

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
WEDNESDAY, JUNE 12, 2013

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**THE COUNCIL**

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*Minutes of the Proceedings for the  
STATED MEETING  
of  
Wednesday, June 12, 2013, 2:45 p.m.*

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

Council Members

Christine C. Quinn, Speaker

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

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

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

*There were 51 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y. 10007.*

**INVOCATION**

The Invocation was delivered by Imam Shamsi Ali, Jamaica Muslim Center, 8537 168<sup>th</sup> Street, Jamaica, NY 11432

In the name of God, most gracious, most merciful.  
Praise be to God, the cherisher  
and the sustainer of the world.

Oh merciful and compassionate God,  
look with compassion on the whole human family.  
Help us to break down the walls that separate us,  
unite us in bonds of love and work  
through our struggles to accomplish  
your purpose on earth that in good time  
all people may obtain  
prosperity, justice and happiness.  
We pray for our city.  
We ask you, God, to continue showering  
your grace and mercy upon our city.  
May this great city of New York will remain forever  
[a] shining example and beacon of freedom,  
justice, peace and harmony between its people.  
We as you, God, to protect our city  
and its inhabitants from any harm,  
indeed, you are the best protector.  
Our Lord, keep and strengthen members of this Council.  
Take their hands and bless their efforts  
to lead our city better, to overcome any obstacles  
and challenges laid ahead of us.  
May their sincere commitment and dedication bear fruits,  
fulfilling hopes and dreams of all New Yorkers.  
We ask you also, God, to keep our nation  
and all world nations to continue to path of peace,  
not the path of conflicts and wars,  
the path of justice,  
not the path of aggressions and operations,  
the path of brotherhood and cooperation,  
not the path of suspicions and division  
and we say, amen.

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

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

Medgar Evers, NAACP field secretary and civil rights leader, died at the age of 37 on June 12, 1963 from an assassin's bullet in Jackson, Mississippi. The floor was yielded to the Majority Whip (Council Member Vann) who spoke in respectful memory of the legacy of Medgar Evers on the fiftieth anniversary of his death.

John Noel, 62, long-time WNBC-TV news reporter died after a lengthy battle with brain cancer on June 6, 2013. The floor was yielded to the Assistant Majority Leader (Council Member Fidler) who spoke in respectful memory of his friend, Nr. Noel.

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**ADOPTION OF MINUTES**

Council Member Lander moved that the Minutes of the Stated Meetings of April 25 and May 8, 2013 be adopted as printed.

## MESSAGES &amp; PAPERS FROM THE MAYOR

M-1159

**Communication from the Mayor – Mayor's veto and disapproval message of Introductory Number 97-A, in relation to the provision of sick time earned by employees.**

June 7, 2013

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

Dear Mr. McSweeney:

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

**Introductory Number 97-A**

A local law to amend the administrative code of the city New York, in relation to the provision of sick time earned by employees.

Sincerely,

Patrick A. Wehle

**(The following is the text of the Mayor's Veto and Disapproval Message of Int No. 97-A:)**

June 6, 2013

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

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory No. 97-A, which would create a new mandate for paid sick leave for employees of employers with fifteen or more employees and for all domestic workers in New York City and would require the Department of Consumer Affairs to enforce the bill's requirements.

Intro. 97-A would require, with certain exceptions, that business and not-for-profit employers with fifteen or more employees who work over eighty hours a year provide their employees up to five days of paid sick time, and it would entitle domestic workers who work more than eighty hours a year for the same employer to up to five days of paid sick time. Employers with fewer than fifteen employees, meanwhile, would have to provide unpaid sick time to their employees. The bill would create extensive and burdensome recordkeeping and notice requirements for employers, and it would establish a broad and multi-faceted enforcement role for the Department of Consumer Affairs. Violations of the bill's requirements could result in civil penalties up to \$2,500 per violation, triple lost wages, and equitable relief including reinstatement.

While the motivation behind Intro. 97-A is laudable, the bill will have deleterious effects on businesses and not-for-profit organizations throughout the City, and it will hurt the City's economy. In partnership with the City Council, my administration has worked aggressively to improve the City's economic situation and create more jobs, even while the national economy overall has gone through difficult times. As a result of our efforts, including the Department of Small Business Services' expansion of workforce development and job placement efforts, and investments in infrastructure and economic development activities in all five boroughs, New York City's economy has significantly outperformed the rest of the country. Since the onset of the national recession, the United States has gained back only 54% of the private sector jobs it lost; by comparison, New York City has now recovered more than 215% of the private sector jobs we lost. And New York City now has more private sector jobs—3.3 million—than at any point in its history. And for individuals without a high school diploma, the City's unemployment rate remains less than it is in the country, as it has been since 2007.

This bill, however, will inevitably increase costs for employers, and particularly for small businesses. Faced with this increase in costs, employers will seek to offset

them in any number of ways, including reducing other benefits employees receive, such as health insurance; reducing the number of hours employees work; and laying them off altogether. Employers may also become less willing to hire new employees, as this bill would make hiring them more expensive. Furthermore, given that higher wage jobs typically come with paid leave, it is likely that entry-level and lower wage workers—the very people this bill is intended to help—will suffer these effects disproportionately.

The bill's proposed enforcement scheme will create a new, large, and unwieldy bureaucracy in the Department of Consumer Affairs. This bill is an employment bill, in that it regulates the employment relationship between workers and their employers. Yet the bill assigns responsibility to an agency, the Department of Consumer Affairs, that specializes in the protection of consumers, not the interpretation, investigation and enforcement of labor and employment laws. Under this bill, the Department would have to accept, investigate, and mediate complaints about a host of issues, including whether employers appropriately informed their employees about the law, whether employers provided required sick leave to their employees, and whether employers retaliated against their employees in violation of the bill. It would have to inspect and audit employers' records pertaining to their employees, and it would have to bring enforcement actions. Not only are the employment law issues in these matters far afield from the agency's expertise, but DCA will have to devote substantial, recurring resources to perform the new responsibilities under the bill, particularly because these efforts will involve virtually every employer in the City. We estimate, at a minimum, that DCA will have to hire forty-nine new staff and spend 8 million dollars in fiscal year 2014 and 4.8 million dollars annually thereafter. Thus, the bill will cost the City substantial resources we do not have to create a new part of an agency that has no experience performing the functions this bill will require.

Finally, an employment matter such as this one is not an appropriate matter for local legislation. If this bill becomes law, it will harm New York City's competitive position by adding to the already high cost of doing business in New York City. Nassau, Suffolk and Westchester counties as well as New Jersey will enjoy a cost advantage, undermining the hard work we have done to ensure that the City's economic recovery has been stronger and faster than the rest of the nation's. This bill, which will impose significant new costs on employers and create a vast new bureaucracy, is bad for the City's economy, and it will harm the very people it seeks to help.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Civil Service and Labor.

