

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, JANUARY 18, 2012

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING
of
Wednesday, January 18, 2012, 2:35 p.m.*

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Foster, Koppell, Rose, and Vann.

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

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

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

INVOCATION

The Invocation was delivered by Father George Anastasiou, The Community of Transfiguration of Christ Greek Orthodox Church, 3805 98th Street, Corona, NY 11368.

Brothers and sisters,
let us bow our heads in prayer.

Heavenly King, comforter of the spirit of truth
who are ever present and fill all things,
the treasury of all blessings,
we humbly bow our heads
to beseech and implore you
to bless this gathering.
May harmony and social justice
Truly resound in the hearts
of all those here present,
so that they will in turn
herald and share this
harmony with our communities.
We furthermore ask for blessings
and protection of all civic leaders.
Care for them,
keep them under the protection
of your mighty right hand.
Keep them safe, strong,
compassionate and wise
as they serve this great city.
We ask these things
in your majestic, holy and eternal name.
Amen.

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

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

Mary Spink, 64, longtime Lower East Side community activist, died on January 16, 2012 after a long illness. Ms. Spink was the Executive Director of the Lower East Side People's Mutual Housing Association which is an organization that has built and renovated buildings throughout the neighborhood for affordable housing. She was a member of Manhattan Community Board 3, the Lower East Side People's Federal Credit Union and the Lower East Side Girl's Club, as well as many other organizations. In June 2011, she was honored as one of New York's "Women of Distinction" by State Senator Daniel Squadron. At this point, the floor was yielded to Council Member Mendez who also spoke in honorable memory of Ms. Spink.

ADOPTION OF MINUTES

Council Member Lappin moved that the Minutes of the Stated Meeting of December 8 and December 19, 2011 be adopted as printed.

LAND USE CALL UPS

M-739

By Council Member James:

Pursuant to Rule 11.20(b) of the Council and Section 20-226 (g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 268 Kingston Avenue,

Borough of Brooklyn, Committee Board no.8, Application 20125051 TCK shall be subject to review by the Council.

Coupled on Call-Up Vote

M-740

By Council Member Levin:

Pursuant to Rule 11.20(b) of the Council and Section 20-226 (g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 68 Bergen Street, Borough of Brooklyn, Committee Board no.2, Application 20125008 TCK shall be subject to review by the Council.

Coupled on Call-Up Vote

LAND USE CALL UP VOTE

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

Affirmative –Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – 47.

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

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

Report for Int. No. 741

Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended in six business improvement districts.

The Committee on Finance, to which the annexed proposed local law was referred on December 19, 2011 (Minutes, page 5365), respectfully

REPORTS:

On January 3, 2012, the Finance adopted a Resolution, Proposed Res. 1174-A, that set today as the date to consider a local law that would increase the annual expenditures for six Business Improvement Districts (BIDs), effective as of July 1, 2011. Today, the Committee will hear from all persons interested in the legislation, which would increase the amount to be expended annually in the six BIDs

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

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

procedure be followed with regard to the increase that is the subject of this resolution.

The following BIDs have requested increases to their budgets as indicated below:

**BID ASSESSMENT INCREASE REQUESTS
FISCAL YEAR 2012**

BID Name	Year Est.	Last Assessment Increase	Present Assessment	Proposed Assessment	Purpose of Assessment Increase
Bayside Village	2007	None	\$81,368	\$155,000	Enhance business promotional programs such as new social media and special events; upgrading seasonal decorations; and increase in costs of services and wages.
Fordham Road	2004	None	\$500,000	\$625,000	Expand surety program including video cameras; enhance business promotional activities; increases in printing and other office expenses; salary and other costs-of-living increases.
Grand Central Partnership	1988	FY 06 \$550,740	\$11,565,540	\$12,709,372	Provide for an engineering study for rooftop lighting project; capture lost revenue relating to increases in square footage from new properties; preserve reserve funds to finance capital projects; and increases in insurance, legal fees, personnel and wage costs.
Moshulu Jerome East Gun Hill Road	1997	None	\$209,000	\$259,000	Enhance advertising and business promotional activities; and provide for an annual fall festival.
125 th Street	1994	FY 11 \$25,264	\$867,390	\$947,820	Re-structure BID staffing; increases in sanitation and public safety costs; and increases in professional fees, insurance and office expenses.
34 th Street Partnership	1992	FY 09 \$75,500	\$9,291,500	\$9,940,000	Enhanced maintenance services for new streetscape; extended information kiosk hours; overtime cost for painting streetscape elements; new business promotional activities in social media; provide for a full time design position; increase services for Herald and Greeley Square Parks events; and an increase in personnel costs.

These increases, which have already been approved by the District Management Associations of the 6 BIDs, would result in a higher assessment on all properties currently subject to BID assessments as a result of the increase in the assessment rate.

(The following is the text of the Fiscal Impact Statement for Int. No. 741:)



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

INTRO. No: 741

COMMITTEE: Finance

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended in six business improvement districts.

SPONSOR:
By Council Members Recchia, Comrie, Ferreras, Koslowitz, Nelson, Seabrook and Koo (by request of the Mayor)

SUMMARY OF LEGISLATION: The proposed local law amends various sections in chapter 4 of title 25 of the administrative code of the city of New York (the "Code") which would increase the budget amounts of six Business Improvement Districts ("BID") throughout the City. The budgets are funded by special assessments on properties within the district and pay for additional services beyond those which the City provides. The special assessments are collected with the City's property tax collection system and passed through to the BIDs.

EFFECTIVE DATE: This local law would take effect immediately and shall be retroactive to July 1, 2011.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2012.

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES AND EXPENDITURES: There will be no net impact on revenues or expenditures resulting from the enactment of this legislation on the City's budget adopted for Fiscal 2012. The BID assessments are charges separate from the City's property tax levy and thus do not impact the General Fund. The assessments are levied on the businesses located in the impacted BIDs. The BIDs' budgets for Fiscal 2012 will increase from the Fiscal 2011 amounts (see below) as a result of this legislation.

Intro 741

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BID Name	Year Est.	Last Assessment Increase	Present Assessment	Proposed Assessment
Bayside Village	2007	None	\$81,368	\$155,000
Fordham Road	2004	None	\$500,000	\$625,000
Grand Central Partnersh ip	1988	FY 06 \$550,740	\$11,565,540	\$12,709,372
Mosholu Jerome East Gun Hill Road	1997	None	\$209,000	\$259,000
125 th Street	1994	FY 11 \$25,264	\$867,390	\$947,820
34 th Street Partnersh ip	1992	FY 09 \$75,500	\$9,291,500	\$9,940,000

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: BID special assessments.

SOURCE OF INFORMATION: City Council Finance Division
NY City Department of Small Business Services

ESTIMATE PREPARED BY: Tanisha Edwards, Counsel
Ralph Hernandez, Finance Analyst

FIS HISTORY: To be considered by the Committee on January 18, 2012.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 741:)

Int. No. 741

By Council Members Recchia, Comrie, Ferreras, Koslowitz, Nelson, Seabrook, Koo and Halloran (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended in six business improvement districts.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-423.1 of the administrative code of the city of New York, as amended by local law number 60 for the year 2008, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 34th Street business improvement district beginning on July 1, [2008] 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [nine million two hundred ninety-one thousand five hundred dollars (\$9,291,500)] *nine million nine hundred forty thousand dollars (\$9,940,000)*.

§ 2. Subdivision a of section 25-427 of the administrative code of the city of New York, as amended by local law number 133 for the year 2005, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Grand Central business improvement district beginning on July 1, [2005] 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [eleven million five hundred sixty-five thousand five hundred forty dollars (\$11,565,540)] *twelve million seven hundred nine thousand three hundred seventy-two dollars (\$12,709,372)*.

§ 3. Subdivision a of section 25-437.1 of the administrative code of the city of New York, as amended by local law number 5 for the year 2011, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 125th Street business improvement district beginning on July 1, [2010] 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [eight hundred sixty-seven thousand three hundred ninety dollars (\$867,390)] *nine hundred forty-seven thousand eight hundred twenty dollars (\$947,820)*.

§ 4. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-449.1 to read as follows:

§ 25-449.1 *Mosholu-Jerome-East Gun Hill Road business improvement district.*

a. *The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Mosholu-Jerome-East Gun Hill Road business improvement district beginning on July 1, 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of two hundred fifty-nine thousand dollars (\$259,000).*

b. *The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Mosholu-Jerome-East Gun Hill Road business improvement district plan.*

§ 5. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-464.1 to read as follows:

§ 25-464.1 *Fordham Road business improvement district.*

a. *The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fordham Road business improvement district beginning on July 1, 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of six hundred twenty-five thousand dollars (\$625,000).*

b. *The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Fordham Road business improvement district plan.*

§ 6. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-474.1 to read as follows:

§ 25-474.1 *Bayside Village business improvement district.*

a. *The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an*

increase in the amount to be expended annually in the Bayside Village business improvement district beginning on July 1, 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of one hundred fifty-five thousand dollars (\$155,000).

b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Bayside Village business improvement district plan.

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

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, January 18, 2012.

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

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

Report for L.U. No. 553

Report of the Committee on Finance in favor of approving 9,13,21,23,25,27,89 East 3 Street; 56,57,58,60,63,65,67,69,71,73,75,77 East 4 Street; 83 Second Avenue, Block 445, Lot 42; Block 459, Lots 14, 15, 16, 36, 37, 38, 39, 43, 45; Block 460, Lots 35, 48,50, 51, 52, 53, 54, 55, 59, Manhattan, Council District No. 2, 13 Stanton Street; Block 426, Lot 22, Manhattan, Council District No. 1.

The Committee on Finance, to which the annexed resolution was referred on January 18, 2012, respectfully

REPORTS:

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

January 18, 2012

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

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of January 18, 2012-Resolution approving tax exemptions for three preconsidered Land Use Items (Council District's 1, 2 and 9).

HPD has submitted a request to the Council to approve property tax exemptions for the following properties: Hale House and Homeward Bound Houses located in Councilmember Dicken's District and the Cooper Square Committee located in Councilmember's Mendez and Chin's District.

Hale House consist of 1 building with 28 units of affordable rental housing for low-income families. The Sponsor, 315 West 113th Street LLC will finance the acquisition with a private bank loan and is seeking a new tax exemption to replace an expiring exemption. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected at \$60,125 in the first year of the exemption and \$2.8 million over the 30-year length of the exemption.

The Homeward Bound Houses consist of 1 building with 33 units of affordable rental housing for low-income families. The Sponsor, 300 Manhattan Avenue Housing Development Fund Corporation will finance the acquisition with a private bank loan and is seeking a new tax exemption to replace an expiring exemption. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected at \$84,174 in the first year of the exemption and \$4 million over the 30-year length of the exemption.

The Cooper Square Committee owns 21 buildings containing 328 units of affordable housing for low income families. These buildings were rehabilitated with federal, State and/or City funding. For each conveyance, the Cooper Square Mutual Housing Association II Housing Development Fund Corporation (HDFC) entered into a regulatory agreement with HPD and/or the New York State Housing Trust Fund. The projects were underwritten with the assumption that the Exemption Area would receive a full exemption from real property tax through a combination of a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law ("Prior Exemption") and a real property tax abatement and exemption pursuant to the J-51 program. However, through no fault of the HDFC, a majority of the buildings within the Exemption Area did not receive a J-51 benefit. In order to facilitate the project, the prior Exemption must be terminated and replaced with a new exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected at \$1.2 million in the first year of the exemption and \$57 million over the 23-year length of the exemption.

These items have the approval of Councilmember's Chin, Dickens and Mendez.

Accordingly, this Committee recommends the adoption of LU No. 553, 554 and 555 (please see the Report of the Committee on Finance for LU No. 544 and 545 for the respective coupled resolutions; for coupled resolution for LU No. 553, please see immediately below)

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

Res. No. 1200

Resolution approving an exemption from real property taxes for property located at 9, 13, 21, 23, 25, 27, 89 East 3 Street; 56, 57, 58, 60, 63, 65, 67, 69, 71, 73, 75, 77 East 4 Street; 83 Second Avenue Block 445, Lot 42; Block 459, Lots 14, 15, 16, 36, 37, 38, 39, 43, 45; Block 460, Lots 35, 48, 49, 50, 51, 52, 53, 54, 55, 59 and 13 Stanton Street; Block 426, Lot 22, Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 553).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated December 22, 2011 that the Council take the following action regarding a housing project to be located at 9, 13, 21, 23, 25, 27, 89 East 3 Street; 56, 57, 58, 60, 63, 65, 67, 69, 71, 73, 75, 77 East 4 Street; 83 Second Avenue Block 445, Lot 42; Block 459, Lots 14, 15, 16, 36, 37, 38, 39, 43, 45; Block 460, Lots 35, 48, 49, 50, 51, 52, 53, 54, 55, 59 and 13 Stanton Street; Block 426, Lot 22, Manhattan ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on January 18, 2012;

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - (a) "Commercial Property" shall mean those portions of the Exemption Area devoted to business or commercial use.
 - (b) "Effective Date" shall mean the respective dates set forth in the annexed Schedule A for each property in the Exemption Area.
 - (c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, and identified as Block 445, Lot 42; Block 459, Lots 14, 15, 16, 36, 37, 38, 39, 43, 45; Block 460, Lots 35, 48, 49, 50, 51, 52, 53, 54, 55, 59; and Block 426, Lot 22 on the Tax Map of the City of New York.

