

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
THURSDAY, MAY 31, 2012

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING
of
Thursday, May 31, 2012, 3:16 p.m.*

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

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	James S. Oddo
Charles Barron	Sara M. Gonzalez	Annabel Palma
Gale A. Brewer	David G. Greenfield	Domenic M. Recchia, Jr.
Fernando Cabrera	Vincent M. Ignizio	Diana Reyna
Margaret S. Chin	Robert Jackson	Joel Rivera
Leroy G. Comrie, Jr.	Letitia James	Ydanis A. Rodriguez
Elizabeth S. Crowley	Peter A. Koo	Deborah L. Rose
Inez E. Dickens	G. Oliver Koppell	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	Albert Vann
Helen D. Foster	Darlene Mealy	James G. Van Bramer
Daniel R. Garodnick	Rosie Mendez	Mark S. Weprin
James F. Gennaro	Michael C. Nelson	Jumaane D. Williams
		Ruben Wills

Excused: Council Member Halloran.

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 50 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 Michael Perry, Our Lady of Refuge Catholic Church, 2020 Foster Avenue, Brooklyn, NY 11210.

May the higher power
whose name we each invoke,
send blessings down
and make them rise up.

May the Spirit who dwells
in each human soul
lead us to seek the common good,
and then make it happen
in this Chamber,
and in the hearts of all
who call this City home.
May all that is negative turn to good,
may all that is good be done
in the name of the Almighty,
whose name we each invoke
and all of us together,
for the good of all,
Amen.

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

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

Hal Jackson, 96, long-time radio host, died on May 21, 2012. Mr. Jackson was a music host, television host, talk show host, sportscaster, live show MC, and a historian of music and radio. He began his career in the late 1930s and remained on the air with the Sunday classic show on radio station WBLS until a few weeks before his death. In 1990, Mr. Jackson became the first African-American host inducted into the National Association of Broadcasters Hall of Fame. In 1995, he was inducted into the National Radio Hall of Fame and further, in 2010, he was named a Giant of Broadcasting by the Library of American Broadcasting. He also received four Presidential commendations in his career. He leaves behind his wife, Debbie and his family. At this point the floor was yielded to the Deputy Majority Leader (Council Member Comrie), student Council Member for a Day Sydney Johnson, and Council Member and Assistant Majority Leader Dickens, who all spoke respectively in honorable memory of the late Hal Jackson.

Joel Morales, 12, died on May 29, 2012 after hanging himself in his East Harlem apartment. According to his family, this suicide was apparently the result of constant bullying by other fifth graders in his school and other young people in his neighborhood. At this point, the floor was yielded to Council Member Mark-Viverito, in whose district the Morales family resides. Council Member Mark-Viverito spoke in respectful memory of Joel and pointed to the need for the community to work together in offering help to young people who have been bullied.

Leonard Allen, longtime labor leader and activist at DC 37, died on May 28, 2012. He was the President of Local 2021 Off-Track Betting Employees New York. He was also the DC 37 PAC chair and head of their screening committee for a number of years. At this point, the floor was yielded to Council Member Brewer who spoke in respectful memory of Mr. Allen.

At this point, the Speaker (Council Member Quinn) noted that Council Member Halloran was recovering ahead of schedule from surgery to remove a benign brain tumor. She asked the Council to keep him in their thoughts and prayers.

ADOPTION OF MINUTES

Council Member Mendez moved that the Minutes of the Stated Meeting of April 30, 2012 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-816

Communication from the Mayor - Mayors veto and disapproval message of Introductory Number 251-A, in relation to requiring the payment of a living wage to employees employed on property developed by recipients of financial assistance for economic development.



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

NYC COUNCIL

2012 MAY 30 12:12 PM '12 P 5:58

SPEAKER'S OFFICE

May 30, 2012

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

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory Number 251-A, which would amend the Administrative Code of the City of New York "in relation to requiring a living wage to employees employed on property developed by recipients of financial assistance for economic development."

Introductory Number 251-A would impose a wage mandate for those employed in connection with property or projects developed by recipients of at least \$1 million in discretionary financial assistance from the City or a "city economic development entity" for the improvement or development of real property, economic development, job retention and growth or "other similar purposes". Employers would be required to maintain extensive records and to report on hours, wage and benefit information for all such employees, involving onerous requirements and potential penalties that will additionally discourage companies from participating in any City programs that involve financial assistance. Passage of this bill will threaten some of the City's most innovative and important economic development projects — the types that have stabilized and revitalized neighborhoods in all five boroughs. Furthermore, Introductory Number 251-A seeks to legislate in subject areas, and to assert jurisdiction over entities, that are governed by State law. Moreover, by prescribing business terms for the acquisition and disposition of real property in contravention of the Charter, and by providing a prominent enforcement role to the City Comptroller, this proposal would upset the balance of powers, carefully crafted in the Charter, among elected officials.

The creation of well-paying, sustainable jobs has never been more critical to New York City residents and to the future of the City's economic health, which is why we have waged an aggressive ten-year campaign of job creation and workforce skill development that is designed to help expand economic opportunity for all New Yorkers. This has been central to the strategy to power the City's recovery from the Great Recession, and it has yielded promising results. In 2011, businesses in New York City created new private-sector jobs at a rate that was approximately 55% faster than the nation as a whole. Furthermore, as of March 2012, New York City had gained back an encouraging 185% of private sector jobs lost during the recession, compared to merely 42% of those recaptured nationwide.

Despite these results, too many New Yorkers remain unemployed and looking for work. One component of our ongoing comprehensive efforts involves incentive programs that attempt to reduce tax and other costs to encourage job-creating developments that otherwise would not occur, often in low- and moderate-income communities, or in challenging sectors of the economy such as the industrial sector. Our focus with these programs is not on companies that have clearly established a competitive advantage and do not need any additional incentive to be here, but rather on those investments that are on the margins, where targeted support induces developers and businesses to make investments that would otherwise be financially unfeasible in New York City. Often, it means the difference between jobs gained and jobs that are created outside the City, or not created at all.

This bill—which would increase the costs associated with development and investment by mandating higher costs for projects receiving financial assistance from the City—would offset the benefit provided by this assistance. It would make it harder for companies—which have the option to do business anywhere—to make decisions to invest in New York. This bill is a risk to New York City's long-term economic competitiveness.

Some projects that would create jobs may not move forward at all because they are no longer financially viable without the benefit of these incentives. This is particularly troubling for industrial companies, which provide good-paying, high-quality jobs for hundreds of thousands of New Yorkers. This bill would make it more difficult for these businesses to stay here and expand at a time when the City should be focused on supporting them.

For projects that still do move forward, if the value of these incentives is offset, the increased cost of the projects will be passed along to others—either to taxpayers, in the form of making higher subsidies necessary to incentivize these types of projects, or to the end-user—consumers who will be faced with higher prices for goods and services.

Moreover, the penalties included in this legislation—such as recovering financial assistance for non-compliance—would complicate potential lenders' ability to quantify the risks associated with a project, which in turn would make it more difficult for projects that are already financially challenging to access financing, or make financing more costly. This poses significant challenges for companies in planning for the future, and it could dissuade them from expanding and hiring in New York City.

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The bill would also generate significant business and operational costs for not-for-profit and cultural groups who, while themselves exempted from the legislation, would bear the burdens of the additional costs imposed on the contractors, vendors and consultants performing work on their premises.

While this bill could potentially result in higher wages for some workers, these increases would come at the cost of job creation. It also would reduce opportunities for entry-level workers, because if employers are forced to pay higher wages, they will choose to hire fewer more experienced employees to economically justify the increased costs. I will not support a law that risks having the opposite impact of its intentions, distorting the market in such a way that would reduce opportunities for those who most need them and force taxpayers to bear the burden.

Apart from raising these important policy concerns, Introductory Number 251-A is legally flawed for several significant reasons.

The bill is pre-empted by State and federal law in that it seeks to regulate wages. It defines categories of "living wage" work under circumstances that the State Legislature elected not to subject to wage requirements. These measures effectively amount to an effort to impose a regulatory minimum wage upon sectors of the City economy, a subject matter reserved to the State under applicable Court of Appeals case law.

Moreover, the bill purports to set the terms under which the City may acquire an interest in real property or may dispose of real property for development projects, thus improperly inhibiting the Mayor and executive agencies from dealing with other parties in real property transactions. This constitutes an improper infringement upon the discretionary powers of the Mayor and other officials involved in the land use review processes. By allowing the City Council to go beyond its prescribed role of reviewing land use decisions through processes specified in the Charter, the bill would unlawfully alter the balance among key City officials.

By using broad definitions of terms such as "city economic development entity" and "financial assistance", the bill appears to seek to cover projects aided by various entities created by State law to further goals such as affordable housing and economic development. To the extent that the bill frustrates the purposes of such State laws or otherwise interferes with such programs, it would be pre-empted. Finally, the bill improperly provides a major role in enforcement investigations to the City Comptroller. The Charter generally does not provide to the Comptroller this type of proactive role in investigations and enforcement given the role of the Mayor and his or her appointees in executing the laws. In prevailing wage mandates, the Comptroller's role has been authorized by the State Legislature, but that is not the case here.

When I disapproved Introductory Number 18-A, which sought to establish new prevailing wage requirements for certain employees in City-assisted economic development projects, I emphasized the need to strike the appropriate balance between improving the employment opportunities of the City's workers and creating opportunities for innovative economic development programs. Like that bill, this proposal also fails to strike such a balance and is both inconsistent with law as well as unsound from a policy perspective. The passage of

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two similar bills in a short period of time raises serious concerns about the long-term ability of the City to continue attracting and generating the business activity that is necessary to support both the local economy and the services of local government. I respectfully urge the Council to reconsider the course that it has undertaken with these bills.

Accordingly, I hereby disapprove Introductory Number 251-A.

Sincerely,

Michael R. Bloomberg
Michael R. Bloomberg
Mayor

cc: The Honorable Christine C. Quinn

2012 MAY 30 P 11:53
RECEIVED
CITY CLERK'S OFFICE

4

Referred to the Committee on Contracts.

M-817

Communication from the Mayor - Mayors veto and disapproval message of Introductory Number 485-A, in relation to the evaluation of depository banks



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

NYC COUNCIL
2012 MAY 30 P 5:57
SPEAKER'S OFFICE

May 30, 2012

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

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory Number 485-A, which creates a Community Investment Advisory Board ("Board") within the Department of Finance. The bill is a misguided attempt to influence who banks serve and how banks serve them by overlaying extensive existing federal and State bank regulation with yet another layer of City regulation. The bill extends beyond the City's competence and legal authority and risks reducing the number of banks who are willing or able to do business with the City.

Introductory Number 485-A requires the Board to evaluate banks that seek to do business with the City on whether they are meeting the financial and banking service needs of small businesses and low- to moderate-income individuals and communities throughout the City. The Board would be required to conduct a biennial "needs assessment" at the Census tract level, evaluating credit, financial, and banking service needs throughout the City with an emphasis on low- and moderate-income individuals and communities, and establishing "benchmarks" and "best practices" against which these banks are to be evaluated. The bill requires the Board to issue an annual report that would evaluate how each bank is meeting the needs identified in the assessment using the benchmarks and best practices established by the Board. In order to evaluate banks, the Board would seek mountains of data from each bank for each of the 2,168 census tracts in the City on eight broad categories ranging from charitable giving, to the maintenance of foreclosed properties, to investment in affordable housing and economic development projects in low-income communities. The Board would specify in the annual report banks not providing all the information requested by the Board. The bill authorizes the Banking Commission to consider the Board's annual report evaluating each bank when determining whether a bank will be designated or re-designated as a deposit bank. Notably, the Board's

evaluation of banks does not address whether banks seeking to be designated are operating in a safe and sound manner or could appropriately safeguard City moneys.

Importantly, neither the Department of Finance nor any other agency within the City government currently has any expertise in the complex kind of evaluations, articulation of "best practices" for banks and bank supervision activities contemplated by the bill.

In short, this bill adds an onerous and unnecessary third tier of regulatory oversight in an already heavily regulated area. Banks are currently regulated by federal agencies, including the United States Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the newly created Consumer Financial Protection Board, as well as the State Department of Financial Services, for New York State-chartered banks. If there is a view that current regulation is insufficient, the path to effective change is not to create a new, duplicative process, but rather to work with the existing regulatory agencies, which already have deep experience and expertise in this area.

Moreover, State and federal laws preempt the City from regulating State and national banks in this manner. Introductory Number 485-A serves no proprietary purpose but instead impermissibly uses the City's power to designate banks and deposit funds in order to pressure banks into adopting certain practices with respect to core banking matters such as lending to small businesses, addressing the credit needs of customers, handling foreclosure proceedings, and providing funding for housing. The bill also interferes with regulatory regimes established elsewhere in federal and State law, and gives the Board an improper measure of oversight over banks by authorizing the Board to obtain and examine bank records beyond those required by existing government regulators.

The bill marks a stark departure from the statutory functions of the New York City Banking Commission and substantially revamps the framework within which the City, through the Banking Commission, reviews applications from banks seeking to do business with the City. Under the current framework, banks are designated based on various factors related to solvency, corporate well-being, and compliance with State and federal laws. The City, through the Banking Commission, also considers the federal and State Community Reinvestment Act ("CRA") ratings of banks seeking designation, and these ratings reflect a bank's record of performance in helping to meet the credit needs of a community, including low- and moderate-income neighborhoods. Already, no bank can be designated to hold City funds without at least a "satisfactory" CRA rating. Creating a new third tier of analysis on banks' community investment and service efforts by yet another review board at the municipal level—outside of the City's expertise—is duplicative and a waste of taxpayer resources. Furthermore, the Department of Finance would need to add a significant number of new staff members at taxpayer expense to support the functions and reporting requirements of the Board.

The mandates within the bill significantly increase the complexity of bank reporting, risk sophisticated and qualified banks opting out of doing business with New York City, and add costs to banks that will likely be passed along to the very people we seek to help through financial empowerment programs. Introductory Number 485-A could particularly penalize smaller banks, which may not be able to comply with its extraordinary reporting requirements.

In addition, the volume and sophistication of City transactions mandate that some of the City's banking can be effectively done only by a few large national banks. This bill potentially jeopardizes the availability of such banks because one or more might simply opt out of competing for the City's business. This would result in fewer options and undoubtedly increased costs as competition dwindles, and would not serve the best interests of the City and its taxpayers.

While I share the Council's concern that banks meet the credit, financial, and banking service needs of New York City's small businesses and residents, Introductory Number 485-A adds little to that goal. In contrast, we are actively working with the Council on a number of successful programs that are helping New Yorkers recover from the 2008 financial crisis. For example, the Office of Financial Empowerment within the New York City Department of Consumer Affairs and the Center for Economic Empowerment help low-income New Yorkers connect with financial services. Likewise, the New York City Department of Housing, Preservation and Development ("HPD") has established the Center for New York City Neighborhoods, which helps New Yorkers deal with single-family foreclosures. That initiative alone has resulted in nearly 2,700 loan modifications from the approximately 7,000 loan modification requests that were received. Moreover, HPD, in partnership with Speaker Quinn and this Council, launched the Proactive Preservation Initiative, which identifies and rehabilitates financially-challenged multi-family properties in need of repair. HPD already shares this information with bank regulators to increase transparency and encourage lenders to take steps to improve distressed assets.

In addition, the New York City Department of Small Business Services ("SBS") has worked with banks to expand credit for small businesses throughout the City. This initiative created a Bank Advisory Council, consisting of ten partner banks that have already committed to a variety of initiatives to facilitate enhanced access to capital for small businesses, including supporting an innovative partnership with the U.S. Export-Import Bank to increase support for New York's exporting small businesses. SBS has been instrumental in furthering our goals of connecting small businesses with greatly needed capital, and those efforts have paid off. SBS helped connect the City's small businesses with nearly \$40 million in capital in 2011, almost double the amount in 2010.

We should continue to work together to further our shared goals, and build upon the successes we have already achieved. For all the reasons stated above, Introductory Number 485-A is not the means to achieve these goals.

For the foregoing reasons, I hereby disapprove Introductory Number 485-A.

Sincerely,

Michael R. Bloomberg
Michael R. Bloomberg
Mayor

Cc: The Honorable Christine C. Quinn

Referred to the Committee on Finance.

M-818

Communication from the Mayor - Mayors veto and disapproval message of Introductory Number 658-A, in relation to the waiver of public employee organizations' rights when submitting grievances to arbitration under the New York city collective bargaining law.



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

NYC COUNCIL

2012 MAY 30 P 5:53
SPEAKER'S OFFICE

May 30, 2012

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

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory Number 658-A, which would amend the New York City Collective Bargaining Law "in relation to the waiver of public employee organizations' rights when submitting grievances to arbitration under the New York city collective bargaining law." This bill would all but eliminate the longstanding statutory waiver requirement that is codified in the City's Collective Bargaining Law found in §12-312(d) of the Administrative Code.

In 1967, the New York City Collective Bargaining Law was enacted as a result of recommendations of a Tripartite Committee consisting of representatives of municipal unions, the City, and impartial members representing the public. It was an historic collaboration that reflected a carefully and delicately structured statutory compromise among the interests of the public, labor groups, and City agencies. One component of this historic legislation was a requirement that, in order for an employee to invoke the contractual grievance arbitration before the Office of Collective Bargaining, a waiver must be filed of the right to seek review of the underlying dispute in any other forum. In other words, an employee has always had a choice of remedies and may avail him or herself of the usual statutory rights or impartial arbitration, but not both. This was the original understanding and intent of the waiver requirement at the time of the first enactment of the New York City Collective Bargaining Law.

In accordance with this sound policy, the waiver requirement of the New York City Collective Bargaining Law has remained unchanged since the law was enacted in 1967. It is noteworthy that over time, courts have recognized that the waiver is inapplicable to civil rights claims. Now, however, Introductory Number 658-A seeks to effectively eliminate the waiver requirement by limiting it to contractual claims only. This amendment would render the provision functionally meaningless, and would permit a union or employee to pursue

simultaneously an arbitration based on the collective bargaining agreement and a court case based on a statutory or other legal claim concerning the same dispute and interposing the same issues. This will invite inconsistent decisions, outcomes and orders, and will result in unnecessary litigation and a waste of judicial resources. The language of the existing law does not prevent an employee or union from exercising their respective rights in either forum. It simply requires that, where the underlying dispute is the same, the employee or union make a choice between arbitration and court. This statutory scheme has served labor unions and City employers well for the past forty-five years and should not be disturbed.

For the foregoing reasons, I hereby disapprove Introductory Number 658-A.

Sincerely,

Michael R. Bloomberg
Michael R. Bloomberg
Mayor

Cc: The Honorable Christine C. Quinn

Referred to the Committee on Civil Service and Labor.

2012 MAY 30 P 10:52

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

Preconsidered M-819

Communication from the New York City Banking Commission - Transmitting recommendations of the interest rate to be charged for Fiscal Year 2013 for non-payment of taxes on real estate, and for non-payment of water and sewer rents and transmitting recommendation of the discount rate to be allowed for early payment of real estate taxes for Fiscal Year 2013, pursuant to the City Charter.

May 22, 2012

Honorable Christine Quinn
Speaker of the Council
City Hall
New York, NY 10007

Re: Interest Rates for Fiscal Year 2013 for: Non-Payment of Taxes for Real Estate; Non-Payment of Water and Sewer Rents; and Early Payment (Discount) of Property Taxes

Dear Ms. Quinn:

Pursuant to Sections 11-224.1, 11.312(c), 11-313(e) of the New York City Administrative Code and Section 1519(a) of the New York City Charter, the Banking Commission, at its meeting on May 9, 2012, adopted resolutions recommending to the Council that the proposed interest rates to be charged for non-payment of taxes for real estate, and for non-payment of water and sewer rents, and the discount rate for early payment of real estate taxes for Fiscal Year 2013, which remain unchanged from FY2012, be:

- a. Nine percent (9.00%) per annum for non-payment of taxes for real estate with an assessed value of not more than two hundred fifty thousand dollars (\$250,000.00), or not more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops;
- b. Eighteen percent (18.00%) per annum for non-payment of taxes for real estate with an assessed value of more than two hundred fifty thousand dollars (\$250,000.00), or more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops, or where irrespective of the assessed value, the parcel consists of vacant or unimproved land;
- c. Nine percent (9.00%) per annum for non-payment of water and sewer rents for real estate with an assessed value of not more than two hundred fifty thousand dollars (\$250,000.00), or not more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops;
- d. Eighteen percent (18.00%) per annum for non-payment of water and sewer rents for real estate with an assessed value of more than two hundred fifty thousand dollars (\$250,000.00), or more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops, or where irrespective of the assessed value, the parcel consists of vacant or unimproved land;
- e. One percent (1.00%) discount per annum applied to the portion of the real estate tax that is paid no later than the due date.

Copies of the resolutions are attached

Sincerely,

Andrew Salkin
Secretary

Attachment

Cc: Honorable Michael R. Bloomberg
Comptroller John C. Liu
Commissioner of Finance David M. Frankel

Assistant Commissioner of Finance and Treasurer Elaine A. Kloss

Resolution No. 1— Interest Rate Recommendation (Real Estate)

WHEREAS, pursuant to New York City Administrative Code § 11-224.1, the Banking Commission is required to recommend to the City Council, not later than the twenty-fifth day of May, the proposed interest rate to be charged for non-payment of taxes for real estate with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, and

WHEREAS, the proposed interest rate shall be at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes that as of May 9, 2012, said prime rate stands at three and one-quarter per cent (3.25%), as published by the Federal Reserve Board of Governors, and

WHEREAS, it is in the City's best interest to encourage the prompt payment of taxes for real estate by all taxpayers, now, therefore be it

RESOLVED, the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of taxes for all properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, remains nine per cent (9%) per annum for Fiscal Year 2013.

Dated May 9, 2012

Resolution No. 2 — Interest Rate Recommendation (Real Estate)

WHEREAS, pursuant to New York City Administrative Code § 11-224.1, the Banking Commission is required to recommend to the City Council, not later than the twenty-fifth day of May, the proposed interest rate to be charged for non-payment of taxes for real estate with an assessed value of more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land,

WHEREAS, said provisions of the Administrative Code require the Banking Commission to propose a rate at least six percentage points (6%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes that as of May 9, 2012, said prime rate stands at three and one-quarter per cent (3.25%), as published by the Federal Reserve Board of Governors, and

WHEREAS, it is in the City's best interest to encourage the prompt payment of taxes for real estate by all large taxpayers, now, therefore be it

RESOLVED, the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of taxes for real estate where the assessed value on a parcel is over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land remains eighteen per cent (18%) per annum for Fiscal Year 2013.

Dated May 9, 2012

Resolution No. 3 — Interest Rate Recommendation (Water and Sewer Rents)

WHEREAS, pursuant to New York City Administrative Code §§11-312(c) and 11-313(e) and 11-224.1, the Banking Commission is required to recommend to the City Council, not later than the twenty-fifth day of May, the proposed interest rate to be charged for non-payment of water rents and sewer rents, and

WHEREAS, the proposed interest rate to be charged for non-payment of water rents and sewer rents for properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), shall be at least equal to the said prime rate, and

WHEREAS, the Banking Commission notes that as of May 9, 2012, the said prime rate stands at three and one-quarter per cent (3.25%), as published by the Federal Reserve Board of Governors, now, therefore, be it

RESOLVED, that the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents for properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, remains nine per cent (9%) per annum for Fiscal Year 2013.

Dated May 9, 2012

Resolution No. 4 — Interest Rate Recommendation (Water and Sewer Rents)

WHEREAS, pursuant to New York City Administrative Code §§11-312(c) and 11-313(e) and 11-224.1, the Banking Commission is required to recommend to the City Council, not later than the twenty-fifth day of May, the proposed interest rate to be charged for non-payment of water rents and sewer rents, and

WHEREAS, pursuant to said provisions of the Administrative Code, the proposed interest rate to be charged non-payment of water rents and sewer rents for a property with an assessed value of more than two hundred fifty thousand dollars (\$250,000) shall be at least six percentage points (6%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes that as of May 9, 2012, the said prime rate stands at three and one-quarter per cent (3.25%), as published by the Federal Reserve Board of Governors, now, therefore, be it

RESOLVED, that the Banking Commission recommends to the City Council that the interest

rate to be charged for non-payment of water rents and sewer rents for all properties with an assessed value of more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, remains eighteen percent (18%) per annum for Fiscal Year 2013.

Dated May 9, 2012

Resolution No. 5 — Discount Rate Recommendation

WHEREAS, pursuant to Section 1519(a) of the City Charter, the Banking Commission is required to recommend to the City Council, not later than the twenty-fifth of May, the proposed discount percentage allowed for early payment of real estate taxes, now, therefore be it

RESOLVED, the Banking Commission recommends to the City Council, the discount percentage that shall be allowed for early payment of real estate taxes shall be one percent (1%) per annum for Fiscal Year 2013, and be it further

RESOLVED, that said discount rate is to be offered only for that portion of the real estate tax that is paid no later than the due date of a previous installment of real estate property taxes.

Dated May 9, 2012

Representative of the Mayor's Office and the Commissioner of Finance voted yea for Resolutions 1 through 5 and the representative of the Office of the City Comptroller voted nay for Resolutions 1 through 5.

Referred to the Committee on Finance.

REPORTS OF THE STANDING COMMITTEES**Reports of the Committee on Finance**

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

Report for L.U. No. 617

Report of the Committee on Finance in favor of approving St. Francis Apartments, Block 2287, Lot 46, Bronx, Council District No. 8.

The Committee on Finance, to which the annexed resolution was referred on May 31, 2012, respectfully

REPORTS:

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

May 31, 2012

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

Members of the Finance Committee

FROM: Tanisha Edwards, Counsel, Finance Division

RE: Finance Committee Agenda of May 31, 2012-Resolution approving tax exemptions for four preconsidered Land Use Items (Council Districts' 6, 8, and 15).

HPD has submitted a request to the Council to approve property tax exemptions for the following properties: St. Francis Apartments located in Council Member Mark-Viverito's district, George Hardy Apartments, located in Council Member Mark-Viverito's district, 1520 Sedgwick Avenue, located in Council Member Foster's district, and Crotona V, located in Council Member Rivera's district.

1520 Sedgwick Avenue consists of 1 building with 102 units of rental housing for low income families. 1520 Sedgwick Housing Development Fund Corp. ("HDFC") will acquire property at 1520 Sedgwick Avenue, WFHA 1520 Sedgwick, LP ("Partnership"), a limited partnership, will be the beneficial owner and will operate the Exemption Area. The HDFC and the Partnership will finance the acquisition and rehabilitation of the property with loans from a private lender and the City of New York Department of Housing Preservation and Development. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption from real property taxes pursuant to Article XI of the Private Housing Finance Law.

Saint Francis Apartments (block 2287 lot 46) in the Bronx, consists of 2 buildings with 96 units of rental housing for low income families. Under the proposed project, South Bronx Housing Development Fund Company, Inc. will retain fee title ownership of the property and will convey beneficial title to George Hardy St. Francis Apartments LLC, a New York limited liability company. The HDFC and LLC will finance the acquisition and rehabilitation of the Exemption Area with a loan from the HDC and low income housing tax credits. The HDFC, LLC, and HDC will enter into a regulatory agreement providing that at least 88 units must be rented to families whose incomes do not exceed 60% of area median income. Eligible tenants will receive Section 8 rental assistance. Saint Francis Apartments currently receives an exemption from real property taxation pursuant to Article XI of the Private Housing Finance Law. In order to facilitate the project, the current exemption must be terminated and replaced with a new exemption from real property taxation that is coterminous with the 32-year term of the new HDC mortgage loan.

George Hardy Apartments (Block 2281, Lot 21) in the Bronx, consists of 2 buildings with 108 units of rental housing for low income families. Under the proposed project, South Bronx Housing Development Fund Company, Inc. will retain fee title ownership of the property and will convey beneficial title to George Hardy St. Francis Apartments LLC, a New York limited liability company. The HDFC and LLC will finance the acquisition and rehabilitation of the George Hardy Apartments with a loan from the HDC and low income housing tax credits. The HDFC, LLC, and HDC will enter into a regulatory agreement providing that at least 93 units must be rented to families whose incomes do not exceed 60% of area median income. Eligible tenants will receive Section 8 rental assistance. George Hardy Apartments currently receives an exemption from real property taxation pursuant to Article XI of the Private Housing Finance Law. In order to facilitate the project, the current exemption must be terminated and replaced with a new exemption from real property taxation that is coterminous with the 32-year term of the new HDC mortgage loan.

Crotona V (Blocks 3002 and 3010, and Lots 25 and 21, respectively) in the Bronx, consists of 2 buildings with 87 units of rental housing for low income families. Under the proposed project, 1712 & 1715 HDFC, the owner and operator of Crotona V, will refinance an existing mortgage and rehabilitate the property with loans from the HDC and HPD. The HDFC and HPD will enter into a regulatory agreement establishing certain controls upon the operation of Crotona V. The HDFC and HDC will enter into a regulatory agreement providing that 25% of the dwelling units must be rented to families whose incomes do not exceed 60% of area median income. Eligible tenants will receive Section 8 rental assistance.

Crotona V currently receives an exemption from real property taxation that will expire upon the refinancing of the existing mortgage. In order to facilitate the project, the property must be granted a new exemption from real property taxation that is coterminous with the 40-year term of the new HDC and HPD regulatory agreements

These items have the approval of Councilmembers' Mark-Viverito, Foster, and Rivera.

ATTACHMENT:



MATHEW M. WAMBUA
Commissioner

Office of the Commissioner
100 Gold Street
New York, N.Y. 10038

APR 02 2012

Honorable Christine C. Quinn
Speaker of the Council
City Hall
New York, New York 10007
Attention: Gary Altman

Re: Crotona V
Block 3002, Lot 25
Block 3010, Lot 21
Bronx, Community District No. 3
Council District No. 15

Dear Madame Speaker:

The referenced property ("Exemption Area") contains two multiple dwellings known as Crotona V which provide rental housing for low income families.

Under the proposed project, 1712 & 1715 Housing Development Fund Company, Inc. ("HDFC"), the owner and operator of the Exemption Area, will refinance an existing mortgage and rehabilitate the Exemption Area with loans from the New York City Housing Development Corporation ("HDC") and the City of New York Department of Housing Preservation and Development ("HPD"). The HDFC and HPD will enter into a regulatory agreement establishing certain controls upon the operation of the Exemption Area. The HDFC and HDC will enter into a regulatory agreement providing that twenty-five percent (25%) of the dwelling units must be rented to families whose incomes do not exceed 60% of area median income. Eligible tenants will receive Section 8 rental assistance.

The Exemption Area currently receives an exemption from real property taxation that will expire upon the refinancing of the existing mortgage. In order to facilitate the project, the Exemption Area must be granted a new exemption from real property taxation that is coterminous with the 40-year term of the new HDC and HPD regulatory agreements.

HPD respectfully requests that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, an exemption from real property taxation as follows:

- For the purposes hereof, the following terms shall have the following meanings:
 - "Effective Date" shall mean the later of (i) the date that HPD and the Owner enter into the HPD Regulatory Agreement, and (ii) the date that HDC and the Owner enter into the HDC Regulatory Agreement.
 - "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3002, Lot 25 and Block 3010, Lot 21, on the Tax Map of the City of New York.
 - "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the HPD Regulatory Agreement, (iii) the date of expiration or termination of the HDC Regulatory Agreement, (iv) 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, or (v) 120 days from the date of the expiration or termination

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of the Section 8 Housing Assistance Payments Contracts or contracts under a similar or successor program, unless the Owner or, subject to HPD approval, another housing development fund company organized pursuant to Article XI of the PHFL, has entered into a new regulatory agreement with HPD regarding rental subsidy for tenants living in the Exemption Area.