## COMMUNICATION FROM CITY, COUNTY &amp; BOROUGH OFFICES

M-1160

**Communication from the New York City Banking Commission - Transmitting recommendations of the interest rate to be charged for Fiscal Year 2014 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 2014, pursuant to the City Charter.**

May 14, 2013

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

**Re: Interest Rates for Fiscal Year 2014 for: Non-Payment of Taxes for Real Estate; Non-Payment of Water and Sewer Rents; and Early Payment (Discount) of Property Taxes**

Dear Ms. Quinn:

Pursuant to Sections 11-224.1, 11.312(c), 11-313(e) of the New York City Administrative Code and Section 1519(a) of the New York City Charter, the Banking Commission, at its meeting on May 13, 2013, adopted resolutions recommending to the Council that the proposed interest rates to be charged for nonpayment of taxes for real estate, and for non-payment of water and sewer rents, and the discount rate for early payment of real estate taxes for Fiscal Year 2014, which remain unchanged from FY2013, be:

Nine percent (9.00%) per annum for non-payment of taxes for real estate with an assessed value of not more than two hundred fifty thousand dollars (\$250,000.00),

or not more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops;

Eighteen percent (18.00%) per annum for non-payment of taxes for real estate with an assessed value of more than two hundred fifty thousand dollars (\$250,000.00), or more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops, or where irrespective of the assessed value, the parcel consists of vacant or unimproved land;

Nine percent (9.00%) per annum for non-payment of water and sewer rents for real estate with an assessed value of not more than two hundred fifty thousand dollars (\$250,000.00), or not more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops;

Eighteen percent (18.00%) per annum for non-payment of water and sewer rents for real estate with an assessed value of more than two hundred fifty thousand dollars (\$250,000.00), or more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops;

One percent (1.00%) discount per annum applied to the portion of the real estate tax that is paid no later than the due date.

Copies of the resolutions are attached.

Sincerely,

Andrew Salkin

**(The following are the text of the New York City Banking Commission Resolutions Nos. 1 to 5 regarding the respective Interest and Discount Rate proposals for Fiscal Year 2014:)**

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

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

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

**WHEREAS**, the Banking Commission notes that as of May 13, 2013, said prime rate stands at three and one-quarter per cent (3.25%), as published by the Board of Governors of the Federal Reserve System, and

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

**RESOLVED**, the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of taxes for all properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, remains nine per cent (9%) per annum for fiscal year 2014, and be it further

Dated May 13, 2013

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

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

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

**WHEREAS**, the Banking Commission notes that as of May 13, 2013, said prime rate stands at three and one-quarter per cent (3.25%), as published by the Board of Governors of the Federal Reserve System, and

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

**RESOLVED**, the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of taxes for real estate where the assessed value on a parcel is over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land remains eighteen per cent (18%) per annum for fiscal year 2014, and be it further

Dated May 13, 2013

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

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

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

**WHEREAS**, the Banking Commission notes that as of May 13, 2013, the said prime rate stands at three and one-quarter per cent (3.25%), as published by the Board of Governors of the Federal Reserve System, now, therefore, be it

**RESOLVED**, that the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water and sewer rents for properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, remains nine per cent (9%) per annum for fiscal year 2014, and be it further

Dated May 13, 2013

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

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

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

**WHEREAS**, the Banking Commission notes that as of May 13, 2013, the said prime rate stands at three and one-quarter per cent (3.25%), as published by the Board of Governors of the Federal Reserve System, now, therefore, be it

**RESOLVED**, that the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents for all properties with an assessed value of more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, remains eighteen percent (18%) per annum for fiscal year 2014, and be it further

Dated May 13, 2013

**Resolution No. 5 Discount Rate Recommendation (Real Estate)**

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

**RESOLVED**, the Banking Commission recommends to the City Council, the discount percentage that shall be allowed for early payment of real estate taxes shall be one percent (1%) per annum for fiscal year 2014, and be it further

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

Dated May 13, 2013

*Resolutions No. 1-5 were unanimously approved by all three representatives.*

Referred to the Committee on Finance.

M-1161

**Communication from the Department of Small Business Services – Transmitting proposed maritime lease between the New York City Department of Small Business Services and Hornblower New York, LLS., for certain areas and other improvements at Pier 15, located at Block 73, portion of Lot 2, Community District 1, Borough of Manhattan, pursuant to Section 1301(2)(f) of the City Charter.**

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

Referred to the Subcommittee on Landmarks, Public Siting and Maritime Uses..

M-1162

**Communication from the New York City Lobbying Commission– Submitting to the Mayor and Council the Final Report of the New York City Lobbying Commission, Pursuant to Section 3-212(e) of the Administrative Code.**

May 24, 2013

Honorable Michael R.  
Bloomberg Mayor of the City of  
New York City Hall  
New York, NY 10007

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

Dear Mr. Mayor and Madame Speaker:

As Chair of the New York City Lobbying Commission (the Commission) I am pleased to transmit the Commission's Final Report pursuant to Section 312(e) of the Administrative Code of the City of New York.

As you know, the 2006 package of legislation passed by the Council and signed into law was designed to strengthen the New York City laws regulating lobbying activities (the Lobbying Laws) and to make government more transparent and accessible to New Yorkers and reduce the perception of undue influence by lobbyists on government decision-making.

A provision in one of those pieces of legislation, Local Law 15 for 2006, called for the formation of a joint Mayoral-Council Commission to evaluate the implementation of the Lobbying Laws, recommend any changes to strengthen the administration and enforcement of the Lobbying Laws and specifically to evaluate whether or not the dollar threshold that triggers the obligation to file as a lobbyist should be increased.

After hearing extensively from those responsible for enforcing the Lobbying Laws, those subject to its requirements, good government groups who follow the City and State lobbying laws closely, and following seven public meetings and/or hearings, the Commission issued and approved this Final Report on March 13, 2013.

The Commission's recommendations fall into four broad areas:

1. Expand, and where necessary, clarify the definition of "lobbying activities" to cover additional types of advocacy activities and at the same time increase the dollar threshold so that smaller organizations, whose advocacy on their own behalf is minimal, will no longer have to register;

2. Enhance the education and outreach activities by the Clerk so that those engaged in the activities covered by the expanded scope of the law and those currently operating outside of the system are aware of their filing obligations;

3. Enhance enforcement efforts to target unregistered and non-compliant lobbying and bring unregistered lobbyists into the City's system; and

4. Require continuing technological changes and increase the availability of public information to facilitate the filing process and increase transparency surrounding lobbying activities in New York City.

The Commission strongly believes that these recommendations will produce stronger, more effective lobbying regulation, greater transparency and a higher level of confidence in government, and will therefore help achieve the important goals underlying the reforms you enacted in 2006.

Finally, I would like to express my gratitude to you at having been selected to Chair this Commission and to my fellow Commissioners for their hard work and dedication to this undertaking.

Very truly yours,

Herbert Berman

Chair  
New York City Lobbying Commission

Received, Ordered, Printed and Filed.

Preconsidered M-1163

**Communication from the Queens Borough President - Submitting the name of Irwin Cantor to the Council for its advice and consent regarding his re-appointment to the City Planning Commission.**

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

Referred to the Committee on Rules, Privileges and Elections.

#### LAND USE CALL UPS

M-1164

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 Review Procedure Application Nos. C 130139 ZSM and C 130140 ZSM shall be subject to Council review. These items are related to Application No. N 130137 ZRM which is subject to Council review pursuant to Section 197-d of the New York City Charter.**

Coupled on Call – Up Vote

M-1165

By Council Member Ferreras:

**Pursuant to Rule 11.20(b) 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 Review Procedure Application No. C 130155 PPQ, a disposition by lease of city-owned property, shall be subject to Council Review.**

Coupled on Call – Up Vote

## LAND USE CALL UP VOTE

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

**Affirmative** —Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – **51**.

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

## REPORTS OF THE STANDING COMMITTEES

## Report of the Committee on Contracts

Report for Res. No. 1739

**Report of the Committee on Contracts in favor of approving a Resolution adopting the rule amendment of the Procurement Policy Board to raise the micropurchase limit to \$20,000.**

The Committee on Contracts, to which the annexed resolution was referred on April 25, 2013 (Minutes, page 1164), respectfully

## REPORTS:

Introduction

On April 30, 2013, the Committee on Contracts (the Committee), chaired by Council Member Darlene Mealy, will meet to consider Res. No. 1739, which would ratify rule amendments adopted by the Procurement Policy Board (PPB) on April 8, 2013 to increase the limit for the City's smallest contracts, micropurchases. Representatives from the Mayor's Office of Contract Services, the New York City Comptroller, advocacy organizations, and interested members of the community are invited to testify.