- (d) "Expiration Date" shall mean the earlier to occur of (i) July 1, 2035, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "HDFC" shall mean Cooper Square Mutual Housing Association II Housing Development Fund Corporation.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "J-51 Program" shall mean the program of exemption from abatement of real property taxation authorized pursuant to Real Property Tax Law § 489 and New York City Administrative Code § 11-243.
- (h) "New Exemption" shall mean the exemption from real property taxes provided hereunder with respect to the Exemption Area.
- (i) "Prior Exemption" shall mean the exemption from real property taxation approved by the New York City Council on the following dates:
- (i) September 23, 1993 (Resolution No. 1618) for Block 459, p/o Lot 14;
 - (i) January 18, 1996 (Resolution No. 1462) for Block 426, Lot 22; Block 459, Lots 14, 15, 16, 36, 37, 39, and 45; and Block 460, Lots 35, 48, 49, 50, 51, 52, 53, 54 and 59; and
 - (ii) May 14, 2004 (Resolution No. 885) for Block 445, Lot 42.
- (j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and Sponsor establishing new certain controls upon the operation of the Exception Area during the term of the new Exemption.
- (k) "Residential Property" shall mean all of the real property, other than the Commercial Property, included in the Exemption Area.
2. All of the value of the Residential Property in the Exemption Area, including both the land and improvement, shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. All of the value of the Commercial Property in the Exemption Area shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating the day after the New York City Council approves the new Exemption pursuant to a duly authorized resolution.
4. Notwithstanding any provision hereof to the contrary:
- a. The new Exemption shall terminate if HPD determines that (i) the housing project is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the owner of the Exemption Area has failed to execute the Regulatory Agreement within thirty (30) days after the date of approval of the Exemption, (iii) the housing project is not being operated in accordance with the requirements of the Regulatory Agreement, (iv) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the new Exemption shall prospectively terminate.
 - b. The new Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.

- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid by or on behalf of the HDFC or any other owner of the Exemption Area prior to the respective Effective Date.

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

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, January 18, 2012.

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

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

Report for L.U. No. 554

Report of the Committee on Finance in favor of approving Hale House, Block 1847 Lot 46, Manhattan, Council District No. 9

The Committee on Finance, to which the annexed resolution was referred on January 18, 2012, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 553 printed in these Minutes) Accordingly, this Committee recommends its adoption.

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

Res. No. 1201

Resolution approving an exemption from real property taxes for property located at (Block 1847, Lot 46) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 554).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated December 22, 2011 that the Council take the following action regarding a housing project to be located at (Block 1847, Lot 46), Manhattan ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on January 18, 2012;

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

RESOLVED:

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

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

- (a) "Company" shall mean 315 West 113th Street LLC.
 - (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the Company, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - (c) "Exemption" shall mean the exemption from real property taxation provided hereunder.
 - (d) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1847, Lot 46 on the Tax Map of the City of New York.
 - (e) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity controlled by a housing development fund company.
 - (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (g) "Owner" shall mean the Company.
 - (h) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
 - (i) "Shelter Rent" shall mean the total rents received from residential and commercial occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
 - (j) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not owned by a housing development fund company or an entity controlled by a housing development fund company, (iii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iv) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.

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

d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.

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

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, January 18, 2012.

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

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

Report for L.U. No. 555

Report of the Committee on Finance in favor of approving Homeward Bound, Block 1847, Lot 39, Manhattan, Council District No. 9

The Committee on Finance, to which the annexed resolution was referred on January 18, 2012, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 553 printed in these Minutes) Accordingly, this Committee recommends its adoption.

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

Res. No. 1202

Resolution approving an exemption from real property taxes for property located at (Block 1847, Lot 39) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 555).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated December 22, 2011 that the Council take the following action regarding a housing project to be located at (Block 1847, Lot 39), Manhattan ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on January 18, 2012;

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

RESOLVED:

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

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

- (a) "Company" shall mean 300 Manhattan Avenue LLC.
- (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the Company, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- (c) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (d) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1847, Lot 39 on the Tax Map of the City of New York.
- (e) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity controlled by a housing development fund company.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "Owner" shall mean the Company.
- (h) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- (i) "Shelter Rent" shall mean the total rents received from residential and commercial occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- (j) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.

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

3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.

4. Notwithstanding any provision hereof to the contrary:

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

b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.

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

d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.

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

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, January 18, 2012.

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

Report of the Committee on Housing and Buildings

Report for Int. No. 501-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to notification by a mortgagee commencing an action to recover residential real property.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on March 23, 2011 (Minutes, page 776), respectfully

REPORTS:

On January 18, 2012, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 501-A, A Local Law to amend the administrative code of the city of New York, in relation to notification by a mortgagee commencing an action to recover residential real property. On April 14, 2011, the Committee held a hearing on an earlier version of this bill and received testimony on it from representatives of the Department of Housing Preservation and Development (HPD or Department), housing advocates, representatives of the real estate and banking industry and other persons.

BACKGROUND

According to a report published by the New York State Comptroller's office, between 2006 and 2009 the number of foreclosure filings in New York City rose by 31.7 percent to 22,886.¹ Queens had the largest number of foreclosure filings (8,964), followed by Brooklyn (7,108), the Bronx (3,000), Staten Island (2,646), and Manhattan (1,168).² In its 2010 State of the City's Housing and Neighborhoods Report, New York University's Furman Center for Real Estate and Urban Policy stated that "foreclosures are associated with a substantial uptick in housing code violations, which indicates that tenants are likely to experience deteriorating building maintenance and physical conditions while building finances are in distress."

The legislation before the Committee today would help ensure that HPD has access to accurate and up-to-date information regarding the status of residential properties in foreclosure. Because properties in foreclosure are more likely than financially healthy properties to fall into physical disrepair and require complaint-based inspections, it is important for HPD to have accurate information on such properties. By providing HPD with notice shortly after a foreclosure action is commenced, the bill will allow the Department to focus its resources on providing support to certain financially distressed properties before they begin to deteriorate.

Specifically, the information required to be provided pursuant to the bill would include: the name, mailing address, telephone number and e-mail address of the mortgagee plaintiff that is commencing the foreclosure action, including, when

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¹ Foreclosures in New York City. Report 13-2011. New York State Comptroller. Accessed online at: <http://www.osc.state.ny.us/osdc/rpt13-2011.pdf>

² *Id.*

applicable, the corporate officer's name and contact information; the name of the defendant in the action; the identification of the residential property subject to the action identified by street address and block and lot number; the date the action was commenced; the court in which the action was commenced; and other information HPD may require by rule. In the event that HPD requires additional information, the Council will work with HPD and other stakeholders to ensure that any such additional information is necessary to achieve the goals set forth in the law and is not unduly burdensome. The definition of "mortgagee" was also amended to reflect the concern that the prior definition could be read to require redundant filings.

The bill would also require that the foreclosure information provided to HPD be made available to other agencies, such as the Department of Buildings, that are responsible for the investigation and enforcement of illegal conversions of residential properties to house more than the permitted number of tenants. Financial health is an important indicator used by such agencies when determining where to focus their inspections. Having direct access to foreclosure-related information will aid the agencies in their efforts to prioritize illegal conversion complaints.

The bill's reporting requirements aim to keep the public aware of which neighborhoods have suffered the most from the foreclosure crisis. Pursuant to the bill HPD must post on its website every quarter the number of foreclosure actions commenced in the preceding quarter in each Community District as well as the total number of pending actions in each Community District. The bill would also require HPD to post basic information on its website about properties with twenty or more units for which the Department receives notice.

Proposed Int. No. 501-A

Bill section one would add a new section 27-2109.1, entitled "Notice by a mortgagee commencing an action to foreclose a mortgage on residential real property," to Article 2 of Subchapter 4 of the Housing Maintenance Code of the City of New York (Chapter 2 of Title 27 of the City's Administrative Code).

Paragraph one of subdivision (a) of new section 27-2109.1 would require any mortgagee that commences an action in a court of competent jurisdiction within New York State to foreclose a mortgage on residential real property within New York City to provide notice to HPD, in a form prescribed by HPD, within fifteen days of service of the pleadings initiating the action on the property owner. If the action was commenced before the effective date of Proposed Int. No. 501-A and remains pending as of such effective date then the required notification must be made within thirty days of the effective date. However, notice is not required to be given to HPD for actions commenced prior to February 13, 2010, regardless of whether or not they remain pending as of the effective date of Proposed Int. No. 501-A. The notice must include the name of the mortgagee plaintiff bringing the action, along with the mailing address, telephone number and email address of such mortgagee plaintiff and, when applicable, the name of a principal or corporate officer of such mortgagee plaintiff, along with the mailing address, telephone number and email address of such principal or corporate officer; the person or entity against whom such action has been brought; the identification of the real property by street address, block and lot number; and the date of the commencement of the action to recover the real property; the court in which the action was commenced; and any other information that HPD may require by rule.

Paragraph one also states that the definition of "mortgagee" shall mean any person that commences an action to foreclose a mortgage on residential real property including, but not limited to, a lender, assignee or mortgage loan service provider that commences such an action.

Paragraph two of subdivision (a) of new section 27-2109.1 would require a mortgagee to notify the Department within fifteen days of either the discontinuance of the action, the issuance of a judgment in the foreclosure action or the sale of the real property as a result of the action.

Paragraph three of subdivision (a) of new section 27-2109.1 would require the Department to report on its website every month a list of all properties with twenty or more units, identified by block and lot number, along with the name, mailing address and telephone number of the mortgagee plaintiff and the name of the defendant for which notice has been received by the Department. HPD must also report on its website each three months the total number of foreclosure actions commenced during the previous three months for which HPD has received the required notice, disaggregated by Community District; and the total number of foreclosure actions pending, for which HPD has received the required notice, disaggregated by Community District. The Department must also provide the information included in the notice to one or more city agencies for which the Department determines that such information furthers such agency or agencies' duties, including but not limited to the enforcement of section 28-210.1, the section of the Administrative Code regarding the illegal conversion of residential property. The notice information must be provided to any other City Agency by request of such agency.

Subdivision (b) of new section 27-2109.1 of the bill would provide that any mortgagee who fails to provide notice to the Department would be liable for a civil penalty not to exceed \$1,000 for each week that there is a failure to notify. The failure to provide notice to the Department shall not be deemed to affect in any way any pending legal proceeding related to such residential real property.

Subdivision (c) of new section 27-2109.1, provides that the notice requirement set forth in paragraph one shall not be applicable to any foreclosure action brought by a governmental agency.

Bill section two contains the enactment clause and states that this local law shall take effect 120 days after its enactment, except that the Commissioner of Housing Preservation and Development shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Amendments to Int. No. 501

- The registration requirement was changed throughout the bill to a notice requirement.

- The amount of time given to mortgagees to provide notice of the commencement or discontinuance of a foreclosure action was increased from ten to fifteen days.
- Pending actions that were commenced before February 13, 2010 were excluded from the bill's notice requirement.
- The list of information required in the foreclosure notice to HPD was expanded to include such other information as the Department may require by rule.
- The definition of mortgagee was amended to mean "any person that commences an action to foreclose a mortgage on residential real property including, but not limited to, a lender, assignee or mortgage loan service provider that commences such action."
- Former paragraph (ii) which required the Department to maintain on its website a list of all properties identified by block and lot number for which registration statement is received was renumbered paragraph three and was amended to only require information regarding residential properties with 20 or more units to be posted online.
- A provision was added to new paragraph three requiring HPD to report each three months on its website the total number of foreclosure actions commenced in the preceding three months disaggregated by community district, as well as the total number of actions pending in each community district was added.
- Another provision was added to new paragraph three which requires HPD to provide the notice information it receives from mortgagees to one or more agencies for which HPD determines that such information furthers the agency or agencies' duties, including the enforcement of section 38-210.1, or the illegal conversion of residential property, and to any other city upon request by such agency.
- A provision requiring HPD to share the notification information it receives with other city agencies was added.
- A new subdivision (c) was added excluding foreclosure actions brought by governmental entities from the bill's coverage.
- Other technical amendments were made throughout the bill.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 501-A:)

Int. No. 501-A

By Council Members Dilan, Cabrera, Comrie, James, Lander, Mendez, Palma, Vann, Mark-Viverito, Williams, Jackson, Levin, Dromm, Rodriguez, Gonzalez, Brewer, Crowley, Eugene, Gennaro, Chin, Wills, Mealy, Barron, Garodnick, Sanders and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to notification by a mortgagee commencing an action to recover residential real property.