- "HDC" shall mean the New York City Housing Development Corporation.
 - "HDC Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of 40 years, twenty-five percent (25%) of the dwelling units in the Exemption Area must be rented to families whose incomes do not exceed 60% of area median income.
 - "HDFC" shall mean 1712 & 1715 Housing Development Fund Company, Inc.
 - "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - "HPD Regulatory Agreement" shall mean the regulatory agreement between the Owner and HPD establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
 - "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - "Owner" shall mean the HDFC or any future owner of the Exemption Area.
 - "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on July 20, 1978 (Cal. No. 322).
 - "Shelter Rent" shall mean the total rents received from the commercial and residential 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.
 - "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.
- The Prior Exemption shall terminate upon the Effective Date.
 - All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 - 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 any existing or future local, state, or federal law, rule or regulation.

Notwithstanding any provision hereof to the contrary:

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- The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HPD Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of the HDC 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 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 New Exemption shall prospectively terminate.
 - 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.
 - Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
- In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New 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.

HPD recommends approval of this matter and requests that it be referred to the appropriate committee at the next scheduled meeting of the Council.

Sincerely,

Mathew M. Wambua

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MATHEW M. WAMBUA
Commissioner

Office of the Commissioner
100 Gold Street
New York, N.Y. 10038

MAY 02 2012

Honorable Christine C. Quinn
Speaker of the Council
City Hall
New York, New York 10007
Attention: Gary Altman

Re: 1520 Sedgwick Avenue
Block 2880, Lot 17
Bronx, Community District No. 5
Council District No. 6

Dear Madame Speaker:

The referenced property ("Exemption Area") contains one multiple dwelling known as 1520 Sedgwick Avenue that provides rental housing for low income families.

Under the proposed project, 1520 Sedgwick Housing Development Fund Corp. ("HDFC") will acquire the Exemption Area and WFHA 1520 Sedgwick, LP ("Partnership"), a limited partnership, will be the beneficial owner and will operate the Exemption Area. The HDFC and the Partnership (collectively, "Owner") will finance the acquisition and rehabilitation of the property with loans from a private lender and the City of New York Department of Housing Preservation and Development ("HPD"). The Owner and HPD will enter into a regulatory agreement establishing certain controls upon the operation of the Exemption Area.

The Exemption Area currently does not receive any exemption from real property taxation. In order to facilitate the project, HPD respectfully requests that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, an exemption from real property taxation as follows:

- For the purposes hereof, the following terms shall have the following meanings:
 - "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - "Exemption" shall mean the exemption from real property taxation provided hereunder.
 - "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2880, Lot 17 on the Tax Map of the City of New York.
 - "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

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Commissioner

100 Gold Street
New York, N.Y. 10038

MAY 07 2012

Honorable Christine C. Quinn
Speaker of the Council
City Hall
New York, New York 10007
Attention: Gary AltmanRe: George Hardy Apartments
Block 2281, Lot 21
Bronx, Community District No. 1
Council District No. 8

Dear Madame Speaker:

The referenced property ("Exemption Area") contains two multiple dwellings known as George Hardy Apartments, which provide rental housing for low income families.

Under the proposed project, South Bronx Housing Development Fund Company, Inc. ("HDFC") will retain fee title ownership of the Exemption Area and will convey beneficial title to George Hardy St. Francis Apartments LLC, a New York limited liability company (the "Company"). The HDFC and the Company (collectively, "Owner") will finance the acquisition and rehabilitation of the Exemption Area with a loan from the New York City Housing Development Corporation ("HDC") and low income housing tax credits. The Owner and HDC will enter into a regulatory agreement providing that at least 93 units must be rented to families whose incomes do not exceed 60% of area median income. Eligible tenants will receive Section 8 rental assistance.

The Exemption Area currently receives an exemption from real property taxation pursuant to Article XI of the Private Housing Finance Law. In order to facilitate the project, the current exemption must be terminated and replaced with a new exemption from real property taxation that is coterminous with the 32-year term of the new HDC mortgage loan.

HPD respectfully requests that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, an exemption from real property taxation as follows:

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

- (a) "Company" shall mean George Hardy St. Francis Apartments LLC.
- (b) "Effective Date" shall mean the date that HDC and the Owner enter into the Regulatory Agreement.
- (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2281, Lot 21 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-two years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory

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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) "HDC" shall mean the New York City Housing Development Corporation.
- (f) "HDFC" shall mean South Bronx Housing Development Fund Company, Inc.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (h) "Owner" shall mean collectively, the HDFC and the Company.
- (i) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on October 29, 1970 (Cal. No. 13).
- (j) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of 32 years, at least 93 of the dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
- (k) "Shelter Rent" shall mean the total rents received from the commercial and residential 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.
- (l) "Shelter Rent Tax" shall mean an amount equal to two percent (2%) of Shelter Rent.

2. The Prior Exemption shall terminate upon the Effective Date.

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

4. 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 any existing or future local, state, or federal law, rule or regulation.

5. Notwithstanding any provision hereof to the contrary:

- a. The New 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

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- (e) "HDFC" shall mean 1520 Sedgwick Housing Development Fund Corp.
 - (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (g) "Owner" shall mean, collectively, the HDFC and the Partnership.
 - (h) "Partnership" shall mean WFHA 1520 Sedgwick, LP.
 - (i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
 - (j) "Shelter Rent" shall mean the total rents received from the commercial and residential 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.
 - (k) "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 taxes, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the 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 any 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 being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall not apply to any building constructed on the Exemption Area that did not have a permanent certificate of occupancy on the Effective Date.



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

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.

HPD recommends approval of this matter and requests that it be referred to the appropriate committee at the next scheduled meeting of the Council.

Sincerely,

 Mathew M. Wambua

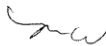


Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to 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 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 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.
6. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New 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.

HPD recommends approval of this matter and requests that it be referred to the appropriate committee at the next scheduled meeting of the Council.

Sincerely,



Mathew M. Wambua



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NYC
 Department of
 Housing Preservation
 & Development
 nyc.gov/hpd

Commissioner
 100 Gold Street
 New York, N.Y. 10038

MAY 07 2012

Honorable Christine C. Quinn
 Speaker of the Council
 City Hall
 New York, New York 10007
 Attention: Gary Altman

Re: Saint Francis Apartments
 Block 2287, Lot 46
 Bronx, Community District No. 1
 Council District No. 8

Dear Madame Speaker:

The referenced property ("Exemption Area") contains two multiple dwellings known as Saint Francis Apartments, which provide rental housing for low income families.

Under the proposed project, South Bronx Housing Development Fund Company, Inc. ("HDFC") will retain fee title ownership of the Exemption Area and will convey beneficial title to George Hardy St. Francis Apartments LLC, a New York limited liability company (the "Company"). The HDFC and the Company (collectively, "Owner") will finance the acquisition and rehabilitation of the Exemption Area with a loan from the New York City Housing Development Corporation ("HDC") and low income housing tax credits. The Owner and HDC will enter into a regulatory agreement providing that at least 88 units must be rented to families whose incomes do not exceed 60% of area median income. Eligible tenants will receive Section 8 rental assistance.

The Exemption Area currently receives an exemption from real property taxation pursuant to Article XI of the Private Housing Finance Law. In order to facilitate the project, the current exemption must be terminated and replaced with a new exemption from real property taxation that is coterminous with the 32-year term of the new HDC mortgage loan.

HPD respectfully requests that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, an exemption from real property taxation as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - (a) "Company" shall mean George Hardy St. Francis Apartments LLC.
 - (b) "Effective Date" shall mean the date that HDC and the Owner enter into the Regulatory Agreement.
 - (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2287, Lot 46 on the Tax Map of the City of New York.
 - (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-two years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory

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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.

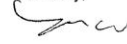
- (e) "HDC" shall mean the New York City Housing Development Corporation.
 - (f) "HDFC" shall mean South Bronx Housing Development Fund Company, Inc.
 - (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (g) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (h) "Owner" shall mean collectively, the HDFC and the Company.
 - (i) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on November 10, 1970 (Cal. No. 19).
 - (j) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of 32 years, at least 88 of the dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
 - (k) "Shelter Rent" shall mean the total rents received from the commercial and residential 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.
 - (l) "Shelter Rent Tax" shall mean an amount equal to six percent (6%) of Shelter Rent.
2. The Prior Exemption shall terminate upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 4. 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 any existing or future local, state, or federal law, rule or regulation.
 5. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the

Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to 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 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 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.
6. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New 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.

HPD recommends approval of this matter and requests that it be referred to the appropriate committee at the next scheduled meeting of the Council.

Sincerely,



Mathew M. Wambua



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

Res. No. 1354

Resolution approving an exemption from real property taxes for property located at (Block 2287, Lot 46) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 617)

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 7, 2012 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 2287, Lots 46) Bronx ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on May 31, 2012;

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

RESOLVED:

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

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

- (a) "Company" shall mean George Hardy St. Francis Apartments LLC.
- (b) "Effective Date" shall mean the date that HDC and the Owner enter into the Regulatory Agreement.
- (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2287, Lot 46 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-two years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "HDC" shall mean the New York City Housing Development Corporation.
- (f) "HDFC" shall mean South Bronx Housing Development Fund Company, Inc.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (h) "Owner" shall mean collectively, the HDFC and the Company.
- (i) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on November 10, 1970 (Cal. No. 19).
- (j) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of 32 years, at least 88 of the dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
- (k) "Shelter Rent" shall mean the total rents received from the commercial and residential 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.
- (l) "Shelter Rent Tax" shall mean an amount equal to six percent (6%)

of Shelter Rent.

2. The Prior Exemption shall terminate upon the Effective Date.
 1. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. 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 any existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to 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 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 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 New Exemption, the owner of the Exemption Area, for so long as the New 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, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, May 31, 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).

The Committee on Finance, to which the annexed resolution was referred on May 31, 2012, respectfully

Report for L.U. No. 618

Report of the Committee on Finance in favor of approving George Hardy Apartments, Block 2281, Lot 21, Bronx, Council District No. 8

The Committee on Finance, to which the annexed resolution was referred on May 31, 2012, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 617 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1355

Resolution approving an exemption from real property taxes for property located at (Block 2281, Lot 21) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 618)

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 7, 2012 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 2287, Lot 46) Bronx ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on May 31, 2012;

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

RESOLVED:

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

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

- (a) "Company" shall mean George Hardy St. Francis Apartments LLC.
- (b) "Effective Date" shall mean the date that HDC and the Owner enter into the Regulatory Agreement.
- (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2281, Lot 21 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-two years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "HDC" shall mean the New York City Housing Development Corporation.
- (f) "HDFC" shall mean South Bronx Housing Development Fund Company, Inc.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (h) "Owner" shall mean collectively, the HDFC and the Company.

(i) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on October 29, 1970 (Cal. No. 13).

(j) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of 32 years, at least 93 of the dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.

(k) "Shelter Rent" shall mean the total rents received from the commercial and residential 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.

(l) "Shelter Rent Tax" shall mean an amount equal to two percent (2%) of Shelter Rent.

2. The Prior Exemption shall terminate upon the Effective Date.

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

4. 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 any existing or future local, state, or federal law, rule or regulation.

5. Notwithstanding any provision hereof to the contrary:

a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to 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 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 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.

6. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New 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, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, May 31, 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. 619

Report of the Committee on Finance in favor of approving 1520 Sedgwick Avenue, Block 2880, Lot 17, Bronx, Council District 16

The Committee on Finance, to which the annexed resolution was referred on May 31, 2012, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 617 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1356

Resolution approving an exemption from real property taxes for property located at (Block 2280, Lot 17) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 619)

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated May 2, 2012 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 2280, Lot 17) Bronx ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on May 31, 2012;

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

RESOLVED:

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

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

- (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2280, Lot 17 on the Tax Map of the City of New York
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the 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 1520 Sedgwick Housing Development Fund Corp.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "Owner" shall mean, collectively, the HDFC and the Partnership.
- (h) "Partnership" shall mean WFHA 1520 Sedgwick, LP.
- (i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- (j) "Shelter Rent" shall mean the total rents received from the commercial and residential 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.
- (k) "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 taxes, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the 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 any 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 being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall not apply to any building constructed on the Exemption Area that did not have a permanent certificate of occupancy on the Effective Date.
 - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- 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, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, May 31, 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. 620

Report of the Committee on Finance in favor of approving Crotona V, Block 3002, Lot 25, Block 3010, Lot 21, Bronx, Council District 15

The Committee on Finance, to which the annexed resolution was referred on May 31, 2012, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 617 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1357

Resolution approving an exemption from real property taxes for property located at (Blocks 3002, 3010, and Lots 25 and 21, respectively) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 620)

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated April 2, 2012 that the Council take the following action regarding a housing project (the "Project") to be located at Blocks 3002, 3010, and Lots 25 and 21, respectively, Bronx ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on May 31, 2012;

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

RESOLVED:

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

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

- (a) "Effective Date" shall mean the later of (i) the date that HPD and the Owner enter into the HPD Regulatory Agreement, and (ii) the date that HDC and the Owner enter into the HDC Regulatory Agreement.
- (b) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3002, Lot 25 and Block 3010, Lot 21, on the Tax Map of the City of New York.
- (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the HPD Regulatory Agreement, (iii) the date of expiration or termination of the HDC Regulatory

Agreement, (iv) 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, or (v) 120 days from the date of the expiration or termination of the Section 8 Housing Assistance Payments Contracts or contracts under a similar or successor program, unless the Owner or, subject to HPD approval, another housing development fund company organized pursuant to Article XI of the PHFL, has entered into a new regulatory agreement with HPD regarding rental subsidy for tenants living in the Exemption Area.

- (d) "HDC" shall mean the New York City Housing Development Corporation.
- (e) "HDC Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of 40 years, twenty-five percent (25%) of the dwelling units in the Exemption Area must be rented to families whose incomes do not exceed 60% of area median income.
- (f) "HDFC" shall mean 1712 & 1715 Housing Development Fund Company, Inc.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) "HPD Regulatory Agreement" shall mean the regulatory agreement between the Owner and HPD establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- (i) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (j) "Owner" shall mean the HDFC or any future owner of the Exemption Area.
- (k) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on July 20, 1978 (Cal. No. 322).
- (l) "Shelter Rent" shall mean the total rents received from the commercial and residential 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.
- (m) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.

- 2. The Prior Exemption shall terminate upon the Effective Date.
- 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- 4. 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 any existing or future local, state, or federal law, rule or regulation.
- 5. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HPD Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of the HDC 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 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 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 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 as of the Effective Date.
6. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New 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, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, May 31, 2012.

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

Reports of the Committee on Governmental Operations

Report for Int. No. 479-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring city contractors and subcontractors to post information concerning their employees' reporting of fraud, false claims, criminality or corruption and their whistleblower protection rights.

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on February 16, 2011 (Minutes, page 400), respectfully

REPORTS:

I. Introduction

Today, the Committee on Governmental Operations (the "Committee"), chaired by Council Member Gale Brewer, will meet to vote on three pieces of legislation aimed at strengthening the City's ability to prevent and uncover the misuse of taxpayer dollars. Specifically, the Committee will consider: (1) Proposed Int. No. 828-A, a local law to amend the administrative code of the city of New York, in relation to the new york city false claims act; (2) Proposed Int. No. 479-A, a local law to amend the administrative code of the city of New York, in relation to requiring city contractors and subcontractors to post information concerning their employees' reporting of fraud, false claims, criminality or corruption and their whistleblower protection rights; and (3) Proposed Int. No. 816-A, a local law to amend the administrative code of the city of New York, in relation to extending whistleblower protection for officers and employees of city contractors and subcontractors.

The Committee held a previous hearing on these bills on April 16, 2012.

II. Background

A. *The New York City False Claims Act*

1. Statutory Framework

In May 2005, the Council passed Local Law No. 53, which created the New York City False Claims Act ("City FCA"). With its passage, New York City became the third city, after San Francisco and Chicago, to adopt its own false claims law.¹ The City FCA, like the Federal FCA it was modeled after, is intended to protect and

for the Lower Ma_____

¹ See Lesley Ann Skillen, "The New York City False Claims Act: A Tale of One City," *The False Claims Act and Qui Tam Quarterly Review*, Vol. 39, October 2005, at 93.

enhance the public coffers and save taxpayers money by uncovering fraud against the City and by rewarding whistleblowers who bring forth information about fraudulent claims.

Specifically, the City FCA provides a cause of action – known as a "civil enforcement action" – to recover funds from any person who makes false or fraudulent claims to the City.² Generally, any knowingly false claim or false statement that involves payment or a demand for payment from the City, or which deprives it of revenues in some way, is actionable.³ Pursuant to the law, anyone who makes a false claim to the City is liable to the City for three times the amount of the damages caused by the false claim, a civil penalty of between \$5,000 and \$15,000 for each false claim, and the costs and attorney's fees associated with bringing a civil enforcement action.⁴

In addition, private individuals may submit to the City "proposed civil complaints" containing allegations of fraudulent activity.⁵ Upon receiving a proposed civil complaint, the City is required to diligently investigate its allegations.⁶ Within 180 days of receipt of a proposed civil complaint, the Corporation Counsel must inform the person who submitted it that the City will either: (1) commence a civil enforcement proceeding based upon the complaint (in which case the Corporation Counsel is required to commence a proceeding within 90 days of such notice); (2) authorize the person who submitted the complaint to commence such a proceeding; or (3) decline to commence a proceeding—in which case no proceeding may be brought either by the City or the person who submitted the proposed civil complaint.⁷ The Corporation Counsel, however, may only decline to commence a civil enforcement action based on a proposed civil complaint submitted by a private individual if it makes one of several enumerated determinations.⁸

If the Corporation Counsel commences a civil enforcement action based on a proposed civil complaint, then the person who submitted the complaint is entitled to between 10 and 25% of the proceeds of the case.⁹ If a private individual commences a civil enforcement action authorized by the corporation counsel, such person is entitled to between 15 and 30% of the proceeds of the case.¹⁰ The court determines the exact amount of the entitlement taking into account various factors, including the extent of the private individual's involvement in the litigation, the quality of the information reported, and fundamental fairness.¹¹

Pursuant to Local Law No. 53, the City FCA will expire on June 1, 2012 unless the Council acts to renew it.

2. The New York State False Claims Act

In 2007, the New York State Legislature enacted the New York State False Claims Act ("State FCA").¹² The State FCA, which was enacted following the passage of the federal Deficit Reduction Act of 2005, addresses many loopholes that exist in other FCA laws.¹³ Under the State FCA, either the New York State Attorney

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² N.Y.C. Admin. Code § 7-804.

³ N.Y.C. Admin. Code § 7-803(a)(1)-(7).

⁴ N.Y.C. Admin. Code § 7-803.

⁵ N.Y.C. Admin. Code § 7-804(c).

⁶ Pursuant to the rules adopted by the New York City Department of Investigation ("DOI") and the Law Department, proposed civil complaints must be submitted to DOI. Within thirty days of receipt of a proposed civil complaint, DOI notifies the Law Department as to whether the matter involved is already the subject of an ongoing investigation, or may warrant the opening of a new investigation by DOI. See 46 RCNY § 3-01 (Rule Governing the Protocol for Processing Proposed Civil Complaints Pursuant to the New York City False Claims Act).

⁷ N.Y.C. Admin. Code § 7-804(b)(2).

⁸ The bases for a determination to decline to commence a civil enforcement action include: (1) the proposed civil complaint is based on claims, records or statements made pursuant to federal, state or local tax law; (2) the proposed civil complaint is based upon false claims with a cumulative value of less than \$25,000; (3) the proposed civil complaint is based upon allegations which are the subject of a pending criminal or civil action in which the City is already a party; (4) the proposed civil complaint is derived from already public disclosures, unless the person who submitted the proposed civil complaint was the primary source of the public information; (5) the proposed civil complaint is based upon information discovered by an employee of the City, state or federal government unless the employee first reported the information to the Department of Investigation and the City then failed to act on the information within six months of its receipt; (6) the proposed civil complaint is against the City, state or federal government or any officer or employee acting within the scope of his or her employment; (7) commencing a civil enforcement action would interfere with a contractual relationship between the city and an entity providing goods or services which would significantly interfere with the provision of important goods or services, or would jeopardize the health and safety of the public; (8) the proposed civil complaint is based upon an interpretation of law or regulation which the corporation counsel disputes and which, if adopted, would result in significant cost to the City; or (9) the proposed civil complaint, if filed in a court of competent jurisdiction, would be dismissed for failure to state a claim upon which relief may be based. N.Y.C. Admin. Code § 7-804(b)(3)(i)-(iv), (d)(1)-(5). Additionally, if the DOI Commissioner determines that a civil enforcement action based on a proposed civil complaint would interfere with or jeopardize an investigation by a governmental agency, then the Corporation Counsel may decline to commence a civil enforcement proceeding or designate the person who submitted the proposed civil complaint to do so until such time as commencement of an action would no longer jeopardize the investigation. N.Y.C. Admin. Code § 7-804(c).

⁹ N.Y.C. Admin. Code § 7-804(i)(1).

¹⁰ N.Y.C. Admin. Code § 7-804(i)(2).

¹¹ N.Y.C. Admin. Code § 7-804(i)(2). In cases in which the private individual who submitted the information actually initiated the false claim violation, a court can award less than the statutory amounts; if the private individual is convicted of criminal conduct as a result of his or her role in the false claims violation, he or she is not entitled to share any of the proceeds. N.Y.C. Admin. Code § 7-804(i)(v), (vi).

¹² N.Y. Fin. Law §§ 187-194.

¹³ In February 2006, Congress sought to close a major loophole in its ability to gain full recovery in Medicaid fraud cases. Because the federal FCA only applies to fraud against the federal government, and Medicaid costs are shared by the federal government and the states, full recovery in these cases can only be had if a state has its own robust false claims act. Thus, in order to encourage states to enact their own versions of the federal FCA, the Deficit Reduction Act of 2005

General or a local government may bring a lawsuit against a person or a company that obtains or withholds funds or property from the State or local government through false or fraudulent conduct.¹⁴ Like the Federal FCA and City FCA, those found to have defrauded a state or local government are liable for treble damages, plus a civil penalty.¹⁵

In addition, the State FCA contains a “qui tam”¹⁶ provision whereby any person may bring an action on behalf of the State or a local government by filing a complaint *in camera*.¹⁷ The qui tam complaint must remain under seal for at least sixty days, and may not be served on the defendant unless ordered by the court.¹⁸ Within sixty days after a qui tam complaint is filed, the Attorney General must elect to supersede or intervene and proceed with the action, or to authorize the affected local government to supersede or intervene, except that if a case involves damages to only New York City, the Attorney General must receive the consent of the Corporation Counsel to supersede or intervene.¹⁹ As with the City FCA, a private individual who files a complaint under the FCA is entitled to a share of any recovery. The ranges for recovery afforded to private individuals under the City and State FCAs differ somewhat, as follows:

	If government intervenes or supersedes	If government declines to intervene or supersede
City FCA	10%-25%	15%-30% ²⁰
State FCA	15%-25%	25%-30%

3. The Committee’s Oversight Hearing

On January 20, 2012, the Committee held an oversight hearing regarding the usage and efficacy of the City FCA in order to evaluate whether the law should be extended beyond June 1, 2012, when it is currently set to expire.²¹ The Committee heard from several witnesses, including a representative of DOI and two prominent practitioners with experience litigating FCA cases at the federal, state, and local levels. The Committee also received written testimony from the Law Department.

Marjorie Landa, DOI Deputy Commissioner for Legal Affairs, testified in support of extending the City FCA.²² According to information provided by DOI, since the City FCA went into effect in 2006 through the end of 2011, DOI received a total of fifty-two submissions – including thirty within the past two years. Of these, DOI has opened six FCA submissions for investigation, three of which are still pending. In several of these cases, the receipt of a proposed civil complaint was the first notice that the City had of the alleged misconduct and potential loss of City funds. According to Deputy Commissioner Landa, DOI’s ability to promptly conduct an investigation in these cases resulted in positive outcomes to the City in the form of recovery of funds and a significant alteration of practices. In other cases, the City FCA requirement of first service on DOI was critical to preserving the confidentiality of ongoing criminal investigations.

The Law Department also supports extending the City FCA.²³ According to the Law Department, there have been eighty-one Federal, State or City FCA filings since the enactment of the City FCA, fifty-two of which involved Medicaid or Medicare claims.²⁴ Currently, seventeen cases remain open and subject of ongoing investigation. The Law Department asserts that many of these cases in the pipeline would be adversely affected by the City FCA’s sunset provision. Although the Law Department has not commenced any cases based on a proposed civil complaint

contained a provision that provides incentive for states to do just that. In essence, a state that has in effect a qualifying FCA is entitled to an increase of ten percentage points in the share of any amounts recovered under a Medicaid fraud action. The provision lays out several criteria that a state’s FCA must meet in order to qualify for the increased share of recovery. Specifically, a state FCA must: (1) create liability for false or fraudulent claims on the Medicaid program; (2) be “at least as effective in rewarding and facilitating qui tam actions” as those in the federal FCA; (3) provide for filing an action under seal for 60 days with review by the state Attorney General; and (4) contain a civil penalty that is not less than that in the federal FCA. 42 U.S.C. § 1909(b). The Inspector General of the United States Department of Health and Human Services, in consultation with the United States Attorney General, determines whether these requirements are met. See U.S. Dep’t of Health and Human Serv., Guidelines for Evaluating State False Claims Acts (August 2006). Currently, twenty-nine states, including New York, have their own versions of the federal FCA. Fourteen of these were enacted following the passage of the Deficit Reduction Act.

¹⁴ N.Y. Fin. Law § 190.

¹⁵ N.Y. Fin. Law § 189.

¹⁶ *Qui tam* is short for the Latin phrase *qui tam pro domino rege quam pro se ipso in hac parte sequitur*, which means “who pursues this action on our Lord the King’s behalf as well as his own.” The phrase and such actions date to around the end of the 13th century, when private individuals began bringing suit in the royal courts on both their and the Crown’s behalf. See *Vermont Agency v. U.S.*, 529 U.S. 781, 769 n.1 (2000).

¹⁷ N.Y. Fin. Law § 190(2).

¹⁸ N.Y. Fin. Law § 190(2)(b).

¹⁹ *Id.*

²⁰ As discussed above, under the City FCA, a private individual may only proceed if the Corporation Counsel authorizes him or her to sue on the City’s behalf.

²¹ See Briefing Paper, *Oversight: Examining the Usage and Efficacy of the New York City False Claims Act*, January 20, 2012, Committee on Governmental Operations.

²² See DOI, Testimony of the New York City Department of Investigation Regarding the New York City False Claims Act before the Committee on Governmental Operations, January 20, 2012.

²³ See Law Department, Letter from Gail Rubin, Chief of Affirmative Litigation Division, to Committee on Governmental Operations, January 19, 2012.

²⁴ Pursuant to federal law, all Medicaid recoveries go to the State and not the City. As such, the Corporation Counsel declines to pursue any action involving allegations of Medicaid fraud on the basis that such action would be “based upon an interpretation of law or regulation which, if adopted, would result in significant cost to the city,” since any share that a private individual might recover would come out of the City treasury, without the City receiving any corresponding benefit. See N.Y.C. Admin. Code § 7-804(b)(3)(ii).

submitted by a private individual, the City has pled a civil enforcement claim under the FCA in at least eight cases, along with other causes of action. In addition, several cases have been resolved through settlement.

Two prominent practitioners also testified in support of extending the City FCA, but proposed amendments to the law. David Koenigsberg, an attorney with Menz Bonner Komar & Koenigsberg LLP, testified that the City FCA is inferior to, and thus less useful than, the State FCA.²⁵ He cited the fact that a private individual cannot proceed with a case without the permission of the Corporation Counsel as a major deterrent to filing a case under the City FCA. Mr. Koenigsberg feels that if the City FCA is renewed, it should be amended to permit private individuals to have direct access to the courthouse and decide whether to proceed with a case when the Corporation Counsel declines to intervene. Similarly, Neil Getnick, an attorney with Getnick & Getnick, testified in strong support of extending the City FCA. According to Mr. Getnick, even after the passage of the State FCA, the City FCA remains an important part of a “rich interlocking synergy of laws.” Mr. Getnick testified that the City FCA should be extended, but also amended to conform to the State FCA by amending (i) the public disclosure bar; (ii) pleading standards; (iii) retaliation protection; and (iv) lifting of the tax bar.

B. The City’s Whistleblower Law

1. Current protections

“Whistleblowers” are persons with inside information who expose wrongdoing within an organization, such as fraud or corruption. In the government context, whistleblowers are often crucial to uncovering misuse of taxpayer dollars. Many potential whistleblowers, however, are reluctant to come forward with information out of fear of reprisal. So-called “whistleblower laws” seek to protect whistleblowers by prohibiting retaliation against persons who report official misconduct. By making it safe for whistleblowers to come forward, such protections serve the public good by enabling fraud and corruption to be uncovered earlier and more frequently.

With this in mind, in 1984, the Council enacted the City’s Whistleblower Law.²⁶ The City’s Whistleblower Law protects city employees from retaliation for reporting information concerning five specific types of official misconduct: (1) corruption, (2) criminal activity, (3) conflicts of interest, (4) gross mismanagement, and (5) abuse of authority.²⁷ No adverse personnel action may be taken against a city employee for reporting such information that he or she knows or reasonably believes to involve such misconduct by another city officer or employee, or by persons dealing with the City, such as a contractor.²⁸ To be afforded protection under the law, however, a city employee must report the information to DOI, or to a member of the City Council, the public advocate or the comptroller, each of whom must refer the report to DOI.²⁹

DOI is required to investigate any allegation of unlawful retaliation.³⁰ Upon completion of the investigation, if DOI determines that unlawful retaliation occurred, DOI reports its findings along with recommendations for remedial action to the relevant agency head.³¹ If an agency head fails to take appropriate remedial action, DOI then consults with the agency head to afford a reasonable opportunity to take such appropriate action.³² If remedial action is still not taken, DOI must report its findings and the non-responsiveness of the agency head to the mayor (or other relevant appointing authority), who may order that appropriate remedial action be taken.³³

DOI conducts ongoing public education efforts to inform city employees of their rights and responsibilities under the Whistleblower Law. DOI’s “Corruption Prevention/Whistleblower Protection” campaign includes frequent lectures and the distribution of printed materials, such as brochures and posters, to city employees regarding how to recognize and report corruption. DOI also teaches city employees how to avoid conflicts of interest and educates them about their right to be protected from retaliation for reporting misconduct. Since this campaign began in 2002, DOI has given more than 3,800 lectures to city employees and individuals who do business with the City.³⁴ According to DOI, these efforts have resulted in an increased number of complaints from city employees about alleged wrongdoing.

2. City contractors

The protection afforded by the City’s Whistleblower Law does not apply to private employees, including employees of city contractors. Work performed by contractors, however, makes up a very significant portion of the City’s

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²⁵ See Statement of David A. Koenigsberg, Re: New York City False Claims Act, January 20, 2012.

²⁶ See Local Law No. 10 of 1984.

²⁷ N.Y.C. Admin. Code § 12-113(b)(1).

²⁸ *Id.* An “adverse personnel action” includes dismissal, demotion, suspension, disciplinary action, negative performance evaluation, any action resulting in loss of staff, office space or equipment or other benefit, failure to appoint, failure to promote, or any transfer or assignment or failure to transfer or assign against the wishes of the affected officer or employee. N.Y.C. Admin. Code § 12-113(a)(1).

²⁹ N.Y.C. Admin. Code § 12-113(b)(1).

³⁰ N.Y.C. Admin. Code § 12-113(d)(1).

³¹ N.Y.C. Admin. Code § 12-113(d).

³² *Id.*

³³ *Id.*

³⁴ www.nyc.gov/html/doi/html/report/whistleblower.shtml.

expenditures. Indeed, the City's FY 2012 contract budget includes more than 17,000 contracts totaling approximately \$10 billion.³⁵ Many of these contracts are for the types of projects historically susceptible to fraud and abuse, such as construction, technology, and social services contracts.