Background

State procurement laws prescribe bidding on public contracts in order to foster competition so that quality goods and services may be acquired at the lowest possible price.<sup>1</sup> In addition to potential cost savings, competitive bidding "serves to prevent favoritism, improvidence, fraud, and corruption in the awarding of public contracts."<sup>2</sup>

While the competitive bidding process yields these benefits, it requires considerable time and resources. When contracts are small, the costs of competitive bidding may outweigh its benefits. In the interest of preserving such resources, state law permits municipalities to establish rules to govern purchases for which competitive bidding is not required.<sup>3</sup>

Section 3-08 of the PPB Rules offers guidance for purchases below \$100,000, known as "small purchases."<sup>4</sup> The section sets parameters for a more limited competitive process to attend small purchases.<sup>5</sup> For the subset of the smallest of small purchases, known as "micropurchases," the PPB allows agencies to procure goods and services with no competition.<sup>6</sup>

While no competition is required, agency contracting officers must ensure that the prices for the noncompetitive procurements are reasonable and that such purchases are not concentrated with select vendors, but rather distributed among responsible vendors.<sup>7</sup> Further, the rules preclude agencies from artificially dividing contracts in order to meet small purchase and micropurchase limits.<sup>8</sup> With these safeguards, the PPB seeks to uphold the state procurement tenets of protecting the public fisc and minimizing corruption, favoritism, and fraud.<sup>9</sup>

Because small purchases require little or no competition, the New York City Charter mandates that the Council join the PPB in establishing small purchase limits, including that of noncompetitive micropurchases.<sup>10</sup>

The Council and PPB last revised the micropurchase limit in 2003, increasing the limit from \$2,500 to \$5,000.<sup>11</sup> Micropurchases with a limit of \$5,000 have constituted a small fraction of citywide procurement dollars each year, accounting, for example, for 0.4% in Fiscal Years 2012 and 2011, and 0.3% in Fiscal Year 2010.<sup>12</sup>

Micropurchases offer distinct advantages to contracting agencies. As suggested above, micropurchases afford agencies the ability to acquire goods and services efficiently, eliminating the time and resources required by the bidding process. Micropurchases also allow agencies to distribute contracting opportunities across an

array of vendors. Indeed, agencies are often able to award contracts to minority and women- owned business enterprises (MWBEs) that may be shut out of larger procurement opportunities.<sup>13</sup>

Increasing the Micropurchase Limit

On April 8, 2013, the PPB voted unanimously to adopt a rule that would increase the micropurchase limit from \$5,000 to \$20,000.<sup>14</sup> Res. No. 1739 would ratify that increase.<sup>15</sup>

Increasing the micropurchase limit causes concern to the extent that it would broaden the scope of noncompetitive contracts. However, micropurchases capped at \$20,000 would remain subject to the rules that require reasonable costs and appropriate distribution across vendors.<sup>16</sup> In addition to those safeguards, pursuant to Local Law 9 of 2002, which was enacted by the Council to increase transparency of limited competition small purchases, the Council would receive reports enabling it to monitor all micropurchase contracts above \$10,000.<sup>17</sup>

Res. No. 1739

Res. No. 1739 would ratify the PPB's adoption of amendments to Procurement Policy Board Rule §3-08 to increase the micropurchase limit to \$20,000 from \$5,000. With respect to micropurchases, in addition to increasing the limit, the adopted amendment: (1) adds a subheading to §3-08(c)(ii) to identify micropurchases as such; and (2) makes clear that MWBEs should be included among the responsible vendors to which micropurchases are appropriately distributed.

<sup>1</sup> See General Municipal Law §103, §104; Office of the New York State Comptroller, Division of Local Government and School Accountability, *Local Government Management Guide: Seeking Competition in Procurement*, available at <http://www.osc.state.ny.us/localgov/pubs/lmg/seekingcompetition.pdf>.

<sup>2</sup> Council of City of New York v. Bloomberg, 6 N.Y.3d 380, 391 (2006).

<sup>3</sup> See General Municipal Law §104-b.

<sup>4</sup> See New York City Procurement Policy Board Rules §3-08.

<sup>5</sup> *Id.*

<sup>6</sup> See New York City Procurement Policy Board Rules §3-08(c)(ii).

<sup>7</sup> *Id.*

<sup>8</sup> See New York City Procurement Policy Board Rules §3-08(b).

<sup>9</sup> *Supra* note 3.

<sup>10</sup> See New York City Charter §314(a).

<sup>11</sup> See Committee Report, *Res. No. 699-2003*, Committee on Contracts; Hearing Transcript, *Res. No. 699 2003*, adopted Feb. 26, 2003.

<sup>12</sup> See New York City Mayor's Office of Contract Services, *Agency Procurement Indicators, Fiscal Year 2012*, at 7; New York City Mayor's Office of Contract Services, *Agency Procurement Indicators, Fiscal Year 2011*, at 6; New York City Mayor's Office of Contract Services, *Agency Procurement Indicators, Fiscal Year 2010*, at 5.

<sup>13</sup> See, e.g., New York City Mayor's Office of Contract Services, *Agency Procurement Indicators, Fiscal Year 2012*, at 67. MWBEs accounted for 14.8% of micropurchases in Fiscal Year 2009, 18.0% in Fiscal Year 2010, 19.7% in Fiscal Year 2011, and 25.6% in Fiscal Year 2012.

<sup>14</sup> See Information on file with Committee staff.

<sup>15</sup> See Res. No. 1739, attached at pp. 6-8.

<sup>16</sup> *Supra* note 6.

<sup>17</sup> See Committee Report, *Proposed Int. No. 112-A*, Committee on Contracts, June 4, 2012; New York City Charter §314.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 1739):**

Res. No. 1739

**Resolution adopting the rule amendment of the Procurement Policy Board to raise the micropurchase limit to \$20,000.**

By Council Members Mealy, Wills, Cabrera, Dickens, James, Koo, Williams, Jackson and Gennaro.

**Whereas**, It has been ten years since the micropurchase limit has been increased for the City of New York; and

**Whereas**, On April 8, 2013, the Procurement Policy Board ("PPB") adopted a rule amendment raising the micropurchase limit under Section 3-08 of the PPB Rules, for which no competition is required, from five thousand dollars (\$5,000) to twenty thousand dollars (\$20,000); and

**Whereas**, Raising the micropurchase limit will significantly reduce processing time for relatively small procurements and allow agencies to process these procurements in a more efficient and flexible manner; and

**Whereas**, As indicated by the Procurement Policy Board, raising the micropurchase limit will also increase the ability of New York City agencies to meet the goals set under the Minority and Women Owned Enterprise ("MWBE") Program for the proportion of City contracts that are awarded to certified MWBE firms; and

**Whereas**, Section 314 of the New York City Charter requires concurrent action by the Council of the City of New York and the PPB to establish dollar limits for such small purchases; and

**Whereas**, A copy of the adopted PPB rule amendment is attached hereto and incorporated herein; now, therefore, be it



**Resolved,** That the Council of the City of New York adopts the rule amendment of the Procurement Policy Board to raise the micropurchase limit to \$20,000.

