

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, JUNE 13, 2012

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING
of
Wednesday, June 13, 2012, 2:54 p.m.*

The President Pro Tempore (Council Member Dickens)
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	Daniel J. Halloran III	Diana Reyna
Margaret S. Chin	Vincent M. Ignizio	Joel Rivera
Leroy G. Comrie, Jr.	Robert Jackson	Ydanis A. Rodriguez
Elizabeth S. Crowley	Letitia James	Deborah L. Rose
Inez E. Dickens	Peter A. Koo	James Sanders, Jr.
Erik Martin Dilan	G. Oliver Koppell	Eric A. Ulrich
Daniel Dromm	Karen Koslowitz	James Vacca
Mathieu Eugene	Bradford S. Lander	Peter F. Vallone, Jr.
Julissa Ferreras	Jessica S. Lappin	Albert Vann
Lewis A. Fidler	Stephen T. Levin	James G. Van Bramer
Helen D. Foster	Melissa Mark-Viverito	Mark S. Weprin
Daniel R. Garodnick	Darlene Mealy	Jumaane D. Williams
James F. Gennaro	Michael C. Nelson	Ruben Wills

Excused on June 13, 2012: Council Member Seabrook.

Council Member Mendez is considered Present but Not Voting due to her appearance at the Recessed Meeting of June 13, 2012 held on June 28, 2012 (*please see Editor's Note re: Recessed Meeting and revised attendance below)

The Assistant Majority Leader(Council Member Dickens) 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 Dickens).

*There were 49 Council Members marked present for this Stated Meeting held on June 13, 2012 at the Council Chambers in City Hall (*but subsequently revised to 50 Council Members marked present -- please see Editor's Note re: Recessed Meeting and revised Attendance below)*

Editor's Note re Attendance for the Stated Council Meeting of June 13, 2012 and the Recessed Council Meeting held on June 28, 2012: *The Stated Council Meeting of June 13, 2012 was opened and subsequently recessed on June 13, 2012 before being re-opened and adjourned on June 28, 2012. The Recessed Meeting held on June 28, 2012, therefore, is considered the continuation and conclusion of the Stated Meeting that opened on June 13, 2012. Both proceedings together constitute and are known collectively as the Stated Council Meeting of June 13, 2012. For attendance purposes, therefore, any Council Member who was present at either one of these proceedings will be considered present for the Stated Meeting of June 13, 2012. Though not present on June 13, 2012, Council Member Mendez was present for the Recessed Meeting of June 13, 2012 held on June 28, 2012 and therefore, for attendance purposes, is considered Present but Not Voting for the Stated Meeting of June 13, 2012.*

INVOCATION

The Invocation was delivered by Bishop Zachary Glenn Jones, Unity Fellowship of Christ Church, 2578 Atlantic Ave, Brooklyn, NY 11207.

Dear Almighty,
we invite your presence here today.
We honor you today for your wisdom,
we honor you today for your guidance,
we honor you today for our leaders
and lawmakers of our great City.
Thank you for the laws
that support all of our needs,
our human rights,
and for the peace of our land
and our City.
Guide us, direct us,
we pray for the greater good. Amen.

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

ADOPTION OF MINUTES

Council Member James moved that the Minutes of the Stated Meeting of May 15, 2012 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-822

Communication from the Mayor - Submitting the name of Richard Stabile to the Council for its advice and consent regarding his reappointment to the New York City Tax Commission.

May 15, 2012

The Honorable Christine C. Quinn
Council Speaker
City Hall

New York, NY 10007
Dear Speaker Quinn

Pursuant to Sections 31 and 153 of the City Charter, I am pleased to present the name of Richard Stabile to the City Council for advice and consent regarding his reappointment to the New York City Tax Commission.

Mr. Stabile is a resident of Queens, a Certified Public Accountant and a partner in the firm Stabile and Stabile. He earned a Bachelor of Arts degree in accounting from Queens College. When reappointed to the Tax Commission, Mr. Stabile will serve for the remainder of a six-year term that will expire on January 6, 2016.

Thank you for considering this reappointment.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Rules, Privileges & Elections.

M-823

Communication from the Mayor - Submitting the name of Kirk P. Tzanides to the Council for its advice and consent regarding his reappointment to the New York City Tax Commission.

May 15, 2012

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 153 of the City Charter, I am pleased to present the name of Kirk P. Tzanides to the City Council for advice and consent regarding his reappointment to the New York City Tax Commission.

Mr. Tzanides is a Brooklyn resident and a member of The Tzanides Law Firm.

He earned a Bachelor of Science degree from St. John's University, Notre Dame College, and a JD from St. John's University School of Law. When reappointed to the Tax Commission, Mr. Tzanides will serve for the remainder of a six-year term that will expire on January 6, 2016.

Thank you for reviewing this reappointment.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Rules, Privileges & Elections.

M-824

Communication from the Mayor - "AN ACT to authorize the city of New York to alienate a parcel of land in the borough of Queens to the New York city housing authority on the condition that the parcel remains used for open space and recreational purposes" S.7517, A.10622.

(The following is the text from the Bluebacks submitted and signed by the Mayor for the Senate bill:)

HOME RULE REQUEST

(Request by a Local Government for Enactment of a Special Law)

To the Legislature:

Pursuant to Article IX of the Constitution, the CITY of NEW YORK requests the enactment of Assembly bill (No. S.7517), entitled:

"AN ACT to authorize the city of New York to alienate a parcel of land in the borough of Queens to the New York city housing authority on the condition that the parcel remains used for open space and recreational purposes."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows: (Check appropriate box)

The local government does not have the power to enact such legislation by local law.

Other facts, as set forth in the following "Explanation" establish such necessity.

EXPLANATION

(If space below is not sufficient, use separate sheet and attach here)

Such request is made by: (Check appropriate box)

The chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body. (See paragraph A below)

The local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

READ BEFORE SIGNING

If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, both the chief executive officer and the clerk of the local legislative body must sign below. In such case use the word "majority" below even though the vote may have been greater.

If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, only the clerk of the local legislative body must sign below. In such case use the words "two-thirds" below.

CHIEF EXECUTIVE OFFICER'S SIGNATURE

(Signed) _____
(Chief Executive Officer)

MICHAEL R. BLOOMBERG
(Print or Type Name Below
Signature)

Mayor

(Title of Chief Executive Officer)

Date: June 13, 2012

CLERK'S CERTIFICATION

I, Michael McSweeney, do hereby certify that I am Clerk of the City Council of the City of New York and that on the _____ day of _____, 2012, such legislative body, at least a majority of the total membership having voted in favor thereof, approved the foregoing request.

(Signed) _____
Clerk

[SEAL OF LOCAL
GOVERNMENT]

MICHAEL McSWEENEY
(Print or Type Name Below
Signature)

Date: _____, 20 _____

(The following is the text of the State Senate bill:)

STATE OF NEW YORK

7517

IN SENATE

May 31, 2012

Introduced by COMMITTEE ON RULES -- 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 alienate a parcel of land in the borough of Queens to the New York city housing authority on the condition that the parcel remains used for open space and recreational purposes

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
- 2 York, acting by and through the commissioner of parks and recreation of
- 3 such city, is authorized to alienate the land described in section three
- 4 of this act to the New York city housing authority upon such terms and
- 5 conditions as the parties shall agree.
- 6 § 2. The authorization provided in section one of this act shall be
- 7 subject to the requirement that the parcel will be under the jurisdic-
- 8 tion of the New York city housing authority and shall permanently be
- 9 operated and maintained for open space and recreational purposes by the
- 10 city of New York department of parks and recreation.
- 11 § 3. The land to be conveyed is as follows:
- 12 All that certain plot, piece or parcel of land situate, lying and
- 13 being in the Borough and County of Queens, City and State of New York,
- 14 bounded and described as follows:
- 15 Beginning at a point formed by the intersection of the westerly line
- 16 of 1st Street (formerly known as Mills Street, 70 foot wide) with the
- 17 dividing line between lot 100 and lot 11, block 490, and from said point
- 18 of beginning running thence; along the said westerly line of 1st Street,
- 19 the following of two (2) courses:
- 20 South 07 degrees, 21 minutes, 20 seconds east, a distance of 93.85
- 21 feet to a point of curvature, thence;
- 22 Along a curve to the left having a radius of 110.00 feet, an arc
- 23 length of 111.98 feet, a central angle of 58 degrees, 19 minutes, 38
- 24 seconds, bearing a chord of south 36 degrees, 31 minutes, 09 seconds
- 25 east, and a chord distance of 107.21 feet to a point, thence;

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

LBD16052-03-2

S. 7517

2

- 1 Along the dividing line between lot 100 and lot 101, block 490, south
- 2 61 degrees, 30 minutes, 02 seconds west, a distance of 12.26 feet to a
- 3 point, thence; proceeding through the interior of lot 100, block 490,
- 4 the following four (4) courses:
- 5 Along a curve to the right having a radius of 120.00 feet, an arc
- 6 length of 55.35 feet, a central angle of 26 degrees, 25 minutes, 36
- 7 seconds, bearing a chord of north 48 degrees, 55 minutes, 42 seconds
- 8 west, and a chord distance of 54.86 feet to a point of non tangency,
- 9 thence;
- 10 South 75 degrees, 48 minutes, 31 seconds west, a distance of 5.63 feet
- 11 to a point, thence;
- 12 North 14 degrees, 11 minutes, 29 seconds west, a distance of 18.54
- 13 feet to a point of non tangent curvature, thence;
- 14 Along a curve to the right having a radius of 120.00 feet, an arc
- 15 length of 40.00 feet, a central angle of 19 degrees, 05 minutes, 53
- 16 seconds, bearing a chord of north 16 degrees, 54 minutes, 16 seconds
- 17 west, and a chord distance of 39.81 feet to a point of tangency, thence;
- 18 North 07 degrees, 21 minutes, 20 seconds west, a distance of 93.99
- 19 feet to a point, thence;
- 20 Along the aforementioned dividing line between lot 100 and lot 11,
- 21 block 490, north 83 degrees, 27 minutes, 42 seconds east, a distance of
- 22 10.00 feet to the point and place of beginning.
- 23 containing 2,120 square feet or 0.049 acre.
- 24 § 4. If the parkland that is the subject of this act has received
- 25 funding pursuant to the federal land and water conservation fund, the
- 26 discontinuance of parkland authorized by the provisions of this act
- 27 shall not occur until the city of New York has complied with the federal
- 28 requirements pertaining to the conversion of parklands, including satis-
- 29 fying the secretary of the interior that the discontinuance will include
- 30 all conditions which the secretary of the interior deems necessary to
- 31 assure the substitution of other lands shall be equivalent in fair
- 32 market value and recreational usefulness to the lands being disconti-
- 33 nued.
- 34 § 5. Any lands transferred to the jurisdiction of the New York city
- 35 housing authority pursuant to this act shall be used for public park
- 36 purposes and upon termination of such use shall revert to the city of
- 37 New York department of parks and recreation.
- 38 § 6. 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: S7517

SPONSOR: RULES

TITLE OF BILL:

An act to authorize the city of New York to alienate a parcel of land in the borough of Queens to the New York city housing authority on the condition that the parcel remains used for open space and recreational purposes

SUMMARY OF PROVISIONS:

This bill would authorize the City of New York to alienate a parcel of land, which includes a portion of Hallet's Cove Playground in Queens for purposes of conveyance to the New York City Housing Authority ("NYCHA"). The parcel would come under NYCHA jurisdiction, but would be permanently maintained and operated by the New York City Department of Parks and Recreation for open space and recreational purposes. The bill would take effect immediately.

REASONS FOR SUPPORT:

This legislation would facilitate a zoning lot merger between the Astoria Houses, a NYCHA facility, and a proposed development to be undertaken by Lincoln Equities Development on a former industrial site known as Hallet's Point. This merger will allow Lincoln Equities to develop the affordable housing component of its project within Astoria Houses, adding approximately 2,300 units at the facility. The parcel proposed for alienation would form a connection between the two properties, thus enabling the zoning lot merger to occur. The property, which currently functions as a large cobbled planting bed for a row of trees buffering the outside of Hallet's Cove Playground, would be transferred to NYCHA. However, the legislation would require NYCHA to permanently retain the parcel as public open space under the operation and management of the New York City Department of Parks & Recreation. The existing row of trees would remain in place and continue to serve as a landscape amenity for the adjoining park. Thus, this proposed alienation legislation will result in no loss of open space and the parcel will continue to benefit patrons of Hallet's Cove Playground while also allowing for the construction of additional affordable housing within the NYCHA property.

As an additional part of this proposed development, Lincoln Equities will also open a new waterfront public access area in the proposed mixed-use development that would be required under the City's Waterfront Zoning Text. Further, Lincoln Equities has agreed to undertake or fund improvements to adjacent parkland, subject to the Parks Department's approval. Potential park improvements include repairing and repaving the softball field and basketball courts, fence repairs and the installation of new fencing along the Parks Department's waterfront promenade, and the installation of low ramps for skate boarding. These capital improvements would result in a more useful park for the present and future residents.

Accordingly, the Mayor urges the earliest possible favorable consideration of this proposal by the Legislature.

(The following is the text from the Bluebacks submitted and signed by the Mayor for the Assembly bill:)

HOME RULE REQUEST

(Request by a Local Government for Enactment of a Special Law)

To the Legislature:

Pursuant to Article IX of the Constitution, the CITY of NEW YORK requests the enactment of Assembly bill (No. A.10622), entitled:

“AN ACT to authorize the city of New York to alienate a parcel of land in the borough of Queens to the New York city housing authority on the condition that the parcel remains used for open space and recreational purposes.”

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows: (Check appropriate box)

(The following is the text of the State Senate Sponsor's Memorandum in Support:)

The local government does not have the power to enact such legislation by local law.

Other facts, as set forth in the following "Explanation" establish such necessity.

EXPLANATION

(If space below is not sufficient, use separate sheet and attach here)

Such request is made by: (Check appropriate box)

The chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body. (See paragraph A below)

The local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

READ BEFORE SIGNING

If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, both the chief executive officer and the clerk of the local legislative body must sign below. In such case use the word "majority" below even though the vote may have been greater.

If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, only the clerk of the local legislative body must sign below. In such case use the words "two-thirds" below.

CHIEF EXECUTIVE OFFICER'S SIGNATURE

(Signed) _____
(Chief Executive Officer)

MICHAEL R. BLOOMBERG
(Print or Type Name Below
Signature)

Mayor

Date: June 13, 2012

(Title of Chief Executive Officer)

CLERK'S CERTIFICATION

I, Michael McSweeney, do hereby certify that I am Clerk of the City Council of the City of New York and that on the _____ day of _____ 2012, such legislative body, at least a majority of the total membership having voted in favor thereof, approved the foregoing request.

(Signed) _____
Clerk

[SEAL OF LOCAL
GOVERNMENT]

MICHAEL McSWEENEY
(Print or Type Name Below
Signature)

Date: _____, 20 _____

(The following is the text from the Blueback submitted and signed by the Mayor for the Assembly bill:)

STATE OF NEW YORK

10622

IN ASSEMBLY

June 8, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Nolan, Simotas, Aubry, Cook, DenDekker, Markey, Moya) -- read once and referred to the Committee on Cities

AN ACT to authorize the city of New York to alienate a parcel of land in the borough of Queens to the New York city housing authority on the condition that the parcel remains used for open space and recreational purposes

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, acting by and through the commissioner of parks and recreation of such city, is authorized to alienate the land described in section three of this act to the New York city housing authority upon such terms and conditions as the parties shall agree.

2 § 2. The authorization provided in section one of this act shall be subject to the requirement that the parcel will be under the jurisdiction of the New York city housing authority and shall permanently be operated and maintained for open space and recreational purposes by the city of New York department of parks and recreation.

3 § 3. The land to be conveyed is as follows:
4 All that certain plot, piece or parcel of land situate, lying and being in the Borough and County of Queens, City and State of New York, bounded and described as follows:

5 Beginning at a point formed by the intersection of the westerly line of 1st Street (formerly known as Mills Street, 70 foot wide) with the dividing line between lot 100 and lot 11, block 490, and from said point of beginning running thence; along the said westerly line of 1st Street, the following of two (2) courses:
6 South 07 degrees, 21 minutes, 20 seconds east, a distance of 93.85 feet to a point of curvature, thence;
7 Along a curve to the left having a radius of 110.00 feet, an arc length of 111.98 feet, a central angle of 58 degrees, 19 minutes, 38 seconds, bearing a chord of south 36 degrees, 31 minutes, 09 seconds east, and a chord distance of 107.21 feet to a point, thence;

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

LBD16052-03-2

A. 10622

2

1 Along the dividing line between lot 100 and lot 101, block 490, south 61 degrees, 30 minutes, 02 seconds west, a distance of 12.26 feet to a point, thence; proceeding through the interior of lot 100, block 490, the following four (4) courses:

2 Along a curve to the right having a radius of 120.00 feet, an arc length of 55.35 feet, a central angle of 26 degrees, 25 minutes, 36 seconds, bearing a chord of north 48 degrees, 55 minutes, 42 seconds west, and a chord distance of 54.86 feet to a point of non tangency, thence;

3 South 75 degrees, 48 minutes, 31 seconds west, a distance of 5.63 feet to a point, thence;

4 North 14 degrees, 11 minutes, 29 seconds west, a distance of 18.54 feet to a point of non tangent curvature, thence;

5 Along a curve to the right having a radius of 120.00 feet, an arc length of 40.00 feet, a central angle of 19 degrees, 05 minutes, 53 seconds, bearing a chord of north 16 degrees, 54 minutes, 16 seconds west, and a chord distance of 39.81 feet to a point of tangency, thence;

6 North 07 degrees, 21 minutes, 20 seconds west, a distance of 93.99 feet to a point, thence;

7 Along the aforementioned dividing line between lot 100 and lot 11, block 490, north 83 degrees, 27 minutes, 42 seconds east, a distance of 10.00 feet to the point and place of beginning.

8 Containing 2,120 square feet or 0.049 acre.

9 § 4. If the parkland that is the subject of this act has received funding pursuant to the federal land and water conservation fund, the discontinuance of parkland authorized by the provisions of this act shall not occur until the city of New York has complied with the federal requirements pertaining to the conversion of parklands, including satisfying the secretary of the interior that the discontinuance will include all conditions which the secretary of the interior deems necessary to assure the substitution of other lands shall be equivalent in fair market value and recreational usefulness to the lands being discontinued.

10 § 5. Any lands transferred to the jurisdiction of the New York city housing authority pursuant to this act shall be used for public park purposes and upon termination of such use shall revert to the city of New York department of parks and recreation.

11 § 6. This act shall take effect immediately.

(The following is the text of the State Assembly Sponsor's Memorandum in Support:)

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

BILL NUMBER: A10622

SPONSOR: Rules (Nolan)

TITLE OF BILL: An act to authorize the city of New York to alienate a parcel of land in the borough of Queens to the New York city housing authority on the condition that the parcel remains used for open space and recreational purposes

PURPOSE OR GENERAL IDEA OF BILL: This bill would authorize New York City to alienate a parcel of land which includes a portion of Hallett's Cove Playground in Queens to the New York City Housing Authority. The parcel would be permanently maintained and operated by the NYC Department of Parks for open space and recreational purposes.

SUMMARY OF SPECIFIC PROVISIONS: This bill would authorize the City of New York to alienate a parcel of land, which includes a portion of Hallett's Cove Playground in Queens for purposes of conveyance to the New York City Housing Authority ("NYCHA").

The parcel would come under NYCHA jurisdiction, but would be permanently maintained and operated by the New York City Department of Parks and Recreation for open space and recreational purposes. The bill would take effect immediately.

JUSTIFICATION: This legislation would facilitate a zoning lot merger between Astoria Houses, a NYC Housing Authority (NYCHA) facility, and the development proposed for Hallett's Point. The proposed development includes affordable housing, improvements to public space and new waterfront public access.

The parcel proposed for alienation would form a connection between Hallett's Point and Astoria Houses thereby facilitating the zoning lot merger. With a zoning merger, the Hallett's Point development proposes construction of approximately 2, 300 new units of affordable housing at Astoria Houses. There will also be improvements to the parkland adjacent to the development including the repair of the softball field and basketball courts, repairs to and installation of new fencing and installation of low ramps for skateboarding. In addition, there will be new waterfront public access area in the proposed mixed-use development as required under the City's Waterfront Zoning Text. These capital improvements will create a more useful park for current and future residents.

There will be no loss of open space. The (mad to be alienated is a large cobbled planting bed for a row of trees buffering the outside of Hallett's Cove Playground. The legislation requires that NYCHA permanently retain this parcel of land as public open space under the operation and management of the NYC Department of Parks. The existing row of trees will therefore remain in place and continue to benefit the adjoining

park and its patrons.

PRIOR LEGISLATIVE HISTORY: New bill

FISCAL IMPLICATIONS: To be determined

EFFECTIVE DATE: Immediately

Preconsidered M-825

Communication from the Mayor - "AN ACT authorizing and validating the alienation of certain parkland known as Empire Fulton Ferry state park in accordance with letters patent dated July 8, 2010 from the office of general services to the Brooklyn Bridge Park Development Corporation and master ground lease agreement dated as of July 29, 2010 for a term of 99 years to the Brooklyn Bridge Park Corporation providing for the use of such land as a part of the Brooklyn Bridge Park Civic and Land Use Improving Project" S.7617, A.10586.

(The following is the text of the Memorandum in Support from the New York City Office of State Legislative Affairs:)



'12 MAYOR #13

WENDY E. SAUNDERS
Director
State Legislative Affairs

THE CITY OF NEW YORK
OFFICE OF THE MAYOR

City Hall
New York, New York 10007
(212) 788-8820

119 Washington Avenue
Albany, New York 12210
(518) 447-5200

MEMORANDUM IN SUPPORT

LEGISLATIVE
REFERENCE

S.7617 – by Senator Squadron – Cities Committee
A.10586 – by Rules (Millman) – Cities Committee

TITLE AN ACT to authorize and validate the alienation of certain parkland known as Empire Fulton Ferry state park in accordance with letters patent dated July 8, 2010 from the office of general services to the Brooklyn Bridge Park Development Corporation and master ground lease agreement dated as of July 29, 2010 for a term of 99 years to the Brooklyn Bridge Park Corporation providing for the use of such land as a part of the Brooklyn Bridge Park Civic and Land Use Improvement Project

SUMMARY OF PROVISIONS

This act will validate and authorize the alienation of State owned parkland formerly known as the Fulton Ferry State Park by letters patent dated July 8, 2010 and master ground lease dated as of July 29, 2010, authorize the discontinuance as parkland of a parcel of such parkland containing buildings known as the Tobacco Warehouse and the Empire Stores and provide for the replacement of the discontinued parkland by parkland of equal or greater fair market value.

REASONS FOR SUPPORT

Since construction began in 2008, the Brooklyn Bridge Park has become a treasured addition to the Brooklyn waterfront, with widespread support in the immediately adjacent neighborhoods and beyond. Its spectacular views of New York harbor, numerous active and passive recreational spaces, running and bicycle path, varied events, and restored carousel, have made Brooklyn Bridge Park a mecca for an enthusiastic and diverse group of users. With the newly announced gift of a \$40 million multi-use fieldhouse, Brooklyn Bridge Park will soon offer year-round indoor recreational opportunities. The former Empire Fulton Ferry State Park, located between the Brooklyn and Manhattan bridges, connects areas of Brooklyn Bridge Park and is an integral part of that Park. The former State Park also houses two civil-war era historic structures, the Tobacco Warehouse and Empire Stores, which require private investment for their long-term preservation.

The continued development of the Brooklyn Bridge Park into a unified and vibrant waterfront park has been threatened by a recent state Supreme Court decision, *Brooklyn Heights Ass'n, et al. v. New York State Office of Parks, Recreation and Historic Preservation, et al.*, Index No. 1120/11 (Sup. Ct. Kings County Dec. 14, 2011), that casts doubt on several related transactions critical to the future of the Park. In those transactions, the former Empire Fulton Ferry State

Referred to the Committee on State and Federal Legislation.

Park was conveyed by New York State to the Brooklyn Bridge Park Development Corporation, a subsidiary of the Urban Development Corporation, d/b/a Empire State Development Corporation (BBPDC), and then included in the 99 year master ground lease from BBPDC to the Brooklyn Bridge Park Corporation, a not-for-profit entity created to assume financial and operational responsibility for the Brooklyn Bridge Park and the larger Brooklyn Bridge Park Civic and Land Use Improvement Project ("Park Project").

The enactment of this legislation will remedy the issues caused by the state court's decision which imperil the Brooklyn Bridge Park's historic resources, a significant source of the Park's anticipated revenue, and the Park's continued quality programming and management. It will confirm the validity of the transactions that integrated the former Empire Fulton Ferry State Park into the Brooklyn Bridge Park and allow the Tobacco Warehouse and the Empire Stores to be adaptively reused in accordance with the Modified General Project Plan ("GPP") for the Park Project.

The legislation requires replacement of the discontinued parkland by three existing non-park properties; which are to be converted to park uses and formally incorporated into the north end of Brooklyn Bridge Park. These additions to the Park will provide exceptional recreational opportunities and additional scenic views.

Accordingly, the Mayor urges the earliest possible favorable consideration of this proposal by the Legislature.

Respectfully submitted,
WENDY E. SAUNDERS
Director

JG: 6/12/12

(The following is the text from the Bluebacks submitted and signed by the Mayor for the Senate bill:)

HOME RULE REQUEST

(Request by a Local Government for Enactment of a Special Law)

To the Legislature:

Pursuant to Article IX of the Constitution, the CITY of NEW YORK requests the enactment of Assembly bill (No. S.7617), entitled:

"AN ACT authorizing and validating the alienation of certain parkland known as Empire Fulton Ferry state park in accordance with letters patent dated July 8, 2010 from the office of general services to the Brooklyn Bridge Park Development Corporation and master ground lease agreement dated as of July 29, 2010 for a term of 99 years to the Brooklyn Bridge Park Corporation providing for the use of such land as a part of the Brooklyn Bridge Park Civic and Land Use Improving Project."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows: (Check appropriate box)

[X] The local government does not have the power to enact such legislation by local law.

[] Other facts, as set forth in the following "Explanation" establish such necessity.

EXPLANATION

(If space below is not sufficient, use separate sheet and attach here)

Such request is made by: (Check appropriate box)

[X] The chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body. (See paragraph A below)

[] The local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

READ BEFORE SIGNING
If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, both the chief executive officer and the clerk of the local legislative body must sign below. In such case use the word "majority" below even though the vote may have been greater.
If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, only the clerk of the local legislative body must sign below. In such case use the words "two-thirds" below.

CHIEF EXECUTIVE OFFICER'S SIGNATURE

(Signed) _____
(Chief Executive Officer)

MICHAEL R. BLOOMBERG
(Print or Type Name Below Signature)

Mayor

(Title of Chief Executive Officer)

Date: June 13, 2012

CLERK'S CERTIFICATION

I, Michael McSweeney, do hereby certify that I am Clerk of the City Council of the City of New York and that on the _____ day of _____ 2012, such legislative body, at least a majority of the total membership having voted in favor thereof, approved the foregoing request.

(Signed) _____
Clerk

[SEAL OF LOCAL GOVERNMENT]

MICHAEL McSWEENEY
(Print or Type Name Below Signature)

Date: _____, 20 _____

(The following is the text from the Bluebacks submitted and signed by the Mayor for the Assembly bill:)

HOME RULE REQUEST

(Request by a Local Government for Enactment of a Special Law)

To the Legislature:

Pursuant to Article IX of the Constitution, the CITY of NEW YORK requests the enactment of Assembly bill (No. A.10586), entitled:

“AN ACT authorizing and validating the alienation of certain parkland known as Empire Fulton Ferry state park in accordance with letters patent dated July 8, 2010 from the office of general services to the Brooklyn Bridge Park Development Corporation and master ground lease agreement dated as of July 29, 2010 for a term of 99 years to the Brooklyn Bridge Park Corporation providing for the use of such land as a part of the Brooklyn Bridge Park Civic and Land Use Improving Project.”

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows: (Check appropriate box)

[X] The local government does not have the power to enact such legislation by local law.

[] Other facts, as set forth in the following "Explanation" establish such necessity.

EXPLANATION

(If space below is not sufficient, use separate sheet and attach here)

Such request is made by: (Check appropriate box)

[X] The chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body. (See paragraph A below)

[] The local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

READ BEFORE SIGNING

If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, both the chief executive officer and the clerk of the local legislative body must sign below. In such case use the word "majority" below even though the vote may have been greater.

If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, only the clerk of the local legislative body must sign below. In such case use the words "two-thirds" below.

CHIEF EXECUTIVE OFFICER'S SIGNATURE

(Signed) _____ (Chief Executive Officer)

MICHAEL R. BLOOMBERG (Print or Type Name Below Signature)

Mayor

Date: June 13, 2012

(Title of Chief Executive Officer)

CLERK'S CERTIFICATION

I, Michael McSweeney, do hereby certify that I am Clerk of the City Council of the City of New York and that on the _____ day of _____ 2012, such legislative body, at least a majority of the total membership having voted in favor thereof, approved the foregoing request.

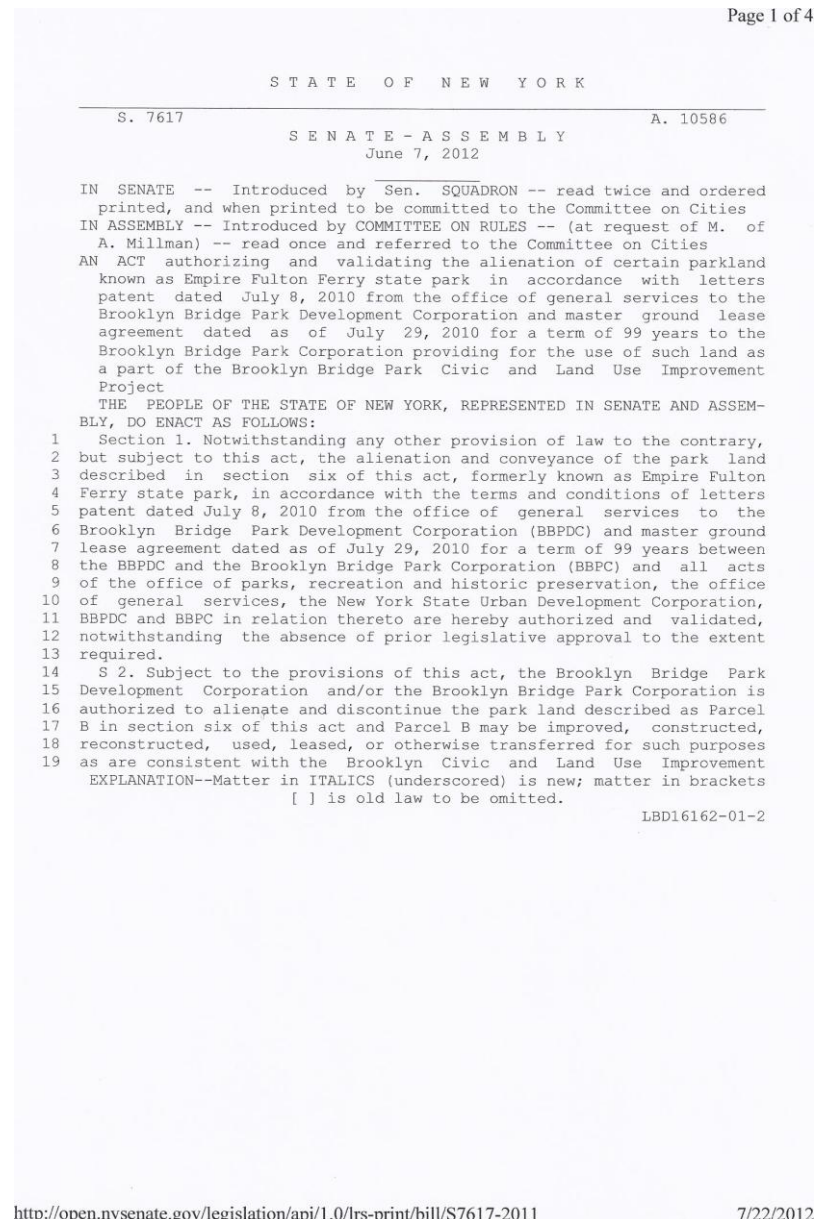
(Signed) _____ Clerk

[SEAL OF LOCAL GOVERNMENT]

MICHAEL McSWEENEY (Print or Type Name Below Signature)

Date: _____, 20 _____

(The following is the text from the Blueback submitted and signed by the Mayor for the Senate and Assembly bill:)



S. 7617 2 A. 10586
 1 Project General Project Plan, as such Plan may be modified in accordance
 2 with the requirements of such Plan. Provided that the lands described in
 3 section six of this act as Parcel A shall be used only for park and
 4 recreation purposes as a part of the Brooklyn Bridge Park.
 5 S 3. The authorization provided in section two of this act shall be
 6 subject to the requirement that the city of New York dedicate the land
 7 described in section seven of this act as park land. In the event the
 8 lands described in section seven of this act are not equal to or greater
 9 than the fair market value of the lands being alienated by this act, the
 10 city of New York shall dedicate the difference between the fair market
 11 value of the lands being alienated by this act and the replacement lands
 12 towards the acquisition of additional park land and/or improvements to
 13 existing park land in the borough of Brooklyn.
 14 S 4. With respect to the lands described in section six of this act as
 15 Parcel B, to which certain outdoor recreational restrictions currently
 16 apply as a condition of funding under the federal land and water conser-
 17 vation fund act, which funding was previously expended for outdoor
 18 recreation improvements at the former Empire Fulton Ferry state park
 19 property by the office of parks, recreation and historic preservation,
 20 the discontinuance of Parcel B as park land as authorized by section two
 21 of this act shall not occur until the National Park Service has approved
 22 a conversion of such park land under such federal land and water conser-
 23 vation fund act, including satisfying the National Park Service that the
 24 conversion complies with all conditions that the National Park Service
 25 deems necessary to assure the lands to be substituted shall be equiv-
 26 alent in fair market value and usefulness to the lands being disconti-
 27 nued as outdoor recreation land.
 28 S 5. The lands described in section seven of this act shall be used
 29 for park and recreation purposes as a part of the Brooklyn Bridge Park
 30 within the time required by the National Park Service for the completion
 31 of the conversion under the federal land and water conservation fund act
 32 and at such time shall be deemed to be dedicated for park and recreation
 33 purposes without further action.
 34 S 6. The existing park land subject to the provisions of this act
 35 consists of Parcels A and B as described below. The land authorized by
 36 this act to be alienated and discontinued as park land consists of
 37 Parcel B as described below.
 38 Parcel A
 39 ALL those certain plots, pieces or parcels of land with the buildings
 40 and improvements thereon erected, situate, lying and being in the
 41 Borough of Brooklyn, County of Kings, City and State of New York, bound-
 42 ed and described as follows:
 43 Beginning at a point on the easterly side of New Dock Street, being
 44 208 feet 6 inches northerly from the corner formed by the intersection
 45 of the northerly side of Water Street with the easterly side of New Dock
 46 Street; running thence easterly along the northerly side of a two story
 47 brick building and continuing to and along the northerly side of a four
 48 story brick building and a five story brick building a total distance of
 49 692 feet 5 1/4 inches to a point on the westerly side of Main Street
 50 which is distant 190 feet 2 inches northerly from the corner formed by
 51 the intersection of the northerly side of Water Street with the westerly
 52 side of Main Street, as measured along the westerly side of Main Street;
 53 thence northerly along the westerly side of Main Street and the westerly
 54 side of Main Street if extended to the East River, 478 feet 8-3/4 inches
 55 to the pierhead line of the East River, established in 1857; thence
 56 southwesterly along the said pierhead line, 825 feet 2-3/8 inches to the

S. 7617 3 A. 10586
 1 easterly side of New Dock Street; thence southerly along the easterly
 2 side of New Dock Street, 260 feet 9 3/4 inches to the corner, at the
 3 point or place of beginning; comprising approximately 6.408 acres.
 4 Parcel B
 5 ALL those certain plots, pieces or parcels of land with the buildings
 6 and improvements thereon erected, situate, lying and being in the
 7 Borough of Brooklyn, County of Kings, City and State of New York, bound-
 8 ed and described as follows:
 9 Beginning at a point on the easterly side of New Dock Street, being
 10 208 feet 6 inches northerly from the corner formed by the intersection
 11 of the northerly side of Water Street with the easterly side of New Dock
 12 Street; running thence easterly along the northerly side of a two story
 13 brick building and continuing to and along the northerly side of a four
 14 story brick building and a five story brick building a total distance of
 15 692 feet 5 1/4 inches to a point on the westerly side of Main Street
 16 which is distant 190 feet 2 inches northerly from the corner formed by
 17 the intersection of the northerly side of Water Street with the westerly
 18 side of Main Street, as measured along the westerly side of Main Street;
 19 thence southerly along the westerly side of said Main Street 129 feet 11
 20 inches to a point thereon which is distant 60 feet 3 inches northerly
 21 from the corner formed by the intersection of the northerly side of
 22 Water Street with the westerly side of Main Street; thence westerly on a
 23 line forming an interior angle of 89 degrees 36 minutes 40 seconds with
 24 the westerly side of Main Street, 88 feet; thence southerly parallel
 25 with the westerly side of Main Street, 10 feet; thence westerly parallel
 26 with the northerly side of Water Street, 24 feet 8 inches; thence south-
 27 erly on a line forming an interior angle of 89 degrees 32 minutes 30
 28 seconds with the northerly side of Water Street, 50 feet to the norther-
 29 ly side of Water Street; thence westerly along the northerly side of
 30 Water Street 487 feet to the intersection of the northerly side of Water
 31 Street with the easterly side of New Dock Street; thence northerly along
 32 the easterly side of New Dock Street 208 feet 6 inches to the point or
 33 place of beginning; comprising approximately 2.651 acres.
 34 S 7. The replacement land required by this act to be added to the
 35 Brooklyn Bridge Park and used only for park and recreation purposes is
 36 described as follows:
 37 Parcel 1 (Lot 21, Block 7)
 38 ALL that certain plat, piece or parcel of land with buildings and
 39 improvements thereon, erected, situate, lying and being in the Borough
 40 of Brooklyn, County of Kings, City and State of New York, more partic-
 41 ularly bounded and described as follows:
 42 Beginning at a point where the northerly line of Plymouth Street, 40
 43 foot wide, intersects the easterly line of Washington Street, 60 foot
 44 wide; and from said beginning point running, thence along said easterly
 45 line of Washington Street and a portion of Lot 1, Block 7, now or
 46 formerly reputed owner the City of New York, north 02 degrees - 37
 47 minutes - 18 seconds east, a distance of 213.24 feet to a point; thence
 48 along the dividing line between Lot 21 and Lot 1, Block 7, south 23
 49 degrees - 00 minutes - 05 seconds east, a distance of 236.45 feet to a
 50 point on the aforementioned northerly line of Plymouth Street; thence
 51 along said northerly line, north 87 degrees - 24 minutes - 17 seconds
 52 west, a distance of 102.25 feet to the point and place of beginning;
 53 comprising approximately 0.250 acres.
 54 Parcel 2 (Portion of Washington Street)
 55 All that certain plat, piece or parcel of land with buildings and
 56 improvements thereon, erected, situate, lying and being in the Borough

S. 7617 4 A. 10586
 1 of Brooklyn, County of Kings, City and State of New York, more partic-
 2 ularly bounded and described as follows:
 3 Beginning at a point where the easterly line of Washington Street, 60
 4 foot wide, intersects the northerly line of Plymouth Street, 40 foot
 5 wide; and from said beginning point running, thence along said northerly
 6 line of Plymouth Street, north 87 degrees - 24 minutes - 17 seconds
 7 west, a distance of 60.00 feet to a point; thence along the westerly
 8 line of Washington Street, north 02 degrees - 37 minutes - 18 seconds
 9 east, a distance of 200.00 feet to a point; thence along the northerly
 10 terminus of Washington street, south 87 degrees - 24 minutes - 17
 11 seconds east, a distance of 60.00 feet to a point; thence along the
 12 aforementioned easterly line of Washington Street, south 02 degrees - 37
 13 minutes - 18 seconds west, a distance of 200.00 feet to the point and
 14 place of beginning; comprising approximately 0.275 acres.
 15 Parcel 3 (portion of Lot 1, Block 7)
 16 ALL that certain plat, piece or parcel of land with buildings and
 17 improvements thereon, erected, situate, lying and being in the Borough
 18 of Brooklyn, County of Kings, City and State of New York, more partic-
 19 ularly bounded and described as follows:
 20 Beginning at a point on the northerly line of Plymouth Street, 40 foot
 21 wide, said point being south 87 degrees - 24 minutes - 17 seconds east,
 22 a distance of 102.25 feet as measured along said northerly line of
 23 Plymouth Street from its intersection with the easterly line of Washing-
 24 ton Street, 60 foot wide; and from said beginning point running, thence
 25 along the dividing line between Lot 1 and Lot 21, Block 7, north 23
 26 degrees - 00 minutes - 05 seconds west, a distance of 126.21 feet to a
 27 point; thence the following six (6) courses through the bounds of Lot 1,
 28 Block 7, now or formerly reputed owner the City of New York:
 29 Along the existing northerly line of a one story masonry building and
 30 the northerly face of concrete wall, north 66 degrees - 50 minutes - 39
 31 seconds east, a distance of 96.97 feet to a point; thence continuing
 32 along the northerly face of said concrete wall, north 71 degrees - 04
 33 minutes - 57 seconds east, a distance of 20.79 feet to a point of curva-
 34 ture; thence continuing along the northerly and easterly face of said
 35 concrete wall, along a curve to the right, having a radius of 8.73 feet,
 36 turning a central angle of 65 degrees - 00 minutes - 10 seconds, an arc
 37 length of 9.91 feet, the chord of which bears south 73 degrees - 21
 38 minutes - 49 seconds east, a chord distance of 9.39 feet to a point of
 39 compound curvature; thence continuing along the easterly face of said
 40 concrete wall, along a curve to the right, having a radius of 50.50
 41 feet, turning a central angle of 33 degrees - 25 minutes - 11 seconds,
 42 an arc length of 29.46 feet, the chord of which bears south 24 degrees -
 43 09 minutes - 09 seconds east, a chord distance of 29.04 feet to a point
 44 of tangency; thence continuing along the same, south 03 degrees - 57
 45 minutes - 58 seconds east, a distance of 25.10 feet to a point; thence
 46 continuing along the same, south 02 degrees - 36 minutes - 21 seconds
 47 west, a distance of 110.43 feet to a point on the aforementioned north-
 48 erly line of Plymouth Street; thence along said northerly line, north 87
 49 degrees - 24 minutes - 17 seconds west, a distance of 77.18 feet to the
 50 point and place of beginning; comprising approximately 0.358 acres.
 51 S 8. This act shall take effect immediately.

(The following is the text of the State Senate Sponsor's Memorandum in Support:)

TITLE OF BILL:

An act
 authorizing and
 validating the alienation of
 certain parkland known as Empire Fulton Ferry state park in accordance with letters
 patent dated
 July 8, 2010 from the office of general services to the Brooklyn Bridge Park
 Development
 Corporation and master ground lease agreement dated as of July 29, 2010 for a
 term of 99 years
 to the Brooklyn Bridge Park Corporation providing for the use of such land as a part
 of the
 Brooklyn Bridge Park Civic and Land Use Improvement Project

PURPOSE OR GENERAL IDEA OF BILL:

To validate and authorize the
 alienation and conveyance of state owned parkland formerly known as the Empire
 Fulton Ferry State Park in accordance with the terms
 of letters patent dated July 8, 2010 and master ground lease dated as of July 29,
 2010, which provide for the continuation as dedicated parkland of a portion of such
 parkland, delineated as Parcel A, and authorize the discontinuance as parkland of
 the remaining portion of such parkland, delineated as Parcel B, which contains
 buildings known as the Tobacco Warehouse and the Empire Stores, and to provide
 for the replacement of the discontinued parkland with new parkland of equal or
 greater fair market value.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1 validates and authorizes the
 alienation and conveyance of state-owned parkland formerly known as the Empire
 Fulton Ferry State Park in accordance with the terms of letters patent dated July 8,
 2010 which conveyed the former state park from the New York State Office of
 General Services to the Brooklyn Bridge Park Development Corporation (the
 "BBPDC") and authorized the discontinuance of a portion of the former state park as
 parkland, and in accordance with the terms of a 99-year master ground lease dated
 as of July 29, 2010, in which the BBPDC leased the properties comprising Brooklyn
 Bridge Park, which include the former state park, to the Brooklyn Bridge Park
 Corporation (the "BBPC") to enable BBPC to assume responsibility for
 development and operation of Brooklyn Bridge Park.

Section 2 authorizes BBPDC and/or BBPC to alienate the portion of the former
 Empire Fulton Ferry State Park delineated as Parcel B and to use Parcel B in any

manner consistent with the General Project Plan for the Brooklyn Bridge Park Civic and Land Use Improvement Project (the "GPP"). Section 2 also provides that the remaining portion of the former Empire Fulton Ferry State Park delineated as Parcel A be used for park and recreation purposes as part of Brooklyn Bridge Park.

Section 3 makes the alienation of Parcel B authorized by section 2 subject to the City of New York dedicating the land described in section 7 as parkland and provides that if the fair market value of the replacement parkland is not equal to or greater than fair market value of Parcel B, the City of New York must acquire additional parkland or improve existing parkland in Brooklyn to make up the shortfall in fair market value.

Section 4 provides that the discontinuance of Parcel B as parkland authorized by section 2 shall not occur until the National Park Service has approved a conversion of Parcel B pursuant to the federal Land and Water Conservation Fund Act.

Section 5 provides that the replacement parkland shall be used and dedicated for park and recreation purposes as part of Brooklyn Bridge Park consistent with the timeframe for completion of the conversion process required by the National Park Service under the federal Land and Water Conservation Fund Act.

Section 6 identifies the metes and bounds of the land conveyed in the letters patent and the land be discontinued as parkland.

The metes and bounds of these parcels are identical to the metes and bounds of Parcels A and Parcel B as described in the July 8, 2010 letters patent referred to in section 1.

Section 7 identifies the metes and bounds of the replacement land to be used for park and recreation purposes as part of Brooklyn Bridge Park in accordance with section 4, above.

Section 8 provides that this act shall take effect immediately.