Be it enacted by the Council as follows:

Section 1. Title 27 of the administrative code of the city of New York is amended by adding a new section 27-2109.1 to read as follows:

§27-2109.1 Notice by a mortgagee commencing an action to foreclose a mortgage on residential real property. (a) 1. Any mortgagee that commences an action in a court of competent jurisdiction in the state of New York to foreclose a mortgage on residential real property within the city of New York shall provide notice to the department, in a form prescribed by the department, within fifteen days of service of the pleadings commencing such action. If such action was commenced before the effective date of the local law that added this section, and remains pending as of such effective date, notification shall be provided within thirty days of such effective date, provided, however, that no notice shall be required for actions commenced prior to February 13, 2010, regardless of whether such action remains pending as of such effective date. Such notice shall include, but need not be limited to, the following information: (i) the name of the mortgagee plaintiff commencing such action and the mailing address, telephone number and e-mail address of such mortgagee plaintiff, and, when applicable, the name of a principal or corporate officer of such mortgagee plaintiff, and the mailing address, telephone number and e-mail address of such principal or corporate officer; (ii) the name of the defendant in such action; (iii) the identification of such residential real property by street

address and block and lot number, (iv) the date of the commencement of such action, (v) the court in which such action was commenced, and (vi) such other information as the department may require by rule. For the purposes of this section, "mortgagee" shall mean any person that commences an action to foreclose a mortgage on residential real property including, but not limited to, a lender, assignee or mortgage loan service provider that commences such an action.

2. A mortgagee shall notify the department within fifteen days of the discontinuance of an action for which notice pursuant to paragraph one of this subdivision has been received by the department, the issuance of a judgment in such action, or the sale of the real property as a result of such action.

3. The department shall maintain on its website a list of all properties with twenty or more units, identified by block and lot number along with the name, mailing address and telephone number of the mortgagee plaintiff and the name of the defendant for which notice pursuant to paragraph one of this subdivision has been received. Such list shall be updated at a minimum on the first business day of each month. The department shall report on its website each three months: (i) the total number of foreclosure actions commenced during the immediately preceding three months for which notice pursuant to paragraph one of this subdivision has been received by the department, disaggregated by community district; and (ii) the total number of foreclosure actions pending, for which notice pursuant to paragraphs one and two of this subdivision has been received by the department, disaggregated by community district. The department shall provide the information provided to it pursuant to paragraphs one and two of this subdivision to one or more agencies for which the department determines that such information furthers such agency or agencies' duties, including but not limited to the enforcement of section 28-210.1 of this code or related provisions, and to any other city agency upon request by such agency.

b. Any mortgagee who fails to notify the department in accordance with subdivision a of this section shall be liable for a civil penalty enforceable by the department. Such civil penalty shall not exceed one thousand dollars for each week that there is a failure to notify. The failure to notify shall not be deemed to affect in any way any pending legal proceeding related to such residential real property.

c. The provisions of this section shall not apply to any foreclosure actions brought by a governmental entity.

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

ERIK MARTIN DILAN Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, ERIC A. ULRICH, JAMES S. ODDO. Committee on Housing and Buildings, January 18, 2012.

Laid Over by the Council.

Reports of the Committee on Transportation

Report for Int. No. 301-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to parking violations issued for the failure to display a muni-meter receipt.

The Committee on Transportation, to which the annexed proposed amended local law was referred on July 29, 2010 (Minutes, page 3506), respectfully

REPORTS:

INTRODUCTION

On January 17, 2012, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 301-A, a Local Law to amend the Administrative Code of the City of New York, in relation to parking violations issued for the failure to display a muni-meter receipt. This legislation would establish that presenting a valid muni-meter receipt for no later than five minutes after the issuance of a notice of violation in response to such notice of violation for the failure to display such a receipt is an affirmative defense to such violation. The first hearing on this bill was held on June 22, 2011. Among others, representatives from the Department of Finance testified. Amendments were made to the bill after the hearing on June 22.

BACKGROUND

The Department of Transportation ("DOT") is responsible for the condition of approximately 5,800 miles of streets, highways and 790 bridges structures, including six tunnels. DOT is also responsible for installing street parking meters and

currently there are approximately 63,000 parking meters in New York City.¹ In order to improve the operability of parking meters and to reduce vandalism against parking meters, DOT has initiated the process of installing multi-space parking meters, also known as muni-meters. Muni-meters are known to have fewer breakdowns and are less susceptible to vandalism and damage.²

Since FY 2007 the percentage of parking spaces that have muni-meters has risen from 25.5 percent in FY 2007 to 42.3 percent in FY 2011.³ While the use of muni-meters is expected to reduce the problem of inoperable and damaged parking meters, there are still complaints of broken muni-meters. In 2011, there were 9,334 reports to 311 of damaged or defective muni-meters.⁴

Proposed Int. No. 301-A is intended to protect motorists who are issued parking tickets for inadvertently not displaying a muni-meter receipt. The bill would establish that showing a valid muni-meter receipt or other proof of payment of the metered fare as an affirmative defense at the Parking Violations Bureau to a charge of failing to display a muni-meter receipt.

ANALYSIS

Section 1 of Proposed Int. No. 301-A would add a new section 19-214 to chapter 2 of title 19 of the Administrative Code.

Subdivision a of new section 19-214 would define "muni-meter receipt" as the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter.

Subdivision b of new section 19-214 provide that subject to the provisions of the Vehicle and Traffic Law, where a notice of violation was issued for failure to display a muni-meter receipt, the presentation of a valid muni-meter receipt, in person or by mail, for the time the notice of violation was issued or for no later than five minutes after such notice was issued, or other suitable evidence as determined by the hearing officer, is an affirmative defense to such a violation.

Section 2 of Proposed Int. No. 301-A would provide that this local law take effect immediately.

¹ "Preliminary Mayor's Management Report" p. 63 (September, 2011)

² "Preliminary Mayor's Management Report" p. 55 (February, 2010)

³ "Preliminary Mayor's Management Report" p. 64 (September, 2011)

⁴ Ibid. 67

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 301-A:)

Int. No. 301-A

By Council Members Garodnick, Rodriguez, Brewer, Chin, Dromm, Eugene, Fidler, Gennaro, Gentile, James, Lander, Mealy, Nelson, Palma, Van Bramer, Williams, Foster, Lappin, Vacca, Reyna, Cabrera, Rose, Vallone, Jr., Arroyo, Jackson, Levin, Gonzalez, Recchia, Greenfield, Koppell, Dickens, Barron, Vann, Wills, Comrie, Sanders, Halloran, Koo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to parking violations issued for the failure to display a muni-meter receipt.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-214 to read as follows:

§19-214 *Failure to display a muni-meter receipt.* a. For purposes of this section, the term "muni-meter receipt" shall mean the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter.

b. Notwithstanding any rule or regulation to the contrary, but subject to the provisions of the vehicle and traffic law, where a notice of violation was issued to an owner or operator of a vehicle for the failure to display a muni-meter receipt, the presentation, in person or by mail, of a valid muni-meter receipt with an official start time stamp and such start time is no later than five minutes after the time of the issuance of such notice, or other suitable evidence as determined by the hearing officer that such a receipt was purchased, shall be an affirmative defense to such a violation.

§2. This local law shall take effect immediately.

JAMES VACCA, Chairperson; GALE A. BREWER, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS RODRIGUEZ, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, January 17, 2012.

Laid Over by the Council.

Report for Int. No. 490-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to canceling tickets upon showing of a valid muni-meter receipt.

The Committee on Transportation, to which the annexed proposed amended local law was referred on March 2, 2011 (Minutes, page 540), respectfully

REPORTS:

INTRODUCTION

On January 17, 2012 the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 490-A, a Local Law to amend the administrative code of the city of New York in relation to canceling tickets upon showing of a valid muni-meter receipt.

This bill would require traffic agents to cancel a notice of violation for failing to pay the metered fare on the spot upon the showing of a valid muni-meter receipt to the agent no later than five minutes after the agent issued the ticket, when such receipt shows an official start time that is no later than five minutes after the notice was issued. The bill would also require the Department of Finance to keep a record and submit a report to the City Council of all the notices of violation canceled pursuant to the bill's requirements. This is the second hearing on this legislation. The first hearing on this legislation took place on April 5, 2011, and amendments were made to the bill after the hearing.

BACKGROUND

The Department of Transportation ("DOT") manages New York City's on street parking system that encompasses approximately 63,000 parking meters.¹ Starting in 1996, the DOT began replacing single space parking meters with Muni-Meters at various locations throughout the city.² Muni Meters are multi space meters that allow for payment by credit and debit cards. According to DOT, by eliminating the need to install one meter per parking space, the parking capacity on a typical Manhattan street block could increase by as much as 15 to 20 percent.³ After making a purchase, motorists are required to display the muni-meter receipt on their vehicle's dashboard. There are approximately 600 muni-meters through the city that accept credit or debits cards, most of which are located in Manhattan.⁴ As of Fiscal Year 2011, 40.9% of metered spaces had muni-meters installed by DOT.⁵

ANALYSIS

Section 1 of Int. No. 490 would amend the Administrative Code of the City of New York by adding a new section 19-215. Subdivision a of new section 19-215 would define "agent" as any person employed by the City of New York who is authorized to issue a notice of violation for parking violations. Subdivision a of new section 19-215 would also define "muni-meter receipt" as the receipt showing the amount of parking time that is dispensed by an electronic parking meter.

Subdivision b of new section 19-215 would require any agent who issues a notice of violation by electronic means, for the failure to pay the metered fare, to cancel the notice of violation no later than five minutes after the issuance of such notice when the agent is shown a valid muni-meter receipt with an official start time stamp and such start time is no later than five minutes after the time of the issuance of such notice. Subdivision b would further require that the electronic copy of the canceled notice be marked "valid muni-meter receipt shown; ticket cancel" and include the number of the muni-meter receipt shown. In addition, it would require that the electronic system used by the agent to issue the notice be programmed to prohibit the notice from being canceled later than five minutes after the issuance of the notice.

Subdivision c of new section 19-215 would require the Department of Finance to keep a record of all notices of violation canceled pursuant to subdivision b of the new section 19-215. The subdivision would also require the Commissioner of the Department of Finance to send a report to the City Council, on or before March 31, 2013 and annually thereafter on or before the same date, detailing the number of notices of violation canceled pursuant to subdivision b of new section 19-215 in the prior calendar year.

Section 2 of Proposed Int. No. 490-A would provide that this local law take effect one hundred and eighty days after it is enacted into law, except that during the one hundred and eighty day period the Department of Finance would be required to provide appropriate training to all agents who will enforce the law.

¹ Information retrieved from Preliminary Fiscal 2011 Mayor's Management Report, <http://www.nyc.gov/html/ops/downloads/pdf/mmr/dot.pdf>, last accessed on January 13, 2012.

² Thomas J. Lueck, "New Meter Is Said to Ease Parking, Once You Get Used to It", *New York Times*, June 19, 1999, <http://www.nytimes.com/1999/06/19/nyregion/new-meter-is-said-to-ease-parking-once-you-get-used-to-it.html?pagewanted=all&src=pm>

³ *Id.*

⁴ Information retrieved from <http://www.nyc.gov/html/dot/html/motorist/creditcardlocations.shtml>, last accessed on January 13, 2012.

⁵ Information retrieved from Preliminary Fiscal 2011 Mayor's Management Report, <http://www.nyc.gov/html/ops/downloads/pdf/mmr/dot.pdf>, last accessed on January 13, 2012.

(The following is the text of the Fiscal Impact Statement for Int. No. 490-A:)



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

PROPOSED INTRO. NO: 490-A

COMMITTEE: Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to canceling tickets upon showing of a valid muni-meter receipt.

SPONSORS: Council Members Gennaro, Cabrera, Chin, Comrie, Fidler, Gentile, James, Lander, Nelson, Reyna, Rose, Williams, Van Bramer, Vacca, Rodriguez, Ulrich and Koo

SUMMARY OF LEGISLATION: This legislation would amend chapter 2 of title 19 of the Administrative Code by adding a new section 19-215 entitled "Cancellation of certain tickets" to require any Traffic Enforcement Agent (TEA) or any other authorized person who issues parking tickets via electronic means to cancel the ticket upon the showing of a valid muni-meter receipt, defined as "the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter", no later than five minutes after the issuance of the ticket. The electronic copy of the canceled ticket would have an indication "valid muni-meter receipt shown, ticket canceled" and would include the number printed on the muni-meter receipt. In addition, the electronic system would be programmed to not allow cancellation beyond five minutes after the issuance of the ticket. Lastly, the Department of Finance would be required to keep a record of all notices canceled pursuant to this law, and would have to provide an annual report to the City Council prior to March 31 each year of the number of relevant ticket cancellations in the previous calendar year.

EFFECTIVE DATE: This legislation would take effect 180 days after its enactment into law, except that during such one hundred eighty day period, the Department shall provide appropriate training to all agents who will enforce such law.

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

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	(\$270,000)	\$0	(\$270,000)
Net	(\$270,000)	\$0	(\$270,000)

IMPACT ON REVENUES: It is estimated that there would be minimal to no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: Because the Parking Ticketing Device System (PTDS) is a proprietary equipment used under contract and would require additional customization by the vendor to meet the requirements of this local law, it is anticipated that there would be an impact on expenditures of approximately \$270,000 or \$100 per PTD resulting from the enactment of this legislation. The Department currently has about 2,700 PTDS. While the current estimate of the impact of this bill is \$270,000, it is difficult at this time to quantify the outyear savings that would be achieved from the reduced caseloads for ALJs and unnecessary court costs that would result from the implementation of this local law. These savings when quantified could reduce the implementation costs of this legislation significantly. According to DOF data, in Calendar year 2011 there were approximately 120,000 muni-meter related violation hearings of which 82,000 or 68 percent were found not guilty. Of the not guilty amount, the number of violations dismissed because a defendant showed a valid muni-meter receipt was approximately 45,000 or 55 percent of those found not guilty. As at the time of this writing, the fiscal impact for this bill has not been obtained from the Administration, despite Council's numerous requests.