**Section 1. Section 3-08 of Chapter 3 of Title 9 of the Rules of the City of New York is amended as follows:**

§3-08 Small Purchases

(a) **Definition.** Small purchases are those procurements in value of not more than \$100,000. This shall be known as the small purchase limit.

(b) **Application.** A procurement shall not be artificially divided in order to meet the requirements of this section. Changes to and/or renewals of small purchases shall not bring the total value of the procurement to an amount greater than the small purchase limits.

(c) **Scope.**

(1) Competition Objective.

(i) Public notice of solicitation and award, presolicitation review report, Recommendation for Award, vendor protests, written notice to the low bidder or offeror of non-responsiveness, VENDEX Questionnaire (unless the aggregate value of purchases, franchises, and concessions awarded to that vendor including this one during the immediately preceding twelve-month period equals or exceeds \$100,000), and public hearing shall not be required for small purchases awarded pursuant to this section.

(ii) **Micropurchases.** For procurements the value of which is [~~\$5,000~~] \$20,000 or less, no competition is required except that in making purchases below this limit, Contracting Officers shall ensure that the noncompetitive price is reasonable and that purchases are distributed appropriately among responsible vendors, including M/WBE vendors. Documentation of such purchases shall identify the vendor the item was purchased from, the item purchased, and the amount paid.

(iii) For procurements in value over [~~\$5,000~~] \$20,000 through the small purchase limits, at least five vendors shall be solicited at random from the appropriate citywide small purchases bidders list established by the CCPO for the particular goods, services, construction, or construction-related services being purchased, except where the bidders list consists of fewer than five vendors, in which case all vendors on the list shall be solicited. Agencies may additionally employ any small purchase technique sanctioned by DSBS that is not otherwise in violation of these Rules. The agency may solicit additional vendors but only with the approval of the CCPO. Responsive bids or offers shall be obtained from at least two vendors. For purposes of this section, a response of “no bid” is not a responsive bid. If only one responsive bid or offer is received in response to a solicitation, an award may be made to that vendor if the Contracting Officer determines that the price submitted is fair and reasonable and that other vendors had reasonable opportunity to respond.

(2) Solicitation Methods and Use.

[(i) Agencies shall use the following solicitation methods for] For small purchases valued at more than [~~\$5,000~~] \$20,000, agencies shall use [:

(A) for small purchases of goods valued at not more than \$25,000, an oral or written solicitation describing the requirements, or

(B) for small purchases of goods valued at more than \$25,000, a written solicitation describing the

requirements, and

(C) for small purchases of services,] a written solicitation describing the requirements[.

(ii) An oral or written solicitation for a small purchase], which shall contain, at a minimum:

[(A)](i) a description of the item or service requested;

[(B)](ii) time, date, place, and form of requested response;

[(C)](iii) basis for award; and

[(D)](iv) name and telephone number of the Contracting Officer to whom inquiries may be directed.

(d) **Award.** Small purchases valued at over [~~\$5,000~~] \$20,000 shall be awarded to the lowest responsive and responsible bidder or to the responsive and responsible offeror that has made the most advantageous offer. After such determination has been made and all commecessary approvals have been obtained, the Contracting Officer shall issue a purchase order or contract, as appropriate, to the successful bidder or offeror.

DARLENE MEALY, Chairperson; MICHAEL C. NELSON, ROBERT JACKSON, LETITIA JAMES; Committee on Contracts, June 11, 2013.

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 Finance**

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

Report for Preconsidered L.U. No. 844

**Report of the Committee on Finance in favor of approving Presbyterian Housing Development Fund Corporation of Queens, Block 1932, Lot 9, Queens, Community District No. 4, Council District No. 25.**

The Committee on Finance, to which the annexed resolution was referred on June 12, 2013, respectfully

**REPORTS:**

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

June 12, 2013

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

Members of the Finance Committee

FROM: Amy Stokes, Finance Division

RE: Finance Committee Agenda of June 12, 2013 - Resolution approving tax exemptions for three preconsidered Land Use Items (Council District 8, Council District 31, Council District 25)

927 Columbus Avenue (Block 1841, Lot 4) in Manhattan consists of one building with 12 units of housing for low-income families. The City of New York conveyed the Exemption Area to 927 Columbus Avenue Housing Development Fund Corporation (the “HDFC”) in 1977. Due to escalating operating costs, the HDFC was unable to pay real property taxes starting in 2001. In order to facilitate the projects restoration to a stable financial position, the HDFC has requested a full tax exemption to be implemented retroactively from July 1, 2001 until June 30, 2013 and then a partial tax exemption commencing on July 1, 2013 for a period of thirty (30) years from the date of commencement. The HDFC will enter into a regulatory agreement with HPD providing that, upon vacancy, dwelling units must be rented to families whose incomes do not exceed 80% of area median income.

This item has the approval of Councilmember Mark-Viverito.

Seagirt Apartments (Block 15610, Lot 1) in Queens consists of four buildings with 916 units of housing for low-income families and four superintendent units. Under the proposed project, Sandcastle Towers Housing Development Fund Corporations (“HDFC”) will acquire the Exemption Area and Sarasota Gold LLC (“Company”), a limited liability company, will be the beneficial owner and will operate the Exemption Area. The HDFC and the Company (collectively, “Owner”) will enter into a subordinate loan from the New York City Housing Development Corporation (“HDC”). The Owner and the City of New York Department of Housing Preservation and Development (“HPD”) will enter into a regulatory agreement establishing certain controls upon the operation of the Exemption Area.

This item has the approval of Councilmember Richards.

Alberta Altson House (Block 1932, Lot 9) in Queens consists of one building with 151 units of housing for low-income seniors. Presbyterian Housing Development Fund Corporation of Queens (“HDFC”) developed the project under the Section 202 Supportive Housing Program for the Elderly, with financing and rental subsidies from the United States Department of Housing and Urban Development (“HUD”) and tax exemption from the City. The HDFC now wishes to refinance its original HUD mortgage in order to fund needed repairs, decrease debt service, and meet other financial obligations. In connection with such refinancing, the HDFC and HUD will enter into a Use Agreement which, among other things, requires that the project continue to provide rental housing for elderly persons of low income on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement, any Section 8 or other rental housing assistance contract, and applicable federal regulations. In addition, the HDFC and HPD will enter into a Regulatory Agreement establishing certain controls upon the operation of the Exemption Area. The Exemption Area currently receives an exemption from real property taxation with an expiration date of September 2024. In order to ensure that the project remains financially viable, the current exemption must be replaced with a new exemption that is coterminous with the 35 year term of the HUD Use Agreement.

This item has the approval of Councilmember Dromm.

**(For text of the coupled resolutions to LU No. 845 and LU No. 846, please see, respectively, the Reports of the Committee on Finance for Lu No. 845 and 846 printed in these Minutes; for coupled resolution to LU No. 844, please see below)**

*Accordingly, this Committee recommends the adoption of LU Nos. 844, 845 and 846.*

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

Res. No. 1814

**Resolution approving an exemption from real property taxes for property located (Block 1932, Lot 9) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 844).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 29, 2013 that the Council take the following action regarding a housing project to be located at (Block 1932, Lot 9) Queens (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) “Effective Date” shall mean the later of (i) the date of repayment or refinancing of the HUD Mortgage, (ii) the date that HUD and the HDFC enter into the Use Agreement that will run for 35 years from the repayment or refinancing of the HUD Mortgage, or (iii) the

date that HPD and the HDFC enter into the Regulatory Agreement.