JUSTIFICATION:

The continued development of the Brooklyn Bridge Park into a unified vibrant waterfront park has been jeopardized by a *recent* state Supreme Court decision (Brooklyn Heights Ass'n, et al. v. New York State Office of Parks, Recreation and Historic [Preservation](#), et al., Index No. 1120/11 (Sup. Ct. Kings County Dec. 14, 2011) calling into question transactions under which jurisdiction over the former Empire Fulton Ferry State Park (the "EFFSP") was transferred from the state to the Brooklyn Bridge Park Corporation as a part of the Brooklyn Bridge Park Civic and Land Use Improvement Project (the "BBP Project"). These transactions confirmed that part of the transferred land would continue to be used as parkland as part of Brooklyn Bridge Park and permitted the remaining part of the transferred land to be discontinued as parkland so that historic civil war era structures on that land, known as the Tobacco Warehouse and the Empire Stores, could be adaptively reused to ensure the long-term preservation of these structures and in the case of the Empire Stores, to provide revenue critical for the future operation and maintenance of Brooklyn Bridge Park. The enactment of this legislation will authorize and validate the transactions that included the former EFFSP as an integral part of the

Brooklyn Bridge Park and allow the Tobacco Warehouse and the Empire Stores to be preserved and adaptively reused as planned to further the long term goals of the BBP Project OPP. Once rehabilitated in accordance with the OPP and historic preservation requirements, revenue from the Empire Stores is expected to cover approximately 5 percent of Brooklyn Bridge Park's total operation and maintenance budget after all phases of construction are completed and approximately 10 percent of the operation and maintenance costs of the currently funded portion of the Park. Unless this legislation is enacted, both structures will continue to deteriorate until they can no longer be saved. Empire Stores is currently in extreme disrepair and closed to the public. The Tobacco Warehouse's roof and upper walls collapsed in the past and the emergency stabilization work on its walls that was completed a decade ago will not preserve the structure into the future. Brooklyn Bridge Park does not have money to fund the significant cost of rehabilitating and redeveloping these structures. Unless the parkland restrictions on these historic buildings is lifted, non-public funding will not be available to allow development of the buildings in a manner that respects their historic features and to protect these historic structures into the future. Enactment of this legislation will also return the Brooklyn Bridge Park to unified oversight and management.

The legislation requires replacement of the discontinued parkland with three properties that are not currently used or dedicated for park purposes. These properties are to be used for park and recreational purposes and incorporated into Brooklyn Bridge Park. If the fair market value of these three properties are of not equal or greater value to Parcel B, the parkland to be discontinued, the City of New York will acquire additional property or make improvements to existing parkland in Brooklyn. While the acreage of the replacement properties is less than the acreage of Parcel B, the replacement properties will provide more public space for park and recreation purposes than currently exists in Parcel B because the Empire Stores is, and without this legislation will remain, closed to the public for safety reasons.

Excluding Empire Stores, Parcel B contains approximately 34,000 square feet of space. The replacement parcels contain approximately 38,000 square feet of space. The replacement parcels will provide passive and active recreational uses, potentially new public facilities, and additional scenic views that the Parcel B cannot provide given the deteriorated condition of the historic structures.

PRIOR LEGISLATIVE HISTORY: This is a new bill.

FISCAL IMPLICATIONS: None.

(The following is the text of the State Assembly Sponsor's Memorandum in Support:)

A10586 Memo:
BILL NUMBER:A10586

TITLE OF BILL: An act authorizing and validating the alienation of certain parkland known as Empire Fulton Ferry state park in accordance with letters patent dated July 8, 2010 from the office of general services to the Brooklyn Bridge Park Development Corporation and master ground lease agreement dated as of July 29, 2010 for a term of 99 years to the Brooklyn Bridge Park Corporation providing for the use of such land as a part of the Brooklyn Bridge Park Civic and Land Use Improvement Project

PURPOSE OR GENERAL IDEA OF BILL: To validate and authorize the alien-

ation and conveyance of state owned parkland formerly known as the Empire Fulton Ferry State Park in accordance with the terms of letters patent dated July 8, 2010 and master ground lease dated as of July 29, 2010, which provide for the continuation as dedicated parkland of a portion of such parkland, delineated as Parcel A, and authorize the discontinuance as parkland of the remaining portion of such parkland, delineated as Parcel B, which contains buildings known as the Tobacco Warehouse and the Empire Stores, and to provide for the replacement of the discontinued parkland with new parkland of equal or greater fair market value.

SUMMARY OF SPECIFIC PROVISIONS: Section 1 validates and authorizes the

alienation and conveyance of state owned parkland formerly known as the Empire Fulton Ferry State Park in accordance with the terms of letters patent dated July 8, 2010 which conveyed the former state park from the New York State Office of General Services to the Brooklyn Bridge Park Development Corporation (the "BBPDC") and authorized the discontinuance of a portion of the former state park as parkland, and in accordance with the terms of a 99-year master ground lease dated as of July 29, 2010, in which the BBPDC leased the properties comprising Brooklyn Bridge Park, which include the former state park, to the Brooklyn Bridge Park Corporation (the "BBPC") to enable BBPC to assume responsibility for development and operation of Brooklyn Bridge Park.

Section 2 authorizes BBPDC and/or BBPC to alienate the portion of the former Empire Fulton Ferry State Park delineated as Parcel B and to use Parcel B in any manner consistent with the General Project Plan for the Brooklyn Bridge Park Civic and Land Use Improvement Project (the "GPP"). Section 2 also provides that the remaining portion of the former Empire Fulton Ferry State Park delineated as Parcel A be used for park and recreation purposes as part of Brooklyn Bridge Park.

Section 3 makes the alienation of Parcel B authorized by section 2 subject to the City of New York dedicating the land described in section 7 as parkland and provides that if the fair market value of the replacement parkland is not equal to or greater than fair market value of Parcel B, the City of New York must acquire additional parkland or improve existing parkland in Brooklyn to make up the shortfall in fair market value.

Section 4 provides that the discontinuance of Parcel B as parkland authorized by section 2 shall not occur until the National Park Service has approved a conversion of Parcel B pursuant to the federal Land and Water Conservation Fund Act.

Section 5 provides that the replacement parkland shall be used and dedicated for park and recreation purposes as part of Brooklyn Bridge Park consistent with the timeframe for completion of the conversion process required by the National Park Service under the federal Land and Water Conservation Fund Act.

Section 6 identifies the metes and bounds of the land conveyed in the letters patent and the land be discontinued as parkland. The metes and bounds of these parcels are identical to the metes and bounds of Parcels A and Parcel B as described in the July 8, 2010 letters patent referred to in section 1.

Section 7 identifies the metes and bounds of the replacement land to be used for park and recreation purposes as part of Brooklyn Bridge Park in accordance with section 4, above.

Section 8 provides that this act shall take affect immediately.

JUSTIFICATION: The continued development of the Brooklyn Bridge Park into a unified vibrant waterfront park has been jeopardized by a recent state Supreme Court decision (Brooklyn Heights Assn. et al. v. New York State Office of Parks, Recreation and Historic Preservation, et al., Index No. 1120/11 (Sup. Ct. Kings County Dec. 14, 2011)) calling into question transactions under which jurisdiction over the former Empire Fulton Ferry State Park (the "EFFSP") was transferred from the state to the Brooklyn Bridge Park Corporation as a part of the Brooklyn Bridge Park Civic and Land Use Improvement Project (the "BBP Project"). These transactions confirmed that part of the transferred land would continue to be used as parkland as part of Brooklyn Bridge Park and permitted the remaining part of the transferred land to be discontinued as parkland so that historic civil war era structures on that land, known as the Tobacco Warehouse and the Empire Stores, could be adaptively reused to ensure the longterm preservation of these structures and in the case of the Empire Stores, to provide revenue critical for the future operation and maintenance of Brooklyn Bridge Park. The enactment of this legislation will authorize and validate the transactions that included the former EFFSP as an integral part of the Brooklyn Bridge Park and allow the Tobacco Warehouse and the Empire Stores to be preserved and adaptively reused as planned to further the long term goals of the BBP Project GPP. Once rehabilitated in accordance with the OPP and historic preservation requirements, revenue from the Empire Stores is expected to cover approximately 5 percent of Brooklyn Bridge Park's total operation and maintenance budget after all phases of construction are completed and approximately 10 percent of the operation and maintenance costs of the currently funded portion of the Park. Unless this legislation is enacted, both structures will continue to deteriorate until they can no longer be saved. Empire Stores is currently in extreme disrepair and

closed to the public. The Tobacco Warehouse's roof and upper walls collapsed in the past, and the emergency stabilization work on its walls that was completed a decade ago will not preserve the structure into the future. Brooklyn Bridge Park does not have money to fund the significant cost of rehabilitating and redeveloping these structures. Unless the parkland restrictions on these historic buildings is lifted, non-public funding will not be available to allow development of the buildings in a manner that respects their historic features and to protect these historic structures into the future. Enactment of this legislation will also return the Brooklyn Bridge Park to unified oversight and management.

The legislation requires replacement of the discontinued parkland with three properties that are not currently used or dedicated for park purposes. These properties are to be used for park and recreational purposes and incorporated into Brooklyn Bridge Park. If the fair market value of these three properties are of not equal or greater value to Parcel B, the parkland to be discontinued, the City of New York will acquire additional property or make improvements to existing parkland in Brooklyn. While the acreage of the replacement properties is less than the acreage of Parcel B, the replacement properties will provide more public space for park and recreation purposes than currently exists in Parcel B because the Empire Stores is, and without this legislation will remain, closed to the public for safety reasons. Excluding Empire Stores, Parcel B contains approximately 34,000 square feet of space. The replacement parcels contain approximately 38,000 square feet of space. The replacement parcels will provide passive and active recreational uses, potentially new public facilities, and additional scenic views that the Parcel B cannot provide given the deteriorated condition of the historic structures.

PRIOR LEGISLATIVE HISTORY: This is a new bill

FISCAL IMPLICATIONS: None

EFFECTIVE DATE: This act shall take immediately.

Referred to the Committee on State and Federal Legislation.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-826

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license 2012 Express Car Service Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

June 1, 2012

The Honorable Speaker Christine C. Quinn
 Attention: Mr. Gary Altman
 Council of the City of New York
 250 Broadway, 15th Floor
 New York, New York 10007

Re: Taxi & Limousine Commission
For-Hire Vehicle Base License approvals

Dear Speaker Quinn:

Please be advised that on May 31, 2012 the Taxi & Limousine Commission voted to approve the following for-hire vehicle base license application:

NEW (6):	LICENSE #	COUNCIL DISTRICT
2012 Express Car Service Inc.	B02540	26
Clean Air Car Service and Parking Corp.	B02531	20
Glenwood Car Service Inc.	B02537	45
HTP Inc.	B02525	26
La Corona Express Car Service Inc.	B02511	21
Mint Car Service Inc.	B02529	47
RELOCATIONS (1):	LICENSE #	COUNCIL DISTRICT
Ten One Con Corp.	B02481	26

The complete application packages compiled for the above bases are available for your review upon request. If you wish to receive a copy please contact Ms. Michelle Lange, Business Licensing Unit, at langem@tlc.nyc.gov. Please find enclosed herein the original applications for the approved base stations.

Very truly yours,

Christopher Tormey
 Director of Applicant Licensing
 Licensing & Standards Division
 Taxi & Limousine Commission

Referred to the Committee on Transportation.

M-827

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Clean Air Car Service and Parking Corp., Council District 20, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-826 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-828

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Glenwood Car Service Inc., Council District 45, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-826 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-829

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

(For text of the TLC Letter, please see M-826 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-830

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license La Corona Express Car Service Inc., Council District 21, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-826 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-831

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Mint Car Service Inc., Council District 47, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-826 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-832

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license Ten One

Con Corp., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-826 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-833

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and relocation base station license Safari Transportation Inc., Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-826 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

LAND USE CALL UPS

M-834

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

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Application nos. C 120077 MMM and C120124 ZSM shall be subject to Council review. This application is related to application nos. C 120122 ZMM and N 120123 ZRM, that are subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call-Up Vote

M-835

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 130-138 Seventh Avenue South, CB 2, Application no. 20125206 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-836

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 92 Seventh Avenue South., CB 3, Application no. 20125400 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-837

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an

unenclosed/enclosed sidewalk café located at 87 MacDougal Street, CB 3, Application no. 20125766 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-838

By Council Member Chin:

Pursuant to Rule 11.20(b) of the Council and Section 20-226 (g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 212 Lafayette Avenue, Borough of Manhattan, Committee Board no. 2, Application 20125770 TCM shall be subject to review by the Council.

Coupled on Call-Up Vote

LAND USE CALL UP VOTE

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

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

(Present but Not Voting – Mendez*)

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

* Please see the Editor's Note re: revised Attendance for this Stated Council Meeting held on June 13, 2012 printed after the Roll Call for Attendance in these June 13, 2012 Minutes.

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

Report for Int. No. 688-A

Report of the Committee on Finance in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to verification of data for certain exemptions administered by the Department of Finance.

The Committee on Finance, to which the annexed amended proposed local law was referred on October 5, 2011 (Minutes, page 4536), respectfully

REPORTS:

Background

Every year, the Department of Finance (“DOF”) receives more than 27,000 new personal tax exemptions. DOF administers 26 tax benefit programs that provide property tax exemptions and abatements valued at approximately \$4.5 billion. To ensure taxpayers applying for a personal tax exemption are eligible and qualified to receive such exemption, in 2011, DOF began to require applicants to provide proof of eligibility when submitting exemption application. The documentation required, as noted on the exemption application, is specific to the exemption being applied. For example, in the case of a taxpayer applying for a Senior Citizen Homeowner Exemption, which provides a property tax exemption to owners of 1-, 2-, and 3-family houses, condominiums, or cooperative apartments who are at least 65 years old, make no more than \$37,400 per year, and primarily reside in the property to be

exempt, then such taxpayer would be required to provide copies of government issued identification, federal tax returns, social security benefits, pensions, or other information requested by the Commissioner.

Summary of Provisions

Proposed Int. 688-A adds a new section 11-134 of the administrative code of the city of New York to codify DOF’s existing practice by requiring applicants to submit proof of eligibility when applying for:

1. Senior citizen home owner exemption (requirements: identification, federal tax returns, , social security benefits, pensions, or other information requested by the Commissioner.
2. Disabled Homeowner Exemption (requirements: federal tax returns, social security benefits, Social Security Administration, pension, annuity, certificate or letter from United States Postal Service, Railroad Retirement Board, or State Commission for Blind or handicapped; or other information requested by the Commissioner)
3. School Tax Assessment Rebate (federal tax return, , social security , pension, annuity)
4. Enhanced Star (requirements: identification, federal tax return, social security, pension, annuity; or other information requested by the Commissioner)
5. Veterans Exemption (requirements: certificate of discharge or Veteran Administration letter if disabled; or other information requested by the Commissioner); and
6. Clergy Exemption (requirements: verification letter from church employer, identification if over 70, or marriage certificate or deceased spouse death certificate if the applicant is the unremarried spouse of clergy member; or other information requested by the Commissioner)

Proposed Int. 688-A would take effect in 180 days.

(The following is the text of the Fiscal Impact Statement for Int. No. 688-A:)



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

PROPOSED INTRO. NO: 688-A

**COMMITTEE:
Finance**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to verification of data for certain exemptions administered by the Department of Finance.
SPONSORS: Council Members Ignizio, James, Mealy, Recchia Jr., Nelson, Halloran, Oddo and Ulrich

SUMMARY OF LEGISLATION: The proposed legislation would amend chapter 11 of title 11 of the administrative code of the city of New York, by adding a new section 11-134 to require that no exemption shall be granted by the Department of Finance (“DOF”) for certain specified exemptions unless the person applying for such exemption submits certain prescribed documents such as a copy of government-issued identification including a driver's license, passport or birth certificate; a copy of the previous year's federal tax returns and schedules and attachments; proof of earnings, such as copies of W-2 forms, social security benefit statements, pension and annuity retirement income; a copy of DD Form 214 "Certificate of Release or Discharge from Active Duty" or similar document issued by the United States Department of Defense upon a military service member's retirement, among others.

In addition, any application for any exemption referenced in this local law shall contain a certification clause that informs applicants that execution and submission of an application for an exemption shall be deemed a certification by such applicant that all statements made on such application are true and correct to the best of the applicant's knowledge and that such applicant has made no willful false statements of material fact.

EFFECTIVE DATE: This legislation would take effect 180 days after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2013

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY14
Revenues	\$6,500,000	\$625,000	\$625,000
Expenditures	(\$450,000)	(\$370,000)	(\$370,000)
Net	\$6,050,000	\$255,000	\$255,000

IMPACT ON REVENUES: Due to the large number of applicants expected to be removed from the exemption roll in the first year, it is estimated that there will be an initial impact on revenue of \$6.5 million in Fiscal 2013. In Fiscal 2014 and beyond revenue is expected to decrease to \$625,000 annually.

IMPACT ON EXPENDITURES: It is estimated that there would be an increase in expenditures in Fiscal 2013 of \$450,000 for initial set up of the tracking system and maintenance. In Fiscal 2014 and beyond the maintenance expense is estimated at \$370,000 annually.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: The New York City Department of Finance

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

HISTORY: This legislation was introduced by the Council and referred to the Committee on Finance on October 5, 2011. Proposed Intro. 688 has been amended and the amended version, Proposed Intro. 688-A, will be considered by the Committee on Finance on June 13, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 688-A:)

Int. No. 688-A

By Council Members Ignizio, James, Mealy, Recchia, Nelson, Barron, Gennaro, Jackson, Koo, Halloran, Oddo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to verification of data for certain exemptions administered by the Department of Finance.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-134 to read as follows:

§ 11-134 *Data verification.* 1. No exemption described herein shall be granted unless the person applying for such exemption submits:

(a) if applying for the senior citizen homeowner exemption pursuant to section 11-245.3 of this title, a copy of government-issued identification such as a driver's license, passport or birth certificate for all owners turning sixty-five by December thirty-first in the year in which they submit the application for an exemption pursuant to such section; a copy of the previous year's federal tax returns and schedules and attachments for all owners to which the application for an exemption will apply. If any owner was not required to file, such applicant must submit proof of earnings, such as copies of W-2 forms, if applicable; social security benefit statements, if applicable; pension and annuity retirement income, if applicable; documentation of any unreimbursed medical or prescription expenses, if available; and any other information the commissioner deems necessary.

(b) if applying for the exemption for persons with disabilities pursuant to section 11-245.4 of this title, a copy of the previous year's federal tax returns and schedules and attachments for all owners to which the application for an exemption will apply. If any owner was not required to file, such applicant must submit proof of earnings, such as copies of W-2 forms, if applicable; social security benefit statements, if applicable; pension and annuity retirement income, if applicable; documentation of any unreimbursed medical or prescription expenses, if available; a copy of either an award letter from the social security administration, an award letter from the railroad retirement board or United States postal service, or a certificate from the state commission for the blind and visually handicapped; and any other information the commissioner deems necessary.

(c) if applying for the school tax relief exemption pursuant to section four hundred twenty-five of the real property tax law, a copy of the previous year's

federal tax returns and schedules and attachments for all owners to which the application for an exemption will apply. If any owner was not required to file, such applicant must submit proof of earnings, such as copies of W-2 forms, if applicable; social security benefit statements, if applicable; pension and annuity retirement income, if applicable; and any other information the commissioner deems necessary.

(d) if applying for the enhanced school tax relief exemption pursuant to subdivision four of section four hundred twenty-five of the real property tax law, a copy of government-issued identification such as a driver's license, passport or birth certificate; a copy of the previous year's federal tax returns and schedules and attachments for all owners to which the application for an exemption will apply. If any owner was not required to file, such applicant must submit proof of earnings, such as copies of W-2 forms, if applicable; social security benefit statements, if applicable; pension and annuity retirement income, if applicable; and any other information the commissioner deems necessary.

(e) if applying for the exemption for veterans pursuant to sections four hundred fifty-eight and four hundred fifty eight-a of the real property tax law, a copy of DD Form 214 "Certificate of Release or Discharge from Active Duty" or similar document issued by the United States Department of Defense upon a military service member's retirement, separation or discharge from active-duty military; if the applicant served in a combat zone or theater, then a copy of proof of service in such zone or theater; if disabled in a line of duty, then a copy of a letter from the Veterans Administration documenting the disability rating for such veteran seeking a property tax exemption; and any other information the commissioner deems necessary.

(f) if applying for the exemption for clergy pursuant to section four hundred sixty of the real property tax law, a verification letter from the church employer; in cases where such clergy member was unable to perform such work due to an illness or impairment, then a copy of a physician's statement; in the case where the clergy member is over seventy, then a copy of a government-issued identification card, birth certificate, or baptismal certificate; or in the case where the applicant is the surviving unmarried spouse of the clergy member, then a copy of the applicant's marriage certificate and a copy the deceased spouse's death certificate; and any other information the commissioner deems necessary.

2. Any application for any exemption referenced in this section shall contain a certification clause that informs applicants that execution and submission of an application for an exemption referenced herein shall be deemed a certification by such applicant that all statements made on such application are true and correct to the best of the applicant's knowledge and that such applicant has made no willful false statements of material fact.

§2. This local law shall take effect one hundred eighty days after it shall have become a law.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, 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, June 13, 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 Int. No. 877

Report of the Committee in Finance in favor of approving a Local Law to amend the administrative code of the city of New York, in relation to the collection of the commercial motor vehicle tax for medallion taxicabs.

The Committee on Finance, to which the annexed proposed local law was referred on June 13, 2012, respectfully

REPORTS:

BACKGROUND

*Commercial Motor Vehicle Tax ("CMVT")*¹

Since 1960, the CMVT has been levied on vehicles used for the transportation of passengers (medallion taxicabs, omnibuses² and other passenger vehicles³) in the city

for the Lower Ma_____

¹ See Chapter 8 of Title 11 of the Administrative Code of the City of New York.

² An omnibus is any motor vehicle for transportation of passengers for hire having a seating capacity of more than seven persons. See § 11-801 (6). An omnibus does not include 1) a motor vehicle used principally for the transportation of children to and from schools and day camps operated by non-profit agencies; 2) any motor vehicle used exclusively for transportation of persons in connection with funerals; or 3) any motor vehicle for transportation of passengers where neither

and on all other non-passenger-commercial vehicles used principally in the City or principally in connection with a business carried on in the City⁴. The CMVT is an annual flat tax charged at different rates, based on the maximum gross weight⁵ of the vehicle, and the purpose for which the vehicle is used. Payment of the tax is indicated by a stamp issued by the Department of Finance (“DOF”) affixed in a conspicuous space available for inspection within the motor vehicle.⁶

On December 27, 2011, the City Council enacted Local Law 73 of 2011, which was submitted and passed by Request of the Mayor. Local Law 73 created a new section 11-809.2 in the Administrative Code to require the applicable CMVT for a medallion taxicab of \$1,000 per year to be paid for such vehicle’s entire two-year TLC license period “up front” in one \$2,000 payment at the beginning of the license period. This payment requirement is effective for the TLC license period for medallion taxicabs beginning on June 1, 2012, with respect to medallion taxicabs whose TLC license expires on May 31, 2012. Hence, a CMVT payment of \$2,000 would be due on or before June 1, 2012 for medallion taxicabs whose license expires on May 31, 2012. Also, a payment of \$1,000 would be due on or before June 1, 2012 for medallion taxicabs whose license expires on May 31, 2013. Prior to the enactment of Local Law 73, the CMVT on medallion taxicabs was paid in two semiannual installments (one on or before June 20 and one on or before December 1) of \$500 each.

Since the passage of Local Law 73, many medallion owners have argued that this “up front” payment requirement imposes serious and unforeseen hardships on the lessees and drivers of medallion taxicabs who often have to pay the CMVT out of their own pocket. In addition, the TLC’s payment systems lack the ability to accept and record partial or installment-type payments. Accordingly, to prevent the above hardships, the Administration submitted legislation to the City Council to restore the semiannual installment payment schedule for the CMVT on medallion taxicabs, and return the authority and responsibility for the collection of CMVT on such vehicles to DOF. However, to further assure the payment of the CMVT on these vehicles, the proposed legislation amends Administrative Code section 11-808 to authorize the TLC to promulgate a rule making the payment of the applicable CMVT a condition for the licensing of the medallion taxicab and authorizes TLC to fail to renew licenses for medallion taxicabs on which the CMVT due is not paid.

PRECONSIDERED INT.

The proposed legislation amends section 11-809.2 of the Administrative Code of the City of New York to return to the DOF the collection of the CMVT imposed by Chapter 8 of Title 11 of the Administrative Code on medallion taxicabs from the TLC. Local Law 73 of 2011 enacted section 11-809.2 of the Administrative Code, which transferred the collection of the CMVT imposed on medallion taxicabs and certain non-medallion TLC licensed for hire vehicles from DOF to the TLC. The proposed legislation does not affect the TLC’s collection of CMVT on these certain non-medallion vehicles which, under the proposed legislation are defined as “designated licensed vehicles” instead of “other licensed vehicles.” The proposed legislation also amends section 11-808 of the Administrative Code to authorize the TLC to impose a rule which will require the payment of the CMVT as a condition for the licensing of a medallion taxicab and authorizes TLC to fail to renew licenses for medallion taxicabs for which the CMVT due is not paid.

DETAILED SUMMARY OF PROVISIONS

the owner of such motor vehicle nor any person or business engaged in transporting passengers by motor vehicle for-hire that is affiliated with such owner has a place of business in such city, a telephone number in such city, or solicits business or specifically advertises in such city. See § 11-802 (4)(b).

³ A motor vehicle for the transportation of passengers is a any motor vehicle licensed as a taxicab or as a coach, or any motor vehicle, not so licensed, which carries passengers for compensation, including limousine service, whether the compensation paid by or on behalf of the passenger is based on mileage, trip, time consumed or any other basis. See § 11-802 (4)(a).

⁴Non-passenger commercial vehicles include trucks, tractor-trailers and semi-trailers, Auto trucks, Light delivery cars, Traction engines, Road rollers, Tractor cranes, Truck cranes, Power shovels, Road-building machines, Snowplows, Road sweepers, Sand spreaders, Well drillers and servicing rigs, Any earth-moving equipment, Pick-up and panel trucks, Fork lifts (if operated on public streets), and Camper trucks and station wagons (if they require commercial registrations). See § 11-802 (1)(c); see also 11-802(2)(c). The following are exempt from the tax: any nonprofit organization that is organized and operated exclusively for religious, charitable or educational purposes or for the prevention of cruelty to children or animals; dealers in new or used motor vehicles where the use of the vehicle is confined solely to demonstrate to prospective buyers or delivery; a foreign nation or representative of a foreign nation who is exempt from paying a motor vehicle registration fee under New York State law; New York State or any public corporation, improvement district, or other political subdivision of the State; the United Nations or other worldwide international organization of which the US is a member; and the United States. See § 11-803. Non-passenger commercial motor vehicles that are principally used in the City or in connection with a business carried on in the City, and Motor vehicles regularly used in New York City for the transportation of passengers, regardless of the mileage within the City, are subject to this tax. See § 11-801(3).

⁵ **Maximum gross weight** is the weight of the motor vehicle, plus the weight of the maximum load to be carried by the vehicle, if any. See § 11-801(8).

⁶ See § 11-809 (a). On October 20, 2010, the Federal Motor Carrier Safety Administration (FMCSA) rendered a decision barring the City of New York from requiring the display of the CMVT stamp in commercial vehicles engaged in interstate commerce. The NYC Department of Finance is currently requesting a reconsideration of the decision of the FMCSA, and will not enforce the requirement that the stamps be displayed in such vehicles. See NYC DOF website, available at http://www.nyc.gov/html/dof/html/business/business_tax_cmvt.shtml (last accessed November 26, 2011).

Section 1 of the bill adds a new subdivision e to section 11-808 of the Administrative Code authorizing TLC to promulgate a rule requiring the payment of the CMVT as a condition precedent to the licensing, or renewals of the licenses, of the medallion taxicabs.

Section 2 of the bill amends section 11-809.2 of the Administrative Code to limit TLC’s authority to collect the CMVT to designated licensed vehicles only, thereby returning to the Department of Finance the authority to collect the CMVT for medallion taxicabs. “Designated licensed vehicles” are non-medallion for-hire vehicles that are licensed by TLC. The amendments to subdivisions a, b, c, e, f, h, j, m and n narrow the scope of the application of section 11-809.2 to “designated licensed vehicles”. The amendment to subdivision e limits TLC’s obligation to refund payment of the CMVT for a period of more than one year to designated licensed vehicles whose license has been terminated for reasons other than revocation.

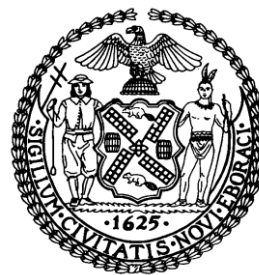
Section 3 of the bill amends subdivision e of section 19-504 of the Administrative Code to condition renewal of the license issued by TLC on compliance both with section 11-808, requiring medallion taxicab owners to pay the CMVT to DOF, and with section 11-809.2, and requiring owners of designated licensed vehicles to pay the CMVT to TLC.

Section 4 of the bill is an unconsolidated provision indicating that any owner of a vehicle licensed by TLC who has already paid the CMVT to TLC pursuant to section 11-809.2 of the Administrative Code is entitled to a credit in the amount of such payment for any tax year beginning on or after June 1, 2012. Therefore, to the extent a medallion taxicab owner has already paid the CMVT to the TLC, such owner will receive a credit against the tax he will owe to the DOF pursuant to section 11-808.

Section 5 of the bill is an unconsolidated provision indicating that any owner of a medallion taxicab who had been required to pay the CMVT to the TLC pursuant to section 11-809.2 of the Administrative Code but has not paid such tax to the TLC will be required to file the required return and pay the required installment of the CMVT to DOF no later than thirty days after this bill becomes a law or July 20, 2012, whichever is later.

Section 6 would make the bill take effect immediately and make it retroactive to June 1, 2012.

(The following is the text of the Fiscal Impact Statement for Int. No. 877:)



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

PRE-CONSIDERED INTRO.

COMMITTEE:
Finance

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the collection of the commercial motor vehicle tax for medallion taxicabs. **SPONSORS:** Council Members Recchia Jr. and Vacca (by request of the Mayor)

SUMMARY OF LEGISLATION: The proposed legislation would amend section 11-808 of the administrative code of the city of New York, by adding a new subdivision e, authorizing the Taxi and Limousine Commission (TLC) to promulgate a rule requiring the payment of the commercial motor vehicle tax (CMVT) as a condition precedent to the licensing, or renewals of the licenses, of the medallion taxicabs.

In addition, the bill would amend subdivisions a, b, c, d, e, f, h, j, k, m, and n of section 11-809.2 of the administrative code of the city of New York, as added by local law 73 for the year 2011, to return to the Department of Finance (DOF) the authority to collect the CMVT for medallion taxicabs and narrow the scope of the application of section 11-809.2 to non-medallion for-hire vehicles referred to as “designated licensed vehicles”.

Lastly, the bill would limit TLC’s obligation to refund payment of the CMVT for a period of more than one year to designated licensed vehicles whose license has been terminated for reasons other than revocation and amend subdivision e of section 19-504 of the administrative code of the city of New York to condition the renewal of a license issued by the TLC, or by the Police Department on compliance with both section 11-808 and section 11-809.2.

EFFECTIVE DATE: This legislation would take effect immediately after its enactment into law and if it shall have become a law after June 1, 2012, it shall be retroactive to and deemed to have been in full force and effect as of June 1, 2012.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2013

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: Under this bill, CMVT will continue to be collected except that the authority to collect from medallion taxicabs would be returned to DOF from TLC. As such, it is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

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

HISTORY: This legislation will be considered and voted on as a pre-considered intro by the Committee on Finance on June 13, 2012.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 877:)

Int. No. 877

By Council Members Recchia, Vacca, Barron, Comrie, Fidler, Gennaro, Gentile, James, Koo and Palma (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the collection of the commercial motor vehicle tax for medallion taxicabs.

Be it enacted by the Council as follows:

Section 1. Section 11-808 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. Notwithstanding any provision of this chapter or of chapter five of title nineteen of this code to the contrary, the taxi and limousine commission may require by rule the payment of the tax imposed on medallion taxicabs pursuant to this chapter as a condition precedent of the licensing or license renewal of such medallion taxicabs, and the taxi and limousine commission shall have the authority to deny the license or the renewal thereof for any medallion taxicab that fails to pay such tax.

§2. Subdivisions a, b, c, d, e, f, h, j, k, m and n of section 11-809.2 of the administrative code of the city of New York, as added by local law number 73 for the year 2011, are amended to read as follows:

a. Notwithstanding any provision of this chapter to the contrary, the tax imposed by this chapter on any [medallion taxicab or other] *designated* licensed vehicle, as defined in this subdivision, shall be collected by the taxi and limousine commission on behalf of the commissioner of finance. Except as otherwise provided by subdivision m of this section, the owner of each such [medallion taxicab or other] *designated* licensed vehicle shall pay the tax due thereon to the taxi and limousine commission on or before the date upon which such owner licenses or renews the license of such [medallion taxicab or other] *designated* licensed vehicle or is required to license or renew the license thereof pursuant to chapter five of title nineteen of the code. For purposes of this section, the term "[other] *designated* licensed vehicle" shall mean a motor vehicle for the transportation of passengers, other than a medallion taxicab, the tax on which is not collected by the commissioner of motor vehicles pursuant to section 11-809.1 of this chapter and which is licensed or required [to be] to be licensed by the taxi and limousine commission pursuant to any provision of chapter five of title nineteen of the code.

b. Notwithstanding any provision of chapter five of title nineteen of the code to the contrary, payment of the tax with respect to a [medallion taxicab or other] *designated* licensed vehicle shall be a condition precedent to the licensing or license

renewal of such [medallion taxicab or other] *designated* licensed vehicle with the taxi and limousine commission, and no such license or renewal thereof shall be issued unless such tax has been paid. Except as provided in subdivisions f and m of this section, if the license period applicable to any such [medallion taxicab or other] *designated* licensed vehicle is a period of more than one year, the tax required to be paid pursuant to this section shall be the annual tax specified in section 11-802 of this chapter multiplied by the number of years in the license period. The taxi and limousine commission, upon payment of the tax pursuant to this section or upon the application of any person exempt therefrom, shall furnish to each taxpayer paying the tax a receipt for such tax and to each other taxpayer or exempt person a statement, document or other form prescribed by the taxi and limousine commission, showing that such tax has been paid or is not due with respect to such [medallion taxicab or other] *designated* licensed vehicle.

c. For purposes of this section, the term "tax period" shall mean the license period applicable to the [medallion taxicab or other] *designated* licensed vehicle under chapter five of title nineteen of the code and, in the case of a license period of other than one year, shall mean the number of twelve-month periods and any period of less than twelve months within such license period. The term "tax period" shall also include any periods described in [paragraph one and in] subparagraph (A) of paragraph [two] one of subdivision m of this section.

e. If the license for the [medallion taxicab or other] *designated* licensed vehicle is transferred, [revoked,] surrendered or [otherwise] terminated for reasons other than revocation, and the applicable license period under chapter five of title nineteen of the code is for more than one year, and the tax paid to the taxi and limousine commission was for a tax period of more than twelve months, except as otherwise provided in the agreement between the taxi and limousine commission and the commissioner of finance authorized pursuant to subdivision k of this section, the commissioner of finance shall refund the tax paid for any twelve-month period commencing subsequent to the transfer, [revocation,] surrender or other termination of the license described in this subdivision.

f. Except as provided in subdivision m of this section, for [medallion taxicabs and other] *designated* licensed vehicles whose license period is a two year period that begins and ends on the same dates, the tax payable to the taxi and limousine commission pursuant to this section with respect to a [medallion taxicab or other] *designated* licensed vehicle that is licensed or required to be licensed after the commencement of such license period shall be determined as follows:

1. If such [medallion taxicab or other] *designated* licensed vehicle is licensed or required to be licensed before the first day of the seventh month of such period, the tax shall be the amount determined pursuant to subdivision b of this section.

2. If such [medallion taxicab or other] *designated* licensed vehicle is licensed or required to be licensed on or after the first day of the seventh month of such period but before the first day of the thirteenth month of such period, the tax shall be three-fourths of the amount determined pursuant to subdivision b of this section.

3. If such [medallion taxicab or other] *designated* licensed vehicle is licensed or required to be licensed on or after the first day of the thirteenth month but before the first day of the nineteenth month of such period, the tax shall be one-half of the amount determined pursuant to subdivision b of this section.

4. If such [medallion taxicab or other] *designated* licensed vehicle is licensed or required to be licensed on or after the first day of the nineteenth month of such period, the tax shall be one-fourth of the amount determined pursuant to subdivision b of this section.

5. When the license period described in this section is for a period of less than two years, the commissioner of finance shall have the authority to provide by rule the amount to be payable under this subdivision.

h. Notwithstanding any provision of section 11-807 of this chapter to the contrary, at the time a tax is required to be paid to the taxi and limousine commission pursuant to this section, the person required to pay such tax shall file a return with the taxi and limousine commission in such form and containing such information as the taxi and limousine commission may prescribe. The taxpayer's application for a license or the renewal thereof shall constitute the return required under this subdivision unless the taxi and limousine commission shall otherwise provide by rule. A return filed pursuant to this subdivision with respect to a [medallion taxicab or other] *designated* licensed vehicle for a tax period or periods shall be in lieu of any return otherwise required to be filed with respect thereto pursuant to section 11-807 of this chapter. Unless the taxi and limousine commission otherwise requires, the filing of a return shall not be required for the tax periods described in [paragraph one or] subparagraph (A) of paragraph [two] one of subdivision m of this section.

j. Notwithstanding any provision of chapter five of title nineteen of the code to the contrary, in those cases in which the commissioner of finance is responsible for collecting the tax imposed by this chapter, the taxi and limousine commission shall not issue or renew a license for any [medallion taxicab or other] *designated* licensed vehicle subject to such tax with respect to which the commissioner of finance has notified the taxi and limousine commission that such tax has not been paid, unless the applicant for such license or renewal submits proof, in a form approved by the taxi and limousine commission, that such tax has been paid, or is not due, with respect to such [medallion taxicab or other] *designated* licensed vehicle.

k. The commissioner of finance is hereby authorized and empowered to enter into an agreement with the taxi and limousine commission to govern the collection of the taxes imposed by this chapter which are required to be paid to the taxi and limousine commission pursuant to this section. Such agreement [shall] may provide for the exclusive method of collection, custody and remittance to the commissioner of finance of the proceeds of any such tax; for the payment by the commissioner of finance of reasonable expenses incurred by the taxi and limousine commission in connection with the collection of any such tax; for the commissioner of finance, or a duly designated representative, upon his or her request, not more frequently than

once in each calendar year at a time agreed upon by the city comptroller, to audit the accuracy of the payments, distributions and remittances to the commissioner of finance; and for such other matters as may be necessary and proper to effectuate the purposes of such agreement.

m. Except as otherwise provided in the agreement between the taxi and limousine commission and the commissioner of finance authorized by subdivision k of this section, or with respect to the periods described in [subparagraph (C) of] paragraph two of this subdivision, the taxi and limousine commission shall begin to collect taxes in accordance with the provisions of this section on the first day of April in the year two thousand twelve as follows:

1. [The tax due on a medallion taxicab whose license is due to expire on the thirty-first day of May in the year two thousand twelve shall be two times the amount provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter. The tax due on a medallion taxicab whose license is due to expire on the thirty-first day of May in the year two thousand thirteen, for the period between the first day of June in the year two thousand twelve and the thirty-first day of May in the year two thousand thirteen, shall be the amount provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter. The tax required to be paid pursuant to this paragraph shall be payable on or before the first day of June in the year two thousand twelve.

2.] The tax due on [an other] *a designated* licensed vehicle, the license for which expires on or after the first day of June in the year two thousand twelve and before the first day of June in the year two thousand fourteen, shall be determined as follows:

(A) For [an other] *a designated* licensed vehicle whose license expires on or after the first day of June in the year two thousand twelve and before the first day of June in the year two thousand fourteen, the amount of tax for the tax period between the first day of June in the year two thousand twelve and the date the license shall expire for such [other] *designated* licensed vehicle pursuant to chapter five of title nineteen of the code shall be the sum of (i) the annual tax specified in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter for any twelve-month period within such tax period, and (ii) the amount determined under subparagraph (B) of this paragraph for any period of less than twelve months within such tax period. The amount of tax so determined shall be payable on or before the first day of June in the year two thousand twelve. In the event the amount of tax due and payable under this subparagraph shall not have been paid within thirty days of the first day of June in the year two thousand twelve, the taxi and limousine commission shall suspend the license for such [other] *designated* licensed vehicle, and the license for any such [other] *designated* licensed vehicle which has expired shall not be renewed until such time as such tax is paid.

(B) For purposes of subparagraph (A) of this paragraph, the amount of tax for a period of less than twelve months shall be determined as follows: (i) if such period is nine months or more, the amount for such period shall be the full amount of annual tax provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter; (ii) if such period is more than six months but less than nine months, the amount for such period shall be three-fourths of the amount of annual tax provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter; (iii) if such period is more than three months but less than six months, the amount for such period shall be one-half of the amount of annual tax provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter; and (iv) if such period is less than three months, the amount for such period shall be one-fourth of the amount of annual tax provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter.

[(C)] 2. Upon the date for payment set forth in subparagraph (A) of [this] paragraph *one of this subdivision*, the taxi and limousine commission shall require the taxpayer to provide a proof of payment of the tax to the commissioner of finance for the period beginning on the first day of June in the year two thousand eleven and ending on the thirty-first day of May in the year two thousand twelve or any part of such period for which the taxpayer was subject to the tax. In the event the taxpayer has not paid such tax to the commissioner of finance: (i) the license for any [other] *designated* licensed vehicle described in subparagraph (A) of this paragraph shall not be renewed until such time as such tax, together with any applicable interest or penalties, has been paid to the commissioner of finance and (ii) if such tax remains unpaid as of the end of the thirty-day period set forth in subparagraph (A) of [this] paragraph *one of this subdivision*, the license for any [other] *designated* licensed vehicle described in subparagraph (A) of [this] *paragraph one of this subdivision* shall be suspended until such time as such tax, together with any applicable interest or penalties, is paid to the commissioner of finance.

n. In addition to any other powers granted to the taxi and limousine commission in this chapter or any other law, the taxi and limousine commission is hereby authorized and empowered:

1. to adopt and amend rules appropriate to the carrying out of its responsibilities under this chapter;

2. to request information concerning motor vehicles and persons subject to the provisions of this chapter from the commissioner of motor vehicles, the department of motor vehicles of any other state, the treasury department of the United States or the appropriate officials of any city or county of the state of New York; and to afford such information to such department of motor vehicles, treasury department or officials of such city or county, any provision of this chapter to the contrary notwithstanding;

3. to delegate its functions under this section to any commissioner or employee of such commission;

4. to require [all persons owning medallion taxicabs or other] *any person who is an owner, as defined in chapter five of title nineteen of the code, of a designated licensed [vehicles] vehicle* to keep such records as it prescribes and to furnish such

information upon its request; and

5. to extend, for cause shown, the time for filing any return required to be filed with the taxi and limousine commission for a period not exceeding sixty days.

§3. Subdivision e of section 19-504 of the administrative code of the city of New York, as amended by local law number 73 for the year 2011, is amended to read as follows:

e. Any owner operating a vehicle under a license issued by the commission, or by the New York city police department prior to the effective date of this chapter, shall be entitled to renew such license as a matter of right upon compliance with all the other provisions of this section and [section] *sections 11-808 and 11-809.2 of the code* relating to the licensee's vehicle.

§4. Notwithstanding any provision of chapter 8 of title 11 of the administrative code of the city of New York to the contrary, any person who has paid the tax imposed under chapter 8 of title 11 of such code to the taxi and limousine commission pursuant to section 11-809.2 of such code, as added by local law number 73 for the year 2011, and as in effect prior to the amendments made by the local law that added this section, shall be entitled to a credit against such tax to the extent such payment satisfies the tax obligation for any tax year beginning on or after June 1, 2012, and to the extent of such payment, such person shall not have any obligations under sections 11-807 or 11-808 of such code for any such tax year.

§5. Notwithstanding any provision of chapter 8 of title 11 of the administrative code of the city of New York to the contrary, any person required to pay the tax imposed under chapter 8 of title 11 of such code with respect to a medallion taxicab, who had been required to pay such tax to the taxi and limousine commission pursuant to section 11-809.2 of such code, as added by local law number 73 for the year 2011, and as in effect prior to the amendments made by the local law that added this section, but has not paid such tax to the taxi and limousine commission, shall file the return required pursuant to section 11-807 of such code and pay the installment of such tax required to be paid pursuant to subdivision c of section 11-808 of such code to the commissioner of finance no later than the later of the thirtieth day after this act shall have become a law or July 20, 2012.

§6. This act shall take effect immediately and if it shall have become a law after June 1, 2012, it shall be retroactive to and deemed to have been in full force and effect as of June 1, 2012.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, 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, June 13, 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 M-819

Report of the Committee in Finance in favor of approving a Communication from the New York City Banking Commission regarding 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.

The Committee on Finance, to which the annexed communication was referred on May 31, 2012 (Minutes, page 1614), respectfully

REPORTS:

(For text of related reports, please see the Report of the Committee of Finance for Res Nos. 1374, 1375, 1376, 1377, 1377, and 1378 printed below in these Minutes)

Accordingly, this Committee recommends its adoption.

Accordingly, this Committee recommends its adoption, as amended.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, 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, June 13, 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 Res. No. 1374

Report of the Committee in Finance in favor of approving a Resolution to establish that the interest rate be 9% per annum for Fiscal Year 2013 for non-payment of taxes on 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 cooperative apartments.

The Committee on Finance, to which the annexed proposed local law was referred on June 13, 2012, respectfully

REPORTS:

Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission (“the Commission”) to send a written recommendation to the City Council of proposed interest rates to be charged for non-payment of taxes on real property. In making such recommendation, the Commission shall consider the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the “Prime Rate”). Pursuant to such section, for real property with an assessed value of \$250,000 or less, or \$250,000 or less per residential unit for co-ops,⁷ the Banking Commission shall propose a rate at least equal to the prevailing Prime Rate.

The Banking Commission forwarded, by letter dated May 22, 2012, a recommendation to the Council to establish an interest rate of 9% per annum for Fiscal Year 2013 to be charged for non-payment of taxes of real property where the assessed value on a parcel is \$250,000 or less, or \$250,000 or less per residential unit for co-ops.⁸ Such recommendation is reflected as Mayor’s communication, M-819.

Pursuant to section 11-224.1 of the Administrative Code, the Council adopts the Banking Commission’s recommendation, and establishes that the interest rate be 9% per annum for Fiscal Year 2013 for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1374:)

Res. No. 1374

Resolution to establish that the interest rate be 9% per annum for Fiscal Year 2013 for non-payment of taxes on 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 cooperative apartments.

By Council Members Recchia, Comrie, Koo and Wills.

Whereas, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of not more two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas the Banking Commission is required to propose a rate 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, the Prime Rate stands at three and one-quarter percent (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 on real estate by all taxpayers; and

for the Lower Ma_____

¹ To be deemed \$250,000 or less, the cooperative apartment must be located in a building where the average assessed value of units is \$250,000 or less.

² Interest rate reflects the Prime Rate that is referenced in the Banking Commission’s resolution and letter. The Banking Commission notes that as of May 22, 2012 the Prime Rate stands at 3.25% as published by the Federal Reserve Board of Governors.

Whereas, The Banking Commission recommended to the City Council that the interest rate to be charged for non-payment of taxes on properties where the assessed value on a parcel is 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 cooperative apartments, be nine percent (9%) per annum for Fiscal 2013; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the interest rate be 9% per annum for Fiscal Year 2013 for non-payment of taxes on 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 cooperative apartments.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, 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, June 13, 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 Res. No. 1375

Report of the Committee in Finance in favor of approving a Resolution to establish that the interest rate be 18% per annum for Fiscal Year 2013 for non-payment of taxes on properties with an assessed value of over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.