Intro 490-A

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division

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

HISTORY: Introduced as Intro. 490 by the Council on March 2, 2011 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on April 5, 2011. Intro. 490 has been amended, and the amended version, Proposed Int. 490-A, will be considered by the Committee on January 17, 2012.

DATE SUBMITTED TO COUNCIL: March 2, 2011

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 490-A:)

Int. No. 490-A

By Council Members Gennaro, Cabrera, Chin, Nelson, Reyna, Rose, Williams, Van Bramer, Vacca, Rodriguez, Arroyo, Mendez, Dromm, Gonzalez, Comrie, Fidler, Gentile, James, Lander, Mark-Viverito, Vallone, Jr., Levin, Greenfield, Dickens, Jackson, Recchia, Mealy, Barron, Vann, Crowley, Eugene, Ulrich, Koo and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to canceling tickets upon showing of a valid muni-meter receipt.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-215 to read as follows:

§19-215 Cancellation of certain tickets. a. For the purposes of this section, the following terms shall be defined as follows:

1. "Agent" shall mean any person employed by the city of New York authorized to issue a notice of violation for parking violations.

2. "Muni-meter receipt" shall mean the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter.

b. Any agent who issues a notice of violation by electronic means for failure to pay the metered fare shall cancel such notice of violation when, not later than five minutes after the issuance of such notice, such agent is shown a valid muni-meter receipt with an official start time stamp and such start time is no later than five minutes after the time of the issuance of such notice. The electronic copy of such canceled notice shall be marked "valid muni-meter receipt shown; ticket canceled" and shall include the number of such muni-meter receipt shown. The electronic system used by the agent to issue such notice shall be programmed to prohibit such notice from being canceled later than five minutes after the issuance of such notice.

c. The department shall keep a record of all notices of violation canceled pursuant to subdivision b of this section. On or before March 31, 2013 and annually thereafter on or before March 31, the commissioner shall send a report to the city council detailing the number of notices of violation canceled pursuant to subdivision b of this section in the prior calendar year.

§2. This local law shall take effect one hundred eighty days following enactment, except that during such one hundred eighty day period, the department shall provide appropriate training to all agents who will enforce such law.

JAMES VACCA, Chairperson; GALE A. BREWER, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS RODRIGUEZ, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, January 17, 2012.

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

Report for Int. No. 546-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to limiting the use of adhesive stickers on motor vehicles in the enforcement of alternate side of the street parking rules.

The Committee on Transportation, to which the annexed proposed amended local law was referred on April 28, 2011 (Minutes, page 1218), respectfully

REPORTS:

INTRODUCTION

On January 17, 2012, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 546-A, a Local Law to amend the administrative code of the city of New York, in relation to limiting the use of adhesive stickers on motor vehicles in the enforcement of alternate side of the street parking rules. This bill would prohibit the Department of Transportation (DOT) and the Department of Sanitation (DSNY) from affixing an adhesive sticker to any motor vehicle in connection with enforcement of alternate side of the street parking rules. The first hearing on this bill was held on November 1, 2011, and among others, representatives from DSNY testified. Amendments were made to the legislation after the November 1 hearing.

BACKGROUND

Department of Transportation

DOT employs over 4,000 workers who manage approximately 5,800 miles of streets, sidewalks, and highways and 789 bridges, including six tunnels.¹ DOT staff installs and maintains over 1.3 million street signs, traffic signals at more than 11,900 signalized intersections, over 300,000 streetlights, 69 million linear feet of markings, and approximately 63,000 parking meters.² Under the New York City Charter, DOT is charged with the responsibility of paving, repaving, resurfacing, and repairing all public roads. Additionally the Charter also grants DOT the authority to create regulations regarding the parking, standing and stopping of vehicles.³

Notification Stickers

New York City Traffic Rules Section 4-08(a)(10) authorizes the New York City Fire Department ("FDNY"), DOT, the Department of Sanitation ("DSNY"), MTA New York City Transit ("NYCT") Traffic Managers, and Traffic Enforcement

Agents ("TEAs") to place a notification sticker on any vehicle caught stopping, standing or parking in any location prohibited by sign or rule.⁴ Enforcement agents are authorized to place a sticker on the window of a vehicle that is parked in violation of traffic rules.⁵ The dimensions of the sticker are required to be 8 ½ inches by 11 inches. The sticker has to mention in writing that the vehicle is in violation of New York City Traffic Rules and mention the City agency that issued the notification sticker.⁶

The City first began issuing notification stickers to vehicles parked in violation of street cleaning regulations in 1987, as part of a pilot program conducted by the DSNY.⁷ The scope of the program was limited to several New York City neighborhoods, including those surrounding Columbia University in Manhattan and the Park Slope and Red Hook sections of Brooklyn.⁸ The following year, DSNY deemed the pilot program a success and began to issue notification stickers citywide.⁹

ANALYSIS

Section one of Proposed Int. No. 546-A would amend subchapter 2 of chapter 1 of title 19 of the New York City Administrative Code by adding a new section 19-163.2. New section 19-163.2 would prohibit the DOT and DSNY from affixing an adhesive sticker to any motor vehicle solely in connection with in the enforcement of alternate side of the street parking rules.

Section two of Proposed Int. No. 546-A states that the local law would take effect immediately upon enactment.

¹ Information retrieved from <http://www.nyc.gov/html/dot/html/about/dotdoes.shtml>, last accessed on January 13, 2012.

² *Id.*

³ NYC City Charter, § 2903

⁴ Title 34, Department of Transportation, Chapter 4, Traffic Rules, § 4-08(a)(10).

⁵ *Id.*

⁶ *Id.*

⁷ "Ugly Stickers Are Tried To Clear Path For Sweeper", *New York Times*, March 31, 1987, <http://www.nytimes.com/1987/03/31/nyregion/ugly-stickers-are-tried-to-clear-path-for-sweeper.html>

⁸ *Id.*

⁹ Sarah Lyall, "Illegally Parked Cars Receive a Mark of Shame", *New York Times*, September 4, 1988, <http://www.nytimes.com/1988/09/04/nyregion/illegally-parked-cars-receive-a-mark-of-shame.html>

(The following is the text of the Fiscal Impact Statement for Int. No. 546-A:)



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

PROPOSED INTRO. NO: 546-A

COMMITTEE: TRANSPORTATION

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to limiting the use of adhesive stickers on motor vehicles in the enforcement of alternate side of the street parking rules.

SPONSORS: Council Members Greenfield, James, Lander, Rose, Rodriguez and Lappin

SUMMARY OF LEGISLATION: This legislation would amend subchapter 2 of chapter 1 of title 19 of the Administrative Code by adding a new section 19-163.2 to provide that neither the Department of Transportation nor the Department of Sanitation shall affix an adhesive sticker to any motor vehicle solely in connection with the enforcement of alternate side of the street parking rules.

EFFECTIVE DATE: This legislation would take effect immediately after its enactment into law.

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

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be minimal to no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division

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

HISTORY: Introduced as Intro. 546 by the Council on April 28, 2011 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on November 1, 2011. Intro. 546 has been amended, and the amended version, Proposed Int. 546-A, will be considered by the Committee on January 17, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 546-A:)

Int. No. 546-A

By Council Members Greenfield, James, Lander, Rose, Rodriguez, Lappin, Arroyo, Jackson, Levin, Dromm, Recchia, Gonzalez, Van Bramer, Vacca, Barron, Vann, Crowley, Eugene, Gennaro, Wills and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to limiting the use of adhesive stickers on motor vehicles in the enforcement of alternate side of the street parking rules.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-163.2 to read as follows:

§ 19-163.2 *Limitation on the use of adhesive stickers in the enforcement of alternate side of the street parking rules. Neither the department nor the department of sanitation shall affix an adhesive sticker to any motor vehicle solely in connection with the enforcement of alternate side of the street parking rules.*

§ 2. This local law shall take effect immediately.

JAMES VACCA, Chairperson; GALE A. BREWER, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS RODRIGUEZ, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, January 17, 2012.

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

Report for Int. No. 610-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to late fees at the parking violations bureau.

The Committee on Transportation, to which the annexed proposed amended local law was referred on June 15, 2011 (Minutes, page 2055), respectfully

REPORTS:

INTRODUCTION

On January 17, 2012, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 610-A, a Local Law to amend the administrative code of the city of New York, in relation to late fees at the parking violations bureau. This legislation would prohibit the Parking Violations

Bureau from assessing a late fee until at least thirty days after a determination has been made to sustain the charge, or in the case of an appeal, at least thirty days after a notice of determination of an appeal has been issued. This is the second hearing on this bill. The first hearing occurred on June 22, 2011 and among others, a representative from the Department of Finance testified. Amendments were made to the legislation since the hearing on June 22nd.

BACKGROUND

The Department of Finance (“DOF”) is responsible for collecting City revenues efficiently and fairly¹ A motorist receiving a parking ticket has the right to challenge that ticket through a hearing by mail, a hearing by web, or a hearing in person. The motorist must request a hearing within thirty days of receiving a parking ticket.²

In New York City, the Parking Violations Bureau (“PVB”) is responsible for hearing challenges to parking summonses. The PVB is a division within the Department of Finance. Under current regulations if a ticket is upheld by an Administrative Law Judge it can begin to accrue additional fines for late payment thirty days after the ticket was issued.

This bill instead specifies that additional penalties cannot begin to accrue until at least thirty days after a parking violation has been sustained by an Administrative Law Judge, or until at least thirty days after a notice of the determination of an appeal has been issued.

ANALYSIS

Section 1 of Proposed Int. No. 610-A would amend subdivision a of section 19-207 of title 19 of the Administrative Code. The amendment to section 19-207 would prohibit the Parking Violations Bureau (“PVB”) from assessing penalties or fees for late payment of a sustained charge until at least thirty days have elapsed from the issuance of a notice of determination. The subdivision also prohibits the PVB from assessing penalties or fees for late payment of a sustained charge if a person files an appeal pursuant to PVB rules, until at least thirty days have elapsed from the issuance of a notice of determination of the appeal.

Section 2 of Proposed Int. No. 610-A would provide that this local law take effect 60 days following its enactment.

¹ “Mayor’s Management Report” p. 179 (September, 2011)

² New York City Department of Finance: http://www.nyc.gov/html/dof/html/parking/park_tickets_dispute.shtml, last accessed on January 13, 2012.

(The following is the text of the Fiscal Impact Statement for Int. No. 610-A:)



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

PROPOSED INTRO. NO: 610-A

COMMITTEE: TRANSPORTATION

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to late fees at the parking violations bureau.

SPONSORS: Council Members Sanders Jr., Williams, Vacca, Van Bramer and Rose

SUMMARY OF LEGISLATION: This legislation would amend subdivision a of section 19-207 of the Administrative Code to require that no penalties or fees for late payment of a sustained charge shall be assessed by the Parking Violations Bureau (“the Bureau”) until at least thirty days have elapsed from the issuance of a notice of determination. In addition, if a person files an appeal pursuant to the rules of the Bureau, no penalties or fees for late payment of a sustained charge shall be assessed by the Bureau until at least thirty days have elapsed from the issuance of a notice of determination of the appeal.

EFFECTIVE DATE: This legislation would take effect sixty days after its enactment into law.

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

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues	See Below	See Below	See Below
Expenditures	\$0	\$0	\$0
Net	See Below	See Below	See Below

IMPACT ON REVENUES: Because this local law will prohibit the imposition of penalties or late fee until at least 30 days have elapsed from the issuance of a notice of determination, it is anticipated that there will be a direct impact on city revenues, however, because the actual impact on revenue is dependent on the actual number of not guilty pleas and appeals filed, it is difficult at this time to quantify the impact on revenues.

IMPACT ON EXPENDITURES: It is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable

SOURCE OF INFORMATION: City Council Finance Division

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

HISTORY: Introduced as Intro. 610 by the Council on June 15, 2011 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on June 22, 2011. Intro. 610 has been amended, and the amended version, Proposed Int. 610-A, will be considered by the Committee on January 17, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 610-A:)

Int. No. 610-A

By Council Members Sanders, Williams, Vacca, Van Bramer, Rose, Arroyo, Jackson, Levin, Dromm, Rodriguez, Gonzalez, Greenfield, Barron, Vann, Eugene, Gennaro, Koo, Halloran and Wills

A Local Law to amend the administrative code of the city of New York, in relation to late fees at the parking violations bureau.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-207 of the administrative code of the city of New York is amended to read as follows:

a. The hearing officer shall make a determination on the charges, either sustaining or dismissing them. Where the hearing officer determines that the charges have been sustained he or she may examine the parking violations record of the person charged prior to rendering a judgment. Judgments sustaining or dismissing charges shall be entered on a judgment roll maintained by the bureau together with records showing payment and non-payment of penalties. *No penalties or fees for late payment of a sustained charge shall be assessed by the bureau until at least thirty days have elapsed from the issuance of a notice of determination. If a person files an appeal pursuant to the rules of the bureau, no penalties or fees for late payment of a sustained charge shall be assessed by the bureau until at least thirty days have elapsed from the issuance of a notice of determination of the appeal.*

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

JAMES VACCA, Chairperson; GALE A. BREWER, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS RODRIGUEZ, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, January 17, 2012.

