | +0.055 GAL. | 3.2330 GAL. |
| 3087154 | 79.0 | ULSH BRONX | | F & S PETROLEUM CORP. | +0.055 GAL. | 3.2330 GAL. |
| 3087154 | 157.0 | ULSH BKLYN, QUEENS, SI | | F & S PETROLEUM CORP. | +0.055 GAL. | 3.3130 GAL. |

OFFICIAL FUEL PRICE SCHEDULE NO. 7135
FUEL OIL AND REPAIRS

| CONTRACT NO. | ITEM NO. | FUEL/OIL TYPE | | VENDOR | CHANGE | PRICE EFF. 8/5/2013 |
|--------------|----------|------------------------|-----------------|----------------|-------------|---------------------|
| 3087218 | 1.0 | #4 | CITY WIDE BY TW | PACIFIC ENERGY | +0.126 GAL. | 3.1989 GAL. |
| 3087218 | 2.0 | #6 | CITY WIDE BY TW | PACIFIC ENERGY | +0.201 GAL. | 2.9519 GAL. |
| 3087115 | 1.0 | ULSH MANH & BRONX | | PACIFIC ENERGY | +0.055 GAL. | 3.0584 GAL. |
| 3087115 | 80.0 | ULSH BKLYN, QUEENS, SI | | PACIFIC ENERGY | +0.056 GAL. | 3.0636 GAL. |

OFFICIAL FUEL PRICE SCHEDULE NO. 7136
GASOLINE

| CONTRACT NO. | ITEM NO. | FUEL/OIL TYPE | | VENDOR | CHANGE | PRICE EFF. 8/5/2013 |
|--------------|----------|---------------|-----------------|----------------------|-------------|---------------------|
| 3187093 | 2.0 | PREM | CITY WIDE BY TW | SPRAGUE ENERGY CORP. | -.0469 GAL. | 3.2326 GAL. |
| 3187093 | 4.0 | PREM | P/U | SPRAGUE ENERGY CORP. | -.0469 GAL. | 3.1535 GAL. |
| 3187093 | 1.0 | U.L. | CITY WIDE BY TW | SPRAGUE ENERGY CORP. | -.0214 GAL. | 3.0644 GAL. |
| 3187093 | 3.0 | U.L. | P/U | SPRAGUE ENERGY CORP. | -.0214 GAL. | 2.9883 GAL. |
| 3187093 | 6.0 | E85 | CITY WIDE BY TW | SPRAGUE ENERGY CORP. | -.0160 GAL. | 2.5400 GAL. |

NOTE:

OCP is processing a Negotiated Acquisition Extension with Clean Energy Corp. to extend the Compressed Natural Gas Contract, #20121200361, for an additional two years. The Negotiated Acquisition Extension will have a new contract number after it is registered. The current contract expires August 7, 2013 and we are diligently working on the new contract.

It is expected that the Negotiated Acquisition Extension will be registered after August 7th; therefore if your agency uses this contract we are requesting that your agency encumber funds sufficient for 120 days of contract use in your current PO for the existing contract in the event that there is a contract lapse before the NAE is registered.

REMINDER FOR ALL AGENCIES:

Please send Inspection Copy of Receiving Report for all Gasoline (E85, UL & PREM) delivered by Tank Wagon to DMSS/Bureau of Quality Assurance (BQA), 1 Centre St., 18th Floor, NY, NY 10007.

CITY PLANNING

NOTICE

NEGATIVE DECLARATION

Project Identification
CEQR No. 11DCP043X
ULURP No. 110102ZSX
SEQRA Classification: Type 1

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin

Name, Description and Location of Proposal:

St. Patrick's Home for the Aged and Infirm
The applicant, St. Patrick's Home for the Aged and Infirm, is seeking two special permits pursuant to Section 74-90 of the Zoning Resolution to bring into conformance and allow an enlargement of the existing St. Patrick's Home facility. The proposed action would facilitate a proposal by the applicant to enlarge the existing nursing home building by constructing a four-level addition which would contain 104 unattended parking spaces, storage space, and a rooftop terrace and

recreation room, totaling 74,737 gross square feet. The Project Site, located at 66 Van Cortlandt Park South is to the east of Saxon Avenue, west of Dickinson Avenue and south of Van Cortlandt Park South, (Block 3252 and Lot 76), in the Kingsbridge neighborhood in the Bronx, Community District 8.