The Committee on Finance, to which the annexed proposed local law was referred on June 13, 2012, respectfully

REPORTS:

Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission (“the Commission”) to send a written recommendation to the City Council of proposed interest rates to be charged for non-payment of taxes on real property. In making such recommendation, the Commission shall consider the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the “Prime Rate”). For real property with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments,¹ the Banking Commission shall propose an interest rate of at least six percent per annum greater than the prevailing Prime Rate.

The Banking Commission forwarded, by letter dated May 22, 2012, a recommendation to the Council to establish an interest rate of 18% per annum for Fiscal Year 2013 to be charged for non-payment of taxes of real property where the assessed value on a parcel is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.²

Pursuant to section 11-224.1 of the Administrative Code, the Council adopts the Banking Commission’s recommendation and establishes that the interest rate be 18% per annum for Fiscal Year 2013 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

¹To be deemed over \$250,000, the cooperative apartment would have to be located in a building where the average assessed valuation of units is over \$250,000.

² Interest rate reflects the Prime Rate referenced in the Banking Commission’s resolution and letter. The Banking Commission notes that on May 22, 2012, the Prime Rate stands at 3.25% as published by the Federal Reserve Board of Governors.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1375:)

Res. No. 1375

Resolution to establish that the interest rate be 18% per annum for Fiscal Year 2013 for non-payment of taxes on properties with an assessed value of over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.

By Council Members Recchia, Comrie and Koo.

Whereas, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission is required to propose a rate of at least six percent (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 22, 2012, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, It is in the best interest of the City to encourage the prompt payment of taxes on real estate by all large taxpayers; and

Whereas, The Banking Commission recommended to the City Council that the interest rate to be charged for non-payment of taxes on properties 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 cooperative apartments, be eighteen percent (18%) per annum for Fiscal 2013; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the interest rate be 18% per annum for Fiscal Year 2013 for non-payment of taxes on properties with an assessed value of over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, 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, June 13, 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 Res. No. 1376

Report of the Committee in Finance in favor of approving a Resolution to establish that the interest rate to be charged for Fiscal Year 2013 for non-payment of water rents and sewer rents be 9% per annum for real property where the assessed value is 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 cooperative apartments.

The Committee on Finance, to which the annexed proposed local law was referred on June 13, 2012, respectfully

REPORTS:

Local Law No. 62 of 2005 amended sections 11-312 and 11-313 of the Administrative Code to require that the New York City Banking Commission, not later than the 25th day of May of each year, transmit a written recommendation to the City Council of the proposed interest rate to be charged for non-payment of water rents and sewer rents. The Council may, by resolution, adopt the interest rates to be charged for non-payment of water rents and sewer rents pursuant to section 11-224.1 of the Administrative Code of the City of New York.

Section 11-224.1 of the Administrative Code, as amended by Local Law 66 of 2008, requires the Banking Commission to propose a rate 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"), to be charged for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

The Banking Commission, at its meeting on May 9, 2012, adopted a resolution recommending to the Council that the proposed interest rate to be charged for non-payment of water and sewer rents be 9% per annum for Fiscal Year 2013 where the assessed value of the property is 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 cooperative apartments. In the Resolution, the Banking Commission notes that as of May 9, 2012, the Prime Rate stands at 3.25%, as published by the Federal Reserve Board of Governors. The Banking Commission forwarded, by letter dated May 22, 2012, such recommendation to the City Council. Such recommendation is reflected as Mayor's communication, M-819.

Pursuant to the Council's authority set forth in sections 11-312 and 11-313 of the Administrative Code to adopt the interest rates to be charged for non-payment of water rents and sewer rents, the Council establishes that the interest rate to be charged for Fiscal Year 2013 for non-payment of water rents and sewer rents be 9% per annum for real property where the assessed value is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1376:)

Res. No. 1376

Resolution to establish that the interest rate to be charged for Fiscal Year 2013 for non-payment of water rents and sewer rents be 9% per annum for real property where the assessed value is 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 cooperative apartments.

By Council Members Recchia, Comrie and Koo.

Whereas, Pursuant to sections 11-312(c) and 11-313(e) of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of water rents and sewer rents; and

Whereas, Sections 11-312 and 11-313 of the Administrative Code of the City of New York, as amended by Local Law No. 62 of 2005, allow the Council to adopt interest rates to be charged for non-payment of water rents and sewer rents that become due and payable on or after July 1, 2005 pursuant to section 11-224.1 of the Administrative Code of the City of New York; and

Whereas, Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission to propose a rate 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"), to be charged for non-payment of taxes on 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 cooperative apartments; and

Whereas, The Banking Commission notes that as of May 9, 2012, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, The Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents be nine percent (9%) per annum for Fiscal Year 2013 where the assessed value of the property is 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 cooperative apartments; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the interest rate to be charged for Fiscal Year 2013 for non-payment of water rents and sewer rents be 9% per annum for real property where the assessed value is 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 cooperative apartments.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, 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, June 13, 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 Res. No. 1377

Report of the Committee in Finance in favor of approving a Resolution to establish that the interest rate to be charged for Fiscal Year 2013 for non-payment of water rents and sewer rents be 18% per annum for real

property where the assessed value is over \$250,000, or over two hundred fifty thousand dollars \$250,000 per residential unit for cooperative apartments.

The Committee on Finance, to which the annexed proposed local law was referred on June 13, 2012, respectfully

REPORTS:

Local Law No. 62 of 2005 amended sections 11-312 and 11-313 of the Administrative Code to require that the New York City Banking Commission, not later than the 25th day of May of each year, transmit a written recommendation to the City Council of the proposed interest rate to be charged for non-payment of water rents and sewer rents. The Council may, by resolution, adopt the interest rates to be charged for non-payment of water rents and sewer rents pursuant to section 11-224.1 of the Administrative Code of the City of New York.

Section 11-224.1 of the Administrative Code, as amended by Local Law 66 of 2008, requires the Banking Commission to propose a rate 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"), to be charged for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments. For properties with an assessed value of over \$250,000, the Banking Commission shall propose a rate at least six percent per annum greater than the Prime Rate.

The Banking Commission, at its meeting on May 9, 2012, adopted a resolution, recommending to the Council that the proposed interest rate to be charged for non-payment of water and sewer rents be 18% per annum for Fiscal Year 2013 where the assessed value of the property is more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments. In the Resolution, the Banking Commission notes that as of May 9, 2012, the Prime Rate stands at 3.25%, as published by the Federal Reserve Board of Governors. The Banking Commission forwarded, by letter dated May 22, 2012, such recommendation to the City Council. Such recommendation is reflected as Mayor's communication, M-819.

Pursuant to the Council's authority set forth in sections 11-312 and 11-313 of the Administrative Code to adopt the interest rates to be charged for non-payment of water rents and sewer rents, the Council establishes that the interest rate to be charged for Fiscal Year 2013 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1377:)

Res. No. 1377

Resolution to establish that the interest rate to be charged for Fiscal Year 2013 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

By Council Members Recchia, Comrie and Koo.

Whereas, Pursuant to sections 11-312(c) and 11-313(e) of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of water rents and sewer rents; and

Whereas, Sections 11-312 and 11-313 of the Administrative Code of the City of New York, as amended by Local Law No. 62 of 2005, allow the Council to adopt interest rates to be charged for non-payment of water rents and sewer rents that become due and payable on or after July 1, 2005 pursuant to section 11-224.1 of the Administrative Code of the City of New York; and

Whereas, Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission to propose a rate at least six percent (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"), to be charged for non-payment of taxes on 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 cooperative apartments; and

Whereas, The Banking Commission notes that as of May 9, 2012, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, The Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents be eighteen percent (18%) per annum for Fiscal Year 2013 where the assessed value of the property is more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the interest rate to be charged for Fiscal Year 2013 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, 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, June 13, 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 Res. No. 1378

Report of the Committee in Finance in favor of approving a Resolution to establish that the discount percentage for early payment of real estate taxes be set at one percent (1.0%) per annum for Fiscal Year 2013

The Committee on Finance, to which the annexed proposed local law was referred on June 13, 2012, respectfully

REPORTS:

Under current law, the City provides a discount for property owners who pay their property tax bills early. To receive a discount on the entire tax bill, both semi-annual and quarterly taxpayers have to pay the entire tax bill prior to the date the July 1st installment could be paid without interest.¹ For quarterly taxpayers, if the taxpayer does not pay the entire tax bill upfront, but instead pays the last three quarters in full on or before October 15th, the discount is calculated at a rate of two-thirds of the discount percentage. And if the last two quarters (due in January and April) are paid in full on or before January 15th the taxpayer receives a discount equal to one-third of the discount percentage. A tax installment paid after the January 15th due date is not eligible for a discount.

The New York City Council is charged with the responsibility of setting the discount percentages for the early payment of real estate taxes prior to the dates on which such taxes become due and payable. Specifically, Section 1519-a (7) (b) of the New York City Charter provides that not later than the twenty-fifth day of May in each year, the banking commission shall send a written recommendation to the Council of a proposed discount percentage for the ensuing fiscal year.

Further, section 1519-a(7)(c) of the New York City Charter, as amended by Local Law No. 66 of 2008, provides that the New York City Council may adopt a discount percentage on the fifth day of June preceding such ensuing fiscal year, or at any time thereafter.

If the Council does not set a discount rate, the default discount rate, which is set by section 1519-a (7)(d) of the New York City Charter will apply. The default discount rate is 1.5%.

The Banking Commission forwarded, by letter dated May 22, 2012, a recommended discount percentage to the City Council. Such recommendation is reflected as Mayor's communication, M-819.

Pursuant to Charter section 1519-a(7)(c), the Council establishes that the discount percentage for early payment of real estate taxes shall be set at one percent (1.0%) per annum for Fiscal Year 2013.

¹ This is the only discount available to semi-annual taxpayers for tax bills due on or after July 1st, 2005. Taxpayers who pay semi-annually will no longer be eligible for a 30-day discount on the second half of the tax bill due on January 1st, even if paid by December 1st.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1378:)

Res. No. 1378

Resolution to establish that the discount percentage for early payment of real estate taxes be set at one percent (1.0%) per annum for Fiscal Year 2013.

By Council Members Recchia and Koo.

Whereas, Section 1519-a(7)(c) of the New York City charter provides that the Council may adopt a discount percentage for early payment of real estate taxes on the fifth day of June preceding such ensuing fiscal year, or at any time thereafter; and

Whereas, This Resolution, dated June 13, 2012, provides that the discount percentage for early payment of real estate taxes shall be set at one percent (1.0%) per annum for Fiscal Year 2013; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the discount percentage for early payment of real estate taxes be set at one percent (1.0%) per annum for Fiscal Year 2013.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, 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, June 13, 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. 564

Report of the Committee on Land Use in favor of approving Application no. 20125330 HAX, an Urban Development Action Area Project located at 1664, 1694, and 1702 Davidson Avenue, Council District no. 16, Borough of The Bronx. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 1, 2012 (Minutes, page 406), respectfully

REPORTS:

SUBJECT

Proposals 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>
1664 Davidson Avenue	2861/10	20125330 HAX	564	Negotiated Sale
1694 Davidson Avenue	2861/21			
1702 Davidson Avenue Bronx	2861/50			
Bushwick East		20125331 HAK	565	New Foundations
62 Troutman Street	3183/31			
11 Dodworth Street	3229/41			
1132 DeKalb Avenue	3241/01			
84 Stanhope Street	3265/32			
1175 Greene Avenue	3285/71			
103 Bleecker Street	3296/58			
207 Palmetto Street	3342/41			
205 Palmetto Street	3342/42			
203 Palmetto Street Brooklyn	3342/43			

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON- ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
330 East 104 th Street	1675/11	20125695 HAM	626	HUD Multifamily
315 East 103 rd Street Manhattan	1917/45			Preservation Loan

INTENT

HPD requests that the Cofuncil:

1. 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;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. 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;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the projects from real property taxes pursuant to Section 696 of the General Municipal Law.

PUBLIC HEARING AS TO L.U. NO. 564

Date: June 5, 2012

Witnesses In Favor: Four **Witnesses Against:** None

PUBLIC HEARING AS TO L.U. NOS. 565 AND 626

Date: June 5, 2012

Witnesses In Favor: Two **Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

Date: June 5, 2012

The Subcommittee recommends that the Committee approve the proposals, 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	None	None
Barron		
Gonzalez		
Dickens		
Koo		

COMMITTEE ACTION

DATE: June 7, 2012

The Committee recommends that the Council approve the attached resolutions.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Cont'd		
Sanders, Jr.		
Seabrook		
Vann		

Gonzalez
Palma
Arroyo
Dickens
Garodnick
Lappin
Mendez
Vacca
Koo
Weprin
Ignizio

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

Res. No. 1382

Resolution approving an Urban Development Action Area Project located at 1664 Davidson Avenue (Block 2861/Lot 10), 1694 Davidson Avenue (Block 2861/Lot 21), 1702 Davidson Avenue (Block 2861/Lot 50), Borough of the Bronx, 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. 564; 20125330 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 17, 2012 its request dated January 9, 2012 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 1664 Davidson Avenue (Block 2861/Lot 10), 1694 Davidson Avenue (Block 2861/Lot 21), 1702 Davidson Avenue (Block 2861/Lot 50), Community District 5, Borough of the Bronx (the "Exemption Area"):

1. Find that the present status of the Disposition 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;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. 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;
4. 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 June 5, 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 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 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 partial 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; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, June 7, 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. 565

Report of the Committee on Land Use in favor of approving Application no. 20125331 HAK, an Urban Development Action Area Project, Bushwick East, located at 62 Troutman Street, 11 Dodworth Street, 1132 DeKalb Avenue, 84 Stanhope Street, 1175 Greene Avenue, 103 Blecker Street, 207, 205, 203 Palmetto Street, Council District no. 34, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 1, 2012 (Minutes, page 406), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 564 printed in printed in these Minutes)

Accordingly, this committee recommends its adoption.

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

Res. No. 1383

Resolution approving an Urban Development Action Area Project located at 62 Troutman Street (Block 3183/Lot 31), 11 Dodworth Street (Block 3229/Lot 41), 1132 DeKalb Avenue (Block 3241/Lot 1), 84 Stanhope Street (Block 3265/Lot 32), 1175 Greene Avenue (Block 3285/Lot 71), 103 Bleecker Street (Block 3296/Lot 58), 207 Palmetto Street (Block 3342/Lot 41), 205 Palmetto Street (Block 3342/Lot 42), and 203 Palmetto Street (Block 3342/Lot 43), Borough of Brooklyn, 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. 565; 20125331 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 17, 2012 its request dated January 9, 2012 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 62 Troutman Street (Block 3183/Lot 31), 11 Dodworth Street (Block 3229/Lot 41), 1132 DeKalb Avenue (Block 3241/Lot 1), 84 Stanhope Street (Block 3265/Lot 32), 1175 Greene Avenue (Block 3285/Lot 71), 103 Bleecker Street (Block 3296/Lot 58), 207 Palmetto Street (Block 3342/Lot 41), 205 Palmetto Street (Block 3342/Lot 42), and 203 Palmetto Street (Block 3342/Lot 43), Community District 4, Borough of Brooklyn (the "Exemption Area"):

1. Find that the present status of the Disposition 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;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. 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;
4. 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 June 5, 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 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 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 date of issuance of the first temporary or permanent Certificate of Occupancy for a building located on the Disposition Area, during the last ten years of which such exemption shall decrease in equal annual decrements.
- b. The partial 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; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, June 7, 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. 613

Report of the Committee on Land Use in favor of approving Application no. C 110077 ZMR submitted by Jhong Uhk Kim pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 33c. Council District 51.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 15, 2012 (Minutes, page 1588), respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB - 3

C 110077 ZMR

City Planning Commission decision approving an application submitted by Jhong Uhk Kim pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 33c:

1. eliminating from within an existing R3A District a C2- 1 District bounded by Wiman Avenue, Hylan Boulevard, a line 320 feet northeasterly of Osborne Avenue, and a line midway between Russell Street and Hylan Boulevard; and
2. establishing within an existing R3A District a C2-2 District bounded by Wiman Avenue, Hylan Boulevard, a line 320 feet northeasterly of Osborne Avenue, Russell Street, a line perpendicular to the southeasterly street line of Russell Street distant 15 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Russell Street and the southwesterly street line of Wiman Avenue, and a line 35 feet southeasterly of Russell Street;

as shown on a diagram (for illustrative purposes only) dated January 23, 2012.

INTENT

To facilitate the development of a new 12,510 square feet commercial building with a drive-through window and 46 accessory parking spaces in the Bay Terrace/Great Kills area of Staten Island.

PUBLIC HEARING

DATE: June 5, 2012

Witnesses in Favor: Two
Against: None

Witnesses

SUBCOMMITTEE RECOMMENDATION

DATE: June 5, 2012

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

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

COMMITTEE ACTION

DATE: June 7, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Sanders, Jr.		
Seabrook		
<u>Cont'd</u>		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Koo		
Weprin		
Ignizio		

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

Res. No. 1384

Resolution approving the decision of the City Planning Commission on ULURP No. C 110077 ZMR, a Zoning Map amendment (L.U. No. 613).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on May 11, 2012 its decision dated May 9, 2012 (the "Decision"), on the application submitted by Jhong Uhk Kim, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to facilitate the development of a new 12,510 square feet commercial building with a drive-through window and 46 accessory parking spaces in the Bay Terrace/Great Kills area of Staten Island (ULURP No. C 110077 ZMR), Community District 3, Borough of Staten Island (the "Application");

WHEREAS, the Application is related to Application N 110078 ZRR (L.U. No. 614), a zoning text amendment concerning Section 107-06, District Plan (Appendix A);

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 June 5, 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 23, 2012 (CEQR No. 11DCP031R);

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 110077 ZMR, 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. 33c:

1. eliminating from within an existing R3A District a C2- 1 District bounded by Wiman Avenue, Hylan Boulevard, a line 320 feet northeasterly of Osborne Avenue, and a line midway between Russell Street and Hylan Boulevard; and
2. establishing within an existing R3A District a C2-2 District bounded by Wiman Avenue, Hylan Boulevard, a line 320 feet northeasterly of Osborne Avenue, Russell Street, a line perpendicular to the southeasterly street line of Russell Street distant 15 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Russell Street and the southwesterly street line of Wiman Avenue, and a line 35 feet southeasterly of Russell Street;

as shown on a diagram (for illustrative purposes only) dated January 23, 2012, Community District 3, Borough of Staten Island.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, June 7, 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. 614

Report of the Committee on Land Use in favor of approving Application no. C 110078 ZRR submitted by Jhong Uhk Kim pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning

Resolution of the City of New York, concerning the Special South Richmond Development District (Article X, Chapter7), Appendix A, relating to the modification of the arterial setback plan. Council District 51.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 15, 2012 (Minutes, page 1589), respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB - 3 N 110078 ZRR

City Planning Commission decision approving an application submitted by Jhong Uhk Kim, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning the Special South Richmond Development District (Article X, Chapter 7) Appendix A, relating to modification of arterial setback requirement in Community District 3.

INTENT

To facilitate the location of a new 12,510 square feet commercial building at the sidewalk of an arterial in the Bay Terrace/Great Kills area of Staten Island, Community District 3.

PUBLIC HEARING

DATE: June 5, 2012

Witnesses in Favor: Two
Against: None

Witnesses

SUBCOMMITTEE RECOMMENDATION

DATE: June 5, 2012

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

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

COMMITTEE ACTION

DATE: June 7, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		

Arroyo
Dickens
Garodnick
Cont'd
Lappin
Mendez
Vacca
Koo
Weprin
Ignizio

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

Res. No. 1385

Resolution approving the decision of the City Planning Commission on Application No. N 110078 ZRR, for an amendment of the Zoning Resolution of the City of New York, concerning the Special South Richmond Development District (Article X, Chapter 7) Appendix A, relating to modification of arterial setback requirement in Community District 3, Staten Island (L.U. No. 614).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on May 11, 2012 its decision dated May 9, 2012 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, concerning the Special South Richmond Development District (Article X, Chapter 7) Appendix A, relating to modification of arterial setback requirement to facilitate the location of a new 12,510 square feet commercial building at the sidewalk of an arterial in the Bay Terrace/Great Kills area of Staten Island (Application No. N 110078 ZRR), Community District 3, Staten Island (the "Application");

WHEREAS, the Application is related to Application C 110077 ZMR (L.U. No. 613), an amendment to the Zoning Map;

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 June 5, 2012;

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

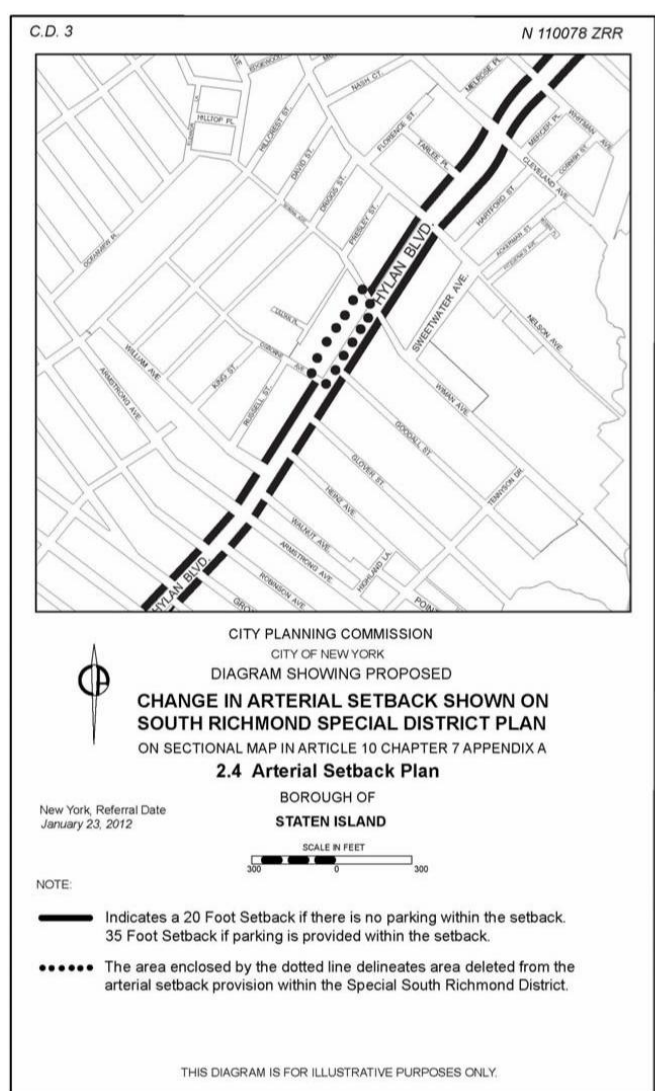
WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on January 23, 2012 (CEQR No. 11DCP031R);

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 110078 ZRR, 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:



LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, June 7, 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. 615

Report of the Committee on Land Use in favor of approving Application no. 20125425 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 103 GW12 LLC., d.b.a. Monument Lane, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 103 Greenwich Avenue, Borough of Manhattan, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(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 May 15, 2012 (Minutes, page 1589), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2 20125425 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 103 GW12 LLC, d/b/a Monument Lane, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 103 Greenwich Avenue.

INTENT

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

PUBLIC HEARING

DATE: June 5, 2012

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

SUBCOMMITTEE RECOMMENDATION

DATE: June 5, 2012

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

In Favor: **Against:** **Abstain:**
 Weprin None None
 Rivera
 Reyna
 Comrie
 Jackson
 Vann
 Garodnick
 Lappin
 Vacca
 Ignizio

COMMITTEE ACTION

DATE: June 7, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor: **Against:** **Abstain:**
 Comrie None None
 Rivera
 Reyna
 Barron
 Sanders, Jr.
 Seabrook
 Vann
 Gonzalez
 Palma
 Arroyo
 Dickens
 Garodnick
 Lappin
Cont'd
 Mendez
 Vacca
 Koo
 Weprin
 Ignizio

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

Res. No. 1386

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 103 Greenwich Avenue, Borough of Manhattan (20125425 TCM; L.U. No. 615).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on May 4, 2012 its approval dated May 3, 2012 of the petition of GW12 LLC, d/b/a Monument Lane, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 103 Greenwich Avenue, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on June 5, 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; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, June 7, 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. 616

Report of the Committee on Land Use in favor of approving Application no. 20115529 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Franco-American Restaurant Investment Group, Inc., d.b.a. The Tea Set, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 235 West 12th Street, Borough of Manhattan, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(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 May 15, 2012 (Minutes, page 1589), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20115529 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Franco-American Restaurant Investment Group Inc., d/b/a The Tea Set, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 235 West 12th Street.

INTENT

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

PUBLIC HEARING

DATE: June 5, 2012

Witnesses in Favor: One
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: June 5, 2012

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

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

COMMITTEE ACTION

DATE: June 7, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
<u>Cont'd</u>		
Mendez		
Vacca		
Koo		
Weprin		
Ignizio		

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

Res. No. 1387

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 235 West 12th Street, Borough of Manhattan (20115529 TCM; L.U. No. 616).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on May 4, 2012 its approval dated May 3, 2012 of the petition of Franco-American Restaurant Investment Group Inc., d/b/a The Tea Set, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 235 West 12th Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on June 5, 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; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, June 7, 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. 626

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 31, 2012 (Minutes, page 1794), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 564 printed in printed in these Minutes)

Accordingly, this committee recommends its adoption.

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

Res. No. 1388

Resolution approving an Urban Development Action Area Project located at 330 East 104th Street and 315 East 103rd Street (Block 1675/Lot 11), 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. 626; 20125695 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 7, 2012 its request dated April 16, 2012 that the Council take the following actions regarding an Urban Development Action Area Project (the "Project") located at 330 East 104th Street and 315 East 103rd Street (Block 1675/Lot 11), Community District 11, Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition 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;

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;

3. 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; and

4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

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 June 5, 2012;

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

RESOLVED:

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 waives the area designation requirement of the Disposition Area as an urban development action area under Section 693 of the General Municipal Law pursuant to said Section.

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, June 7, 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. 628

Report of the Committee on Land Use in favor of approving 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 31, 2012 (Minutes, page 1795), respectfully

REPORTS:

SUBJECT

BRONX CB – 02

20125697 HAX

Application submitted by the New York City Department of Housing Preservation and Development for Council approval, pursuant to the Article V of the Private Housing Finance Law, for conformity, conveyance, voluntary dissolution, and termination of a prior tax exemption and a new tax exemption for property located on Block 2757, Lots 10, 24, 28; Block 2750, Lot 20; Block 2724, Lots 5, 103; in Council District No. 17, Borough of the Bronx.

INTENT

To approve a Regulatory Agreement Project between the Department of Housing Preservation and Development and PRC Westchester Avenue LLC.

PUBLIC HEARING

DATE: June 5, 2012

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 5, 2012

The Subcommittee recommends that the Land Use Committee approve the request made by the New York City Department of Housing Preservation and Development.

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

COMMITTEE ACTION

DATE: June 7, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Sanders, Jr.		
Seabrook		
Vann		
Gonzalez		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Koo		
Weprin		
Ignizio		

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

Res. No. 1389

Resolution approving a Regulatory Agreement for the approvals of a project summary, the conveyance of property, a termination of a partial tax exemption, a voluntary dissolution of the current owner and a partial tax exemption for the project located at Block 2757, Lots 10, 24, 28; Block 2750, Lot 20; and Block 2724, Lots 5, 103; Borough of the Bronx (L.U. No. 628; 20125697 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 7, 2012 its request dated April 16, 2012 that the Council take the following actions regarding the following

Regulatory Agreement Project (the "Project") located at Block 2757, Lots 10, 24, 28; Block 2750, Lot 20; and Block 2724, Lots 5, 103; for the approval of a project summary, a termination of a partial tax exemption, a voluntary dissolution of the current owner, the conveyance and a partial tax exemption, Community District 2, Council District 17, Borough of the Bronx (the "Regulatory Agreement"):

1. Approve pursuant to Section 114 of the PHFL, the Project Summary as to conformity with the provisions and purposes of Article V of the PHFL;
2. Approve pursuant to Section 122(1) of the PHFL, the conveyance of the Exemption Area by the Current Owner to the New Owner;
3. Approve pursuant to Section 125 of the PHFL, the terminations of the partial tax exemptions of the Exemption Area granted by the Board of Estimate on July 17, 1980 (Cal. Nos. 34 and 350), which terminations shall be effective (1) day preceding the Effective Date;
4. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner;
5. Approve, the partial exemption of the Project from real property taxes pursuant to Section 125 of the PHFL; and
6. Approve, pursuant to Section 114 of the PHFL, the HPD Regulatory Agreement and authorize the Commissioner of HPD to execute the HPD Regulatory Agreement in substantially the form submitted, when approved as to form by the Corporation Counsel.

WHEREAS, upon due notice, the Council held a public hearing on the Project on June 5, 2012;

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

RESOLVED:

The Council approves the Project Summary pursuant to Section 114 of the PHFL as to conformity with the provisions and purposes of Article V of the PHFL, a copy of which is attached hereto.

Approve, pursuant to Section 122(1) of the PHFL, the conveyance of the Exemption Area by the Current Owner to the New Owner.

The Council approves, pursuant to Section 125 of the PHFL, the terminations of the partial tax exemptions of the Exemption Area granted by the Board of Estimate on July 17, 1980 (Cal. Nos. 34 and 350) (Cal. No. 27), which terminations shall be effective (1) day preceding the Effective Date.

The Council consents, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.

The Council approves the partial exemption of the Project from real property taxes pursuant to Section 125 of the PHFL as follows:

- a. For the purposes hereof, the following terms shall have the following meanings:
 - (1) "Current Owner" shall mean, collectively, Maria Estela Houses I Associates, L.P. and Aldus III Associates, L.P.
 - (2) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the New Owner, (ii) the date that the New Owner enters into the HPD Regulatory Agreement, or (iii) the date that the New Owner enters into the HDC Regulatory Agreement.
 - (3) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2757, Lots 10, 24, 28; Block 2750, Lot 20; and Block 2724, Lots 5, 103 on the Tax Map of the City of New York.
 - (4) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty years from the Effective Date, (ii) the date upon which the Exemption Area ceases to be owned by the New Owner or, subject to HPD approval, another redevelopment company organized pursuant to Article V of the PHFL, (iii) the date upon which the City terminates the tax exemption pursuant to the terms of the HPD Regulatory Agreement, or (iv) the date of

the expiration or termination of the Section 8 Housing Assistance Payments Contracts or contracts under a similar or successor program.

- (5) "HDC" shall mean the New York City Housing Development Corporation.
 - (6) "HDC Regulatory Agreement" shall mean the regulatory agreement between HDC and the New Owner providing that, for a term of 40 years, all units in the Exemption Area must be rented upon vacancy to families whose incomes do not exceed 60% of area median income.
 - (7) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (8) "HPD Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner.
 - (9) "Maximum Shelter Rent Tax" shall mean (i) \$523,783, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended), exceed the total contract rents which are authorized as of the Effective Date.
 - (10) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (11) "New Owner" shall mean PRC Westchester Avenue LLC.
 - (12) "Prior Exemption" shall mean the partial exemption of the Exemption Area from real property taxation pursuant to Section 125 of the Private Housing Finance Law approved by the Board of Estimate on July 17, 1980 (Cal. Nos. 34 and 350).
- b. 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.
 - c. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real estate tax payments in the amount of the Maximum Shelter Rent Tax. Notwithstanding the foregoing, the total annual real estate tax payment by the New Owner shall not at any time exceed the lesser of either (i) seventeen percent (17%) of the contract rents, or (ii) the amount of real estate taxes that would otherwise be due and payable in the absence of any form of tax exemption or abatement provided by any existing or future local, state or federal law, rule or regulation.
 - d. In consideration of the New Exemption, the New Owner, for so long as the New Exemption shall remain in effect, shall waive the benefits, of any additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state or federal law, rule or regulation.
6. Approve, pursuant to Section 114 of the PHFL, the HPD Regulatory Agreement and authorize the Commissioner of HPD to execute the HPD Regulatory Agreement in substantially the form submitted, when approved as to form by the Corporation Counsel.
 7. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

The Council approves pursuant to Section 114 of the PHFL, the HPD Regulatory Agreement and authorizes the Commissioner of HPD to execute the HPD

Regulatory Agreement in substantially the form submitted, when approved as to form by the Corporation Counsel.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, MARK S. WEPRIN, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, June 7, 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 M-824

Report of the Committee on State and Federal Legislation in favor of approving a Communication from the Mayor - "AN ACT to authorize the city of New York to alienate a parcel of land in the borough of Queens to the New York city housing authority on the condition that the parcel remains used for open space and recreational purposes" S.7517, A.10622.

The Committee on State and Federal Legislation, to which the annexed resolution was referred on June 13, 2012, respectfully

REPORTS:

The following report refers to pending State legislation which requires a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend that the Council adopt the respective Communication from the Mayor known as M-824. By adopting this Communication from the Mayor, the Council would be, thereby, formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND

The proposed legislation would authorize the City of New York to alienate a parcel of land, which is part of Hallet's Cove Playground. The property is currently used as a large planting bed for a row of trees which borders the playground. The parcel of land would form a connection between Astoria Houses, a New York City Housing Authority ("NYCHA") facility, and a former industrial site known as Hallet's Point.

According to the Memorandum in Support (MIS), this legislation would facilitate a zoning lot merger between Astoria Houses and a proposed development by Lincoln Equities Development. The MIS states that, "[t]his merger will allow Lincoln Equities to develop the affordable housing component of its project within Astoria Houses, adding approximately 2,300 units at the facility." The portion of the playground proposed for alienation would form a connection between the two properties. According to the MIS, this will enable the zoning merger to occur.

The parcel of land in question would still contain a row of trees and would continue to serve as a landscape amenity for the adjoining park. The land would be transferred to NYCHA, but would be required under this legislation to be maintained as a public open space under the operation and management of the New York City Department of Recreation and Parks ("Park's Department"). Thus, the proposed legislation should not result in any loss of open space or parkland.

According to the MIS, as part of the proposed development, Lincoln Equities has agreed to undertake or fund improvements to adjacent parkland, all of which would be subject to the Park's Department approval. "Potential park improvements include repairing and repaving the softball field and basketball courts, fence repairs and the installation of new fencing along the Parks Department waterfront promenade, and the installation of low ramps for skateboarding."

PROPOSED LEGISLATION

Section 1 of the legislation would authorize the City of New York through the Commissioner of Parks and Recreation to alienate a parcel of land, which includes a portion of Hallet's Cove Playground in Queens in order to convey the property to the

New York City Housing Authority (“NYCHA”). Section 2 of the bill would require that the property be under the jurisdiction of NYCHA, but be permanently maintained and operated by the New York City Department of Parks and Recreation for open space and recreational purposes. Section 3 of the bill indicates with specificity which land would be conveyed. The proposed legislation also states that any land transferred to NYCHA pursuant to this act shall be used for public park purposes and upon termination of such use the property shall revert back to the New York Department of Parks and Recreation.

FISCAL IMPLICATIONS:

See Finance Fiscal Impact Statement

EFFECTIVE DATE:

This Act would take effect immediately.

(The following is the text of the Fiscal Impact Statement for M-824:)



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

PRECONSIDERED M : S. 7517 (Gianaris) same
as A. 10622 (Nolan)

COMMITTEE: State and Federal Legislation

TITLE: AN ACT authorize the city of New York to alienate a parcel of land in the borough of Queens to the New York City Housing Authority on the condition that the parcel remains used for open space and recreational purposes.

SPONSOR: Council Member Foster

SUMMARY OF LEGISLATION: This legislation authorizes the city of New York to alienate a parcel of land which includes a portion of Hailer’s Cove Playground in Queens to the New York City Housing Authority. The parcel would be permanently maintained and operated by the New York City Department of Parks for open space and recreational purposes.

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: June 13, 2012

FIS HISTORY: This is a new bill.

Preconsidered SLR : S. 7517 / A. 10622

(For text of M-824, please see the Messages and Papers from the Mayor section printed in these Minutes)

HELEN D. FOSTER, Chairperson; JOEL RIVERA, LEWIS A. FIDLER, DOMENIC M. RECCHIA, Jr., ELIZABETH CROWLEY; Committee on State and Federal Legislation, June 13, 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 M-825

Report of the Committee on State and Federal Legislation in favor of approving a Communication from the Mayor - “AN ACT authorizing and validating the alienation of certain parkland known as Empire Fulton Ferry state park in accordance with letters patent dated July 8, 2010 from the office of general services to the Brooklyn Bridge Park Development Corporation and master ground lease agreement dated as of July 29, 2010 for a term of 99 years to the Brooklyn Bridge Park Corporation providing for the use of such land as a part of the Brooklyn Bridge Park Civic and Land Use Improving Project” S.7617, A.10586.

The Committee on State and Federal Legislation, to which the annexed resolution was referred on June 13, 2012, respectfully

REPORTS:

The following report refers to pending State legislation which requires a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend that the Council adopt the respective Communication from the Mayor known as M-825. By adopting this Communication from the Mayor, the Council would be, thereby, formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND

Brooklyn Bridge Park (“Park”), which has been part of the Brooklyn waterfront since 2008, offers many recreational activities including running and bicycle paths, a restored carousel and varied events. Additionally, the Park recently received a gift of a \$40 million multi-use fieldhouse, which will be used for year-round indoor recreational activities. According to the Memorandum in Support (MIS), the former Empire Fulton Ferry State Park, located between the Manhattan and Brooklyn bridges, connects areas of Brooklyn Bridge Park and is an integral part of that Park. The MIS indicates that, “[t]he former State Park also houses two civil-war era historic structures, the Tobacco Warehouse and Empire Stores, which require private investment for their long term preservation.”

According to the MIS, a recent State Supreme Court decision, *Brooklyn Heights Association et.al. v. New York State Office of Parks, Recreation and Historic Preservation et.al.* (Sup. Ct. Kings County December 14, 2011), jeopardizes several transactions critical to the future development of the Park. According to the MIS, in a series of transactions between the state and the city, the former Empire Fulton Ferry State Park was conveyed “by New York State to the Brooklyn Bridge Development Corporation (BBPDC) a subsidiary of the Urban Development Corporation, and then included in the 99 master ground lease from BBPDC to the Brooklyn Bridge Park Corporation, a not-for-profit entity created to assume financial and operational responsibility for the Brooklyn Bridge Park and the larger Brooklyn Bridge Park Civic and Land Use Improvement Project (“Park Project”).” According to the MIS, a portion of the transferred land would be discontinued as parkland and the Tobacco Warehouse and Empire Stores would be re-used to provide revenue for the benefit of the Park Project.

According to the MIS, if the proposed legislation is not enacted, a portion of the revenue needed to renovate the park will not be realized and the Tobacco Warehouse and Empire Stores will continue to deteriorate to the point that they can no longer be saved. Empire Stores is currently closed due to public safety concerns and the Tobacco Warehouse’s roof and walls were stabilized a decade ago after collapsing due to years of deterioration. These walls need to be continually stabilized. According to the MIS, “[a]lready, pressed for funds, Brooklyn Bridge Park has no money to restore or preserve either building.”

PROPOSED LEGISLATION

Section 1 of this act would validate and authorize the prior transactions between the state and the city that conveyed the Empire Fulton Ferry State Park to the Brooklyn Bridge Park Development Corporation and/or the Brooklyn Bridge Park Corporation.

Section 2 of this act would authorize the Brooklyn Bridge Park Development Corporation and/or the Brooklyn Bridge Park Corporation to alienate and discontinue use of part of the Empire Fulton Ferry State Park and to improve, construct, reconstruct or otherwise transfer for such purposes which are consistent with the Brooklyn Civic and Land Use Improvement Project General Project Plan.

Section 3 requires that in order for Section 2 to be implemented, replacement land must be added to the Brooklyn Bridge Park and used only for park and recreation purposes. If this land were not of equal to or of greater value than the lands being alienated, the city would have to dedicate the difference in value towards the acquisition of parklands or improvements to parkland in the borough of Brooklyn. However, according to the MIS, the parcels being converted to park use by the city are of greater fair market value than the land being alienated.

Section 4 provides that the discontinuance of Parcel B’s current use, as Parcel B is described in section 6 of this act, is subject to any necessary approvals by the National Park Service.

Section 5 permits the lands described in section 7 of the bill -- the land the city is converting to park use -- to be used for park and recreation purposes as part of the Brooklyn Bridge Park consistent with the requirements of the National Park Service pursuant to the Federal Land and Water Conservation Fund Act.

Section 6 describes the parcel of land being alienated.

Section 7 describes the parcels of land that the city is converting to park use in exchange for the alienation.

FISCAL IMPLICATIONS:

See Finance Fiscal Impact Statement

EFFECTIVE DATE:

This Act shall take effect shall take effect immediately.

(The following is the text of the Fiscal Impact Statement for M-825:)



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

PRECONSIDERED M : S. 7617 (Squadron) same
as A. 10586 (Millman)

COMMITTEE: State and Federal Legislation

TITLE: AN ACT to authorize and validate the alienation of certain parkland known as Empire Fulton Ferry state park. **SPONSOR:** Council Member Foster

SUMMARY OF LEGISLATION: This legislation authorizes the alienation of Empire Fulton Ferry state park from the office of general services to the Brooklyn Bridge Park Development Corporation and lease agreement term of 99 years to the Brooklyn Bridge Park Corporation for the use of such land as part of the Brooklyn Bridge Park Civic and Land Use Improvement Project.

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: June 13, 2012

FIS HISTORY: this is a new bill.

Preconsidered SLR : S. 7617 / A. 10586

(For text of M-825, please see the Messages and Papers from the Mayor section printed in these Minutes)

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, LEWIS A. FIDLER, DOMENIC M. RECCHIA, Jr., LARRY B. SEABROOK, ELIZABETH CROWLEY; Committee on State and Federal Legislation, June 13, 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. 17

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Rivera, Adams, Dilan, Espallat, Hassell-Thompson, Oppenheimer, Stavisky, S.5574-A, and Assembly Members Castro, N. Rivera, Dinowitz, Linares, Crespo, Reilly, Scarborough, Gibson, P. Rivera, Perry, M. Miller, Simanowitz, Colton, Montesano, McKeivitt, Tobacco, et. al., A.8198-A, “AN ACT to amend the administrative code of the city of New York, in relation to enactment of the “safe streets security camera registry act””.

The Committee on State and Federal Legislation, to which the annexed resolution was referred on June 13, 2012, respectfully

REPORTS:

The following report refers to pending State legislation which requires 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 proposed legislation would require the New York City Police Department (NYPD) to create and maintain an online registry of all privately owned security cameras in operation in the City of New York which view and capture video of public spaces. According to the Memorandum of Support (MIS), the purpose of the registry is to give the NYPD an inventory of all private security cameras viewing public spaces.

According to the MIS, the NYPD presently collects information on the location of security cameras manually, by means of periodic surveys conducted by patrol officers. These periodic surveys do not afford the NYPD with up to date information on and are largely dependent on individual patrol officer’s personal observations.

The bill would allow the NYPD to know about and access the registry of all privately owned security cameras located within the vicinity of a crime. The registry would provide the NYPD with the owner’s contact information. In order to view the footage of the security camera the NYPD would first have to seek consent from the owner of the camera or subpoena the footage.

PROPOSED LEGISLATION

The proposed bill would amend the Administrative Code of the City of New York to mandate that the New York City Police Department (NYPD) create and maintain an online registry and database of all privately owned security cameras located within the City of New York (City) which view and capture video of public spaces, such as sidewalks, courtyards, lobbies and vestibules of apartment buildings. If this bill is enacted, any person or entity which installs a new security camera in the City, would have thirty days to register the camera with the NYPD. All existing security cameras would have to be registered within ninety days of the proposed bill’s enactment. The owner of the security camera would be required to register the camera online through the NYPD’s registry and provide the NYPD with the owner’s contact information, the location of the camera and a brief description of the view of the camera.

If a crime were to occur within the vicinity of a security camera registered with the NYPD, the police department would be required to either obtain consent from the owner of the private camera to view footage or seek a subpoena to access the video footage. The contents of the footage taken from a private security camera by the police department pursuant to this law could only be used for law enforcement purposes and would not be subject to the Freedom of Information Law.

FISCAL IMPLICATIONS:

See Finance Fiscal Impact Statement

EFFECTIVE DATE:

The Act shall take effect immediately.

ATTACHMENT to Committee Report: Statebills and State Sponsor's Memos in Support:

STATE OF NEW YORK

5574--A

2011-2012 Regular Sessions

IN SENATE

June 3, 2011

Introduced by Sens. RIVERA, ADAMS, DILAN, ESPAILLAT, HASSELL-THOMPSON, OPPENHEIMER, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- recommended to the Committee on Cities in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to enactment of the "safe streets security camera registry act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "safe streets security camera registry act".
3 § 2. Legislative intent. Currently, the police department of the city
4 of New York collects information on the location of privately-owned
5 security cameras manually, by means of periodic surveys conducted by
6 patrol officers. Such surveys do not capture the locations of newly-in-
7 stalled privately-owned security cameras in a timely and complete manner
8 due to their periodic nature and reliance on personal observations by
9 officers. It is the intent of the legislature that the police department
10 create an online security camera registry and database for all private-
11 ly-owned and operated security cameras within the city of New York with
12 fields of observation that look upon and capture video of public spaces,
13 such as sidewalks, as well as lobbies, courtyards and vestibules of
14 apartment buildings. Creating the security camera registry will
15 strengthen the department's ability to pursue perpetrators of crimes by
16 enhancing its ability to collect video evidence in a timely manner,
17 thereby shortening the time needed to bring criminal investigations to a
18 successful conclusion. The registry will only alert the department to
19 the existence of privately-owned security cameras that observe persons

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

LBD11696-03-2

S. 5574--A

2

1 in public places. Nothing in this legislation will impinge upon the
2 civil liberties of the people of the city of New York.

3 § 3. The administrative code of the city of New York is amended by
4 adding a new section 14-154 to read as follows:

5 § 14-154 Security camera registry. a. The department shall create and
6 maintain an online registry and database of all privately-owned and
7 operated security cameras within the city of New York with fields of
8 observation that look upon and capture video of public spaces, such as
9 sidewalks, as well as lobbies, courtyards and vestibules of apartment
10 buildings.

11 b. Any individual, company or entity which installs a new security
12 camera after the enactment of this section shall, within thirty days
13 after installation of such camera, register the location of the camera
14 and the contact information for the owner of the camera and include a
15 brief description of the view the camera captures with the registry and
16 database created and maintained by the department. The owner of the
17 camera shall register such information with the department through the
18 department's online registry.

19 c. The owner of a security camera which has been installed prior to
20 the enactment of this section shall have ninety days after the enactment
21 of this section to register the location of the camera and the contact
22 information for the owner of the camera with the department's registry
23 and include a brief description of the view the camera captures as set
24 forth in subdivision b of this section.

25 d. In the event that a crime occurs within the vicinity of a security
26 camera registered with the department's database, the department shall
27 obtain the consent of the camera owner to view any footage recorded or
28 otherwise obtain a subpoena for production of such video.

29 e. The security camera registry and database shall be used solely for
30 law enforcement purposes. Any data, records, photos, videos or informa-
31 tion collected for such camera registry shall not be subject to the
32 freedom of information law pursuant to subdivision two of section eight-
33 y-nine of the public officers law.