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

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

Approved New Applicant's Report

Lorraine Bassett	440 East 21 st Street Brooklyn, N.Y. 11226	40
Gloria Caratherse	611 Pennsylvania Avenue #3B Brooklyn, N.Y. 11207	42
Melinda Colon	120 Quinlan Avenue Staten Island, N.Y. 10314	50

Approved New Applicants and Reapplicants

Lydia Pabon	26 Madison Street #11F New York, N.Y. 10038	1
Jihan Varisco	37 Wall Street #5P New York, N.Y. 10005	1
Arnold M. Wachtel	244 5 th Avenue #2940 New York, N.Y. 10001	3
Barry L. Greene	315 East 209 th Street #2A Bronx, N.Y. 10467	11
Abdool Majeed	2332 Laconia Avenue Bronx, N.Y. 10469	13
Lisa Ebson	558 East 181 st Street Bronx, N.Y. 10457	15
Evelyn Astacio	590 East 166 th Street Bronx, N.Y. 10456	16
Jose L. Garcia	1106 Garrison Avenue Bronx, N.Y. 10474	17
La'Nette Hearn	225 East 149 th Street #15E Bronx, N.Y. 10451	17
Pamela E. Byass	1595 Metropolitan Avenue #MB Bronx, N.Y. 10462	18
Carmen Parra	93-35 Lamont Avenue #4J Queens, N.Y. 11373	21
Maria M. Rivera Cruz	61-39 172 nd Street Flushing, N.Y. 11365	24
Diane E. Thomas	65-94 162 nd Street #3A Flushing, N.Y. 11365	24
Raymond E. Gazer	54-36 Nurge Avenue #2 Queens, N.Y. 11378	26
Irma Estrella Rodriguez	49-16 39 th Avenue Queens, N.Y. 11377	26
Antonio Aguilar	163 Scholes Street Brooklyn, N.Y. 11206	34
Susan J. Murrain	21 St.James Place #11J Brooklyn, N.Y. 11205	35
Leslie Grandberry	192 Sumpter Street Brooklyn, N.Y. 11233	41
Gloria Miller-Hills	590 East 94 th Street Brooklyn, N.Y. 11236	42
William Frank	1172 East 45 th Street Brooklyn, N.Y. 11234	45
Hector Pellot	2242 East 73 rd Street Brooklyn, N.Y. 11234	46
Zhanna Kazakevich	1620 Ocean Avenue #5H	48

Rosanne Colasuonno . Brooklyn, N.Y. 11230
28 Berry Avenue 51
Staten Island, N.Y. 10312

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

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

- (1) **Int 490-A --** Canceling tickets upon showing of a valid meter receipt.
- (2) **Int 546-A --** Limiting the use of adhesive stickers on motor vehicles in the enforcement of alternate side of the street parking rules
- (3) **Int 610-A --** In relation to late fees at the parking violations bureau.
- (4) **Int 741 --** Authorizing an increase in the amount to be expended in six business improvement districts.
- (5) **L.U. 553 & Res 1200 --** 9,13,21,23,25,27,89 East 3 Street; 56, 57, 58, 60, 63,65,67,69,71,73,75,77 East 4 Street; 83 Second Avenue, Block 445, Lot 42; Block 459, Lots 14, 15, 16, 36, 37, 38, 39, 43, 45; Block 460, Lots 35, 48,50, 51, 52, 53, 54, 55, 59, Manhattan, Council District No. 2, 13 Stanton Street; Block 426, Lot 22, Manhattan, Council District No. 1.
- (6) **L.U. 554 & Res 1201 --** Hale House, Block 1847 Lot 46, Manhattan, Council District No. 9
- (7) **L.U. 555 & Res 1202 --** Manhattan, Council District No. 9
- (8) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 47.

The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 490-A:**

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

Negative – Garodnick – 1.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 490-A, 546-A, 610-A, and 741.

INTRODUCTION AND READING OF BILLS

Int. No. 751

By Council Members Arroyo, Palma, Cabrera, Comrie, Fidler, James, Koslowitz, Mark-Viverito, Mendez, Vacca, Williams, Gonzalez, Vann, Rodriguez, Eugene, Rose, Levin, Dromm, Recchia, Chin and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to a child fatality review advisory team.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Child Fatality Review Advisory Team, created by Local Law 115 of 2005, conducts a comprehensive, multiagency and multidisciplinary review of all child deaths in New York City. Their work highlights trends and patterns regarding how and why children die in New York City, and helps the City create policies and take actions to prevent other such deaths and improve the health and safety of New York City's children. Local Law 115, by its own terms, was deemed repealed on January 30, 2012.

The Council finds that this review must occur at the City level to ensure that the characteristics of child protection that are unique to a large urban area such as New York City are appropriately identified and addressed. The Child Fatality Review Advisory Team promotes cooperation and communication among the various City agencies involved in investigating child fatalities and facilitates the provision of services needed by children and families. Therefore, the Council finds that making permanent the New York City Child Fatality Review Advisory Team is necessary to identify preventable social and family circumstances that contribute to child fatalities; provide recommendations regarding the investigation and prevention of child deaths; and identify problems in practices and recommend solutions.

§2. Section 4 of local law no. 115 for the year 2005 is amended to read as follows:

§4. This local law shall take effect ninety days after its enactment into law [and shall be deemed repealed on January 30, 2012].

§3. This local law shall take effect immediately and shall be deemed to have been in full force and effect on and after January 30, 2012.

Referred to the Committee on Health.

Res. No. 1196

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, Lauren's Law, S.3885-A/A.6148-C, legislation that would require mandatory registration or declination of registration in the organ donor registry.

By Council Members Arroyo, Brewer, Dromm, James, Mark-Viverito, Mendez, Palma, Recchia, Vacca, Williams and Ulrich.

Whereas, According to the New York State Department of Health, approximately 1,500 people receive donated kidneys, livers, and hearts for transplantation in New York State every year; and

Whereas, However, currently, more than 8,000 New York State residents are on waiting lists for life-saving organ donations; and

Whereas, According to MetroFocus, a multi-platform magazine that covers news in the greater metropolitan area, New York has the third lowest rate of donation in the country, yet, has the third highest number of residents on a national organ transplant list; and

Whereas, In New York State, residents can become organ donors by registering with the New York State Donate Life Registry; and

Whereas, This registry allows individuals to directly give their legal consent for the recovery of organs, eyes and tissue; and

Whereas, Most New Yorkers sign up to be organ and tissue donors through the Department of Motor Vehicles (DMV) when they apply for or renew a driver's license; and

Whereas, However, individuals currently are not required to respond to the question of whether they want to enroll as an organ donor, when they submit their license application or renewal form; and

Whereas, Therefore, individuals may simply skip over this question because they are unaware of the option to enroll as an organ donor when applying for or renewing a driver's license; and

Whereas, On March 8, 2011, Senator David Carlucci (D-Rockland/Orange) and Assembly Member Felix Ortiz (D-Brooklyn) introduced Lauren's Law, S.3885-A/A.6148-C; and

Whereas, Lauren's Law is named after Lauren Shields, an 11 year-old who was diagnosed with Viral Myopathy, an enlarged heart, and eventually with Cardiomyopathy in 2009; and

Whereas, Due to her condition, Lauren was in need of a heart transplant; and

Whereas, Lauren's name was added to the transplant list on February 3, 2009 and she was fortunate to receive a lifesaving heart transplant on March 19, 2009; and

Whereas, Lauren experienced a long recovery and has turned her personal experience into an active lobbying campaign to raise awareness about the importance of organ donation, as she continues to encourage individuals to enroll in the New York State Donate Life Registry; and

Whereas, Every year more than two million people in New York State apply for or renew their driver's license; and

Whereas, It has been estimated that 97 percent of individuals enrolled in the State's Donate Life Registry enrolled when obtaining or renewing their license; and

Whereas, Lauren's Law would require that any individual who applies for or renews his or her driver's license answer whether he or she would like to enroll in the registry; and

Whereas, The individual would have the option to respond “yes,” “no,” or “not at this time” in response to enrolling into the organ donation registry; and

Whereas, Lauren’s Law would raise awareness about the State Donate Life Registry and would likely result in a greater number of organ donors in New York State; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, Lauren’s Law, S.3885-A/A.6148-C, legislation that would require mandatory registration or declination of registration in the organ donor registry.

Referred to the Committee on Health.

Res. No. 1197

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that would amend the Penal Law to create the crime of staging a motor vehicle accident.

By Council Members Crowley, Comrie, Fidler, James, Lander, Mendez, Nelson, Palma, Recchia, Halloran and Rodriguez.

Whereas, In October 2011 the United States Attorney’s Office for the Eastern District of New York charged twenty people with engaging in an insurance fraud scheme in Brooklyn by staging motor vehicle accidents and making fraudulent insurance claims; and

Whereas, In September 2011 twelve people were charged with being involved in a similar scheme by the Queens District Attorney; and eight others were similarly charged by the Bronx District Attorney in March 2011; and

Whereas, Insurance fraud based on staged motor vehicle accidents has been on the rise in recent years, increasing by 46 percent from 2007-2009; and

Whereas, New York State has the second highest number of confirmed staged motor vehicle accidents in the country, while New York City has the largest number of such incidents of any American city; and

Whereas, Staged motor vehicle accidents are particularly pernicious, since they increase the death rate associated with motor vehicle accidents, already one of the leading causes of death in the United States; and

Whereas, In addition to endangering public safety, staged motor vehicle accidents also destroy property and are a significant contributor to insurance fraud, costing the industry upwards of \$1 billion per year; and

Whereas, Despite the grave danger and costs associated with this act, staging a motor vehicle accident is currently not a crime under New York State Penal Law, thus requiring law enforcement to find other crimes with which to charge perpetrators; and

Whereas, The New York State Legislature is currently considering legislation, S.1685-2011 and A.6177-2011, introduced by State Senator James Seward and Assemblyman David Weprin respectively, that would amend the Penal Law to create the felony of staging a motor vehicle accident; and

Whereas, If enacted, this legislation would reduce the incentives for staging motor vehicle accidents and would allow law enforcement to charge perpetrators directly for committing this dangerous act; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation that would amend the Penal Law to create the crime of staging a motor vehicle accident.

Referred to the Committee on Transportation.

Int. No. 752

By Council Members Gennaro, Comrie, James, Lander, Palma, Recchia, Koo and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to fines for failures to comply with commercial waste disposal policies.

Be it enacted by the Council as follows:

Section 1. Paragraph i of subdivision d of section 16-116 of the administrative code of the city of New York is amended to read as follows:

(i) Except as provided in paragraph (ii) of this subdivision, violation of any of the provisions of this section or any rules promulgated pursuant thereto shall be punishable by a civil penalty of [not less than fifty nor more than one hundred] *two hundred dollars for the first violation in any twelve-month period, five hundred dollars for the second violation in any twelve-month period, and six hundred dollars for the third and any subsequent violations in any twelve-month period.* Any notice of violation, appearance ticket or summons issued for a violation of this section shall be returnable before the environmental control board which shall impose the penalty

herein provided. *No civil penalty shall be imposed for a first violation of subdivision b of this section upon a satisfactory showing before the environmental control board that the respondent was in compliance with subdivision a of this section on the date that the notice of violation, appearance ticket or summons was issued, except that such a violation shall count for the purposes of determining second and subsequent violations of this section.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 1198

Resolution calling on the New York State Department of Education to convene a task force to review the outreach practices and graduate outcomes at institutions with gainful employment programs in New York State.

By Council Members Lappin, James, Mendez, Palma, Vann, Williams and Rodriguez.

Whereas, On June 2, 2011, the Obama Administration released final regulations requiring post-secondary educational institutions with gainful employment programs to better prepare students for employment or risk losing access to federal student aid; and

Whereas, Under the regulations, a program would be considered to lead to gainful employment if at least 35 percent of its former students are repaying their loans’ or the estimated annual loan payment does not exceed 30 percent of his or her discretionary income, or the estimated annual loan payment does not exceed 12 percent of his or her total earnings; and

Whereas, While many gainful employment programs are helping to prepare America’s workforce for the jobs of the future, far too many students at these schools are taking on unsustainable debt in exchange for degrees and certificates that fail to help them to attain the jobs they need or were promised; and

Whereas, To qualify for federal aid, the new regulations require that most for-profit programs and certificate programs at nonprofit and public institutions prepare students for gainful employment in a recognized occupation; and

Whereas, While the regulations apply to occupational training programs at all types of institutions, for-profit programs are more likely to leave their students with unaffordable debts and poor employment prospects; and

Whereas, According to a recent New York Times article, for-profit institutions enroll only 10 percent of the nation’s undergraduates yet their students make up nearly half of all student loan defaults; and

Whereas, According to the United States Department of Education, most of the revenue at for-profit institutions come from Pell Grants and federal student loans; and

Whereas, These for-profit institutions typically serve low-income students; and

Whereas, In 2008, 46 percent of student loans borrowed by students at two-year for-profit institutions went into default over the life of the loans, compared to 16 percent of loans borrowed by students across all types of institutions; and

Whereas, Revenue generated by gainful employment programs has historically been linked to the number of students enrolled, not to graduation or student loan default rates; and

Whereas, Effective in Federal Fiscal Year 2012, institutions with gainful employment programs that have default rates greater than 30 percent for three consecutive years will lose their eligibility for federal student aid; and

Whereas, Defaulting on one’s student loans can have an impact on employment, homeownership, and future eligibility for financial aid; and

Whereas, New York State must act in order to prevent institutions from graduating students with thousands of dollars of debt and no prospect of earning a salary high enough to pay off such debt; and

Whereas, Better regulation of the performance of institutions with gainful employment programs in New York City, in particular, based on the measures outlined in the gainful employment rule will protect students and their families from many exploitative practices and programs; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Department of Education to convene a task force to review the outreach practices and graduate outcomes at institutions with gainful employment programs in New York State.