The project site is improved with two buildings: an eight-story Use Group 3 nursing home (St. Patrick's Home) containing approximately 118,547 square feet of floor area, constructed in 1987, and a seven story Use Group 3 convent containing approximately 14,472 square feet of floor area. The existing nursing home contains 264 beds, areas for physical and occupational therapy, a wellness center, recreation area, a chapel, gift shop, and a resident coffee shop, as well as a surface accessory parking lot for 38 cars. The convent contains a small parking area, adjacent to Dickinson Avenue, which contains eight parking spaces. The proposed enlargement would be constructed on the west side of the Project Site in the area currently occupied by the existing 38-space accessory parking lot and will have direct connections to the nursing home. Currently, the 12 foot wide curb cut to the existing parking lot is located on the southern lot line of the Project Site along Saxon Avenue. A new 22 foot wide curb cut to the enlargement will also be located on Saxon Avenue, but will be re-located approximately 15 feet north of the southern lot line. The proposed enlargement

would not add any more residents or employees to the nursing home facility.

St. Patrick's is seeking the special permit to enlarge the facility because the current storage, recreation and parking areas do not meet the operational needs of the nursing home and convent. Developments, extensions, or enlargements of nursing homes located within an impacted community district require a special permit pursuant to ZR 74-90. Therefore, the Applicant seeks a special permit to facilitate its proposal to construct a four-level enlargement. The site is within a R7-1 district that allows a maximum Floor Area Ratio (FAR) of 3.44 FAR for residential uses and 4.8 FAR for certain community facilities. Nursing homes are limited to an FAR of 3.44.

The applicant has sought project financing through the New York State Department of Health (NYSDOH). The Applicant has received a variance from the Board of Standards and Appeals (BSA), pursuant to Section 72-21 of the Zoning Resolution to allow the enlargement, which does not comply with the rear yard equivalent requirements of Section §24-382 of the Zoning Resolution. The variance was granted by BSA on January 15, 2013 (BSA #113-11-BZ). NYC Department of City Planning has conducted a coordinated environmental review with NYSDOH and BSA.

It is expected that construction of the proposed action would last approximately 12 months and would be completed in 2014.

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**THE DEPARTMENT OF CITY PLANNING
THE DEPARTMENT OF HOMELESS SERVICES THE
DEPARTMENT OF HOUSING PRESERVATION AND
DEVELOPMENT
NOTICE OF PROPOSED SUBSTANTIAL
AMENDMENT
TO THE 2013 CONSOLIDATED PLAN**

TO ALL INTERESTED AGENCIES, COMMUNITY
BOARDS, GROUPS, AND PERSONS:

In accordance with 24 CFR 91.505 of the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan regulations regarding amendments, the City of New York announces the public comment period for the substantial amendment to the City's 2013 Consolidated Plan Emergency Solutions Grant (ESG), and HOME Investment Partnership (HOME) programmatic activities, respectively.

The public comment period will begin on August 9, 2013 and extend thirty (30) days to September 9, 2013.

The substantial amendment to New York City's Emergency Solutions Grant Program (ESG) (formerly the Emergency Shelter Grant) is necessitated by the significant decrease in the City's ESG entitlement grant allocation from the grant amount originally requested (approximately \$14.146 million) to the amount actually awarded (approximately \$10.921 million) as a result of the Federal Fiscal Year 2013 (FFY13) appropriations and sequestration (a 22% reduction in program funds). The amendment also includes incorporation of the existing Shelter Operations and Street Outreach programs' activities into the Emergency Shelter program. The amendment revises the proposed accomplishments for the existing ESG-funded programs, reflective of the decrease and reallocation of funds.

The amendment to New York City's HOME-funded activities entails the deletion two (2) programs that will not be allocated federal entitlement funds: the Neighborhood Entrepreneurs Program (NEP); and the Multifamily Homeownership Program (formerly the Cornerstone Program). The amendment also entails the reallocation of the FFY13 HOME Program grant funds expected to be received among the remaining programs previously approved for the 2013 One-Year Action Plan.

Lastly, the amended 2013 Consolidated Plan also incorporates the amended Calendar Year 2013 Community Development Block Grant (CDBG) Program, as adopted by the City Council.

Copies of the amended 2013 Consolidated Plan will be made available on August 9, 2013 and can be obtained at the Department of City Planning Bookstore, 22 Reade Street, New York, New York 10007 (Monday - Friday; 10:00 A.M. to 4:00 P.M.). In addition, the amended Plan can be downloaded through the internet via the Department's website at www.nyc.gov/planning.

Written comments should be sent by close of business September 9, 2013 to: Charles V. Sorrentino, Consolidated Plan Coordinator, 22 Reade Street 4N, New York, N.Y. 10007 email: amended2013ConPlan@planning.nyc.gov.