34 § 4. 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: S5574A

SPONSOR: RIVERA

TITLE OF BILL:
An act to amend the administrative code of the city of New York, in relation to enactment of the "safe streets security camera registry act"

PURPOSE:
The purpose of the registry is to give the NYPD an inventory of all private security cameras looking upon public spaces in the city. The NYPD will not have automotive or immediate access to the video produced from the cameras, except as a result of the case-by-case arrangements that are sometimes made by individual camera owners. If there is a crime in the vicinity of one or more of the cameras, the NYPD will be able to access the registry for the location and owner/operator of the camera. If the NYPD wishes to access the video produced by any of the cameras, it will have to follow the normal procedure of obtaining consent or a subpoena for the footage.

SUMMARY OF PROVISIONS:
Section 1 § 2. Legislative intent. Creating the Security Camera Registry will strengthen the NYPD's ability to pursue the perpetrators of crimes by enhancing its ability to collect video evidence, ensuring this evidence is collected thoroughly and quickly, and thereby shortening the time needed to bring criminal investigations to a successful conclusion. The database will be beneficial both during such criminal investigations and also in order to enhance NYPD internal investigations as well.

§3. Amends the administrative code by adding a new section 14-154: Security Camera Registry.
A) The New York Police Department shall create and maintain an online registry and database of all privately-owned and operated security cameras within the city of New York.
B) New security camera installations will be registered with the department's only registry and database.
C) Security cameras installed prior to the enactment of this section shall register with the department's registry.
D) In the event that a crime occurs within the vicinity of a security camera registered with the department's database, the department shall obtain the consent of the camera owner to view any footage recorded or obtain a subpoena for production of such video.
E) The security camera registry and database will be used solely for law enforcement purposes.

§4. This act shall take effect immediately.

JUSTIFICATION:
Currently, the NYPD collects information on the location of security

cameras manually, by means of periodic surveys conducted by patrol officers. These surveys, because they are periodic, do not capture the locations of newly-installed cameras in a timely manner, and because they rely on personal observations by officers throughout the city, are bound to be incomplete. criminal investigations and also in order to enhance NYPD internal investigations as well. The registry will only alert the police to the existence of cameras that observe persons in public places. Nothing in this proposed legislation will impinge upon the civil liberties of the people of New York City.

LEGISLATIVE HISTORY:
New Bill.

FISCAL IMPLICATIONS:
Minimal.

EFFECTIVE DATE:
This act shall take effect immediately.

STATE OF NEW YORK

8198--A

2011-2012 Regular Sessions

IN ASSEMBLY

June 6, 2011

Introduced by M. of A. CASTRO, N. RIVERA, DINOWITZ, LINARES, CRESPO, RILLY, SCARBOROUGH, GIBSON, P. RIVERA, PERRY, M. MILLER, SIMANOWITZ, COLTON, MONTESANO, McKEVITT, TOBACCO -- Multi-Sponsored by -- M. of A. CALHOUN, FARRELL, JACOBS, J. MILLER, ROBINSON -- read once and referred to the Committee on Cities -- recommitted to the Committee on Cities in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to enactment of the "safe streets security camera registry act"

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

- 1 Section 1. Short title. This act shall be known and may be cited as
- 2 the "safe streets security camera registry act".
- 3 § 2. Legislative intent. Currently, the police department of the city
- 4 of New York collects information on the location of privately-owned
- 5 security cameras manually, by means of periodic surveys conducted by
- 6 patrol officers. Such surveys do not capture the locations of newly-in-
- 7 stalled privately-owned security cameras in a timely and complete manner
- 8 due to their periodic nature and reliance on personal observations by
- 9 officers. It is the intent of the legislature that the police department
- 10 create an online security camera registry and database for all private-
- 11 ly-owned and operated security cameras within the city of New York with
- 12 fields of observation that look upon and capture video of public spaces,
- 13 such as sidewalks, as well as lobbies, courtyards and vestibules of
- 14 apartment buildings. Creating the security camera registry will
- 15 strengthen the department's ability to pursue perpetrators of crimes by
- 16 enhancing its ability to collect video evidence in a timely manner,
- 17 thereby shortening the time needed to bring criminal investigations to a
- 18 successful conclusion. The registry will only alert the department to

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

LED11696-04-2

A. 8198--A

2

1 the existence of privately-owned security cameras that observe persons
2 in public places. Nothing in this legislation will impinge upon the
3 civil liberties of the people of the city of New York.

4 § 3. The administrative code of the city of New York is amended by
5 adding a new section 14-154 to read as follows:

6 § 14-154 Security camera registry. a. The department shall create and
7 maintain an online registry and database of all privately-owned and
8 operated security cameras within the city of New York with fields of
9 observation that look upon and capture video of public spaces, such as
10 sidewalks, as well as lobbies, courtyards and vestibules of apartment
11 buildings.

12 b. Any individual, company or entity which installs a new security
13 camera after the enactment of this section shall, within thirty days
14 after installation of such camera, register the location of the camera
15 and the contact information for the owner of the camera and include a
16 brief description of the view the camera captures with the registry and
17 database created and maintained by the department. The owner of the
18 camera shall register such information with the department through the
19 department's online registry.

20 c. The owner of a security camera which has been installed prior to
21 the enactment of this section shall have ninety days after the enactment
22 of this section to register the location of the camera and the contact
23 information for the owner of the camera with the department's registry
24 and include a brief description of the view the camera captures as set
25 forth in subdivision b of this section.

26 d. In the event that a crime occurs within the vicinity of a security
27 camera registered with the department's database, the department shall
28 obtain the consent of the camera owner to view any footage recorded or
29 otherwise obtain a subpoena for production of such video.

30 e. The security camera registry and database shall be used solely for
31 law enforcement purposes. Any data, records, photos, videos or informa-
32 tion collected for such camera registry shall not be subject to the
33 freedom of information law pursuant to subdivision two of section eight-
34 y-nine of the public officers law.

35 § 4. 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: A8198A

SPONSOR: Castro

TITLE OF BILL: An act to amend the administrative code of the city of New York, in relation to enactment of the "safe streets security camera registry act"

PURPOSE: The purpose of the registry is to give the NYPD an inventory of all private security cameras looking upon public spaces in the city. The NYPD will not have automotive or immediate access to the video produced from the cameras, except as a result of the case-by-case arrangements that are sometimes made by individual camera owners. If there is a crime in the vicinity of one or more of the cameras, the NYPD will be able to access the registry for the location and owner/operator of the camera. If the NYPD wishes to access the video produced by any of the cameras, it will have to follow the normal procedure of obtaining consent or a subpoena for the footage.

SUMMARY OF PROVISIONS:

Section 1 § 2. Legislative intent. Creating the Security Camera Registry will strengthen the NYPD's ability to pursue the perpetrators of crimes by enhancing its ability to collect video evidence, ensuring this evidence is collected thoroughly and quickly, and thereby shortening the time needed to bring criminal investigations to a successful conclusion. The database will be beneficial both during such criminal investigations and also in order to enhance NYPD internal investigations as well.

§ 3. Amends the administrative code by adding a new section 14-154:

Security Camera Registry.

A) The New York Police Department shall create and maintain an online registry and database of all privately-owned and operated security cameras within the city of New York.

B) New security camera installations will be registered with the department's only registry and database.

C) Security cameras installed prior to the enactment of this section shall register with the department's registry.

D) In the event that a crime occurs within the vicinity of a security camera registered with the department's database, the department shall obtain the consent of the camera owner to view any footage recorded or obtain a subpoena for production of such video.

E) The security camera registry and database will be used solely for law enforcement purposes.

§ 4. This act shall take effect immediately.

JUSTIFICATION: Currently, the NYPD collects information on the location of security cameras manually, by means of periodic surveys conducted by patrol officers. These surveys, because they are periodic, do not capture the locations of newly-installed cameras in a timely manner, and because they rely on personal observations by officers throughout the city, are bound to be incomplete. Criminal investigations and also in order to enhance NYPD internal investigations as well. The registry will only alert the police to the existence of cameras that observe persons in public places. Nothing in this proposed legislation will impinge upon the civil liberties of the people of New York City.

LEGISLATIVE HISTORY: New Bill.

FISCAL IMPLICATIONS: Minimal.

EFFECTIVE DATE: This act shall take effect immediately.

BACKGROUND:

State law requires New York City to apportion property taxes based upon rates calculated by the State Board of Real Property Services ("SBRPS") in order to distribute the tax levy among the four classes of real property. Those classes are: (1) class one, consisting of one to three family homes; (2) class two, consisting of other residential properties such as apartment buildings, coops and condos; (3) class three, consisting of regulated utility property; and (4) class four which is all other real property.

Paragraph (c) of subdivision one of section 1803-a of the Real Property Tax Law provides that notwithstanding the results of these calculations, the annual increase in the base proportion of any class is not to exceed five percent over the prior year's adjusted base proportions.

PROPOSED LEGISLATION:

Specifically, this legislation would amend subdivision 1 of Section 1803-a of the Real Property Tax Law by adding a new paragraph (x), which would limit the Fiscal Year 2013 increase in the base proportion of any class to 1.5 percent over the prior year's adjusted base proportions.

In the event the Department of Finance ("DOF") has sent out real property tax bills for Fiscal Year 2013 before this legislation shall have become law, this legislation would allow City to revise the Fiscal 2013 current base proportions and adjusted base proportions, reset the Fiscal 2013 real property tax rates, and send out amended Fiscal 2013 real property tax bills.

According to the Council Finance, the SBRPS has determined that the uncapped shares for class one has increased by more than 7 percent from Fiscal 2012. If this legislation does not take effect, the Fiscal 2012 tax rate for class one will increase by nearly 5.2 percent from the Fiscal 2012 tax rate and would cause a significant increase in the tax bill for residential homeowners.

FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement appended to this document.

EFFECTIVE DATE:

This legislation would take effect immediately.

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

HELEN D. FOSTER, Chairperson; JOEL RIVERA, LEWIS A. FIDLER, DOMENIC M. RECCHIA, Jr., ELIZABETH CROWLEY; Committee on State and Federal Legislation, June 13, 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. 18

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.7640-A, and the Committee on Rules (at the request of Assembly Member Farrell), A.10621, "AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2013".

The Committee on State and Federal Legislation, to which the annexed resolution was referred on June 13, 2012, respectfully

REPORTS:

The following report refers to pending State legislation which requires 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.

ATTACHMENT to Committee Report: State bills and State Sponsor's Memos in Support:

STATE OF NEW YORK

7640--A

IN SENATE

June 11, 2012

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2013

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

1 Section 1. Subdivision 1 of section 1803-a of the real property tax
2 law is amended by adding a new paragraph (x) to read as follows:
3 (x) Notwithstanding the provisions of paragraph (c) of this subdivi-
4 sion to the contrary, in a special assessing unit which is a city and
5 for current base proportions to be determined in such special assessing
6 unit's fiscal year two thousand thirteen, the current base proportion of
7 any class shall not exceed the adjusted base proportion or adjusted
8 proportion, whichever is appropriate, of the immediately preceding year
9 by more than one and one-half percent. Where the computation performed
10 pursuant to paragraph (b) of this subdivision would otherwise produce
11 such result, the current base proportion of such class or classes shall
12 be limited to a one and one-half percent increase and the legislative
13 body of such special assessing unit shall alter the current base propor-
14 tion of any or all remaining classes so that the sum of the current base
15 proportions equals one.
16 § 2. In the event the special assessing unit which is a city has sent
17 out real property tax bills for its fiscal year 2013 before this act
18 shall have become a law, the city shall take such actions as are neces-
19 sary, consistent with applicable state and local law, to effect the
20 provisions of section one of this act, including, but not limited to,
21 revising the current base proportions and adjusted base proportions,
22 resetting the real property tax rates and sending amended real property
23 tax bills. Provided, however, that nothing in this act shall be deemed
24 to affect the obligation of any taxpayer with respect to the payment of
25 any installment of real property tax for such fiscal year which was due

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

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S. 7640--A

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1 and payable prior to the date such amended real property tax bills are
 2 sent; for this purpose, such obligations shall be determined in accord-
 3 ance with the applicable provisions of law that were in effect imme-
 4 diately prior to the effective date of this act, and such city shall be
 5 authorized to determine the date on which amended bills are to be sent
 6 and the installments of real property tax which are to be reflected
 7 therein.
 8 § 3. 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: S7640A

SPONSOR: GOLDEN

TITLE OF BILL:

An act to amend the real property tax law, in relation to the determi-
 nation of adjusted base proportions in special assessing units which are
 cities for the fiscal year 2013

SUMMARY OF PROVISIONS:

This bill would amend section 1803-a of the Real Property Tax Law to cap
 the maximum class growth rate at one and a half percent for fiscal year
 2013.

JUSTIFICATION:

State law requires New York City to adopt class shares based on rates
 calculated by the State Board of Real Property Services (SBRPS) in order
 to distribute the tax levy among the four classes of real property. This
 year the State Board's class equalization rates would cause the tax
 burden on property tax class one, comprised one-, two-, and three-family
 homes, to increase, as it has done over the past several years.

This bill is designed to provide relief for the residential property tax
 class one without placing a burden on to class two which is the other
 residential tax class. The "uncapped" current base proportions of class
 one would grow by nearly 6 percent from fiscal year 2012, under the
 State Board's calculations. Currently, State law provides that the
 current base proportion of anyone class may not exceed the adjusted base
 proportion for that class from the prior year by more than five percent.

This legislation would adjust that rule, for one year only, to cap the
 maximum class growth at 1.5 percent for New York City. The effect of
 this change would be to reduce the amount by which the current base
 proportions for any class, including one, is allowed to grow, resulting
 in citywide savings of about \$40 for a typical owner of a class one
 single family home. Bringing the cap any lower than 1.5 percent would
 provide greater savings to class one owners, but would cause the tax
 rate for class two to increase. Under a cap of 1.5 percent, class two
 properties will see virtually the same tax rate as they did in fiscal
 year 2012.

Failure to enact this legislation would leave the City Council no option
 but to adopt the SBRPS formula for establishing class shares. In that
 case, the estimated tax rate increase for class one would be over 2%,
 which when coupled with assessment increases, would cause significant
 increases in the tax bills for residential homeowners. That tax rate
 increase for class one, resulting from SBRPS procedures, is avoidable
 only through passage of this legislation.

FISCAL IMPLICATION:

There would be zero impact on expenditures and revenues as a result of
 this legislation.

EFFECTIVE DATE:
 Immediately.

STATE OF NEW YORK

10621

IN ASSEMBLY

June 8, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Farrell) --
 read once and referred to the Committee on Ways and Means

AN ACT to amend the real property tax law, in relation to the determi-
 nation of adjusted base proportions in special assessing units which
 are cities for the fiscal year 2013

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

1 Section 1. Subdivision 1 of section 1803-a of the real property tax
 2 law is amended by adding a new paragraph (x) to read as follows:
 3 (x) Notwithstanding the provisions of paragraph (c) of this subdivi-
 4 sion to the contrary, in a special assessing unit which is a city and
 5 for current base proportions to be determined in such special assessing
 6 unit's fiscal year two thousand thirteen, the current base proportion of
 7 any class shall not exceed the adjusted base proportion or adjusted
 8 proportion, whichever is appropriate, of the immediately preceding year
 9 by more than one and one-half percent. Where the computation performed
 10 pursuant to paragraph (b) of this subdivision would otherwise produce
 11 such result, the current base proportion of such class or classes shall
 12 be limited to a one and one-half percent increase and the legislative
 13 body of such special assessing unit shall alter the current base propor-
 14 tion of any or all remaining classes so that the sum of the current base
 15 proportions equals one.
 16 § 2. In the event the special assessing unit which is a city has sent
 17 out real property tax bills for its fiscal year 2013 before this act
 18 shall have become a law, the city shall take such actions as are neces-
 19 sary, consistent with applicable state and local law, to effect the
 20 provisions of section one of this act, including, but not limited to,
 21 revising the current base proportions and adjusted base proportions,
 22 resetting the real property tax rates and sending amended real property
 23 tax bills. Provided, however, that nothing in this act shall be deemed
 24 to affect the obligation of any taxpayer with respect to the payment of
 25 any installment of real property tax for such fiscal year which was due
 26 and payable prior to the date such amended real property tax bills are
 27 sent; for this purpose, such obligations shall be determined in accord-

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

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A. 10621

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1 ance with the applicable provisions of law that were in effect imme-
 2 diately prior to the effective date of this act, and such city shall be
 3 authorized to determine the date on which amended bills are to be sent
 4 and the installments of real property tax which are to be reflected
 5 therein.
 6 § 3. 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: A10621

SPONSOR: Rules (Farrell)

TITLE OF BILL: An act to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2013

PURPOSE OR GENERAL IDEA OF BILL: This bill would amend section 1803-a of the Real Property Tax Law to cap the maximum class growth rate at one and a half percent for fiscal year 2013.

SUMMARY OF SPECIFIC PROVISIONS: State law requires New York City to adopt class shares based on rates calculated by the State Board of Real Property Services (SERPS) in order to distribute the tax levy among the four classes of real property. This year the State Board's class equalization rates would cause the tax burden on property tax class one, comprised one-, two-, and three-family homes, to increase, as it has done over the past several years.

JUSTIFICATION: State law requires New York City to adopt class shares based on rates calculated by the State Board of Real Property Services (SBRPS) in order to distribute the tax levy among the four classes of real property. This year the State Board's class equalization rates would cause the tax burden on property tax class one, comprised one-, two-, and three-family homes, to increase, as it has done over the past several years.

This bill is designed to provide relief for the residential property tax class one without placing a burden on to class two which is the other residential tax class. The "uncapped" current base proportions of class one would grow by nearly 6 percent from fiscal year 2012, under the State Board's calculations. Currently, State law provides that the current base proportion of anyone class may not exceed the adjusted base proportion for that class from the prior year by more than five percent.

This legislation would adjust that rule, for one year only, to cap the maximum class growth at 1.5 percent for New York City. The effect of this change would be to reduce the amount by which the current base proportions for any class, including one, is allowed to grow, resulting in citywide savings of about \$40 for a typical owner of a class one single family home. Bringing the cap any lower than 1.5 percent would provide greater savings to class one owners, but would cause the tax rate for class two to increase. Under a cap of 1.5 percent, class two properties will see virtually the same tax rate as they did in fiscal year 2012.

Failure to enact this legislation would leave the City Council no option but to adopt the SERPS formula for establishing class shares. In that case, the estimated tax rate increase for class one would be over 2%,

which when coupled with assessment increases, would cause significant increases in the tax bills for residential homeowners. That tax rate increase for class one, resulting from SERP'S procedures, is avoidable only through passage of this legislation.

PRIOR LEGISLATIVE HISTORY: New bill

FISCAL IMPLICATIONS: There would be zero impact on expenditures and revenues as a result of this legislation.

EFFECTIVE DATE: This act shall take effect immediately

(The following is the text of the Fiscal Impact Statement for SLR No. 18:)



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

PRECONSIDERED SLR : A. 10621 (Farrell)
S. 7640A (Golden)

COMMITTEE: State and Federal Legislation

TITLE: AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2013.

SPONSOR: Council Member Foster

SUMMARY OF LEGISLATION: This legislation would amend Subdivision 1 of section 1803-a of the real property tax law by adding a new paragraph (x), which would limit the increase in the Fiscal 2013 current base proportions of any class over the Fiscal 2013 adjusted base proportions to one and one-half percent. The bill also provides for revising the current base proportions and adjusted base proportions, resetting the real property tax rates, and sending out amended real property tax bills in the event that the Department of Finance has mailed out property tax bills before enactment of this law.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2013

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: There would be no impact on revenues resulting from the 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 State Board of Real Property Services (SBRPS)
New York City Department of Finance
New York City Council Finance Division

ESTIMATE PREPARED BY: Raymond Majewski, Chief Economist/Deputy Director, Revenue, City Council Finance Division

Emre Edev, Senior Legislative Financial Analyst, Revenue

Preconsidered SLR : A. 10621 / S. 7640A

City Council Finance Division

DATE SUBMITTED TO COUNCIL: June 13, 2012

FIS HISTORY: This is a new bill.

FIS SUMMARY: Under current law the annual increase in the current base proportions for each of the four classes of property is limited to five percent over the prior year's adjusted base proportions. For Fiscal 2012, the City Council and the Mayor, together with the State Legislature, limited the increase to two and one half percent. The State Board of Real Property Services (SBRPS) has calculated the class equalization rates used in determining the current base proportions or class shares of the real estate levy for Fiscal 2013. This year the uncapped share for class one (residential one-, two-, and three-unit family homes) has increased by over 7 percent while the uncapped share for class two has dropped by about 2.6 percent. The share of class three (utility properties) decreased by about 17 percent, while the uncapped portion borne by class four (commercial and industrial properties) increased by about 2.7 percent this year.

This year, the Council and the Mayor determined that maintaining the five percent cap on increases in class shares would present a hardship for class one homeowners. Based on the final assessment roll, released by the Department of Finance on May 25, 2012, at the five percent cap, the Fiscal 2013 tax rate for class one would increase by over 5 percent from the Fiscal 2012 tax rate. By lowering the cap to one and one-half percent, class one's tax rate still goes up, but by less than 2 percent.

There is no impact on revenues since the real estate tax levy remains the same, whether the increase in class shares is capped at five percent or one and one-half percent.

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

HELEN D. FOSTER, Chairperson; JOEL RIVERA, LEWIS A. FIDLER, DOMENIC M. RECCHIA, Jr., ELIZABETH CROWLEY; Committee on State and Federal Legislation, June 13, 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. 19

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Klein, S.6793-A, and Assembly Member Camara, A.10258-A, "AN ACT to amend the county law and the New York city charter, in relation to the docketing of adjudications of violations of laws enforced by the New York city department of consumer affairs".

The Committee on State and Federal Legislation, to which the annexed resolution was referred on June 13, 2012, respectfully

REPORTS:

The following report refers to pending State legislation which requires 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 amends the county law and the New York City Charter to authorize the docketing of final orders issued by the Commissioner of Consumer Affairs based upon adjudications by the Department's Administrative Tribunal. "The Department of Consumer Affairs (DCA) Administrative Tribunal has the authority to assess fines against businesses, which violate the City's rules that protect a competitive marketplace." According to the Memorandum in Support (MIS), "some businesses readily comply with the law; others come in to compliance and pay the fine; still others ignore the law entirely." Current law does not allow DCA to docket unpaid fines issued by the Administrative Tribunal as money judgments without costly and time consuming court proceedings.

According to the MIS, by authorizing the Department of Consumer Affairs (DCA) to directly docket the fines issued by its Administrative Tribunal as money judgments, without court proceedings, DCA would have more authority to enforce rules which promote a fair and competitive market place. At the same time, this legislation includes a number of protections to ensure that businesses have adequate notice of violations and default judgments and that they are given a fair opportunity to make their case. According to the MIS, the bill sets forth strong standards for serving notice of violations. Additionally, to further protect businesses, the bill requires DCA to provide instructions on how businesses may plead or contest a violation and provide a warning that failure to do so may be deemed as an admission to fault.

PROPOSED LEGISLATION

Section 1 of the proposed bill would amend the County Law to authorize the Department of Consumer Affairs (DCA) in New York City to impose civil judgments based on a violation of any law over which it has jurisdiction. The judgments could only be imposed based on adjudications by the Department's Administrative Tribunal.

Section 2 of the proposed legislation would amend section 2203 of the New York City Charter. The amendment would require that the Department provide respondents with instructions on "how individuals may plead or contest the violation and [with] a warning that failure to do so will be deemed an admission, resulting in a default decision." The proposed law would give respondents forty-five days after the entry of a judgment for settlement discussions in accordance with the rules of the Department. If a default judgment is entered against a respondent, the respondent would have to be notified and provided with the ability to request a stay of default for good cause.

The bill would require all respondents to be provided with adequate notice of any violation. For licensees, section 6 of the bill would provide that, "notice shall be provided by first class mail at the address the licensee has filed with the Department pursuant to Section 20-112 of the Administrative Code of the City of New York." Section 9 would require that an employee of the licensee be served in person at the licensee's place of business. All other respondents and licensees whose businesses are carried out at large and or who do not have a fixed place of business would also be notified by mail at the address filed by the Department pursuant to Section 20-112 of the Administrative Code of the City of New York and be served by either delivering notice to either : 1. a person employed by the respondent on the premises where the respondent conducts businesses; 2. the secretary of state in the state where the business is located; or 3. An agent designated for service. The bill further provides that "Proof of service made on all non-licensees shall be filed with the Commissioner of DCA within twenty days of service in the manner prescribed and service shall be completed ten days after such filing."

FISCAL IMPLICATIONS:

See Finance Fiscal Impact Statement

EFFECTIVE DATE:

This Act shall take effect immediately.

ATTACHMENT to Committee Report: State bills and State Sponsor's Memos in Support:

STATE OF NEW YORK

6793--A

IN SENATE

March 22, 2012

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the county law and the New York city charter, in relation to the docketing of adjudications of violations of laws enforced by the New York city department of consumer affairs

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

1 Section 1. Subdivision 4 of section 918 of the county law, as separately amended by chapters 419 and 473 of the laws of 1988, is amended to read as follows:

4 4. Any other laws to the contrary notwithstanding, the county clerk in each of the counties within the city of New York is authorized and empowered to maintain separate judgment docket volumes containing the printed transcript or transcripts, in strict alphabetical order of judgment made, entered and docketed in the civil court of the city of New York against individuals, corporations, and other entities on behalf of the parking violations bureau, the environmental control board, the taxi and limousine commission, the department of consumer affairs and the commissioner of jurors of the city of New York. These volumes may be maintained in the form of computer print outs which shall contain the date of judgment, the name and address of the judgment debtor or debtors, the amount of the judgment and other information which the county clerk may deem necessary to sufficiently describe the parties to the action or proceeding or nature or the manner of the entry of the judgment. Provided, however, with respect to judgments on behalf of the parking violations bureau the county clerk may, in his or her discretion, in lieu of such volumes, maintain the aforementioned data in a micrographic or computer retrievable format. With respect to judgments on behalf of the parking violations bureau such volumes or other format shall be maintained pursuant to this subdivision for only those individuals, corporations, and other entities having vehicles registered in the counties within the city of New York.

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

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S. 6793--A

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1 § 2. Subdivision (g) of section 2203 of the New York city charter, as added by section 15 of question 2 of local law number 60 of the city of New York for the year 2010, is amended to read as follows:

4 (g) (1) Notwithstanding any inconsistent provision of law, the department shall be authorized, upon due notice and hearing, to impose civil penalties for the violation of any laws or rules the enforcement of which is within the jurisdiction of the department pursuant to this charter, the administrative code or any other general, special or local law. The department shall have the power to render decisions and orders and to impose civil penalties for all such violations. Except to the extent that dollar limits are otherwise specifically provided, such civil penalties shall not exceed five hundred dollars for each violation. All proceedings authorized pursuant to this subdivision shall be conducted in accordance with rules promulgated by the commissioner. The remedies and penalties provided for in this subdivision shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

19 (2) All such proceedings shall be commenced by the service of a notice of violation. The commissioner shall prescribe the form and wording of notices of violation. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein. The notice of violation shall contain information advising the person charged of the manner and the time in which such person may either admit or deny the violation charged in the notice. Such notice of violation shall also contain a warning to advise the person charged that failure to plead in the manner and time stated in the notice may result in a default decision and order being entered against such person. The original or a copy of the notice of violation shall be filed and retained by the department and shall be deemed a record kept in the ordinary course of business.

32 (3) Where a respondent has failed to plead within the time allowed by the rules of the commissioner or has failed to appear on a designated hearing date or a subsequent date following an adjournment, such failure to plead or appear shall be deemed, for all purposes, to be an admission of liability for the purposes of this violation and shall be grounds for rendering a default decision and order imposing a penalty up to the maximum amount prescribed under law for the violation charged.

40 (4) Any final order imposing a civil penalty, whether the adjudication was had by hearing or upon default or otherwise, shall constitute a judgment that may be entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state, and may be enforced without court proceedings in the same manner as the enforcement of money judgments entered in civil actions.

46 (5) The department shall include with the notice of entry of the judgment it serves on the respondent a notice, in a form to be determined by the commissioner, that:

49 (i) a judgment has been entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state of New York; and

52 (ii) the respondent shall have the opportunity to request a stay of enforcement of the judgment for settlement discussions in accordance with the rules of the department for up to forty-five days after the entry of the judgment.

S. 6793--A

3

1 Entry of a judgment shall not limit the application of any other remedies or penalties provided for the enforcement of laws or rules under the jurisdiction of the department.
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4 (6) Notwithstanding the foregoing provisions, before a judgment based upon a default may be so entered, the department must have notified the respondent:
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7 (i) of the default decision and order and penalty imposed;
8 (ii) that a judgment will be entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state of New York; and
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10 (iii) that entry of such judgment may be avoided by requesting a stay of default for good cause shown and either requesting a hearing or entering a plea pursuant to the rules of the commissioner within thirty days of the mailing of such notice.
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12 The commissioner shall determine the form of such notice. If the respondent is a licensee, notice shall be provided by first class mail at the address the licensee has filed with the department pursuant to section 20-112 of the administrative code of the city of New York. For all other respondents, the notice shall be served in the same manner set forth for service of a notice of violation in paragraph eight of this subdivision.
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22 (7) A judgment entered pursuant to paragraph four of this subdivision shall remain in full force and effect for eight years.
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24 (8) The department shall not enter any final decision or order pursuant to paragraph four of this subdivision unless the notice of violation shall have been served in the same manner as is prescribed for service of process by article three of the civil practice law and rules or article three of the business corporation law or, for licensees, as provided in paragraph nine of this subdivision.
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30 (9) (i) The department shall serve a notice of violation by mailing a copy of such notice to the address the licensee has filed with the department pursuant to section 20-112 of the administrative code of the city of New York. The department shall also serve a notice of violation by delivering such notice to a person employed by the respondent at the premises at which the respondent conducts the business the operation of which gave rise to the violation. In the case of a business that is carried out at large and not at a fixed place of business or that has filed with the department an out-of-state address pursuant to section 20-112 of the administrative code of the city of New York, the department shall also serve a licensee or employee of such business at the location which gave rise to the violation, the secretary of state pursuant to section three hundred four of the business corporation law or an agent designated for service pursuant to rule three hundred eighteen of the civil practice law and rules or section three hundred five of the business corporation law.
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46 (ii) Proof of service made pursuant to paragraph eight or this paragraph shall be filed with the commissioner within twenty days of service in the manner prescribed; service shall be complete ten days after such filing.
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56 (10) For the purposes of this subdivision, no act or practice shall be deemed a deceptive trade practice unless it has been declared a deceptive trade practice and described with reasonable particularity in a local law or in a rule or regulation promulgated by the commissioner.
[+4+] (11) Notwithstanding any other inconsistent provision of law, powers conferred upon the department by this subdivision may be exercised by the office of administrative trials and hearings consistent

S. 6793--A

4

1 with orders of the mayor issued in accordance with subdivisions two and three of section one thousand forty-eight of this charter.
2 § 3. This act shall take effect immediately, and shall only apply to orders issued on or after the such date.

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

BILL NUMBER: S6793A

SPONSOR: KLEIN

TITLE OF BILL:

An act to amend the county law and the New York city charter, in relation to the docketing of adjudications of violations of laws enforced by the New York city department of consumer affairs

PURPOSE:

The bill amends the County law and the New York City Charter to authorize the docketing of final orders issued by the Commissioner of Consumer Affairs based upon adjudications by the Department's administrative tribunal. This is a New York City Program Bill Number '12 DCA #1A that was submitted by the New York City Department of Consumer Affairs.

SUMMARY OF PROVISIONS:

Section 1: Amends subdivision 4 of section 918 of the County Law to authorize the docketing of final orders issued by the commissioner of Consumer Affairs based upon adjudications by the Department's administrative tribunal.

Section 2: Amends subdivision (g) of section 2203 of the New York City charter to require the Department to include in its notices of violations instructions on how the business may plead or contest the violation and a warning that failure to do so will be deemed an admission, resulting in a default decision. Further, it requires that, before a default judgment can be entered, the Department must notify the business of the default and that the business may request a stay of the default for good cause. The bill requires that Department to include in its civil court notices of entry of money judgments a statement that a business may seek a stay of enforcement of the judgment for up to forty-five days after entry of the judgment to settle the matter. The bill also requires that the Department serve the underlying notice of violation in the manner prescribed by the Civil Practice Law and Rules (CPLR) or the Business Corporation Law (BCL) for all respondents that are not licensees of the Department.

For businesses that are licensed by the Department, the bill requires that the Department serve the violation on an employee of the licensee at the licensee's place of business.

For businesses which by their nature are carried out at-large and not at a fixed location or which are located out-of-state, the bill provides three options for service of the violation. 1.) the Department serve a licensee or employee of those business at the location where the violation Occurred, 2.) on the Secretary of State, or 3.) on an agent designated for service. In all instances, the Department is also required to serve the notice of violation by mailing a copy of the notice to the address the licensee has filed with the Department.

JUSTIFICATION:

New York City Program Bill developed by the NYC Department of Consumer Affairs. The NYC Department of Consumer Affairs' (DCA) mission is to ensure a fair and vibrant marketplace for businesses and consumers. Law-abiding businesses and consumers alike benefit from, and have every reason to expect, a competitive marketplace, but competition suffers when some businesses don't play by the rules.

DCA's Administrative Tribunal has the authority to assess fines against businesses that violate the City's rules that protect a competitive marketplace. Some businesses readily comply with the law; others come into compliance and pay the fine; still others ignore the law entirely. Existing law does not, however, allow DCA to docket unpaid fines issued by its Administrative Tribunal as money judgments, without court proceedings. Currently, fines can be collected only by means of costly and time-consuming collection efforts and Civil Court proceedings. As a result, licensees may choose to abandon their licenses to evade fines, while non-licensees ignore their obligation to pay. This deprives DCA of the most effective enforcement mechanism, and the City of much-needed revenue.

By authorizing DCA to directly docket the fines issued by its Administrative Tribunal, this legislation will give teeth to the City's laws and rules protecting a competitive and fair marketplace. At the same time, this legislation includes a number of protections to ensure businesses have adequate notice of violations and default judgments and that they are given a fair opportunity to make their case.

The bill sets strong standards by which an underlying notice of violations must be served if DCA is to enter a judgment. In setting forth how business must be served, the bill distinguishes between businesses by delivering the notice of violation to a person employed at the place of business which gave rise to the violation. The bill provides three options to DCA regarding licensed businesses that are carried out at large or are based out of state. For those businesses, the bill requires DCA to serve violation on an employee at the location which gave rise to the violation, or on the Secretary of State, or on an agent designated for service pursuant to the CPLR or the Business Corporation Law. For all licensees, DCA must also send a copy of all notices of violation to the business at the location on file with the agency pursuant to Administrative Code Section 20-112. Businesses that are not licensees must be served in accordance with the Civil Practice Law and Rules or the Business Corporation Law.

To further protect businesses, the bill requires DCA to provide instructions on how they may plead or contest the violation and a warning that failure to do so will be deemed an admission, resulting in a default decision. The bill takes an additional step to protect businesses by requiring that DCA include in its civil court notices of entry of money judgments a statement that a business may seek a stay of enforcement of the judgment for up to forty-five days after entry of the judgment to settle the matter.

This bill will strengthen government's ability to apply the laws equally for all businesses and streamline the City's efforts to collect fines that have been duly assessed, while at the same time taking numerous steps to ensure businesses are given a fair chance to contest violations.

LEGISLATIVE HISTORY:

Similar to S.5521. This is New York City's revised bill to supplant S.5521.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect immediately.

STATE OF NEW YORK

10258--A

IN ASSEMBLY

May 16, 2012

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

AN ACT to amend the county law and the New York city charter, in relation to the docketing of adjudications of violations of laws enforced by the New York city department of consumer affairs

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

1 Section 1. Subdivision 4 of section 918 of the county law, as separately amended by chapters 419 and 473 of the laws of 1988, is amended to read as follows:
4 4. Any other laws to the contrary notwithstanding, the county clerk in each of the counties within the city of New York is authorized and empowered to maintain separate judgment docket volumes containing the printed transcript or transcripts, in strict alphabetical order of judgment made, entered and docketed in the civil court of the city of New York against individuals, corporations, and other entities on behalf of the parking violations bureau, the environmental control board, the taxi and limousine commission, the department of consumer affairs and the commissioner of jurors of the city of New York. These volumes may be maintained in the form of computer print outs which shall contain the date of judgment, the name and address of the judgment debtor or debtors, the amount of the judgment and other information which the county clerk may deem necessary to sufficiently describe the parties to the action or proceeding or nature of the manner of the entry of the judgment. Provided, however, with respect to judgments on behalf of the parking violations bureau the county clerk may, in his or her discretion, in lieu of such volumes, maintain the aforementioned data in a micrographic or computer retrievable format. With respect to judgments on behalf of the parking violations bureau such volumes or other format shall be maintained pursuant to this subdivision for only those individuals, corporations, and other entities having vehicles registered in the counties within the city of New York.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [] is old law to be omitted. LBD11260-04-2

A. 10258--A

2

1 § 2. Subdivision (g) of section 2203 of the New York city charter, as added by section 15 of question 2 of local law number 60 of the city of New York for the year 2010, is amended to read as follows:
4 (g) (1) Notwithstanding any inconsistent provision of law, the department shall be authorized, upon due notice and hearing, to impose civil penalties for the violation of any laws or rules the enforcement of which is within the jurisdiction of the department pursuant to this charter, the administrative code or any other general, special or local law. The department shall have the power to render decisions and orders and to impose civil penalties for all such violations. Except to the extent that dollar limits are otherwise specifically provided, such civil penalties shall not exceed five hundred dollars for each violation. All proceedings authorized pursuant to this subdivision shall be conducted in accordance with rules promulgated by the commissioner. The remedies and penalties provided for in this subdivision shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.
19 (2) All such proceedings shall be commenced by the service of a notice of violation. The commissioner shall prescribe the form and wording of notices of violation. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein. The notice of violation shall contain information advising the person charged of the manner and the time in which such person may either admit or deny the violation charged in the notice. Such notice of violation shall also contain a warning to advise the person charged that failure to plead in the manner and time stated in the notice may result in a default decision and order being entered against such person. The original or a copy of the notice of violation shall be filed and retained by the department and shall be deemed a record kept in the ordinary course of business.
33 (3) Where a respondent has failed to plead within the time allowed by the rules of the commissioner or has failed to appear on a designated hearing date or a subsequent date following an adjournment, such failure to plead or appear shall be deemed, for all purposes, to be an admission of liability for the purposes of this violation and shall be grounds for rendering a default decision and order imposing a penalty up to the maximum amount prescribed under law for the violation charged.
40 (4) Any final order imposing a civil penalty, whether the adjudication was had by hearing or upon default or otherwise, shall constitute a judgment that may be entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state, and may be enforced without court proceedings in the same manner as the enforcement of money judgments entered in civil actions.
46 (5) The department shall include with the notice of entry of the judgment it serves on the respondent a notice, in a form to be determined by the commissioner, that:
49 (i) a judgment has been entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state of New York; and
52 (ii) the respondent shall have the opportunity to request a stay of enforcement of the judgment for settlement discussions in accordance with the rules of the department for up to forty-five days after the entry of the judgment.

A. 10258--A

3

1 Entry of a judgment shall not limit the application of any other remedies or penalties provided for the enforcement of laws or rules under the jurisdiction of the department.
4 (6) Notwithstanding the foregoing provisions, before a judgment based upon a default may be so entered, the department must have notified the respondent:
7 (i) of the default decision and order and penalty imposed;
8 (ii) that a judgment will be entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state of New York; and
11 (iii) that entry of such judgment may be avoided by requesting a stay of default for good cause shown and either requesting a hearing or entering a plea pursuant to the rules of the commissioner within thirty days of the mailing of such notice.
15 The commissioner shall determine the form of such notice. If the respondent is a licensee, notice shall be provided by first class mail at the address the licensee has filed with the department pursuant to section 20-112 of the administrative code of the city of New York. For all other respondents, the notice shall be served in the same manner set forth for service of a notice of violation in paragraph eight of this subdivision.
22 (7) A judgment entered pursuant to paragraph four of this subdivision shall remain in full force and effect for eight years.
24 (8) The department shall not enter any final decision or order pursuant to paragraph four of this subdivision unless the notice of violation shall have been served in the same manner as is prescribed for service of process by article three of the civil practice law and rules or article three of the business corporation law or, for licensees, as provided in paragraph nine of this subdivision.
30 (9) (i) The department shall serve a notice of violation by mailing a copy of such notice to the address the licensee has filed with the department pursuant to section 20-112 of the administrative code of the city of New York. The department shall also serve a notice of violation by delivering such notice to a person employed by the respondent at the premises at which the respondent conducts the business the operation of which gave rise to the violation. In the case of a business that is carried out at large and not at a fixed place of business or that has filed with the department an out-of-state address pursuant to section 20-112 of the administrative code of the city of New York, the department shall also serve a licensee or employee of such business at the location which gave rise to the violation, the secretary of state pursuant to section three hundred four of the business corporation law or an agent designated for service pursuant to rule three hundred eighteen of the civil practice law and rules or section three hundred five of the business corporation law.
46 (ii) Proof of service made pursuant to paragraph eight or this paragraph shall be filed with the commissioner within twenty days of service in the manner prescribed; service shall be complete ten days after such filing.
50 (10) For the purposes of this subdivision, no act or practice shall be deemed a deceptive trade practice unless it has been declared a deceptive trade practice and described with reasonable particularity in a local law or in a rule or regulation promulgated by the commissioner.
54 (11) Notwithstanding any other inconsistent provision of law, powers conferred upon the department by this subdivision may be exercised by the office of administrative trials and hearings consistent

A. 10258--A

4

1 with orders of the mayor issued in accordance with subdivisions two and three of section one thousand forty-eight of this charter.
3 § 3. This act shall take effect immediately, and shall only apply to orders issued on or after the such date.

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

BILL NUMBER: A10258A

SPONSOR: Camara

TITLE OF BILL: An act to amend the county law and the New York city charter, in relation to the docketing of adjudications of violations of laws enforced by the New York city department of consumer affairs

PURPOSE: The bill amends the County law and the New York City Charter to authorize the docketing of final orders issued by the Commissioner of Consumer Affairs based upon adjudications by the Department's administrative tribunal. This is a New York City Program Bill Number 12 DCA #1A that was submitted by the New York City Department of Consumer Affairs.

SUMMARY OF PROVISIONS:

Section 1: Amends subdivision 4 of section 918 of the County Law to authorize the docketing of final orders issued by the commissioner of Consumer Affairs based upon adjudications by the Department's administrative tribunal.

Section 2: Amends subdivision (g) of section 2203 of the New York City charter to require the Department to include in its notices of violations instructions on how the business may plead or contest the violation and a warning that failure to do so will be deemed an admission, resulting in a default decision. Further, it requires that, before a default judgment can be entered, the Department must notify the business of the default and that the business may request a stay of the default for good cause. The bill requires that Department to include in its civil court notices of entry of money judgments a statement that a business may seek a stay of enforcement of the judgment for up to forty-five days after entry of the judgment to settle the matter. The bill also requires that the Department serve the underlying notice of violation in the manner prescribed by the Civil Practice Law and Rules (MGR) or the Business Corporation Law (BCL) for all respondents that are not licensees of the Department.

For businesses that are licensed by the Department, the bill requires that the Department serve the violation on an employee of the licensee at the licensee's place of business.

For businesses which by their nature are carried out at-large and not at a fixed location or which are located out-of-state, the bill provides three options for service of the violation. 1.) The Department serve a licensee or employee of those business at the location where the violation occurred, 2.) on the Secretary of State, or 3.) on an agent designated for service. In all instances, the Department is also required to serve the notice of violation by mailing a copy of the notice to the address the licensee has filed with the Department.

JUSTIFICATION: New York City Program Bill developed by the NYC Department of Consumer Affairs. The NYC Department of Consumer Affairs' (DCA) mission is to ensure a fair and vibrant marketplace for businesses and consumers. Law-abiding businesses and consumers alike benefit from, and have every reason to expect, a competitive marketplace, but competition suffers when some businesses don't play by the rules.

DCA's Administrative Tribunal has the authority to assess fines against businesses that violate the City's rules that protect a competitive marketplace. Some businesses readily comply with the law; others come into compliance and pay the fine; still others ignore the law entirely. Existing law does not, however, allow DCA to docket unpaid fines issued by its Administrative Tribunal as money judgments, without court proceedings. Currently, fines can be collected only by means of costly and time-consuming collection efforts and Civil Court proceedings. As a result, licensees may choose to abandon their licenses to evade fines, while non-licensees ignore their obligation to pay. This deprives DCA of the most effective enforcement mechanism, and the City of much-needed revenue.

By authorizing DCA to directly docket the fines issued by its Administrative Tribunal, this legislation will give teeth to the City's laws and rules protecting a competitive and fair marketplace. At the same time, this legislation includes a number of protections to ensure businesses have adequate notice of violations and default judgments and that they are given a fair opportunity to make their case.

The bill sets strong standards by which an underlying notice of violations must be served if DCA is to enter a judgment. In setting forth how business must be served, the bill distinguishes between businesses by delivering the notice of violation to a person employed at the place of business which gave rise to the violation. The bill provides three options to DCA regarding licensed businesses that are carried out at large or are based out of state. For those businesses, the bill requires DCA to serve violation on an employee at the location which gave rise to the violation, or on the Secretary of State, or on an agent designated for service pursuant to the CPLR or the Business Corporation Law. For all licensees, DCA must also send a copy of all notices of violation to the business at the location on file with the agency pursuant to Administrative Code Section 20-112. Businesses that are not licensees must be served in accordance with the Civil Practice Law and Rules or the Business Corporation Law.

To further protect businesses, the bill requires DCA to provide instructions on how they may plead or contest the violation and a warning that failure to do so will be deemed an admission, resulting in a default decision. The bill takes an additional step to protect businesses by requiring that DCA include in its civil court notices of entry of money judgments a statement that a business may seek a stay of enforcement of the judgment for up to forty-five days after entry of the judgment to settle the matter.

This bill will strengthen government's ability to apply the laws equally for all businesses and streamline the City's efforts to collect fines that have been duly assessed, while at the same time taking numerous steps to ensure businesses are given a fair chance to contest violations.

LEGISLATIVE HISTORY: Similar to S.5521. This is New York City's revised bill to supplant S.5521.

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This act shall take effect immediately.

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

HELEN D. FOSTER, Chairperson; JOEL RIVERA, LEWIS A. FIDLER, DOMENIC M. RECCHIA, Jr., ELIZABETH CROWLEY; Committee on State and Federal Legislation, June 13, 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 Transportation

Report for Int. No. 725-A

Report of the Committee on Transportation in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to using a vehicle licensed by the taxi and limousine commission to facilitate sex trafficking.

The Committee on Transportation, to which the annexed proposed amended local law was referred on December 8, 2011 (Minutes, page 5238), respectfully

REPORTS:

INTRODUCTION

On June 12, 2012, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 725-A, a Local Law to amend the administrative code of the city of New York, in relation using a vehicle licensed by the taxi and limousine commission to facilitate sex trafficking. The bill would impose civil penalties for Taxi and Limousine Commission ("TLC") licensed drivers, vehicle owners and base station licensees who commit felony offenses related to sex trafficking while using a licensed TLC vehicle. This bill would also require the TLC to educate all TLC licensed drivers about the laws prohibiting the use of such vehicles to facilitate sex trafficking.