- (b) “Exemption Area” shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 1932, Lot 9 on the Tax Map of the City of New York.
  - (c) “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (d) “HDFC” shall mean Presbyterian Housing Development Fund Corporation of Queens.
  - (e) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - (f) “HUD” shall mean the Department of Housing and Urban Development of the United States of America.
  - (g) “HUD Mortgage” shall mean the original loan made by HUD to the HDFC in connection with the Section 202 Supportive Housing Program for the Elderly, which loan was secured by a mortgage on the Exemption Area.
  - (h) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - (i) “Owner” shall mean the HDFC or any future owner of the Exemption Area.
  - (i) “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on May 25, 1983 (Cal. No. 56).
  - (j) “Regulatory Agreement” shall mean a regulatory agreement between HPD and the HDFC establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
  - (k) “Rental Subsidy” shall mean Section 8 rental assistance and any similar form of rental assistance from any governmental entity.
  - (l) “Use Agreement” shall mean a use agreement by and between the HDFC and HUD which commences on or before the Effective Date and terminates thirty-five years (35) from the refinancing of the HUD Mortgage, runs with the land, binds all subsequent owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.
2. The Prior Exemption shall terminate upon the Effective Date.
  3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of (i) \$225,840, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project 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. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
  5. Notwithstanding any provision hereof to the contrary:
    - (a) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the

Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- (b) The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
  - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - (d) All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
6. In consideration of the New Exemption, prior to or simultaneous with repayment or refinancing of the HUD Mortgage, the HDFC, for itself, its successors and assigns, shall (i) execute and record a Use Agreement, (ii) execute and record a Regulatory Agreement, and (iii) waive, for so long as the New Exemption shall remain in effect, the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, June 12, 2013.

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 Preconsidered L.U. No. 845

**Report of the Committee on Finance in favor of approving Seagirt Apartments, Block 15610, Lot 1, Queens, Community District No. 14, Council District No. 31.**

The Committee on Finance, to which the annexed resolution was referred on June 12, 2013, respectfully

#### REPORTS:

**(For text of Memo, please see the Report of the Committee on Finance for LU Nos. 844 printed in these Minutes)**

*Accordingly, this Committee recommends its approval.*

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

Res. No. 1815

**Resolution approving an exemption from real property taxes for property located at (Block 15610, Lot 1) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 845).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated April 22, 2013 that the Council take the following action regarding a housing project to be located at (Block 15610, Lot 1) Queens ("Exemption Area"):

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

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

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

#### RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Company" shall mean Sarasota Gold LLC.
  - (b) "Deferred Shelter Rent Tax" shall mean the aggregate Shelter Rent Tax that accrues from the Effective Date until and including tax year 2017/2018.
  - (c) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - (d) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - (e) "Exemption Area" shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 15610, Lot 1 on the Tax Map of the City of New York.
  - (f) "Expiration Date" shall mean the earlier to occur of (i) a date which is twenty-five (25) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (g) "HDFC" shall mean Sandcastle Towers Housing Development Fund Corporation.
  - (h) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (i) "Owner" shall mean, collectively, the HDFC and the Company.
  - (j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
  - (k) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
  - (l) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the Owner shall make annual real property tax payments as follows:
  - (a) For tax year 2018/2019, the Owner shall make a real property tax payment in the amount of the Shelter Rent Tax for such tax year.
  - (b) For tax year 2019/2020 and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of (i) the Shelter Rent Tax for the year in which the payment is made, plus (ii) the Deferred Shelter Rent Tax divided by nineteen (19). Notwithstanding anything to the contrary



contained herein, if all or part of Deferred Shelter Rent Tax is not paid prior to the Expiration Date, the remaining balance shall become immediately due upon such Expiration Date and nothing herein shall be deemed to relieve Owner of the obligation to pay the Deferred Shelter Rent Tax due on an annual basis as required hereunder.

4. Notwithstanding any provision hereof to the contrary:
  - (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - (b) The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
  - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, June 12, 2013.

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 Preconsidered L.U. No. 846

**Report of the Committee on Finance in favor of approving 927 Columbus Avenue, Block 1841, Lot 4, Manhattan, Community District No. 7, Council District No. 8.**

The Committee on Finance, to which the annexed resolution was referred on June 12, 2013, respectfully

#### REPORTS:

(For text of Memo, please see the Report of the Committee on Finance for LU Nos. 844 printed in these Minutes)

*Accordingly, this Committee recommends its approval.*

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

Res. No. 1816

**Resolution approving an exemption from real property taxes for property located at (Block 1841, Lot 4) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 846).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated April 9, 2013 that the Council take the following action regarding a housing project to be located at (Block 1841, Lot 4) Manhattan ("Exemption Area"):

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

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

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

#### RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Commercial Property" shall mean those portions of the Exemption Area devoted to business or commercial use.
  - (b) "Effective Date" shall mean July 1, 2001.
  - (c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, and identified as Block 1841, Lot 4 on the Tax Map of the City of New York.
  - (d) "Expiration Date" shall mean the earlier to occur of (i) June 30, 2031, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (e) "HDFC" shall mean 927 Columbus Avenue Housing Development Fund Corporation.
  - (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (g) "Exemption" shall mean the exemption from real property taxation provided hereunder, commencing on July 1, 2001 and terminating on June 30, 2031.
  - (i) "Regulatory Agreement" shall mean the regulatory agreement between HPD and Sponsor establishing new certain controls upon the operation of the Exemption Area during the term of the Exemption.
  - (j) "Residential Property" shall mean all of the Exemption Area including both the land and improvement, other than the Commercial Property.
2. All of the value of the Exemption Area shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating on June 30, 2013.
3. The Residential Property shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing on July 1, 2013 and terminating the Expiration Date, in an amount based on an assessed valuation equal to the lesser of (i) an amount equal to the full assessed valuation of the Residential Property, or (ii), an amount calculated by multiplying \$8,709 times the number of residential units included in the Exemption Area and increasing such product by six percent (6%) on July 1, 2014 and on July 1 of each successive year, but not by more than twenty percent (20%) in any five-year period.
4. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real estate taxes that

would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.

5. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines that (i) the housing project is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the owner of the Exemption Area has failed to execute the Regulatory Agreement within ninety (90) days after the date of approval of the Exemption, (iii) the housing project is not being operated in accordance with the requirements of the Regulatory Agreement, (iv) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the new Exemption shall prospectively terminate.
  - b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
  - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid by or on behalf of the HDFC or any other owner of the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall (i) execute and record the new Regulatory Agreement, and (ii) for so long as the new Exemption shall remain in effect, waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, June 12, 2013.