City of New York:
Amanda M. Burden, FAICP, Director
Department of City Planning
Michele Ovesey, Commissioner
Department of Homeless Services
Mathew M. Wambua, Commissioner
Department of Housing Preservation and Development

Date: July 30, 2013

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COMPTROLLER

■ NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., RM 629, New York, NY 10007 on October 27, 2013 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

| Damage Parcel No. | Block | Lot |
|-------------------|-------|-----|
| 88 | 15838 | 74 |

| | | |
|-----|-------|----|
| 90 | 15969 | 71 |
| 91 | 15969 | 69 |
| 92 | 15969 | 68 |
| 95 | 15969 | 64 |
| 96 | 15969 | 63 |
| 97 | 15969 | 61 |
| 100 | 15969 | 58 |
| 102 | 15969 | 56 |

Acquired in the proceeding, entitled: BEACH 46TH STREET subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

JOHN C. LIU
Comptroller

jy31-a14

**MAYOR'S OFFICE OF
ENVIRONMENTAL REMEDIATION**

■ NOTICE

The New York City Office of Environmental Remediation (OER) has received a NYC Voluntary Cleanup Program (VCP) application from W29 Highline Owners, LLC for a site located at 522-532 West 29th Street in Manhattan, New York. Site No. 13CVCP151M is assigned to this project.

The New York City Office of Environmental Remediation (OER) has received a NYC Voluntary Cleanup Program (VCP) application from Love Funding for a site located at 1901 Madison Avenue in Manhattan, New York. Site No. 14CVCP160M is assigned to this project.

Information regarding these sites, including the site cleanup plan, can be found at:
<http://www.nyc.gov/html/oer/html/repository/RManhattan.shtml>

The public comment period on the cleanup plan runs for 30 days from this publication. Please send comments to Shaminder Chawla, NYC OER, 100 Gold Street, 2nd Fl., New York, NY 10038 or to shaminderc@dep.nyc.gov

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The New York City Office of Environmental Remediation (OER) has received a NYC Voluntary Cleanup Program (VCP) application from Allied West Farms (NY) LLC for a site located at 1512 Boone Avenue in Bronx, New York. Site No. 13CVCP141X is assigned to this project.

Information regarding this site, including the site cleanup plan, can be found at:
<http://www.nyc.gov/html/oer/html/repository/RBronx.shtml>

The public comment period on the cleanup plan runs for 30 days from this publication. Please send comments to Shaminder Chawla, NYC OER, 100 Gold Street, 2nd Fl., New York, NY 10038 or to shaminderc@dep.nyc.gov

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The New York City Office of Environmental Remediation (OER) has received a NYC Voluntary Cleanup Program (VCP) application from Mr. George Mann for a site located at 11-28 31st Drive in Queens, New York. Site No. 13CVCP145Q is assigned to this project.

The New York City Office of Environmental Remediation (OER) has received a NYC Voluntary Cleanup Program (VCP) application from 19-80 Steinway, LLC for a site located at 19-80 Steinway Street in Queens, New York. Site No. 13CVCP148Q is assigned to this project.

The New York City Office of Environmental Remediation (OER) has received a NYC Voluntary Cleanup Program (VCP) application from River Bridge Tower, LLC for a site located at 27-01 41st Avenue in Queens, New York. Site No. 14CVCP158Q is assigned to this project.

Information regarding these sites, including the site cleanup plan, can be found at:
<http://www.nyc.gov/html/oer/html/repository/RQueens.shtml>

The public comment period on the cleanup plan runs for 30 days from this publication. Please send comments to Shaminder Chawla, NYC OER, 100 Gold Street, 2nd Fl., New York, NY 10038 or to shaminderc@dep.nyc.gov

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The New York City Office of Environmental Remediation (OER) has received a NYC Voluntary Cleanup Program (VCP) application from Throop Wallabout Realty, LLC for a site located at 376-382 Wallabout Street in Brooklyn, New York. Site No. 13CVCP150K is assigned to this project.

The New York City Office of Environmental Remediation (OER) has received a NYC Voluntary Cleanup Program (VCP) application from Center for Negative Thinking, LLC for a site located at 33 Carroll Street in Brooklyn, New York. Site No. 13CVCP152K is assigned to this project.

The New York City Office of Environmental Remediation (OER) has received a NYC Voluntary Cleanup Program (VCP) application from 156-158 Skillman Corp. for a site located at 661 Flushing Avenue in Brooklyn, New York. Site No. 13CVCP153K is assigned to this project.