In recent years, several major projects have been marred by fraud, abuse, and mismanagement by city contractors. Most infamously, CityTime, an effort at modernizing the City's payroll system through the creation of a web-based timekeeping program, was plagued by widespread fraud perpetrated by the contractor responsible for the project, including an illegal kickback scheme and wasteful cost overruns.³⁶ This contractor recently agreed to pay to the City \$500 million in restitution and penalties for the damages sustained by the City.³⁷

While DOI devotes significant time and resources to monitoring and investigating potential fraud by contractors, in many instances, employees of contractors are the persons who are in the best position to recognize and root out such fraud at the earliest juncture. Yet, under current law, these persons are not protected from retaliation by their employers if they report information to DOI.³⁸

III. The Previous Hearing

At the previous hearing held on April 16, 2012, the Committee received testimony from representatives of DOI and the Mayor's Office of Contract Services ("MOCs"), along with written testimony from the Law Department (collectively, the "Administration"). The Committee also received testimony in support of all three bills from Citizen's Union, the National Whistleblower Center, and attorney-practitioner Neil Getnick.

The Administration testified in support of the extension of the City FCA (Proposed Int. No. 828-A). With respect to Proposed Int. No. 479-A, the Administration testified in support of requiring contractors to post information about the whistleblower protection rights afforded their employees, but offered an amendment: to also require contractors to post information about how their employees can report information about fraud, false claims, criminality and corruption to DOI. With respect to Proposed Int. 816-A, the Administration testified in opposition to the extent the bill required DOI to investigate retaliation claims, which DOI believed would entangle the City in complicated private labor disputes that would result in a significant drain on DOI's resources.³⁹

Amendments have been made to the bills that fully address the recommendations and reservations expressed by the Administration at the April 16th hearing. Specifically,

- **Proposed Int. No. 479-A** has been amended to require contractors to post information regarding how their employees can report to DOI allegations of fraud, false claims, criminality or corruption. In addition, Int. No. 479-A has been amended to also require notice regarding the expanded whistleblower protections afforded employees of contractors and subcontractors pursuant to Int. No. 816-A. Finally, Int. No. 479-A has been amended to require subcontractors, as well as contractors to post notices about their employees' whistleblower rights.
- **Proposed Int. No. 816-A** has been amended to remove the requirement that DOI investigate retaliation claims and report its findings to the City's Chief Procurement Officer. Instead, an employee may go directly to court to enforce his or her rights via a private right of action. In the event an employee files a lawsuit against a contractor, the employee is required to provide notice to the contracting agency.⁴⁰ This notice will ensure that contracting agencies are made aware of allegations of adverse personnel actions in violation of the whistleblower law, so that they may take any appropriate actions pursuant to the remedies available under the contract. In addition, Int. No. 816-A has been amended to clarify that the law does not apply to government-to-government contracts or emergency procurements. It has also been amended to clarify that, for purposes of whistleblower protection, employees of "local development corporations or other not-for-profit corporations that are parties to contracts with contracting agencies and the governing boards of which include city officials acting in their official capacity or appointees of city officials" -- or so-called "quasi-governmental" entities -- are to be considered city

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³⁵ New York City Council, The Council's Response to the Mayor's FY 2012 Preliminary Budget and Preliminary Management Report, April 8, 2011, at 4.

³⁶ See Michael M. Grynbaum, "Contractor Strikes \$500 Million Deal in City Payroll Scandal," *The New York Times*, March 14, 2012.

³⁷ *Id.*

³⁸ The City FCA provides some whistleblower protection to both city and non-city employees. N.Y.C. Admin. Code § 7-805. This protection, however, is only afforded to persons who submit a proposed civil complaint pursuant to the City FCA, and thus only pertains to false claims, not the broader category of fraud and abuse covered by the City's Whistleblower Law.

³⁹ See DOI, Written Statement of the Department of Investigation before the New York City Council Committee on Governmental Operations, April 16, 2012.

⁴⁰ Failure to do so, however, does not prejudice the employee's right to recovery.

employees rather than employees of a contractor or subcontractor. Finally, Int. No. 816-A has been amended to include subcontractors, as well as contractors.

IV. The Legislation

A. Proposed Int. No. 828-A

Proposed Int. No. 828-A, sponsored by Chair Brewer, would remove the City FCA's current repeal date of June 1, 2012.

The bill would also amend the City FCA in order to bring the City FCA in closer conformance with the State FCA, as follows:

- **Clarify that the City may waive the "public disclosure bar."** This amendment would enable the City to file cases that would otherwise be barred because the information provided by a private individual was "derived from public disclosure of allegations or transactions in a criminal, civil or administrative hearing, in a legislative or administrative report, hearing, audit or investigation, or upon allegations or transactions disclosed by the news media and likely to be seen by the city officials responsible for addressing false claims."⁴¹ This would bring the City FCA in conformance with the State FCA and recent amendments to the Federal FCA, which provide the government with discretion in deciding whether a case otherwise barred by the public disclosure may still go forward.
- **Increase the minimum awards from proceeds that private individuals are entitled to.** This amendment would bring the City FCA in conformity with the State FCA by increasing the minimum amount that a private individual may receive in a City FCA suit from 10 to 15% if the Corporation Counsel elects to file a proposed civil complaint that results in recovery; and from 15 to 25% if the Corporation Counsel designates the private individual to pursue an action that results in recovery.

B. Proposed Int. No. 479-A

Proposed Int. No. 479-A, sponsored by Council Member Dan Garodnick, would require all city contractors and subcontractors with contracts valued in excess of \$100,000 or more to post a notice containing information about: (1) how its employees can report to DOI allegations of fraud, false claims, criminality or corruption; and (2) the whistleblower protection rights afforded under the City FCA and the City's Whistleblower Law for reporting to DOI information protected under these laws, including allegations of fraud, false claims, criminality, and corruption. Such notice would be required to be placed in a prominent and accessible place on any site where work pursuant to a contract is performed. In addition, every city contract or subcontract valued in excess of \$100,000 would be required to contain a provision detailing this notice posting requirement.

C. Proposed Int. No. 816-A

Proposed Int. No. 816-A, sponsored by Council Member Garodnick, would extend the protection afforded by the City's Whistleblower Law to employees of city contractors and subcontractors with city contracts valued in excess of \$100,000. Under the law, a contractor or subcontractor would be prohibited from taking any adverse personnel action against an employee of the contractor or subcontractor who reports information that he or she knows or reasonably believes to involve corruption, criminal activity, conflicts of interest, gross mismanagement, or abuse of authority involving the contractor or subcontractor's work on a city contract.⁴² As with the Whistleblower's Law coverage of city employees, to be afforded protection under the law, a contractor-employee must report the information to DOI, or to a member of the City Council, the public advocate or the comptroller, to the City's chief procurement officer, or to the ACCO or agency head or commissioner of the contracting agency, each of whom must refer the report to DOI.

An employee who is subject to retaliation from a contractor or subcontractor for making a whistleblower complaint to DOI may bring a private right of action to recover all relief necessary to make him or her whole, including an injunction to restrain continued retaliation, reinstatement to the position such employee would have had but for the retaliation or to an equivalent position, reinstatement of full fringe benefits and seniority rights, payment of two times back pay, plus interest, and compensation for any special damages sustained as a result of the retaliation, including litigation costs and reasonable attorneys' fees. An employee who files a lawsuit must notify the contracting agency of such action, although failure to do so does not prejudice the employee's right to recovery.

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⁴¹ N.Y.C. Admin. Code § 7-804(d)(4).

⁴² These requirements do not apply to government-to-government contracts or to emergency procurements.

(The following is the text of the Fiscal Impact Statement for Int. No. 479-A:)



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

PROPOSED INTRO. NO. 479-A

COMMITTEE:
Governmental
Operations

TITLE: To amend the administrative code of the city of New York, in relation to requiring city contractors and subcontractors to post information concerning their employees' reporting of fraud, false claims, criminality or corruption and their whistleblower protection rights.

SPONSORS: By Council Members Garodnick, Barron, Brewer, Chin, Dromm, Ferreras, Fidler, Gennaro, Gentile, Jackson, James, Koppell, Lander, Mark-Viverito, Mealy, Mendez, Palma, Rose, Seabrook, Vann, Williams, Nelson, Foster, Van Bramer, Halloran and Koo

SUMMARY OF LEGISLATION: Proposed Int. No. 479-A would require all city contractors and subcontractors with contracts valued in excess of \$100,000 or more to post a notice containing information about: (1) how its employees can report to DOI allegations of fraud, false claims, criminality or corruption; and (2) the whistleblower protection rights afforded under the City FCA and the City's Whistleblower Law for reporting to DOI information protected under these laws, including allegations of fraud, false claims, criminality, and corruption. Such notice would be required to be placed in a prominent and accessible place on any site where work pursuant to a contract in excess of \$100,000 is performed. In addition, every city contract or subcontract valued in excess of \$100,000 would be required to contain a provision detailing this notice posting requirement.

EFFECTIVE DATE: This local law would take effect 120 days after its enactment into law.

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

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: There would be no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: John Russell, Senior Legislative Financial Analyst
Latonia Mckinney, Deputy Director

HISTORY: This legislation was introduced to the full Council on February 16, 2012 as Int. 479 and referred to the Committee on Contracts. On March 28, 2012, the Int. 479 was re-referred to the Committee on Governmental Operations. The Committee held a hearing on April 16, 2012, an amendment was proposed and the legislation was laid over. An amended version of the legislation, Proposed Intro. 479-A, will be considered by the Committee on May 31, 2012.

Accordingly, this Committee recommends the adoption of Int Nos. 479-A, 816-A and 828-A (for Fiscal Impact Statements and text of Int Nos. 816-A and Int 828-A, please see the respective Reports of the Committee on Governmental Operations for Int No. 816 and 828-A printed in these Minutes).

(The following is the text of Int. No. 479-A:)

Int. No. 479-A

By Council Members Garodnick, Barron, Brewer, Chin, Dromm, Ferreras, Fidler, Gennaro, Gentile, Jackson, James, Koppell, Lander, Mark-Viverito, Mealy, Mendez, Palma, Rose, Seabrook, Vann, Williams, Nelson, Foster, Van Bramer, Halloran and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring city contractors and subcontractors to post information concerning their employees' reporting of fraud, false claims, criminality or corruption and their whistleblower protection rights.

Be it enacted by the Council as follows:

Section 1. Title 6 of the administrative code of the city of New York is amended by adding a new section 6-132 to read as follows:

§6-132. Posting of notice of whistleblower protection rights.

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

(1) "Contract" shall mean any written agreement, purchase order or instrument valued in excess of one hundred thousand dollars or more pursuant to which a contracting agency is committed to expend or does expend funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing, and shall include a subcontract between a contractor and a subcontractor.

(2) "Contracting agency" shall mean a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

(3) "Contractor" shall mean a person or business entity who is a party to a contract with a contracting agency valued in excess of one hundred thousand dollars, and "subcontractor" shall mean a person or entity who is a party to a contract with a contractor valued in excess of one hundred thousand dollars.

b. Posting of information about reporting fraud, false claims, criminality or corruption. Every contractor or subcontractor having a contract valued in excess of one hundred thousand dollars or more shall post a notice, in a prominent and accessible place on any site where work pursuant to such contract or subcontract is performed, containing information about

(1) how its employees can report to the New York city department of investigation allegations of fraud, false claims, criminality or corruption arising out of or in connection with such contract or subcontract, and

(2) the rights and remedies afforded to its employees under sections 7-805 and 12-113 of the administrative code for lawful acts taken in connection with the reporting of allegations of fraud, false claims, criminality or corruption in connection with such contract or subcontract.

c. Contract provisions. Every city contract or subcontract valued in excess of one hundred thousand dollars shall contain a provision detailing the requirements of this section. If a contracting agency determines that there has been a violation of this section, it shall take such action it deems appropriate consistent with the remedies available under the contract or subcontract.

d. Nothing in this section shall be construed to limit an agency's authority to cancel or terminate a contract, issue a non-responsibility finding, issue a non-responsiveness finding, deny a person or entity pre-qualification, or otherwise deny a contractor city business.

§2. This local law shall take effect 120 days after its enactment into law and shall apply to contracts and subcontracts for which bids or proposals are first solicited after such effective date; provided, however, that the commissioner of investigation and the city's chief procurement officer shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, DOMENIC M. RECCHIA, Jr., PETER F. VALLONE, Jr., INEZ E. DICKENS; Committee on Governmental Operations, May 31, 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. 816-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to extending whistleblower protection for officers and employees of city contractors and subcontractors

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on March 28, 2012 (Minutes, page 1034), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Governmental Operations for Int No. 479-A printed in these Minutes).

(The following is the text of the Fiscal Impact Statement for Int. No. 816-A:)



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

PROPOSED INTRO. NO. 816-A

COMMITTEE:
Governmental Operations

TITLE: To amend the administrative code of the city of New York, in relation to extending whistleblower protection for officers and employees of city contractors and subcontractors

SPONSORS: By Council Members Garodnick, Halloran, Dromm, Barron, Brewer, Ferreras, Fidler, Gentile, Jackson, James, Koo, Koppell, Lander, Levin, Mark-Viverito, Palma, Rose, Sanders Jr., Seabrook, Van Bramer, Vann, Williams, Rivera, Rodriguez, Foster and Ulrich

SUMMARY OF LEGISLATION: Proposed Int. No. 816-A would extend the protection afforded by the City’s Whistleblower Law to employees of city contractors and subcontractors with city contracts valued in excess of \$100,000. Under the law, a contractor or subcontractor would be prohibited from taking any adverse personnel action against an employee of the contractor or subcontractor who reports information that he or she knows or reasonably believes to involve corruption, criminal activity, conflicts of interest, gross mismanagement, or abuse of authority involving the contractor or subcontractor’s work on a city contract. These requirements do not apply to government-to-government contracts or to emergency procurements. As with the Whistleblower’s Law coverage of city employees, to be afforded protection under the law, a contractor-employee must report the information to DOI, or to a member of the City Council, the public advocate or the comptroller, to the City’s chief procurement officer, or to the ACCO or agency head or commissioner of the contracting agency, each of whom must refer the report to DOI.

An employee who is subject to retaliation from a contractor or subcontractor for making a whistleblower complaint to DOI may bring a private right of action to recover all relief necessary to make him or her whole, including an injunction to restrain continued retaliation, reinstatement to the position such employee would have had but for the retaliation or to an equivalent position, reinstatement of full fringe benefits and seniority rights, payment of two times back pay, plus interest, and compensation for any special damages sustained as a result of the retaliation, including litigation costs and reasonable attorneys’ fees. An employee who files a lawsuit must notify the contracting agency of such action, although failure to do so does not prejudice the employee’s right to recovery.

EFFECTIVE DATE: This local law would take effect ninety days after its enactment into law; provided, however, that the provisions of this local law would apply only to contracts or subcontracts solicited or renewed on or after such effective date.

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

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: There would be no impact on revenues resulting from the

enactment of this legislation.

IMPACT ON EXPENDITURES: There would be no impact on expenditures as any compensation owed to a whistleblower employee who has been retaliated against, would be borne by the private employer.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: John Russell, Senior Legislative Financial Analyst
 Latonia Mckinney, Deputy Director

HISTORY: This legislation was introduced to the full Council on March 28, 2012 as Int. 816 and referred to the Committee on Governmental Operations. On April 16, 2012, the Committee held a hearing on Int. 816 and the legislation was laid over. An amended version of the legislation, Proposed Intro. 816-A, will be considered by the Committee on May 31, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 816-A:)

Int. No. 816-A

By Council Members Garodnick, Halloran, Dromm, Barron, Brewer, Ferreras, Fidler, Gentile, Jackson, James, Koo, Koppell, Lander, Levin, Mark-Viverito, Palma, Rose, Sanders Jr., Seabrook, Van Bramer, Vann, Williams, Rivera, Rodriguez, Foster, Chin, Mealy, Gennaro and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to extending whistleblower protection for officers and employees of city contractors and subcontractors.

Be it enacted by the Council as follows:

Section 1. This bill shall be known and may be cited as the “Whistleblower Protection Expansion Act.”

§ 2. Section 12-113 of the administrative code of the city of New York, as amended by local law number 10 for the year 2003, paragraphs 4, 5 and 6 of subdivision a and paragraph 3 of subdivision b as added by local law number 25 for the year 2007, and subdivision f as amended by local law number 25 for the year 2007, is amended to read as follows:

§ 12-113 Protection of sources of information. a. Definitions. For purposes of this section:

1. “Adverse personnel action” shall include dismissal, demotion, suspension, disciplinary action, negative performance evaluation, any action resulting in loss of staff, office space or equipment or other benefit, failure to appoint, failure to promote, or any transfer or assignment or failure to transfer or assign against the wishes of the affected officer or employee.

2. “Remedial action” means an appropriate action to restore the officer or employee to his or her former status, which may include one or more of the following:

(i) reinstatement of the officer or employee to a position the same as or comparable to the position the officer or employee held or would have held if not for the adverse personnel action, or, as appropriate, to an equivalent position;

(ii) reinstatement of full seniority rights;

(iii) payment of lost compensation; and

(iv) other measures necessary to address the effects of the adverse personnel action.

3. “Commissioner” shall mean the commissioner of investigation.

4. “Child” shall mean any person under the age of nineteen, or any person ages nineteen through twenty-one if such person receives instruction pursuant to an individualized education plan.

5. “Educational welfare” shall mean any aspect of a child’s education or educational environment that significantly impacts upon such child’s ability to receive appropriate instruction, as mandated by any relevant law, rule, regulation or sound educational practice.

6. “Superior officer” shall mean an agency head, deputy agency head or other person designated by the head of the agency to receive a report pursuant to this section, who is employed in the agency in which the conduct described in such report occurred.

7. “Contract” shall mean any written agreement, purchase order or instrument having a value in excess of one hundred thousand dollars pursuant to which a contracting agency is committed to expend or does expend funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing, and shall include a subcontract between a covered contractor and a

covered subcontractor. Such term shall not include contracts or subcontracts resulting from emergency procurements or that are government-to-government procurements.

8. "Contracting agency" shall mean a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

9. "Covered contractor" shall mean a person or business entity who is a party or a proposed party to a contract with a contracting agency valued in excess of one hundred thousand dollars, and "covered subcontractor" shall mean a person or entity who is a party or a proposed party to a contract with a covered contractor valued in excess of one hundred thousand dollars.

10. "Officers or employees of an agency of the city" shall be deemed to include officers or employees of local development corporations or other not-for-profit corporations that are parties to contracts with contracting agencies and the governing boards of which include city officials acting in their official capacity or appointees of city officials. Such officers and employees shall not be deemed to be officers or employees of a covered contractor or covered subcontractor.

b. 1. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her making a report of information concerning conduct which he or she knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by another city officer or employee, which concerns his or her office or employment, or by persons dealing with the city, which concerns their dealings with the city, (i) to the commissioner, or (ii) to a council member, the public advocate or the comptroller, who shall refer such report to the commissioner. For purposes of this subdivision, an agency of the city shall be deemed to include, but not be limited to, an agency the head or members of which are appointed by one or more city officers, and the offices of elected city officers.

2. No officer or employee of a covered contractor or covered subcontractor shall take an adverse personnel action with respect to another officer or employee of such contractor or subcontractor in retaliation for such officer or employee making a report of information concerning conduct which such officer or employee knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by any officer or employee of such contractor or subcontractor, which concerns a contract with a contracting agency, (i) to the commissioner, (ii) to a council member, the public advocate or the comptroller, who shall refer such report to the commissioner, or (iii) to the city chief procurement officer, agency chief contracting officer, or agency head or commissioner of the contracting agency, who shall refer such report to the commissioner.

3. Every contract or subcontract in excess of one hundred thousand dollars shall contain a provision detailing the provisions of paragraph two of this subdivision and of paragraph two of subdivision e of this section.

[2.] 4. Upon request, the commissioner, council member, public advocate or comptroller receiving the report of alleged adverse personnel action shall make reasonable efforts to protect the anonymity and confidentiality of the officer or employee making such report.

[3.] 5. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her making a report of information concerning conduct which he or she knows or reasonably believes to present a substantial and specific risk of harm to the health, safety or educational welfare of a child by another city officer or employee, which concerns his or her office or employment, or by persons dealing with the city, which concerns their dealings with the city, (i) to the commissioner, (ii) to a council member, the public advocate, the comptroller or the mayor, or (iii) to any superior officer.

c. An officer or employee (i) of an agency of the city, or (ii) of a public agency or public entity subject to the jurisdiction of the commissioner pursuant to chapter thirty-four of the charter who believes that another officer or employee has taken an adverse personnel action in violation of subdivision b of this section may report such action to the commissioner.

d. 1. Upon receipt of a report made pursuant to subdivision c of this section, the commissioner shall conduct an inquiry to determine whether retaliatory adverse personnel action has been taken.

2. Within fifteen days after receipt of an allegation pursuant to subdivision c of this section of a prohibited adverse personnel action, the commissioner shall provide written notice to the officer or employee making the allegation that the allegation has been received by the commissioner. Such notice shall include the name of the person in the department of investigation who shall serve as a contact with the officer or employee making the allegation.

3. Upon the completion of an investigation initiated under subdivision c of this section, the commissioner shall provide a written statement of the final determination to the officer or employee who complained of the retaliatory adverse personnel action. The statement shall include the commissioner's recommendations, if any, for remedial action, or shall state the commissioner has determined to dismiss the complaint and terminate the investigation.

e. 1. Upon a determination that a retaliatory adverse personnel action has been taken with respect to an officer or employee of an agency of the city in violation of paragraph one or five of subdivision b of this section, the commissioner shall without undue delay report his or her findings and, if appropriate, recommendations to the head of the appropriate agency or entity, who (i) shall determine whether to take remedial action and (ii) shall report such determination to the commissioner in writing. Upon a determination that the agency or entity head has failed to take appropriate remedial action, the commissioner shall consult with the agency or entity head and afford the agency or entity head reasonable opportunity to take such action.

If such action is not taken, the commissioner shall report his or her findings and the response of the agency or entity head (i) if the complainant was employed by an agency the head or members of which are appointed by the mayor, to the mayor, (ii) if the complainant was employed by a non-mayoral agency of the city, to the city officer or officers who appointed the agency head, or (iii) if the complainant was employed by a public agency or other public entity not covered by the preceding categories but subject to the jurisdiction of the commissioner pursuant to chapter thirty-four of the charter, to the officer or officers who appointed the head of the public agency or public entity, who shall take such action as is deemed appropriate.

2. Any officer or employee of a covered contractor or covered subcontractor who believes that he or she has been the subject of an adverse personnel action in violation of paragraph two of subdivision b shall be entitled to bring a cause of action against such covered contractor or covered subcontractor to recover all relief necessary to make him or her whole. Such relief may include but shall not be limited to: (i) an injunction to restrain continued retaliation, (ii) reinstatement to the position such employee would have had but for the retaliation or to an equivalent position, (iii) reinstatement of full fringe benefits and seniority rights, (iv) payment of two times back pay, plus interest, and (v) compensation for any special damages sustained as a result of the retaliation, including litigation costs and reasonable attorneys' fees. An officer or employee described in this paragraph may bring an action in any court of competent jurisdiction for such relief. An officer or employee who brings a cause of action pursuant to this paragraph shall notify the agency chief contracting officer or agency head or commissioner of the contracting agency of such action; provided, however, that failure to provide such notice shall not be a jurisdictional defect, and shall not be a defense to an action brought pursuant to this paragraph. This paragraph shall not be deemed to create a right of action against the city, any public agency or other public entity, or local development corporations or not-for-profit corporations the governing boards of which include city officials acting in their official capacity or appointees of city officials, nor shall any such public agency, entity or corporation be made a party to an action brought pursuant to this subdivision.

f. Nothing in this section shall be construed to limit the rights of any officer or employee with regard to any administrative procedure or judicial review, nor shall anything in this section be construed to diminish or impair the rights of a public employee or employer under any law, rule, regulation or collective bargaining agreement or to prohibit any personnel action which otherwise would have been taken regardless of any report of information made pursuant to this section.

g. Violation of this section may constitute cause for administrative penalties.

h. The commissioner shall conduct ongoing public education efforts as necessary to inform employees and officers of covered agencies and contractors of their rights and responsibilities under this section.

i. Not later than October thirty-first of each year, the commissioner shall prepare and forward to the mayor and the council a report on the complaints governed by this section during the preceding fiscal year. The report shall include, but not be limited to, the number of complaints received pursuant to this section, and the disposition of such complaints.

§ 3. This local law shall take effect ninety days after its enactment into law; provided, however, that the provisions of this local law shall apply only to contracts or subcontracts solicited or renewed on or after such effective date.

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, DOMENIC M. RECCHIA, Jr., PETER F. VALLONE, Jr., INEZ E. DICKENS; Committee on Governmental Operations, May 31, 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. 828-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the New York city false claims act.

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on April 18, 2012 (Minutes, page 1189), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Governmental Operations for Int No. 479-A printed in these Minutes).

(The following is the text of the Fiscal Impact Statement for Int. No. 828-A:)



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

PROPOSED INTRO. NO. 828-A

COMMITTEE:
 Governmental
 Operations

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the New York city false claims act.
SPONSORS: By Council Members Brewer, Dickens, James, Lander, Levin, Palma, Rose, Wills and Rodriguez

SUMMARY OF LEGISLATION: In May 2005, the Council passed Local Law No. 53, which created the New York City False Claims Act (“City FCA”). The City FCA, like the Federal FCA it was modeled after, is intended to protect and enhance the public coffers and save taxpayers money by uncovering fraud against the City and by rewarding whistleblowers who bring forth information about fraudulent claims. Pursuant to Local Law No. 53, the City FCA will expire on June 1, 2012. Proposed Int. No. 828-A would remove the City FCA’s current repeal date of June 1, 2012, and the bill would be in effect permanently.

The bill would also amend the City FCA in order to bring the City FCA in closer conformance with the State FCA, as follows:

- **Clarify that the City may waive the “public disclosure bar.”** This amendment would enable the City to file cases that would otherwise be barred because the information provided by a private individual was “derived from public disclosure of allegations or transactions in a criminal, civil or administrative hearing, in a legislative or administrative report, hearing, audit or investigation, or upon allegations or transactions disclosed by the news media and likely to be seen by the city officials responsible for addressing false claims.” This would bring the City FCA in conformance with the State FCA and recent amendments to the Federal FCA, which provides the government with discretion in deciding whether a case otherwise barred by the public disclosure may still go forward.
- **Increase the minimum awards from proceeds that private individuals are entitled to.** This amendment would bring the City FCA in conformity with the State FCA by increasing the minimum amount that a private individual may receive in a City FCA suit from 10 to 15% of recovery if the Corporation Counsel elects to file a proposed civil complaint that results in such recovery; and from 15 to 25% if the Corporation Counsel designates the private individual to pursue an action that results in recovery.

EFFECTIVE DATE: This Local Law would take effect immediately upon enactment.

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

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: It is assumed that there would be no impact on revenues resulting from the enactment of this legislation. The Corporation Counsel has not pursued any proposed civil complaints that have been submitted by private individuals pursuant to the City FCA since the laws inception. Most claims under the FCA cited Medicaid fraud. Pursuant to federal law, all Medicaid recoveries go to the State and not the City. For those cases in which the FCA may have played a role in recovering funds, it is without certainty whether those funds would have been recovered otherwise as the City uses multiple tools to identify false claims.

IMPACT ON EXPENDITURES: Because any payouts resulting from the FCA would

be a percentage of revenues, there would be no impact of expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: John Russell, Senior Legislative Financial Analyst
 Latonia Mckinney, Deputy Director

HISTORY: The Committee on Governmental Operations held a hearing on preconsidered Int. 828 on April 16, 2012 and the bill was laid over. This legislation was introduced to the full Council on April 18, 2012 as Int. 828 and referred back to the Committee on Governmental Operations. An amended version of the legislation, Proposed Intro. 828-A, will be considered by the Committee on May 31, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 828-A:)

Int. No. 828-A

By Council Members Brewer, Dickens, James, Lander, Levin, Palma, Rose, Wills, Rodriguez, Chin, Garodnick, Jackson and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to the New York city false claims act.

Be it enacted by the Council as follows:

Section 1. Subdivisions 6 and 7 of section 7-802 of the administrative code of the city of New York, as added by local law number 53 for the year 2005, are renumbered 7 and 8, respectively, and a new subdivision 6 is added to read as follows:

6. “Original source” means an individual who either (i) prior to a public disclosure pursuant to paragraph three of subdivision d of section 7-804 of this chapter has voluntarily disclosed to the city the information on which allegations or transactions in a claim are based, or (ii) has knowledge that is independent of and materially adds to the publicly disclosed allegations or transactions, and who has voluntarily provided such information to the city.

§ 2. Paragraph 3 of subdivision d of section 7-804 of the administrative code of the city of New York, as added by local law number 53 for the year 2005, is amended to read as follows:

3. [derived from public disclosure of allegations or transactions in a criminal, civil or administrative hearing, in a legislative or administrative report, hearing, audit or investigation, or upon allegations or transactions disclosed by the news media and likely to be seen by the city officials responsible for addressing false claims, unless the person who submitted the proposed complaint is the primary source of the information] *if substantially the same allegations or transactions as alleged in the proposed complaint were publicly disclosed*

(i) in a criminal, civil or administrative hearing;

(ii) in a legislative or administrative report, hearing, audit or investigation; or

(iii) by the news media and likely to be seen by the city officials responsible for addressing false claims;

unless the person who submitted the proposed complaint is an original source of the information. The corporation counsel may, in his or her absolute discretion, waive the application of this paragraph.

§ 3. Paragraphs 1 and 2 of subdivision i of section 7-804 of the administrative code of the city of New York, as added by local law number 53 for the year 2005, are amended to read as follows:

i. Awards from proceeds. 1. If the corporation counsel has elected to commence a civil enforcement action based on a proposed civil complaint, then the person or persons who submitted such proposed civil complaint collectively shall be entitled to receive between [ten] *fifteen* and twenty-five percent of the proceeds recovered in such civil enforcement action or in settlement of such action. *Where the court finds that the action was based primarily on disclosures of specific information (other than information provided by the person bringing the action) relating to allegations or transactions in a criminal, civil or administrative hearing, in a legislative or administrative report, hearing, audit or investigation, or from the news media, the court may award such sums as it considers appropriate, but in no case more than ten percent of the proceeds, taking into account the significance of the information and the role of the person or persons who submitted the proposed civil complaint in advancing the case to litigation.*

2. If a person, or such person's attorney has been designated to commence a civil enforcement action based on such person's proposed civil complaint, then such person shall be entitled to receive between [fifteen] *twenty-five* and thirty percent of the proceeds recovered in such civil enforcement action or in settlement of such action.

§ 4. Section 4 of local law number 53 for the year 2005 is amended to read as follows:

§ 4. This local law shall take effect 90 days after it shall have been enacted into law, and shall apply to claims filed or presented prior to, on or after such date[, and shall remain in effect until the first day of June, 2012 when it shall be deemed repealed; provided, however, that such expiration date shall not apply to any civil enforcement action brought pursuant to section 7-804 of the administrative code of the city of New York that was commenced prior to such date but has not by such date reached a final disposition].

§ 5. This local law shall take effect immediately upon enactment and shall apply to claims filed or presented prior to, on or after such enactment date; provided, however, that section 4 of this local law shall be deemed to be in force and effect on and after June 1, 2012.

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, DOMENIC M. RECCHIA, Jr., PETER F. VALLONE, Jr., INEZ E. DICKENS; Committee on Governmental Operations, May 31, 2012.

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

Reports of the Committee on Land Use

Report for L.U. No. 603

Report of the Committee on Land Use in favor of approving Application no. 20125338 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Vida Café Inc. d.b.a. Mamajuana Cafe, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 247 Dyckman Street, Borough of Manhattan, Council District 7. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 30, 2012 (Minutes, page 1433), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 12

20125338 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Vida Café Inc., d/b/a Mamajuana Café, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 247 Dyckman Street.

INTENT

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

PUBLIC HEARING

DATE: May 22, 2012

Witnesses in Favor: One

None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: May 22, 2012

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

In Favor:

Weprin
Reyna
Comrie
Jackson
Vann
Garodnick
Ignizio

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: May 24, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:

Comrie
Reyna
Barron
Jackson
Seabrook
Vann
Gonzalez
Arroyo
Dickens
Garodnick
Lappin
Mendez
Vacca
Koo
Lander
Levin
Weprin
Williams
Ignizio

Against:

None

Abstain:

None

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

Res. No. 1358

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 247 Dyckman Street, Borough of Manhattan (20125338 TCM; L.U. No. 603).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on April 18, 2012 its approval dated April 18, 2012 of the petition of Vida Café Inc., d/b/a Mamajuana, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 247 Dyckman Street, Community District 12, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on May 22, 2012; and

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

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Jr., Chairperson; DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, PETER A. KOO, VINCENT M. IGNIZIO; Committee on Land Use, May 24, 2012.