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 Housing and Buildings

Report for Int. No. 1003-A

#### Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to signs at construction sites with fences or sheds and repealing section BC 3301.9 of the New York city building code in relation thereto.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on February 27, 2013 (Minutes, page 421), respectfully

#### REPORTS:

##### INTRODUCTION

On June 12, 2013, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 1003-A, "A Local Law to amend the administrative code of the city of New York, in relation to signs at construction sites with fences or sheds and repealing section BC 3301.9 of the New York city building code in relation thereto." This bill (1) requires that posted permits be protected from the elements; (2) requires installation of a "project information panel" at construction sites enclosed by fences and a "sidewalk shed parapet panel" for sites having sidewalk sheds; (3) sets location, size, material, color, content, and maintenance requirements for such panels; (4) authorizes the Department of Buildings (DOB) to establish a best construction site management

program and practices as well as a logo that can be posted on sidewalk shed panels where these practices are implemented; (5) sets location, material, color, and maintenance requirements for existing fence and shed signs (including existing installations upon permit renewal after July 1, 2013); (6) sets color requirements (hunter green) for all new construction site fencing and sidewalk sheds; and (7) requires installation of "viewing panels" of a certain size in solid construction fencing. For sites involving the construction of a 1-3 family home, this bill would permit the owner or contractor to comply with either the new panel requirements or existing signage requirements.

On April 30, 2013, the Committee conducted a hearing on a previous version of this bill and received testimony from DOB representatives, representatives of the construction industry, and members of the general public. Amendments to the bill were made following this initial hearing. For an overview of DOB and site signage requirements, please refer to the Committee's April 30<sup>th</sup> Committee Report, which is available online at [legistar.council.nyc.gov](http://legistar.council.nyc.gov).

##### PROPOSED INT. NO. 1003-A

Bill section one would amend section 28-105.11 of title 28 of the Administrative Code by making technical edits and by requiring that permits posted at construction sites be "laminated or encased in a plastic covering to protect it from the elements." An exception would also be added to provide that, where a "project information panel" is required by new section BC 3301.9.1 of the Building Code, permit posting will be governed by that section and no other permits may be posted except as provided in new section BC 3301.9.5 of the Building Code.

Bill section two repeals existing section BC 3301.9 of chapter thirty-three of the Building Code and replaces it with a new section BC 3301.9. New section BC 3301.9 would require that signs posted at construction or demolition sites comply with new subsections BC 3301.9.1 through 3301.9.5.

New subsection BC 3301.9.1 would require that, where a construction site is enclosed with a fence pursuant to section BC 3307.7, a "project information panel" must be installed that complies with subsections BC 3301.9.1.1 through 3301.9.1.6. This panel must remain in place so long as the fence remains at the site. There would be three exceptions. First, at sites where the underlying permit was issued or renewed prior to July 1, 2013, signs may be posted in accordance with section BC 3301.9.3, but such fence signs must be removed and replaced by a project information panel upon the first permit renewal occurring on or after July 1, 2013. Second, project information panels at "government-owned sites or at sites with government funding" may be modified in accordance with DOB rules. Third, signs posted at construction or demolition sites for 1-3 family dwellings may comply with section BC 3301.9.3 in lieu of this section.

New subsection BC 3301.9.1.1 would require that project information panels contain the following information: (1) a "rendering, elevation drawing, or zoning diagram of the building exterior that does not contain logos or commercially recognizable symbols"; (2) a title line stating "Work in Progress:" and showing the intended zoning use(s) of the resulting building (e.g. residential, commercial, manufacturing, retail, office, hospital, school); (3) the anticipated completion date of the project; (4) the corporate name, address, and telephone number of the property owner; (5) the website address or phone number to contact for project information; (6) the corporate name, address, and telephone number of the general contractor or, for a demolition site, the demolition contractor; (7) a statement, in both English and Spanish, "TO ANONYMOUSLY REPORT UNSAFE CONDITIONS AT THIS WORK SITE, CALL 311"; and (8) a copy of the underlying permit, laminated or encased in plastic to protect it from the elements, and a note indicating that additional permits can be found online at DOB's website. The "rendering, elevation drawing, or zoning diagram" requirement would not apply to demolition projects.

New subsection BC 3301.9.1.2 would require that project information panels be posted "on the fence on each perimeter fronting a public thoroughfare." Where such perimeter is more than 150 feet length, the panel must be posted at each corner. Panels must be posted 4 feet above the ground, measured to the bottom edge of the panel.

New subsection BC 3301.9.1.3 would require that project information panels be constructed of "durable and weatherproof material such as vinyl, plastic, or aluminum" and that such material be flame retardant in accordance with NFPA 701 or listed under UL 214.

New subsection BC 3301.9.1.4 would require that project information panels be 6 feet wide and 4 feet high, with the content required by section BC 3301.9.1 arranged in the manner shown in Figures BC 3301.9.1.4(1) and (2). The content required by section BC 3301.9.1 items 2 through 7 must be written in the "Calibri font or similar sans serif font style" with letters at least 1 inch tall (measured by the upper case character). Lettering must be white, on a blue background, with the blue shade matching Pantone 296; RGB 15, 43, or 84; or CMYK 35, 38, 88, or 100. There would be two exceptions. First, for demolition projects the project information panel must be 2 feet 4 inches wide and 4 feet high and match the layout shown in Figure BC 3301.9.1.4(1). Second, for construction sites with street frontage less than 60 feet the project information panel must be 55 inches wide and 36.5 inches high and match the layout shown in Figure BC 3301.9.1.4(3).

New Figures BC 3301.9.1.4(1), (2), and (3) would demonstrate the project information panel text detail, layout, and the panel layout for small lots, respectively as shown in the attached copy of the legislation under consideration.

New subsection BC 3301.9.1.5 would require that the content on the project information panel be updated as the underlying project information changes.

New subsection BC 3301.9.1.6 would require that project information panels be maintained so that the panel remains legible, securely attached, and "free of

sharp edges, protruding nails, or similar hazards.” The panel’s required content must also not be “obscured by panel attachments” such as grommets or grommet holes.

New subsection BC 3301.9.2 would require that, where a sidewalk shed is installed, a “sidewalk shed parapet panel” complying with subsections BC 3301.9.2.1 through 3301.9.2.6 must be posted and kept in place so long as the sidewalk shed remains on site. There would be two exceptions to this section. First, where a sidewalk shed permit was issued or renewed prior to July 1, 2013, signs meeting the requirements of new subsection BC 3301.9.4 may be posted in lieu of the sidewalk shed parapet panel. However, such signs must be removed and replaced by a sidewalk shed parapet panel upon the first permit renewal occurring on or after July 1, 2013. And second, signs posted at construction or demolition sites for 1-3 family dwellings may comply with section BC 3301.9.4 in lieu of this section.

New subsection BC 3301.9.2.1 would require that sidewalk shed parapet panels comply with either section BC 3301.9.2.1.1 or 3301.9.2.1.2, as applicable.

New subsection BC 3301.9.2.1.1 would require that sidewalk shed parapet panels not included in a “best construction site management program” be arranged in accordance with Figure 3301.9.2.1(1) and contain (1) the street address of the site; (2) the name (which may include the logo) of the contractors responsible for the site or, if there is no contractor, the site owner; and (3) the statement “For more information, visit [www.nyc.gov/buildings](http://www.nyc.gov/buildings).”

New subsection BC 3301.9.2.1.2 would require that sidewalk shed parapet panels at sites maintained in accordance with a best construction site management program comply with section BC 3301.9.2.1.1 and further permits that sidewalk shed parapet panels at such sites may include the name or logo of the best construction site management program and be arranged in accordance with Figure 3301.9.2.1(2).

New Figures BC 3301.9.2.1(1) and (2) would demonstrate the sidewalk shed parapet panel layout and the panel layout for accepted site management programs, respectively, as shown in the attached copy of the legislation under consideration.