This is the second hearing on this legislation. The first hearing on this legislation was held on December 14, 2011. Presenting testimony at the first hearing were representatives of TLC and numerous anti-trafficking advocates, including Sanctuary for Families and the Urban Justice Center. Amendments were made to this legislation after this hearing.

BACKGROUND

Definitions of Trafficking and Applicable Laws

Trafficking in persons, or human trafficking, is often referred to as "modern day slavery." For many, it conjures up images of undocumented migrants being smuggled across borders, but in actuality, human trafficking does not require any smuggling or movement of its victims. According to the United States Department of Justice (DOJ), trafficking in persons or "human trafficking" crimes as defined under the United States Criminal Code, Title 18, Chapter 77, focus on the act of compelling or coercing a person's labor, services or commercial sex acts.¹ This coercion can be subtle or overt, physical or psychological.²

Federal Law

The Trafficking Victims Protection Act (TVPA) became effective in 2000. The Act has three main components: (1) prevention of trafficking in countries of origin; (2) services to trafficking victims in the U.S.; and (3) prosecution of traffickers and their associates.³

The main parts of the TVPA that allow traffickers and their associates to be prosecuted are the prohibitions on forced labor and sex trafficking.⁴ The prohibition on sex trafficking covers anyone who knowingly, and in a manner affecting interstate commerce, "recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person," or benefits financially from a scheme involving such action, and knows or recklessly disregards the fact that "force, threats of force, fraud, coercion . . . or any combination of such means" will be used to cause the person to engage in commercial sexual activity.⁵ If the victim is under the age of 18, then no force, threat of force, fraud, or coercion must occur for a trafficker to be prosecuted.⁶ The penalties for the crime of federal sex trafficking depend on the circumstances of the crime and can range from 10 years to life in prison.⁷ In addition, any person who obstructs or interferes with the enforcement of the federal sex trafficking laws can be fined or imprisoned for up to 20 years.⁸

New York State Anti-Human Trafficking Law

In 2007, New York State (NYS) enacted its Anti-Human Trafficking Law. A person commits the crime of sex trafficking when he or she intentionally advances or profits from prostitution by: (1) providing the victim with certain drugs; (2) making material false statements;⁹ (3) withholding or destroying government identification documents; (4) requiring repayment of debt; and (5) using force or engaging in any scheme, plan or pattern to compel or induce such person to engage in prostitution by making that person fearful of one of eight actions or consequences against him or her.¹⁰

Sex trafficking is a Class B felony with a maximum sentence of 25 years imprisonment.¹¹ Additionally, a court may order a defendant to pay a fine of \$5,000 or double a defendant's gain from the commission of the crime.¹² Importantly, a victim of sex trafficking is not deemed an accomplice of the trafficker.¹³

According to advocates, there are gaps in the State law. For instance, the law does not include an independent private right of action and does not provide for restitution or forfeiture of traffickers' assets.¹⁴

Other Penal Laws

In addition to the laws amended and added as part of the Anti-Human Trafficking Law, the New York State Penal Law has numerous other enumerated crimes that are related to sex trafficking, including:

- **Promoting Prostitution** – a person is guilty of the crime of promoting prostitution, with varying degrees, when he or she knowingly advances or profits from prostitution.

First degree- a person is guilty of promoting prostitution in the first degree when he knowingly advances or profits from prostitution of a person less than eleven years old.¹⁵

Second degree- a person is guilty of promoting prostitution in the second degree when he knowingly: 1) advances prostitution by compelling a person by force or intimidation to engage in prostitution, or profits from such coercive conduct by another; or 2) advances or profits from prostitution of a person less than sixteen years old.¹⁶

Third degree- a person is guilty of promoting prostitution in the third degree when he knowingly: 1) advances or profits from prostitution by managing, supervising, controlling or owning, either alone or in

association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes, or a business that sells travel-related services knowing such services include or are intended to facilitate travel for the purpose of patronizing a prostitute, including to a foreign jurisdiction and regardless of the legality of prostitution in said foreign jurisdiction; or 2) advances or profits from prostitution of a person less than nineteen years old.¹⁷

- **Compelling Prostitution**¹⁸ – a person is guilty of compelling prostitution when, being twenty-one years of age or older, he or she knowingly advances prostitution by compelling a person less than sixteen years old, by force or intimidation, to engage in prostitution. In a prosecution for promoting or compelling prostitution, victims under the age of seventeen may not be deemed an accomplice of the person convicted of promoting or compelling them into prostitution.¹⁹

New York City Taxi and Limousine Commission

The TLC was created in 1971 to handle the licensing and regulating of New York City's medallion taxicabs, for-hire vehicles, commuter vans, paratransit vehicles (ambulettes) and luxury limousines. According to the TLC's website, the TLC oversees nearly 50,000 vehicles, 100,000 drivers, and more than 13,237 medallion taxicabs. The TLC also inspects the medallion taxicabs for safety and emissions and holds hearings regarding violations of its rules and regulations. One of the missions of the TLC is to implement City and TLC rules and regulations and hold hearings for violations committed by drivers.

Transportation of Trafficking Victims

According to various reports, drivers are sometimes involved in trafficking. At a hearing before the Women's Issues and General Welfare Committees on June 27, 2011, a trafficking victim testified about her experience of being forced into prostitution by her husband, and during her testimony she explained how livery cab drivers would take her to places where she was forced to have sex.²⁰ Sanctuary for Families, the non-profit organization assisting the victim, testified that the victim "was trafficked by means of 'delivery,' that is, being driven by livery cabs throughout the New York metro area to men buying sex. The drivers collected all of [the victim's] earnings" and shared them with her husband and other pimps.²¹

Further, on December 14, 2012, the Women's Issues and Transportation Committees hold which testimony was heard from "Sofia", a client of Sanctuary for Families. "Sofia" testified about the active role that drivers played while she was a victim of sex trafficking. She described being raped twenty times per night. She also testified that she estimated 70 drivers brought her to 5,000 clients and that the drivers took portions of the profit.²² Moreover, in a *New York Times* article published on December 14, 2011, Sanctuary for Families indicated that they had advised 293 sex trafficking victims in the year ending June 30, 2011, an increase from 85 in the 12 months before that.²³

On November 17, 2010, Preet Bharara, the United States Attorney for the Southern District of New York, Janice K. Fedarcyk, the Assistant Director-in-Charge of New York Office of the Federal Bureau of Investigation ("FBI"), and New York City Police Department ("NYPD") Commissioner Ray Kelly announced charges against twenty-two defendants who were involved in a multi-state, illegal sex trafficking and prostitution network. Fifteen of the defendants were from New York City and the surrounding region.²⁴ The defendants included advertisers, brokers, brothel owners, managers, and transporters.²⁵ According to the FBI, brothel owners would pay livery car drivers to transport prostitutes from outside New York City, and bring them the City for the purpose of illegal sexual activity.²⁶ A more recent media report described how several people, including taxi drivers, had pleaded guilty in connection with an international sex trafficking ring that had operated out of Midtown Manhattan.²⁷ Additionally, in April 2012, the Manhattan DA's Office aided in a sex trafficking ring bust.²⁸ The ring was run by a father and son who enlisted livery drivers for their operation.²⁹ The office ultimately indicted six drivers³⁰ – of those, two had TLC licenses, one had an expired TLC license, and another had an application pending for a TLC license.³¹ Five of the six drivers were charged with promoting prostitution in the third degree.³²

Additionally, in response to the problem of livery cabs transporting women involved in illegal sex trade along Roosevelt Boulevard in Queens, New York State Senator Jose Peralta (D-Jackson Heights) introduced legislation that would require a TLC training program for newly and renewed licensed taxi and livery cab drivers, which would include training on how to identify a situation of human trafficking, while the drivers are on duty.³³ Senator Peralta's bill, S05397, was introduced in the State Senate on May 17, 2011 and referred to the Committee on Cities. The bill has a companion bill in the New York State Assembly, A08621, which was introduced by Assembly Member Aravella Simotas³⁴

ANALYSIS

Section one of Proposed Int. No. 725-A is the legislative intent of the bill. This intent clarifies that the Council is seeking to address the illegality of using a TLC licensed vehicle to facilitate sex trafficking, but does not intend to penalize drivers for accepting a lawful fare or for not investigating what may be occurring in their vehicle.

Section two of Proposed Int. 725-A would amend section 19-502 by adding a new subdivision y. New subdivision y of section 19-502 defines "facilitating sex

trafficking with a vehicle" as (1) having been convicted of any of the felony offenses of promoting prostitution in the third, second and first degrees, compelling prostitution or sex trafficking, and (2) using a TLC licensed vehicle to commit such offense.

Section three of Proposed Int. No. 725-A would amend section 19-505 by adding a new subdivision q. New subdivision q of section 19-505 would require that within one hundred eighty days of the effective date of the subdivision, the TLC would be required to develop a program for all TLC licensed drivers notifying them that facilitating sex trafficking with a vehicle is illegal. The program would inform drivers about the specific laws prohibiting sex trafficking and the applicable civil and criminal penalties, such as fines, license revocation and incarceration, and provide information about the resources available to assist sex trafficking victims. The program would also require drivers to be instructed that they may not refuse a fare based solely on the appearance or the actual or perceived sexual orientation or gender of a person. Drivers would be required to complete the program and certify their completion upon initial licensure and subsequent license renewal. The TLC could choose to present the program through live instruction, video or through an interactive computer course. Once a driver has completed the course one time, the TLC would have the option of allowing that person to complete the program in the future through review of written materials.

Section four of Proposed Int. No. 725-A would amend subdivision b of section 19-507 by adding a new paragraph 3. New paragraph 3 imposes a civil penalty of \$10,000 and revocation of the license of any driver or vehicle owner of a for-hire vehicle or base station licensee who facilitates sex trafficking with a vehicle, provided that a causal relationship exists between the person who committed the facilitation and the TLC licensed vehicle or vehicles used in the commission of the offense. The vehicle license would be revoked where the owner of the vehicle was convicted of one of the enumerated offenses and one of the vehicles involved in the offense was that owner's vehicle.

Section five of Int. No. 725 states that the local law takes effect ninety days following enactment, except that the TLC would be required to take all necessary action, including the promulgation of rules, prior to the effective date.

¹ United States Department of Justice, Human Trafficking Prosecution Unit, Overview, as accessed 6/20/11 at <http://www.justice.gov/crt/about/crm/htpu.php>.

² *Id.*

³ Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386 Division A, 114 Stat. 1464 (2000) (TVPA) (codified at Title 18, United States Code, Chapter 77, Peonage, Slavery and Trafficking in Persons). The TVPA was amended and reauthorized by the Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, 117 Stat. 2875 (2003) and by the Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164 (2006).

⁴ These sections are located at 18 U.S.C. § 1589 (Forced labor) and 18 U.S.C. § 1591 (Sex trafficking of children or by force, fraud, or coercion).

⁵ See 18 U.S.C. § 1591(a).

⁶ *Id.*

⁷ 18 U.S.C. § 1591 (b).

⁸ 18 U.S.C. § 1591 (d).

⁹ This includes misstatements or omissions to induce or maintain the person being patronized to engage in or continue to engage in prostitution activity.

¹⁰ N.Y. Penal Law § 230.34.

¹¹ *Id.*, See Penal Law § 70.00(2)(b).

¹² See Penal Law § 80.00.

¹³ N.Y. Penal Law § 230.36.

¹⁴ New York Anti-Trafficking Network, New York State Anti-Trafficking Law, as accessed on 6/22/11 at http://www.svfreencyc.org/media/survivors/antitraffickingnetwork/2007_12_12_nylaws.pdf.

¹⁵ N.Y. Penal Law § 230.32.

¹⁶ N.Y. Penal Law § 230.30.

¹⁷ N.Y. Penal Law § 230.25.

¹⁸ N.Y. Penal Law § 230.33.

¹⁹ N.Y. Penal Law § 230.35.

²⁰ <http://www.metro.us/newyork/local/article/902030--wife-claims-institutional-prostitution>; see also Hearing Testimony before the Committees on Women's Issues and General Welfare, June 27, 2011, at pp. 106-107.

²¹ *Id.*

²² Hearing Testimony before the Committees on Women's Issues and Transportation, at pp. 69-71.

²³ New York Times, December 14, 2011

²⁴ <http://www.fbi.gov/newyork/press-releases/2010/nyfo111710b.htm>

²⁵ *Id.*

²⁶ *Id.*

²⁷ <http://www.dnainfo.com/2011/11/08/midtown/feds-get-17th-conviction-koreatown-sex-trafficking-case/comments>

²⁸ Press Release of Manhattan District Attorney's Office, "Manhattan DA's Office, NYPD, HSI Announce Sex Trafficking Charges." April 23, 2012.

²⁹ *Id.*

³⁰ *Id.*

³¹ As told to Counsel to the Women's Issues Committee, Tai Meah, by Assistant District Attorney Leroy Frazer (Manhattan) on June 4, 2012.

³² *Id.*

³³ <http://www.nysenate.gov/press-release/senator-peralta-human-trafficking-keeping-roosevelt-avenue-pimps-business>; <http://queenslyfe.com/2011/07/29/gov-cuomo-signs-bill-banning-chica-cards/>; <http://www.wnyc.org/articles/wnyc-news/2011/aug/15/prostitution-plagues-queens>.

³⁴ <http://assembly.state.ny.us/leg/?bn=S05397&term=2011>

(The following is the text of the Fiscal Impact Statement for Int. No. 725-A:)



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

PROPOSED INTRO. NO: 725-A

COMMITTEE:
 Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the facilitation of sex trafficking with a vehicle.

SPONSORS: Council Members Ferreras, Vacca, Barron, Brewer, Cabrera, Comrie, Dickens, Fidler, Foster, James, Koslowitz, Lander, Levin, Mark-Viverito, Palma, Recchia, Reyna, Rose, Sanders Jr., Van Bramer, Williams, Wills, Jackson, Lappin, Vallone, Rodriguez, Dromm, Garodnick and Chin

SUMMARY OF LEGISLATION: The proposed legislation would amend section 19-502 of the administrative code of the city of New York by adding a new subdivision y entitled "Facilitate sex trafficking with a vehicle" This would be defined as committing the offenses, pursuant to the Penal Law, of promoting prostitution in the third, second, or first degrees, compelling prostitution or sex trafficking, and using a licensed Taxi and Limousine Commission (the "Commission") vehicle in the offense.

The bill would also amend section 19-505 by adding a new subdivision q to require that not more than one hundred eighty days following the enactment of this legislation, the Commission develop and commence a program to notify drivers of all Commission licensed vehicles that facilitating sex trafficking with a vehicle is illegal. Such program would include an educational component designed to inform such drivers of the specific laws defining and proscribing sex trafficking, including but not limited to fiscal penalties, license revocation and incarceration, and of the resources available to assist victims of sex trafficking. Such program, however, would also inform drivers that they may not refuse a fare based on appearance or the actual or perceived gender or sexual orientation of the passenger. The completion of this program would be a requirement for initial licensure and subsequent license renewal for such drivers.

In addition, this bill would amend subdivision b of section 19-507 of the administrative code of the city of New York to require that no driver or vehicle owner of a for-hire vehicle or base station licensee affiliated with such vehicle shall facilitate sex trafficking with a vehicle. Any driver, vehicle owner of a for-hire vehicle or base station licensee affiliated with such vehicle who does so would be subject to a civil penalty of \$10,000 and the Commission would be required to revoke the license of such driver, owner or licensee, so long as there was a causal connection set forth in the legislation between the licensed person and a vehicle involved in the offense.

EFFECTIVE DATE: This legislation would take effect ninety days after its enactment into law, except that the Taxi and Limousine Commission shall take all necessary action, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2013

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	(\$75,000)	\$0	(\$75,000)
Net	(\$75,000)	\$0	(\$75,000)

IMPACT ON REVENUES: Because the bill is intended as a deterrent to would be violators of the Commission's rules, it is estimated that there would be minimal to no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: To implement this legislation, the Commission will modify its licensing and licensing renewal application forms to allow for a driver's self-certification as to the compliance with the requirement of this legislation and modify its computer system to recognize such. As a result, it is estimated that the impact on expenditures resulting from the enactment of this legislation would be \$75,000 in Fiscal 2013 only.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

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

HISTORY: Introduced as Intro. 725 by Council on December 8, 2011 and referred to the Committees on Transportation. A hearing was held and the legislation was laid over by the Committees on Transportation and Women's Issues on December 14, 2011. Intro. 725 has been amended, and the amended version, Proposed Int. 725-A, will be considered by the Committee on Transportation on June 12, 2012.

DATE SUBMITTED TO COUNCIL: December 8, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 725-A:)

Int. No. 725-A

By Council Members Ferreras, Vacca, Barron, Brewer, Cabrera, Comrie, Dickens, Fidler, Foster, James, Koslowitz, Lander, Levin, Mark-Viverito, Palma, Recchia, Reyna, Rose, Sanders, Van Bramer, Williams, Wills, Jackson, Lappin, Vallone, Jr., Rodriguez, Dromm, Garodnick, Chin, Arroyo, Koppell, Koo, Gennaro, Mealy and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to using a vehicle licensed by the taxi and limousine commission to facilitate sex trafficking.

Be it enacted by the Council as follows:

Section 1. Legislative Intent. The Council finds that sex trafficking is a problem in New York City, and that some drivers in the City, including some who are licensed by the Taxi and Limousine Commission (TLC), knowingly use TLC licensed vehicles to facilitate sex trafficking. More specifically, some drivers knowingly engage in a business of transporting individuals to patrons for purposes of prostitution, procuring and/or soliciting patrons for the prostitution, and receiving proceeds from such business in collaboration with traffickers and pimps. It is therefore necessary to combat this activity by establishing penalties against those who are misusing TLC licenses in this manner and by requiring those who hold or are obtaining TLC licenses to become informed about the laws governing sex trafficking and promoting prostitution. It is not the Council's intent to penalize TLC-licensed drivers for lawfully accepting a fare or for failing to investigate illegal activities that may be occurring within their vehicle without their knowledge.

§ 2. Section 19-502 of the administrative code of the city of New York is amended by adding a new subdivision y to read as follows:

y. "Facilitate sex trafficking with a vehicle" shall mean (1) committing any of the following crimes set forth in the penal law, as evidenced by conviction of such crime: promoting prostitution in the third degree; promoting prostitution in the second degree; promoting prostitution in the first degree; sex trafficking; or compelling prostitution and (2) using a vehicle licensed by the commission to commit such crime.

§ 3. Section 19-505 of the administrative code of the city of New York is amended by adding a new subdivision q to read as follows:

q. Not more than one hundred eighty days following the enactment of this subdivision, the commission shall develop and commence a program to notify drivers of all vehicles licensed by the commission that facilitating sex trafficking with a vehicle is illegal. Such program shall inform such drivers of the specific laws defining and proscribing such facilitation, including the provisions of this section and section 19-507 of this chapter, and of article 230 of the penal law, and shall inform such drivers of the civil and criminal penalties associated with such facilitation, including but not limited to monetary penalties, license revocation and incarceration. Such program shall also provide information to such drivers about the resources available to assist victims of sex trafficking. Such program shall also inform such drivers that they may not refuse fares solely based on the appearance of an individual and that it is unlawful to refuse a fare based upon an individual's actual or perceived sexual orientation or gender, whether or not an individual's gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to an individual at birth, as set forth in chapter one of title eight of this code. Such program may be presented

through live instruction, video or an interactive computer course, and shall be updated regularly to reflect changes in law or other relevant circumstances. Completion of such program shall be a requirement for initial licensure and subsequent license renewal for such drivers, except that any driver who has completed such program at least once may subsequently satisfy the requirements of this subdivision, at the discretion of the commission, by reviewing written materials, to be developed by the commission, that contain the information in such program. All drivers licensed by the commission shall be required to certify that they have completed such program or received and reviewed such written materials.

§ 4. Subdivision b of section 19-507 of the administrative code of the city of New York is amended by adding new paragraph 3 to read as follows:

3. Any driver or vehicle owner of a vehicle licensed by the commission or base station licensee who facilitates sex trafficking with a vehicle shall be liable for a civil penalty of ten thousand dollars, and the commission shall revoke the license of such driver, the license of the vehicle used to commit such facilitation when the person who facilitated sex trafficking is the owner of such vehicle, and the license of the base station licensee when such base station licensee committed such facilitation and the vehicle used to commit such facilitation was affiliated with the base station licensed by such licensee at the time such offense was committed.

§ 5. This local law shall take effect ninety days after its enactment into law, except that the taxi and limousine commission shall take all necessary action, including the promulgation of rules, prior to such effective date.

JAMES VACCA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, June 12, 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. 735-A

Report of the Committee on Transportation in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for illegally operating vehicles for hire.

The Committee on Transportation, to which the annexed proposed amended local law was referred on December 8, 2011 (Minutes, page 5262), respectfully

REPORTS:

INTRODUCTION

On June 12, 2012, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 735-A, a Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for illegally operating vehicles for hire. This bill would increase the monetary penalties, both civil and criminal, for operating a vehicle for hire without obtaining the proper TLC licenses. Additionally, the bill would allow for the forfeiture of a vehicle following two offenses within 36 months, as opposed to the current three offenses within 36 months.

This is the second hearing on this legislation. The first hearing was held on December 14, 2011. Presenting testimony at the first hearing was the Taxi and Limousine Commission and members of the taxi industry. Amendments were made to the legislation after that hearing.

BACKGROUND

The Taxi and Limousine Commission (“TLC”) licenses and regulates 13,237 medallion taxicabs, 38,662 for-hire vehicles, 2,460 para-transit vehicles, 398 commuter vans, and 108,987 drivers. TLC licensed vehicles and drivers are required to undergo stringent requirements, to obtain insurance and to undergo vehicle safety inspections. However, thousands of unlicensed vehicles operate on New York City streets, often in airports and busy shopping and business areas. Because these vehicles are not licensed by the TLC, the drivers and vehicles are not subject to the same strict regulations and oversight. As a result, passengers who are hurt in unlicensed vehicles have no recourse to insurance or the TLC.

This legislation provides for higher civil and criminal penalties for drivers who operate an unlicensed for-hire-vehicle (“FHV”). According to the TLC there are currently 39,065 licensed FHV’s and 53,923 FHV drivers. FHV vehicles must be affiliated with a TLC licensed base-station and drivers must meet all state and federal licensing requirements. In addition to belonging to a base station, for-hire vehicles must undergo inspection at a TLC facility and carry proper insurance.

Since unlicensed for-hire vehicles are not registered with the TLC, it is difficult to estimate how many are currently operating in the City. In 1992, the Taxi and Limousine Commission estimated that there were 8,000 unlicensed vehicles

operating in New York City.¹ That number was largely confirmed in 1993 by Bruce Schaller, of Schaller Consulting, who estimated the number of unlicensed for-hire vehicles to be between 5,000 and 20,000.² More recently, according to a 2009 estimate released by Fernando Mateo of the State Federation of Taxi Drivers, there are as many as 10,000 unlicensed for-hire vehicles in the City.³ In written testimony provided at a December 14, 2011 hearing of the Committees on Transportation and Women’s Issues, TLC Chairman David Yassky said that since January, 2011, TLC enforcement personnel had issued 5,064 summonses for unlicensed operation.⁴

In addition to the serious problems that unlicensed vehicles pose to the safety of their customers, unlicensed vehicles by their very nature are susceptible to use for illegal activity, including the facilitation of human trafficking. During a June 27, 2011 City Council hearing of the Women’s Issues and General Welfare Committees, Sanctuary for Families (“Sanctuary”) gave testimony about how for-hire vehicles are used for the purpose of human trafficking and described how one victim was driven by a for-hire vehicle to “men buying sex.”⁵ Also, at the first hearing on this legislation, Sofia, a Sanctuary client, testified that she estimated 70 drivers brought her to 5,000 clients and that the drivers took portions of the profit.⁶

Additionally, on November 17, 2010, the United States Attorney’s Office for the Southern District of New York, the Federal Bureau of Investigation, and the NYC Police Department announced charges against 22 defendants who were involved in an illegal sex trafficking and prostitution network, including “transporters.”⁷ According to the FBI, brothel owners would pay livery car drivers to transport prostitutes to the City for the purpose of illegal sexual activity.⁸

ANALYSIS

Section one of Proposed Int. No. 735-A would amend section 19-502 by adding a new subdivision x. New subdivision x would define “HAIL vehicle” as a “for-hire vehicle or wheelchair accessible van whose owner holds a license issued by the commission authorizing such vehicle to accept hails from passengers on the street in specified areas of the city.”

Section two of Proposed Int. No. 735-A renumbers paragraph 2 of subdivision b of section 19-506 as 3, adds a new paragraph 2 to this subdivision and amends paragraph 1 of this subdivision. Amended paragraph 1 of subdivision b raises the criminal penalties for operating a vehicle without any TLC license. Under current law, a person who operates a vehicle for hire without any TLC license is subject to a fine of \$400 to \$1000, which under the proposed bill would be raised to \$1000 to \$2000. Amended paragraph 1 also adds HAIL vehicle to the list of vehicles that require a TLC license or else would be penalized pursuant to this paragraph. Finally, amended paragraph 1 would provide that any criminal penalties would be in addition to any civil penalties imposed, as contrasted with current law, under which only criminal or civil penalties may be applied, but it makes no change to the term of imprisonment.

New paragraph 2 of subdivision b of section 19-506 addresses instances when a TLC licensed vehicle is being operated outside of the scope of its license, and keeps penalties the same as current penalties, but adds HAIL vehicles to the list of vehicles that require a specific TLC license.

Section 3 of Proposed Int. No. 735-A would amend subdivisions d and e of section 19-506. Subdivision d would raise the criminal penalty for failing to have a proper TLC license from a monetary fine of \$100 to \$500 to a fine of \$500 to \$1000, but makes no change to the term of imprisonment.

Subdivision e would be amended by breaking up the section into three paragraphs. Paragraphs one and two would impose higher civil penalties for driving a vehicle for hire without obtaining the proper TLC vehicle and/or driver’s license. Under current law, the civil penalty is between \$200 and \$1500 for each offense, which would remain the same in situations where someone is operating a vehicle outside of the scope of its license. In situations where someone operates a vehicle without a TLC vehicle and/or driver’s license, this amount would be raised to \$1500 for a first offense and \$2000 for a second offense within 36 months, which could be in addition to any criminal penalty imposed. Failing to have a proper driver’s license and failing to have a proper vehicle license would be considered separate offenses. Paragraph 3 of subdivision e would make technical corrections, and add that any successor agency of the TLC could enforce civil penalties as if they were money judgments.

Section 4 of Proposed Int. No. 735-A would amend paragraphs 1 and 2 of subdivision h of section 19-506. Paragraph 1 would be amended to reflect the amendments made elsewhere in section 19-506. Paragraph 2 would provide that a vehicle may be forfeited if the owner has used it in violation of the provisions of section 19-506 two or more times within 36 months, as opposed to the current three or more times in 36 months. This paragraph would further provide that it applies to those owners who had been convicted or found liable of one offense prior to the effective date of the legislation and then were convicted or found liable for a second offense within 36 months of the occurrence of the first offense.

Section 5 of Proposed Int. No. 735-A would require that the TLC provide a quarterly report to the Council and post it on TLC’s website commencing February 1, 2013. The report would provide the following information from the prior quarter, subject to the manner that the data is available: (1) the number of criminal actions commenced with regard to vehicles being operated for hire where the vehicle has no TLC license; (2) the number of criminal actions commenced where a TLC licensed vehicle was being operated outside of the scope of its license; (3) the number of civil actions commenced for vehicles being operated for hire without any TLC license; (4) the number of civil actions commenced against TLC licensed vehicles operating outside of the scope of their license; and (5) the number of vehicles seized for

operating without the appropriate license, disaggregated by whether such vehicle was seized for operating for hire without any TLC license or operating outside of the scope of its license. This report would be required to be disaggregated by borough and precinct.

Section 6 of Proposed Int. No. 735-A would state that the local law take effect immediately.

¹ Finder, Alan. A Swarm of gypsy cabs. New York Times. February 1992. Accessed at <http://www.nytimes.com/1992/02/13/nyregion/a-swarm-of-gypsy-cabs.html?pagewanted=all&src=pm>

² Schaller, Bruce. The New York City For-Hire Vehicle Fact Book. February 1993. Published for the TLC and accessed at http://www.schallerconsult.com/taxi/fhv_fb.htm.

³ WABC News. Crack Down on unlicensed livery cabs. April 2009. Accessed at <http://abclocal.go.com/wabc/story?section=news/local&id=6764445>.

⁴ Testimony of David Yassky, Chairman, New York City Taxi and Limousine Commission, to New York City Council, Committees on Transportation and Women’s Issues, December 14, 2011 at p.2.

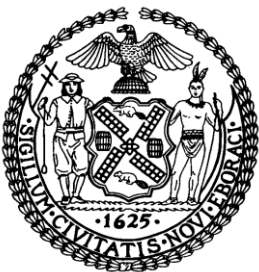
⁵ Testimony of Lori Cohen, Senior Staff Attorney, Sanctuary for Families, Committees on Women’s Issues and General Welfare, June 27, 2011 at p. 106

⁶ Testimony of Sofia, Sex Trafficking Victim, to New York City Council, Committees on Transportation and Women’s Issues, December 14, 2011 at p. 71

⁷ <http://www.fbi.gov/newyork/press-releases/2010/nyfo111710b.htm>

⁸ *Id.*

(The following is the text of the Fiscal Impact Statement for Int. No. 735-A:)



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

PROPOSED INTRO. NO: 735-A

COMMITTEE:
 Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for illegally operating vehicles for hire.

SPONSORS: Council Members Vacca, Crowley, Cabrera, Comrie, Fidler, James, Koslowitz, Levin, Nelson, Palma, Reyna, Williams, Lappin, Van Bramer, Vallone, Garodnick, Chin, Jackson and Halloran

SUMMARY OF LEGISLATION: The proposed legislation would amend subdivision b of section 19-506 of the administrative code of the city of New York, as amended by local law 87 of 1989, to require that any person any person who shall permit another to operate or who shall knowingly operate or offer to operate for hire any vehicle as a taxicab, coach, wheelchair accessible van, “HAIL vehicle” defined as (a for-hire vehicle or wheelchair accessible van whose owner holds a license issued by the commission authorizing such vehicle to accept hails from passengers on the street in specified geographical areas of the city) or for-hire vehicle in the city, without first having obtained or knowing that another has obtained a license for such vehicle shall be guilty of a violation, and upon conviction in the criminal court shall be punished by a fine of not less than \$1,000 or more than \$2,000 or imprisonment for not more than 60 days, or both such fine and imprisonment. Also, any person who shall permit another to operate or who shall knowingly operate or offer to operate for hire any vehicle licensed as a taxicab, coach, wheelchair accessible van, HAIL vehicle or for-hire vehicle in the city in a manner that is beyond the scope of the activities permitted by such vehicle’s license shall be guilty of a violation, and upon conviction in the criminal court shall be punished by a fine of not less than \$400 or more than \$1,000, or imprisonment for not more than 60 days or both such fine and imprisonment.

In addition, this bill would amend subdivision d and e of section 19-506 of the administrative code of the city of New York to require any person, other than a person holding a New York state class A, B, C or E license, neither of which is revoked or suspended, who drives or operates for hire a licensed vehicle in the city except a commuter van, shall be guilty of a misdemeanor and upon conviction in the criminal court, shall be punished by a fine of not less than \$500 nor more than \$1,000 or imprisonment for a term not exceeding 30 days, or both such fine and imprisonment. Subdivision e would require that in addition to or as an alternative to the penalties provided for the violation of the provisions of paragraph 1 of subdivision b or d of this section, any person who violates such provisions shall be liable for a civil penalty of \$1,500 for the first violation and \$2,000 for the second violation committed within a 36 month period. The violation of the provisions of paragraph 2 of subdivision b or c of the section would result in a civil penalty of not less than two hundred dollars or more than \$1,500.

Lastly, the bill would require that the Taxi and Limousine Commission, on or before February 1, 2013 and on a quarterly basis thereafter, post on its website and provide to the council a report for the prior quarter that includes, at a minimum, the following information, subject to the manner that such data is available: (i) the number of criminal actions commenced pursuant to paragraph one of subdivision b of this section; (ii) the number of criminal actions commenced pursuant to paragraph two of subdivision b of this section; (iii) the number of civil actions commenced pursuant to paragraph one of subdivision e of this section; (iv) the number of civil actions commenced pursuant to paragraph two of subdivision e of this section; and (v) the number of vehicles seized pursuant to paragraph one of subdivision h of this section, disaggregated by borough and precinct and by whether such vehicle was seized for a violation of paragraph one or two of subdivision b of this section.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2013

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: Because the bill is intended as a deterrent to violation of the Commission’s rules, it is estimated that there would be minimal to no impact on revenues resulting from the enactment of this legislation.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division
 Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: Nathan Toth, Deputy Director

Chima Obichere, Unit Head

HISTORY: Introduced as Intro. 735 by Council on December 8, 2011 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committees on Transportation and Women's Issues on December 14, 2011. Intro. 735 has been amended, and the amended version, Proposed Int. 735-A, will be considered by the Committee on Transportation on June 12, 2012.

DATE SUBMITTED TO COUNCIL: December 8, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 735-A:)

Int. No. 735-A

By Council Members Vacca, Crowley, Cabrera, Comrie, Fidler, James, Koslowitz, Levin, Nelson, Palma, Reyna, Williams, Lappin, Van Bramer, Vallone Jr., Garodnick, Chin, Jackson, Arroyo, Koo, Gennaro, Mealy, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for illegally operating vehicles for hire.

Be it enacted by the Council as follows:

Section 1. Section 19-502 of the administrative code of the city of New York is amended by adding a new subdivision x to read as follows:

x. "HAIL vehicle" means a for-hire vehicle or wheelchair accessible van whose owner holds a license issued by the commission authorizing such vehicle to accept hails from passengers on the street in specified geographical areas of the city.

§ 2. Paragraph 2 of subdivision b of section 19-506 of the administrative code of the city of New York is renumbered paragraph 3, a new paragraph 2 is added, and paragraph 1, as renumbered by local law number 35 for the year 1998 and amended by local law number 87 for the year 1989, is amended to read as follows:

1. [Any] Except as provided in paragraph 2 of this subdivision, any person who shall permit another to operate or who shall knowingly operate or offer to operate for hire any vehicle as a taxicab, coach, wheelchair accessible van, HAIL vehicle or for-hire vehicle in the city, without first having obtained [an appropriate] or knowing that another has obtained a license [therefor] for such vehicle pursuant to the provisions of section 19-504 of this chapter, shall be guilty of a violation [hereof], and upon conviction in the criminal court shall be punished by a fine of not less than [four hundred] one thousand dollars or more than [one] two thousand dollars or imprisonment for not more than sixty days, or both such fine and imprisonment. This paragraph shall apply to the owner of such vehicle and, if different, to the operator of such vehicle.

2. Any person who shall permit another to operate or who shall knowingly operate or offer to operate for hire any vehicle licensed as a taxicab, coach, wheelchair accessible van, HAIL vehicle or for-hire vehicle in the city in a manner that is beyond the scope of the activities permitted by such vehicle's license shall be guilty of a violation, and upon conviction in the criminal court shall be punished by a fine of not less than four hundred dollars nor more than one thousand dollars, or imprisonment for not more than sixty days or both such fine and imprisonment. This paragraph shall apply to the owner of such vehicle and, if different, to the operator of such vehicle.

§ 3. Subdivisions d and e of section 19-506 of the administrative code of the city of New York, subdivision d as amended by local law number 115 for the year 1993 and subdivision e as amended by local law number 51 for the year 1996, are amended to read as follows:

d. Any person, other than a person holding a driver's license issued pursuant to section 19-505 and a New York state class A, B, C or E license, neither of which is revoked or suspended, who drives or operates for hire a licensed vehicle in the city except a commuter van, shall be guilty of a violation [hereof], and upon conviction in the criminal court, shall be punished by a fine of not less than [one] five hundred dollars nor more than [five hundred] one thousand dollars or imprisonment for a term not exceeding thirty days, or both such fine and imprisonment.

e. [As an alternative to the penalties provided for the violation of subdivisions b, c and d of this section, any person who shall violate any of the provisions of such subdivisions shall be liable for a civil penalty of not less than two hundred dollars nor more than one thousand five hundred dollars for each violation.] (1) In addition to or as an alternative to the penalties provided for the violation of the provisions of paragraph one of subdivision b or subdivision d of this section, any person who shall violate such provisions shall, for the first violation, be liable for a civil penalty of one thousand five hundred dollars, and for the second violation committed within a thirty six month period, for a civil penalty of two thousand dollars.

(2) As an alternative to the penalties provided for the violation of the provisions of paragraph two of subdivision b or subdivision c of this section, any person who shall violate such provisions shall be liable for a civil penalty of not less than two hundred dollars nor more than one thousand five hundred dollars for each violation.

(3) A proceeding to impose [such] a civil penalty [or a civil penalty] prescribed in paragraphs one or two of this subdivision or in subdivision f of this section shall

be commenced by the service of a notice of violation returnable before the commission or an administrative tribunal of the commission. The commission or such tribunal, after a hearing as provided by the rules of the commission or its successor agency, shall have the power to enforce its decisions and orders imposing such civil penalties as if they were money judgments pursuant to subdivision c of section two thousand three hundred three of the charter.

§ 4. Paragraphs (1) and (2) of subdivision h of section 19-506 of the administrative code of the city of New York, as added by local law number 90 for the year 1989, subdivision h as relettered by local law number 13 for the year 1992, are amended to read as follows:

(1) Any officer or employee of the commission designated by the chairperson of the commission and any police officer may seize any vehicle which he or she has probable cause to believe is operated or offered to be operated without a vehicle license in violation of paragraph one of subdivision b of this section or without an appropriate vehicle license for such operation in violation of paragraph two of subdivision b[,] or of subdivision c or subdivision k of this section. Therefore, either the commission or an administrative tribunal of the commission at a proceeding commenced in accordance with subdivision e of this section, or the criminal court, as provided in this section, shall determine whether a vehicle seized pursuant to this subdivision was operated or offered to be operated in violation of [either] any such subdivision. The commission shall have the power to promulgate regulations concerning the seizure and release of vehicles and may provide in such regulations for reasonable fees for the removal and storage of such vehicles. Unless the charge of violating subdivision b, c or k of this section is dismissed, no vehicle seized pursuant to this subdivision shall be released until all fees for removal and storage and the applicable fine or civil penalty have been paid or a bond has been posted in a form and amount satisfactory to the commission, except as is otherwise provided for vehicles subject to forfeiture pursuant to paragraph two of this subdivision.

(2) In addition to any other penalties provided in this section, if the owner is convicted in the criminal court of, or found liable in accordance with subdivision e of this section for, a violation of [either] paragraphs one or two of subdivision b[,] or of subdivision c or subdivision k of this section [three] two or more times, and all of such violations were committed on or after the effective date of this section and within a thirty-six month period, the interest of such owner in any vehicle used in the commission of any such [third] second or subsequent violation shall be subject to forfeiture upon notice and judicial determination. Notice of the institution of the forfeiture proceeding shall be in accordance with the provisions of the civil practice law and rules. The penalties provided for in this paragraph shall also apply to any owner who has been convicted of or found liable for one violation of paragraphs one or two of subdivision b or of subdivision c or subdivision k of this section at the time the local law that added this paragraph was enacted and who commits another violation within thirty-six months of the first violation.

§ 5. Section 19-506 of the administrative code of the city of New York is amended by adding a new subdivision m to read as follows:

m. On or before February 1, 2013 and on a quarterly basis thereafter, the commission shall post on its website and provide to the council a report for the prior quarter that includes, at a minimum, the following information, subject to the manner that such data is available: (i) the number of criminal actions commenced pursuant to paragraph one of subdivision b of this section; (ii) the number of criminal actions commenced pursuant to paragraph two of subdivision b of this section; (iii) the number of civil actions commenced pursuant to paragraph one of subdivision e of this section; (iv) the number of civil actions commenced pursuant to paragraph two of subdivision e of this section; and (v) the number of vehicles seized pursuant to paragraph one of subdivision h of this section, disaggregated by whether such vehicle was seized for a violation of paragraph one or two of subdivision b of this section. Such report shall also be disaggregated by borough and precinct.

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

JAMES VACCA, Chairperson; GALE A. BREWER, DANIEL R. GARODNICK, DARLENE MEALY, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, June 12, 2012.

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

Report of the Committee on Waterfronts

Report for Int. No. 740-A

Report of the Committee on Waterfronts in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to discharges in certain designated bodies of water.

The Committee on Waterfronts, to which the annexed proposed amended local law was referred on December 19, 2011 (Minutes, page 5364), respectfully

REPORTS:

1. INTRODUCTION

On Tuesday, June 12, 2012, the Committee on Waterfronts, chaired by Council Member Michael C. Nelson, met to vote on Int. No. 740-A, which prohibits the discharge of vessel wastes into state-designated no-discharge zones within and adjacent to the City. The Committee held a hearing on an earlier version of this bill on January 26 of this year.

2. BACKGROUND

The Clean Water Act of 1972 (CWA) was passed to restore and maintain the chemical, physical, and biological integrity of the navigable waters of the United States, and to manage and regulate the discharge of substances into those waters.¹ All vessels with an installed toilet operating in the navigable waters of the United States must be equipped with a marine sanitation device (MSD).² Most MSDs operate by disinfecting vessel sewage and breaking down solid wastes before discharging the sewage into the water.³ Some vessels are equipped with MSDs that act as holding tanks so that sewage can be pumped out and disposed of at a later time.⁴ While the discharge of treated vessel waste is permitted in most waters, section 312 of the CWA allows states to apply for a complete prohibition of vessel sewage discharge, whether treated or not, for waters requiring greater environmental protection.⁵ These bodies of water, designated as no-discharge zones (NDZ), are identified by states and approved by the United States Environmental Protection Agency (EPA).

In 2003, the portion of the Hudson River from the Battery in Manhattan to the Federal Dam in Troy, New York was designated as a NDZ.⁶ In 2011, Jamaica Bay⁷ and Long Island Sound⁸ were designated as NDZs.

Section 33 of the New York State Navigation Law regulates the disposal of sewage and the “littering of waterways” and outlaws discharges in these “vessel waste no-discharge zones.”⁹ It also authorizes municipalities containing or adjacent to NDZs to enact local laws regulating discharges within them.¹⁰ City law prohibits the dumping of general refuse into the waterways in section 22-112 of the Administrative Code of the City of New York, but does not currently regulate the dumping of vessel wastes in NDZs. This bill would prohibit the dumping of vessel wastes into state-designated NDZs within or adjacent to the City, triggering civil penalties.

4. ANALYSIS OF INT. NO. 740-A

Int. No. 740-A would amend sections 22-101 and 22-112 of the Administrative Code of the City of New York.

“No-discharge zone” would be defined as such zones designated by New York State. The State designates a body of water as a no-discharge zone when it has received an “affirmative determination [from EPA] regarding the adequate availability of marine sanitation device pump-out or dump station facilities pursuant to the Federal Clean Water Act” within such body of water.¹¹ Once this designation has occurred, vessels may not discharge sewage, whether treated or not, into the designated body of water.¹²

A third paragraph would be added to subdivision a of section 22-112, which would add the discharge of any vessel waste into a no-discharge zone within New York City, or adjacent to New York City within 1,500 feet from shore, to the list of prohibited waterway dumping actions punishable by civil penalties.

Penalties for the violation of these provisions are set out in subdivision d of section 22-112. The penalty for unlawful discharges by vessels operating “for commercial purposes, carrying passengers for hire, or serving primarily as a residence” are as follows: a first violation is punishable by a fine of \$500 to \$1,000 and subsequent violations are punishable by a fine of \$1,500 to \$5,000. Penalties for other vessels violating the new no-discharge zone requirements are lower; first violations are punishable by a civil fine of \$500 or less, and subsequent violations are punishable by a civil fine of \$500 to \$1,000.

Two commas would be added to paragraph two of subdivision a of section 22-112, to clarify its meaning and bring its language into conformity with the new paragraph being added. Subdivisions b and c of section 22-112 are modified to make clear that their penalties apply only to the existing prohibited acts.

Int. No. 740-A would become effective ninety days after enactment.

4. AMENDMENTS TO INT. 740-A

The Administration testified at the January 26 hearing that they believed the existing penalties in section 22-112 of the administrative code would be too onerous when applied to discharges of sewage by recreational boaters. The bill has been amended to address this concern. Whereas the pre-amendment language of the bill did not differentiate between types of vessels, the bill now distinguishes between, on the one hand, vessels operating “for commercial purposes, carrying passengers for hire, or serving primarily as a residence” and, on the other hand, all other vessels. For the former, penalties are higher, as detailed above. A first violation is punishable by a fine of between \$500 and \$1,000, with subsequent violations being punishable by a fine of between \$1,500 and \$5,000. However, other vessels violating the new no-discharge zone requirements are now subject to lower penalties. First violations are punishable by a civil fine of \$500 or less, and subsequent violations are punishable by a civil fine of \$500 to \$1,000.

This amendment was made by adding a new subdivision d to section 22-112 of the administrative code. This subdivision lays out the new penalties. Subdivisions b and c were modified to account for the fact that violations of the no-discharge provisions are being punished by a less onerous schedule of fines than are other violations of section 22-112 of the administrative code.

5. COMMITTEE VOTE

Int. 740-A was voted out of the Committee on Waterfronts on June 12, 2012 by a vote of four in the affirmative and zero in the negative.

¹ 33 U.S.C. § 1251 *et seq.*

² *Id.*

³ EPA, Marine Sanitation Devices. <<http://water.epa.gov/polwaste/vwd/vsdmsd.cfm>>

⁴ *Id.*

⁵ 33 U.S.C. § 1322(f)(3).

⁶ 58345 Federal Register, Vol. 68, No. 196, Thursday, October 9, 2003

⁷ 66927 Federal Register, Vol. 76, No. 209, Friday, October 28, 2011

⁸ 55668 Federal Register, Vol. 76, No. 174, Thursday, September 8, 2011

⁹ NY CLS Nav. §33-c.

¹⁰ NY CLS Nav. §33-c(10).

¹¹ NY CLS Nav. §33-e(1).

¹² NY CLS Nav. §33-e(2).

(The following is the text of the Fiscal Impact Statement for Int. No. 740-A:)



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

PROPOSED INTRO. NO: 740-A
COMMITTEE:
Waterfront

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to discharges in certain designated bodies of water.

SPONSOR: Nelson, Brewer, Eugene, Fidler, James, Lander, Seabrook, Williams, Gonzalez, Koo, Vallone, Dickens, Vann, Lappin, Koslowitz, Rodriguez, Garodnick, Rivera, Koppell, Mark-Viverito, Greenfield, Vacca, Chin, Ulrich, and Halloran

SUMMARY OF LEGISLATION: This legislation would create a “no-discharge” of any vessel waste or sewage from any ship or steamer within the city of New York or adjacent to the city of New York within a distance of one thousand five hundred feet from shore.