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

Report for L.U. No. 604

Report of the Committee on Land Use in favor of approving Application no. N 120176 ZRM submitted by ERY Tenant LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District), Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 30, 2012 (Minutes, page 1434), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4 N 120176 ZRM

City Planning Commission decision approving an application submitted by ERY Tenant LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District).

INTENT

To enable the development of an open space network that maximizes the pedestrian experience and facilitate the development of a new mixed-use Manhattan neighborhood.

PUBLIC HEARING

DATE: May 22, 2012

Witnesses in Favor: Three **Witnesses**
Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 22, 2012

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

In Favor:	Against:	Abstain:
Weprin	None	None
Reyna		
Comrie		
Jackson		
Vann		
Garodnick		
Ignizio		

COMMITTEE ACTION

DATE: May 24, 2012

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1359

Resolution approving the decision of the City Planning Commission on Application No. N 120176 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District) (L.U. No. 604).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on April 27, 2012 its decision dated April 25, 2012 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by ERY Tenant LLC, for an amendment of the text of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District) (Application No. N 120176 ZRM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Application N 120171 ZRM (L.U. No. 605), an amendment to the text of the Zoning Resolution;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 22, 2012;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on January 25, 2012 (CEQR No. 12DCP095M);

RESOLVED:

The Council finds that the action described herein will have no significant adverse impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 120176 ZRM, incorporated by reference herein, the Council approves the Decision.

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

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicate where unchanged text appears in the Zoning Resolution

Article IX – Special Purpose Districts

Chapter 3

Special Hudson Yards District

* * *

93-14

Ground Floor Level Requirements

* * *

- (a) Retail continuity along designated streets in Subdistricts A, B, C, D and E

* * *

A #building's street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways, entrances to subway stations, or other subway-related #uses# as described in Section 93-65 (Transit Facilities) or as follows within the Eastern Rail Yards Subarea A1 where such retail continuity requirements are applicable to #building# walls facing certain public access areas described in Section 93-71:

(1) for #building# walls facing the outdoor plaza described in Section 93-71(b); the through block connection described in Section 93-71(d) and the connection to the public plaza described in Section 93-71(e);

(2) for #building# walls facing the through block connection described in Section 93-71(d), the outdoor plaza described in Section 93-71(b);

(3) for #building# walls facing the connection to the public plaza described in Section 93-71(e), the outdoor plaza described in Section 93-71(b) and the public plaza described in Section 93-71(c); or

(4) a combination of retail #uses# and public access areas so as to satisfy the 50 foot depth requirement for retail continuity.

In no event shall the length of #street# frontage (exclusive of any portion of such #street# frontage allocated to entrances to subway stations and other subway-related #uses#) occupied by lobby space or entryways exceed, in total, 40 feet or 25 percent of the #building's# total #street# frontage, whichever is less, except that (1) the width of a lobby need not be less than 20 feet, and (2) within the Eastern Rail Yards Subarea A1, the width of a lobby located on a #building# wall facing the eastern boundary of the outdoor plaza may occupy 120 feet or 25 percent of such #building# wall, whichever is less.

* * *

93-17

Modification of Sign Regulations

- (a) Subdistricts A, B, C, D and E

Within Subdistricts A, B, C, D and E, the underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street. Furthermore, The following additional modifications to the underlying #sign# regulations shall apply in the Eastern Rail Yard Subarea A1:

(1) ~~#flashing~~ #Flashing signs# shall not be allowed on any portion of a #building# fronting upon the outdoor plaza required in the Eastern Rail Yard Subarea A1, pursuant to Section 93-71.

(2) For #signs# facing Tenth Avenue or on a portion of a #building# within 100 feet of Tenth Avenue, in addition to #signs# permitted under the underlying #sign# regulations, (i) up to four #signs# may exceed the maximum height limitations of the underlying #sign# regulations, provided that no such #sign# exceeds 95 feet in height and (ii) up to five #signs# may be located without regard to the maximum #surface area# limitations of the underlying #sign# regulations, provided that (a) the aggregate #surface area# of such #signs# does not exceed 4,400 square feet; and (b) each such #sign# shall have a maximum #surface area# of 650 square feet except for one #sign# that may have a maximum #surface area# of 1,800 square feet. Any #sign # which exceeds the maximum height

permitted by the underlying sign regulations shall direct attention to no more than one business conducted on the #zoning lot# and no such #signs# shall be #flashing signs#. Additionally, no more than two of the additional #signs# permitted under this paragraph (a)(2), if located below the maximum height permitted by the underlying #sign# regulations, shall be #flashing signs#.

Erection of one or both of the additional #flashing signs# permitted under this paragraph shall be conditioned upon and subject to additional limitations upon flashing effects for all #flashing signs# located on a #building# wall facing Tenth Avenue or on a #building# wall within 100 feet of Tenth Avenue, as prescribed by the Commission pursuant to a restrictive declaration. Recordation of such restrictive declaration in the Office of the Register and compliance with the terms thereof with respect to any previously erected #flashing signs# permitted under the underlying #sign# regulations shall be a precondition to the issuance of permits by the Commissioner of Buildings for an additional #flashing sign# permitted under this paragraph.

- (3) Along the #ERY High Line#, the #sign# regulations as set forth in Section 93-17(b)(1) shall apply. In addition, no #flashing signs# above the level of the #High Line bed# shall be located within 150 feet of and facing the #ERY High Line#.

* * *

93-70

PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES

* * *

The Chairperson shall allow for the phased #development# of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. Such plan may provide for the outdoor plaza described in Section 93-71(b) to be constructed in phases. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future #development# of such public access area at the time that the adjacent #zoning lot# is #developed#.

* * *

93-71

Public Access Areas in the Eastern Rail Yards Subarea A1

* * *

- (a) Amount of public access areas

Public access areas shall be provided in an amount not less than 55 percent of the #lot area# of the #zoning lot#. At least 40 percent of the #lot area# of the #zoning lot# shall be publicly accessible and open to the sky. At least an additional 15 percent of the #lot area# of the #zoning lot# shall be publicly accessible and may be either open or enclosed. Such open or enclosed areas shall be comprised of the types of public access areas listed in paragraphs (b) through (f) of this Section. Open areas may also include the area of the sidewalk widening along Eleventh Avenue required pursuant to Section 93-61.

All public access areas listed in this Section, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall be accessible to the public as follows: (i) unenclosed public access areas shall be accessible between the hours of 6:00 and 1:00 am, except that any portions of the outdoor plaza described in paragraph (b) designed and constructed for purposes of vehicular use shall be accessible at all times except as necessary to perform maintenance and repairs or address hazardous or emergency conditions; (ii) enclosed portions of the through block connection and connection to the public plaza described in paragraphs (d) and (e) shall be accessible to the public between the hours of 8:00 am and 10:00 pm; and (iii) upon completion of the Tenth Avenue bridge described in paragraph (g), access between the bridge and the outdoor plaza shall be provided through the through block connection between the hours of 6:00 am to 1:00 am.

All public access areas, other than the #ERY High Line# and the #Tenth Avenue Spur#, shall include public space signage at erected at conspicuous locations. Such signs shall include the statement "Open to the Public", followed by the hours of operation specified under this subsection.

* * *

- (b) Outdoor plaza

* * *

Such open area may extend beyond such boundaries and have necessary grade changes, and up to ten percent of the area of such outdoor plaza may be covered by a #building# or other structure#.

In addition, a #building# containing eating or drinking places and #uses# listed in Use Groups 6A and 6C may be located within the outdoor plaza (but shall not be included as public access area pursuant to Section 93-71(a)), provided that any such #building#:

- (i) is located within the area west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 400 feet of West 30th Street;
- (ii) covers no more than 3,600 square feet of the lot at the level of the outdoor plaza and above;
- (iii) contains no more than 7,200 square feet of #floor area# at the level of the outdoor plaza and above, and no more than 3,600 square feet of #floor area# below the level of the outdoor plaza;
- (iv) has a maximum north-south dimension of 85 feet at the level of the outdoor plaza and above;
- (v) is located such that the maximum east/west dimension measured along a line 355 feet from West 30th Street is 40 feet at the level of the outdoor plaza and above. For portions of the #building# located north or south of such line, the maximum east/west dimension shall increase at a rate of 1 foot in the east/west dimension for every 4 feet in the north/south dimension from such line, up to a maximum east/west dimension of 60 feet; and
- (vi) has a maximum perimeter wall height of 24 feet, and a maximum #building# height of 30 feet. Above a height of 24 feet, no portion of a #building# may penetrate a #sky exposure plane# that begins at a height of 24 feet above the perimeter walls and rises over the #building# at a slope of 2.5 feet of horizontal distance for each foot of vertical distance. Such heights shall be measured from the highest level of the adjoining portions of the outdoor plaza.

* * *

(c) Public plaza

A publicly accessible space, (hereinafter referred to as a "public plaza"), shall be provided at the intersection of Tenth Avenue and West 30th Street. Such public plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 200 feet along Tenth Avenue and a minimum frontage of 60 feet along West 30th Street, ~~and be provided in accordance with the standards for #public plazas# set forth in Section 37-70 (PUBLIC PLAZAS).~~ Such public plaza shall be open to the sky except that such space may be covered by the ~~existing or reconstructed #ERY High Line# structure, including any connections to the #ERY High Line# or other design features, as well as a #building# or portion of a #building# as allowed pursuant to Section 93-514(a)(4), except that no #building# or portion of a #building# may encroach within the area that is within 60 feet of Tenth Avenue and 180 feet of West 30th Street. In addition, no more than 50 percent of the public plaza shall be covered by the permitted obstructions described in Section 37-726(a) as well as any vents or shafts that are placed by the Department of Environmental Protection within the portion of the public plaza that is subject to an access easement.~~

Such public plaza shall contain the following amenities: (i) no less than 120 linear feet of fixed seating; (ii) no less than 12 moveable tables and 48 moveable chairs; and (iii) no less than four trees or multi-stemmed equivalents measuring at least 4 inches in caliper at the time of planting, which trees or multi-stemmed equivalents may be planted in a planting bed. In addition, such public plaza shall contain at least two of the following additional amenities: (i) artwork; (ii) water features; or (iii) food service located in a retail space directly accessible from the public plaza.

The ~~retail and~~ glazing requirements of Section 93-14(c) shall apply to at least 70 percent of the length of all building walls, ~~other than the building walls of any facility operated by the Long Island Rail Road or its successor, facing each side of the urban public plaza. In addition, 25 percent of the frontage of all #building# walls facing the portion of the public plaza that is within 60 feet of Tenth Avenue and 180 feet of West 30th Street shall be occupied by #uses# listed in Use Groups 6A and 6C or the connection to the public plaza described in paragraph (e).~~

* * *

(d) Through block connection

A publicly accessible through block connection shall be provided connecting the outdoor plaza ~~with the Tenth Avenue bridge required pursuant to paragraph (g) of this Section, with the Tenth Avenue sidewalk within 50 feet or anywhere north of the center line of West 32nd Street.~~ Public access shall also be provided between such through block connection ~~and the Tenth Avenue sidewalk within 50 feet of the center line of West 32nd Street,~~ and the Tenth Avenue bridge at the time such bridge is constructed pursuant to paragraph (g) of this Section, and may connect to other public access areas or sidewalks. Such through block connection may be open to the sky or enclosed, need not be linear, and may have necessary grade changes.

Such through block connection shall have a minimum width of 30 feet. ~~If such through block connection is and any enclosed portion, it shall have a minimum height of 30 feet. As an alternative, if an enclosed atrium space adjacent to the outdoor plaza is provided as part of the through block connection that meets all the following dimensional requirements: (1) comprises no less than 4,000 square feet with a minimum height of 60 feet and a minimum depth of 50 feet as measured by a line parallel from the #building# wall facing the outdoor plaza; (2) is free of #building# structural obstructions other than vertical circulation and other elements occupying no more than 500 square feet in the aggregate; and (3) contains interior walls facing such area that comply with the ground floor retail #use# requirements of Section 93-14(a), then such through block connection may (i) have a minimum width of 24 feet and (ii) have a minimum height of 34 feet for at least 70 percent of the aggregate enclosed area of the through block connection (including the atrium), provided that no portion of the through block connection shall have a minimum height less than 17 feet.~~

The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all building walls facing each side of the through block connection ~~(or, if enclosed, the interior walls facing the through block connection).~~ The through block connection may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that (i) such permitted obstructions shall not occupy more than 20 percent of the through block connection and (ii) a single path of travel no less than 24 feet in width is maintained. Vertical circulation elements traversing the grade changes of the through block connection shall be considered a part of the through block connection and not an obstruction.

(e) Connection to public plaza

A public way, open or enclosed, shall be provided connecting the outdoor plaza or the through block connection with the public plaza. ~~Such connection need not be linear and may have necessary grade changes.~~ The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all building walls facing each side of such connection ~~(or, if enclosed, the interior walls facing the connection).~~ The minimum clear width of such public way shall be 20 feet. ~~For any portions that are enclosed, the minimum clear height shall be 30 34 feet within at least 50 percent of the enclosed area of the connection to the public plaza, provided that no portion of the connection to public plaza shall have a minimum height less than 17 feet. The connection to the public plaza may be occupied by the following permitted obstructions: vertical circulation elements including escalators, stairs and elevators, columns and lighting elements, provided that (i) such permitted obstructions shall not occupy more than 20 percent of the connection to the public plaza and (ii) a single path of travel no less than 20 feet in width is maintained. Vertical circulation elements traversing the grade changes of the connection to the public plaza shall be considered a part of the connection to the public plaza and not an obstruction.~~

(f) Connection to High Line

A publicly accessible connection between the High Line and the outdoor plaza shall be provided that has a minimum width, measured parallel to the High Line, of 80 feet. If any portion is covered, the ~~average~~ clear height of such connection shall be at least 60 feet. The ~~retail and~~ glazing requirements of Section 93-14(c) shall apply to at least 50 percent of the length of all building walls facing such connection, ~~except that such retail requirements shall not apply to any #building# containing only #uses# in Use Group 3 or 4 located west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street.~~

(g) Tenth Avenue Bridge

A publicly-accessible pedestrian bridge shall be provided over Tenth Avenue linking the through

block connections required pursuant to paragraph (d) of this Section and paragraph (a) of Section

93-72 (Public Access Areas at 450 West 33rd Street). Such bridge need not be constructed until

the 450 West 33rd Street through block connection has been completed.

LEROY G. COMRIE, Jr., Chairperson; DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, PETER A. KOO, VINCENT M. IGNIZIO; Committee on Land Use, May 24, 2012.

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

Report for L.U. No. 605

Report of the Committee on Land Use in favor of approving Application no. N 120171 ZRM submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District), Council District 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 30, 2012 (Minutes, page 1434), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 4

N 120171 ZRM

City Planning Commission decision approving an application submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District).

INTENT

To modify the building location and public access area requirements applicable within Eastern Rail Yards Subarea.

PUBLIC HEARING

DATE: May 22, 2012

Witnesses in Favor: Three
Against: None

Witnesses

SUBCOMMITTEE RECOMMENDATION

DATE: May 22, 2012

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

In Favor:	Against:	Abstain:
Weprin	None	None
Reyna		
Comrie		
Jackson		
Vann		
Garodnick		
Ignizio		

COMMITTEE ACTION

DATE: May 24, 2012

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1360

Resolution approving the decision of the City Planning Commission on Application No. N 120171 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District) (L.U. No. 605).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on April 27, 2012 its decision dated April 25, 2012 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District) (Application No. N 120171 ZRM), Community District 4, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Application N 120176 ZRM (L.U. No. 604), an amendment to the text of the Zoning Resolution;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 22, 2012;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on January 25, 2012 (CEQR No. 12DCP095M);

RESOLVED:

The Council finds that the action described herein will have no significant adverse impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 120171 ZRM, incorporated by reference herein, the Council approves the Decision.

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

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

Article IX - Special Purpose Districts

Chapter 3

Special Hudson Yards District

* * *

93-01

DEFINITIONS

High Line

For the purpose of this Chapter, the “High Line” shall refer to the elevated rail line structure, including without limitation sidetracks and spurs, located between Gansevoort Street and West 34th Street in the north-south direction, and between Washington Street/Tenth Avenue and Twelfth Avenue in the east-west direction.

ERY High Line

For the purpose of this Chapter, the #ERY High Line# shall refer to the portion of the #High Line# between the western #street line# of Tenth Avenue and the western #street line# of Eleventh Avenue north of West 30th Street.

Tenth Avenue Spur

For the purpose of this Chapter, the #Tenth Avenue Spur # shall refer to the portion of the #High Line# above the intersection of Tenth Avenue and West 30th Street.

High Line Rehabilitation Deposit

For the purpose of this Chapter, the #High Line Rehabilitation Deposit# shall be in the amount of \$9,580,763 for the #ERY High Line#, and, if the #Tenth Avenue Spur# is provided as a public access area pursuant to Section 93-71, in the amount of \$12,203,234, as adjusted by changes in the construction cost index published by ENR for New York City commencing as of January, 2012. Payment of the #High Line Rehabilitation Deposit# shall be in the form of cash or other form of immediately available funds if plans and specifications for rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been substantially completed as of the time of the #High Line Rehabilitation Deposit# is required, and if such plans and specifications have not been substantially completed at the time the #High Line Rehabilitation Deposit# is required, in the form of cash or a cash equivalent, such as letter of credit, in a form acceptable to the City. The #High Line Rehabilitation Deposit# shall be held by the City or an instrumentality of the City as the Chairperson of the City Planning Commission shall designate, and shall be applied exclusively to the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

High Line Landscape Improvement Deposit

For the purpose of this Chapter, the # High Line Landscape Improvement Deposit# shall be in the amount of \$18,214,507 for the #ERY High Line#, and, if the #Tenth Avenue Spur# is provided as a public access area pursuant to Section 93-71, in the amount of \$23,200,228, as adjusted by changes in the construction cost index published by ENR for New York City commencing as of January 2012. Payment of the #High Line Landscape Improvement Deposit# shall be in the form of cash or other form of immediately available funds. The #High Line Landscape Improvement Deposit# shall be held by the City or an instrumentality of the City as the Chairperson of the City Planning Commission shall designate, and shall be applied exclusively to the to the improvement for public use of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

High Line Maintenance Funding

For the purpose of this Chapter, #High Line Maintenance Funding# shall mean funding sufficient

for the maintenance and ordinary repair of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur# in an amount acceptable to the city, as adjusted on an annual basis.

93-10

USE REGULATIONS

The #use# regulations of the underlying districts are modified as set forth in this Section, inclusive.

The only permitted change of #use# for the #High Line# shall be to provide publicly accessible open space in accordance with the provisions of Section 93-71 (Public Access Areas in the Eastern Rail Yards Subarea A1) and Section 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

* * *

93-51

Special Height and Setback Regulations in the Large-Scale Plan Subdistrict

A

* * *

93-514

Eastern Rail Yards Subarea A1

(a) Location of #buildings#

#Buildings# shall be located only in the following areas:

- (1) east of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East;
- (2) west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 220 feet of West 33rd Street; and
- (3) west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 220 feet of West 30th Street, provided that either:
 - (i) such area contains only #uses# in Use Groups 3 and 4; or
 - (ii) where such area includes #residential use#:
 - (a) such #residential use# is permitted only in a #building# located west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West, and such #building# may also include #uses# in Use Groups 3, 4, 6A and 6C; and
 - (b) a #building# containing only #uses# in Use Groups 3 or 4 may be located not closer than 50 feet east of such prolongation.
- (4) for any #building# located at or above the elevation of the #High Line bed# which faces the #ERY High Line#, the #street wall# shall not be located closer than five feet to the edge of the #ERY High Line# and such five foot separation shall remain unobstructed, from the level of the #High Line bed# adjacent to such #building# to the sky. Notwithstanding the foregoing, for any #building located partly within 335 feet of the Tenth Avenue #street line#, any portion thereof of up to 280 feet in width, as measured parallel to West 30th Street, may be located above the #High Line bed# at a height of 60 feet or more measured from the #High Line bed# provided such portion has a maximum width of 200 feet along the West 30th Street #street line# and a maximum average width of 240 feet. Structural columns and related architectural features placed within the maximum width of 200 feet along the West 30th Street #street line# supporting such portion of the #building# may be located within five feet of the southern edge of the #ERY High Line#, and such columns and related architectural features shall, when viewed in elevation along West 30th Street, occupy no more than 50 percent of the measured area of such elevation located within the maximum width of 200 feet along the West 30th Street #street line#, from the mean level of the adjoining public sidewalk to a height of 60 feet above the level of the #High Line bed#. A maximum of thirty percent of such measured area may be constructed of opaque materials. Additionally, such columns and related architectural features shall, when viewed in elevation along West 30th Street, occupy no more than 45 percent of the measured area of such elevation located within the maximum width of 200 feet along the West 30th Street #street line#, from the level of the #High Line bed# to a height of 25 feet above the level of the #High Line bed#.

* * *

93-70

PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES

Public access shall be provided for special sites as specified in this Section, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

No building permit shall be issued for any #development# or #enlargement# on such sites until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the provisions of this Section have been met.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#, a site plan indicating the area and dimensions of all required public access areas and the location of all proposed #buildings#, and a detailed plan or plans demonstrating compliance with the provisions of this Section. For certifications relating to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, as set forth in 93-71(h), the requirements set forth in such section shall apply.

Plans for public access areas shall be set forth in an instrument in a form acceptable to the City, and setting forth such provisions as necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Chairperson shall allow for the phased development of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future development of such public access area at the time that the adjacent #zoning lot# is #developed#.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is substantially complete, and the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access areas. Notwithstanding the foregoing, for #zoning lots# with multiple #buildings# for which the Chairperson has certified that a plan has been submitted that provides for the phased development of public access areas through completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase, such certifications shall be made with respect to substantial completion or completion of the public access areas integral to each such phase, except as provided in 93-71(h).

93-71

Public Access Areas in the Eastern Rail Yards Subarea A1

Any #development# in the Eastern Rail Yards Subarea A1 shall provide public access areas in

accordance with the following requirements:

- (a) Amount of public access areas

Public access areas shall be provided in an amount not less than 55 percent of the #lot area# of the #zoning lot#. At least 40 percent of the #lot area# of the #zoning lot# shall be publicly accessible and open to the sky. At least an additional 15 percent of the #lot area# of the #zoning lot# shall be publicly accessible and may be either open or enclosed. Such open or enclosed areas shall be comprised of the types of public access areas listed in paragraphs (b) through (f), and (h), of this Section. Open areas may also include the area of the sidewalk widening along Eleventh Avenue required pursuant to Section 93-61 and, at the option of the owner, the Tenth Avenue Spur.

- (h) ERY High Line and Tenth Avenue Spur

The #ERY High Line# shall be provided as a publicly accessible open area. The #Tenth Avenue Spur# may, at the option of the owner, also be provided as a publicly-accessible open area.

In order to meet the public access area requirements of 93-71(a) and this paragraph (h), the following shall be provided for the #ERY High Line#, and shall, if owner has elected to include the #Tenth Avenue Spur# as a public access area, be further provided for the #Tenth Avenue Spur#:

- (i) (aa) Payment of the #High Line Rehabilitation Deposit# or (bb) subject to entry into construction-related agreements with the city or its designee, completion of the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, not later than March 31, 2013, subject to a determination of force majeure by the city in accordance with the terms thereof. If owner has elected to perform the rehabilitation work set forth in clause (bb), then all such work shall be completed in accordance with plans and specifications prepared by or on behalf of the city.
- (ii) Payment of the #High Line Landscape Improvement Deposit#.
- (iii) Provision of #High Line Maintenance Funding#.
- (iv) An easement agreement allowing use of the #ERY High Line# for public space in accordance with the requirements of this paragraph (h), as well as for use and access for rehabilitation, improvement, maintenance and repair purposes, acceptable to the city.

Such requirements shall be set forth in agreements or instruments in a form acceptable to the city, including such provisions as are necessary to ensure compliance with the provisions of this Section. The execution of such agreements by owner, and mortgagees and parties in interest of owner, and, where appropriate, the filing and recordation of such instruments in the Borough Office of the City Register of the City New York, indexed against the property, shall be a precondition to the Chairperson's certification to the Department of Buildings for a building permit under Section 93-70. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

No certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 shall be permitted unless the #ERY High Line# is included as a public access area for the initial phase in accordance with the provisions of this paragraph (h).

No crane permit shall be granted for construction of a #development# or #enlargement# in such initial phase until the Chairperson certifies to the Department of Buildings that: (a) either the #High Line Rehabilitation Deposit# has been made or all construction documents and instruments necessary for accomplishment of the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, in accordance with (i)(bb) above in this paragraph (h) have been executed and delivered; and (b) the #High Line Landscape Improvement Deposit# has been made.

No temporary or permanent certificate of occupancy for a #development# or #enlargement# in such initial phase shall be granted unless the Chairperson certifies to the Department of Buildings that (a) either the #High Line Rehabilitation Deposit# has been previously furnished or the rehabilitation of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been completed in accordance with the construction documents and instruments; (b) the initial installment of #High Line Maintenance Funding# has been delivered, provided and to the extent that the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been substantially completed and are open for use by the public, and (c) the easement agreement described in (iv) above is in effect for the #ERY High Line#. The requirement for a certification of substantial completion of public access areas before the granting of a temporary certificate of occupancy for the #development# or #enlargement# within such phase pursuant to Section 93-70 shall not apply with respect to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#.

Nothing herein shall be construed to affect any obligation of owner to make the # High Line Rehabilitation Deposit# at an earlier date, in accordance with the terms of agreements or instruments entered into by the parties, or to complete rehabilitation work for the #ERY High Line# and, if applicable, the #Tenth Avenue Spur# by March 31, 2013, subject to a determination of force majeure by the city in accordance with the terms of such agreements.

Use by the city of the #High Line Landscape Improvement Deposit# for improvement of the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, shall be subject to approval by the Chairperson, based upon a determination that the design and location of access points to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, have been arranged such that public use thereof will not result in any significant adverse impacts with respect to transit or pedestrians.

(i) Certifications for Phased Development Pursuant to Section 93-70 Granted Before [insert the effective date of this amendment]:

If a certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 was granted before [insert the effective date of this amendment], such certification shall expire 45 days following such date and shall thereupon no longer be in force and effect. Within said 45 day period, a new application for certification pursuant to Section 93-70 and 93-71(h) shall be filed by the owner which shall include the #ERY High Line# and, if applicable, the #Tenth Avenue Spur# as public access areas associated with the initial phase, in addition to any other public access areas previously so certified. The expiration of any certification under Section 93-70 granted before the [insert the effective date of amendment], shall not affect the validity of any permit issued by the Department of Buildings prior to the expiration of such 45 day period, provided the new application under 93-70 and 93-71(h) is made within such 45 day period.

In the event that a certification for the phased development of public access areas on the Eastern Rail Yard Subarea A1 under Section 93-70 was granted before [insert the effective date of amendment], and a crane permit for the construction of a #development# or #enlargement# within such initial phase was granted prior to 45 days after [insert the effective date of this amendment], the preconditions to issuance of a crane permit set forth in 93-71(h) shall be prerequisites for the grant of any new certification for phased development made under this paragraph (i).

LEROY G. COMRIE, Jr., Chairperson; DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, PETER A. KOO, VINCENT M. IGNIZIO; Committee on Land Use, May 24, 2012.

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

Report for L.U. No. 606

Report of the Committee on Land Use in favor of approving Application no. N 120166 ZRM submitted by Laight Street Project Owner, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to the extension of a variance approved by the Board of Standards and Appeals concerning the modification of bulk regulations in the Special Tribeca Mixed Use District, Council District 1.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 30, 2012 (Minutes, page 1434), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 1

N 120166 ZRM

City Planning Commission decision approving an application submitted by Laight Street Project Owner, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to the extension of a variance approved by the Board of Standards and Appeals concerning the modification of bulk regulations in the Special Tribeca Mixed Use District.

INTENT

To allow the extension of an existing grandfathering provision for a variance previously approved by the Board of Standards and Appeals for an additional four years.

PUBLIC HEARING

DATE: May 22, 2012

Witnesses in Favor: Two
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: May 22, 2012

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

In Favor:	Against:	Abstain:
Weprin	None	None
Reyna		
Comrie		
Jackson		
Vann		
Garodnick		
Ignizio		

COMMITTEE ACTION

DATE: May 24, 2012

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1361

Resolution approving the decision of the City Planning Commission on Application No. N 120166 ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to the extension of a variance approved by the Board of Standards and Appeals concerning the modification of bulk regulations in the Special Tribeca Mixed Use District (L.U. No. 606).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on April 27, 2012 its decision dated April 25, 2012 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Laight Street Project Owner, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, relating to the extension of a variance approved by the Board of Standards and Appeals concerning the modification of bulk regulations in the

Special Tribeca Mixed Use District. The text amendment modifies 111-20 (Special Bulk Provisions for Areas A1 through A7) of the Zoning Resolution and would allow the extension of an existing grandfathering provision for a variance previously approved by the Board of Standards and Appeals for an additional four years (Application No. N 120166 ZRM), Community District 1, Borough of Manhattan (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 22, 2012;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on September 15, 2010. On February 1, 2012, a Technical Memorandum was issued which describes and analyzes the modifications to the proposed actions made by the City Planning Commission, adopted in N 120166 ZRM, and finds that the previous Negative Declaration is still valid (CEQR No. 10DCP039M);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 120166 ZRM, incorporated by reference herein, the Council approves the Decision.

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

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

* * *

Article XI: Special Purpose Districts

Chapter 1: Special Tribeca Mixed Use District

111-20
SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

* * *

(d) Area A4, A5, A6 and A7

Except as set forth herein, the #bulk# regulations of the underlying district shall apply.

* * *

(6) Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), the #development# of a #building# pursuant to a variance granted by the Board of Standards and Appeals under Calendar No. 231-09-BZ to modify #bulk# regulations, may be continued provided that a building permit has been issued, in accordance with the terms of said variance, within ~~two~~ six years of the original granting of grant of said variance.

* * *

LEROY G. COMRIE, Jr., Chairperson; DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, PETER A. KOO, VINCENT M. IGNIZIO; Committee on Land Use, May 24, 2012.

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

Report for L.U. No. 608

Report of the Committee on Land Use in favor of approving Application no. C 120164 HAX, application submitted by the Department of Housing Preservation and Development, an Urban Development Action Area Designation and Project located at 500/539 Union Avenue (Block 2582, lots 47,64 and 65) and the disposition of city owned property, Borough of the Bronx ,Community Board 1, Council District no. 17. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 30, 2012 (Minutes, page 1435), respectfully

REPORTS:

SUBJECT

BRONX CB - 1

C 120164 HAX

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD):

1) pursuant to Article 16 of the General Municipal Law of New York State for:

a) the designation of property located at 500/539 Union Avenue (Block 2582, Lots 47, 64 and 65) as an Urban Development Action Area; and

b)an Urban Development Action Area Project for such area; and

2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of an eight-story building, a thirteen-story building and a fifteen- story building with a total of approximately 428 dwelling units, 20,910 square feet of community facility space, 36,770 square feet of commercial space and 155 accessory parking spaces.

INTENT

To facilitate development of three buildings with approximately 428 dwelling units, community facility and commercial space and 155 accessory parking spaces.

PUBLIC HEARING

DATE: May 22, 2012

Witnesses in Favor: Four
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: May 22, 2012

The Subcommittee recommends that the Land Use Committee approve the disposition, area designation and the project, make the findings required by Article 16 and approve the decision of the City Planning Commission.