New subsection BC 3301.9.2.2 would require that sidewalk shed parapet panels be posted “on the parapet that runs along the long axis of the sidewalk shed.” The panels can not be posted above or below the level of the parapet and must be at least 3 feet and no more than 6 feet from the left edge of the sidewalk shed parapet “as viewed from the perspective of an individual on the sidewalk opposite the long axis of the sidewalk shed and facing the sidewalk shed.” Where a project information panel in accordance with subsection BC 3301.9.1 is posted on a fence, “the horizontal center of the sidewalk shed parapet panel shall be in line with a vertical plane drawn through the horizontal center of the project information panel” and posted in accordance with Figure BC 3301.9.2.2.

New Figure BC 3301.9.2.2 would provide a panel posting elevation diagram as shown in the attached copy of the legislation under consideration.

New subsection BC 3301.9.2.3 would require that sidewalk shed parapet panels be made of a “durable and weatherproof material such as vinyl, plastic, or aluminum” and be flame retardant in accordance with NFPA 701 or listed under UL 214.

New subsection BC 3301.9.2.4 would require that sidewalk shed parapets be 3 feet high and 6 feet wide, with the content required by subsection BC 3301.9.2.1 matching the layout shown in either Figures BC 3301.9.2.1(1) or (2). The panel must have a white background. The content required by subsection BC 3301.9.2.1.1 item 1 must be written in “Calibri font or similar sans serif font style” with blue lettering. The blue letter shade must match Pantone 296; RGB 15, 43, or 84; or CMYK 35, 38, 88, or 100.

New subsection BC 3301.9.2.5 would require that the content on sidewalk shed parapet panels be updated as the underlying project information changes.

New subsection BC 3301.9.2.6 would require that sidewalk shed parapet panels be maintained so that the panels remain legible, securely attached, and “free of sharp edges, protruding nails, or similar hazards.” The content required by new subsection BC 3301.9.2.1 must not be obscured by any sign attachments such as grommets or grommet holes.

New subsection BC 3301.9.2.7 would authorize DOB to create, by rule, a program that sets forth best construction site management practices. Sidewalk shed parapet panels at sites that comply with these practices and which are accepted to the program would be allowed to display the program’s name and logo. DOB would also be authorized to set forth the basis and process for revoking program acceptance and requiring removal of the program’s name and logo for sidewalk shed parapet panels.

New subsection BC 3301.9.3 would require that, where a site is enclosed by a fence in accordance with section BC 3307.7 and a project information panel is not required by subsection BC 3301.9.1, which includes construction or demolition sites for 1-3 family dwellings, signs complying with subsections BC 3301.9.3.1 through 3301.9.3.3 shall be posted on the fence and kept in place so long as the fence remains at the site.

New subsection BC 3301.9.3.1 would require that one or more signs be posted on the fence “on each perimeter fronting a public thoroughfare” at a height of no more than 12 feet above the ground (measured to the top of the sign). The signs must include the name, address, and telephone number of the property owner and the general contractor (or demolition contractor, for a demolition site) and the statement, in English and Spanish, “TO ANONYMOUSLY REPORT UNSAFE CONDITIONS AT THIS WORK SITE THAT ENDANGER WORKERS, CALL 311.”

New subsection BC 3301.9.3.2 would require that existing fence signs be maintained so that they remain “legible, securely attached, and free of sharp edges, protruding nails, or similar hazards.”

New subsection BC 3301.9.3.3 would require that existing fence signs be constructed of ¾ inch plywood or material of equivalent strength, durability, and

weatherproofing. This includes sheet metal, aluminum, vinyl, or plastic. The letters on existing fence signs must be black on a white background. The signs must no larger than needed to accommodate the required information in letters at least 3 inches high.

New subsection BC 3301.9.4 would require that, where a sidewalk shed is installed and a sidewalk shed parapet panel is not required by new subsection BC 3301.9.2, which includes construction or demolition sites for 1-3 family dwellings, a sign readily visible from the street shall be posted “on the parapet that runs along the long axis of the sidewalk shed” and must remain in place so long as the sidewalk shed remains at the site. The sign must include the corporate name, address, and telephone number of the sidewalk shed permit holder along with the sidewalk shed permit number and expiration date.

New subsection BC 3301.9.5 would require that signs required by law to be displayed at construction or demolition sites shall be posted within the site, readily visible to workers, and cannot be placed in any location readily visible to the public unless required by law.

Bill section three would make technical edits to section BC 3307.1.1 of the Building Code to include a missing cross-reference and to provide clarity.

Bill section four would amend section BC 3307.6.4 of the Building Code to make technical edits and to require that sidewalk sheds erected on or after July 1, 2013 be painted hunter green.

Bill section five would amend section BC 3307.7 of the Building Code to add new subsections BC 3307.7.1 and 3307.7.2.

New subsection BC 3307.7.1 would require that “viewing panels” be installed in solid fences that are erected on or after July 1, 2013. These viewing panels must be provided at “a rate of one for every 25 linear feet per frontage” with a minimum of one panel per frontage. The panels must be 12 inches by 12 inches and be blocked with “plexiglass or an equivalent nonfrangible material.” The top of the panel must be located no more than 6 feet above the ground, and the bottom must be located at least 3 feet above the ground.

New subsection BC 3307.7.2 would require that fences erected on or after July 1, 2013 be painted hunter green.

Bill section six provides the enactment clause and states that the legislation will take effect on July 1, 2013, except that DOB’s commissioner shall take actions necessary for its implementation, including the promulgation of rules, before the effective date.

#### **Amendments to Proposed Int. No. 1003-A**

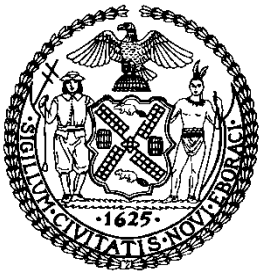
- Technical changes were made throughout the bill for the purposes of clarity.
- Bill section two was amended as follows:
  - Rather than June 1, 2013, the bill now provides that sites for which a permit was issued prior to July 1, 2013 do not have to comply with the new signage requirements unless and until such permits are renewed after July 1, 2013.
  - An exception has been added to section BC 3301.9 to provide that signs posted at construction or demolition sites for 1-3 family dwellings may comply with section BC 3301.9.3 instead of section BC 3301.9.1.
  - With respect to sidewalk shed parapet panels, the bill exempts sites where the permit for such shed was issued or renewed prior to July 1, 2013, rather than June 1, 2013.
  - An exception was added to section BC 3301.9.2 to provide that signs posted at construction or demolition sites for 1-3 family dwellings may comply with section BC 3301.9.4 instead of section BC 3301.9.2.
  - Section BC 3301.9.2.1 was amended to require that sidewalk shed parapet panels be required to display the statement “For more information, visit [www.nyc.gov/buildings](http://www.nyc.gov/buildings).” in addition to the street address of the site and the contractor (or owner’s) name. The figures depicting the layout for sidewalk shed parapet panels were revised accordingly.
- Bill section four was amended to provide that sidewalk sheds erected on or after July 1, 2013 must be painted hunter green, rather than June 1, 2013.
- Bill section five was amended to provide that the new required specifications for viewing panels and the hunter green color requirement (for the fence itself) apply to fences erected on or after July 1, 2013, rather than June 1, 2013.
- Bill section six was amended to provide that the legislation will take effect July 1, 2013, rather than June 1, 2013.

#### **UPDATE**

On Wednesday, June 12, 2013, the Committee adopted this legislation.