Referred to the Committee on Civil Service and Labor.

Int. No. 753

By Council Members Palma, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dromm, Fidler, James, Koslowitz, Lander, Levin, Mark-Viverito, Mendez,

Vacca, Williams, Wills, Gonzalez, Vann, Rodriguez, Eugene, Rose, Arroyo and Recchia.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to track and report deaths of homeless persons in the city of New York.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. In 2005, at the time Local Law 63 was enacted, Department of Homeless Services (DHS) reports indicated that there were approximately 35,000 people living in the shelter system. According to DHS data from December 2011, nearly 40,000 homeless men, women and children were residing in the shelter system, including approximately 17,000 children. Furthermore, according to DHS's most recent estimate, as of January 2011 more than 2,600 people were unsheltered. Prior to the enactment of Local Law 63, the City did not report how many deaths occur within the homeless population, where they occur, or the causes behind them. Local law 63, by its own terms, was deemed repealed on January 30, 2012. The Council finds that in order to meet the needs of homeless New Yorkers, whose numbers have unfortunately increased in recent years, the City needs to make permanent existing legislation requiring the periodic gathering of information regarding deaths of homeless people. Tracking and reporting these deaths helps the City better understand the challenges faced by homeless persons in New York City, and assists in the creation of policies and programs designed to safeguard such persons and prevent future unnecessary deaths.

§ 2. Section 4 of local law no. 63 for the year 2005 is amended to read as follows:

§4. [Effective date.] This local law shall take effect immediately [after its enactment into law and shall be deemed repealed on January 30, 2012].

§3. This local law shall take effect immediately and shall be deemed to have been in full force and effect on and after January 30, 2012.

Referred to the Committee on Health.

Int. No. 754

By Council Members Vacca, Chin, Comrie, James, Koslowitz, Mendez, Nelson, Palma, Williams, Wills, Halloran, Koo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of guidelines for traffic calming devices.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 19-183 of the administrative code of the city of New York is amended to read as follows:

b. The department shall establish guidelines governing the approval and placement of traffic calming devices. Such guidelines shall consider whether such traffic calming devices would be installed adjacent to a school or in a location where a high percentage of seniors use the streets, such as locations adjacent to senior centers and nursing homes, and any other locations as determined by the department. Such guidelines shall list the conditions under which the installation of such traffic calming device may be appropriate. Such guidelines shall be distributed to any entity upon request and shall be published on the department's website. *The department shall establish such guidelines on or before March 7, 2012.*

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

Referred to the Committee on Transportation.

Int. No. 755

By Council Members Vacca, Brewer, Chin, Dickens, James, Koslowitz, Lander, Mendez, Palma, Williams, Koo, Rodriguez and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring fencing on pedestrian passageways elevated over vehicular or pedestrian right of ways.

Be it enacted by the Council as follows:

Section 1. Subchapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-154 to read as follows:

§19-154 *Fencing on Elevated Pedestrian Passageways. Except as provided herein, any plazas, ramps, overpasses, sidewalks, passageways, and similar locations under the jurisdiction of the department or another city agency for use in whole or in part by pedestrians which are elevated more than five feet above a vehicular or pedestrian right of way shall be enclosed by a fence no less than eight*

feet in height, that curves inward at the top of such fence toward such plaza, ramp, overpass, sidewalk, passageway or similar location. The provisions of this section shall not apply to structures regulated by the building code.

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

Referred to the Committee on Transportation.

Res. No. 1199

Resolution calling upon the United States Congress to pass and the President to sign H.R.2966/S.1176, the American Horse Slaughter Prevention Act of 2011.

By Council Members Vallone, Jr., Brewer, Gentile, Mendez, Nelson and Vacca.

Whereas, In 2006, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation bill (the "Appropriations bill"), amongst its provisions, imposed restrictions that prevented the United States Department of Agriculture from using federal funds to inspect any meat processing plant that slaughtered horses; and

Whereas, In addition, the Appropriations bill banned those uninspected plants from shipping meat across state lines; and

Whereas, On November 18, 2011, President Barack Obama signed an agricultural spending bill which lifted the ban on federal funding for the inspection of meat processing plants that slaughter horses; and

Whereas, Although there is no market for consumption of horse meat in the United States, it is seen as a delicacy overseas, specifically in Europe and Asia; and

Whereas, Advocates are concerned that lifting the ban would allow slaughterhouses in the United States to begin processing horses for sale abroad; and

Whereas, However, even when the ban was in effect, horses were being transported across state lines and shipped to other countries such as Canada and Mexico, where they would be processed; and

Whereas, According to the United States Governmental Accountability Office, approximately 138,000 horses were sent to these countries in 2010; and

Whereas, Slaughterhouses designated for horses could open in as little as 30 to 90 days in the United States with state approval; and

Whereas, As a result of these recent changes, pro-slaughter activists estimate that around 200,000 horses would be slaughtered within the country annually; and

Whereas, The slaughtering of horses is viewed as a humane form of euthanizing the animals by pro-slaughter advocates, but unfortunately, the horses are subjected to overcrowded transport in which they are trampled, starved, and sometimes die before they even reach the slaughterhouse; and

Whereas, The United States Department of Agriculture has documented that 92 percent of the horses that are slaughtered annually are neither old nor unfit; and

Whereas, Slaughtering is not the only option, as these horses can be sold, donated, or sent to sanctuaries; and

Whereas, On September 19, 2011, United States Representative Dan Burton (R-IN) and Senator Mary Landrieu (D-LA) introduced the American Horse Slaughter Prevention Act of 2011; and

Whereas, The purpose of this legislation is to prevent the slaughter of horses for human consumption; and

Whereas, To accomplish this goal, the legislation would prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donating of horses and other equines; and

Whereas, The bill indicates that horses are domestic animals that are used primarily for recreation, pleasure and sport; and

Whereas, Under this legislation, the Secretary of Agriculture would have the authority to detain for examination or test, or take evidence of any horse or equine which the Secretary believes is being shipped, transported, or moved in violation of the law; and

Whereas, Further, horses and other equines play a vital role in the collective experience of the United States and deserve protection and compassion; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign H.R.2966/S.1176, the American Horse Slaughter Prevention Act of 2011.

Referred to the Committee on Health.

Int. No. 756

By Council Members Vann, Palma, Chin, Comrie, Dickens, James, Mendez and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the reporting of deficiencies in Department of Homeless Services adult and family shelters, and to repeal subdivision e of section 21-312.

Be it enacted by the Council as follows:

Section 1. Subdivision e of §21-312 of the administrative code of the city of New York is hereby REPEALED.

§2. Chapter three of title 21 of the administrative code of the city of New York is amended by adding a new section 21-316 to read as follows:

§21-316. Shelter deficiency reports.

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

- (1) "Adult" shall mean any person who is eighteen years of age or older;
- (2) "Adult families" shall mean families comprised of adults and no children;
- (3) "Child" shall mean any person under eighteen years of age;
- (4) "DHS" shall mean the Department of Homeless Services;
- (5) "DHS-administered facilities" shall mean city-administered facilities managed directly by DHS or by a provider under contract or similar agreement with DHS;
- (6) "DHS drop-in centers" shall mean city-administered facilities that provide single adults with hot meals, showers, laundry facilities, clothing, medical care, recreational space, employment referrals and/or housing placement services, but not overnight housing;
- (7) "DHS faith-based beds" shall mean city-administered facilities that provide overnight housing to individuals, are affiliated with one or more religious groups and receive client referrals through organizations under contract with DHS;
- (8) "DHS safe havens" shall mean city-administered facilities that provide low-threshold, harm-reduction housing to chronic street homeless individuals, who are referred to such facilities through a DHS outreach program, without the obligation of entering into other supportive and rehabilitative services in order to reduce barriers to temporary housing;
- (9) "DHS stabilization beds" shall mean city-administered facilities that provide a short-term housing option for a chronic street homeless individual while such individual works with his/her outreach team to locate a more permanent housing option;
- (10) "DHS veterans shelters" shall mean city-administered facilities that provide short-term housing for people who actively served in the United States military;
- (11) "Families with children" shall mean families with adults and children, couples including at least one pregnant woman, single pregnant women, or parents or grandparents with a pregnant individual; and
- (12) "Single adults" shall mean individuals without an accompanying adult or child.

b. Quarterly reports. The commissioner shall submit to the speaker of the council quarterly reports summarizing the health, sanitation, safety and fire protection-related deficiencies identified in any inspection of DHS-administered facilities housing (i) single adults, (ii) adult families, and (iii) families with children, including but not limited to DHS drop-in centers, DHS faith-based centers, DHS safe havens, DHS stabilization beds, and DHS veterans shelters, conducted by any state agency, including but not limited to the office of temporary and disability assistance, the office of children and family services, and the New York state department of health; and any city agency including, but not limited to, the New York city fire department, the New York city department of health and mental hygiene, and the New York city department of buildings; any other government agency; and any organization appointed by any court. The first such report shall be due thirty business days following the calendar quarter ending March thirtieth, two thousand and twelve and all subsequent reports shall be due thirty business days following the last day of each succeeding calendar quarter. Such quarterly reports shall include, but not be limited to, the following:

1. a list of all deficiencies identified by any state, city or other inspecting government agencies or organizations appointed by any court during the quarter which have not yet been brought into compliance with applicable statutes, laws, rules and regulations and the date on which deficiencies previously reported to the speaker of the council were brought into compliance;
2. a list of all deficiencies identified by the fire department in three or more consecutive inspections which have not yet been brought into compliance with applicable statutes, laws, rules and regulations;
3. a copy of all court orders regarding health, sanitation, safety and fire protection-related deficiencies issued during the quarter; and
4. a copy of all corrective action plans, and amendments thereto, regarding health, sanitation, safety and fire protection-related deficiencies filed with any court during the quarter.

§3. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 757

By Council Members Vann, Garodnick, Chin, Gonzalez, James, Mendez, Williams, Wills and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to disclosing the energy and water efficiency in dwelling units, co-ops and condominiums in buildings under fifty thousand square feet.

Be it enacted by the Council as follows:

Section 1. Article 1 of subchapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2009.2 to read as follows:

§27-2009.2 Disclosure of energy and water use in dwelling units, co-ops and condominiums. a. Definitions. For the purposes of this section only, the term "Energy Star" shall mean a designation from the United States environmental protection agency or department of energy indicating that a product meets the energy efficiency standards set forth by the agency for compliance with the ENERGY STAR program.

b. The owner of any dwelling unit, co-op or condominium in a building under fifty thousand square feet for sale or rent in the city shall provide to prospective purchasers and renters information regarding the energy and water use of such unit, co-op or condominium, including but not limited to for each such unit, co-op or condominium (a) a list of and whether or not appliances qualify for Energy Star, (b) a list of washrooms and toilet rooms and whether or not the plumbing fixtures and fixture settings in such rooms utilize more water than allowed for fixtures and fixture settings pursuant to section 604.4 of the New York plumbing code, and (c) the monthly cost of electricity, gas, oil and water, disaggregated by each such cost, for the preceding two years or for the time such owner owned such unit, co-op or condominium, whichever is shorter.

c. The information provided pursuant to subdivision b of this section shall be indicated on a standard reporting form developed by the department in consultation with the office of long-term planning and sustainability. Such form shall be made available on the department website and shall include, but not be limited to, an explanation of the economic and environmental benefits of energy efficiency and water conservation, an explanation of the regulation relating to water closets in the energy policy and conservation act, an explanation of Energy Star, and a list of measures an owner or tenant may follow to improve energy efficiency and water conservation.

§2. This local law shall take effect one hundred eighty days upon enactment.

Referred to the Committee on Housing and Buildings.

Int. No. 758

By Council Members Williams, James, Lander, Palma, Wills and Koo.

A Local Law to amend the New York city charter, in relation to the expansion of the Franchise and Concession Review Committee.