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

COMMITTEE ACTION

DATE: May 24, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	Barron	None
Reyna		
Jackson		
<u>Cont'd</u>		
Seabrook		
Vann		
Gonzalez		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Koo		
Lander		
Levin		
Weprin		
Williams		
Ignizio		

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

Res. No. 1362

Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 120164 HAX, approving the designation of property located at 500/539 Union Avenue (Block 2582, Lots 47, 64 and 65), Borough of the Bronx, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 608; C 120164 HAX).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on April 27, 2012 its decision dated April 25, 2012 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 500/539 Union Avenue (Block 2582, Lots 47, 64 and 65), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate development of an eight-story building, a thirteen-story building and a fifteen-story building with a total of approximately 428 dwelling units, 20,910 square feet of community facility space, 36,770 square feet of commercial space and 155 accessory parking spaces (the "Disposition"), Community District 1, Borough of the Bronx (ULURP No. C 120164 HAX) (the "Application");

WHEREAS, the Application is related to Application C 120165 ZMX (L.U. No. 609), an amendment to the Zoning Map changing Block 2582, Lot 65 from R7-2 to R8X;

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

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

WHEREAS, by letter dated April 16, 2012 and submitted to the Council on April 26, 2012 the New York City Department of Housing Preservation and Development submitted its request respecting the application;

WHEREAS upon due notice, the Council held a public hearing on the Application and Decision on May 22, 2012;

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

WHEREAS the Council has considered the relevant environmental review (CEQR No. 09HPD028X) and the Negative Declaration which was issued on January 17, 2012;

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, on the basis of the Decision and Application and based on the environmental determination and the consideration described in the report C 120164 HAX incorporated by reference herein, the Council approves the Decision of the City Planning Commission (C 120164 HAX).

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Council approves the disposition of such property to a developer selected by the Department of Housing Preservation and Development.

LEROY G. COMRIE, Jr., Chairperson; DIANA REYNA, ROBERT JACKSON, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, PETER A. KOO, VINCENT M. IGNIZIO; Committee on Land Use, May 24, 2012.

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

Report for L.U. No. 609

Report of the Committee on Land Use in favor of approving Application no. C 120165 ZMX submitted by NYC Department of Housing, Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6c, changing from an R7-2 District to an R8X District property bounded by East 149th Street, Prospect Avenue, Southern Boulevard, East 147th Street, and Union Avenue and its southerly centerline prolongation, Borough of the Bronx, Council District 17.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 30, 2012 (Minutes, page 1435), respectfully

REPORTS:**SUBJECT****BRONX CB - 1****C 120165 ZMX**

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c, changing from an R7-2 District to an R8X District property bounded by East 149th Street, Prospect Avenue, Southern Boulevard, East 147th Street, and Union Avenue and its southerly centerline prolongation, as shown on a diagram (for illustrative purposes only) dated January 23, 2012.

INTENT

To facilitate development of three buildings with approximately 428 dwelling units, community facility and commercial space and 155 accessory parking spaces.

PUBLIC HEARING

DATE: May 22, 2012

Witnesses in Favor: Four
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: May 22, 2012

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

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

COMMITTEE ACTION

DATE: May 24, 2012

The Committee recommends that the Council approve the attached resolution.

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

Cont'd

Koo
Lander
Levin
Weprin
Williams
Ignizio

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

Res. No. 1363

Resolution approving the decision of the City Planning Commission on ULURP No. C 120165 ZMX, a Zoning Map amendment (L.U. No. 609).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on April 27, 2012 its decision dated April 25, 2012 (the "Decision"), on the application submitted by the Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to change the existing R7-2 district to a proposed R8X district for Block 2582, Lot 65, which along with its related action, would facilitate the development of 428 dwelling units, 20,910 square feet of community facility space, 36,770 square feet of commercial space and 155 accessory parking spaces (ULURP No. C 120165 ZMX), Community District 1, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to Application C 120164 HAX (L.U. No. 608), an urban development action area project designation, disposition and project approval;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 22, 2012;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on January 17, 2012 (CEQR No. 09HPD028X);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 120165 ZMX, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6c, changing from an R7-2 District to an R8X District property bounded by East 149th Street, Prospect Avenue, Southern Boulevard, East 147th Street, and Union Avenue and its southerly centerline prolongation, as shown on a diagram (for illustrative purposes only) dated January 23, 2012, Community District 1, Borough of the Bronx.

LEROY G. COMRIE, Jr., Chairperson; DIANA REYNA, ROBERT JACKSON, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, PETER A. KOO, VINCENT M. IGNIZIO; Committee on Land Use, May 24, 2012.

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

Report for L.U. No. 610

Report of the Committee on Land Use in favor of approving Application no. 20125592 HAM, submitted by the New York City Department of Housing Preservation and Development pursuant Article 16 of the General Municipal Law, an Urban Development Action Area Project located at 63-65 w. 137th Street, 119, 123, 125, 132 W. 133rd Street, 235-237 W. 116th Street, 229, 231 W. 121st Street (Block 1735, Lot 8, Block 1917, Lot 45, Block 1918, Lots 20, 21, 23, Block 1922, Lot 13, Block 1927, Lots 15, 16) in the Borough of the Bronx, Community Board 10, Council District no. 9.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 30, 2012 (Minutes, page 1436), respectfully

REPORTS:

SUBJECT

Proposal subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"),

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON- ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
63-65 West 137 th Street	1735/8	20125592 HAM	610	Multifamily Preservation Loan
132 West 133 rd Street	1917/45			
119 West 133 rd Street	1918/23			
123 West 133 rd Street	1918/21			
125 West 133 rd Street	1918/20			
235-37 West 116 th Street	1922/13			
231 West 121 st Street	1927/15			
229 West 121 st Street	1927/15			

INTENT

HPD requests that the Council:

- Find that the present status of the Disposition/Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
- Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
- Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
- Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
- Approve an exemption of the projects from real property taxes pursuant to Section 696 of the General Municipal Law.

PUBLIC HEARING

Date: May 22, 2012

Witnesses In Favor: Three
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

Date: May 22, 2012

The Subcommittee recommends that the Committee approve the proposal, grant the requests made by the Department of Housing Preservation and Development, and make the findings required by Article 16 of the General Municipal Law.

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

COMMITTEE ACTION

DATE: May 24, 2012

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 1364

Resolution approving an Urban Development Action Area Project located at 63-65 West 137th Street (Block 1735/Lot 8), 132 West 133rd Street (Block 1917/Lot 45), 125 West 133rd Street (Block 1918/Lot 20), 123 West 133rd Street (Block 1918/Lot 21), 119 West 133rd Street (Block 1918/Lot 23), 235-37 West 116th Street (Block 1922/Lot 13), 231 West 121st Street (Block 1927/Lot 15), and 229 West 121st Street (Block 1927/Lot 16), Borough of Manhattan, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 610; 20125592 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 17, 2012 its request dated April 9, 2012 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 63-65 West 137th Street (Block 1735/Lot 8), 132 West 133rd Street (Block 1917/Lot 45), 125 West 133rd Street (Block 1918/Lot 20), 123 West 133rd Street (Block 1918/Lot 21), 119 West 133rd Street (Block 1918/Lot 23), 235-37 West 116th Street (Block 1922/Lot 13), 231 West 121st Street (Block 1927/Lot 15), and 229 West 121st Street (Block 1927/Lot 16), Community District 10, Borough of Manhattan (the "Exemption Area"):

- Find that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
- Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
- Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
- Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and

5. Approve the exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").

WHEREAS, the Project is to be developed on land that is now an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 22, 2012;

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

RESOLVED:

The Council finds that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

The exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law is approved as follows:

- a. All of the value of the buildings, structures, and other improvements situated on the Disposition Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the July 1st following the conveyance of the Disposition Area to the Sponsor, during the last ten years of which such exemption shall decrease in equal annual decrements.
- b. The tax exemption granted hereunder shall terminate with respect to all or any portion of the Disposition Area if the Department of Housing Preservation and Development determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York. The Department of Housing Preservation and Development shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

LEROY G. COMRIE, Jr., Chairperson; DIANA REYNA, ROBERT JACKSON, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, PETER A. KOO, VINCENT M. IGNIZIO; Committee on Land Use, May 24, 2012.

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

Reports of the Committee on Rules, Privileges and Elections

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

Report for M-820

Report of the Committee on Rules, Privileges and Elections approving the re-appointment of ARVA R. RICE as a member of the Equal Employment Practices Commission

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on May 31, 2012, respectfully

REPORTS:

(For text of the report, please see the Briefing Paper for M-821 printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 830 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Council of Arva R. Rice as a member of the Equal Employment Practices Commission to serve the remainder of a four-year term that expires on June 30, 2015.

This matter was referred to the Committee on May 31, 2012.

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

Res. No. 1365

Resolution approving the re-appointment by the Council of Arva R. Rice as a member of the Equal Employment Practices Commission

By Council Member Rivera.

RESOLVED, that pursuant to § 830 of the *New York City Charter*, the Council does hereby approve the re-appointment of Arva R. Rice as a member of the Equal Employment Practices Commission to serve the remainder of a four-year term that expires on June 30, 2015.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, May 31, 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 Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-821

Report of the Committee on Rules, Privileges and Elections approving the re-appointment of MALINI CADAMBI DANIEL as a member of the Equal Employment Practices Commission

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on May 31, 2012, respectfully

REPORTS:

(After interviewing the candidates and reviewing the relevant material, this Committee decided to approve the appointments of the candidates. For nominee

Arva R. Rice, please see the Report of the Committee on Rules, Privileges and Elections for M-820 printed in these Minutes; for nominee Malini Cadambi Daniel, please see immediately below:)

New York City Equal Employment Practices Commission – (Candidates for re-appointment by the Council)

- **Malini Cadambi Daniel [Preconsidered-M-821]**
- **Arva R. Rice [Preconsidered-M-820]**

Chapter 36 of the *New York City Charter* (the “Charter”) establishes an Equal Employment Practices Commission (“EEPC”) within the City of New York. The law provides that EEPC shall review, evaluate and monitor the employment procedures, practices and programs of City agencies including the City’s Department of Citywide Administrative Services. Its purpose is to ensure an effective affirmative employment program of equal employment opportunity for minority group members and women who are employed by or seek employment with City agencies [*New York City Charter* §830(a)].

The EEPC consists of five members who are compensated on a per-diem basis.¹ The Mayor and the Council each appoint two members, and the Mayor and the Speaker of the Council jointly appoint a fifth member to serve as Chair of EEPC [*New York City Charter* §830(b)]. Members, including the Chair, have four year terms [*New York City Charter* §830(d)]. A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of EEPC. Three members shall constitute a quorum. [*New York City Charter* §830(c)].

EEPC may, within available appropriations, appoint an executive director and such deputies, assistants, and other employees as may be needed in the performance of its duties [*New York City Charter* §830(e)]. EEPC may meet as necessary to implement the provisions of Chapter 36 of the *Charter*, but at least once every eight weeks [*New York City Charter* §830(f)].

Pursuant to *New York City Charter* §831, some of EEPC powers and duties include:

- monitoring the employment practices of all local agencies, including non-Mayoral agencies;
- monitoring the implementation and coordination of City affirmative employment programs;
- requesting information from agencies to carry out Commission functions;
- communicating with the New York City Human Rights Commission concerning violations;
- reviewing and providing comments on annual equal employment opportunity plans adopted by City agencies;
- recommending to any City agency actions which such agency should consider including in its next annual plan;
- advising, and if requested, assisting City agencies in their efforts to increase employment of minority group members and women who are employed by or who seek employment with City agencies;
- auditing and evaluating the employment practices and procedures of each City agency and their efforts to ensure fair and effective equal employment opportunity for minority group members and women at least once every four years and whenever requested by the New York City Civil Service Commission or the New York City Human Rights Commission or whenever otherwise deemed necessary by the Commission;
- making policy, legislative and budgetary recommendations to the Mayor, the Council, the New York City Department of Citywide Administrative Services or any City agency as the Commission deems necessary;
- publishing by the 15th of February of each year, a report to the Mayor and the Council on the activities of EEPC and the effectiveness of each City agency’s affirmative employment efforts and the efforts by the New York City Department of Citywide Administrative Services to ensure equal employment opportunity for minority group members and women who are employed by or seek to be employed by City agencies;
- establishing appropriate advisory committees;

- serving as liaison for the City to state, federal and local agencies responsible for compliance with equal employment opportunity; and
- taking such other actions as are appropriate to effectuate the provisions and purposes of Chapter 36 of the *Charter*.

EEPC is also empowered with compliance procedures to insure that City agencies are adhering to the law [*New York City Charter* §832].

Ms. Malini Cadambi Daniel is scheduled to appear before the Council’s Committee on Rules, Privileges and Elections on Thursday, May 31, 2012. If re-appointed by the Council as a member of EEPC, Ms. Cadambi Daniel, a resident of Queens, will be eligible to serve a four year term that begins July 1, 2012 and expires on June 30, 2016. A copy of Ms. Cadambi Daniel’s résumé and report/resolution is annexed to this briefing paper.

Ms. Arva R. Rice is scheduled to appear before the Council’s Committee on Rules, Privileges and Elections on Thursday, May 31, 2012. If re-appointed by the Council as a member of EEPC, Ms. Rice, a resident of Manhattan, will be eligible to serve the remainder of a four year term that expires on June 30, 2015. A copy of Ms. Rice’s résumé and report/resolution is annexed to this briefing paper.

*New York State Bar admission pending.

¹ The current per-diem rate for Commission members is \$250. The rate for the Chair is \$275.

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 830 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Council of Malini Cadambi Daniel as a member of the Equal Employment Practices Commission to serve a four-year term that begins on July 1, 2012 and expires on June 30, 2016.

This matter was referred to the Committee on May 31, 2012.

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

Res. No. 1366

Resolution approving the re-appointment by the Council of Malini Cadambi Daniel as a member of the Equal Employment Practices Commission.

By Council Member Rivera.

RESOLVED, that pursuant to § 830 of the *New York City Charter*, the Council does hereby approve the re-appointment of Malini Cadambi Daniel as a member of the Equal Employment Practices Commission to serve a four-year term that begins on July 1, 2012 and expires on June 30, 2016.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, INEZ E. DICKENS, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, May 31, 2012.

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

Reports of the Committee on State and Federal Legislation

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

Report for SLR No. 15

Report of the Committee on State and Federal Legislation in favor of approving State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gianaris, S.2513, and Assembly Member Simotas, A.4874, "AN ACT to authorize the city of New York to discontinue use of and convey certain park land".

The Committee on State and Federal Legislation, to which the annexed resolution was referred on May 31, 2012, respectfully

REPORTS:

(The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR) by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter.)

BACKGROUND

This legislation would allow St. Michael's Cemetery, in Astoria, Queens, to acquire a small parcel of park land located next to the cemetery. According to the Memorandum in Support (MIS), this land is currently underutilized and in disrepair. In exchange for the land, the MIS states that St. Michael's Cemetery has agreed to transfer a replacement parcel of land to the city of New York to replace the park land it would acquire so that the western Queens community does not lose valuable green space.

PROPOSED LEGISLATION

This legislation would authorize the City of New York to discontinue use as park land and to convey, in fee simple, the land described in section three of this act to Saint Michael's Cemetery. The land is authorized to be conveyed "upon such terms as the City Council of the City of New York shall determine to be fair and reasonable." The legislation would provide that the authorization be subject to the requirement that the City use any proceeds and/or land received in exchange for the conveyance authorized to "acquire land, to be dedicated for park purposes in an amount equal to or greater than the fair market value of the land being conveyed." The bill also describes the boundaries of the land authorized to be discontinued as park land and conveyed to St. Michael's Cemetery.

FISCAL IMPLICATIONS:

See Finance Fiscal Impact Statement

EFFECTIVE DATE:

This Act shall take effect immediately.

ATTACHMENT:

REKIEVE

Page 1 of 2

STATE OF NEW YORK

2513

2011-2012 Regular Sessions

IN SENATE

January 24, 2011

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to authorize the city of New York to discontinue use of and convey certain park land

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subject to the provisions of this act, the city of New York
2 is authorized to discontinue use as park land and to convey, in fee
3 simple, the land described in section three of this act. Such land is
4 authorized to be conveyed to the Saint Michael's Cemetery upon such
5 terms and conditions as the city council of the city of New York shall
6 determine to be fair and reasonable.
7 § 2. The authorization provided in section one of this act shall be
8 subject to the requirement that the city of New York shall use any
9 proceeds and/or land received in exchange for the conveyance authorized
10 by this act to acquire land, to be dedicated for park purposes, in an
11 amount equal to or greater than the fair market value of the land being
12 conveyed pursuant to this act and/or used for capital improvements to
13 existing park and recreational facilities.
14 § 3. The land authorized to be discontinued as park land and conveyed
15 is as follows:
16 ALL that certain plot, piece or parcel of land, lying and being in the
17 Borough and County of Queens, City and State of New York, bounded and
18 described as follows:
19 BEGINNING at the corner formed by the intersection of the westerly
20 side of Brooklyn-Queens Expressway East (Service Road), also known as
21 Boody Street, with the northerly side of 30th Avenue, formerly known as
22 Grand Avenue (80 feet wide);
23 RUNNING THENCE along the northerly side of 30th Avenue, South 53
24 degrees 05 minutes 15 seconds West, 57.40 feet;
25 THENCE North 1 degree 15 minutes 59.9 seconds West, 1635.52 feet;

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

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REKIEVE

Page 2 of 2

S. 2513

2

1 THENCE South 88 degrees 20 minutes 01.5 second East, 142.31 feet;
2 THENCE North 19 degrees 17 minutes 37 seconds East, 31.30 feet;
3 THENCE North 4 degrees 20 minutes 15 seconds West, 206.73 feet;
4 THENCE North 8 degrees 45 minutes 15 seconds West, 25.00 feet;
5 THENCE North 11 degrees 45 minutes 55 seconds West, 363.31 feet;
6 THENCE North 11 degrees 05 minutes 28.4 seconds West, 301.87 feet to
7 the southerly side of Grand Central Parkway (Service Road), also known
8 as Astoria Boulevard;
9 THENCE along the southerly side of Grand Central Parkway (Service
10 Road), also known as Astoria Boulevard, North 73 degrees 53 minutes 24.9
11 seconds East, 15.99 feet to the extreme northwesterly end of the arc of
12 a curve which connects the southerly side of Grand Central Parkway
13 (Service Road), also known as Astoria Boulevard with the westerly side
14 of Brooklyn-Queens Expressway East (Service Road), also known as Boody
15 Street;
16 THENCE southeasterly along the westerly side of Brooklyn-Queens
17 Expressway East (Service Road), also known as Boody Street and along the
18 last mentioned arc of a curve, bearing to the right having a radius of
19 30.00 feet, a distance of 22.63 feet;
20 THENCE continuing along the westerly side of Brooklyn-Queens Express-
21 way East (Service Road), also known as Boody Street, the following eight
22 (8) courses and distances:
23 1) South 14 degrees 41 minutes 57.9 seconds East, 556.50 feet;
24 2) southerly along the arc of a curve bearing to the right having a
25 radius of 569.64 feet, a distance of 337.96 feet;
26 3) South 19 degrees 17 minutes 37 seconds West, 93.40 feet;
27 4) southerly along the arc of a curve bearing to the left having a
28 radius of 816.10 feet, a distance of 275.78 feet;
29 5) South 0 degrees 04 minutes 05.3 seconds East, 335.50 feet;
30 6) southerly along the arc of a curve bearing to the right having a
31 radius of 630.99 feet, a distance of 105.76 feet;
32 7) southerly along the arc of a curve bearing to the left having a
33 radius of 500.00 feet, a distance of 94.51 feet;
34 8) South 1 degree 17 minutes 43.9 seconds East, 730.91 feet to the
35 northerly side of 30th Avenue, at the point or place of BEGINNING.
36 Consisting of 3.77 acres ±.
37 § 4. If the parkland that is the subject of this act has received
38 funding pursuant to the federal land and water conservation fund, the
39 discontinuance of parkland authorized by the provisions of this act
40 shall not occur until the municipality has complied with the federal
41 requirements pertaining to the conversion of parklands, including satis-
42 fying the secretary of the interior that the discontinuance will include
43 all conditions which the secretary of the interior deems necessary to
44 assure the substitution of other lands shall be equivalent in fair
45 market value and recreational usefulness to the lands being discontin-
46 ued.
47 § 5. This act shall take effect immediately.

NEW YORK STATE SENATE
 INTRODUCER'S MEMORANDUM IN SUPPORT
 submitted in accordance with Senate Rule VI, Sec 1

BILL NUMBER: S2513

SPONSOR: GIANARIS

TITLE OF BILL:

An act to authorize the city of New York to discontinue use of and convey certain park land

PURPOSE:

To authorize the city of New York to discontinue use of certain park land and convey it to the St. Michael's cemetery.

SUMMARY OF PROVISIONS:

Section 1. Authorizes the city of New York to discontinue use as park land and to convey, in fee simple, the land described in section three of this act to Saint Michael's Cemetery.

Section 2. Provides that the authorization of this act shall be subject to the requirement that the city of New York shall use any proceeds and/or land received in exchange for the conveyance authorized by this act to acquire land, to be dedicated for park purposes in an amount equal to or greater than the fair market value of the land being conveyed.

Section 3. Describes the land authorized to be discontinued as park land and conveyed as the property bounded by Astoria Boulevard to the north, 30th Avenue to the south, the Brooklyn-Queens Expressway to the east, and St. Michael's Cemetery to the west, in the Astoria section of Queens, City and State of New York. The property consists of a 3.77 acre highly irregularly shaped parcel of vacant land know as St. Michael's Park.

JUSTIFICATION:

This legislation would allow St. Michael's Cemetery, located in Astoria, Queens to acquire a small strip of park land that is underutilized and in disrepair located adjacent to the cemetery.

St. Michael's Cemetery has agreed to transfer a replacement parcel of land to the City of New York in order to replace the park land acquired and ensure that the western Queens community does not lose valuable green space.

PRIOR LEGISLATIVE HISTORY:

None.

FISCAL IMPLICATIONS:

To be determined.

EFFECTIVE DATE:

This act shall take effect immediately.

STATE OF NEW YORK

4874

2011-2012 Regular Sessions

IN ASSEMBLY

February 8, 2011

Introduced by M. of A. SIMOTAS -- read once and referred to the Committee on Cities

AN ACT to authorize the city of New York to discontinue use of and convey certain park land

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subject to the provisions of this act, the city of New York
 2 is authorized to discontinue use as park land and to convey, in fee
 3 simple, the land described in section three of this act. Such land is
 4 authorized to be conveyed to the Saint Michael's Cemetery upon such
 5 terms and conditions as the city council of the city of New York shall
 6 determine to be fair and reasonable.

7 § 2. The authorization provided in section one of this act shall be
 8 subject to the requirement that the city of New York shall use any
 9 proceeds and/or land received in exchange for the conveyance authorized
 10 by this act to acquire land, to be dedicated for park purposes, in an
 11 amount equal to or greater than the fair market value of the land being
 12 conveyed pursuant to this act and/or used for capital improvements to
 13 existing park and recreational facilities.

14 § 3. The land authorized to be discontinued as park land and conveyed
 15 is as follows:

16 ALL that certain plot, piece or parcel of land, lying and being in the
 17 Borough and County of Queens, City and State of New York, bounded and
 18 described as follows:

19 BEGINNING at the corner formed by the intersection of the westerly
 20 side of Brooklyn-Queens Expressway East (Service Road), also known as
 21 Boody Street, with the northerly side of 30th Avenue, formerly known as
 22 Grand Avenue (80 feet wide);

23 RUNNING THENCE along the northerly side of 30th Avenue, South 53
 24 degrees 05 minutes 15 seconds West, 57.40 feet;

25 THENCE North 1 degree 15 minutes 59.9 seconds West, 1635.52 feet;

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
 [-] is old law to be omitted.

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A. 4874

2

1 THENCE South 88 degrees 20 minutes 01.5 second East, 142.31 feet;
 2 THENCE North 19 degrees 17 minutes 37 seconds East, 31.30 feet;
 3 THENCE North 4 degrees 20 minutes 15 seconds West, 206.73 feet;

4 THENCE North 8 degrees 45 minutes 15 seconds West, 25.00 feet;
 5 THENCE North 11 degrees 45 minutes 55 seconds West, 363.31 feet;

6 THENCE North 11 degrees 05 minutes 28.4 seconds West, 301.87 feet to
 7 the southerly side of Grand Central Parkway (Service Road), also known
 8 as Astoria Boulevard;

9 THENCE along the southerly side of Grand Central Parkway (Service
 10 Road), also known as Astoria Boulevard, North 73 degrees 53 minutes 24.9
 11 seconds East, 15.99 feet to the extreme northwesterly end of the arc of
 12 a curve which connects the southerly side of Grand Central Parkway
 13 (Service Road), also known as Astoria Boulevard with the westerly side
 14 of Brooklyn-Queens Expressway East (Service Road), also known as Boody
 15 Street;

16 THENCE southeasterly along the westerly side of Brooklyn-Queens
 17 Expressway East (Service Road), also known as Boody Street and along the
 18 last mentioned arc of a curve, bearing to the right having a radius of
 19 30.00 feet, a distance of 22.63 feet;

20 THENCE continuing along the westerly side of Brooklyn-Queens Express-
 21 way East (Service Road), also known as Boody Street, the following eight
 22 (8) courses and distances:

23 1) South 14 degrees 41 minutes 57.9 seconds East, 556.50 feet;
 24 2) southerly along the arc of a curve bearing to the right having a
 25 radius of 569.64 feet, a distance of 337.96 feet;

26 3) South 19 degrees 17 minutes 37 seconds West, 93.40 feet;
 27 4) southerly along the arc of a curve bearing to the left having a
 28 radius of 816.10 feet, a distance of 275.78 feet;

29 5) South 0 degrees 04 minutes 05.3 seconds East, 335.50 feet;
 30 6) southerly along the arc of a curve bearing to the right having a
 31 radius of 630.99 feet, a distance of 105.76 feet;

32 7) southerly along the arc of a curve bearing to the left having a
 33 radius of 500.00 feet, a distance of 94.51 feet;

34 8) South 1 degree 17 minutes 43.9 seconds East, 730.91 feet to the
 35 northerly side of 30th Avenue, at the point or place of BEGINNING.

36 Consisting of 3.77 acres ±.

37 § 4. If the parkland that is the subject of this act has received
 38 funding pursuant to the federal land and water conservation fund, the
 39 discontinuance of parkland authorized by the provisions of this act
 40 shall not occur until the municipality has complied with the federal
 41 requirements pertaining to the conversion of parklands, including satis-
 42 fying the secretary of the interior that the discontinuance will include
 43 all conditions which the secretary of the interior deems necessary to
 44 assure the substitution of other lands shall be equivalent in fair
 45 market value and recreational usefulness to the lands being discontin-
 46 ued.

47 § 5. This act shall take effect immediately.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A4874

SPONSOR: Simotas

TITLE OF BILL: An act to authorize the city of New York to discontinue use of and convey certain park land

PURPOSE: To authorize the city of New York to discontinue use of certain park land and convey it to the St. Michael's cemetery.

SUMMARY OF PROVISIONS: Section 1. Authorizes the city of New York to discontinue use as park land and to convey, in fee simple, the land described in section three of this act to Saint Michael's Cemetery.

Section 2. Provides that the authorization of this act shall be subject to the requirement that the city of New York shall use any proceeds and/or land received in exchange for the conveyance authorized by this act to acquire land, to be dedicated for park purposes in an amount equal to or greater than the fair market value of the land being conveyed.

Section 3. Describes the land authorized to be discontinued as park land and conveyed as the property bounded by Astoria Boulevard to the north, 30th Avenue to the south, the Brooklyn-Queens Expressway to the east, and St. Michael's Cemetery to the west, in the Astoria section of Queens, City and State of New York. The property consists of a 3.77 acre highly irregularly shaped parcel of vacant land know as St. Michael's Park.

JUSTIFICATION: This legislation would allow St. Michael's Cemetery, located in Astoria, Queens to acquire a small strip of park land that is underutilized and in disrepair located adjacent to the cemetery.

St. Michael's Cemetery has agreed to transfer a replacement parcel of land to the City of New York in order to replace the park land acquired and ensure that the western Queens community does not lose valuable green space.

PRIOR LEGISLATIVE HISTORY: 2009-10: A4317-B - 06/07/10 print number 4317b

FISCAL IMPLICATIONS: To be determined.

EFFECTIVE DATE: This act shall take effect immediately.

(The following is the text of the Fiscal Impact Statement for SLR No. 15:)



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

PRECONSIDERED SLR : S. 2513 (Gianaris) same as A. 4874 (Simotas)

COMMITTEE: State and Federal Legislation

TITLE: AN ACT to authorize the city of New York to discontinue use of and convey certain park land
SPONSOR: Council Member Foster

SUMMARY OF LEGISLATION: This legislation authorizes the city of New York to discontinue use as a park and to convey the land to Saint Michael's Cemetery.

EFFECTIVE DATE: This legislation would take effect immediately upon enactment.

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: There would be no impact on revenues as a result of enactment of this legislation.

IMPACT ON EXPENDITURES: There would be no impact on expenditures as a result of enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Scott M. Crowley, Deputy Director

DATE SUBMITTED TO COUNCIL: January 18, 2012

FIS HISTORY: SLR 13 of 2011, adopted 6/15/2011; Same as A4317-B/2768-B of 2010, became SLR 5 of 2010, approved by Council 6/5/2010, passed Senate 6/24/2010, not voted on by Assembly.

Accordingly, this Committee recommends its adoption.

(For text of the State Legislation Resolution, please see the Introduction and Reading of Bills section printed in these Minutes)

HELEN D. FOSTER, Chairperson; JOELRIVERA, ERIK MARTIN-DILAN, DOMENIC M. RECCHIA, Jr., LELIZABETH CROWLEY; Committee on State and Federal Legislation, May 31, 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 State and Federal Legislation and had been favorably reported for adoption.

Report for SLR No. 16

Report of the Committee on State and Federal Legislation in favor of approving State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.6436, and Assembly Member Abbate, A.9367-A, "AN ACT to amend the general municipal law, in relation to training of fire officers in cities of one million or more".

The Committee on State and Federal Legislation, to which the annexed resolution was referred on May 31, 2012, respectfully

REPORTS:

(The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR) by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter:)

BACKGROUND

The bill would require mandatory training for fire officers on fire, building and construction codes in New York City. According to the Memorandum in Support (MIS)...” in order to insure the most coordinated and efficient fire departments, it is necessary for new and existing fire officers to be knowledgeable of contemporary fire codes, as well as building and construction codes and local city ordinances.” This proposed legislation would mandate New York City to provide fire officers with mandatory classroom and field training on building and constructions codes and local ordinances of the city.

According to the Senate MIS, new fire and building codes were enacted in New York City in 2008, yet there has not been significant effort to train fire officers on the changes to these codes. This bill would require such training.

PROPOSED LEGISLATION

The legislation would amend the General Municipal Law to include a new section which would require all fire departments in New York cities with a population of one million or more to provide all fire officers with at least 40 hours of field training and class room instruction in the building and construction codes and local ordinances of the City and 40 hours of field training and classroom instruction in the City's fire code by July 1, 2014. Emphasis would be on the inspection duties of fire officers and any relevant changes to these duties as a result of, the new fire and building codes that took effect on or after July 1, 2008.

FISCAL IMPLICATIONS:

See Finance Fiscal Impact Statement

EFFECTIVE DATE:

This Act shall take effect immediately.

ATTACHMENT:

RETRIEVE

Page 1 of 1

STATE OF NEW YORK

6436

IN SENATE

February 9, 2012

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the general municipal law, in relation to training of fire officers in cities of one million or more

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general municipal law is amended by adding a new
2 section 209-ff to read as follows:
3 § 209-ff. Training of fire officers. In any city with a population of
4 one million or more, the fire department of such city, in coordination
5 with the building department of such city, shall no later than July
6 first, two thousand fourteen, provide to all fire officers of such city
7 at least forty hours of field training and classroom instruction in the
8 fire code of such city and at least forty hours of field training and
9 classroom instruction in the building and construction codes and local
10 ordinances of such city, with an emphasis on the inspection duties of
11 fire officers and any pertinent changes in such duties resulting from
12 the enactment of, or any amendment to any of such codes that took effect
13 on or after July first, two thousand eight.
14 § 2. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD14218-01-2

RETRIEVE BILL

Page 1 of 1

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI, Sec 1

BILL NUMBER: S6436

REVISED 05/01/12

SPONSOR: GOLDEN

TITLE OF BILL:

An act to amend the general municipal law, in relation to training of fire officers in cities of one million or more

PURPOSE:

Adds a new section 209-ff to the general municipal law, requiring training of NYC fire officers in changes to building and construction codes and local ordinances in NYC.