Commercial vessels, carrying passengers for hire, or serving primarily as a residence that violate this bill would face a civil penalty of \$500 to \$1,000 for the first violation and \$1,500 to \$5,000 for each subsequent violation. Other vessels would face a civil penalty of not more than \$500 for the first violation and \$500 to \$1,000 for each subsequent violation. All penalties may be recovered in a civil action brought in the name of the Commissioner of Sanitation and Commissioner of Environmental Protection or before the Environmental Control Board.

EFFECTIVE DATE: This law would take effect 90 days after its date of enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2013

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: There would be no impact on City revenues resulting from the enactment of this legislation. The civil penalties collected are for deterrence, not to generate revenues.

IMPACT ON EXPENDITURES: There would be no impact on City expenditures resulting from the enactment of this legislation. The Department of Sanitation and Department of Environmental Protection would use existing staff and resources to implement this legislation.

SOURCE OF INFORMATION: New York City Finance Division
Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: Ralph P. Hernandez, Principal Legislative Financial Analyst
Nathan Toth, Deputy Director

HISTORY: The legislation was introduced as Intro.740 by Council and referred to the Waterfront Committee on December 19, 2011. A hearing was held by the Committee and the legislation was laid over by the Committee on January 26, 2012. The Committee will vote on this legislation as Proposed Intro. 740-A on June 12, 2012.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 740-A:)

Int. No. 740-A

By Council Members Nelson, Brewer, Eugene, Fidler, James, Lander, Seabrook, Williams, Gonzalez, Koo, Vallone Jr., Dickens, Vann, Lappin, Koslowitz, Rodriguez, Garodnick, Rivera, Koppell, Mark-Viverito, Greenfield, Vacca, Chin, Arroyo, Dromm, Barron, Gennaro, Jackson, Ulrich, and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to discharges in certain designated bodies of water.

Be it enacted by the Council as follows:

Section 1. Section 22-101 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. “No-discharge zone” shall mean those bodies of water designated as vessel waste no-discharge zones pursuant to subdivision one of section thirty-three-e of the New York state navigation law.

§ 2. Section 22-112 of the administrative code of the city of New York, as amended by local law number 4 for the year 2010, is amended to read as follows:

§ 22-112 Navigable waters; fouling; obstructing. a. It shall be unlawful: 1. To place, discharge or deposit, by any process or in any manner, offal, piles, lumber, timber, driftwood, dirt, ashes, cinders, mud, sand, dredging, sludge, acid, or any other refuse matters floatable or otherwise in the port of New York, except under the supervision of the United States supervisor of the harbor, provided, however, that it shall not be a violation of this section to feed fish or waterfowl in the port of New York.

2. To discharge, or cause or permit to be discharged, into the port of New York, from any ship, steamer or other vessel, any oil, oil refuse, or other inflammable matter.

3. To discharge, or cause or permit to be discharged, any vessel waste from any ship, steamer, or other vessel into the waters of any no-discharge zone within the city of New York, or adjacent to the city of New York within a distance of one thousand five hundred feet from shore. For the purposes of this section, “vessel waste” shall mean sewage, whether treated or untreated, from marine toilets.

b. Any person violating [any provision of this section] paragraph one or two of subdivision a of this section shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not more than two hundred fifty dollars nor less than five dollars, or imprisonment for not more than six months nor less than ten days, one-half of such fine to be paid to the person giving information which shall lead to the conviction of the offender.

c. Any person violating [any provision of this section] paragraph one or two of subdivision a of this section, which is not concurrently a violation of section 16-119 of this code, shall be liable for a civil penalty of not less than one thousand five hundred dollars nor more than ten thousand dollars for [the] a first violation, and not less than five thousand dollars nor more than twenty thousand dollars for each subsequent violation of either paragraph. Such penalties may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board.

d. The owner or operator of a ship, steamer, or vessel operating for commercial purposes, carrying passengers for hire, or serving primarily as a residence that violates paragraph three of subdivision a of this section shall be liable for a civil penalty of not less than five hundred dollars nor more than one thousand dollars for a first violation, and not less than one thousand five hundred dollars nor more than five thousand dollars for each subsequent violation. The owner or operator of any other vessel that violates paragraph three of subdivision a of this section shall be liable for a civil penalty of not more than five hundred dollars for a first violation, and not less than five hundred dollars nor more than one thousand dollars for each subsequent violation. All penalties set forth in this subdivision may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board.

e. The provisions of this section may also be enforced by the commissioner of sanitation and the commissioner of environmental protection.

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

MICHAEL C. NELSON Chairperson; GALE A. BREWER, PETER F. VALLONE JR., ERIC A. ULRICH; Committee on Waterfronts, June 12, 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

<u>Name</u>	<u>Address</u>	<u>District #</u>
Bessie Schachter	135 East 61 st Street #4C New York, N.Y. 10065	4
Christopher R. Giattino	312 East 119 th Street #1 New York, N.Y. 10035	8
Matthew R. Bitz	107 West 126 th Street #3 New York, N.Y. 10027	9
Monique Woods	3225 Parkside Place#4F Bronx, N.Y. 10467	11
Seth Urbinder	222-15 41 st Road Queens, N.Y. 11361	19
Philip Mok	42-15 156 th Street Queens, N.Y. 11355	20
Anne B. Cody	252-82 63 rd Avenue Little Neck, N.Y. 11362	23
Pratibha R. Prabhu	31-20 78 th Street East Elmhurst, N.Y. 11370	25
Anna Aulova	84-37 125 th Street Queens, N.Y. 11415	29
Antonio Miguel Frazier	770 Fulton Street #6K Brooklyn, N.Y. 11238	35
Joshua Goodman	679 Classon Avenue #3R Brooklyn, N.Y. 11238	35
Helena Therezo	705 Bristol Street Brooklyn, N.Y. 11236	42
Carletta Washington	410 Chester Street #B Brooklyn, N.Y. 11212	42

Approved New Applicants and Reapplicants

<u>Name</u>	<u>Address</u>	<u>District #</u>
Beverly Dubrino	457 FDR Drive #A702 New York, N.Y. 10002	1
Jean Perone	530 Grand Street Bldg. E #1A New York, N.Y. 10002	1
Antonia Diaz	344 East 28 th Street #14H New York, N.Y. 10016	2
Sharon Torres	310 East 70 th Street #2L New York, N.Y. 10021	5
Enrique Benitez	315 East 106 th Street #6C New York, N.Y. 10029	8
Barbara J. Hollins	2289 5 th Avenue #12T New York, N.Y. 10037	9
Paul Hunter	50 West 132 nd Street #5A New York, N.Y. 10037	9
Orquidea Rivera	3530 Rochambeau Avenue #1K Bronx, N.Y. 10467	11
Thelma J. Brown	140 Erdman Place #10D	12

Marsha Henry	Bronx, N.Y. 10475 120 Erskine Place #22B Bronx, N.Y. 10475	12
Alice Wainstein	2160 Matthews Avenue #5X Bronx, N.Y. 10462	13
Carmen Velez	856 East 175 th Street #1 Bronx, N.Y. 10460	15
Jocelyn Tesson	14-29 154 th Street Queens, N.Y. 11357	19
Chrissy Voskerichian	40-25 171 st Street Flushing, N.Y. 11358	19
George Filippidis	47-02 111 th Street Queens, N.Y. 11368	21
Luis E. Castro	91-06 220 th Street Queens Village, N.Y. 11428	23
Harold Finkelstein	70-05 Kissena Blvd #1C Queens, N.Y. 11367	24
Catherine Weathers	188-01 Liberty Avenue Queens, N.Y. 11412	27
Harjinder Singh Duggal	94-27 Lefferts Blvd Richmond Hill, N.Y. 11419	28
Zobida Ramnanan	127-06 109 th Avenue South Ozone Park, N.Y. 11420	28
Bessie G. Debetham	134-14 230 th Street Queens, N.Y. 11413	31
Hattie Jackman	179-38 134 th Avenue Jamaica, N.Y. 11434	31
Sandra Diodonet	190 Beach 99 th Street Rockaway Park, N.Y. 11694	32
Anke M. Long	6 Beach 219 th Street Breezy Point, N.Y. 11697	32
Donna Marie Bruno	245 Bond Street Brooklyn, N.Y. 11217	33
Johanna Gonzalez-Batista	115 Butler Street #2 Brooklyn, N.Y. 11231	33
Herbert Williams	210 Clinton Avenue #1G Brooklyn, N.Y. 11205	35
Daisy Perez	197 Coverta Street #A Brooklyn, N.Y. 11207	37
Herbert Marshel	570 Westminster Road #F8 Brooklyn, N.Y. 11230	40
Indira D. Bruce	1603 Prospect Place #2A Brooklyn, N.Y. 11233	41
Loraine Hopkinson	1880 Strauss Street Brooklyn, N.Y. 11212	41
Yvonne Reeder-Anderson	2151 Pacific Street Brooklyn, N.Y. 11233	41
Yvette M. Simmons	481 Decatur Street Brooklyn, N.Y. 11233	42
Walter H. Campbell	1381 Linden Blvd #9K Brooklyn, N.Y. 11212	42
Debra Davis	539 Schroeders Avenue Brooklyn, N.Y. 11239	42
Wendt Remy	786 Schenck Avenue Brooklyn, N.Y. 11207	43
Martin R. Hirschhorn	8417 5 th Avenue #2 Brooklyn, N.Y. 11209	43
Dennis J. Sedita	95 76 th Street Brooklyn, N.Y. 11209	45
Shelly-Ann O. Wilkinson	855 East 39 th Street Brooklyn, N.Y. 11210	46
Dorothy Goldberg	1274 East 72 nd Street Brooklyn, N.Y. 11234	46
Deborah L. Stephens	8723 Avenue L Brooklyn, N.Y. 11236	46
Joseph Totillo	15 Georgetown Lane Brooklyn, N.Y. 11234	48
Valieriy Tolstenyuk	1614 Avenue M #2 Brooklyn, N.Y. 11230	49
Yvette Berry	142 Brabant Street #2B Staten Island, N.Y. 10303	49
Diane E. Kent	67 Pendleton Place Staten Island, N.Y. 10301	49
Denise Price	188 Constant Avenue Staten Island, N.Y. 10314	49
Lena Borelli	242 Sand Lane Staten Island, N.Y. 10305	50
Anselmo Genovese	131 Ridge Avenue Staten Island, N.Y. 10304	50

Angela M. Scott	9 Shepard Avenue Staten Island, N.Y. 10314	50
Pofong Yu	8874 19 th Avenue Brooklyn, N.Y. 11214	50
Karen Lyon	120 Surfside Plaza Staten Island, N.Y. 10307	51
Ann Marie Profilio	174 McArthur Avenue Staten Island, N.Y. 10312	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 819 --	Banking Commission Recommendations - Fiscal Year 2013.
(2)	M 824--	“AN ACT to authorize the city of New York to alienate a parcel of land in the borough of Queens to the New York city housing authority on the condition that the parcel remains used for open space and recreational purposes”. S.7517, A.10622 (Home Rule item introduced by the Mayor)
(3)	M 825 --	“AN ACT authorizing and validating the alienation of certain parkland known as Empire Fulton Ferry state park in accordance with letters patent dated July 8, 2010 from the office of general services to the Brooklyn Bridge Park Development Corporation and master ground lease agreement dated as of July 29, 2010 for a term of 99 years to the Brooklyn Bridge Park Corporation providing for the use of such land as a part of the Brooklyn Bridge Park Civic and Land Use Improving Project”. S.7617, A.10586 (Home Rule item introduced by the Mayor)
(4)	Int 688-A -	Verification of data for certain exemptions administered by the Department of Finance.
(5)	Int 725-A --	Using a vehicle licensed by the taxi and limousine commission to facilitate sex trafficking.
(6)	Int 735-A --	Increasing the penalties for illegally operating vehicles for hire.
(7)	Int 740-A --	Discharges in certain designated bodies of water.
(8)	Int 877 --	Collection of the commercial motor vehicle tax for medallion taxicabs.
(9)	Res 1374 --	To establish that the interest rate be 9% per annum for Fiscal Year 2013 for non-payment of taxes on 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 cooperative apartments.
(10)	Res 1375 --	To establish that the interest rate be 18% per annum for Fiscal Year 2013 for non-payment of taxes on properties with an assessed value of over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.
(11)	Res 1376 --	To establish that the interest rate to be charged for Fiscal Year 2013 for non-payment of water rents and sewer rents be 9% per annum for real property where the assessed value is 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 cooperative apartments.

- (12) **Res 1377 --** To establish that the interest rate to be charged for Fiscal Year 2013 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over two hundred fifty thousand dollars \$250,000 per residential unit for cooperative apartments.
- (13) **Res 1378 --** To establish that the discount percentage for early payment of real estate taxes be set at one percent (1.0%) per annum for Fiscal Year 2013
- (14) **SLR 17 --** **S.5574-A, and A.8198-A**, in relation to enactment of the “safe streets security camera registry act. (**Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage**)
- (15) **SLR 18 --** **S.7640-A, A.10621**, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2013. (**Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage**)
- (16) **SLR 19 --** **S.6793-A, A.10258-A**, In relation to the docketing of adjudications of violations of laws enforced by the New York city department of consumer affairs. (**Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage**)
- (17) **L.U. 564 & Res 1382 --** App. **20125330 HAX**, 1664, 1694, and 1702 Davidson Avenue, Council District no. 16, Borough of The Bronx.
- (18) **L.U. 565 & Res 1383 --** App. **20125331 HAK**, 62 Troutman Street, 11 Dodworth Street, 1132 DeKalb Avenue, 84 Stanhope Street, 1175 Greene Avenue, 103 Bleeker Street, 207, 205, 203 Palmetto Street, Council District no. 34, Borough of Brooklyn.
- (19) **L.U. 613 & Res 1384 --** App. **C 110077 ZMR**, amendment of the Zoning Map, Section No. 33c. Council District 51.
- (20) **L.U. 614 & Res 1385 --** App. **C 110078 ZRR**, concerning the Special South Richmond Development District (Article X, Chapter7), Appendix A, relating to the modification of the arterial setback plan. Council District 51.
- (21) **L.U. 615 & Res 1386 --** App. **20125425 TCM**, 103 Greenwich Avenue, Borough of Manhattan, Council District 3.
- (22) **L.U. 616 & Res 1387 --** App. **20115529 TCM**, 235 West 12th Street, Borough of Manhattan, Council District 3.
- (23) **L.U. 626 & Res 1388 --** App. **20125695 HAM**, 315 East 103rd Street and 330 East 104th Street Community Board 11, Council District no. 8, Borough of Manhattan.
- (24) **L.U. 628 & Res 1389 --** App. **20125697 HAX**, 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.
- (25) **Resolution approving various persons Commissioners of Deeds.**

The President Pro Tempore (Council Member Dickens) 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, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 49.

(Council Member Mendez marked Present but Not Voting for the General Order 49-0-0 vote and for all the individual votes listed below*)

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

The following was the vote recorded for **M-824**:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Ulrich, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 48.

Abstention – Vallone, Jr. – 1.

The following was the vote recorded for **M-825**:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Ulrich, Vacca, Van Bramer, Vann, Vallone, Jr., Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 48.

Negative – Foster. – 1.

The following was the vote recorded for **Int No. 735-A**:

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

Negative – Barron, Koppell, and Williams – 3.

The following was the vote recorded for **Res Nos. 1374, 1375, 1376, 1377, and 1378**:

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 48.

Negative – Barron – 1.

The following was the vote recorded for **SLR No. 18**:

Affirmative – Arroyo, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn) – 42.

Negative – Cabrera, Halloran, Ignizio, Oddo, Ulrich, Vacca, and Vallone, Jr. – 7.

* Please see the Editor's Note re: revised Attendance for this Stated Council Meeting held on June 13, 2012 printed after the Roll Call for Attendance in these June 13, 2012 Minutes.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 688-A, 725-A, 735-A, 740-A, and 877.

Home Rule Message Requests for the State bills referred to, respectively, in M Nos. 824 and 825 and SLRs Nos. 17, 18, and 19 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. 986-A

Report of the Committee on Public Safety in favor of approving, as amended, a Resolution supporting the Governor's proposal to amend the Penal Law to make possession of a small quantity of marihuana in public view a violation, applauding the Speaker of the Assembly for his support of the proposal, and calling upon the New York Senate to pass legislation enacting the same.

The Committee on Public Safety, to which the annexed amended resolution was referred on August 17, 2011, respectfully

REPORTS:

INTRODUCTION

On June 12, 2012, the Committee on Public Safety, chaired by Council Member Peter Vallone Jr., will hold a public hearing on Proposed Resolution 986-A. The resolution supports Governor Cuomo's proposal to amend the Penal Law to make possession of a small quantity of marihuana in public view a violation. It also applauds the Speaker of the Assembly for supporting the proposal and calls upon the New York Senate to pass legislation enacting the proposal.

The Committees have invited representatives of the Administration and New York City District Attorneys offices, defense attorneys, drug policy experts, and other concerned community members to testify.

BACKGROUND

The resolution to be heard at today's committee hearing supports proposed changes to the New York penal law regarding the possession of small quantities of marihuana. Under current law mere possession of small quantities of marihuana is not a crime; it is a violation.¹ It only becomes a crime when additional factors are present. One such factor is that the marihuana be possessed in a public place and be "open to public view," at which point what would otherwise be a violation becomes the crime of possession of marihuana in the fifth degree.² This crime is a

¹ NY Penal § 221.05. Without aggregating factors, this violation is punishable by a maximum fine of one hundred dollars. If the defendant has previously been convicted of a similar offense within the last three years, then he or she may be given a fine of up to two hundred dollars; if he or she has been convicted of two such offenses during the

last three years, then the penalty may be a fine of up to two hundred fifty dollars and/or up to fifteen days in prison. "Small quantities" is an amount up to and including twenty-five grams.

²NY Penal § 221.10. The other factors that lead possession of marihuana to be criminal possession in the fifth degree are that the marihuana be burning in a public place or that a person possesses one or more "preparations, compounds, mixtures or substances" containing marihuana and of an aggregate weight of more than twenty-five grams.

class B misdemeanor, punishable by up to three months in jail and/or a fine of up to five hundred dollars.¹

In recent years, arrests for misdemeanor marihuana possession in New York City have increased dramatically, averaging about 50,000 per year.⁴ In fact, more people were arrested for marihuana possession in 2010 than were arrested during the entire 19 year period from 1978 to 1996.⁵ The vast majority of these arrests affect

black and latino youth. Eighty percent of low-level marijuana arrests over the past several years have been of blacks or latinos, over half of whom have been under the age of 25.⁶ There are additional harms to such arrests in addition to the penalty of the arrest and the accompanying punishment.

Depending on an individual's situation, it is possible for such an arrest to affect his or her job, housing, and family. Although it is illegal to exclude individuals from jobs based *solely* on arrest or conviction, it may nevertheless affect an individual's chance of employment to have such information on one's record as employers may have an easier time narrowing a field of applicants based on this information.⁷ For young people just starting their working lives, such an arrest could serve as an even greater setback in a job search as they will not have past employment experience or references to rely upon. Additionally, people convicted of some misdemeanors cannot apply for public housing for three years, and those convicted of violations will not be eligible for two years.⁸ Finally, some parents have found themselves the subject of

¹NY Penal 70.15.R0.05.

See Thomas Kaplan, "Bloomberg Backs Plan to Limit Arrests for Marijuana," *The New York Times* (June 4, 2012) and Alisa Chang, "Alleged Illegal Searches by NYPD May be Increasing Marijuana Arrests," *WNYC* (April 26, 2011).

⁵ Alice Speri, "2010 Marijuana Arrests Top 1978-1996 Total," *The New York Times* (February 11, 2011).

⁶ Sean Gardiner, "Pot Arrests Drop Over 25% Across the City," *The Wall Street Journal* (June 6, 2012).

⁷ Brent Staples, "The Human Cost of 'Zero Tolerance,'" *The New York Times* (April 28, 2012).

(Explaining the difficulties that arrests for low level marijuana usage can lead do, stating that even when a case is dismissed there are times when errors result in criminal records, and commenting that "sealing," a criminal record is also no guarantee that the information contained therein will never be used as background-screening companies sometimes obtain data at the time of an arrest and may not necessarily update it to reflect dismissals or to delete a record that has been sealed. These records then are passed on to private employers who may discard applications flagged with this information.)

⁸ *Id.*

neglect accusations in family court following an arrest for marijuana, even without having been charged with a crime.⁹

Complicating the situation are allegations that many of the misdemeanor marijuana arrests stem from illegal searches.¹⁰ In the spring of 2011, WNYC ran several reports profiling multiple individuals who claimed that they were arrested for having small amounts of marijuana in open view when it was in fact only revealed to public view because a police officer either removed it from their person, or ordered them to empty their pockets.¹¹ Once arrested, individuals rarely fight such charges as proving their case is difficult.¹² Following these reports, Commissioner Kelly of the New York City Police Department (NYPD) issued an operations order instructing police officers that criminal possession of marihuana should "not be charged to an individual who is requested or compelled to engage in the behavior that results in the public display of marihuana."¹³ Although arrests for misdemeanor marihuana possession dropped following this order, they remain high and are on track to exceed 40,000 for this year.¹⁴

In addition to the apparent inequalities of misdemeanor marihuana arrests, the high number of arrests results in great expense for New York City both in terms of resources expended and actual dollars. One report has estimated that the city spent at least \$75 million on misdemeanor marihuana arrests in 2010.¹⁵ Eliminating these arrests could save the city money and allow police officers, judges and district attorneys to re-direct their energies towards dangerous criminal activity.

⁹ *Id.*

Alisa Chang, "Alleged. Illegal Searches by NYPD May be Increasing Marijuana Arrests," *WNYC* (April 26, 2011) and "Alleged Illegal Searches by NYPD Rarely Challenged in Marijuana Cases," *WNYC* (April 27, 2011).

¹¹ *Id.*

¹² Alisa Chang, "Alleged Illegal Searches by NYPD Rarely Challenged in Marijuana Cases," *WNYC* (April 27, 2011).

¹³ NYPD Operations Order No. 49, "Charging standards for possession of marihuana in a public place open to public view," issued September 19, 2011. The order provides that commanding officers should ensure the contents of the order are brought to the attention of the members of their commands. The order is available at Appendix A of this report.

¹⁴ Sean Gardiner, "Pot Arrests Drop Over 25% Across the City," *The Wall Street Journal* (June 6, 2012).

¹⁵ Andy Newman, "Marijuana Arrests Rose in 2011, Despite Police Directive," *The New York Times* (Feb. 1, 2012).

On June 4, 2012, Governor Cuomo called for the penal law to be changed so that possession of small amounts of marihuana would be a violation even if possessed in public view.¹⁶ Governor Cuomo stated that this would bring "fairness and consistency" to the law.¹⁷ Supporters of the change include, among others, Mayor Bloomberg, NYPD Commissioner Kelly, State Assembly Speaker Silver, and all five District Attorneys in New York City.¹⁸ The resolution to be discussed today explains the current problems with the law, applauds Assembly Speaker Silver for his support of the proposed changes, and urges passage of the changes called for by Governor Cuomo.

II. CONCLUSION

The Committee looks forward to having a robust discussion on Proposed Resolution 986-A. It is the committee's hope that the legislation supported by the

resolution will lead to consistency in the application of the law surrounding marihuana possession and will result in a fair application of the law for all New Yorkers.

¹⁵ See Press Release, "Governor Cuomo Announces Legislation to Bring Consistency and Fairness to the State's

Penal Law and Save Thousands of New Yorkers from Unnecessary Misdemeanor Charges," available at <http://www.governor.ny.gov/press/060412legislation>. Under the proposed changes it would remain a misdemeanor

to burn marihuana or to possess more than twenty-five grams of it.

¹⁷ *Id.*

Appendix A



OPERATIONS ORDER

SUBJECT: CHARGING STANDARDS FOR POSSESSION OF MARIHUANA IN A PUBLIC PLACE OPEN TO PUBLIC VIEW	
DATE ISSUED:	NUMBER:
09-19-11	49

1. Questions have been raised about the processing of certain marihuana arrests. At issue is whether the circumstances under which uniformed members of the service recover small amounts of marihuana (less than 25 grams) from subjects in a public place support the charge of Criminal Possession of Marihuana in the Fifth Degree Penal Law section 221.10 (1) (CPM 5th).

2. The specific circumstances in question include occasions when the officers recover marihuana pursuant to a search of the subject's person or upon direction of the subject to surrender the contents of his/her pockets or other closed container. A crime will not be charged to an individual who is requested or compelled to engage in the behavior that results in the public display of marihuana. Such circumstances may constitute a violation of Penal Law section 221.05 - Unlawful Possession of Marihuana, a violation *not* Penal Law section 221.10 (1) - Criminal Possession of Marihuana in the 5th degree, a class B misdemeanor.

3. To support a charge of PL 221.10 (1) the public display of marihuana must be an activity undertaken of the subject's own volition. Thus, uniformed members of the service lawfully exercising their police powers during a stop *may not* charge the individual with PL 221.10(1) CPM 5th if the marihuana recovered was disclosed to public view at an officer's direction.

4. In such situations, uniformed members of the service must charge the violation, Unlawful Possession of Marihuana (UPM), Penal Law section 221.05. Unlawful Possession of Marihuana is a non-fingerprintable offense and is punishable by a fine. As a general matter, the defendant is entitled to a criminal court summons for the violation Unlawful Possession of Marihuana. Alternately, *Patrol Guide 208-27, "Desk Appearance-General Procedure"* (see *NOTE* at the top of page "6"), provides for the defendant to be released when \$100 pre-arraignment bail is posted under certain circumstances. Finally, a field test on the recovered substance must be conducted pursuant to *Patrol Guide 218-08, "Field Testing of Marijuana by Selected Uniformed Members of the Service Within the Patrol Services and Housing Bureaus."*

5. Where there is uncertainty regarding what provision of Penal Law Article 221 Offenses Involving Marihuana to charge, members of the service are directed to contact the Legal Bureau.

6. Commanding officers will ensure a sufficient supply of marihuana field test kits are available at their commands. Additionally, commanding officers will ensure and sufficient personnel are trained and available on all tours to conduct marihuana field tests and prepare the relevant reports.

7. Commanding officers will ensure that the contents of this Order are brought to the attention of members of their commands.

BY DIRECTION OF THE POLICE COMMISSIONER

DISTRIBUTION
All Commands

1 of 1

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 986-A:)

Res. No. 986-A

Resolution supporting the Governor's proposal to amend the Penal Law to make possession of a small quantity of marihuana in public view a violation, applauding the Speaker of the Assembly for his support of the proposal, and calling upon the New York Senate to pass legislation enacting the same.

By Council Members Mark-Viverito, Koppell, Williams, Brewer, Dromm, Lander, Mendez, Vann, Jackson, Chin, Rose, Palma, James, Rodriguez, Comrie, Seabrook, Koslowitz, Barron, Sanders, Levin, Gonzalez, Foster, Dickens, Arroyo, Wills, Ferreras, Lappin, Van Bramer, Garodnick and Gennaro.

Whereas, New York State has historically taken an active role in passing sensible marihuana laws; for example, the New York State Legislature reformed the State's marihuana laws by passing the Marihuana Reform Act of 1977 ("The Act"); and

Whereas, The Act removed marihuana, other than "concentrated cannabis," from the controlled substances crimes covered by article 220 of the New York State Penal Law and created separate articles defining offenses relating to the sale and possession of marihuana; and

Whereas, Additionally, the Act created the offense of "criminal possession of marihuana in the fifth degree," a class B misdemeanor, which can be charged when an individual knowingly and unlawfully possesses either (i) an aggregate weight of more than 25 grams of marihuana, or (ii) any quantity of marihuana if the possession is in a public place and such marihuana is burning or open to public view; and

Whereas, The Act created that class B misdemeanor in order to reduce the penalty for possession and sale of marihuana; the Legislature also "decriminalized" the possession of a small amount of marihuana, defined as 25 grams or less, by creating the offense of "unlawful possession of marihuana," which is a violation, not a crime, and carries a fine of no more than one hundred dollars; and

Whereas, In creating the violation of unlawful possession of marihuana, the Legislature expressed its intent by stating that "the purpose of this act is to insure that the many people in New York who commit the conduct which this act makes a violation not be subjected to unduly harsh sanctions"; and

Whereas, On September 19, 2011, Police Commissioner Ray Kelly issued an order to clarify that the department's policy is to charge individuals with a violation, and not a misdemeanor, for small amounts of marihuana that come into view during a search; and

Whereas, According to the Wall Street Journal, although marihuana arrests have dropped 25% since the issuance of the police commissioner's directive, many New Yorkers continue to be arrested for marihuana possession; and

Whereas, According to a report released by the New York State Division of Criminal Justice Services, in 2010, 50,383 individuals were arrested in New York City for a class B misdemeanor marihuana possession, which averages to approximately 138 arrests per day; and

Whereas, African-Americans and Latinos account for nearly 86% of those arrested for marihuana possession while Caucasians account for less than 11% of those arrested for marihuana possession; and

Whereas, The majority of individuals arrested for marihuana possession in New York City are younger than 30 years old; and

Whereas, A survey conducted by the U.S. Department of Health and Human Services shows that for 18 to 25 year olds, Caucasians use marihuana at higher rates than Blacks and Latinos; and

Whereas, Some of these arrests occur in the context of individuals being detained during a New York City Police Department ("NYPD") stop-and-frisk encounter; and

Whereas, Most of the stops-and-frisks conducted by the police occur in predominantly African-American and Latino communities; and

Whereas, When a marihuana possession arrest occurs, there a heavy personal toll for those arrested and their families including possible housing, employment, parental continuity, and educational consequences, which can have life-long ramifications; and

Whereas, There is also a fiscal impact associated with processing these arrests; in fact, New York City spends approximately between \$1,000 and \$2,000 for each arrest, amounting to approximately \$50 to \$100 million in 2010 for expenses relating to policing, adjudication and jail time; and

Whereas, In a time of limited resources, these taxpayer dollars could be better spent on much-needed human services and addressing more serious criminal activity in neighborhoods across New York City; and

Whereas, In order to further reform New York State's marihuana laws, on Monday, June 4, 2012, Governor Andrew Cuomo announced a proposal to amend the Penal Law in relation to possession of a small quantity of marihuana in public view; and

Whereas, Governor Cuomo's proposal would amend the definition of criminal possession of marihuana in the fifth degree and standardize penalties for possessing small amounts of marihuana by making it a violation to possess such marihuana not just in private, but in public view as well; and

Whereas, The proposal would retain all other current penalties for marihuana use; and

Whereas, Such current penalties include a penalty of a B misdemeanor for knowingly and unlawfully possessing an aggregate weight of more than 25 grams of marihuana or possessing marihuana while it is burning; and

Whereas, The supporters of Governor Cuomo's proposal include Assembly Speaker Sheldon Silver, New York City Mayor Michael Bloomberg, and NYPD Police Commissioner Ray Kelly; and

Whereas, The goal of Governor Cuomo's proposal is to amend the Penal Law in order to prevent those with small amounts of marihuana in public view from being arrested and obtaining a criminal record, which is particularly meaningful for African American and Latino New Yorkers who are often the subjects of police searches that lead to such arrests; and

Whereas, The New York State Senate should act swiftly and pass legislation putting Governor Cuomo's proposal into effect in order to end the practice that the New York State Legislatures said in the past, "needlessly scars thousands of lives...while detracting from the prosecution of serious crimes"; now, therefore, be it

Resolved, That the Council of the City of New York supports Governor Andrew Cuomo's proposal to amend the Penal Law to make possession of a small quantity of marihuana in public view a violation, applauds the Speaker of the Assembly for his support of the proposal, and calls upon the New York Senate to pass legislation enacting the same.

ERIK MARTIN DILAN, HELEN D. FOSTER, JAMES F. GENNARO, VINCENT J GENTILE, DANIELR. GARODNICK, DAVID G. GREENFIELD. Committee on Public Safety, June 12, 2012.

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

The following Council Members formally voted against this item: Council Members Cabrera, Ignizio, Ulrich, Oddo and Vacca.

The following Council Members formally abstained to vote on this item: Council Members Halloran and Vallone, Jr.

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 1330

Report of the Committee on Education in favor of approving a 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.

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

REPORTS:

On Wednesday June 13, 2012, the City Council's Committee on Education, chaired by Council Member Robert Jackson, will consider Resolution No. 1330. A copy of the Resolution is attached.

Background

Early childhood education has a lasting impact on children's academic and social outcomes. Research has shown that children who receive early educational interventions are more likely to graduate from high school, find a job, and stay out of jail or detention centers. Early childhood education also makes economic sense: the return on investment for early education programs is 12%.

Currently, in New York State, kindergarten is not mandatory. In the past five years, there are, on average, 7% more children who attend first grade than kindergarten at New York City public schools. This means that annually, approximately 2500 children are not attending kindergarten and getting the early start on education that is so critical in New York City. Districts with the largest difference in enrollment tend to be mostly Black and Latino and have over 75% of students eligible for free and reduced lunch; many have high percentages of English language learners. Community based organizations report that some of the City's most vulnerable children – including English language learners, children with special needs, and foster children – are sometimes told that five-year-olds are not required to go to school and are turned away. This indicates that some of the city's neediest children may not be getting the early start they need for success.

Resolution No. 1330

Resolution No. 1330 would point out that early childhood education can have a lasting impact on children's academic and social outcomes.

The Resolution would also note that, research in neuroscience has shown the importance of the early childhood years in human development.

Resolution No. 1330 would acknowledge that quality early childhood education helps prepare young children to succeed in school and become better citizens as adults: they earn more, pay more taxes, and commit fewer crimes.

Resolution No. 1330 would indicate that early childhood education has been shown to reduce the need for remediation and special education, as well as grade repetition and dropouts. Further, the Resolution would note that early childhood education also makes economic sense, as economist's project that every dollar invested in quality early care and education saves taxpayers up to \$13.00 in future costs.

Resolution No. 1330 would point out that kindergarten is a critical part of early education, setting the stage for success in school and in life. The Resolution would also note that, while kindergarten has been shown to provide positive benefits, not every child has the opportunity to access those benefits.

Resolution No. 1330 would point out that currently, in New York State, kindergarten is not mandatory.

Resolution No. 1330 would note that the State Education Law mandates that a child begin his or her education at six years of age. The Resolution, however, would also note that state law also permits the City of Syracuse to require full day kindergarten at age five for its residents, and the City of New York has no such authorization.

Resolution No. 1330 would point out that in the past five years, there are, on average, 7% more children who attend first grade than kindergarten at New York City public schools, meaning that annually, over 2,500 children are not attending kindergarten and getting an early start on education that is so critical.

Resolution No. 1330 would also point out that districts with the largest difference in kindergarten enrollment tend to be mostly Black and Latino and have over 75% of students eligible for free and reduced lunch and many have high percentages of English language learners, indicating that some of the city's neediest children may not be getting the early start they need for success.

Resolution No. 1330 would also point out that community based organizations report that parents and guardians of some of the City's most vulnerable children, including English language learners, children with special needs, and foster children, are told that 5 year olds are not required to go to school and are turned away from kindergarten enrollment. Resolution No. 1330 would acknowledge that, requiring that all 5 year olds in New York City attend kindergarten would ensure that more young children in New York City would reap the benefits of early childhood education.

Resolution No. 1330 would note that, A.9861, introduced by Assembly Education Committee Chair Cathy Nolan, and S.7015, introduced by Senate Education Committee Chair John Flanagan would authorize the school district of the City of New York to require children five years of age to attend kindergarten.

Finally, Resolution No. 1330 would state that the Council of the City of New York calls upon 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.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1330:)

Res. No. 1330

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.

By Council Members Levin, Brewer, Chin, Comrie, Eugene, Fidler, Garodnick, Jackson, James, Koo, Koppell, Lander, Lappin, Mendez, Recchia, Rose, Sanders, Seabrook, Vann, Williams, Wills, Koslowitz, Rodriguez, Arroyo, Dromm, Barron and Gennaro.

Whereas, Early childhood education can have a lasting impact on children's academic and social outcomes; and

Whereas, Research in neuroscience has shown the importance of the early childhood years in human development; and

Whereas, Quality early childhood education helps prepare young children to succeed in school and become better citizens as adults: they earn more, pay more taxes, and commit fewer crimes; and

Whereas, Early childhood education has been shown to reduce the need for remediation and special education, as well as grade repetition and dropouts; and

Whereas, Early childhood education also makes economic sense, as economists project that every dollar invested in quality early care and education saves taxpayers up to \$13 in future costs; and

Whereas, Kindergarten is a critical part of early education, setting the stage for success in school and in life; and

Whereas, While kindergarten has been shown to provide positive benefits, not every child has the opportunity to access those benefits; and

Whereas, Currently, in New York State, kindergarten is not mandatory; and

Whereas, The State Education Law mandates that a child begin his or her education at six years of age; and

Whereas, However, state law also permits the City of Syracuse to require full day kindergarten at age five for its residents, and the City of New York has no such authorization; and

Whereas, In the past five years, there are, on average, 7% more children who attend first grade than kindergarten at New York City public schools, meaning that annually, over 2,500 children are not attending kindergarten and getting an early start on education that is so critical; and

Whereas, Districts with the largest difference in kindergarten enrollment tend to be mostly Black and Latino and have over 75% of students eligible for free and reduced lunch and many have high percentages of English language learners, indicating that some of the city's neediest children may not be getting the early start they need for success; and

Whereas, Further, community based organizations report that parents and guardians of some of the City's most vulnerable children, including English language learners, children with special needs, and foster children, are told that 5 year olds are not required to go to school and are turned away from kindergarten enrollment; and

Whereas, Requiring that all 5 year olds in New York City attend kindergarten would ensure that more young children in New York City would reap the benefits of early childhood education; and

Whereas, A.9861, introduced by Assembly Education Committee Chair Cathy Nolan, and S.7015, introduced by Senate Education Committee Chair John Flanagan would authorize the school district of the City of New York to require children five years of age to attend kindergarten; 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 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.

ROBERT JACKSON, Chairperson; HELEN D. FOSTER, G. OLIVER KOPPELL, ALBERT VANN, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, FERNANDO CABRERA, MARGARET S. CHIN, DANIEL DROMM, KAREN KOSLOWITZ, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK S. WEPRIN, VINCENT M. IGNIZIO; Committee on Education, June 13, 2012.

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

The following Council Member formally abstained to vote on this item: Council Member Vallone, Jr.

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 1343

Report of the Committee on Governmental Operations in favor of approving a 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.

The Committee on Governmental Operations, to which the annexed resolution was referred on May 31, 2012 (Minutes, page 1762), respectfully

REPORTS:

I. Introduction

Today, the Committee on Governmental Operations (the "Committee"), chaired by Council Member Gale Brewer, will meet to vote on Res. No. 1343-2012 ("the 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.

The Committee previously held a hearing on the Resolution on June 11, 2012.

II. Background

Under current New York State Election Law, poll workers are required to conduct a canvass of ballots cast once their poll site is closed to voting.¹ This canvass is intended to both determine the integrity of the vote, as well as to provide an unofficial vote tally that is then distributed to the Associated Press for publication to the public. The procedure for how this canvass is to be undertaken is specified by State Election Law, and requires votes to be reported by election district – a requirement that is a relic from when the State used lever voting machines that counted votes for only a single election district.² In 2010, in accordance with the Federal Help America Vote Act of 2002, New York State switched to using electronic voting machines, which have additional features that allow votes to be counted more efficiently, and reduce the risk that there are inaccuracies as a result of human error. In New York City, many poll sites now employ numerous electronic ballot scanners that read ballots of voters from multiple election districts.

For the purpose of conducting the election night canvass and reporting unofficial results, the Board of Elections of the City of New York ("BOE"), which manages and oversees elections in New York City, interprets current law in such a way as to require poll workers to print out vote tallies for each ballot scanner, cut the printouts into sections by election district, tape the corresponding sections together for each election district, manually add up the votes for each office or ballot measure by election district, and manually record the totals onto a return of canvass form. These forms are then placed into sealed bags, and are delivered to police stationhouses, board of elections borough offices or other centralized locations to be transmitted to the press. This process is outdated, having been designed to comply with a law, substantial portions of which were written before the introduction of electronic voting machines. 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. In recent elections, this process has resulted in significant delays in posting unofficial election results.

The new electronic voting machines print out a tabulated results tape that indicates the total number of votes cast for each candidate on each ballot scanner. Simply using this results tape for the election night canvass would eliminate the need for poll workers to cut, paste, and recalculate the unofficial election results. The new machines also have the capability to upload the automatically tabulated election results to a portable memory device ("PMD") that is contained in each machine, which can then be transported to the central election sites for reporting by the press. Some New York counties, including neighboring Nassau County, have already started to take advantage of this feature for the purpose of reporting unofficial results.³

III. Prior Committee Hearings

On September 22nd, 2011, the Committee held an oversight hearing of the BOE's election operations during the 2011 primaries. One of the issues raised during the hearing was the long period of time that it took to report unofficial results, and the Committee urged the BOE to change its canvassing procedure so as to take advantage of the additional features of the electronic voting machines.⁴ Others have also called on the BOE to change its procedures, including the editorial boards of the New York Times and the Daily News.⁵

During the two most recent elections held since the 2011 primaries, the BOE conducted a pilot program in Queens, where it tested using the electronic voting machines to automatically tabulate election results and transmitted those

results via PMDs.⁶ Although there were logistical issues with the first run of the pilot program during the 2011 General Election, the second time the pilot program was employed during the 2012 Presidential Primary Election was successful. The BOE, however, believes it is hamstrung by State Election Law from doing away with its current procedure for tabulating the election night canvass by election district. In addition, the current requirement that PMDs be transported by NYPD along with other election materials presents financial and logistical hurdles to expanding the pilot program to all five boroughs for a citywide election.

IV. New York State Assembly Bill A.10175

The New York State Assembly is currently considering a bill sponsored by Assemblymember Brian Kavanagh (A.10175) which would modernize the canvassing procedure such that poll workers would be able 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. The bill would also enable the BOE to report unofficial results more quickly by allowing each ballot scanner's PMD with corresponding results tape to be transported separately from other materials, and by poll workers rather than NYPD, so that unofficial results can be transmitted to the news media prior to the completion of the return of canvass.

V. The Previous Hearing

The Committee previously held a hearing on the Resolution on June 11, 2012. At this hearing, the Committee received testimony in support of the Resolution from representatives of Assemblymember Brian Kavanagh, the Voter Assistance Advisory Committee (VAAC) and Campaign Finance Board (CFB), Citizens Union, and the New York Democratic Lawyers Council. The Committee also received testimony from the League of Women Voters of the City of New York.

¹ See N.Y. Elec. Law § 9-100.

² See N.Y. Elec. Law § 9-102.

³ See Briefing Paper, *Oversight: Evaluating the Board of Elections' Performance in the 2011 Primary Election*, September 22, 2011, Committee on Governmental Operations, Exhibit 2.

⁴ See Hearing Transcript, "Oversight: Evaluating the Board of Elections' Performance in the 2011 Primary Election." New York City Council Governmental Operations Committee, 9/22/2011; see also Hearing Transcript, "Fiscal Year 2013 Preliminary Budget Hearing," New York City Council Committee on Governmental Operations, March 29, 2012, at 82-91.

⁵ See Editorial, "An Absurd Vote Counting System." *New York Times*, 2/20/2012 and Editorial, "Spinning Wheels." *New York Daily News*, 2/20/2012.

⁶ See Hearing Transcript, "Fiscal Year 2013 Preliminary Budget Hearing," New York City Council Committee on Governmental Operations, March 29, 2012, at 82-91.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1343:)

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.

GALE A. BREWER, Chairperson; DOMENIC M. RECCHIA, Jr., PETER F. VALLONE, Jr.; Committee on Governmental Operations, June 12, 2012.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Dickens) called for a voice vote.

Hearing no objections, President Pro Tempore (Council Member Dickens) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote Res. No. 1346

Report of the Committee on Women's Issues in favor of approving a 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."

The Committee on Women's Issues, to which the annexed resolution was referred on May 31, 2012 (Minutes, page 1770), respectfully

REPORTS:

INTRODUCTION

On Tuesday June 12, 2012, the Women's Issues Committee, chaired by Council Member Julissa Ferreras, will consider Resolution No. 1346, which 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."

BACKGROUND

Trafficking in persons or "human trafficking" is a violent crime and a severe violation of human rights that devastates the lives of victims, often leaving them physically injured and suffering from acute psychological harm. Often referred to as modern-day slavery, human trafficking is defined under the United States Criminal Code as compelling or coercing a person's labor, services, or commercial sex acts.⁹ Human trafficking often takes the form of forced prostitution or sexual enslavement, otherwise known as sex trafficking. Federal law defines sex trafficking as the recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act is under 18 years of age.¹⁰

Sex trafficking victims are frequently kidnapped, confined, or otherwise isolated by their traffickers and coerced into prostitution through a combination of brute force and psychological manipulation, including trickery and deception, physical abuse, beatings, rape, gang rape, starvation, forced drug use, blackmail, emotional abuse, humiliation, brain washing and threats of death and/or violence to victims and/or victims' families.¹¹

While the total number of sexually trafficked persons living in the United States is unknown, New York is a known major hub for such activity, and approximately 4,000 children under the age of 18 are trafficked throughout New York City each year.¹² In addition, the average age of entry into prostitution in New

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⁹ United States Department of State, Fact Sheet; Distinctions Between Human Smuggling and Human Trafficking 2006 available at <http://www.state.gov/m/ds/hstcenter/90434.htm> last accessed June 7, 2012.

¹⁰ 22 USC § 7102; 8 CFR § 214.11(a).

¹¹ Heather J. Clawson and Nicole Dutch, Identifying Victims of Human Trafficking : Inherent Challenges and Promising Strategies from the Field, Study of HHS Programs Serving Human Trafficking Victims, January 2008, available at <http://aspe.hhs.gov/hsp/07/humantrafficking/IdentVict/ib.htm#Who> last accessed on June 5, 2012.

¹² Commercial Sexual Exploitation of Children in New York City, Executive Summary, available at <https://www.ncjrs.gov/pdffiles1/nij/grants/225082.pdf>, last accessed on June 5, 2012.

York City is between twelve and thirteen years.¹³ These high numbers helped spur the New York State legislature, in 2007, to enact comprehensive anti-trafficking legislation in order to identify victims and connect them with social services while prosecuting traffickers and patrons for their crimes.

However, since its enactment, it has become apparent that the law could be strengthened. As a result, A.9804/S.7212, also known as the Trafficking Victims Protection and Justice Act (TVPJA), was introduced in the New York State Legislature by Assembly Member Paulin and State Senator Saland. The TVPJA seeks to improve upon the existing law and clarify certain portions of the law as well as address inconsistencies, particularly in cases involving minors. Some significant changes that the TVPJA would make are described below.

For example, by amending New York's Penal and Criminal Procedure Laws to create a presumption that children charged with prostitution are trafficking victims, the TVPJA would eliminate the requirement that prosecutors prove coercion of underage victims, which in turn could help to facilitate convictions of those who traffic children. This change would align state law with federal law, which provides that persons under 18 years of age need not be coerced into prostitution in order to qualify as sex trafficking victims.

Furthermore, although children cannot legally consent to sex, under the current New York State Penal Law, an individual convicted of patronizing a minor for prostitution receives a lesser penalty than an individual convicted of statutorily raping a minor of the same age. To remedy this inconsistency and to recognize commercial sexual exploitation of children as a form of child rape and/or sexual abuse, the TVPJA would amend certain sections of the Penal Law to make penalties for patronizing underage persons for prostitution commensurate with penalties for statutory rape, per the victim's age and corresponding degree of the offense.