The New York City Office of Environmental Remediation (OER) has received a NYC Voluntary Cleanup Program (VCP) application from Cayuga Capital Management, LLC for a site located at 93-107 West Street in Brooklyn, New York. Site No. 13CVCP154K is assigned to this project.

The New York City Office of Environmental Remediation (OER) has received a NYC Voluntary Cleanup Program (VCP) application from Lorimer Contracting for a site located at 50 Greenpoint Avenue in Brooklyn, New York. Site No. 13CVCP155K is assigned to this project.

The New York City Office of Environmental Remediation (OER) has received a NYC Voluntary Cleanup Program (VCP) application from Chess Builders, LLC for a site located at 1044 Bedford Avenue in Brooklyn, New York. Site No. 13CVCP156K is assigned to this project.

The New York City Office of Environmental Remediation (OER) has received a NYC Voluntary Cleanup Program (VCP) application from Fulton Hill Corner LLC for a site located at 1035 Fulton Street in Brooklyn, New York. Site No. 14CVCP157K is assigned to this project.

The New York City Office of Environmental Remediation (OER) has received a NYC Voluntary Cleanup Program (VCP) application from Greystone Property Development for a site located at 47 Bridge Street in Brooklyn, New York. Site No. 14CVCP159K is assigned to this project.

Information regarding these sites, including the site cleanup plan, can be found at:
<http://www.nyc.gov/html/oer/html/repository/RBrooklyn.shtml>

The public comment period on the cleanup plan runs for 30 days from this publication. Please send comments to Shaminder Chawla, NYC OER, 100 Gold Street, 2nd Fl., New York, NY 10038 or to shaminderc@dep.nyc.gov

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LATE NOTICES

**YOUTH AND COMMUNITY
DEVELOPMENT**

■ PUBLIC HEARINGS

**NOTICE OF THE NEW YORK CITY
INTERAGENCY COORDINATING COUNCIL ON
YOUTH 2013**

The Interagency Coordinating Council on Youth (ICC), in accordance with Section 735(c) of Chapter 30 of the New York City Charter, will hold its annual hearing to inform the public of its activities during the past year and to receive testimony on the status of youth services.

The PUBLIC HEARING will be held on August 22, 2013 from 9:00 A.M. to 11:00 A.M. at **New York Hall of Science**, 47-01 111th Street (Auditorium), Queens, New York 11368.

The location is easily accessible by public transportation via subway: Take the 7 train to 111th Street Station. Walk three blocks south.

It also can be accessed by taking the Q23 or Q58 bus to Corona Avenue and 108th Street, or Q48 to 111th Street and Roosevelt Avenue.

REGISTRATION: You can register in advance by reaching us at the below information or you may register the day of the hearing. Speakers will be called in the order in which they register. Testimony from all speakers is limited to three minutes.

Written Comments may also be submitted up until August 22, 2013 at 5:00 P.M. to:

Department of Youth and Community Development
Office of External Relations
156 William Street, 6th Floor
New York, New York 10038
(212) 676-0278 Phone
(212) 442-5894 Fax
icc@dycd.nyc.gov

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FINANCE

■ AWARDS

Services (Other Than Human Services)

SOFTWARE SUPPORT, TRAINING, CUSTOMIZATION AND INSTALLATION – Sole Source – Available only from a single source - PIN# 83613S0007 – AMT: \$986,888.00 – TO: SoftCode, Inc., 33 Boston Post Road W, Ste. 410, Marlborough, MA 01752.

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HEALTH AND MENTAL HYGIENE

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, August 15, 2013, in Spector Hall, 22 Reade Street, Main Floor, Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Department of Health and Mental Hygiene and the Contractor listed below, to advertise various public health messages on buses, subways and bus stop shelters throughout New York City. The contract term shall be from September 1, 2013 to August 31, 2016.

CONTRACTOR/ADDRESS

CEMUSA NY, LLC
420 Lexington Avenue, New York, NY 10170
PIN 14PC002401R0X00 **E-PIN** 81613S0010001
Amount: \$3,500,000

The proposed contractor has been selected as a Sole Source Procurement, pursuant to Section 3-05 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the New York City Department of Health and Mental Hygiene, Office of the Agency Chief Contracting Officer, 42-09 28th Street, 17th Floor, Long Island City, NY 11101, from August 9, 2013 to August 15, 2013, excluding Saturdays, Sundays and Holidays, between the hours of 10:00 A.M. and 4:00 P.M.

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