JUSTIFICATION:

New fire and building codes took effect in NYC on July 1, 2008. Since then there has not been any significant effort to train fire officers in the numerous changes to the codes. This legislation would require a minimum of 40 hours of field training and 40 hours of classroom instruction to be completed no later than July 1, 2014.

LEGISLATIVE HISTORY:

2010 S.6784/A.9885 Passed Both Houses
2010 Vetoes Memo 6824

FISCAL IMPLICATIONS:

To be determined.

EFFECTIVE DATE:

This act shall take effect immediately.

RETRIEVE

Page 1 of 1

STATE OF NEW YORK

9367--A

IN ASSEMBLY

February 24, 2012

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to training of fire officers in cities of one million or more

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general municipal law is amended by adding a new
2 section 209-ff to read as follows:
3 § 209-ff. Training of fire officers. In any city with a population of
4 one million or more, the fire department of such city, in coordination
5 with the building department of such city, shall no later than July
6 first, two thousand fourteen, provide to all fire officers of such city
7 at least forty hours of field training and classroom instruction in the
8 fire code of such city and at least forty hours of field training and
9 classroom instruction in the building and construction codes and local
10 ordinances of such city, with an emphasis on the inspection duties of
11 fire officers and any pertinent changes in such duties resulting from
12 the enactment of, or any amendment to any of such codes that took effect
13 on or after July first, two thousand eight.
14 § 2. This act shall take effect immediately.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD14338-02-2

RETRIEVE BILL

Page 1 of 1

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A9367A

SPONSOR: Abbate

TITLE OF BILL: An act to amend the general municipal law, in relation to training of fire officers in cities of one million or more

PURPOSE: Requires mandatory training for fire officers in all New York cities whose population is in excess of one million.

SUMMARY OF PROVISIONS: Section 1 - adds a new section 209-ff.

JUSTIFICATION: In order to insure the most coordinated and efficient fire departments, it is necessary for new and existing fire officers to be knowledgeable of contemporary fire codes, as well as building and construction codes and local city ordinances. Specifically, this act requires all fire departments of a city with an excess population of one million residents to provide all fire officers of such department with at least 40 hours of field training and classroom instruction in the city's fire code, and a minimum of 40 hours of field training and classroom instruction in the building and construction codes and local ordinances of the city. Per these requirements and with emphasis on the inspection duties of fire officers, including any pertinent changes in such duties resulting from the enactment of or any amendment to any codes that took effect in recent years, fire officers can better understand the current codes of their city.

This curriculum will benefit both the fire departments and the communities they serve by insuring a more knowledgeable and effective body of fire officers who are up to date in terms of these readily-changing codes and ordinances.

PRIOR LEGISLATIVE HISTORY: New bill.

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This act shall take effect immediately.

(The following is the text of the Fiscal Impact Statement for SLR No. 16:)



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

Preconsidered SLR 16: S.6436 (Golden)
 A.9367-A (Abbate)

COMMITTEE: State
 and Federal Legislation

TITLE: AN ACT to amend the general municipal law, in relation to training of fire officers in cities of one million or more

SPONSOR: Council Member Foster

SUMMARY OF LEGISLATION: This legislation would require the Fire Department to train all fire officers in the new Fire and Building Codes, no later than July 1st, 2014. FDNY will have to provide in the coordination with the Department of Buildings all fire officers with at least forty hours of field training and classroom instruction in the fire code, and at least forty hours of field training and classroom instruction in the building and construction codes and local ordinances, with an emphasis on the inspection duties of fire officers and any pertinent changes in these duties resulting from the enactment of amendments to the any of such codes that took effect on or after July 1st, 2008.

EFFECTIVE DATE: This legislation shall take effect immediately

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	N/A	\$20, 500,000
Net	\$0	N/A	\$20, 500,000

IMPACT ON REVENUES: None

IMPACT ON EXPENDITURES: According to the Office of Management and Budget, this legislation would require assignment of 2,356 fire officers to a minimum of 80 hours of training. Officers would be assigned to training on overtime and the costs would total approximately \$19.0 million. Additionally, the Department of Buildings would incur costs of approximately \$1.5 million for the training and curriculum.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Fire Department, Department of Buildings

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

ESTIMATE PREPARED BY: John Lisianskiy, Legislative Financial Analyst
 Regina Poreda Ryan, Assistant Director

FIS HISTORY: This is a re-introduction of S.6784/A.9885 from the 2010-2011 State Legislative Session.

The Council voted and adopted a Home Rule message; SLR 1 on April 29, 2010.

Expected to be Voted on: **May 31, 2012**

Accordingly, this Committee recommends its adoption.

(For text of the State Legislation Resolution, please see the Introduction and Reading of Bills section printed in these Minutes)

HELEN D. FOSTER, Chairperson; JOELRIVERA, ERIK MARTIN-DILAN, DOMENIC M. RECCHIA, Jr., LELIZABETH CROWLEY; Committee on State and Federal Legislation, May 31, 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

Lashawn K. Miller	545 West 158 th Street 441 New York, N.Y. 10032	7
Betsaida Santana	1450 Jesup Avenue #4E Bronx, N.Y. 10452	16
Rudolph S. Giuliani	40-24 193 Street #2 Flushing, N.Y. 11358	19
Thania Barbecho	109-30 54 th Avenue Queens, N.Y. 11368	21
Linda Willingham	142-35 84 th Drive #5G Queens, N.Y. 11435	24
Yolanda Vicente	119-14 Union Turnpike Kew Gardens, N.Y. 11415	29
Gerald Sullivan	16 Beach 213 th Street Breezy Point, N.Y. 11697	32

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Jennifer Salerno	12 Monroe Street #3A New York, N.Y. 10002	1
Diane Acevedo	765 FDR Drive #3B New York, N.Y. 10009	2
Tammy Lisa Daniels	178 Avenue D #6A New York, N.Y. 10009	2
Bernice Villagomez	431 East 139 th Street Bronx, N.Y. 10454	8
Marguerite A. Maignan	165 Audubon Avenue #53 New York, N.Y. 10033	10
Noemy Mercedes	4455 Broadway #5G New York, N.Y. 10040	10
Kathleen Hopkins	954 East 220 th Street Bronx, N.Y. 10469	12
Victor B. Tosi	3309 Hone Avenue Bronx, N.Y. 10469	12
Carmen E. Lepin	2830 Schley Avenue #6A Bronx, N.Y. 10465	13
Shanaleigh Mejia	2977 Bainbridge Avenue #403 Bronx, N.Y. 10458	15
Monique E. Jackson	890 Courtland Avenue #5B Bronx, N.Y. 10451	17
Beryl M. Wright	820 Boynton Avenue #14H Bronx, N.Y. 10473	18
James Pena	59-30 108 th Street #3NN Queens, N.Y. 11368	21
Rose Birtley	141-08 Coolidge Avenue Queens, N.Y. 11435	24
Sheanni Gunasekera	84-31 Van Wyck Expressway #5G Briarwood, N.Y. 11435	24
John P. Guyette	47-52 44 th Street #C9 Queens, N.Y. 11377	26

Linda Hood	186-09 Baisley Blvd Queens, N.Y. 11412	27
Nancy F. Redden	120-36 218 th Street Queens, N.Y. 11411	27
Cherrise Watson-Jackson	164-21 109 th Road Jamaica, N.Y. 11433	27
Donna Erdmann-Gruber	88-41 Doran Avenue Glendale, N.Y. 11385	30
Robin Valerio	69-18 59 th Drive Maspeth, N.Y. 11378	30
Sandra Stewart	133-05 229 th Street Queens, N.Y. 11413	31
Angela Maiello	155-39 81 st Street Queens, N.Y. 11414	32
Monika Szoke-Ench	160-11 90 th Street #5P Howard Beach, N.Y. 11414	32
Myrta R. Colon	31 Leonard Street #9G Brooklyn, N.Y. 11206	34
Vanessa Mendez	19 Cornelia Street Brooklyn, N.Y. 11221	34
Desiree J. Waters	1324 Carroll Street #2H Brooklyn, N.Y. 11213	35
Lisa M. Hailey	917 Greene Avenue #3C Brooklyn, N.Y. 11221	36
Elaine Steele Pinckney	1600 Fulton Street #6A Brooklyn, N.Y. 11213	36
Robert Santos	506 40 th Street #3 Brooklyn, N.Y. 11232	38
Rodney Payne	1305 Delmar Loop #17D Brooklyn, N.Y. 11239	42
April Reid	200 Bethel Loop #1C Brooklyn, N.Y. 11239	42
Chantelle Headley	15 MacKay Place #3L Brooklyn, N.Y. 11209	43
Alicia Marte	2111 76 th Street #2 Brooklyn, N.Y. 11214	44
Sara Teitelbaum	1250 East 29 th Street Brooklyn, N.Y. 11210	45
Cara Trentadue	143 Bay 49 th Street #1F Brooklyn, N.Y. 11214	47
Valentina Urintseva	445 Neptune Avenue #10B Brooklyn, N.Y. 11224	47
Stuart Goldstein	2727 Ocean Parkway #D28 Brooklyn, N.Y. 11235	48
Polina Smolianski	4596 Bedford Avenue Brooklyn, N.Y. 11235	48
Perry Luquis	70 Ross Avenue #C1 Staten Island, N.Y. 10306	50
J. Mary Wanamker	27 Park Street Staten Island, N.Y. 10306	50
Ingrid Campione	63 Wheeling Avenue Staten Island, N.Y. 10309	51

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

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

- (1) **M 820 & Res 1365 --** **Arva R. Rice** - Re-appointment by the Council to the New York City Equal Employment Practices Commission
- (2) **M 821 & Res 1366 --** **Malini Cadambi Daniel** - Re-appointment by the Council to the New York City Equal Employment Practices
- (3) **Int 479-A --** Requiring city contractors and subcontractors to post information concerning their employees' reporting of fraud, false claims, criminality or corruption and their whistleblower protection rights.

- (4) **Int 816-A --** Extending whistleblower protection for officers and employees of city contractors and subcontractors
- (5) **Int 828-A --** New York city false claims act.
- (6) **SLR 15 --** **S.2513, A.4874**, Authorizing the city of New York to discontinue use of and convey certain park land (**Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage**).
- (7) **SLR 16 --** **S.6436, A.9367-A**, in relation to training of fire officers in cities of one million or more (**Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage**).
- (8) **L.U. 603 & Res 1358 --** App. **20125338 TCM**, 247 Dyckman Street, Borough of Manhattan, Council District 7.
- (9) **L.U. 604 & Res 1359 --** App. **N 120176 ZRM**, amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District), Council District 3.
- (10) **L.U. 605 & Res 1360 --** App. **N 120171 ZRM** submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District), Council District 3.
- (11) **L.U. 606 & Res 1361 --** App. **N 120166 ZRM**, extension of a variance approved by the Board of Standards and Appeals concerning the modification of bulk regulations in the Special Tribeca Mixed Use District, Council District 1.
- (12) **L.U. 608 & Res 1362 --** App. **C 120164 HAX**, 500/539 Union Avenue (Block 2582, lots 47,64 and 65) and the disposition of city owned property, Borough of the Bronx, Community Board 1, Council District no. 17.
- (13) **L.U. 609 & Res 1363 --** App. **C 120165 ZMX**, amendment of the Zoning Map, Section No. 6c, changing from an R7-2 District to an R8X District property bounded by East 149th Street, Prospect Avenue, Southern Boulevard, East 147th Street, and Union Avenue and its southerly centerline prolongation, Borough of the Bronx, Council District 17.
- (14) **L.U. 610 & Res 1364 --** App. **20125592 HAM**, at 63-65 w. 137th Street, 119, 123, 125, 132 W. 133rd Street, 235-237 W. 116th Street, 229, 231 W. 121st Street (Block 1735, Lot 8, Block 1917, Lot 45, Block 1918, Lots 20, 21, 23, Block 1922, Lot 13, Block 1927, Lots 15, 16) in the Borough of the Bronx, Community Board 10, Council District no. 9.
- (15) **L.U. 617 & Res 1354 --** St. Francis Apartments, Block 2287, Lot 46, Bronx, Council District No. 8
- (16) **L.U. 618 & Res 1355 --** George Hardy Apartments, Block 2281, Lot 21, Bronx, Council District No. 8
- (17) **L.U. 619 & Res 1356 --** 1520 Sedgwick Avenue, Block 2880, Lot 17, Bronx, Council District 16
- (18) **L.U. 620 & Res 1357 --** Crotona V, Block 3002, Lot 25, Block 3010, Lot 21, Bronx, Council District 15
- (19) **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, Foster, Garodnick, Gennaro,

Gentile, Gonzalez, Greenfield, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 50.

The General Order vote recorded for this Stated Meeting was 50-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **LU No. 609 & Res 1363 and LU No. 610 & Res No. 1364:**

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

Negative – Barron – 1.

The following was the vote recorded for **SLR No. 15:**

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

Abstention – Barron – 1.

The following 3 Introductions were sent to the Mayor for his consideration and approval: Int Nos. 479-A, 816-A, and 828-A.

Home Rule Message Requests for the State bills referred to, respectively, in SLRs Nos. 15 and 16 of 2012 were sent to the State Senate and State Assembly in Albany.

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

RESOLUTIONS

Presented for voice-vote

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

Report for voice-vote Res. No. 1329-A

Report of the Committee on Housing and Buildings in favor of approving as amended, a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, Senate bill S.741-B, and its Assembly companion bill A.6394-B, in relation to the Rent Guidelines Board.

The Committee on Housing and Buildings, to which the annexed resolution was referred on May 15, 2012 (Minutes, page 1577), respectfully

REPORTS:

BACKGROUND AND INTENT:

On May 31, 2012, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Res. No. 1329-A, A Resolution calling upon the New York State Legislature to pass, and the Governor to sign, Senate bill S.741-B, and its Assembly companion bill A.6394-B, in

relation to the Rent Guidelines Board. On May 21, 2012, the Committee conducted an initial hearing on Proposed Res. No. 1329-A and received testimony from tenant leaders and housing advocates on this item.

Pursuant to the provisions of Section 26-510 of the Administrative Code of the City of New York (“Ad. Code”), the Rent Guidelines Board (“RGB”) sets the annual guidelines for rent adjustments for New York City’s approximately 987,000 rent-stabilized rental units.¹ Currently, the membership of the RGB is comprised of two tenant representatives, two representatives of property owners, and five public members.² The five public members are currently required to have experience in either “finance, economics or housing.”³ All of the nine RGB members are appointed by the Mayor of the City of New York who also designates one such public member to serve as the Chair.⁴ Appointments to the RGB are considered executive appointments and are not subject to the advice and consent of the City Council.⁵

PROPOSED RES. NO. 1329-A:

Currently, members of the RGB are appointed by the Mayor and such appointments are not subject to the advice and consent of the City Council.

Senate bill S.741-B, and its Assembly companion bill A.6394-B would allow the five public members of the RGB to have five years of experience in “public service, philanthropy, social services, urban planning and social sciences” or in the areas already recognized. Presently, the public members of the Rent Guidelines Board are required to have experience in “finance, economics or housing.”

Additionally, Senate bill S.741-B, and its Assembly companion bill A.6394-B would also give the City Council the power of advice and consent over the Mayor’s appointments to the RGB.

This opportunity to advise and consent to the appointment of members of the RGB would allow the City Council to evaluate the housing background of proposed appointees and their qualifications to serve on the RGB.

The Council believes that Senate bill S.741-B, and its Assembly companion bill A.6394-B would change the composition of the RGB, provide a much needed review of the members of the Rent Guidelines Board creating proper oversight over a body with the power to affect the lives of nearly one million New Yorkers.

¹ The count of New York City’s rent-stabilized units is from the Selected Initial Findings of the 2011 New York

City Housing and Vacancy Survey, available at <http://www.nyc.gov/html/hpd/downloads/pdf/HPD-2011-HVS-Selected-Findings-Tables.pdf>.

² See Section 26-510 of the Ad. Code.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1329-A:)

Res. No. 1329-A

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, Senate bill S.741-B, and its Assembly companion bill A.6394-B, in relation to the Rent Guidelines Board.

By Council Members Levin, James, Dilan, Brewer, Chin, Comrie, Eugene, Jackson, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Mendez, Palma, Rose, Seabrook, Vann, Williams, Garodnick, Barron, Gennaro and Rodriguez.

Whereas, According to Section 26-510 of the Administrative Code of the City of New York, the Rent Guidelines Board is charged with determining the appropriate level of rent increases for apartments occupied by approximately one million New Yorkers; and

Whereas, The members of the Rent Guidelines Board serve an important public duty by establishing the "lease guidelines for apartments and hotels"; and

Whereas, Currently members of the Rent Guidelines Board are appointed by the Mayor and their appointment is not subject to the advice and consent of the Council; and

Whereas, Conferring upon the Council the power to consent to the appointment of members of the Rent Guidelines Board will give the Council the ability to evaluate the background in housing of proposed appointees and their qualifications to serve on the Rent Guidelines Board; and

Whereas, Senate bill S.741-B, and its Assembly companion bill A.6394-B would change the composition of the Rent Guidelines Board by requiring the five public members to have five years of experience in "public service, philanthropy, social services, urban planning, social sciences"; and

Whereas, Currently, the public members of the Rent Guidelines Board are only required to have experience in "finance, economics or housing"; and

Whereas, The Council finds that Senate bill S.741-B, and its Assembly companion bill A.6394-B would authorize a much needed review of the members of the Rent Guidelines Board and provide the Council with proper oversight over a

body with the power to affect the lives of nearly one million New Yorkers; 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, Senate bill S.741-B, and its Assembly companion bill A.6394-B, in relation to the Rent Guidelines Board.

ERIK MARTIN DILAN Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, Jr., ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS; Committee on Housing and Buildings, May 31, 2012.

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

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

Adopted by the Council by voice-vote.

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

Report for voice-vote Res. No. 1342

Report of the Committee on Health in favor of approving a Resolution calling on the United States House of Representatives and the United States Senate to pass and for the President to reauthorize an adequately funded Farm Bill that creates a strong and healthy food system.

The Committee on Health, to which the annexed resolution was referred on May 31, 2012, respectfully

REPORTS:

INTRODUCTION

On May 31, 2012, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will vote on Preconsidered Res. No. ____, calling on the United States House of Representatives and the United States Senate to pass and for the President to reauthorize an adequately funded Farm Bill that creates a strong and healthy food system.

PRECONSIDERED RES. NO. 1342

Preconsidered Res. No. ____ would state that according to the New York City Center for Economic Opportunity twenty-one percent of the population lives at or below the city poverty line. The Preconsidered Resolution would note that the 2012 Farm Bill will provide an important opportunity to address hunger, improve access to healthy food, fuel economic growth, and protect the environment in New York City and throughout the country. The Preconsidered Resolution would indicate that the Supplemental Nutrition Assistance Program (SNAP) is a critical safety net for New Yorkers, yet for many, SNAP benefits run out before the end of the month, forcing families to rely on emergency food programs that are already stretched beyond capacity.

The Preconsidered Resolution would point out that enrollment in SNAP reached 1.8 million in New York City in 2010 and has remained at this historically high level since. The Preconsidered Resolution would state that however, proposals in the United States Congress would eliminate all SNAP funding. The Preconsidered Resolution would indicate that United States House proposals would eliminate over \$160 billion in SNAP funding and the United States Senate Agriculture Committee draft of the 2012 Farm Bill proposes cutting SNAP by \$4.49 billion. The Resolution would state that although the Senate Agriculture Committee draft includes a much-needed \$160 million increase in funding for TEFAP, this increase will not compensate for the \$173 million cut made to TEFAP last year. The Preconsidered Resolution would also state that SNAP not only provides much needed help to families, but it also stimulates New York City's local economy, as every \$1 in benefits generates \$1.80 in economic activity that supports local neighborhood supermarkets, corner stores, and farmers' markets. The Preconsidered Resolution would also state that funding for this program is vital and should be increased.

Preconsidered Res. No. ____ would note that high rates of obesity and diet-related diseases exist alongside hunger in areas of New York City with inadequate access to healthy food. The Preconsidered Resolution would state that expanding funding for the Community Food Projects Competitive Grant Program, maintaining funding for the Senior Farmers Market Nutrition Program, ensuring that farmers markets and Community Supported Agriculture (CSA) programs can be equipped with cost-effective Electronic Benefits Transfer (EBT) processing capability, and allocating funding for food retailers in underserved communities through the Healthy Food Financing Initiative, would support the Council of the City of New York's

efforts to increase access to affordable healthy food. The Preconsidered Resolution would note that many of the programs within the 2012 Farm Bill provide access to healthy food and are critical to the health of New York City's economy. The Preconsidered Resolution would indicate that any reauthorization of the Farm Bill should include and fund the Farmers Market Promotion Program, Value-Added Producer Grants, and the Beginning Farmer and Rancher Development Program, as these programs produce good jobs and good food by supporting the expansion of our local farm and food economies and improving production, processing, and distribution infrastructure.

The Preconsidered Resolution would also state that funding is also needed to supplement city and state dollars dedicated to the redevelopment of the Hunts Point Market, the largest food distribution center in the world, serving producers in 27 states and 60 percent of the New York City food supply. The Preconsidered Resolution would further note that the residents of New York City rely on rural farmland and watersheds for food and water and the Council of the City of New York leads the nation in developing progressive local sourcing policies. The Preconsidered Resolution would further point out that the reauthorized 2012 Farm Bill must protect our critical natural resources by supporting a well-funded conservation agenda, including working lands and grassland conservation, watershed and farmland preservation, and sustainable agriculture programs.

Finally, Preconsidered Res. No. ____ would call upon the United States House of Representatives and the United States Senate to pass and for the President to reauthorize an adequately funded Farm Bill that creates a strong and healthy food system.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1342:)

Res. No. 1342

Resolution calling on the United States House of Representatives and the United States Senate to pass and for the President to reauthorize an adequately funded Farm Bill that creates a strong and healthy food system.

By Council Members Brewer, Arroyo, Foster, Koslowitz, Palma, the Speaker (Council Member Quinn), Barron, Cabrera, Chin, Comrie, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Jackson, James, Koppell, Lander, Lappin, Levin, Mark-Viverito, Mendez, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Koo, Mealy, Seabrook and Halloran.

Whereas, According to the New York City Center for Economic Opportunity twenty-one percent of the population live at or below the city poverty line; and

Whereas, The 2012 Farm Bill will provide an important opportunity to address hunger, improve access to healthy food, fuel economic growth, and protect the environment in New York City and throughout the country; and

Whereas, The Supplemental Nutrition Assistance Program (SNAP) is a critical safety net for New Yorkers, yet for many, SNAP benefits run out before the end of the month, forcing families to rely on emergency food programs that are already stretched beyond capacity; and

Whereas, Enrollment in SNAP reached 1.8 million in New York City in 2010 and has remained at this historically high level since; and

Whereas, However, proposals in the United States House would eliminate over \$160 billion in SNAP funding; and

Whereas, The United States Senate Agriculture Committee draft of the 2012 Farm Bill includes a much-needed increase in funding for the Emergency Food Assistance Program but proposes cutting SNAP by \$4.49 billion, which would hurt many of the City's most vulnerable residents; and

Whereas, SNAP not only provides much needed help to families, but it also stimulates New York City's local economy, as every \$1 in benefits generates \$1.80 in economic activity that supports local neighborhood supermarkets, corner stores, and farmers' markets; and

Whereas, Funding for this program is vital and should be increased; and

Whereas, High rates of obesity and diet-related diseases exist alongside hunger in areas of New York City with inadequate access to healthy food; and

Whereas, Expanding funding for the Community Food Projects Competitive Grant Program, maintaining funding for the Senior Farmers Market Nutrition Program, ensuring that farmers markets and Community Supported Agriculture (CSA) programs can be equipped with cost-effective Electronic Benefits Transfer (EBT) processing capability, and allocating funding for food retailers in underserved communities through the Healthy Food Financing Initiative, would support the Council of the City of New York's efforts to increase access to affordable healthy food; and

Whereas, Many of the programs within the 2012 Farm Bill provide access to healthy food and are critical to the health of New York City's economy; and

Whereas, Any reauthorization of the Farm Bill should include and fund the Farmers Market Promotion Program, Value-Added Producer Grants, and the Beginning Farmer and Rancher Development Program, as these programs produce

good jobs and good food by supporting the expansion of our local farm and food economies and improving production, processing, and distribution infrastructure; and

Whereas, Funding is also needed to supplement city and state dollars dedicated to the redevelopment of the Hunts Point Market, the largest food distribution center in the world, serving producers in 27 states and 60 percent of the New York City food supply; and

Whereas, The residents of New York City rely on rural farmland and watersheds for food and water and the Council of the City of New York leads the nation in developing progressive local sourcing policies; and

Whereas, the reauthorized 2012 Farm Bill must protect our critical natural resources by supporting a well-funded conservation agenda, including working lands and grassland conservation, watershed and farmland preservation, and sustainable agriculture programs; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States House of Representatives and the United States Senate to pass and for the President to reauthorize an adequately funded Farm Bill that creates a strong and healthy food system.

MARIA del CARMEN ARROYO, Chairperson; JOEL RIVERA, HELEN D. FOSTER, ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATTHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER; Committee on Health, May 31, 2012.

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

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

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 862

By Council Members Barron, Ferreras, Jackson, James, Koo, Mendez, Palma, Rose, Seabrook, Vann and Williams.

A Local Law to amend the administrative code of the city New York, in relation to requiring the department of environmental protection to notify water customers who ware owners of class 2 properties, by mail, of large charges that could indicate a potential leak.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 24-337 of the administrative code of the city of New York is amended to read as follows:

§ 24-337. Waste of water prohibited; remedies. a. It shall be unlawful for water to be wasted, whether owing to leak or wasteful condition, regardless of fault, from any water pipe, valve, faucet, conduit, equipment, facility or device connected to the city water system or which utilizes city water. It shall be the duty of an owner, lessee, agent, manager, operator and of any other person in charge of or who has control over any premises, plant, equipment, facility, device or operation to make frequent regular inspections so as to minimize the likelihood of leak or waste and within a reasonable time after the discovery or notification of any leak or wasteful condition to effect repairs or take other appropriate corrective action within the power of such person. *When the commissioner of environmental protection determines that the water usage for a property classified in tax class two, as defined by section 1802 of the New York state real property tax law, is unusually high or low during any billing cycle, the commissioner shall send a written notice with the bill for the payment of water charges, and print a notice on the envelope in which the bill is mailed, to the owner of such property.* The commissioner of environmental protection shall promulgate such reasonable rules and regulations as the commissioner may from time to time deem appropriate for the prevention of the waste of water.

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

Referred to the Committee on Environmental Protection.

Int. No. 863

By Council Members Brewer, Dromm, Gentile, Gonzalez, Jackson, James, Koppell, Lander, Mendez, Palma, Rose, Sanders, Seabrook, Vann, Williams, Wills and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting employment discrimination based on an individual's actual or perceived status as a caregiver.

Be it enacted by the Council as follows:

Section 1. Section 8-101 of chapter one of title eight of the administrative code of the city of New York, as amended by local law number 10 for the year 2008, is amended to read as follows:

§8-101 Policy.

In the city of New York, with its great cosmopolitan population, there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of groups prejudiced against one another and antagonistic to each other because of their actual or perceived differences, including those based on race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status, *caregiver status*, any lawful source of income, status as a victim of domestic violence or status as a victim of sex offenses or stalking, whether children are, may be or would be residing with a person or conviction or arrest record. The council hereby finds and declares that prejudice, intolerance, bigotry, and discrimination, bias-related violence or harassment and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the institutions and foundation of a free democratic state. A city agency is hereby created with power to eliminate and prevent discrimination from playing any role in actions relating to employment, public accommodations, and housing and other real estate, and to take other actions against prejudice, intolerance, bigotry, discrimination and bias-related violence or harassment as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

§2. Section 8-102 of chapter one of title eight of the administrative code of the city of New York is amended by adding a new subdivision 26 to read as follows:

26. (a) *The term "caregiver" means a person who is a contributor to the ongoing care of a child or children for whom the person has assumed parental responsibility, or the ongoing care of a person or persons in a dependent relationship with the caregiver who suffer(s) from a disability.*

(b) *The term "dependent relationship" means the relationship of a caregiver to a person who is related by blood, legal custody, marriage, or to his or her domestic partner, as defined in section 3-240 of the administrative code of the city of New York, or to a person with whom the caregiver lives in a familial relationship.*

§3. Subparagraphs (a), (b), (c), and (d) of subdivision 1 of section 8-107 of chapter one of title eight of the administrative code of the city of New York are amended to read as follows:

1. Employment. It shall be an unlawful discriminatory practice:

(a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, *caregiver status*, sexual orientation or alienage or citizenship status of any person, to refuse to hire or employ or to bar or to discharge from employment such person or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency or an employee or agent thereof to discriminate against any person because of such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, *caregiver status*, sexual orientation or alienage or citizenship status in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants for its services to an employer or employers.

(c) For a labor organization or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, *caregiver status*, sexual orientation or alienage or citizenship status of any person, to exclude or to expel from its membership such person or to discriminate in any way against any of its members or against any employer or any person employed by an employer.

(d) For any employer, labor organization or employment agency or an employee or agent thereof to declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, gender, disability, marital status, partnership status, *caregiver status*, sexual orientation or alienage or citizenship status, or any intent to make any such limitation, specification or discrimination.

§4. Section 8-107 of chapter one of title eight of the administrative code of the city of New York is amended by adding a new subdivision 21 to read as follows:

21. *Applicability; caregivers.*

(a) *Requirement to make reasonable accommodation to the needs of caregivers. Any person prohibited by the provisions of this section from discriminating on the basis of caregiver status shall make reasonable accommodation as defined in subdivision eighteen of section 8-102 of this chapter to enable a caregiver to satisfy the essential requisites of a job or enjoy the right or rights in question provided that the caregiver status is known or should have been known by the employer.*

§5. This local law shall take effect upon enactment.

Referred to the Committee on Civil Rights.

Int. No. 864

By Council Members Brewer, Vacca, Gentile, James, Koo, Koppell, Lander, Palma, Recchia, Rose, Williams, Wills, Rodriguez and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to special parking for accessible for-hire vehicles.

Be it enacted by the Council as follows:

Section 1. Section 19-164 of the administrative code of the city of New York is amended to read as follows:

§19-164 Special parking for wheelchair accessible vans *and accessible vehicles*. Any wheelchair accessible van *or accessible vehicle, as such term is defined in section 19-534 of this title*, licensed by the taxi and limousine commission actually in the process of boarding or discharging [wheelchair passengers] *physically disabled persons*, or escorting [wheelchair passengers] *such persons* to and from their destination, shall be permitted to park in any *no standing zone, bicycle lane, or area* in which a vehicle with a special vehicle identification permit is permitted to park.

§2. This local law shall take effect ninety days after it is enacted into law.

Referred to the Committee on Transportation.

Res. No. 1342

Resolution calling on the United States House of Representatives and the United States Senate to pass and for the President to reauthorize an adequately funded Farm Bill that creates a strong and healthy food system.

By Council Members Brewer, Arroyo, Foster, Koslowitz, Palma, the Speaker (Council Member Quinn), Barron, Cabrera, Chin, Comrie, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Jackson, James, Koppell, Lander, Lappin, Levin, Mark-Viverito, Mendez, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Koo, Mealy, Seabrook and Halloran.