Be it enacted by the Council as follows:

Section 1. Section 373 of the New York city charter is amended to read as follows:

§373. Franchise and concession review committee. a. A franchise and concession review committee is hereby established. The committee shall consist of the following officials or their designees: the mayor, who shall serve as chair; the director of the office of management and budget; the corporation counsel; the comptroller; the public advocate; and one additional appointee of the mayor. Whenever the committee reviews a proposed franchise or concession or the procedures for granting a particular concession, the borough president of the borough in which such franchise or concession is located or his or her designee shall also serve as a member of the committee. If such a franchise, concession or procedure relates to more than one borough, the borough presidents of such boroughs shall designate one of such borough presidents or another individual to serve as a member of the committee for the purpose of considering such matter.

b. The mayor shall designate a public officer or employee to act as the clerk of the committee who shall be responsible for maintaining the records and minutes of the committee and performing such other duties as may be required.

c. The committee shall act by the affirmative vote of at least [four] five members except that the affirmative vote of at least [five] six members shall be required to approve a franchise agreement.

d. The committee shall:

- (1) adopt rules establishing procedures for granting concessions through public bidding or by other means designed to ensure a competitive and fair process;
- (2) review and approve the granting of concessions that are proposed to be granted pursuant to procedures that differ from the procedures established by the rules of the committee; provided, however, that the committee need not review awards of concessions that are not subject to renewal and have a term of less than thirty days;

(3) determine whether each franchise agreement proposed by a city agency is consistent with the request for proposal or other solicitation pursuant to which such agreement was negotiated and require appropriate modifications to any such agreements to correct any significant inconsistencies; and

(4) review and approve the selection of franchisees pursuant to subdivision f of section three hundred sixty-three.

§2. This local law shall take effect immediately after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on Governmental Operations.

Int. No. 759

By Council Members Williams, Dickens, Dromm, James, Lander, Mark-Viverito, Mendez, Palma, Wills, Rodriguez, Vacca, Halloran and Koo.

A Local Law to amend the New York city charter, in relation to diversifying the membership of the conflicts of interest board.

Be it enacted by the Council as follows:

Section 1. Section 2602 of chapter sixty-eight of the New York city charter is amended to read as follows:

§ 2602. Conflicts of interest board. a. There shall be a conflicts of interest board consisting of five members, *three members* appointed by the mayor with the advice and consent of the council, *one member appointed by the comptroller with the advice and consent of the council, and one member appointed by the public advocate with the advice and consent of the council.* The[mayor] *members* shall designate a chair.

b. Members shall be chosen for their independence, integrity, civic commitment and high ethical standards. No person while a member shall hold any public office, seek election to any public office, be a public employee in any jurisdiction, hold any political party office, or appear as a lobbyist before the city.

c. Each member shall serve for a term of six years; provided, however, that of the three members first appointed *by the mayor*, one shall be appointed for a term[to expire on March thirty-first, nineteen hundred ninety] *of two years*, one shall be appointed for a term[to expire on March thirty-first, nineteen hundred ninety-two] *of four years* and one shall be appointed for a term[to expire on March thirty-first, nineteen hundred ninety-four] *of six years*, and of the remaining members, one shall be appointed *by the comptroller* for a term[to expire on March thirty first, nineteen hundred ninety two] *of six years* and one shall be appointed *by the public advocate* for a term[to expire on March thirty first, nineteen hundred ninety four] *of six years*. If the[mayor] *appointing authority* has not submitted to the council a nomination for appointment of a successor at least sixty days prior to the expiration of the term of the member whose term is expiring, the term of the member in office shall be extended for an additional year and the term of the successor to such member shall be shortened by an equal amount of time. If the council fails to act within forty-five days of receipt of such nomination from the [mayor]*appointing authority*, the nomination shall be deemed to be confirmed. No member shall serve for more than two consecutive six-year terms. [The three initial nominations by the mayor shall be made by the first day of February, nineteen hundred eighty-nine, and both later nominations by the mayor shall be made by the first day of March, nineteen hundred ninety.] *No later than ninety days after the effective date of the local law amending this subdivision, the mayor, comptroller and public advocate shall each nominate new members to serve terms as provided herein. Such terms shall commence upon the confirmation and appointment of the last member. Upon such confirmation and appointment of the last member, the members of the board appointed prior to the effective date of the local law amending this subdivision shall cease to be members of the board.*

d. Members shall receive a per diem compensation, no less than the highest amount paid to an official appointed to a board or commission with the advice and consent of the council and compensated on a per diem basis, for each calendar day when performing the work of the board.

e. Members of the board shall serve until their successors have been confirmed. Any vacancy occurring other than by expiration of a term shall be filled by nomination by the[mayor] *appointing authority who appointed the vacating member of the board* made to the council within sixty days of the creation of the vacancy, for the unexpired portion of the term of the member succeeded. If the council fails to act within forty-five days of receipt of such nomination from the[mayor] *appointing authority*, the nomination shall be deemed to be confirmed.

f. Members may be removed by the[mayor] *appointing authority* for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of this section, after written notice and opportunity for a reply.

g. The board shall appoint a counsel to serve at its pleasure and shall employ or retain such other officers, employees and consultants as are necessary to exercise its powers and fulfill its obligations. The authority of the counsel shall be defined in writing, provided that neither the counsel, nor any other officer, employee or consultant of the board shall be authorized to issue advisory opinions, promulgate rules, issue subpoenas, issue final determinations of violations of this chapter, or make final recommendations of or impose penalties. The board may delegate its authority to issue advisory opinions to the chair.

h. The board shall meet at least once a month and at such other times as the chair may deem necessary. Two members of the board shall constitute a quorum and all acts of the board shall be by the affirmative vote of at least two members of the board.

§ 2. This local law shall become effective ninety days after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on Governmental Operations.

Int. No. 760

By Council Members Williams, Dromm, James, Lander, Mendez, Wills and Rodriguez.

A Local Law to amend the New York city charter, in relation to improving compliance with the City's Pro-Voter Law.

Be it enacted by the Council as follows:

Section 1. Subdivision 3 of section 1057-A of chapter forty-six of the New York city charter is amended to read as follows:

3. Participating agencies shall also:

a. at the earliest practicable or next regularly scheduled printing of their forms, physically incorporate the voter registration forms with their own application forms in a manner that permits the voter registration portion to be detached therefrom. Until such time when the agency amends its form, each agency should affix or include a postage paid board of elections for the city of New York voter registration form to or with its application, renewal, recertification and change of address forms;

b. use the board of elections of the city of New York coded voter registration forms *assigned to each participating agency. Each participating agency[which] shall be assigned a code that [designate] designates* such forms as originating from *such [participating agencies] agency;* and

c. transmit any completed forms collected in their discretion to the board of elections of the city of New York within two weeks of the receipt of such completed forms at the participating agency. If a completed form is accepted within five days before the last day for registration to vote in a citywide election, such completed form shall be transmitted by the participating agency to the board of elections of the city of New York not later than five days after the date of acceptance.

§ 2. Section 1057-A of chapter forty-six of the New York city charter is amended by adding a new subdivision eight to read as follows

8. *Consistent with subsection four of section 3-212 of the state election law requiring the board of elections in the city of New York to, in its annual report of its affairs and proceedings to the local legislature, include a detailed description of existing programs to enhance voter registration, the board shall provide a listing of the number of coded voter registration forms distributed to and returned by each agency designated as a participating agency pursuant to this section.*

§ 3. This local law shall take effect sixty days following enactment.

Referred to the Committee on Governmental Operations.

L.U. No. 553

By Council Member Recchia:

9,13,21,23,25,27,89 East 3 Street; 56,57,58,60,63,65,67,69,71,73,75,77 East 4 Street; 83 Second Avenue, Block 445, Lot 42; Block 459, Lots 14, 15, 16, 36, 37, 38, 39, 43, 45; Block 460, Lots 35, 48,50, 51, 52, 53, 54, 55, 59, Manhattan, Council District No. 2, 13 Stanton Street; Block 426, Lot 22, Manhattan, Council District No. 1.

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

L.U. No. 554

By Council Member Recchia:

Hale House, Block 1847 Lot 46, Manhattan, Council District No. 9

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

L.U. No. 555

By Council Member Recchia:

Homeward Bound, Block 1847, Lot 39, Manhattan, Council District No. 9

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

L.U. No. 556

By Council Member Comrie:

Application no. 20125304 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to the Private Housing Finance Law Section 114 for approval of an amendment to the Regulatory Agreement for property located at 1600 Sedgwick Avenue, Block 2880, Lot 29 in the Borough of the Bronx, Community Board 5, Council District no. 16.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 557

By Council Member Comrie:

Application no. 20125008 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Le Anfore LLC d.b.a Broken English, to establish, maintain and operate an unenclosed sidewalk café located at 68 Bergen Street, Borough of Brooklyn, Council District no.33. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 558

By Council Member Comrie:

Application no. 20125051 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Basil LLC d.b.a Basil, to establish, maintain and operate an unenclosed sidewalk café located at 268 Kingston Avenue, Borough of Brooklyn, Council District no.35. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

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

ANNOUNCEMENTS:

Thursday, January 19, 2012

★ Deferred
Committee on FIRE AND CRIMINAL JUSTICE SERVICES..... 10:00 A.M.
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Elizabeth Crowley, Chairperson

★ Addition
Committee on JUVENILE JUSTICE10:00 A.M.
Oversight - Examining the Division of Youth and Family Justice's Positive Alternative Towards Home Program
Committee Room – 250 Broadway, 14th Floor Sara Gonzalez, Chairperson

★ Note Topic Addition
Committee on YOUTH SERVICES.....10:00 A.M.

Oversight - Overview of the Out-of-School Time Request for Proposals
Committee Room – 250 Broadway, 16th Floor Lewis Fidler, Chairperson

★ Note Topic Addition
Committee on TECHNOLOGY10:00 A.M.
★Int. 664 - By Council Members Brewer, Cabrera, Arroyo, Comrie, Foster, James, Rivera, Rose, Seabrook, Van Bramer, Palma, Fidler, Jackson, Lander, Koppell, Vacca, Koo and Halloran - A Local Law to amend the administrative code of the city of New York, in relation to personal information security.
Hearing Room – 250 Broadway, 16th Floor Fernando Cabrera, Chairperson

★ Note Topic Addition
Committee on SMALL BUSINESS.....:1:00 P.M.
Oversight – Strengthening NYC’s Retail Corridors
Committee Room – 250 Broadway, 14th Floor Diana Reyna, Chairperson

★ Note Committee and Topic Addition
Committee on EDUCATION jointly with the
★Committee on HIGHER EDUCATION:1:00 P.M.
★Oversight - Are New York City’s Public School Students Adequately Prepared for College?
Committee Room – 250 Broadway, 16th Floor Robert Jackson, Chairperson
..... Ydanis Rodriguez, Chairperson

Friday, January 20, 2012

★ Note Time Change
Committee on GOVERNMENTAL OPERATIONS ★11:00 A.M.
Oversight - Examining the Usage and Efficacy of New York City’s False Claims Act
Committee Room – 250 Broadway, 14th Floor Gale Brewer, Chairperson

★ Deferred
Committee on ENVIRONMENTAL PROTECTION 1:00 P.M.
Oversight — Challenges Facing Wetlands in New York City, and a Review of New York City’s Efforts to Protect Wetlands, Including Local Laws 71 of 2005, 83 of 2005, 21 of 2009, 31 of 2009 and the Wetlands Protection Goals Contained in PlaNYC.
Committee Room – 250 Broadway, 16th Floor James Gennaro, Chairperson

Monday, January 23, 2012

★Deferred
Committee on FINANCE jointly with the
Committee on AGING..... 10:00 A.M.
Int. 731 By Council Members Recchia, Lappin, Greenfield, Arroyo, Brewer, Chin, Comrie, Dickens, Dromm, Fidler, Foster, Gentile, James, Koslowitz, Lander, Mark Viverito, Mealy, Mendez, Palma, Reyna, Rose, Van Bramer, Vann, Williams, Halloran and Koo — A Local Law to amend the administrative code of the city of New York, in relation to the administration of the senior citizen rent increase exemption program.
Committee Room – 250 Broadway, 16th Floor
..... Domenic M. Recchia, Chairperson
..... Jessica Lappin, Chairperson

★ Deferred
Committee on CIVIL RIGHTS10:00 A.M.
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Deborah Rose, Chairperson

★ Deferred
Committee on CIVIL SERVICE AND LABOR jointly with the
Committee on LOWER MANHATTAN REDEVELOPMENT and the
Committee on MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES1:00 P.M.
Oversight — Examining the World Trade Center Medical Working Group’s 2011 Annual Report on 9/11 Health
Committee Room – 250 Broadway, 16th Floor James Sanders, Chairperson
..... Margaret Chin, Chairperson
..... Oliver Koppell, Chairperson

★ Deferred
Committee on CONTRACTS..... 1:00 P.M.
Agenda to be announced

Committee Room— 250 Broadway, 14th FloorDarlene Mealy, Chairperson

★ Note Location Change

Committee on **PUBLIC HOUSING**..... **1:00 P.M.**
Oversight – Resident Participation in NYCHA Developments.
Committee Room – 250 Broadway, ★ 14th Floor.....Rosie Mendez, Chairperson