Because traffickers instill in their victims an abiding fear and mistrust of authorities, victims are especially reluctant to report their predicament to law enforcement.¹⁴ This fear and reluctance is not entirely misplaced; despite the policy shift underlying New York State's anti-trafficking law of 2007, in practice teenaged trafficking victims are still arraigned in criminal court and largely treated as criminal defendants rather than victims of a devastating human rights abuse. In order to remedy this problem, the TVPJA would amend New York's Criminal Procedure Laws so that the cases of youth under the age of 18 who are arrested for a prostitution offense or for loitering for the purposes of prostitution are removed from criminal court to Family Court. Furthermore, by upgrading sex trafficking from a Class B non-violent felony to a Class B violent felony, the TVPJA seeks to increase accountability for traffickers and treat sex trafficking as the violent crime that it is.

RESOLUTION NO. 1346

Resolution No. 1346 would note that 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. The Resolution would state that 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.

Resolution No. 1346 would indicate that 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. The Resolution would state that 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.

Resolution No. 1346 would state that 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. The Resolution would indicate that 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. The Resolution would note that 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.

The Resolution would state that 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. Resolution No. 1346 would point out that 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. The Resolution would state that A.9804/S.7212 would create a new section of the Penal Law that establishes sex trafficking as an affirmative defense to prostitution charges.

Resolution No. 1346 would indicate that 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 Class D to Class B felony. The Resolution would further indicate that 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

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¹³ Mia Spangenberg, *Prostituted Youth in New York City: An Overview*, ECPAT-USA (2001).

¹⁴ *Ibid.*

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.

The Resolution would note that 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. The Resolution would also note that A.9804/S.7212 would further amend the Penal Law by eliminating the term "prostitute" and replacing it with "person for prostitution."

Resolution No. 1346 would state that 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. The Resolution would note that 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 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 constitutes promoting prostitution in the third degree.

Resolution No. 1346 would note that 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. The Resolution would indicate that 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. Finally, Resolution No. 1346 would state 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".

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1346:)

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”.

JULISSA FERRERAS Chairperson; CHARLESBARRON, MARGARET S. CHIN, RUBEN WILLS; Committee on Women’s Issues, June 12, 2012.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Dickens) called for a voice vote.

Hearing no objections, President Pro Tempore (Council Member Dickens) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

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

Report for voice-vote Res. No. 1372

Report of the Committee on Civil Service and Labor in favor of approving a Resolution calling on the New York State Legislature to pass and the Governor to sign into law A.1652/S.1862, establishing the Farmworkers Fair Labor Practices Act.

The Committee on Civil Service and Labor, to which the annexed resolution was referred on June 13, 2012, respectfully

REPORTS:

INTRODUCTION:

On Tuesday, June 12, 2012, the Committee on Civil Service and Labor chaired by Council Member James Sanders, Jr., will hold a hearing on Preconsidered Res. No. ____, a resolution calling on the New York State Legislature to pass and the Governor to sign into law A.1652/S.1862, establishing the Farmworkers Fair Labor Practices Act. The Committee previously held a hearing regarding this resolution on June 11, 2012.

BACKGROUND:

Farmworkers in New York State work under some of the more difficult physical conditions of any profession. However, both Federal law and New York State law have excluded farmworkers from entitlement to basic worker rights that are enjoyed by most laborers in the state. Rights that have been denied to these workers include overtime pay, a guaranteed day of rest every week, the right to organize and collectively bargain, and the right to receive workers’ compensation if they are hurt on the job.

Currently pending in the State Legislature is A.1652/S.1862, sponsored by Assemblymember Catherine Nolan and Senator Adriano Espaillat, a bill to grant farmworkers basic rights taken for granted by many workers in New York. The bill provides for farmworkers to receive overtime, one twenty-four period of rest per week, the right to organize and collectively bargain, and the right to workers’ compensation if they are hurt in connection with their oftentimes dangerous farming related responsibilities.

Notably, in 2010, the New York Legislature passed, and the Governor signed into law the Domestic Workers’ Bill of Rights, which granted overtime pay and a day of rest of week to such workers, who, like farmworkers had been excluded from parity in employee rights with other workers in this state.

Preconsidered Res. No. :

This resolution would note that according to the New York Civil Liberties Union, there are approximately 80,000 to 100,000 farmworkers in the State of New York; and

The resolution would point out that farmworkers in New York State are not guaranteed under either Federal or New York State law, the right to a day of rest every week, overtime pay, to organize and bargain collectively, or workers’ compensation in case of injury on the job, amongst other rights that are guaranteed to most workers in New York; and

The resolution would indicate that the New York State Constitution states, “[e]mployees shall have the right to organize and to bargain collectively through representatives of their own choosing”; and

This resolution would further note that Federal and state labor laws specifically exclude farmworkers from having the right to organize and collectively bargain with their employers; and

The resolution would also point out that according to the U.S. Department of Labor’s Occupational Safety & Health Administration, agriculture is one of the most dangerous industries, and farmworkers are at high risk for fatal and nonfatal injuries, work-related lung diseases, noise-induced hearing loss, skin diseases, and certain cancers associated with chemical use and prolonged sun exposure; and

This resolution would further note that the New York Workers’ Compensation Law specifically excludes many farmworkers from its provisions; and

This resolution would also note that in 2010, the State Legislature passed and the Governor signed into law the Domestic Workers’ Bill of Rights, which granted overtime pay and a guaranteed day of rest, amongst other rights, to domestic workers, another group that has traditionally been excluded from having the same rights as other workers in this state; and

The resolution would further indicate that according to a study by Market Ventures Inc., residents of New York City have a strong preference for locally grown and made foods, with an estimated demand in 2005 for such products at \$860 million, while the actual supply for such products at the time was estimated to be under \$200 million; and

The resolution would also note that New York City residents purchase and consume countless fruits, vegetables and other products grown and produced by farms in New York State, including from thriving urban farms within New York City; and

This resolution would also state that A.1652/S.1862 was introduced in the New York State Legislature by Assemblymember Catherine Nolan and Senator Adriano Espaillat and would amend various state laws, including the Labor Law and Workers’ Compensation Law, to establish the Farmworkers Fair Labor Practices Act; and

Finally, the resolution would note that A.1652/S.1862 would provide farmworkers with basic rights that are guaranteed to most workers in the state, including a day of rest every week, overtime pay, the right to organize and bargain collectively, and workers’ compensation in case of injury on the job, amongst other rights; now, therefore, be it

Thus, the resolution would state that the Council has Resolved, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign into law A.1652/S.1862, establishing the Farmworkers Fair Labor Practices Act.

Accordingly, this Committee recommends its adoption.

(For text of the resolution, please see the Introduction and Reading of Bills section of these Minutes)

JAMES SANDERS, Jr., Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, DOMENIC M.RECCHIA, Jr., LARRY B. SEABROOK, MELISSA MARK-VIVERITO, ERIC A. ULRICH; Committee on Civil Service and Labor, June 12, 2012.

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

The following Council Members formally abstained to vote on this item:

Council Members Ignizio, Vallone, Jr., and Oddo.

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 Finance and had been favorably reported for adoption.

Report for voice-vote Res. No. 1379

Report of the Committee on Finance in favor of approving a Resolution calling upon the New York State Assembly to pass A.10352, and the Governor to sign such legislation into law, amending the tax law in relation to extending the authorization of New York City to provide a biotechnology credit against the general corporation tax, unincorporated business tax, and banking corporation tax of such city.

The Committee on Finance, to which the annexed resolution was referred on June 13, 2012, respectfully

REPORTS:

Background

With 9 world-class research institutions, 26 medical centers, 175 hospitals, and an unparalleled talent pool, New York City has a natural advantage in the bioscience industry. However, despite these advantages, New York City lags behind cities such as Boston and San Diego in the commercialization of new technologies.

In recent years, the City has worked to mitigate this weakness by enacting a biotechnology credit, which targets the first state of commercialization, where the discoveries of basic science are investigated for their commercial properties. The credit is part of a policy to create an industry with sufficient size and density such that it becomes a good place to make a career in biotech and to locate the kind of ancillary services that the industry needs.

The credit works in conjunction with the recent development of laboratory space at the East River Science Park, and BioBAT at the Brooklyn Army Terminal. These spaces, along with other facilities, provide approximately 2 million square feet of laboratory space in the City. The Credit complements the New York State Qualified Emerging Technology Companies Credit.

A taxpayer is entitled to a credit if the company: 1) is a qualified emerging technology company engaging in biotechnologies, 2) has no more than one hundred full-time employees, of which at least 75% are employed in the City, 3) has a ratio of research and development funds to net sales of at least 6%, 4) has gross revenues not exceeding \$20 million, including affiliates, and 5) has annual sales not exceeding \$10 million.

For tax year 2010, the City received 23 applications for \$2,050,565 in biotechnology credits. However, without further legislation, New York City's authorization to continue the biotech tax credit will expire on December 31, 2012.

Preconsidered Resolution

New York State Assembly Bill 10352 would amend the tax law to extend the authorization of New York City to provide the biotechnology credit against the general corporation tax, unincorporated business tax, and baking corporation tax. This resolution calls on the state legislature to pass, and the Governor to sign, this piece of legislation.

Accordingly, this Committee recommends its adoption.

(For text of the resolution, please see the Introduction and Reading of Bills section of these Minutes)

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, June 13, 2012.

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

Adopted unanimously by the Council by voice-vote.

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

Report for voice-vote Res. No. 1380

Report of the Committee on Finance in favor of approving a Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation which would authorize any city having a population of one million or more to provide an angel investor credit against the unincorporated business tax and personal income tax of such city for certain qualified emerging companies and medical technology companies.

The Committee on Finance, to which the annexed resolution was referred on June 13, 2012, respectfully

REPORTS:

Angel investors are affluent individuals who provide personal capital to start-up companies, often through a trust, fund, or business, and who are distinct from venture capitalists who invest other persons' capital. Angel investors are often critical for small start-ups seeking capital, because most venture capital funds are not interested in investments of less than \$1 million. In fact, the investments of angel investors in the United States account for almost as much in the aggregate as those of venture capitalists, while furnishing capital to twenty times as many businesses. Due to the large number of investments they make, angel investors can be a significant source of job growth over time. Recognizing this, over 20 states, including New Jersey, have some form of angel investor credit.

In 2010, healthcare/medical firms accounted for 30% of angel investments, and biotechnology firms comprised 15% of angel investments. There is currently no angel investment tax credit or other incentive program which specifically targets investment in the biotechnology and medical technology sectors in New York.

Such a credit would aid in the formation of promising firms by lowering their cost of capital from angel investors. An angel investor tax credit for biotechnology and medical technology would attract capital to a promising sector in the City and could be viewed as part of a long term effort to diversify the City's economy and create good, high-paying jobs, while complementing New York City's university and hospital-based research sectors. However, the enactment of an angel investor tax credit by New York City would require authorizing state legislation.

If passed, an angel investor tax credit would allow qualified investors to receive an angel investor tax credit against the unincorporated or city personal income tax, and would be 2% per qualified investment made during a taxable year and the next 4 years, up to \$20,000 per taxable year, and \$100,000 in the aggregate for all years taken. The aggregate amount of tax credits allowed would be up to \$3 million, allocated by the New York City department of finance among taxpayers in order of priority based upon the date of application.

This resolution calls for the New York State Legislature to introduce and pass, and the Governor to sign, legislation which would authorize any city having a population of one million or more to provide an angel investor credit against the unincorporated business tax and personal income tax of such city for certain qualified emerging companies and medical technology companies.

Accordingly, this Committee recommends its adoption.

(For text of the resolution, please see the Introduction and Reading of Bills section of these Minutes)

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, June 13, 2012.

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

Adopted unanimously by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 872

By Council Members Brewer, Gentile, James, Lander, Palma, Rose, Wills and Rodriguez.

A Local Law to amend the administrative code of the City of New York, in relation to information required to be provided upon the signing of a lease.

Be it enacted by the Council as follows:

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

§27-2009.2 *Required forms list. a. All leases offered by owners to tenants or prospective tenants must contain a rider, the content of which shall be determined by the department and made available on its website, with a list of notices that may be required to be provided to tenants or prospective tenants at the time of a lease offering. The rider must include, at a minimum, information related to when lead-based paint notices are required under section 27-2056.4 of this code, when bedbug infestation history notices are required under section 27-2018.1 of this code, and when window guard notices are required by the department of health. Such rider must be signed and dated by both the tenant or prospective tenant and the owner.*

b. Any owner who fails to provide a lease rider to a tenant or prospective tenant as set forth in subsection a of this section shall be liable for a civil penalty enforceable by the department of at least fifty dollars.

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

Referred to the Committee on Housing and Buildings.

Int. No. 873

By Council Members Cabrera, Gentile, Gonzalez, James, Palma, Rose, Wills, Rodriguez, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to traffic devices and signals.

Be it enacted by the Council as follows:

Section 1. Section 19-101 of subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended by adding new subdivisions i and j to read as follows:

i. "Traffic control device" shall mean any such device as defined in section 153 of the vehicle and traffic law.

j. "Traffic control signal" shall mean any such signal as defined in section 154 of the vehicle and traffic law.

§ 2. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-155 to read as follows:

§ 19-155 *Fallen traffic control repair. The department shall respond to and commence repair of any fallen traffic control device or traffic control signal within twenty-four hours of receiving notification of such a fallen device or signal.*

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

Referred to the Committee on Transportation.

Res. No. 1367

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that would create tax credits for women's health care providers.

By Council Members Crowley, Chin, Gentile, James, Koo, Koslowitz, Palma, Rose, Vann, Wills and Eugene.

Whereas, It is well documented that women's health care providers face significant cost barriers, particularly in the obstetrics and gynecological fields; and

Whereas, Obstetricians and gynecologists (OB-GYNs) in New York City spend nearly \$178,000 on medical malpractice insurance alone; and

Whereas, Conversely, the insurance reimbursement rates for performing deliveries is low; a survey of members of the American Congress of Obstetricians and Gynecologists revealed that 41 percent of OB-GYNs surveyed received between \$1,500 and \$2,500 for a delivery and 11 percent reported receiving less than \$1,500 per delivery, significantly less than the actual cost of a delivery; and

Whereas, Aside from this cost, New York City practitioners also face high

administrative and overhead costs; and

Whereas, Such high costs may contribute to a shortage of women's health care providers, which in turn reduces access to care and patient choice; and

Whereas, Patient access problems are especially prevalent in health profession shortage areas (HPSAs); and

Whereas, HPSAs are designations made by the United States Health Resources and Services Administration on the basis of geographic area, a low population-to-practitioner ratio and inaccessible resources in contiguous areas; and

Whereas, In New York State, there are currently 178 primary care HPSAs and nearly 2.5 million underserved residents; and

Whereas, Several of these primary care HPSAs are located within New York City's five boroughs; and

Whereas, Government can act to ease the burden on women's health care providers by authorizing tax credits which these practitioners can use to defray some of their operating costs; and

Whereas, Offering tax credits and incentivizing the provision of care in established high needs areas will directly result in higher quality of care, while ensuring that access is expanded; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation that would create tax credits for women's health care providers.

Referred to the Committee on Health.

Res. No. 1368

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that would ease the burden on women's health care providers by increasing Medicaid reimbursement rates.

By Council Members Crowley, Chin, Gentile, James, Koo, Koppell, Koslowitz, Palma, Rose, Vann, Williams, Wills and Eugene.

Whereas, According to the Kaiser Foundation, in 2008, New York had the 47th lowest Medicaid obstetrical care fees relative to the national average; and

Whereas, While there have been some modest increases in Medicaid obstetrical fees over the last few years, they are significantly below the real costs of providing obstetrical services; and

Whereas, The American Congress of Obstetricians and Gynecologists (ACOG) indicated that both public and private insurance reimbursement rates for delivering a child are less than the price of office equipment; and

Whereas, In a survey of its members, ACOG reported that 41 percent of those surveyed received between \$1,500 and \$2,500 for a delivery, and 11 percent reported receiving less than \$1,500 per delivery, significantly less than the actual cost of a delivery; and

Whereas, In New York State, fifty-one percent of all deliveries are covered by Medicaid and the reimbursement rate for a Medicaid delivery is a mere \$1,440; and

Whereas, At the current reimbursement rates, a practitioner would need to perform 123 deliveries annually, one every three days, just to cover medical malpractice insurance costs which can be as high as \$177,000 in New York City; and

Whereas, This does not factor in any other costs that practitioners endure such as administrative and overhead costs; and

Whereas, As a result of these figures, ACOG has referred to obstetrical care as a "dangerously undervalued service and unsustainable profession in New York State"; and

Whereas, Low reimbursement rates put health care practitioners in a dilemma, namely, whether to have an abundance of patients and perform a significant number of deliveries to cover costs, or to limit the scope of their practice; and

Whereas, However, when practitioners limit the scope of their practice, women have less access to health care services; and

Whereas, Reimbursement rates must be increased to more realistically represent the cost of providing obstetrical services; and

Whereas, Without such action, countless women may be negatively affected; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation that would ease the burden on women's health care providers by increasing Medicaid reimbursement rates.

Referred to the Committee on Health.

Res. No. 1369

Resolution calling upon the New York State Department of Health's Office of Professional Medical Conduct to strengthen enforcement and take action against doctors that engage in misconduct.

By Council Members Crowley, Gentile, James, Koo, Rose, Sanders, Williams, Wills, Rodriguez and Halloran.

Whereas, There are more than 90,000 physicians, physician assistants and specialist assistants in New York State; and

Whereas, The State Department of Health's (DOH) Office of Professional Medical Conduct (OPMC) investigates complaints about physicians and other medical professionals; and

Whereas, OPMC also monitors medical practitioners who are subject to orders of the State Board for Professional Medical Conduct (Board); and

Whereas, Medical misconduct includes a wide array of behavior, including but not limited to practicing fraudulently, practicing with gross incompetence or gross negligence, practicing while impaired by drugs, alcohol or disability, being convicted of a crime, filing a false report, denying services because of a patient's race, creed, color or ethnicity, performing unauthorized services, harassing, abusing or intimidating a patient, and abandoning or neglecting a patient in need of immediate care; and

Whereas, However, OPMC notes that certain complaints are out of its purview, including complaints regarding fees (unless they represent fraud) and complaints of uncaring behavior such as a practitioner's negative attitude, rude behavior or other poor communication skills; and

Whereas, DOH's website contains information for consumers, including a listing of all physicians, physician assistants and specialist assistants who have been disciplined for their conduct since 1990, practitioners who were subjected to non-disciplinary Board orders, or practitioners who are facing pending charges of misconduct that will be adjudicated by the Board; and

Whereas, Additionally, consumers can search for Board action against a physician, file a complaint or contact OPMC directly; and

Whereas, Despite the mission of OPMC, some have voiced concern regarding the impact that OPMC has had in policing the profession; and

Whereas, In 2007, a Public Citizen report indicated that four percent of physicians in New York State accounted for nearly half of all dollars paid for malpractice incidents since 1991; and

Whereas, Further, this same report found that of these physicians, only 10.8 percent received licensure actions; and

Whereas, Not taking action against this small number of negligent doctors threatens patient safety, as well as consumers' confidence in New York's health care delivery system; and

Whereas, In its 2010 annual report, the Board reported that OPMC received 8,501 complaints and referred 322 licensees for charges; and

Whereas, Of these referrals for charges, 63 practitioners surrendered their licenses, 22 were revoked, 87 were suspended, and 94 were censured and reprimanded; and

Whereas, The Federation of State Medical Boards (Federation) found that in 2010, New York imposed more actions resulting in loss of license than any state in the nation; and

Whereas, Additionally, the Federation also indicated that New York imposed the second highest number of serious actions, restriction or loss of license, in the nation; and

Whereas, However, Public Citizen found that from 2008 to 2010, New York ranked 24th in the nation in the number of serious disciplinary action taken per 1,000 physicians; and

Whereas, In addition, despite considering certain medical malpractice criteria when identifying investigations, of the 360 cases selected based on this criteria, only 9 percent received Board action or administrative warnings; and

Whereas, Disciplining practitioners who commit malpractice and are found to commit misconduct could improve patient safety and lessen health care costs; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Department of Health's Office of Professional Medical Conduct to strengthen enforcement and take action against doctors that engage in misconduct.

Referred to the Committee on Health.

Res. No. 1370

Resolution in support of pending legislation in the New York State Legislature intended to create more comprehensive and stringent gun laws by preventing the sale of certain firearms to criminals, requiring microstamping on new semiautomatic firearms sold after January 1, 2014, criminalizing the possession of certain ammunition, redefining the terms "disguised gun" and "assault weapon," and banning the sale and use of 50-caliber weapons.

By Council Members Dickens, Gennaro, Chin, Brewer, Comrie, Dromm, Ferreras, Fidler, Gentile, James, Koo, Koppell, Lander, Palma, Recchia, Rose, Williams, Wills and Rodriguez.

Whereas, Although great progress has been made in lowering crime rates in New York City, stopping the flow of illegal guns into New York and establishing comprehensive gun laws are both critically important to continuing to keep crime down, and to reducing the number of gun-related injuries and deaths; and

Whereas, Firearms are used to kill over thirty thousand individuals in the United States every year, including over one thousand in New York State; and

Whereas, America's youth is terribly affected by gun violence; and

Whereas, Over the past several years, New York City has seen a rash of shootings that seriously wounded and killed young people; and

Whereas, On April 26, 2009, a stray bullet struck Christopher Owen, a 13-year-old boy, in Harlem; he later died in the hospital; and

Whereas, On November 16, 2009, a 15-year-old girl, Vada Vasquez, was shot in the head by members of a gang who were attempting to shoot someone else; and

Whereas, On August 7, 2010, 19-year-old Demetrius Jones was hosting a party in his Bronx apartment when someone fired a gun and shot him to death; and

Whereas, Demetrius Jones was not the only victim at the party; three other teenagers were shot and injured; and

Whereas, Within an hour of the Demetrius Jones's shooting, another unrelated fatal shooting incident took place in which Alexis, a 16-year-old boy, was shot and killed inside his home; and

Whereas, The Bronx experienced at least seven additional shootings that weekend; and

Whereas, On December 23, 2011, Marquis Washington, a 15-year-old boy, was shot to death in the lobby of his Brooklyn apartment; and

Whereas, On March 8, 2012, a gunman shot and injured three bystanders including Aleah Detres, a 15 year-old girl, at a bodega in the Bronx; and

Whereas, Illegal guns rip away at the fabric of society and have devastating effects on victims, families, and communities; and

Whereas, The creation of more comprehensive and stringent laws against illegal gun trafficking and the use of illegal firearms is vitally important in helping to prevent situations like the senseless acts of gun violence recently witnessed in our City; and

Whereas, There are several bills currently pending in the New York State Legislature that seek to address these public safety concerns; and

Whereas, Senator Jose Peralta and Assemblymember Amy Paulin sponsored S.965 and A.361, which aim to address illegal street gun trafficking by amending the General Business Law and the Penal Law in relation to preventing the sale of firearms, rifles, and shotguns to criminals; and

Whereas, These bills would also require dealers to establish programs to eliminate sales to straw purchasers, require dealers to obtain liability insurance of at least one million dollars, and impose other conditions for dealers who want to obtain a gun license; and

Whereas, S.675-C and A.1157-B, sponsored by Senator Peralta and Assemblymember Michelle Schimel, would require microstamping technology to be used on at least two places of the expended cartridge of all new semiautomatic firearms sold after January 1, 2014; these bills would also establish penalties for anyone who defaces a microstamping component of the gun and establish fines for manufacturers and dealers who violate the microstamping requirement; and

Whereas, S.675-C and A.1157-B would provide law enforcement with additional evidence, which would help to investigate, arrest, and convict more people who use semiautomatic handguns in crimes; and

Whereas, Senator Martin Golden sponsored S.2146-A, which would amend the Penal Law in relation to the possession of armor piercing, frangible or devastator ammunition, which causes severe destruction and, often, fatal wounds; and

Whereas, S.2146-A would amend the definition of "armor piercing ammunition" to include certain new construction materials, and provide definitions for frangible ammunition and devastator ammunition, thus modernizing the Penal Law by incorporating these deadly technological advances in ammunition; and

Whereas, Assemblymember Joseph Lentol sponsored A.1014, which seeks to amend the Penal Law in relation to redefining the term "disguised gun" to include, but not be limited to, any rifle, pistol, shotgun or machine gun resembling a toy gun and prohibiting the possession, manufacture, or design of such gun; this bill would also establish a new class D felony for anyone who intentionally designs or transforms a gun to resemble a toy gun; and

Whereas, A.1014 would help to protect our children and would assist police officers in distinguishing a toy gun from an actual gun; and

Whereas, Senator Daniel Squadron and Assemblymember Linda Rosenthal sponsored S.1440 and A.1479, which would replace the current definition of "assault weapon" with a new definition that relies on the characteristics of the weapon and includes definitions of assault weapon devices that are designed to enhance the lethality of these weapons; these bills would also expand the duties of the superintendent of state police with respect to identifying assault weapons; and

Whereas, The impetus behind S.1440 and A.1479 is the need to ban the possession, sale or manufacture (subject to one exception) of military-style assault weapons that are designed to allow rapid and accurate spray firing for the quick and efficient killing of humans; and

Whereas, Senator Daniel Squadron and Assemblymember Brian Kavanagh sponsored S.86 and A.5926, which seek to ban the possession, sale and use of 50-caliber weapons or larger weapons in the state of New York and would impose additional penalties for the use of a 50-caliber weapon while committing certain felonies; and

Whereas, A 50-caliber weapon is one of the most dangerous weapons in the U.S. military's arsenal and is used for long-range tactical assaults by the U.S. Military; and

Whereas, It is crucial to New York City's public safety that government make every possible effort to protect its citizens, especially its youth, by ensuring that illegal guns and guns or ammunition that pose a serious public threat are off the

City's streets; now, therefore, be it

Resolved, That the Council of the City of New York supports pending legislation in the New York State Legislature intended to create more comprehensive and stringent gun laws by preventing the sale of certain firearms to criminals, requiring microstamping on new semiautomatic firearms sold after January 1, 2014, criminalizing the possession of certain ammunition, redefining the terms "disguised gun" and "assault weapon," and banning the sale and use of 50-caliber weapons.

Referred to the Committee on Public Safety.

Int. No. 874

By Council Members Fidler, Brewer, Chin, Comrie, Dromm, Ferreras, Gentile, Gonzalez, James, Lander, Palma, Recchia, Rose, Sanders., Vann, Williams, Wills, Nelson, Levin, Foster, Barron, Koppell, Mark-Viverito and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Administration for Children's Services to report on their success in obtaining government-issued personal identification for youth in foster care.

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-905 to read as follows:

21-905 Government-issued personal identification. a. For the purposes of this section the following term shall be defined as follows:

"Government-issued personal identification" means a birth certificate, Social Security card, state-issued driver's license or non-driver identification card, U.S. Permanent Resident Card, or Individual Taxpayer Identification Number.

b. Beginning no later than January 31, 2012 and no later than every January 31 thereafter, the commissioner shall submit an annual report to the city council that will include the number of children in foster care who have a form of government-issued personal identification, disaggregated by: the type of identification; the number of children who did not have such identification when they entered foster care; the number of children who obtained such identification with assistance from ACS; and, on average, the number of days it took ACS to procure such identification. The first such annual report, and any subsequent report if substantial changes are made, shall also include a description of the actions ACS takes to ensure that all children in foster care obtain government-issued personal identification.

§2. This local law shall take effect one hundred and eighty days after its enactment into law.

Referred to the Committee on General Welfare.

State Legislation Res. No. 17

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Rivera, Adams, Dilan, Espailat, Hassell-Thompson, Oppenheimer, Stavisky, S.5574-A, and Assembly Members Castro, N. Rivera, Dinowitz, Linares, Crespo, Reilly, Scarborough, Gibson, P. Rivera, Perry, M. Miller, Simanowitz, Colton, Montesano, McKeVitt, Tobacco, et. al., A.8198-A, "AN ACT to amend the administrative code of the city of New York, in relation to enactment of the "safe streets security camera registry act"".

By Council Members Foster, Comrie, Koo, Koppell, Koslowitz, Palma, Rose and Williams.

Whereas, Bills have been introduced in the New York State Legislature by Senators Rivera, Adams, Dilan, Espailat, Hassell-Thompson, Oppenheimer, Stavisky, S.5574-A, and Assembly Members Castro, N. Rivera, Dinowitz, Linares, Crespo, Reilly, Scarborough, Gibson, P. Rivera, Perry, M. Miller, Simanowitz, Colton, Montesano, McKeVitt, Tobacco, et. al., A.8198-A, "AN ACT to amend the administrative code of the city of New York, in relation to enactment of the "safe streets security camera registry act"; 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.)

State Legislation Res. No. 18

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.7640-A, and the Committee on Rules (at the request of Assembly Member Farrell), A.10621, "AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2013".

By Council Members Foster, Comrie and Rose.

Whereas, Bills have been introduced in the New York State Legislature by Senator Golden, S.7640-A, and the Committee on Rules (at the request of Assembly Member Farrell), A.10621, "AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2013"; 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.)

State Legislation Res. No. 19

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Klein, S.6793-A, and Assembly Member Camara, A.10258-A, "AN ACT to amend the county law and the New York city charter, in relation to the docketing of adjudications of violations of laws enforced by the New York city department of consumer affairs".

By Council Members Foster, Comrie, Koo, Koppell, Palma, Rose and Williams.

Whereas, Bills have been introduced in the New York State Legislature by Senator Klein, S.6793-A, and Assembly Member Camara, A.10258-A, "AN ACT to amend the county law and the New York city charter, in relation to the docketing of adjudications of violations of laws enforced by the New York city department of consumer affairs"; 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. 875

By Council Members Garodnick, Levin, Reyna, Brewer, Comrie, Dromm, Gentile, James, Koo, Koppell, Koslowitz, Lander, Recchia, Rose, Williams, Wills and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to permitting sidewalk cafés to operate on Sundays beginning at 10:00 a.m.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 20-224 of subchapter six of chapter two of title 20 of the administrative code of the city of New York is amended to read as follows:

b. The commissioner, consistent with the provisions of this subchapter and the applicable provisions of the zoning resolution, shall establish such rules, regulations, terms and conditions as the commissioner deems proper in respect to the granting and

issuance of such licenses and revocable consents, priorities or rights between applicants for a license covering the same space, and operation (including hours of operation, *provided that no such rule, regulation, term or condition prevents licensed sidewalk cafes from operating during the hours of 10:00 a.m. through 12:00 a.m. daily or allows licensed sidewalk cafes to operate before 10:00 a.m. on Sundays*) and maintenance of any sidewalk cafe, to ensure good order and to prevent undue obstruction of the sidewalk, which shall have the force and effect of law. A license to operate a sidewalk cafe shall be issued after the review and approval of a petition for a revocable consent to construct and operate such sidewalk cafe pursuant to the provisions of section 20-225, 20-226 or 20-227 of this subchapter. The operator of a sidewalk cafe under license from the commissioner shall cause the boundary of the area licensed as a sidewalk cafe to be marked in a manner prescribed under rules promulgated by the commissioner.

§ 2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Consumer Affairs.

Int. No. 876

By Council Members Garodnick, Brewer, Comrie, Gentile, James, Koo, Recchia, Williams and Wills.

A Local Law to amend the administrative code of the city of New York, in relation to operation of a sidewalk café.

Be it enacted by the Council as follows:

Section 1. Section 20-277.1 of subchapter 6 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. For purposes of this section a person shall not be deemed to be operating an unlicensed sidewalk café if such person's license is expired but such person:

i) held a valid license to operate a sidewalk café during the previous license term;

ii) submitted a timely application for renewal of such license that has not yet been approved or denied by the Department; and

iii) is currently in compliance with all provisions of this subchapter and all rules promulgated thereunder.

§2. This local law shall take effect one hundred and twenty days after its enactment.

Referred to the Committee on Consumer Affairs.

Res. No. 1371

Resolution calling on New York State to create the Office of the Special Prosecutor, which would have the authority to independently investigate and issue indictments to all State and City employees for alleged malfeasance, misfeasance, and nonfeasance.

By Council Members Mendez, Barron, Williams, Dromm, Gentile, Rose, Wills, Halloran and Rodriguez.

Whereas, According to the United States Census Bureau, there were 891,747 full-time and 220,356 part-time public employees in New York State during 2010, including more than 300,000 New York City employees; and

Whereas, The New York State Office of the Inspector General is entrusted with the responsibility of ensuring that state government employees meet the highest standard of accountability for their public service; and

Whereas, The New York City Department of Investigation is charged with overseeing New York City's municipal workforce and conducts investigations and refers criminal cases of fraud, corruption and unethical conduct by City employees to the City's district attorneys; and

Whereas, It is imperative that all public employees are held to the highest ethical standards to preserve the public's trust; and

Whereas, Although both the State and City have agencies and entities that investigate cases of misconduct and prosecute public employees alleged to have committed fraud and corruption, New York State does not have an independent prosecutor who is granted the authority to issue indictments to public employees suspected of misconduct; and

Whereas, New York State should create the Office of the Special Prosecutor, which would have the authority to act autonomously and prosecute all individuals employed by New York State or the localities therein who are alleged to have committed malfeasance, misfeasance, or nonfeasance; and

Whereas, The Office of the Special Prosecutor would have jurisdiction over all State and City agencies, including municipal law enforcement, such as the New York City Police Department; and

Whereas, Creating the Office of the Special Prosecutor would promote public confidence in the justice system by assuring that our State and City employees are held accountable for misconduct; now, therefore, be it

Resolved, That the Council of the City of New York calls on New York State to create the Office of the Special Prosecutor, which would have the authority to independently investigate and issue indictments to all State and City employees for alleged malfeasance, misfeasance, and nonfeasance.

Referred to the Committee on Public Safety.

Res. No. 1372

Resolution calling on the New York State Legislature to pass and the Governor to sign into law A.1652/S.1862, establishing the Farmworkers Fair Labor Practices Act.

By Council Members Mendez, Barron, Comrie, Dromm, Gentile, James, Koppell, Lander and Rose.

Whereas, According to the New York Civil Liberties Union, there are approximately 80,000 to 100,000 farmworkers in the State of New York; and

Whereas, Farmworkers in New York State are not guaranteed under either federal or New York State law, the right to a day of rest every week, overtime pay, to organize and bargain collectively, or workers' compensation in case of injury on the job, amongst other rights that are guaranteed to most workers in New York; and

Whereas, The New York State Constitution states, "[e]mployees shall have the right to organize and to bargain collectively through representatives of their own choosing"; and

Whereas, Federal and state labor laws specifically exclude farmworkers from having the right to organize and collectively bargain with their employers; and

Whereas, According to the U.S. Department of Labor's Occupational Safety & Health Administration, agriculture is one of the most dangerous industries, and farmworkers are at high risk for fatal and nonfatal injuries, work-related lung diseases, noise-induced hearing loss, skin diseases, and certain cancers associated with chemical use and prolonged sun exposure; and

Whereas, The New York Workers' Compensation Law specifically excludes many farmworkers from its provisions; and

Whereas, In 2010, the State Legislature passed and the Governor signed into law the Domestic Workers' Bill of Rights, which granted overtime pay and a guaranteed day of rest, amongst other rights, to domestic workers, another group that has traditionally been excluded from having the same rights as other workers in this state; and

Whereas, According to a study by Market Ventures Inc., residents of New York City have a strong preference for locally grown and made foods, with an estimated demand in 2005 for such products at \$860 million, while the actual supply for such products at the time was estimated to be under \$200 million; and

Whereas, New York City residents purchase and consume countless fruits, vegetables and other products grown and produced by farms in New York State, including from thriving urban farms within New York City; and

Whereas, A.1652/S.1862 was introduced in the New York State Legislature by Assemblymember Catherine Nolan and Senator Adriano Espaillat and would amend various state laws, including the Labor Law and Workers' Compensation Law, to establish the Farmworkers Fair Labor Practices Act; and

Whereas, A.1652/S.1862 would provide farmworkers with basic rights that are guaranteed to most workers in the state, including a day of rest every week, overtime pay, the right to organize and bargain collectively, and workers' compensation in case of injury on the job, amongst other rights; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign into law A.1652/S.1862, establishing the Farmworkers Fair Labor Practices Act.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Civil Service and Labor.)

Res. No. 1373

Resolution calling upon the New York State Senate and the New York State Assembly to pass and the Governor to sign S.6910 and A.3423-A, which would clarify notice requirements, conciliation procedures and sanctions in cases where public assistance recipients fail or refuse to comply with employment program requirements.

By Council Members Palma, Brewer, Chin, Comrie, Ferreras, James, Lander, Rose, Williams, Wills and Rodriguez.

Whereas, The Temporary Assistance for Needy Families ("TANF") program provides assistance and work opportunities to needy families by providing federal funds to states in order to allow them to develop and implement their own public assistance programs; and

Whereas, TANF mandates that recipients who are determined to be work-

eligible must engage in approved work activities in order to receive public assistance; and

Whereas, If these recipients fail or refuse to comply with federal requirements they are subject to sanctions; and

Whereas, New York State issues pro-rata sanctions, which reduce the amount of household benefits for recipients who fail or refuse to comply with a program requirement; and

Whereas, In New York City, the local agency that determines eligibility for benefits and issues sanctions is the Human Resources Administration (“HRA”); and

Whereas, When HRA believes that a recipient has failed to comply with work requirements it will initiate the conciliation process and issue a Notice of Conciliation (“Notice”), which informs the recipient of his or her violation; and

Whereas, Current policy only minimally acknowledges agency administrative error, inadequate assessments for determining employability, and extensive reporting requirements; and

Whereas, If a recipient misses just one appointment, HRA may issue a sanction rather than re-engage the recipient in work activities, despite the hardships that the reduction or elimination of income causes in households already experiencing poverty; and

Whereas, According to Legal Momentum, nationally, in 2008, 85,000 families a month received reduced benefits due to a partial sanction, with an average monthly reduction of \$146, which was 38 percent of the \$383 average monthly TANF grant; and

Whereas, According to the Empire Justice Center and the Federation for Protestant Welfare Agencies, 25 percent of the public assistance caseload in New York City is currently sanctioned; and

Whereas, Legal Momentum reports that studies have found high error rates when sanctions are reviewed; and

Whereas, S.6910, currently pending in the New York State Senate, and companion bill A.3423-A, currently pending in the New York State Assembly, would enable local districts to promote re-engagement and will help recipients to avoid unwarranted sanctions; and

Whereas, S.6910/A.3423-A would require HRA to determine if there is an exemption, such as lack of child care, transportation or an accommodation for disability before issuing a Notice; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Senate and the New York State Assembly to pass and the Governor to sign S.6910 and A.3423-A, which would clarify notice requirements, conciliation procedures and sanctions in cases where public assistance recipients fail or refuse to comply with employment program requirements.

Referred to the Committee on General Welfare.

Int. No. 877

By Council Members Recchia, Vacca, Barron, Comrie, Fidler, Gennaro, Gentile, James, Koo and Palma (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the collection of the commercial motor vehicle tax for medallion taxicabs.

Be it enacted by the Council as follows:

Section 1. Section 11-808 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. Notwithstanding any provision of this chapter or of chapter five of title nineteen of this code to the contrary, the taxi and limousine commission may require by rule the payment of the tax imposed on medallion taxicabs pursuant to this chapter as a condition precedent of the licensing or license renewal of such medallion taxicabs, and the taxi and limousine commission shall have the authority to deny the license or the renewal thereof for any medallion taxicab that fails to pay such tax.

§2.Subdivisions a, b, c, d, e, f, h, j, k, m and n of section 11-809.2 of the administrative code of the city of New York, as added by local law number 73 for the year 2011, are amended to read as follows:

a. Notwithstanding any provision of this chapter to the contrary, the tax imposed by this chapter on any [medallion taxicab or other] *designated* licensed vehicle, as defined in this subdivision, shall be collected by the taxi and limousine commission on behalf of the commissioner of finance. Except as otherwise provided by subdivision m of this section, the owner of each such [medallion taxicab or other] *designated* licensed vehicle shall pay the tax due thereon to the taxi and limousine commission on or before the date upon which such owner licenses or renews the license of such [medallion taxicab or other] *designated* licensed vehicle or is required to license or renew the license thereof pursuant to chapter five of title nineteen of the code. For purposes of this section, the term “[other] *designated* licensed vehicle” shall mean a motor vehicle for the transportation of passengers, *other than a medallion taxicab*, the tax on which is not collected by the commissioner of motor vehicles pursuant to section 11-809.1 of this chapter and which is licensed or required [to be] to be licensed by the taxi and limousine commission pursuant to any provision of chapter five of title nineteen of the code.

b. Notwithstanding any provision of chapter five of title nineteen of the code to

the contrary, payment of the tax with respect to a [medallion taxicab or other] *designated* licensed vehicle shall be a condition precedent to the licensing or license renewal of such [medallion taxicab or other] *designated* licensed vehicle with the taxi and limousine commission, and no such license or renewal thereof shall be issued unless such tax has been paid. Except as provided in subdivisions f and m of this section, if the license period applicable to any such [medallion taxicab or other] *designated* licensed vehicle is a period of more than one year, the tax required to be paid pursuant to this section shall be the annual tax specified in section 11-802 of this chapter multiplied by the number of years in the license period. The taxi and limousine commission, upon payment of the tax pursuant to this section or upon the application of any person exempt therefrom, shall furnish to each taxpayer paying the tax a receipt for such tax and to each other taxpayer or exempt person a statement, document or other form prescribed by the taxi and limousine commission, showing that such tax has been paid or is not due with respect to such [medallion taxicab or other] *designated* licensed vehicle.

c. For purposes of this section, the term “tax period” shall mean the license period applicable to the [medallion taxicab or other] *designated* licensed vehicle under chapter five of title nineteen of the code and, in the case of a license period of other than one year, shall mean the number of twelve-month periods and any period of less than twelve months within such license period. The term “tax period” shall also include any periods described in [paragraph one and in] subparagraph (A) of paragraph [two] *one* of subdivision m of this section.

e. If the license for the [medallion taxicab or other] *designated* licensed vehicle is transferred, [revoked,] surrendered or [otherwise] terminated *for reasons other than revocation*, and the applicable license period under chapter five of title nineteen of the code is for more than one year, and the tax paid to the taxi and limousine commission was for a tax period of more than twelve months, except as otherwise provided in the agreement between the taxi and limousine commission and the commissioner of finance authorized pursuant to subdivision k of this section, the commissioner of finance shall refund the tax paid for any twelve-month period commencing subsequent to the transfer, [revocation,] surrender or other termination of the license *described in this subdivision*.

f. Except as provided in subdivision m of this section, for [medallion taxicabs and other] *designated* licensed vehicles whose license period is a two year period that begins and ends on the same dates, the tax payable to the taxi and limousine commission pursuant to this section with respect to a [medallion taxicab or other] *designated* licensed vehicle that is licensed or required to be licensed after the commencement of such license period shall be determined as follows:

1. If such [medallion taxicab or other] *designated* licensed vehicle is licensed or required to be licensed before the first day of the seventh month of such period, the tax shall be the amount determined pursuant to subdivision b of this section.

2. If such [medallion taxicab or other] *designated* licensed vehicle is licensed or required to be licensed on or after the first day of the seventh month of such period but before the first day of the thirteenth month of such period, the tax shall be three-fourths of the amount determined pursuant to subdivision b of this section.

3. If such [medallion taxicab or other] *designated* licensed vehicle is licensed or required to be licensed on or after the first day of the thirteenth month but before the first day of the nineteenth month of such period, the tax shall be one-half of the amount determined pursuant to subdivision b of this section.

4. If such [medallion taxicab or other] *designated* licensed vehicle is licensed or required to be licensed on or after the first day of the nineteenth month of such period, the tax shall be one-fourth of the amount determined pursuant to subdivision b of this section.

5. When the license period described in this section is for a period of less than two years, the commissioner of finance shall have the authority to provide by rule the amount to be payable under this subdivision.

h. Notwithstanding any provision of section 11-807 of this chapter to the contrary, at the time a tax is required to be paid to the taxi and limousine commission pursuant to this section, the person required to pay such tax shall file a return with the taxi and limousine commission in such form and containing such information as the taxi and limousine commission may prescribe. The taxpayer's application for a license or the renewal thereof shall constitute the return required under this subdivision unless the taxi and limousine commission shall otherwise provide by rule. A return filed pursuant to this subdivision with respect to a [medallion taxicab or other] *designated* licensed vehicle for a tax period or periods shall be in lieu of any return otherwise required to be filed with respect thereto pursuant to section 11-807 of this chapter. Unless the taxi and limousine commission otherwise requires, the filing of a return shall not be required for the tax periods described in [paragraph one or]subparagraph (A) of paragraph [two] *one* of subdivision m of this section.

j. Notwithstanding any provision of chapter five of title nineteen of the code to the contrary, in those cases in which the commissioner of finance is responsible for collecting the tax imposed by this chapter, the taxi and limousine commission shall not issue or renew a license for any [medallion taxicab or other] *designated* licensed vehicle subject to such tax with respect to which the commissioner of finance has notified the taxi and limousine commission that such tax has not been paid, unless the applicant for such license or renewal submits proof, in a form approved by the taxi and limousine commission, that such tax has been paid, or is not due, with respect to such [medallion taxicab or other] *designated* licensed vehicle.

k. The commissioner of finance is hereby authorized and empowered to enter into an agreement with the taxi and limousine commission to govern the collection of the taxes imposed by this chapter which are required to be paid to the taxi and limousine commission pursuant to this section. Such agreement [shall] *may* provide for the exclusive method of collection, custody and remittal to the commissioner of finance of the proceeds of any such tax; for the payment by the commissioner of finance of reasonable expenses incurred by the taxi and limousine commission in

connection with the collection of any such tax; for the commissioner of finance, or a duly designated representative, upon his or her request, not more frequently than once in each calendar year at a time agreed upon by the city comptroller, to audit the accuracy of the payments, distributions and remittances to the commissioner of finance; and for such other matters as may be necessary and proper to effectuate the purposes of such agreement.

m. Except as otherwise provided in the agreement between the taxi and limousine commission and the commissioner of finance authorized by subdivision k of this section, or with respect to the periods described in [subparagraph (C) of] paragraph two of this subdivision, the taxi and limousine commission shall begin to collect taxes in accordance with the provisions of this section on the first day of April in the year two thousand twelve as follows:

1. [The tax due on a medallion taxicab whose license is due to expire on the thirty-first day of May in the year two thousand twelve shall be two times the amount provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter. The tax due on a medallion taxicab whose license is due to expire on the thirty-first day of May in the year two thousand thirteen, for the period between the first day of June in the year two thousand twelve and the thirty-first day of May in the year two thousand thirteen, shall be the amount provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter. The tax required to be paid pursuant to this paragraph shall be payable on or before the first day of June in the year two thousand twelve.