Whereas, According to the New York City Center for Economic Opportunity twenty-one percent of the population live at or below the city poverty line; and

Whereas, The 2012 Farm Bill will provide an important opportunity to address hunger, improve access to healthy food, fuel economic growth, and protect the environment in New York City and throughout the country; and

Whereas, The Supplemental Nutrition Assistance Program (SNAP) is a critical safety net for New Yorkers, yet for many, SNAP benefits run out before the end of the month, forcing families to rely on emergency food programs that are already stretched beyond capacity; and

Whereas, Enrollment in SNAP reached 1.8 million in New York City in 2010 and has remained at this historically high level since; and

Whereas, However, proposals in the United States House would eliminate over \$160 billion in SNAP funding; and

Whereas, The United States Senate Agriculture Committee draft of the 2012 Farm Bill includes a much-needed increase in funding for the Emergency Food Assistance Program but proposes cutting SNAP by \$4.49 billion, which would hurt many of the City's most vulnerable residents; and

Whereas, SNAP not only provides much needed help to families, but it also stimulates New York City's local economy, as every \$1 in benefits generates \$1.80 in economic activity that supports local neighborhood supermarkets, corner stores, and farmers' markets; and

Whereas, Funding for this program is vital and should be increased; and

Whereas, High rates of obesity and diet-related diseases exist alongside hunger in areas of New York City with inadequate access to healthy food; and

Whereas, Expanding funding for the Community Food Projects Competitive Grant Program, maintaining funding for the Senior Farmers Market Nutrition Program, ensuring that farmers markets and Community Supported Agriculture (CSA) programs can be equipped with cost-effective Electronic Benefits Transfer (EBT) processing capability, and allocating funding for food retailers in underserved communities through the Healthy Food Financing Initiative, would support the Council of the City of New York's efforts to increase access to affordable healthy food; and

Whereas, Many of the programs within the 2012 Farm Bill provide access to healthy food and are critical to the health of New York City's economy; and

Whereas, Any reauthorization of the Farm Bill should include and fund the Farmers Market Promotion Program, Value-Added Producer Grants, and the Beginning Farmer and Rancher Development Program, as these programs produce good jobs and good food by supporting the expansion of our local farm and food economies and improving production, processing, and distribution infrastructure; and

Whereas, Funding is also needed to supplement city and state dollars dedicated to the redevelopment of the Hunts Point Market, the largest food distribution center in the world, serving producers in 27 states and 60 percent of the New York City food supply; and

Whereas, The residents of New York City rely on rural farmland and watersheds for food and water and the Council of the City of New York leads the nation in developing progressive local sourcing policies; and

Whereas, the reauthorized 2012 Farm Bill must protect our critical natural resources by supporting a well-funded conservation agenda, including working lands and grassland conservation, watershed and farmland preservation, and sustainable agriculture programs; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States House of Representatives and the United States Senate to pass and for the President to reauthorize an adequately funded Farm Bill that creates a strong and healthy food system.

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

Res. No. 1343

Resolution calling upon the New York State Legislature to pass and the Governor to sign into law legislation that would amend the State Election Law to modernize and streamline the procedures for the election night canvass and the reporting of unofficial election results.

By Council Members Brewer, Chin, Dromm, Fidler, Jackson, James, Koppell, Lander, Mendez, Palma, Sanders Jr., Seabrook, Williams, Wills, Foster, Rodriguez, Barron, Gennaro and Ulrich.

Whereas, State Election Law currently requires poll workers to conduct a canvass after the close of the polls in order to ensure the integrity of the vote and to tally and report unofficial election results; and

Whereas, The Board of Elections of the City of New York employs a process for conducting this canvass whereby poll workers are required to take printouts from the ballot scanners and cut them into sections by election district, add up votes with a calculator, and manually record the totals on "return of canvass" forms; and

Whereas, This process is outdated, having been designed to comply with a law written, substantial portions of which were written before the introduction of electronic voting machines; and

Whereas, Many poll sites in New York City employ ballots scanners that read ballots of voters from multiple election districts; and

Whereas, Each ballot scanner prints out a tabulated results tape that displays the total number of votes cast on the machine for each candidate; and

Whereas, Recalculating and recording results at the poll site by election district is time consuming, unnecessarily duplicative, and increases the probability that reported results are inaccurate due to human error; and

Whereas, In recent elections in the City of New York this process has resulted in significant delays in posting unofficial election results; and

Whereas, The new electronic voting machines are also capable of automatically recording and tallying votes electronically onto portable memory devices that can be transported to police stationhouses, board of elections borough offices, or other centralized locations in order to report unofficial election results more quickly and accurately; and

Whereas, The New York State Legislature is currently considering legislation (A.10175) introduced by Assemblymember Brian Kavanagh that would amend State Election Law in order to modernize and streamline the procedures for the election night canvass and the reporting of unofficial election results by, among other things, enabling poll workers to attach the results from each ballot scanner's tabulated results tape on the return of canvass rather than recalculate and record such results by election district, and allowing each ballot scanner's portable memory device with corresponding results tape to be transported separately from other materials so that unofficial results can be transmitted to the news media and the public prior to the completion of the return of canvass; 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 into law such legislation that would amend State Election Law to modernize and streamline the procedures for the election night canvass and the reporting of unofficial election results.

Referred to the Committee on Governmental Operations.

Int. No. 865

By Council Members Crowley, Koo, Koppell, Rose and Rodriguez.

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring photoelectric smoke detectors in residential buildings.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 27-981 of the administrative code of the city of New York is amended to read as follows:

b. No device shall be deemed to be in compliance with the provisions of this article unless it is of either the ionization chamber or photoelectric type, *except that smoke detecting devices installed on or after January 1, 2013 within occupancy group H-1, H-2, J-1, J-2, or J-3 shall be of the photoelectric type.* Such devices shall be in compliance with the requirements of reference standard RS 17-11 and shall be installed in a manner consistent with the requirements of reference standard RS 17-12 except that devices within occupancy group J-1 shall be installed pursuant to rules and regulations promulgated by the commissioner.

§2. Section 907.2.6 of the New York city building code is amended to read as follows:

907.2.6 Group I. A manual and automatic fire alarm system and an automatic fire detection system shall be installed in Group I occupancies. An electrically supervised, automatic smoke detection system shall be provided in waiting areas that are open to corridors. *Smoke detectors installed on or after January 1, 2013 in such occupancies shall be of the photoelectric type.*

§3. Section 907.2.6.2.3 of the New York city building code is amended to read as follows:

907.2.6.2.3 Smoke detectors. An approved automatic smoke detection system shall be installed throughout resident housing areas, including sleeping areas and contiguous day rooms, group activity spaces and other common spaces normally accessible to residents. *Smoke detectors installed on or after January 1, 2013 in such areas shall be of the photoelectric type.*

Exceptions:

1. Other approved smoke detection arrangements providing equivalent protection including, but not limited to, placing detectors in exhaust ducts from cells or behind protective guards listed for the purpose are allowed when necessary to prevent damage or tampering.

2. Sleeping units in Use Conditions 2 and 3.

3. Smoke detectors are not required in sleeping units with four or fewer occupants in smoke compartments that are equipped throughout with an approved automatic sprinkler system.

§4. Section 907.2.8.2 of the New York city building code is amended to read as follows:

907.2.8.2 Automatic fire alarm system. An automatic fire alarm system shall be installed in Group R-1 occupancies. In addition to the automatic fire alarm system requirements of Section 907.2, smoke detectors shall be installed in all public corridors serving dwelling units and in accordance with Section 907.2.8.3. *Smoke detectors installed on or after January 1, 2013 in such corridors shall be of the photoelectric type.*

Exception: An automatic fire detection system is not required in buildings that do not have public corridors serving dwelling units and each dwelling unit has a means of egress door opening directly to an exterior exit access that leads directly to an exit.

§5. Section 907.2.8.3 of the New York city building code is amended to read as follows:

907.2.8.3 Smoke detectors within dwelling units. Smoke detectors and audible notification appliances shall be installed in dwelling units and shall be annunciated by dwelling unit at a constantly attended location from which the fire alarm system is capable of being manually activated. *Smoke detectors installed on or after January 1, 2013 in such units shall be of the photoelectric type.* Smoke detectors are required in the following areas:

1. In sleeping areas.

2. In every room in the path of the means of egress from the sleeping area to the door leading from the dwelling unit.

3. In each story within the unit, including below-grade stories. For dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level.

§6. Section 907.2.9 of the New York city building code is amended to read as follows:

907.2.9 Group R-2. An automatic fire alarm system without alarm notification appliances shall be provided in accordance with this section in Group R-2 occupancies, other than student apartments, where such occupancy satisfies any one of the following conditions:

1. Any dwelling unit is located three or more stories above the lowest level of exit discharge, including dwelling units in penthouses of any area;

2. Any dwelling unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit; or

3. The building contains more than 16 dwelling units.

Actuation of smoke detectors shall not initiate a signal to alarm notification appliances. The activation of any detector required by this section shall initiate a signal at a central station or a constantly attended location. Smoke detectors shall be located as follows:

1. In each mechanical equipment, electrical, transformer, telephone equipment or similar room, greater than 75 square feet (6.96 m²) in area.

2. In air distribution systems in accordance with Section 606 of the New York City Mechanical Code.

3. In elevator machine rooms and in elevator lobbies.

Smoke detectors installed on or after January 1, 2013 in such areas shall be of the photoelectric type.

§7. Section 907.2.9.1.2 of the New York city building code is amended to read as follows:

907.2.9.1.2 Automatic fire alarm system. An automatic fire alarm system without alarm notification appliances shall be installed in accordance with this section in Group R-2 student apartments and student related uses. *Smoke detectors installed on or after January 1, 2013 in such occupancies shall be of the photoelectric type.* The activation of any smoke detector required by this section shall initiate a signal at a central station or a constantly attended location. Smoke detectors shall be located as follows:

1. In each mechanical equipment, electrical, transformer, telephone equipment or similar room, in elevator machine rooms, and in elevator lobbies.

2. In air distribution systems in accordance with Section 606 of the New York City Mechanical Code.

3. Throughout all public corridors serving student apartments and student related uses. Student related uses shall include common spaces such as recreation rooms, lounges, dining rooms, laundry rooms, and storage rooms. However, smoke detectors shall not be required in such public corridors in buildings containing fewer than 15 student apartments.

Exception: An automatic fire alarm system is not required in buildings not over two stories in height where all individual dwelling units and contiguous attic and crawl spaces are separated from each other and public or common areas by at least 1-hour fire barriers and each individual dwelling unit has an exit directly to a public way, exit court or yard.

§8. Section 907.2.10.1.1 of the New York city building code is amended to read as follows:

907.2.10.1.1 Smoke alarms in Groups R-2, R-3, and I-1. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, and I-1, regardless of occupant load at all of the following locations within a dwelling unit:

1. On the ceiling or wall outside of each room used for sleeping purposes within 15 feet (4572 mm) from the door to such room.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including below-grade stories and penthouses of any area, but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Smoke alarms and detectors installed on or after January 1, 2013 shall be of the photoelectric type.

§9. Section 907.2.12.1 of the New York city building code is amended to read as follows:

907.2.12.1 Automatic fire detection. In addition to smoke detection otherwise required by this code, smoke detectors shall be provided in accordance with this section. *Smoke detectors installed on or after January 1, 2013 shall be of the photoelectric type.* Smoke detectors shall be connected to an automatic fire alarm system. The activation of any detector required by this section shall operate the emergency voice/alarm communication system. Smoke detectors shall be located as follows:

1. In each mechanical equipment, electrical, transformer, telephone equipment or similar room, in elevator machine rooms and in elevator lobbies.

2. In air distribution systems in accordance with Section 606 of the New York City Mechanical Code.

3. In Group R-1 occupancies a listed smoke detector is allowed to be used in each return air riser carrying not more than 5,000 cfm (2.4 m³/s) and serving not more than 10 air inlet openings.

Exceptions for Group R-2 occupancies: In R-2 occupancies, the activation of smoke detectors shall initiate a signal at a central station of a constantly attended location and shall not initiate a signal to an alarm notification appliance.

§10. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 1344

Resolution calling upon the U.S. government to provide a remedy to the Guatemalan victims of medical experimentation conducted by the U.S. Public Health Service from 1946 to 1953.

By Council Members Crowley, Dromm, Chin, Jackson, James, Lander, Mendez, Palma, Rose, Sanders Jr., Seabrook, Williams and Rodriguez.

Whereas, According to the United States (U.S.) Census Bureau's 2010 American Community Survey, there are 1,156,861 U.S. residents of Guatemalan descent; and

Whereas, The 2010 American Community Survey also reports that among this population, 73,806 live in New York State and 30,420 live in New York City; and

Whereas, The Presidential Commission for the Study of Bioethical Issues ("The Commission") issued a report in September 2011 which revealed that the U.S. Public Health Service conducted highly invasive medical experiments on Guatemalan test subjects between 1946 and 1953; and

Whereas, Such experiments were performed by U.S. authorities without the subjects' consent, adversely affecting vulnerable populations from Guatemalan penitentiaries, orphanages, state run schools, rural communities, a leprosarium, commercial sex workers, and patients in a mental institution; and

Whereas, Some members of the Guatemalan military were also subjected to such medical experimentation; and

Whereas, The experiments included deliberately infecting test subjects with sexually transmitted diseases such as syphilis and gonorrhea, failing to provide medical treatment for contracted diseases, and conducting various other medical procedures such as drawing blood and using lumbar punctures to draw cerebral fluid; and

Whereas, The Commission's study also revealed that tests were conducted on approximately 5,100 individuals, and at least 1,300 were deliberately infected with sexually transmitted diseases; and

Whereas, The Commission confirmed that members of the U.S. authorities involved in the experiments knew that they were violating the rights of these Guatemalan citizens and called such act a "reprehensible exploitation of our fellow human beings"; and

Whereas, The U.S. Public Health Service conducted similar medical experimentation in the "Tuskegee Study of Untreated Syphilis in the Negro Male" in Tuskegee, Alabama from 1932 to 1972; and

Whereas, A panel appointed by the U.S. Department of Health, Education and Welfare condemned the Tuskegee experiments but provided no compensation for the victims until they filed a class action lawsuit in 1973; and

Whereas, In 2011, a class action lawsuit against the U.S. government was filed on behalf of Guatemalan victims, spouses or descendants of victims who were subjected to the medical experiments; and

Whereas, The U.S. Department of Justice has claimed immunity for the United States and has sought to dismiss the lawsuit; and

Whereas, On February 14, 2012 a number of advocacy groups from the Network in Solidarity with the People of Guatemala (NISGUA) wrote an open letter urging the U.S. government to withdraw its assertion of immunity; and

Whereas, NISGUA members include New York City-based organizations such as the Center for Constitutional Rights and the New York Taxi Workers Alliance; and

Whereas, The U.S. government has a moral obligation to find a viable method of reparation for its non-consensual medical experimentation on Guatemalan victims; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the U.S. government to provide a remedy to the Guatemalan victims of medical experimentation conducted by the U.S. Public Health Service from 1946 to 1953.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Res. No. 1345

Resolution calling for the creation of veterans treatment courts in every county in New York City, including the counties of the Bronx, New York and Richmond, to serve and address the increasing needs of the growing veteran population in the City.

By Council Members Eugene, Koppell, Cabrera, Dromm, Fidler, Gentile, Jackson, James, Koo, Mendez, Palma, Rose, Sanders Jr., Seabrook, Williams, Wills, Rodriguez, Arroyo and Ulrich.

Whereas, Veterans across the United States (U.S.) are returning from deployment situations with mental health issues and concerns that should be addressed with the same care and attention as those veterans who sustained physical injuries; and

Whereas, According to the National Association of Drug Court Professionals, research shows that one in five veterans exhibited symptoms of a mental disorder or a cognitive impairment, while one in six veterans who served in the conflicts in Afghanistan and Iraq has a substance abuse problem; and

Whereas, In an effort to address the underlying mental health issues, such as posttraumatic stress disorder (PTSD), that many veterans face, courts across the U.S. have begun to focus on alternatives-to-incarceration for veterans who are charged with non-violent drug offenses and in some cases, service-related crimes; and

Whereas, The country's first veterans treatment court (VTC) was established in Buffalo, New York in January 2008; and

Whereas, On July 7, 2009, New York State Chief Judge Jonathan Lippman, Kings County District Attorney Charles Hynes, Queens County District Attorney Richard Brown and Nassau County District Attorney Kathleen Rice announced the launch of a collaborative effort called the "Veterans Project" for non-violent veteran offenders; and

Whereas, The program was designed "to provide outreach, specialized support services and treatment to divert them from incarceration; offer peer support to sustain engagement in services; and facilitate the exchange of information between legal, clinical and community resources"; and

Whereas, Under this program, former servicemen and women who have pled guilty to a non-violent crime, been determined not to present a threat to community safety and are willing to comply with court imposed conditions as an alternative to incarceration are considered for diversion; and

Whereas, With the opening of the Nassau County Court in November 2011, there were a total of seven veterans' treatment courts or the functional equivalent thereof, in New York State, in Brooklyn, Buffalo, Jamestown, Queens, Rochester and Suffolk; and

Whereas, According to a published statement by District Attorney Hynes, "[i]f you're in a county rather than Brooklyn, Queens or Nassau, you have a moral imperative to demand from your district attorney why such services aren't in place"; and

Whereas, Veterans in all counties of the City would be better served by having equal access in their community to a viable option other than incarceration for non-violent offenses, that includes treatment, rehabilitation and services to help with readjustment to civilian life; now, therefore, be it

Resolved, That the Council of the City of New York calls for the creation of veterans treatment courts in every county in New York City, including the counties of the Bronx, New York and Richmond, to serve and address the increasing needs of the veteran population in the City.

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

Res. No. 1346

Resolution calling upon the New York State Legislature to pass and the Governor to enact A. 9804/S.7212, also known as the "Trafficking Victims Protection and Justice Act."

By Council Members Ferreras, Fidler, Vallone, Halloran, Gonzalez, Barron, Brewer, Chin, Dickens, Gennaro, Gentile, Jackson, James, Koo, Koslowitz, Lander, Palma, Recchia, Rose, Seabrook, Vann, Williams, Wills, Rodriguez, Arroyo, Dromm and Koppell.

Whereas, According to the United States Department of Justice (DOJ), trafficking in persons or "human trafficking" crimes as defined under the United States Criminal Code, involve the act of compelling or coercing a person's labor, services or commercial sex acts; and

Whereas, Because New York State (NYS), and in particular New York City (NYC), is a known destination for trafficked persons from all over the world who are commercially sexually exploited and forced into labor servitude, NYS enacted an anti-trafficking law that took effect on November 1, 2007; and

Whereas, Advocates, service providers and criminal justice officials helped to craft the anti-trafficking law with the intent of better identifying and treating victims as well as better identifying and prosecuting traffickers, however, since its enactment, it has become evident that certain improvements to the law could help further that goal; and

Whereas, For example, it would be helpful to clarify certain portions of the law and address inconsistencies, particularly in cases involving minors and victims and purveyors of sex trafficking; and

Whereas, After several years of discussion by those who assist trafficking victims, including service providers, human rights advocates and law enforcement officials, new state legislation has been proposed; and

Whereas, A.9804/S.7212, also known as the Trafficking Victims Protection and Justice Act, seeks to address some of these proposals by amending several sections of state law; and

Whereas, Among other changes, A.9804/S.7212 would conform penalties for patronizing a prostitute with those for statutory rape and would amend the Penal Law to align the ages of victims in each degree of patronizing a prostitute with the age delineated in the corresponding degree of rape offense and also align the state anti-trafficking law with federal law by removing the coercion requirement for minors; and

Whereas, The legislation would amend the Criminal Procedure Law to enable the proceedings for persons under the age of 18 who are arrested for prostitution or loitering for the purposes of prostitution to be removed to Family Court for Persons In Need of Supervision (PINS) proceedings; and

Whereas, A.9804/S.7212 would repeal section 230.07 of the Penal Law, which currently provides a defense to those arrested for patronizing a person for prostitution

in the first or second degree who claims that they did not have reasonable grounds to believe the victim was younger than the age stated; and

Whereas, A.9804/S.7212 would create a new section of the Penal Law that establishes sex trafficking as an affirmative defense to prostitution charges; and

Whereas, A.9804/S.7212 would designate sex trafficking as a Class B violent felony instead of a non-violent B felony and would raise the penalty for labor trafficking from a Class D to Class B felony; and

Whereas, A.9804/S.7212 would amend sections of the Penal Law to include the use of a vehicle for the purpose of advancing prostitution to constitute the offense of permitting prostitution and include the language of engaging a business or enterprise for the purposes of prostitution to constitute the crime of promoting prostitution in the third degree; and

Whereas, The legislation would add marijuana and ecstasy to the list of substances unlawfully provided to a person who is patronized with the intent to impair his/her judgment, thereby constituting sex trafficking under Section 230.34 of the Penal Law; and

Whereas, A.9804/S.7212 would further amend the Penal Law by eliminating the term “prostitute” and replacing it with “person for prostitution”; and

Whereas, The legislation would also amend the Criminal Procedure Law by raising the penalties for patronizing a prostitute in a school zone to make it consistent with the current penalties for prostitution and promoting prostitution in a school zone; and

Whereas, A.9804/S.7212 would further amend the Criminal Procedure Law by allowing law enforcement to obtain judicial warrants and to conduct eavesdropping and video surveillance where there is a reasonable cause to believe that the suspect manages, supervises, controls or owns a house of prostitution or prostitutes minors or otherwise engages in activities that constitute promoting prostitution in the third degree; and

Whereas, A.9804/S.7212 would also amend the Social Services Law to allow social service providers to make referrals so that trafficking victims may receive services to which they are legally entitled; and

Whereas, Making the foregoing changes to existing state law will strengthen the state human trafficking law and focus on protecting victims and increasing accountability for buyers and traffickers; 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 enact A.9804/S.7212, also known as the “Trafficking Victims Protection and Justice Act”.

Referred to the Committee on Women’s Issues.

Int. No. 866

By Council Members Fidler, Gonzalez, Ferreras, Barron, Brewer, Cabrera, Chin, Dickens, Gentile, Jackson, James, Koo, Koppell, Koslowitz, Lander, Mendez, Palma, Recchia, Rose, Sanders, Seabrook, Van Bramer, Vann, Williams, Wills and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to reporting data related to sexually exploited youth.

Be it enacted by the Council as follows:

Section 1. Section 21-401 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. “Sexually exploited youth” shall have the same meaning as provided in subdivision one of section 447-a of the New York State social services law.

§2. Section 21-402 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. The commissioner, in consultation with the commissioner of the administration for children’s services and the police commissioner, shall submit a biannual report to the city council concerning the number of sexually exploited youth in the city of New York and services which are available to meet the needs of this population.

§3. This local law shall take effect one hundred and eighty days after its enactment into law.

Referred to the Committee on Youth Services.

SLR No. 15

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gianaris, S.2513, and Assembly Member Simotas, A.4874, “AN ACT to authorize the city of New York to discontinue use of and convey certain park land”.

By Council Members Foster and Palma.

Whereas, Bills have been introduced in the New York State Legislature by Senator Gianaris, S.2513, and Assembly Member Simotas, A.4874, “AN ACT to authorize the city of New York to discontinue use of and convey certain park land”; and

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

SLR No. 16

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.6436, and Assembly Member Abbate, A.9367-A, “AN ACT to amend the general municipal law, in relation to training of fire officers in cities of one million or more”.

By Council Members Foster, Palma and Rose.

Whereas, Bills have been introduced in the New York State Legislature by Senator Golden, S.6436, and Assembly Member Abbate, A.9367-A, “AN ACT to amend the general municipal law, in relation to training of fire officers in cities of one million or more”; and

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Int. No. 867

By Council Members Gennaro, Brewer, Fidler, Gonzalez, James, Palma, Rose and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of an environmental hazard remediation licensing program.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that asthma and other respiratory conditions have increased significantly in the United States and that evidence suggests that indoor environments, where most people spend a majority of their time, play an important role in predisposing vulnerable populations to asthma and other respiratory diseases. The National Academy of Sciences found that there was sufficient evidence to establish a causal link between a number of respiratory conditions and the presence of asthma triggers, irritants, pathogens, fungi and mold, including stachybotrys chartarum, soot from smoke or fire damage and flood damage, mold or environmental pathogens including bird or bat droppings or potentially infectious materials as defined by 29 CFR 1910, including H1N1, viruses, organic dust, blood borne pathogens, chemical spills, construction dust and sewage. Without a hazard remediation licensing program or approved decontamination plan for emergency remediation, large scale remediation of damages from fire, flooding or other sources of environmental exposure are generally addressed in a manner that is haphazard, incomplete, insufficient and unsafe. An approved licensing program for environmental hazard remediation would result in a uniform standard requiring training and licensure and would ensure that environmental hazard remediation is done efficiently, effectively and safely.

Therefore, the Council finds that it is in the best interests of the City to create an environmental hazard remediation licensing program and mandate that environmental contractors and workers obtain a license in order to perform certain environmental hazard remediation work.

§2. Subchapter 6 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-146.4 to read as follows:

§ 24-146.4 Environmental hazard remediation licenses. a. Applicability. The provisions of this section shall not apply to the inspection or remediation of environmental hazards in one-, two-, or three-family homes, or multiple dwellings with five or fewer dwelling units.

b. Definitions. For purposes of this section the following terms have the following meanings:

1. "Environmental contractor" means any person or legal entity that contracts to inspect an environmental hazard or to implement any measure or measures that result in the remediation of an environmental hazard in a multiple dwelling with six or more dwelling units or in a commercial building. Such term shall not refer to an employee that inspects or remediates environmental hazards on behalf of his or her employer.

2. "Environmental hazard" means any hazard that presents a substantial health or environmental risk, or that constitutes an indoor air quality violation, and that was caused by fire damage, water damage, chemical spills, dust, sewage, mold or pathogens, except that such term shall not include the presence of asbestos or lead.

3. "License" means a written document issued by the commissioner authorizing a person to perform specific acts in connection with environmental hazards.

c. General license requirements. 1. It shall be unlawful for any person to engage in or carry on in the city any business, trade or occupation regulated by this section or to hold himself or herself out as authorized to engage in or carry on such activity, without having first obtained a license from the commissioner in accordance with and subject to the provisions of this section and the rules of the department.

2. Every application for a license shall be made in such form and shall be accompanied by such information as the commissioner may prescribe, and by the required fee. It shall be a condition of the license that information in the application be kept correct and current by the applicant. Any change in required information shall be reported to the department within fourteen days after any change that occurs prior to issuance of the license or within thirty days after any change that occurs following issuance.

3. Applications for renewal of a license shall be accompanied by the renewal fee authorized by paragraph six of this subdivision and such additional information as the commissioner may require, and shall be made at least thirty calendar days but not more than sixty calendar days prior to the expiration date of such license.

4. Applicants for a license or a renewal of a license shall be required to pass an examination in accordance with the rules of the department. Every applicant shall furnish to the department a completed license application or renewal within three months of passing the examination for licensure.

5. All licenses issued by the commissioner pursuant to this section shall expire two years from the date of issuance.

6. The commissioner is authorized to charge a fee to process applications for licenses, registrations, certifications and renewals pursuant to this section, which shall be established by the commissioner by regulation and shall be adequate to administer the costs of processing such applications.

7. The commissioner, after providing notice and an opportunity to be heard, may suspend or revoke any license issued under this section for fraudulent dealings, negligence or incompetence, or failure to comply with this code or any order, rule, or requirement lawfully made by the commissioner.

d. Remediation trainer license. 1. It shall be unlawful for any person to engage in or to hold himself or herself out as authorized to engage in remediation training, without a remediation trainer license.

2. Applicants for a remediation trainer license shall have passed an accredited "train the trainer" training program for environmental hazards approved by the commissioner. The commissioner may require a refresher course for remediation trainer license renewal.

3. Applicants for a remediation trainer license shall have (i) have a bachelor of science degree in industrial hygiene, toxicology, environmental health, engineering, life science, chemistry or physics; or (ii) an United States occupational safety and health administration hazardous waste operations and emergency response standard (HAZWOPER) certification and demonstrate to the commissioner's satisfaction an understanding of parts 1910, 1915 and 1926 of title 29 of the code of federal regulations; or (iii) not less than two years of relevant experience under the direction or supervision of an industrial hygienist as certified by the American board of industrial hygiene, a hazardous materials manager as certified by the institute of hazardous materials management, or a licensed professional engineer with significant relevant experience in building science, mold assessments and exposures assessments including performance of at least two years of indoor air quality assessments.

4. The commissioner may audit training programs provided by remediation trainers to ensure that such training programs meet the standards of the department.

e. Inspector license. 1. It shall be unlawful for any person to inspect or to hold himself or herself out as authorized to inspect environmental hazards in multiple dwellings with six or more dwelling units or in commercial buildings, without an inspector license or a remediation trainer license.

2. Applicants for an inspector license shall have passed an accredited "train the trainer" training program for environmental hazards approved by the commissioner and administered by a licensed remediation trainer.

3. Applicants for an inspector license shall have (i) a bachelor of science degrees in industrial hygiene, toxicology, environmental health, engineering or life science, chemistry or physics; or (ii) an United States occupational safety and health

administration hazardous waste operations and emergency response standard (HAZWOPER) certification and demonstrate to the commissioner's satisfaction an understanding of parts 1910, 1915 and 1926 of title 29 of the code of federal regulations; or (iii) not less than two years of relevant experience under the direction or supervision of an industrial hygienist as certified by the American board of industrial hygiene, a hazardous materials manager as certified by the institute of hazardous materials management, or a licensed professional engineer with significant relevant experience in building science, mold assessments and exposures assessments including performance of at least two years of indoor air quality assessments.

f. Remediation license. 1. It shall be unlawful for any person to remediate or to hold himself or herself out as authorized to remediate environmental hazards in multiple dwellings with six or more dwelling units or in commercial buildings, without a remediation license, an inspector license or a remediation trainer license.

2. Applicants for a remediation license shall have passed an accredited "train the trainer" training program for environmental hazards approved by the commissioner and administered by a licensed remediation trainer.

g. Project manager. All persons with a minimum of five years of experience as a licensed remediation trainer shall be qualified to serve as a project manager. The commissioner shall promulgate regulations with respect to additional training requirements for project managers, their functions and duties, and determining when a project requires a project manager.

h. Building analysis license. The commissioner is authorized to issue a license to perform building analysis. The commissioner may, by rule, establish license requirements and qualifications applicable to building analysis.

i. Laboratory certification. The commissioner is authorized to issue a certification for analytical laboratories to perform environmental hazard testing. The commissioner may, by rule, establish certification procedures and performance criteria applicable to environmental hazards testing by analytical laboratories.

j. Environmental contractor registration. 1. It shall be unlawful for a person to conduct business as an environmental contractor unless such person is registered as an environmental contractor in accordance with the provisions of this section.

2. An environmental contractor registration shall expire three years from the date of issuance or such other date as determined by the commissioner by rule so as to distribute the expiration dates of the registrations evenly over the course of a year.

3. Unlawful use of environmental contractor title. On and after November 1, 2012 it shall be unlawful to use or cause to be used the title "registered environmental contractor" or any other title in a manner as to convey the impression that an individual, corporation, partnership or other business entity, or any person it employs, is a registered environmental contractor, unless such individual, corporation, partnership or other business entity is registered in accordance with the provisions of this section.

4. An application for an environmental contractor registration or renewal shall be made in writing to the commissioner on a form provided by the department and shall be accompanied by the following: (i) the name, address and telephone number of the applicant's principal office or place of business; (ii) the name, residence address and residence telephone number of the proprietor, or, in the case of a partnership, of all partners, or, in the case of a corporation, all corporate officers and registered agents and any person owning an interest of ten percent or more in the corporation; (iii) the registration fee; (iv) a verified statement that the applicant is financially solvent; (v) the name and address of the principal location from which the applicant has engaged in the business of environmental contracting at any time within the last five years; (vi) if the applicant is not a sole proprietor, proof that the applicant is authorized to do business in the state of New York; (vii) proof of insurance; (viii) the name and address of the officer, principal or director of the applicant who is primarily responsible for the registrant's compliance with the requirements of this code or any rule adopted thereunder; and (ix) any other information that the commissioner may require.