★ Note Time Change

Committee on **FINANCE**..... ★ **2:00 P.M.**
Int. 729 - By Council Members Mealy, Wills, Barron, Chin, Fidler, Gentile, James, Koppell, Lander, Palma, Recchia, Rose, Sanders Jr., Vacca, Vann, Williams, Rodriguez and Koo – A Local Law to amend the administrative code of the city of New York, in relation to the posting of material terms of contracts entered into by the city on a newly created public, online searchable database.
Committee Room – 250 Broadway, 16th Floor
..... Domenic M. Recchia, Chairperson

Tuesday, January 24, 2012

★ Deferred

Committee on **PUBLIC SAFETY**.....**10:00 A.M.**
Agenda to be announced
Committee Room— 250 Broadway, 14th FloorPeter Vallone, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....**11:00 A.M.**
See Land Use Calendar Available Thursday, January 19, 2012
Committee Room– 250 Broadway, 16th Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... **1:00 P.M.**
See Land Use Calendar Available Thursday, January 19, 2012
Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

★ Note Committee and Topic Addition

Committee on **HEALTH** jointly with the
Committee on **GENERAL WELFARE** **1:00 P.M.**
Int. 751 - By Council Member Arroyo – A Local Law to amend the administrative code of the city of New York, in relation to a child fatality review advisory team.Int. 753 - By Council Member Palma - A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to track and report deaths of homeless persons in the city of New York.
Committee Room – 250 Broadway, 14th Floor
..... Maria del Carmen Arroyo, Chairperson
..... Annabel Palma, Chairperson

★ Note Time Change

Subcommittee on **ZONING & FRANCHISES**..... **2:00 P.M.**
See Land Use Calendar Available Thursday, January 19, 2012
Committee Room – 250 Broadway, 16th FloorMark Weprin, Chairperson

Wednesday, January 25, 2012

★ Note Topics Addition

Committee on **IMMIGRATION****10:00 A.M.**
★Res. 761 - By Council Members Dromm, Barron, Brewer, Cabrera, Chin, James, Lander, Mendez, Palma, Recchia, Seabrook, Williams, Mark-Viverito, Nelson and Koo - Resolution urging the U.S. Department of Justice, Executive Office of Immigration Review, to implement a comprehensive hiring plan for immigration judges that includes increasing the number of judges appointed, drawing judges from more diverse backgrounds, requiring judges to have some degree of knowledge of immigration law, instituting training in cultural competence upon hiring, and providing immigration judges with the necessary resources to make competent and just decisions, and for the 112th Congress to allocate the necessary funds to accomplish these goals.
★Res. 1096 - By Council Members Council Members Eugene, Dromm, Brewer, Dickens, Fidler, James, Koppell, Koslowitz, Lander, Mendez, Palma, Recchia, Rose, Seabrook, Vann, Williams, Rodriguez and Mark-Viverito - Resolution calling upon the Department of Homeland Security to create a Haitian Family Reunification Parole Program, which would benefit Haitians recovering from the January 12, 2010 earthquake by allowing Haitians with approved family-sponsored immigrant visa petitions to come to the United States.

★Res. 1193 - By Council Members Rodriguez, the Speaker (Council Member Quinn), Dromm, Brewer, Chin, Comrie, Jackson, James, Koppell, Lander, Levin, Mark-Viverito, Mendez, Palma, Recchia and Williams - Resolution authorizing the Council to join an amicus brief in support of the Plaintiff-Appellee in the litigation captioned The United States of America v. The State of Arizona, Case No. CV 10-1413-PHX (SRB), which is currently pending before the United States Supreme Court.

Committee Room – 250 Broadway, 16th Floor Daniel Dromm, Chairperson

★ Note Topics Addition

Committee on **TRANSPORTATION**.....**10:00 A.M.**
Proposed Int. 183-A - By Council Members Brewer, Chin, Ferreras, Koppell, Lander, Nelson, Rose, Seabrook and Levin - A Local Law to amend the administrative code of the city of New York, in relation to audible pedestrian signals.
Int. 487 - By Council Members Brewer, Vacca, Cabrera, Dromm, James, Koppell, Lander, Mendez, Williams and Mark-Viverito - A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of detectable warning surfaces.
Int. 745 - By Council Members Vacca, Williams, Brewer, Cabrera, Chin, Dickens, Eugene, Ferreras, Fidler, James, Koslowitz, Lander, Mark-Viverito, Palma, Recchia, Rose and Seabrook

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to post on its website a list of all major street redesigns in a format accessible to people with disabilities.
Committee Room – 250 Broadway, 14th FloorJames Vacca, Chairperson

★ Deferred

Committee on **PUBLIC HOUSING****10:00 A.M.**
Agenda to be announced
Committee Room— 250 Broadway, 16th FloorRosie Mendez, Chairperson

★ Note Topic Addition

Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS**. **1:00 P.M.**
Oversight - Increasing Health Insurance Access to Artists
Committee Room – 250 Broadway, 14th Floor
..... James Van Bramer, Chairperson

★ Deferred

Committee on **PARKS AND RECREATION**.....**1:00 P.M.**
Agenda to be announced
Committee Room— 250 Broadway, 16th Floor
.....Melissa Mark Viverito, Chairperson

Thursday, January 26, 2012

★ Note Topic Addition

Committee on **CONSUMER AFFAIRS**.....**10:00 A.M.**
★Oversight - Home Improvement Contractors in New York City – Tools for Fair Dealing
Committee Room – 250 Broadway, 14th Floor Daniel Garodnick, Chairperson

Committee on **LAND USE**.....**10:00 A.M.**
All items reported out of the subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, 16th Floor Leroy Comrie, Chairperson

★ Note Addition

Committee on **AGING**.....**10:00 A.M.**
Agenda to be announced
Hearing Room – 250 Broadway, 16th Floor Jessica Lappin, Chairperson

★ Note Topic Addition

Committee on **ECONOMIC DEVELOPMENT** **1:00 P.M.**
★Oversight - NYC & Company, Inc.: “New York City’s official marketing, tourism and partnership organization”
Committee Room – 250 Broadway, 14th Floor Karen Koslowitz, Chairperson

★ Note Topic Addition

Committee on **WATERFRONTS** **1:00 P.M.**
★Int. 740 - By Council Members Nelson, Brewer, Eugene, Fidler, James, Lander, Seabrook, Williams, Koo and Ulrich - A Local Law to amend the administrative code of the city of New York, in relation to discharges in certain designated bodies of water.

Committee Room – 250 Broadway, 16th Floor Michael Nelson, Chairperson

★ Note Topic Addition

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES**..... **1:00 P.M.**

★Oversight - Examining the Role of the NYC Department of Probation in the Adult Court Process from Investigation to Supervision.

Hearing Room – 250 Broadway, 16th Floor Elizabeth Crowley, Chairperson

Friday, January 27, 2012

★ Note Topic and Committee Addition

Committee on **SANITATION AND SOLID WASTE MANAGEMENT** jointly with the

★Committee on **CONTRACTS**.....**10:00 A.M.**

★Oversight - Examining the City’s Compliance with Environmentally Preferable Purchasing Laws

Committee Room – 250 Broadway, 14th Floor Letitia James, Chairperson

.....Darlene Mealy, Chairperson

★ Addition

Committee on **CIVIL RIGHTS** jointly with the

Committee on **VETERANS****10:00 A.M.**

Res. 1188 - By Council Members Chin, the Speaker (Council Member Quinn), Eugene, Rose, Weprin, Wills, Vann, Dromm, Arroyo, Barron, Brewer, Comrie, Dickens, Garodnick, Gonzalez, Jackson, James, Koppell, Koslowitz, Lander, Mealy, Mendez, Nelson, Palma, Recchia, Sanders Jr., Seabrook, Williams, Lappin, Rodriguez, Rivera, Levin, Vacca, Reyna, Ferreras, Crowley and Koo - Resolution calling upon the United States Department of Defense to closely examine its policies around cultural diversity and sensitivity and to impose more effective and comprehensive training regiments for military personnel in cultural awareness, diversity and sensitivity to prevent the discrimination and harassment of all military personnel, including servicemen and women within its ranks.

Committee Room– 250 Broadway, 16th Floor

..... Julissa Ferreras, Acting Chairperson

..... Mathieu Eugene, Chairperson

Monday, January 30, 2012

★ Note Committee and Topic Addition

Committee on **PUBLIC SAFETY** jointly with the

★Committee on **PARKS AND RECREATION**.....**10:00 A.M.**

★Oversight - A walk in the park...or is it? Examining Safety in NYC Parks.

Committee Room – 250 Broadway, 16th FloorPeter Vallone, Chairperson

.....Melissa Mark-Viverito, Chairperson

★ Addition

Committee on **CIVIL SERVICE AND LABOR** jointly with the

Committee on **LOWER MANHATTAN REDEVELOPMENT** and the

Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND**

DISABILITY SERVICES**10:00 A.M.**

Oversight - Examining the World Trade Center Medical Working Group’s 2011 Annual Report on 9/11 Health

Committee Room – 250 Broadway, 14th Floor James Sanders, Chairperson

.....Margaret Chin, Chairperson

.....Oliver Koppell, Chairperson

★ Deferred

Committee on **CIVIL RIGHTS****10:00 A.M.**

Agenda to be announced

Committee Room– 250 Broadway, 14th Floor Deborah Rose, Chairperson

★ Note Topic Addition

Committee on **HOUSING AND BUILDINGS** **1:00 P.M.**

Int 730 - By Council Member Recchia - A Local Law to amend the administrative code of the city of New York, in relation to the disclosure of certain information regarding certain construction projects.

Committee Room – 250 Broadway, 16th FloorErik Martin-Dilan, Chairperson

★ Note Topics Addition

Committee on **COMMUNITY DEVELOPMENT**..... **1:00 P.M.**

~~Oversight—Concentrated Poverty in New York City~~

★Oversight - Systemic Problems in the Ongoing Mortgage Foreclosure Crisis, and its Effect On New York City Neighborhoods

★Proposed Res. 871-A - By Council Members Vann, Arroyo, Brewer, James, Rose, Seabrook and Williams - Resolution calling upon the New York State Legislature to codify subdivision (f) of section 202.12-a of the Uniform Rules for the New York State Trial Courts, addressing the accuracy of filings in residential mortgage foreclosure actions.

★Proposed Res. 872-A – By Council Members Vann, Comrie, Arroyo, Eugene, Gentile, Koppell, Lander, Mendez, Rose, Williams and Nelson - Resolution calling upon the New York State Legislature and the Governor to support the continuation of New York’s Foreclosure Prevention Services Program in the 2012-2013 Executive Budget.

★Res. 988 - By Council Members Vann, Brewer, Fidler, James, Lander, Mendez, Williams and Mark-Viverito - Resolution calling on the New York State Legislature and the Governor to enact legislation that would require the foreclosing party in a mortgage foreclosure action to produce the pooling and service agreement at the commencement of a mortgage foreclosure action.

★Res. 989 - By Council Members Vann, Brewer, James, Lander, Mendez and Williams - Resolution calling on the New York State Legislature and the Governor to enact legislation that would prohibit lenders from concealing mortgage assignments through the use of the Mortgage Electronic Registration System, Inc., known as MERS.

★Res. 990 - By Council Members Vann, Brewer, James, Mealy, Mendez and Williams - Resolution calling upon the Federal Reserve Bank to rescind its proposed rule requiring borrowers to pay off the remaining principal on a mortgage before the lender is forced to cancel its security interest in the home.

Committee Room – 250 Broadway, 14th Floor Albert Vann, Chairperson

Tuesday, January 31, 2012

★ Note Topic Addition

Committee on **GENERAL WELFARE****10:00 A.M.**

★Oversight - Overcrowding at HRA Food Stamp Centers & Job Centers.

Committee Room – 250 Broadway, 14th Floor Annabel Palma, Chairperson

★ Note Topic Addition

Committee on **ENVIRONMENTAL PROTECTION****1:00 P.M.**

Oversight - Challenges Facing Wetlands in New York City, and a Review of New York City’s Efforts to Protect Wetlands, Including Local Laws 71 of 2005, 83 of 2005, 21 Of 2009, 31 of 2009 and the Wetlands Protection Goals Contained in PlaNYC.

Committee Room – 250 Broadway, 16th Floor James Gennaro, Chairperson

★ Note Committee and Topics Addition

Committee on **HEALTH** jointly with the

★Committee on **WOMEN’S ISSUES**.....**1:00 P.M.**

★Proposed Res. 84-A - By Council Members Crowley, Brewer, Comrie, Dromm, Jackson, Koslowitz, Williams, Lappin, Nelson, James, Mendez, Reyna, Chin, Rose, Foster, Halloran and Koo - Resolution calling upon the New York State Department of Financial Services and the New York State Department of Health to address the high cost of malpractice insurance for general practitioners, obstetricians, gynecologists and radiologists.

★Oversight - Professional and Financial Barriers Facing Women’s Health Care Providers

Committee Room – 250 Broadway, 14th Floor

..... Maria del Carmen Arroyo, Chairperson

.....Julissa Ferreras, Chairperson

Wednesday, February 1, 2012

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

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, February 1, 2012.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: *Int Nos. 567-A, 585-A, and 749, all at the January 4, 2012 Charter Meeting, were signed by the Mayor into law on January 17, 2012, respectively, as Local Law Nos. 1, 2, and 3 of 2012.*

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