2.] The tax due on [an other] *a designated* licensed vehicle, the license for which expires on or after the first day of June in the year two thousand twelve and before the first day of June in the year two thousand fourteen, shall be determined as follows:

(A) For [an other] *a designated* licensed vehicle whose license expires on or after the first day of June in the year two thousand twelve and before the first day of June in the year two thousand fourteen, the amount of tax for the tax period between the first day of June in the year two thousand twelve and the date the license shall expire for such [other] *designated* licensed vehicle pursuant to chapter five of title nineteen of the code shall be the sum of (i) the annual tax specified in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter for any twelve-month period within such tax period, and (ii) the amount determined under subparagraph (B) of this paragraph for any period of less than twelve months within such tax period. The amount of tax so determined shall be payable on or before the first day of June in the year two thousand twelve. In the event the amount of tax due and payable under this subparagraph shall not have been paid within thirty days of the first day of June in the year two thousand twelve, the taxi and limousine commission shall suspend the license for such [other] *designated* licensed vehicle, and the license for any such [other] *designated* licensed vehicle which has expired shall not be renewed until such time as such tax is paid.

(B) For purposes of subparagraph (A) of this paragraph, the amount of tax for a period of less than twelve months shall be determined as follows: (i) if such period is nine months or more, the amount for such period shall be the full amount of annual tax provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter; (ii) if such period is more than six months but less than nine months, the amount for such period shall be three-fourths of the amount of annual tax provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter; (iii) if such period is more than three months but less than six months, the amount for such period shall be one-half of the amount of annual tax provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter; and (iv) if such period is less than three months, the amount for such period shall be one-fourth of the amount of annual tax provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter.

[(C)] 2. Upon the date for payment set forth in subparagraph (A) of [this] paragraph *one of this subdivision*, the taxi and limousine commission shall require the taxpayer to provide a proof of payment of the tax to the commissioner of finance for the period beginning on the first day of June in the year two thousand eleven and ending on the thirty-first day of May in the year two thousand twelve or any part of such period for which the taxpayer was subject to the tax. In the event the taxpayer has not paid such tax to the commissioner of finance: (i) the license for any [other] *designated* licensed vehicle described in subparagraph (A) of this paragraph shall not be renewed until such time as such tax, together with any applicable interest or penalties, has been paid to the commissioner of finance and (ii) if such tax remains unpaid as of the end of the thirty-day period set forth in subparagraph (A) of [this] paragraph *one of this subdivision*, the license for any [other] *designated* licensed vehicle described in subparagraph (A) of [this] *paragraph one of this subdivision* shall be suspended until such time as such tax, together with any applicable interest or penalties, is paid to the commissioner of finance.

n. In addition to any other powers granted to the taxi and limousine commission in this chapter or any other law, the taxi and limousine commission is hereby authorized and empowered:

1. to adopt and amend rules appropriate to the carrying out of its responsibilities under this chapter;

2. to request information concerning motor vehicles and persons subject to the provisions of this chapter from the commissioner of motor vehicles, the department of motor vehicles of any other state, the treasury department of the United States or the appropriate officials of any city or county of the state of New York; and to afford such information to such department of motor vehicles, treasury department or officials of such city or county, any provision of this chapter to the contrary notwithstanding;

3. to delegate its functions under this section to any commissioner or employee of such commission;

4. to require [all persons owning medallion taxicabs or other] *any person who is*

an owner, as defined in chapter five of title nineteen of the code, of a designated licensed [vehicles] vehicle to keep such records as it prescribes and to furnish such information upon its request; and

5. to extend, for cause shown, the time for filing any return required to be filed with the taxi and limousine commission for a period not exceeding sixty days.

§3. Subdivision e of section 19-504 of the administrative code of the city of New York, as amended by local law number 73 for the year 2011, is amended to read as follows:

e. Any owner operating a vehicle under a license issued by the commission, or by the New York city police department prior to the effective date of this chapter, shall be entitled to renew such license as a matter of right upon compliance with all the other provisions of this section and [section] *sections 11-808 and 11-809.2 of the code* relating to the licensee's vehicle.

§4. Notwithstanding any provision of chapter 8 of title 11 of the administrative code of the city of New York to the contrary, any person who has paid the tax imposed under chapter 8 of title 11 of such code to the taxi and limousine commission pursuant to section 11-809.2 of such code, as added by local law number 73 for the year 2011, and as in effect prior to the amendments made by the local law that added this section, shall be entitled to a credit against such tax to the extent such payment satisfies the tax obligation for any tax year beginning on or after June 1, 2012, and to the extent of such payment, such person shall not have any obligations under sections 11-807 or 11-808 of such code for any such tax year.

§5. Notwithstanding any provision of chapter 8 of title 11 of the administrative code of the city of New York to the contrary, any person required to pay the tax imposed under chapter 8 of title 11 of such code with respect to a medallion taxicab, who had been required to pay such tax to the taxi and limousine commission pursuant to section 11-809.2 of such code, as added by local law number 73 for the year 2011, and as in effect prior to the amendments made by the local law that added this section, but has not paid such tax to the taxi and limousine commission, shall file the return required pursuant to section 11-807 of such code and pay the installment of such tax required to be paid pursuant to subdivision c of section 11-808 of such code to the commissioner of finance no later than the later of the thirtieth day after this act shall have become a law or July 20, 2012.

§6. This act shall take effect immediately and if it shall have become a law after June 1, 2012, it shall be retroactive to and deemed to have been in full force and effect as of June 1, 2012.

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

Res. No. 1374

Resolution to establish that the interest rate be 9% per annum for Fiscal Year 2013 for non-payment of taxes on 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 cooperative apartments.

By Council Members Recchia, Comrie, Koo and Wills.

Whereas, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of not more two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission is required to propose a rate 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, the Prime Rate stands at three and one-quarter percent (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 on real estate by all taxpayers; and

Whereas, The Banking Commission recommended to the City Council that the interest rate to be charged for non-payment of taxes on properties where the assessed value on a parcel is 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 cooperative apartments, be nine percent (9%) per annum for Fiscal 2013; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the interest rate be 9% per annum for Fiscal Year 2013 for non-payment of taxes on 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 cooperative apartments.

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

Res. No. 1375

Resolution to establish that the interest rate be 18% per annum for Fiscal Year 2013 for non-payment of taxes on properties with an assessed value of over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.

By Council Members Recchia, Comrie and Koo.

Whereas, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission is required to propose a rate of at least six percent (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 22, 2012, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, It is in the best interest of the City to encourage the prompt payment of taxes on real estate by all large taxpayers; and

Whereas, The Banking Commission recommended to the City Council that the interest rate to be charged for non-payment of taxes on properties 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 cooperative apartments, be eighteen percent (18%) per annum for Fiscal 2013; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the interest rate be 18% per annum for Fiscal Year 2013 for non-payment of taxes on properties with an assessed value of over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.

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

Res. No. 1376

Resolution to establish that the interest rate to be charged for Fiscal Year 2013 for non-payment of water rents and sewer rents be 9% per annum for real property where the assessed value is 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 cooperative apartments.

By Council Members Recchia, Comrie and Koo.

Whereas, Pursuant to sections 11-312(c) and 11-313(e) of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of water rents and sewer rents; and

Whereas, Sections 11-312 and 11-313 of the Administrative Code of the City of New York, as amended by Local Law No. 62 of 2005, allow the Council to adopt interest rates to be charged for non-payment of water rents and sewer rents that become due and payable on or after July 1, 2005 pursuant to section 11-224.1 of the Administrative Code of the City of New York; and

Whereas, Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission to propose a rate 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"), to be charged for non-payment of taxes on 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 cooperative apartments; and

Whereas, The Banking Commission notes that as of May 9, 2012, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, The Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents be nine percent (9%) per annum for Fiscal Year 2013 where the assessed value of the property is 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 cooperative apartments; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the interest rate to be charged for Fiscal Year 2013 for non-payment of water rents and sewer rents be 9% per annum for real property where the assessed value is 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 cooperative apartments.

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

Res. No. 1377

Resolution to establish that the interest rate to be charged for Fiscal Year 2013 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

By Council Members Recchia, Comrie and Koo.

Whereas, Pursuant to sections 11-312(c) and 11-313(e) of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of water rents and sewer rents; and

Whereas, Sections 11-312 and 11-313 of the Administrative Code of the City of New York, as amended by Local Law No. 62 of 2005, allow the Council to adopt interest rates to be charged for non-payment of water rents and sewer rents that become due and payable on or after July 1, 2005 pursuant to section 11-224.1 of the Administrative Code of the City of New York; and

Whereas, Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission to propose a rate at least six percent (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"), to be charged for non-payment of taxes on 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 cooperative apartments; and

Whereas, The Banking Commission notes that as of May 9, 2012, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, The Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents be eighteen percent (18%) per annum for Fiscal Year 2013 where the assessed value of the property is more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the interest rate to be charged for Fiscal Year 2013 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

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

Res. No. 1378

Resolution to establish that the discount percentage for early payment of real estate taxes be set at one percent (1.0%) per annum for Fiscal Year 2013.

By Council Members Recchia and Koo.

Whereas, Section 1519-a(7)(c) of the New York City charter provides that the Council may adopt a discount percentage for early payment of real estate taxes on the fifth day of June preceding such ensuing fiscal year, or at any time thereafter; and

Whereas, This Resolution, dated June 13, 2012, provides that the discount percentage for early payment of real estate taxes shall be set at one percent (1.0%) per annum for Fiscal Year 2013; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the discount percentage for early payment of real estate taxes be set at one percent (1.0%) per annum for Fiscal Year 2013.

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

Res. No. 1379

Resolution calling upon the New York State Assembly to pass A.10352, and the Governor to sign such legislation into law, amending the tax law in relation to extending the authorization of New York City to provide a biotechnology credit against the general corporation tax, unincorporated business tax, and banking corporation tax of such city.

By Council Members Recchia, Fidler, James and Koo.

Whereas, With 9 world-class research institutions, 26 medical centers, 175

hospitals, and an unparalleled talent pool, New York City has a natural advantage in the bioscience industry; and

Whereas, Despite these advantages, New York City lags behind cities such as Boston and San Diego in the commercialization of new technologies; and

Whereas, The existing biotechnology credit targets the first state of commercialization, where the discoveries of basic science are investigated for their commercial properties; and

Whereas, The credit is part of a policy to create an industry with sufficient size and density such that it becomes a good place to make a career in biotechnology and to locate the kind of ancillary services that the industry needs; and

Whereas, The credit works in conjunction with the recent development of laboratory space at the East River Science Park, and BioBAT at the Brooklyn Army Terminal; and

Whereas, These spaces, along with other facilities, provide approximately 2 million square feet of laboratory space in the City; and

Whereas, The Credit is complementary to the New York State Qualified Emerging Technology Companies Credit; and

Whereas, For tax year 2010, the City received 23 applications for \$2,050,565 in biotechnology credits; and

Whereas, A taxpayer is entitled to a credit if the company: 1) is a qualified emerging technology company engaging in biotechnologies, 2) has no more than one hundred full-time employees, of which at least 75% are employed in the City, 3) has a ratio of research and development funds to net sales of at least 6%, 4) has gross revenues not exceeding \$20 million, including affiliates, and 5) has annual sales not exceeding \$10 million; and

Whereas, Without further legislation, New York City's authorization to continue the biotechnology tax credit will expire on December 31, 2012; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Assembly to pass A.10352, and the Governor to sign such legislation into law, amending the tax law in relation to extending the authorization of New York City to provide a biotechnology credit against the general corporation tax, unincorporated business tax, and banking corporation tax of such city.

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

Res. No. 1380

Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation which would authorize any city having a population of one million or more to provide an angel investor credit against the unincorporated business tax and personal income tax of such city for certain qualified emerging companies and medical technology companies.

By Council Members Recchia, Fidler, James and Koo.

Whereas, Angel investors are affluent individuals who provide personal capital to start-up companies, often through a trust, fund, or business, and who are distinct from venture capitalists who invest other persons' capital; and

Whereas, Angel investors are particularly critical for small start-ups seeking capital, because most venture capital funds are not interested in investments of less than \$1 million; and

Whereas, Angel investors in the United States account for almost as much in the aggregate as those of venture capitalists, while furnishing capital to twenty times as many businesses; and

Whereas, In 2010, healthcare/medical firms accounted for 30% of angel investments, and biotech firms comprised 15% of angel investments; and

Whereas, Angel investors can be a significant source of job growth over time; and

Whereas, Over 20 states, including New Jersey, have some form of angel investor credit; and

Whereas, There is not currently an angel investment tax credit or other incentive program which specifically targets investment in the biotechnology and medical technology sectors in New York; and

Whereas, Such a credit would aid in the formation of promising firms by lowering their cost of capital from angel investors; and

Whereas, Biotechnology and medical technology businesses create good, high-paying jobs; and

Whereas, The biotechnology and medical technology sectors complement New York City's university and hospital-based research sectors; and

Whereas, An angel investor tax credit for biotechnology and medical technology would attract capital to a promising sector in the City and could be

viewed as part of a long term effort to diversify the City's economy; and

Whereas, The enactment of an angel investor tax credit by New York City would require authorizing state legislation; and

Whereas, Such an angel investor tax credit should allow qualified investors to receive an angel investor tax credit against the unincorporated or city personal income tax; and

Whereas, Such a credit should be 2% per each qualified investment made during a taxable year and the next 4 years, up to \$20,000 per taxable year, and \$100,000 in the aggregate for all years taken; and

Whereas, The aggregate amount of tax credits allowed shall be up to \$3 million, allocated by the New York City department of finance among taxpayers in order of priority based upon the date of application; now, therefore, be it

Resolved, That the Council of the City of New York calls for the New York State Legislature to introduce and pass, and the Governor to sign, legislation which would authorize any city having a population of one million or more to provide an angel investor credit against the unincorporated business tax and personal income tax of such city for certain qualified emerging companies and medical technology companies.

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

Int. No. 878

By Council Members Rose, Gentile, James, Koslowitz, Williams, Wills and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to retroactively requiring back-up emergency lighting for egress paths and elevators.

Be it enacted by the Council as follows:

Section 1. Section 403.11 of the New York city building code is amended to read as follows:

403.11 Emergency Power Systems. An emergency power system complying with Section 2702 shall be provided for emergency power loads specified in Sections 403.11.1 and 403.11.2. *Item 9 of Section 403.11.1, and item 2 of Section 403.11.2, shall apply retroactively to all buildings, in accordance with section 28-313.1.*

§2. Section 1006.3 of the New York city building code is amended to read as follows:

1006.3 Illumination emergency power. The power supply for means of egress illumination shall normally be provided by the premise's electrical supply.

In the event of power supply failure, an emergency electrical system shall automatically illuminate the following areas:

1. Exit access corridors, passageways and aisles in rooms and spaces which require two or more means of egress.

2. Exit access corridors, exit passageways and exit stairways located in buildings required to have two or more exits.

3. Exterior egress components at other than the level of exit discharge until exit discharge is accomplished for buildings required to have two or more exits.

4. Interior exit discharge elements, as permitted in Section 1023.1, in buildings required to have two or more exits.

5. The portion of the exterior exit discharge immediately adjacent to exit discharge doorways in buildings required to have two or more exits.

This section shall apply retroactively to all buildings, in accordance with section 28-313.1.

§3. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 313 to read as follows:

Article 313

RETROACTIVITY

§28-313.1 Retroactive requirements for emergency power. The provisions of item 9 of section 403.11.1 of the New York city building code, item 2 of section 403.11.2 of the New York city building code, and section 1006.3 of the New York city building code shall apply retroactively to all buildings. Buildings in existence on the effective date of this section shall be in compliance with the requirements of item 9 of section 403.11.1, item 2 of section 403.11.2, and section 1006.3 on or before January 1, 2014.

§4. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 879

By Council Members Rose, Brewer, James, Koppell, Williams, Wills, Rodriguez, Eugene, Lander, Levin, Foster, Barron and Mark-Viverito.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that all restaurants have Braille and large print menus available upon request.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 17 of the administrative code of the city of New York is amended by adding a new section 17-198 to read as follows:

§ 17-198 Availability of Braille and large print menus in restaurants. a. Definitions. For the purposes of this section, the following terms shall be defined as follows:

1. "Braille" means a system that enables blind and visually impaired people to read through touch as defined by the Braille Authority of North America.

2. "Large print" means a typeface which is a minimum of 18 points.

3. "Owner or operator" shall have the same meaning as set forth in subdivision a of section 17-178.

4. "Restaurant" shall have the same meaning as set forth in subdivision a of section 17-178.

b. Braille and large print menus required. The owner or operator of a restaurant shall have available Braille and large print menus of their main meal items in such reasonable quantities dependent upon seating capacity of restaurant as determined by the department by rule. A restaurant may choose to also print menu specials in Braille or large print. All Braille and large print menus shall be readily available upon request.

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

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

Int. No. 880

By Council Members Vallone Jr., Comrie, Gentile, Koo, Nelson, Recchia, Rose, Wills, Eugene, Halloran and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring parental consent for body piercing of minors.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-198 to read as follows:

§17-198 Prohibition on body piercing of minors without parental consent.

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

1. "Body piercing" shall mean the piercing of any part of the body, except the ear. Such term shall not include tongue-splitting, as defined in New York state public health law section four hundred seventy.

2. "Minor" shall mean any person under the age of 18.

3. "Person" shall mean any individual, partnership, firm, association, trust, company, joint venture or corporation.

b. Body piercing of minors without parental consent prohibited. No person shall knowingly pierce, or offer to pierce, the body of any minor unless at least one parent or legal guardian of such minor consents in writing to such body piercing. Such writing shall be in the form and manner prescribed by the commissioner and shall be notarized. Such notarized form shall be filed in person by the consenting parent or legal guardian at the place of business where the body piercing is to take place.

c. Violations and penalties. Any person who knowingly or willfully violates any of the provisions of this section, or any rules promulgated hereunder, shall be guilty of a class B misdemeanor punishable by a fine of not more than one thousand dollars or by imprisonment not exceeding three months or by both such fine and imprisonment.

d. Rules. The commissioner shall promulgate such rules as may be necessary for the implementation of this section.

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

Referred to the Committee on Health.

Int. No. 881

By Council Members Williams, Lander, Arroyo, Brewer, Cabrera, Chin, Comrie, Dromm, Ferreras, Garodnick, Jackson, James, Koppell, Lappin, Levin, Mark-Viverito, Mendez, Palma, Reyna, Rodriguez, Rose, Sanders, Van Bramer, Wills, Foster, Eugene, Barron and Halloran.

A Local Law to amend the New York city charter, in relation to establishing an office of the inspector general for the New York city police department.

Be it enacted by the Council as follows:

Section 1. The New York city charter is hereby amended by adding a new chapter 18-E to read as follows:

CHAPTER 18-E
OFFICE OF THE INSPECTOR GENERAL

§ 470. Purpose and Establishment of Office. Independent oversight of police operations leads to improved police practices and a more accountable police force. Establishing an inspector general for the New York city police department will enhance the effectiveness of the department, increase public safety, protect civil liberties and civil rights, deter police misconduct, and increase the public's confidence in the police force, thus building stronger police-community relations. To achieve the goal of an effective and accountable police force, and to allow the city council to achieve its mandate of reviewing on a continuous basis the policies and practices of city agencies, there is hereby established an office of the inspector general for the New York city police department with all powers necessary to conduct independent reviews of the department's policies, practices, programs and operations.

§ 471. Inspector General. Appointment, Reporting, and Removal.

a. Not later than 45 days after the effective date of the local law that added this chapter or after a vacancy in the office occurs, the speaker of the city council, the chairperson of the city council's public safety committee, and the chairperson of the city council's civil rights committee shall recommend to the mayor candidates to serve as inspector general for the New York city police department. Such recommendations may be made jointly or separately and shall be made public. Such recommendations shall be non-binding on the mayor and shall not limit the consideration of other candidates by the mayor.

b. Not later than 90 days after the effective date of the local law that added this section or after a vacancy in the office occurs, the mayor shall appoint an individual to serve as inspector general for the New York city police department for a term of 7 years, renewable once. The appointment shall be without regard to political affiliation and solely on the basis of integrity, a demonstrated ability in law, public administration or investigations and a demonstrated commitment to the protection of civil liberties and civil rights.

c. The inspector general shall not be a current member of the New York city police department or have served in the department within the last 10 years, nor shall the mayor transfer any responsibilities for the operation of department programs or activities to the office of the inspector general.

d. The inspector general shall report to and be under the supervision of the mayor, and shall not report to, or be subject to supervision by the commissioner or any employee of the department. Neither the mayor nor the commissioner (or any other employee of the department) shall prevent or prohibit the inspector general from initiating, carrying out, or completing any review, or from issuing any subpoena during the course of any review.

e. The inspector general may be removed from office by the mayor. The mayor shall communicate in writing the reasons for any such removal to the council no later than 30 days before the removal.

§ 472. Duties and Responsibilities.

a. Subject to subdivision (b), it shall be the duty and responsibility of the inspector general to:

(1) Review the policies, practices, programs, and operations of the department;

(2) Make recommendation to improve the department's policies, practices, programs, and operations, including for the purpose of promoting civil liberties and civil rights;

(3) Review existing and pending legislation, regulations, orders, and directives relating to the policies, practices, programs, and operations of the department and to make recommendations in the semiannual reports required by section 473 of this chapter, or as needed, concerning how such legislation, regulations, orders, and directives may impact on civil liberties and civil rights and on the effectiveness of the department's policies, practices, programs, and operations; and

(4) Keep the mayor, the commissioner, and the council fully and currently informed, by means of the reports required by section 473 of this chapter and otherwise, concerning the impact of the department's policies, practices, programs and operations on civil liberties and civil rights and on the department's effectiveness, any problems or deficiencies in the department's policies, practices, programs and operations, and on recommended corrective actions and the progress made in implementing such corrective actions.

b. The inspector general shall coordinate with the civilian complaint review board and the internal affairs bureau and any other relevant agency regarding reviews on matters where the offices share jurisdiction with a view toward avoiding duplication where possible.

c. The city council may recommend that the inspector general conduct particular reviews.

d. The inspector general shall create a mechanism for the public to submit requests for reviews on matters within the mandate of the inspector general. This mechanism shall provide methods for the public to submit such requests in writing or online via a secure website. The inspector general shall respond to such requests made by the public and provide an explanation for rejecting or accepting the requests.

e. Within one month of the initial appointment, the inspector general shall initiate, and within eight months shall complete, a review of the documentation and record-keeping policies and practices of the department, in order to determine whether these policies and practices result in the generation and preservation of sufficient documentation to enable effective oversight by the inspector general of the department's policies, practices, programs, and operations. The inspector general

shall issue a report regarding the review that shall identify any deficiencies in documentation and record-keeping policies and practices and shall recommend any changes that the inspector general deems necessary. This report shall be circulated and made public in the same manner as the semiannual reports described in section 473 of this chapter.

f. Whenever the inspector general has reasonable grounds to believe there has been a violation of federal, state, or city law, the inspector general shall report such potential violation to the appropriate authority.

g. Deputy Inspector General

(1) Within one month of the appointment of an inspector general, the inspector general shall appoint a deputy inspector general, who shall be appointed without regard to political affiliation and solely on the basis of integrity, demonstrated skill in conducting audits and complex investigations and a demonstrated commitment to the protection of civil liberties and civil rights. The deputy inspector general shall not be a current member of the department or have served in the department within the last 10 years.

(2) It shall be the duty of the deputy inspector general to serve as a liaison between the department and the office of the inspector general. The deputy inspector general shall establish and maintain an office and regular physical presence at department headquarters. The inspector general may assign additional duties to the deputy inspector general.

§ 473. Reports.

a. The inspector general shall, not later than April 30 and October 31 of each year, prepare semiannual reports summarizing the activities of the office during the previous six months. Such reports shall include, but need not be limited to:

(1) A description of significant findings from reviews, including any problems and deficiencies, relating to the department's policies, practices, programs, and operations disclosed by such activities;

(2) A description of the recommendations for corrective action made by the office;

(3) An identification of each recommendation described in previous semiannual reports on which corrective action has not been implemented or completed;

(4) A description of recommendations made on pending legislation and regulations under paragraph (3) of subdivision (a) of section 472 of this chapter;

(5) A summary of matters referred to prosecutorial authorities and the prosecutions and convictions that have resulted; and

(6) A listing and brief summary of each report issued by the office during the reporting period.

b. The semiannual reports described in subdivision (a) shall be furnished to the mayor and commissioner not later than April 30 and October 31 of each year and shall be transmitted within 30 days by the mayor to the speaker of the council, the chairperson of the council's public safety committee, and the chairperson of the council's civil rights committee, along with:

(1) Any comments by the mayor or the commissioner; and

(2) An explanation by the commissioner for any recommendations described in previous semiannual reports on which corrective action has not been implemented or completed.

c. In addition to the semiannual reports, the inspector general shall report promptly to the mayor and commissioner whenever the inspector general becomes aware of particularly serious or flagrant problems or deficiencies relating to the department's policies, practices, programs, and operations. The mayor shall transmit any such report to the speaker of the council, the chairperson of the council's public safety committee, and the chairperson of the council's civil rights committee within seven calendar days, together with a report by the commissioner containing any comments the commissioner deems appropriate.

d. Within 30 days of the transmission of any report to the council, the inspector general shall make copies of the report, subject to subdivision (e) below, freely available to the public on the office's website, and shall make hard copies available to the public upon request and at a reasonable cost.

e. (1) Nothing in this section shall be construed to authorize the public disclosure of information if:

(A) A provision of the law specifically prohibits its public disclosure; or

(B) The information pertains to a specific ongoing, predicated police investigation and would, if disclosed, interfere with that investigation, unless that information already has been included in a public record.

(2) It is the responsibility of the inspector general, based on information provided by the commissioner, to determine whether information contained in a report falls within paragraph (1) of this subdivision, except that the commissioner may prevent the public disclosure of the names and personally identifying information of informants, other sources, witnesses, and suspects.

(3) The inspector general may consider additional requests by the commissioner to withhold information if the commissioner demonstrates that the public disclosure of information would cause a specific and imminent threat to the safety of the city, except that under no circumstances may the inspector general on the basis of this provision fail to report a significant problem or deficiency with the department's programs or operations.

(4) If the inspector general determines that a report contains information that falls within paragraphs (1) or (3) of this subdivision, or if the commissioner determines that the report includes information falling within paragraph (2) of this subdivision, the inspector general shall release the report to the public with said information redacted.

§ 474. Authority of Inspector General; Obligations of the Department and Other Agencies; Budget.

a. The inspector general, in carrying out the functions of the office, is authorized

to:

(1) Have prompt access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the department that relate to policies, practices, programs, and operations that are the subject of oversight by the inspector general, which materials shall also be provided to the inspector general electronically when available;

(2) Conduct such reviews relating to the policies, practices, programs, and operations of the department as are, in the judgment of the inspector general, necessary or desirable;

(3) Request such information or assistance as may be necessary from any federal, state, or local governmental agency or unit thereof;

(4) Issue subpoenas, which shall be enforceable by order of any court of competent jurisdiction, to compel the attendance and testimony of such persons as the inspector general may deem necessary, and to require the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information, as well as any tangible thing) and documentary evidence that the inspector general may deem necessary;

(5) Administer or take from any person, or to designate an employee of the office to administer or take from any person, an oath, affirmation, or affidavit, which shall have the same force and effect as if administered or taken by or before an officer having a seal;

(6) Have direct and prompt access to the commissioner when necessary for any purpose pertaining to the performance of functions and responsibilities of the office; and

(7) Select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the office, subject to any applicable provisions of federal, state, or local law regarding such appointments.

b. Any ongoing partnership or cooperation between the department and any federal, state or local agency or department must be pursuant to a written agreement that expressly permits the inspector general to review the activities of the department or its officers undertaken in connection with that partnership or cooperation.

c. (1) If the inspector general makes a request for information or assistance from a city agency or unit under paragraph (3) of subdivision (a) of this section, the head of such agency or unit shall promptly provide the inspector general with such information or assistance unless such provision is prohibited by law.

(2) The department and other relevant city agencies or officers shall promptly assist the inspector general with obtaining any security clearances that are necessary in order for the inspector general to have full access to information that the inspector general deems necessary for an investigation.

(3) Every officer or employee of the city shall have an affirmative duty to cooperate fully with the office of the inspector general and to provide prompt access to records as described in subdivision (a) of section 474 of this chapter. The inspector general shall promptly report any lack of cooperation to the head of the relevant agency or establishment. Interference with or obstruction of an investigation conducted by the inspector general shall constitute cause for removal from office or employment or other appropriate penalty.

(4) The refusal of an officer or employee of the city to answer questions put forward by the inspector general as part of a review into the department's policies, practices, programs and operations shall constitute cause for removal from office or employment or other appropriate penalty.

(5) The civilian complaint review board and the internal affairs bureau shall report to the inspector general any and all information concerning the department's policies, practices, programs, and operations which they know or should reasonably know to fall within the jurisdiction of the inspector general as defined in this chapter.

d. The office of the inspector general shall not be physically located within any department facility.

e. (1) The budget for the office of the inspector general shall be separate units of appropriation comprised of at least one personal service unit of appropriation and at least one other than personal service unit of appropriation.

(2) The inspector general shall, not later than March tenth of each year, transmit a proposed budget for the office of the inspector general to the mayor and the speaker of the city council, including a detailed itemized estimate of the financial needs of the office.

(3) All changes to the inspector general's proposed budget by the mayor shall be identified in the executive budget submitted to the city council and shall include comments submitted by the inspector general on the changes made by the mayor. The inspector general shall be required to submit comments if he or she believes that the changes proposed by the mayor would substantially inhibit the ability of the office of the inspector general to perform its duties.

(4) The mayor, subject to appropriation, shall ensure that the inspector general has sufficient funds to fulfill his or her mandate

§ 475. Complaints by Employees.

a. The inspector general and the deputy inspector general may receive and investigate complaints or information from an employee of the department concerning the possible existence of problems or deficiencies with respect to the department's programs or operations. Such complaints may be made anonymously.

b. The office of the inspector general shall not, after receipt of a complaint or information from an employee under subsection (a) above, disclose the identity of the employee, if known, without that person's consent, unless the inspector general determines such disclosure is unavoidable in order to investigate an allegation effectively or is required by law.

c. Any employee who has authority to take, direct others to take, recommend, or

approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint, disclosing information to the inspector general, or for responding to queries from the inspector general unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

d. In the event that the inspector general concludes that there is reason to believe retaliation against an individual has occurred, the inspector general shall conduct an investigation and forward the findings to the mayor, commissioner and the council.

§ 476. Websites.

a. The inspector general shall maintain a website that shall include:

(1) Information on the office's responsibilities and activities;

(2) Reports by the office to be posted not later than 3 days after they are made publicly available. Such materials shall be made easily accessible from a direct link on the homepage of the website of the office, include a summary of the findings of the inspector general, and be in a format that is searchable and downloadable and that facilitates printing; and

(3) A direct link on the homepage of the website of the office for individuals to report any problems and deficiencies relating to the department's policies, practices, programs and operations. Such individuals shall not be required to provide personally identifying information.

b. The department shall establish and maintain on its website's homepage a direct link to the website of the office. The link shall be obvious and facilitate accessibility to the office's website.

§ 477. Definitions. As used in this chapter:

a. "Commissioner" means the commissioner of the New York city police department;

b. "Council" means the New York city council;

c. "Department" means the New York city police department; and

d. "Office" means the office of the inspector general.

§ 2. Severability. If any provision of this chapter or any other provision of this local law, or any amendments thereto, shall be held invalid or ineffective in whole or in part or inapplicable to any person or situation, such holding shall not affect, impair or invalidate any portion of or the remainder of this local law, and all other provisions thereof shall nevertheless be separately and fully effective and the application of any such provision to other persons or situations shall not be affected.

§ 3. Effective Date. This local law shall take effect immediately.

Referred to the Committee on Public Safety

Res. No. 1381

Resolution opposing and calling for the withdrawal of New York State Senate bill S.281, which would permit individuals to use physical force, including deadly physical force, in defense of a person, premise, dwelling, residence or vehicle.

By Council Members Williams, Jackson, Chin, Comrie, Dromm, James, Lander, Rose and Vann.

Whereas, According to the Centers for Disease Control and Prevention, 11,493 firearm related deaths occurred in the United States during 2009; and

Whereas, According to a 2012 report published by the Children's Defense Fund, there were 2,793 youth killed and 13,791 injured by firearms in the United States during 2009; and

Whereas, Reports by the New York City Police Department indicate that of the 515 homicides in New York City during 2011, 314 were committed by use of a firearm; and

Whereas, Lawmakers, community leaders, and advocates across the country have called for tougher gun control policies in an effort to reduce the number of shootings; and

Whereas, New York City continues to be at the forefront in promoting public safety by advocating for more stringent firearm regulations; and

Whereas, On February 26, 2012, Trayvon Martin, a 17-year-old black male high school student was shot to death by George Zimmerman, a neighborhood watch volunteer, while walking to visit his family in a gated community in Sanford, Florida; and

Whereas, The Sanford Police Department did not arrest Zimmerman for 45 days, in part because he claimed that he acted lawfully pursuant to Florida's "Stand Your Ground" law, which allows an individual to use force in self-defense without imposing a duty to retreat; and

Whereas, Zimmerman is expected to rely on Florida's "Stand Your Ground" law in his defense against the charge of second-degree murder; and

Whereas, Since 2005, 25 states have passed "Stand Your Ground" laws, which risk encouraging gun owners to commit deadly acts of violence as they know that they may be able to avoid prosecution; and

Whereas, S.281, currently pending in the New York State Senate, seeks to amend the New York State Penal Law ("Penal Law") by permitting individuals to use

physical force, including deadly physical force, in defense of a person, premise, dwelling, residence or vehicle; and

Whereas, Additionally, S.281 seeks to repeal the Penal Law's "duty to retreat" clause, which prohibits the use of deadly force by an individual if they have the ability to safely retreat; and

Whereas, S.281, comparable to Florida's "Stand Your Ground" statute, if enacted, could compromise public safety and make it more difficult to prosecute individuals that inappropriately use deadly force; and

Whereas, The broad scope of "Stand Your Ground" laws put too much faith in the judgment of a person regarding the use of deadly force, which can jeopardize public safety by furthering the likelihood of unwarranted shootings; now, therefore, be it

Resolved, That the Council of the City of New York opposes and calls for the withdrawal of New York State Senate bill S.281, which would permit individuals to use physical force, including deadly physical force, in defense of a person, premise, dwelling, residence or vehicle.

Referred to the Committee on Public Safety

L.U. No. 629

By Council Member Comrie:

Application no. 20125206 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 7th Avenue Restaurant Group d.b.a. Tasca, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 130-138 Seventh Avenue South, Borough of Manhattan, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 630

By Council Member Comrie:

Application no. 20125400 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Panzi Enterprises d.b.a. Panca, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 92 Seventh Avenue South, Borough of Manhattan, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 631

By Council Member Comrie:

Application no. 20125766 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Focacceria, LTD d.b.a. Focacceria Restaurant, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 87 MacDougal Street, Borough of Manhattan, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 632

By Council Member Comrie:

Application no. C 120077 MMM submitted by New York University, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map within the New York University Core, Borough of Manhattan, Community Board 2, Council District 1. This application is subject to

review and action by the Land Use Committee only if appealed to the Council pursuant to § 197-d (b) (2) of the Charter or called up by vote of the Council pursuant to 197-d (b) (3) of the Charter.

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

L.U. No. 633

By Council Member Comrie:

Application no. C 120122 ZMM submitted by New York University pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No.12c, Borough of Manhattan, Community Board 2, Council District 1.

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

L.U. No. 634

By Council Member Comrie:

Application no. N 120123 ZRM submitted by New York University pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning special permit regulations for large scale general developments relating to Section 74-742 (Ownership) and Section 74-743 (Special Provisions for bulk modifications) on the zoning lots bounded by West Third Street, Mercer Street, West Houston Street, and LaGuardia Place, Borough of Manhattan, Community Board 2, Council District 1 .

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

L.U. No. 635

By Council Member Comrie:

Application no. C 120124 ZSM submitted by New York University pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-743* of the Zoning Resolution to allow the distribution of total allowable floor area without regard for zoning lot lines; and to allow the location of buildings without regard for the applicable height and setback, yards and distance between buildings to facilitate the development of four new buildings, within a Large-Scale General Development generally bounded by West 3rd Street, Mercer Street, West Houston Street, and LaGuardia Place (Block 533, Lots 1 & 10, and Block 524, Lots 9 & 66), in a C1-7 District, Borough of Manhattan, Community Board 2, Council District 1 . This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to § 197-d (b) (2) of the Charter or called up by vote of the Council pursuant to 197-d (b) (3) of the Charter.

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

L.U. No. 636

By Council Member Comrie:

Application no. 20125694 HKK (N 120297 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Park Slope Historic District Extension (List No.454, LP-2443), Borough of Brooklyn, Community Districts 6 and 7, Council District 39.

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

L.U. No. 637

By Council Member Comrie:

Application no. 20125770 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 212 Lafayette Associates, LLC d.b.a. Café Select, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 212 Lafayette Street, Borough of Manhattan, Council District 1. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

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

ANNOUNCEMENTS:

Due To The Upcoming Adjournment of the State Legislature and our Pending Adoption of the FY'13 Budget, 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

Thursday, June 14, 2012

Committee on **IMMIGRATION** jointly with the
Committee on **CONSUMER AFFAIRS**..... **10:00 A.M.**
Oversight – Better Banking for NYC’s Immigrants
Committee Room – 250 Broadway, 14th Floor Daniel
Dromm, Chairperson
Daniel Garodnick, Chairperson

★*Note Topic Addition*
Committee on **AGING**..... **1:00 P.M.**
Oversight – Examining the Challenges of Grandparent Caregivers – An update
Committee Room – 250 Broadway, 14th Floor Jessica
Lappin, Chairperson

★*Note Topic and Committee Addition*
Committee on **WATERFRONTS** jointly with the
Committee on **PARKS AND RECREATION** **1:00 P.M.**
Oversight - Greenpoint-Williamsburg Waterfront Open Space Master Plan: Status of Development
Committee Room – 250 Broadway, 16th Floor
Michael Nelson, Chairperson
Melissa Mark-Viverito, Chairperson

Tuesday, June 19, 2012

Subcommittee on **ZONING & FRANCHISES**.....**9:30 A.M.**
See Land Use Calendar Available Thursday, June, 14, 2012
Committee Room – 250 Broadway, 16th Floor..... Mark Weprin, Chairperson

★*Note Topic Addition*
Committee on **TRANSPORTATION**.....**10:00 A.M.**
Oversight - Keeping Up with the Boroughs – Addressing Public Transit Needs Outside Manhattan.
Committee Room – 250 Broadway, 14th FloorJames Vacca, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES****11:00 A.M.**
See Land Use Calendar Available Thursday, June, 14, 2012
Committee Room– 250 Broadway, 16th Floor Brad Lander, Chairperson

★*Deferred*

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..1:00 P.M.
See Land Use Calendar Available Thursday, June, 14, 2012
 Committee Room— 250 Broadway, 16th Floor Stephen Levin, Chairperson

★ *Deferred*
 Committee on **CIVIL SERVICE AND LABOR**1:00 P.M.
 Agenda to be announced
 Committee Room— 250 Broadway, 14th Floor James Sanders, Chairperson

Wednesday, June 20, 2012

★ *Note Topic Addition*
 Committee on **CIVIL RIGHTS**10:00 A.M.
Int. 814 - By Council Members Comrie, Gentile, Barron, Cabrera, Chin, Dickens, Dromm, Eugene, Ferreras, Gonzalez, Jackson, James, Koo, Koppell, Lander, Levin, Palma, Reyna, Rose, Sanders Jr., Seabrook, Vann, Williams, Rodriguez, Foster and Ulrich – **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on one’s unemployment status.
 Committee Room— 250 Broadway, 14th FloorDeborah Rose, Chairperson

★ *Deferred*
 Committee on **GOVERNMENTAL OPERATIONS**10:00 A.M.
 Agenda to be announced
 Committee Room— 250 Broadway, 16th Floor Gale Brewer, Chairperson

★ *Deferred*
 Committee on **PUBLIC SAFETY**1:00 P.M.
 Agenda to be announced
 Committee Room— 250 Broadway, 14th FloorPeter Vallone, Chairperson

★ *Note Topic Additions*
 Committee on **EDUCATION**..... 1:00 P.M.
★Proposed Res 910-A - By Council Members Levin, Chin, Comrie, Dickens, Rose, Vann and James - **Resolution** calling upon the New York State Legislature to pass and the Governor to sign legislation supporting breakfast in the classroom in every school in New York City.
★Proposed Res 911-A - By Council Members Levin, Chin, Comrie, Dickens, Rose and Vann - **Resolution** calling upon the New York City Department of Education to support breakfast in the classroom in every school in New York City.
 Committee Room – 250 Broadway, 16th Floor Robert Jackson, Chairperson

Thursday, June 21, 2012

Committee on **ECONOMIC DEVELOPMENT**10:00 A.M.
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Karen Koslowitz, Chairperson

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

★ *Deferred*
 Committee on **CONSUMER AFFAIRS**.....1:00 P.M.
 Agenda to be announced
 Committee Room— 250 Broadway, 14th FloorDaniel Garodnick, Chairperson

★ *Deferred*
 Committee on **TECHNOLOGY**1:00 P.M.
 Agenda to be announced
 Committee Room— 250 Broadway, 16th Floor Fernando Cabrera, Chairperson

Friday, June 22, 2012

★ *Note Committee Addition*
 Committee on **YOUTH SERVICES** jointly with the
★Committee on COMMUNITY DEVELOPMENT10:00 A.M.
Proposed Res 687-A - By Council Members Comrie, Brewer, Cabrera, Chin, Dickens, Dromm, Fidler, Gonzalez, James, Lander, Mealy, Mendez, Rose, Sanders Jr., Vann, Williams, Foster, Nelson and Koo - **Resolution** calling on the New York City Congressional Delegation and President Barack Obama to prevent cuts to the Community Services Block Grant Program.

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

Monday, June 25, 2012

★ *Deferred*
 Committee on **PARKS AND RECREATION**1:00 P.M.
~~**Oversight** – Examining the Parks Department’s Implementation and Oversight over its Capital Projects~~
 Committee Room— 250 Broadway, 14th Floor .Melissa Mark Viverito, Chairperson

★ *Note Committee and Topic Addition*
 Committee on **VETERANS** jointly with the
★Committee on MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE & DISABILITY SERVICES 1:00 P.M.
★Proposed Res. 503-A - By Council Members Eugene, Cabrera, Chin, Comrie, Dromm, Ferreras, Fidler, Gentile, James, Lander, Palma, Sanders Jr., Williams, Rodriguez, Rose, Nelson and Halloran - **Resolution** urging the United States Congress to pass and the President to sign the Services, Education, and Rehabilitation for Veterans Act, also known as the SERV Act, which would provide grants to establish veterans treatment courts.
★Res. 1345 - By Council Members Eugene, Koppell, Cabrera, Dromm, Fidler, Gentile, Jackson, James, Koo, Mendez, Palma, Rose, Sanders Jr., Seabrook, Williams, Wills, Rodriguez and Ulrich - **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.
 Committee Room— 250 Broadway, 16th Floor Mathieu Eugene, Chairperson
 Oliver Koppell, Chairperson

Tuesday, June 26, 2012

Committee on **TRANSPORTATION**..... 1:00 P.M.
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor James Vacca, Chairperson

Committee on **SANITATION AND SOLID WASTE MANAGEMENT**1:00 P.M.
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Letitia James, Chairperson

Wednesday, June 27, 2012

★ *Addition*
 Committee on **RULES, PRIVILEGES & ELECTIONS**10:30 A.M.
M 822 - Communication from the Mayor - Submitting the name of **Richard Stabile** to the Council for its advice and consent regarding his reappointment to the New York City Tax Commission.
M 823 - Communication from the Mayor - Submitting the name of **Kirk P. Tzanides** to the Council for its advice and consent regarding his reappointment to the New York City Tax Commission
 Council Chambers – City Hall Joel Rivera, Chairperson

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

Thursday, June 28, 2012

Committee on **COMMUNITY DEVELOPMENT**.....10:00 A.M.
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Albert Vann, Chairperson

★ *Note Committee and Topic Addition*
 Committee on **GENERAL WELFARE** jointly with the
★Committee on CIVIL RIGHTS.....10:00 A.M.
★Oversight - DHS and the Adult Homeless LGBT Population
 Committee Room – 250 Broadway, 16th Floor Annabel Palma, Chairperson
Deborah Rose, Chairperson

Committee on **CULTURAL AFFAIRS, LIBRARIES &**

INTERNATIONAL INTERGROUP RELATIONS 1:00 P.M.

Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor
 James Van Bramer, Chairperson

★Addition

Committee on TECHNOLOGY 1:00 P.M.

Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor
 Fernando Cabrera, Chairperson

At this point upon the request of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Dickens) declared the Meeting in recess subject to call.

***Editor's Note re Attendance for the Stated Council Meeting of June 13, 2012 and the Recessed Council Meeting held on June 28, 2012:** The Stated Council Meeting of June 13, 2012 was opened and subsequently recessed on June 13, 2012 before being re-opened and adjourned on June 28, 2012. This Recessed Meeting held on June 28, 2012, therefore, is considered the continuation and conclusion of the Stated Meeting that opened on June 13, 2012. Both proceedings together constitute and are known collectively as the Stated Council Meeting of June 13, 2012. For attendance purposes, therefore, any Council Member who was present at either one of these proceedings will be considered present for the Stated Meeting of June 13, 2012. Though not present on June 13, 2012, Council Member Mendez was present for this Recessed Meeting of June 13, 2012 held on June 28, 2012 and therefore, for attendance purposes, is considered Present but Not Voting for the Stated Meeting of June 13, 2012.*

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again and immediately open the scheduled Stated Meeting of June 28, 2012.

MICHAEL M. McSWEENEY, City Clerk
 Clerk of the Council

THE COUNCIL

Minutes of the Proceedings for the

RECESSED MEETING

of

Wednesday, June 13, 2012

held on

Thursday, June 28, 2012, 8:45 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	Michael C. Nelson
Charles Barron	Sara M. Gonzalez	James S. Oddo
Gale A. Brewer	David G. Greenfield	Annabel Palma
Fernando Cabrera	Daniel J. Halloran III	Domenic M. Recchia, Jr.
Margaret S. Chin	Vincent M. Ignizio	Diana Reyna
Leroy G. Comrie, Jr.	Robert Jackson	Joel Rivera
Elizabeth S. Crowley	Letitia James	Ydanis A. Rodriguez
Inez E. Dickens	Peter A. Koo	Deborah L. Rose
Erik Martin Dilan	G. Oliver Koppell	James Sanders, Jr.
Daniel Dromm	Karen Koslowitz	Eric A. Ulrich
Mathieu Eugene	Bradford S. Lander	James Vacca
Julissa Ferreras	Jessica S. Lappin	Peter F. Vallone, Jr.
Lewis A. Fidler	Stephen T. Levin	Albert Vann
Helen D. Foster	Melissa Mark-Viverito	James G. Van Bramer
Daniel R. Garodnick	Darlene Mealy	Mark S. Weprin
James F. Gennaro	Rosie Mendez	Jumaane D. Williams
		Ruben Wills

Excused on June 28, 2012 for this Recessed Meeting: Council Member Seabrook.

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 Recessed Meeting held on June 28, 2012 in the Council Chambers of City Hall, New York, N.Y.