5. For the purposes of this subdivision, "financially solvent" shall mean that the applicant's operating capital exceeds twenty-five thousand dollars.

k. Environmental hazard remediation. 1. The commissioner shall identify action thresholds for environmental hazards in indoor environments and guidelines for the identification of the presence of environmental hazards, guidelines for the assessment of the health risk posed by the presence of environmental hazards, and remediation guidelines and procedures for the abatement of environmental hazards.

2. Remediation procedures for environmental hazards developed by the commissioner shall provide practical guidelines for the removal and abatement of the underlying cause of environmental hazards in indoor environments.

3. The provisions of this section shall apply to all environmental hazards in multiple dwellings with six or more dwelling units and in commercial buildings including emergency remediation of environmental hazards that are immediately hazardous to health and human safety or that are ordered by the commissioner pursuant to section 24-608 of this code. Nothing in this section shall be construed to preclude the implementation of response measures to such environmental hazard by any city agency.

4. The owner of a multiple dwelling with six or more dwelling units or a commercial building shall have a duty to report to the department any incident resulting in an actionable environmental hazard as determined by the commissioner pursuant to paragraph 1 of this subdivision.

l. Enforcement. Any person or other entity that violates any provision of this section or any regulation or order of the commissioner issued pursuant thereto shall

be subject to a civil penalty of not more than one thousand dollars per violation returnable to the environmental control board.

§3. This local law shall take effect one hundred eighty days after enactment, except that the commissioner of environmental protection shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 868

By Council Members Gentile, Palma, Williams and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to parking meter suspension.

Be it enacted by the Council as follows:

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

§ 19-163 Holiday suspensions of parking rules. a. All alternate side of the street parking rules *and requirements to activate parking meters and muni-meters* shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, and all state and national holidays. *For the purposes of this section, "muni-meter" shall have the same meaning as set forth in subdivision b of section 19-167.1.*

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

Referred to the Committee on Transportation.

Res. No. 1347

Resolution calling upon the New York State Legislature to pass and the Governor to sign S.6294-A/A.9084-A, legislation that would prohibit public funding to facilities providing aversive interventions, including but not limited to electric shock therapy, and would remove such facilities from any registry of approved schools.

By Council Members Gentile, Chin, James, Rose, Wills and Rodriguez.

Whereas, New York State Education Law provides that when a child with a disability is not receiving instruction because there are no appropriate public or private facilities for the instruction of such child within New York State, school districts are authorized to contract with an educational facility located outside of New York State that can meet the needs of such child; and

Whereas, In August of 2005, the New York State Legislature passed "Billy's Law" to improve state and local monitoring of out-of-state residential facilities that house New York State children; and

Whereas, Billy's Law created an out-of-state placement committee which is responsible for creating a register of approved out-of-state residential programs and residential schools and establishing core requirements for inclusion on this register; and

Whereas, Educational facilities for students with disabilities may use aversive behavioral interventions which can include application of noxious, painful, intrusive stimuli or activities intended to induce pain and withholding of sleep, shelter, bedding, bathroom facilities, or clothing; and

Whereas, A New York State Department of Education investigation in 2006 into one such out-of-state program unearthed a wide range of problems, including a lack of oversight when students were shocked, restrained, and denied food as punishment, the use of electrical shocks which raised health and safety concerns, and a practice of withholding meals which "may impose unnecessary risks affecting the normal growth and development" of students; and

Whereas, As a result of that investigation, New York State regulations barred approved out-of-state day or residential schools from using aversive interventions on New York State students unless that student's Individual Education Plan included the use of aversive interventions as of June 30, 2009; and

Whereas, As of December 1, 2010, there were 597 New York State youth placed in out-of-state residential schools and facilities; and

Whereas, The State Education Department is required to cover the cost of sending a student to an out-of-state educational facility when there is no appropriate facility in New York State; and

Whereas, In New York State, Assembly Member Joan Millman and Senator Martin Golden introduced A.9084-A/S.6294-A, legislation that would amend the state Social Services Law to remove schools and programs that use aversive interventions from the approved registry list; and

Whereas, This legislation would also prevent public funding from being used to promote aversive interventions on children and youth; 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 S.6294-A/A.9084-A, legislation that would prohibit public funding to facilities providing aversive interventions, including but not limited to electric shock therapy, and would remove such facilities from any registry of approved schools.

Referred to the Committee on Education

Int. No. 869

By Council Members Greenfield, Fidler, Gennaro, Gonzalez, Koo, Koppell, Koslowitz, Palma, Recchia, Rodriguez and Comrie.

A Local Law to amend the administrative code of the city of New York, in relation to requiring all persons to wear a helmet while operating a bicycle.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-171.2 to read as follows:

§19-171.2 *Helmet requirements for persons operating bicycles.*

a. *Definitions. For the purposes of this section:*

1. *The term "bicycle" shall have the same meaning as such term is defined pursuant to section 19-176 of the code.*

2. *The term "public highway" shall have the same meaning as such term is defined pursuant to section 19-171 of the code.*

3. *The term "wearing a helmet" shall have the same meaning as such term is defined pursuant to section 19-171 of the code.*

b. *This section is applicable to the operation of a bicycle upon any public highway or any private road open to public motor vehicle traffic, and to the operation of a bicycle within a park or other area under the jurisdiction of the commissioner of parks and recreation.*

c. *No person shall operate a bicycle unless such person is wearing a helmet meeting the standards of the American National Standards Institute (ANSI Z 90.4 bicycle helmet standards), the Snell Memorial Foundation's standards for protective headgear for use in bicycling, the American Society of Testing and Materials (ASTM) standards for bicycle helmets, the Safety Equipment Institute standards for bicycle helmets, or the standards set forth by the consumer product safety commission in title 16, part 1203 of the code of federal regulations.*

d. *It is a traffic infraction to violate the provisions of this section punishable, upon conviction, by a civil penalty of not more than twenty five dollars for a first offense of this section, not more than fifty dollars for in the aggregate a second offense within a one year period and not more than one hundred dollars for in the aggregate a third offense within a two year period. Such traffic infractions shall be heard and determined in accordance with article 2-A of the vehicle and traffic law.*

e. *The parent or guardian of a person less than fourteen years of age shall be liable for a violation of this section by such person less than fourteen years of age. A summons for a violation of this section by a person less than fourteen years of age shall only be issued to the parent or guardian of such person if the violation occurs in the presence of such parent or guardian and where such parent or guardian is eighteen years of age or more. Such summons shall only be issued to such parent or guardian and shall not be issued to the person less than fourteen years of age.*

f. *The failure of any person to comply with the provisions of this section shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action.*

g. *The department, the police department and the department of parks and recreation shall enforce the provisions of this section.*

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

Referred to the Committee on Transportation.

Res. No. 1348

Resolution in support of S.2051/H.R.3826, the Student Loan Affordability Act, which would prevent the current student loan interest rate of 3.4 percent from doubling to 6.8 percent on July 1, 2012.

By Council Members Jackson, Barron, Brewer, Chin, Ferreras, Fidler, Gonzalez, James, Koppell, Koslowitz, Lander, Mendez, Palma, Rose, Seabrook, Vann, Williams, Wills and Rodriguez.

Whereas, Graduating from a four-year post-secondary school has become progressively more desirable by those seeking a steady career in the 21st century job market, evidenced by data released by the United States (U.S.) Census Bureau showing that in 2010, approximately 32 percent of Americans over the age of 25 hold a bachelor's degree or higher, compared to five percent in 1940; and

Whereas, However, rising college costs have made it more challenging for students to pursue a college degree; and

Whereas, The ability of a student to secure a post-secondary education is often heavily dependent upon the use of federal subsidized loans, which provide funds for educational expenses at a fixed interest rate; and

Whereas, The current interest rate on Stafford federal subsidized loans is 3.4 percent and is scheduled to double to 6.8 percent on July 1, 2012; and

Whereas, According to U.S. PIRG, a national non-profit advocacy organization, almost 8 million undergraduate students are Stafford loan recipients and by doubling the interest rate, such students may be subject to an increased financial burden of approximately \$5,000 over a 10-year repayment period; and

Whereas, The qualifications for Stafford subsidized loans are based exclusively on financial need and such a sharp increase in loan interest rates would disproportionately impact low income students, including those from New York City where the cost of living is the highest in the nation, according to a 2011 article in *The Huffington Post*; and

Whereas, The City University of New York (CUNY) is the nation's largest urban public university, serving 540,000 students, and has experienced record-high enrollment in recent years as more people seek higher education, especially in a slow economy; and

Whereas, According to data provided by CUNY, 54 percent of its undergraduate students come from households with an annual income of less than \$30,000; and

Whereas, CUNY students represent a significant number of New Yorkers who are seeking an affordable college education, but are confronted with many financial issues such as increased tuition, rising transit fares, finding affordable childcare, and other living expenses; and

Whereas, S.2051/H.R.3826, sponsored by U.S. Senator Jack Reed and Congressman Joe Courtney, also known as the "Student Loan Affordability Act," was introduced in January 2012; and

Whereas, The Student Loan Affordability Act would prohibit the interest rate from doubling, while maintaining the effectiveness of Stafford loans in providing tuition payments at a reasonable rate, thus, protecting students living in New York City and across the nation from an increased financial burden; and

Whereas, According to the College Board, annual public and private tuition costs are increasing at a rate between 4 and 8 percent annually in the United States; and

Whereas, Federal student loans are a critical resource in helping students cope with rising tuition costs, and keeping student loan interest rates low is essential to obtaining a college degree; and

Whereas, According to the Federal Reserve Bank of New York, total accumulated student loan debt has increased by over 511 percent since 1999, compared to a 44 percent increase in credit card debt; and

Whereas, According to a recent report by *The New York Times*, the total accumulated student loan debt recently reached \$1 trillion in the United States and continues to rise; and

Whereas, According to a 2011 report by the U.S. Department of Education, student loan borrower default rates have sharply increased since 2007 as more college graduates struggle to pay off their loans; and

Whereas, If the Student Loan Affordability Act is not passed, the heavy financial burden of student loan debt and staggering default rates will only exponentially increase in the coming years; now, therefore, be it

Resolved, That the Council of the City of New York supports S.2051/H.R.3826, the Student Loan Affordability Act, which would prevent the current student loan interest rate of 3.4 percent from doubling to 6.8 percent on July 1, 2012.

Referred to the Committee on Higher Education.

Res. No. 1349

Resolution calling upon the New York State Legislature to amend the New York Dream Act (A. 6829-C/S. 4179-C) to provide benefits to any children of a professional immigrant recruited to serve the United States through public service at the local, state, or federal level, regardless of their age at the time of arrival or at the time of application for benefits.

By Council Members Jackson, Williams, Arroyo, Barron, Brewer, Cabrera, Chin, Dickens, Ferreras, Gonzalez, James, Koo, Mendez, Palma, Rose, Seabrook, Vann, Wills, Rodriguez, Eugene and Dromm.

Whereas, Immigrants come to the United States for a variety of reasons, whether for study, to be reunited with family, or for professional opportunities; and

Whereas, Approximately ten years ago, the United States started recruiting international professionals to fill shortages in various industries; and

Whereas, Thousands of these international professionals were recruited to work in New York City as teachers, professors, and healthcare workers; and

Whereas, International professionals were made various promises, including, but not limited to, a promise that they would have the ability to sponsor their children for U.S. citizenship in order to provide them with a pathway to permanent residency in the United States; and

Whereas, Many of the children of these international professionals, who were born abroad and brought to the United States by their parents at a young age, identify solely with American culture and society; and

Whereas, Once these children turn 21, the types of immigration relief available to them are limited; and

Whereas, The process for many international professionals to legalize their status has taken longer than anticipated, causing these children to age out of eligibility for permanent residency before their parents were in a position to sponsor them; and

Whereas, For these children, lack of legal immigration status makes them ineligible for financial assistance when pursuing a higher education; and

Whereas, Children of international professionals would greatly benefit from the current New York Dream Act legislation; although it will not provide them with a pathway to citizenship, it will alleviate some of the hardships, such as the high cost of tuition, that they face when entering college as undocumented immigrants; and

Whereas, Under the current New York Dream Act legislation, in order to receive such benefits, an individual would have to meet a series of qualifications, including but not limited to, having entered the United States before turning 18, being under 35 years of age when applying for benefits, and having attended a New York high school for two or more years; and

Whereas, The New York State Legislature should amend the New York Dream Act legislation, to permit the children of international professionals to be eligible for tuition relief regardless of their age either at the time of entry into the United States, or at the time of application for benefits, or the duration of their attendance in a local high school; and

Whereas, This is important because the current set of qualifications would exclude many of the children of international professionals from benefitting from the New York Dream Act, hindering their access to higher education; and

Whereas, For example, some of these children accompanied their parents to the United States towards the end of their high school educations and only needed one additional year in school in order to receive their high school diplomas; and

Whereas, The current two-year high school attendance requirement does not consider the special circumstances faced by this population and will limit the opportunities of this population to advance economically and socially; and

Whereas, If amended, the benefits provided by the New York Dream Act would improve the quality of life for many of these children of international professionals who might not otherwise qualify; and

Whereas, Creating access to higher education for these children of international professionals is imperative in the absence of comprehensive immigration reform; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the New York Dream Act (A. 6829-C/S. 4179-C) to provide benefits to any children of a professional immigrant recruited to serve the United States through public service at the local, state, or federal level, regardless of their age at the time of arrival or at the time of application for benefits.

Referred to the Committee on Immigration.

Res. No. 1350

Resolution calling upon the United States Congress to pass and the President to sign into law the Weekend Voting Act, which would move federal congressional and presidential elections from Tuesdays to Saturday and Sunday.

By Council Members Jackson, James, Palma, Sanders Jr., Seabrook, Williams and Rodriguez.

Whereas, Under current federal law, United States congressional and presidential elections are scheduled for the first Tuesday of November; and

Whereas, Election Day was originally set for Tuesdays in 1845 at a time when most Americans lived in rural areas and were engaged in agriculture; and

Whereas, The intention of the law was to accommodate farmers who needed a voting day that did not conflict with religious or market days, which fell on weekends and Wednesdays respectively; and

Whereas, Having elections on Tuesdays no longer accommodates the majority of voters because Tuesday is a work day; and

Whereas, Instead, Tuesday elections reduce voter turnout by disenfranchising voters who cannot take time off from work or wait in long lines at the beginning and end of the work day; and

Whereas, This type of disenfranchisement falls disproportionately on low income workers who have the least flexible work schedules, are least able to make special childcare arrangements while they vote, and are most likely to work far from where they live and where their voting districts are located; and

Whereas, On March 8, 2012 Representative Steve Israel introduced H.R. 4143, also known as the Weekend Voting Act, in the United States House of Representatives, which would move federal election days from Tuesdays to Saturdays and Sundays; and

Whereas, Moving elections to weekends would likely increase voter turnout by making elections more accessible to working voters; 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 into law the Weekend Voting Act, which would move federal congressional and presidential elections from Tuesdays to Saturday and Sunday.

Referred to the Committee on Governmental Operations.

Res. No. 1351

Resolution calling on the New York State Legislature to pass A.9869 and S.6868, which directs the State to reimburse the City of New York for the health insurance and supplemental benefits of New York City Off-Track Betting Corporation retirees.

By Council Members Koslowitz, Dromm, Rose, Fidler, Rivera, Palma, Barron, Brewer, Chin, Ferreras, Gentile, Gonzalez, Jackson, James, Koo, Koppell, Lander, Mendez, Seabrook, Van Bramer, Vann, Williams, Wills, Foster, Rodriguez, Sanders Jr. and Ulrich.

Whereas, The New York State Legislature is considering A.9869 and S.6868, an act to amend the racing, pari-mutuel wagering and breeding law, in relation to the provision of health insurance and supplemental benefits to retirees of the New York City Off-Track Betting Corporation (the Corporation) and making an appropriation therefor; and

Whereas, These bills would amend the racing, pari-mutuel wagering and breeding law to apply to all present and future retirees of the Corporation who are eligible to participate in and receive benefits from any City authorized health insurance or welfare benefit program; and

Whereas, Provision of the aforementioned benefits will be contingent upon the State reimbursing the City or its designee and applicable welfare benefit programs for the actual cost of benefits; and

Whereas, Prior to the closure of the Corporation on December 7, 2010, retirees of the Corporation received health insurance through the New York City employees health insurance plan pursuant to Chapter 115 of the Laws of 2008; and

Whereas, Additionally, some retirees received supplemental benefits such as prescription drug, optical and dental through applicable welfare benefit programs; and

Whereas, Former New York State Governor Paterson issued an executive order to allow the Corporation to file for bankruptcy; and

Whereas, After this executive order was issued, employees of the Corporation made significant concessions, including voluntary and early retirement with reduced pensions with the promise of health benefits; and

Whereas, Employees who retired from the Corporation prior to its closing received assurance from the State that their health insurance and supplemental benefits would withstand the closure; and

Whereas, After the Corporation was closed, retirees were notified that those benefits would cease; and

Whereas, This action left nearly 800 retirees and their dependents without health insurance or supplemental benefits; and

Whereas, These employees therefore experienced and continue to endure an additional financial burden which they agreed to accept in exchange for the promise of continued health benefits; and

Whereas, The State refuses to acknowledge its obligation to absorb the cost of the aforementioned benefits; and

Whereas, The State's refusal to provide health insurance and supplemental benefits to the retirees of the Corporation represents its failure to satisfy a commitment that the State implied would be covered; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass A.9869 and S.6868, which directs the State to reimburse the City of New York for the health insurance and supplemental benefits of New York City Off-Track Betting Corporation retirees.

Referred to the Committee on Civil Service and Labor.

Res. No. 1352

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

By Council Members Lappin, Dromm, Jackson, James, Koo, Koslowitz, Mendez, Palma, Rose, Seabrook, Vann, Williams, Wills and Rodriguez.

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

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

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

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

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

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

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

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

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

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

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

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

Referred to the Committee on Civil Service and Labor.

Int. No. 870

By Council Members Mark Viverito, Brewer, Dromm, Ferreras, Jackson, James, Lander, Mendez, Rose, Seabrook, Williams and Rodriguez

A Local Law to amend the administrative code of the city of New York, in relation to making police data machine-readable.

Be it enacted by the Council as follows:

Section 1. Section 14-150 of the administrative code of the city of New York is amended by adding a new subdivision d, to read as follows:

d. Statistical or factual data covered by subsections a and b of this section shall be submitted to the city council in a commonly available non-proprietary database or spreadsheet format that is suitable for analysis.

§ 2. Subdivision f of section 14-152 of the administrative code of the city of New York is amended to read as follows:

f. Reports due at end of reporting period. The information, data, and reports required by this section shall be provided to the council within thirty days of the end of the reporting period to which the reports correspond or for which the relevant data may be collected, whichever is later. Statistical or factual data covered by this section shall be submitted in a commonly available non-proprietary database or spreadsheet format that is suitable for analysis. Where necessary, the department may use preliminary data to prepare the required reports and may include an acknowledgment that such preliminary data is non-final and subject to change.

§3. This local law shall take effect one hundred eighty days after its enactment.

Referred to the Committee on Public Safety.

Res. No. 1353

Resolution calling upon the New York State Legislature to amend the State Education Law, to change from mayoral control to municipal control of the New York City public school system.

By Council Members Reyna, Dickens, Cabrera, Fidler, Jackson, James, Lander, Mendez, Rose, Sanders Jr., Williams, Wills, Foster and Mark-Viverito .

Whereas, In 2002, the New York State Legislature amended the State Education Law to establish mayoral control over the New York City school district; and

Whereas, Under mayoral control, the two most significant changes were replacement of the independent, seven member central Board of Education with a 13 member body, now called the Panel for Educational Policy (PEP), a majority of

whom are appointed by the mayor, and granting the mayor the power to directly appoint the chancellor, who now serves at the pleasure of the mayor; and

Whereas, In 2009, the State Legislature renewed mayoral control of New York City schools with some minor modifications; and

Whereas, While the State Legislature gave the mayor broad power over the public school system, it left the City Council with limited power over the Department of Education (DOE); and

Whereas, The State Legislature retains legislative authority over the New York City public school system; and

Whereas, Education is one of the most important local government functions, as New York City has more than 1 million students, over 1700 public schools, and an education budget of \$24 billion which makes DOE the largest entity funded in the City budget; and

Whereas, The New York City Charter gives the City Council the power to adopt local laws, oversight authority over the operation and performance of City agencies and sole responsibility for approving the City's budget; and

Whereas, The City Council formed a Working Group on Mayoral Control and School Governance (Working Group) in July 2007 to develop recommendations for the State Legislature and the Governor to consider before the mayoral control legislation was due to sunset on June 30, 2009; and

Whereas, The Council's Working Group released a report with recommendations for changes to school governance in June 2009; and

Whereas, The primary recommendation of the Working Group was that New York City public schools should run under a system of municipal control, with the DOE functioning like most other City agencies; and

Whereas, The Working Group proposed amendments to state law that would give the City Council greater legislative, oversight and budgeting power and the Comptroller greater auditing power over the DOE and the School Construction Authority (SCA); and

Whereas, Key recommendations of the Working Group included a proposal to amend state law to expand the New York City Council's ability to legislate over issues relating to pupil transportation, procurement, school safety, capital planning and school siting (based upon consultation with the local community bodies); and

Whereas, The Working Group also proposed to amend state law to clarify that the DOE would be subject to all provisions of the City's contracting law and the rules of the City's Procurement Policy Board; and

Whereas, Further, the Working Group proposed that the mayor continue to be allowed to select the chancellor but recommended that the City Council be required to hold a public hearing and vote on any request to waive any requirements outlined by city or state law for the position of chancellor; and

Whereas, Establishing a system of municipal control for the New York City public school system would provide greater checks and balances and transparency; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the State Education Law, to change from mayoral control to municipal control of the New York City public school system.

Referred to the Committee on Education.

Int. No. 871

By Council Members Vallone Jr., Vacca, Gennaro, Gonzalez, Jackson, James, Koo, Palma, Williams and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the consumption of alcoholic beverages by minors at private residences.

Be it enacted by the Council as follows:

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

§ 10-171. *Prohibition of allowing the consumption of alcoholic beverages by minors at private residences.*

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

1. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl or spirit of wine from whatever source or by whatever processes produced;

2. "Alcoholic beverage" means any liquid or solid, patented or not, containing alcohol, liquor, spirits, wine, beer, or cider that is capable of being consumed by a human being;

3. "Minor" means any person under the age of twenty-one;

4. "Private residence" means any permanent or temporary home, apartment, condominium, cooperative unit, trailer home, mobile home, overnight accommodation at a hotel, motel, campsite or shorter-term rental property, or other dwelling unit of any kind, including yards and open areas adjacent thereto. This shall not include any location or place regulated by the New York State Alcoholic Beverage Control Law or the New York State Liquor Authority; and

5. "Reasonable corrective action" means making a demand that the minor refrain from further consumption of the alcoholic beverages, and if such minor does not comply, promptly reporting the unlawful consumption to either the local law enforcement authority or to the minor's parent or guardian.

b. Prohibition. Except as otherwise permitted by law, it shall be a violation of this section for any person over the age of eighteen who owns, rents, or otherwise has control over any private residence to: (i) allow the consumption of alcohol or alcoholic beverages by any minor at such private residence if such person knew, had reason to know, or should have known of said minor's consumption; or (ii) fail to take reasonable corrective action upon learning of the consumption of alcohol or alcoholic beverages by any minor at such private residence.

c. Penalties. Any person who violates this section shall be guilty of a class A misdemeanor punishable by a term of imprisonment not to exceed one year, or a fine not to exceed one thousand dollars, or both. Such penalties shall not limit or preclude any cause of action available to any person or entity injured or aggrieved by such violation.

d. Effect on other laws. This section shall not in any way affect the application of any other law, where appropriate, including but not limited to New York State Penal Law section 260.10, endangering the welfare of a minor, and section 260.20(2), unlawfully dealing with a child.

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

L.U. No. 617

By Council Member Recchia:

St. Francis Apartments, Block 2287, Lot 46, Bronx, Council District No. 8

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

L.U. No. 618

By Council Member Recchia:

George Hardy Apartments, Block 2281, Lot 21, Bronx, Council District No. 8

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

L.U. No. 619

By Council Member Recchia:

1520 Sedgwick Avenue, Block 2880, Lot 17, Bronx, Council District 16

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

L.U. No. 620

By Council Member Recchia:

Crotona V, Block 3002, Lot 25, Block 3010, Lot 21, Bronx, Council District 15

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

L.U. No. 621

By Council Member Comrie:

Application no. C 120195 ZMQ submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Sections Nos. 14b, 14d, 17c, 18a & 18c. Council Districts 29 and 30.

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

L.U. No. 622

By Council Member Comrie:

Application no. 20125554 HKM (N 120263 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of 32 Dominick Street (Block 578, Lot 64) (List No.453, LP-2480), Borough of Manhattan, Community District 2, Council District 3.

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

L.U. No. 623

By Council Member Comrie:

Application no. 20125555 HKM (N 120264 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of 34 Dominick Street (Block 578, Lot 63) (List No.453, LP-2481), Borough of Manhattan, Community District 2, Council District 3.

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

L.U. No. 624

By Council Member Comrie:

Application no. 20125556 HKM (N 120265 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of 36 Dominick Street (Block 578, Lot 62) (List No.453, LP-2482), Borough of Manhattan, Community District 2, Council District 3.

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

L.U. No. 625

By Council Member Comrie:

Application no. 20125557 HKM (N 120266 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Dennison and Lydia Wood House located at 310 Spring Street (Block 594, Lot 34) (List No.453, LP-2486), Borough of Manhattan, Community District 2, Council District 3.

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

L.U. No. 626

By Council Member Comrie:

Application no. 20125695 HAM, an Urban Development Action Area Project located at 315 East 103rd Street and 330 East 104th Street Community Board 11, Council District no. 8, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law and Section 694, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

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

L.U. No. 627

By Council Member Comrie:

Application no. 20125696 HAM, an Urban Development Action Area Project located at 165 West 80th Street, Community Board 7, Council District no. 6, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law and Section 694, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

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

L.U. No. 628

By Council Member Comrie:

Application no. 20125697 HAX, submitted by New York City Department of Housing Preservation and Development, subject to Council review and action pursuant to Article V of the Private Housing Finance Law, for conformity, conveyance, a voluntary dissolution, termination of a prior tax and a new tax exemption for property located at Block 2757, Lots 10,24,28; Block 2750, Lot 20; Block 2724, Lots 5, 103; in the Borough of the Bronx, Community Board 2, Council District 17.

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

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

ANNOUNCEMENTS:

NEW YORK CITY COUNCIL FISCAL YEAR 2013 EXECUTIVE BUDGET HEARINGS

Please be advised of the following scheduled Council Agency Hearings relative to the Proposed Executive Expense, Revenue, Capital & Contract Budgets & CD-XXXVIII & CD-XXXVIX Programs for the Fiscal Year 2013 to be held in the Committee Room, 16th Floor, 250 Broadway (except where indicated), as follows:

Friday, June 1, 2012

★Note Additions, Deferrals and Time Changes

Time	Agency Testifying	Finance Committee jointly with Council Committee
★10:00-11:30	Youth and Community Development	Youth Services & Community Development
★10:00 - 11:00	Small Business Services	Economic Development and Small Business
★11:00 - 12:00	Economic Development Corporation	Economic Development
★12:00-12:45	Consumer Affairs	Consumer Affairs
★12:45-1:15	Business Integrity Commission	Consumer Affairs
★12:00 - 12:30	Correction	Fire & Criminal Justice Svcs.
★12:30 - 1:30	Legal Aid	Fire & Criminal Justice Svcs.
★1:30 - 3:30	Fire / Emergency Medical Service	Fire & Criminal Justice Svcs.

Monday, June 4, 2012

Time	Agency Testifying	Finance Committee jointly with Council Committee and Subcommittee
10:00 - 11:00	Medical Examiner	Health
11:00 - 12:30	Health and Hospitals Corporation	Health jointly with Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services and Subcommittee on Drug Abuse
12:30 - 2:30	Health & Mental Hygiene	Health jointly with Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services and Subcommittee on Drug Abuse

Tuesday, June 5, 2012

Subcommittee on Zoning & Franchises9:30 a.m.
See Land Use Calendar Available Thursday, May 31, 2012
 Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00 - 10:30	Housing Preservation & Development (Expense)	Housing & Buildings
10:30 - 11:30	Housing Preservation & Development (Capital)	Housing & Buildings
11:30 - 12:30	Buildings	Housing & Buildings
12:30 – 2:00	NYCHA	Public Housing

Subcommittee on Planning, Dispositions & Concessions1:00 p.m.
See Land Use Calendar Available Thursday, May 31, 2012
 Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Wednesday, June 6, 2012

★★Note Addition and Time Changes

Time	Agency Testifying	Finance Committee ★ Location: Council Chambers, City Hall
10:00 – 1:00	Office of Management & Budget – Overview of Budgets – Revenue, Expense, Capital & Miscellaneous Budgets, including Debt Service & Pension appropriations	Finance
★1:00 – 1:30	OMB – Contracts Budget	Contracts
★1:30 – 3:30	Finance	Finance
★3:30 – 4:00	Comptroller	Finance
★4:00 - 4:30	Independent Budget Office	Finance
★4:30	Public	

Thursday, June 7, 2012

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

Monday, June 11, 2012

Committee on Small Business jointly with the Committee on Higher Education10:00 a.m.
Oversight - Small Business Development Centers
 Committee Room – 250 Broadway, 14th Floor Diana Reyna, Chairperson
 Ydanis Rodriguez, Chairperson

Committee on Juvenile Justice jointly with the Committee on Fire and Criminal Justice Services..... 10:00 a.m.
Oversight - Examining the Role of Youth Courts in New York City's Juvenile Justice System
 Committee Room – 250 Broadway, 16th Floor Sara Gonzalez, Chairperson
 Elizabeth Crowley, Chairperson

Committee on Environmental Protection1:00 p.m.
Int. 694 - By Council Members Gennaro, Garodnick, Brewer, Fidler, Gentile, James, Koppell, Lander, Mark-Viverito, Palma, Sanders Jr., Seabrook, Williams, Halloran and Ulrich - **A Local Law** to amend the New York city charter, in relation to facilitating the development of geothermal energy.
Oversight - The Potential of Geothermal Energy Use in New York City
 Committee Room – 250 Broadway, 14th Floor James Gennaro, Chairperson

Committee on Governmental Operations1:00 p.m.
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor Gale Brewer, Chairperson

Tuesday, June 12, 2012

Committee on Transportation 1:00 p.m.
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor James Vacca, Chairperson

★Note Topic Additions

Committee on Education..... 1:00 p.m.
★**Res 1330** - By Council Members Levin, Brewer, Chin, Comrie, Eugene, Fidler, Garodnick, Jackson, James, Koo, Koppell, Lander, Lappin, Mendez, Recchia, Rose, Sanders Jr., Seabrook, Vann, Williams and Wills - **Resolution** calling on the New York State Legislature to pass and the Governor to sign A.9861/S.7015, legislation which would amend the State Education Law enabling New York City to require that all 5 year old children in the City attend kindergarten.
★**Oversight** - DOE’s Special Education Reform
Committee Room – 250 Broadway, 16th Floor Robert Jackson, Chairperson

Wednesday, June 13, 2012

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

**Due To The Exigencies Of The Budget Adoption,
Meetings of the Finance and State and Federal Legislation
Committees and the Stated Meeting Of
The Council Are Recessed Subject To Call
We Will Keep You Advised Accordingly**

At this point, at the request of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Comrie) declared the Meeting in recess subject to call.

(Editor’s Note: The Stated Council Meeting of May 31, 2012 was deemed adjourned upon the opening of the Stated Council Meeting of June 13, 2012)

Editor’s Local Law Note: Int No. 340-A, adopted by the Council at the April 30, 2012 Stated Meeting, was signed into law by the Mayor on May 16, 2012 as Local Law 28 of 2012. Int No. 784-A, adopted by the Council at the May 15, 2012 Stated Meeting, was signed into law by the Mayor on May 30, 2012, as Local Law 29 of 2012.