Accordingly, the Committee recommends its adoption.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1003-A:)**



**THE COUNCIL OF THE CITY OF  
NEW YORK  
FINANCE DIVISION**

**PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY  
DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1003-A  
COMMITTEE:  
Housing and  
Buildings**

**TITLE:** To amend the administrative code of the city of New York, in relation to signs at construction sites with fences or sheds and repealing section BC 3301.9 of the New York city building code in relation thereto.

**SPONSOR(S):** Council Members Dilan, Arroyo, Comrie, Koo and Wills (by the request of the Mayor)

**SUMMARY OF LEGISLATION:** This bill is intended to streamline and consolidate the signage requirements for certain construction sites. At sites enclosed by fences, the bill would require that a panel displaying certain information be affixed to the fence. The required information includes (1) a rendering or diagram of the building(s) to be built; (2) the proposed occupancy use type of the building(s); (3) the anticipated project completion date; (4) the name and contact information of the property owner and responsible contractor; (5) the website or phone number where additional project information can be obtained; (6) a statement in English and Spanish encouraging passersby to call 311 to report unsafe site conditions; and (7) a copy of the building permit along with language noting that the Department of Building’s (“DOB”) website has more information about the site.

The bill would also require that panels be affixed to sidewalk sheds. Sidewalk shed panels would have to display (1) the street address of the site; (2) the name of the responsible contractor (or owner, if there is no such contractor); and (3) language noting that DOB’s website has more information about the site. Additionally, the bill authorizes DOB to review and approve best construction site management practices programs, and logos showing that a site complies with such a program may be posted on the sidewalk shed panel as well.

For sites involving the construction or demolition of a 1-3 family home, the owner or contractor may comply with either the panel requirements of this bill or existing signage requirements.

**EFFECTIVE DATE:** This local law would take effect on July 1, 2013. DOB’s Commissioner must take such action necessary for its implementation, including the promulgation of rules, prior to such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** 2014

**FISCAL IMPACT STATEMENT:**

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** There will be no revenues generated by the enactment of this legislation.

**IMPACT ON EXPENDITURES:** There will be no expenditures generated by the 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:** Ralph P. Hernandez, Principal Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Nathan Toth, Deputy Director  
Juliana Han, Finance Assistant Counsel

**LEGISLATIVE HISTORY:** Intro 1003 was introduced by the Council and referred to the Committee on Housing and Buildings on February 27, 2013. An amendment was proposed, a hearing was held on the amended legislation, Proposed Intro 1003-A, on April 30, 2013, and the amended legislation was laid over. The Committee is slated to vote on Proposed Intro 1003-A on June 12, 2013, and following a successful committee vote, the Full Council will vote to adopt this legislation on June 12, 2013.

**DATE SUBMITTED TO COUNCIL:** February 27, 2013.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1003-A:)**

Int. No. 1003-A

By Council Members Dilan, Arroyo, Comrie, Koo, Wills and Gennaro (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to signs at construction sites with fences or sheds and repealing section BC 3301.9 of the New York city building code in relation thereto.**

*Be it enacted by the Council as follows:*

Section 1. 28-105.11 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§28-105.11 Posting of permit. The building permit or a copy thereof shall be posted in a conspicuous place at the work site, visible to the public for the duration of the work, or the use and operation of the equipment, or until the expiration of the permit. No such permit shall be posted or displayed at any location other than the location of the premises or equipment for which the permit was issued. *Where the permit is exposed to the weather, it shall be laminated or encased in a plastic covering to protect it from the elements.*

**Exception:** *Where a project information panel is required by Section 3301.9.1, of the New York city building code, the permit shall be posted in accordance with such section, and no other permits shall be posted in any location readily visible to the public, except as provided in Section 3301.9.5 of the New York city building code.*

§2. Section BC 3301.9 of the New York city building code is REPEALED and a new section 3301.9 is added to read as follows:

**3301.9 Required signs.** *Signs shall be posted at a construction or demolition site in accordance with Sections 3301.9.1 through 3301.9.5.*

**3301.9.1 Fence project information panel.** *Where a site is enclosed with a fence in accordance with Section 3307.7, a project information panel meeting the requirements of Sections 3301.9.1.1 through 3301.9.1.6 shall be posted. Required project information panels shall be in place throughout the duration that the fence remains at the site.*

**Exceptions:**

1. *At a site where the project permit was issued or renewed prior to July 1, 2013, signs meeting the requirement of Section 3301.9.3 may be posted in lieu of a project information panel. Such signs shall be removed and a project information panel in accordance with the requirements of this section installed upon date of the first permit renewal on or after July 1, 2013.*
2. *Project information panels at government-owned sites or at sites with government funding, may be modified in accordance with department rule.*
3. *Signs posted at construction or demolition sites for one-, two- or three-family dwellings may comply with Section 3301.9.3 in lieu of this section.*

**3301.9.1.1 Project information panel content.** *Project information panels shall contain the following information:*

1. *A rendering, elevation drawing, or zoning diagram of the building exterior that does not contain logos or commercially recognizable symbols;*
2. *A title line stating “Work in Progress.” and specifying the intended type(s) of zoning use(s) (e.g. Residential, Commercial, Manufacturing, Retail, Office, Hospital, School);*
3. *Anticipated project completion date;*
4. *The corporate name, address, and telephone number of the owner of the property;*
5. *Website address or phone number to contact for project information;*
6. *The corporate name and telephone number of the general contractor, or for a demolition site, the demolition contractor;*
7. *The statement, in both English and Spanish, “TO ANONYMOUSLY REPORT UNSAFE CONDITIONS AT THIS WORK SITE, CALL 311.”; and*
8. *A copy of the primary project permit, with accompanying text “To see other permits issued on this property, visit: www.nyc.gov/buildings.” The permit shall be laminated or encased in a plastic covering to protect it from the elements or shall be printed directly onto the project information panel.*



**Exception:** A rendering, elevation drawing, or zoning diagram of the building exterior is not required for demolition projects.

**3301.9.1.2 Posting of project information panels.** A project information panel shall be posted on the fence on each perimeter fronting a public thoroughfare. Where such perimeter is more than 150 feet in length, a project information panel shall be posted at each corner. Such panels shall be posted on the fence at a height of 4 feet (1219 mm) above the ground, with such distance measured from the ground to the bottom edge of the panel.

**3301.9.1.3 Project information panel material.** Project information panels shall be constructed out of a durable and weatherproof material such as vinyl, plastic, or aluminum, and such material shall be flame retardant in accordance with NFPA 701 or listed under UL 214.

**3301.9.1.4 Project information panel specifications.** Project information panels shall be 6 feet (1829 mm) wide and 4 feet (1219 mm) high, with the content required by Section 3301.9.1.1 arranged in accordance with Figures 3301.9.1.4(1) and 3301.9.1.4(2). The content required by Section 3301.9.1.1, items number 2 through 7 shall be written in the Calibri font or similar sans serif font style, with letters a minimum of 1 inch (25mm) high, as measured by the upper case character. Such letters shall be white, on a blue background, with such blue color of a shade matching Pantone 296, or RGB 15, 43, 84, or CMYK 100, 88, 38, 35.

**Exceptions:**

1. The dimensions for a project information panel posted in conjunction with a demolition project shall be 2 feet 4 inches (711 mm) wide and 4 feet (1219 mm) high, in accordance with Figure 3301.9.1.4(1).
2. For construction sites with a street frontage less than 60 feet (18 288 mm), the dimensions for a project information panel, other than that posted in conjunction with a demolition project, shall be 55 inches (1397 mm) wide and 36.5 inches (927 mm) high, in accordance with Figure 3301.9.1.4(3).

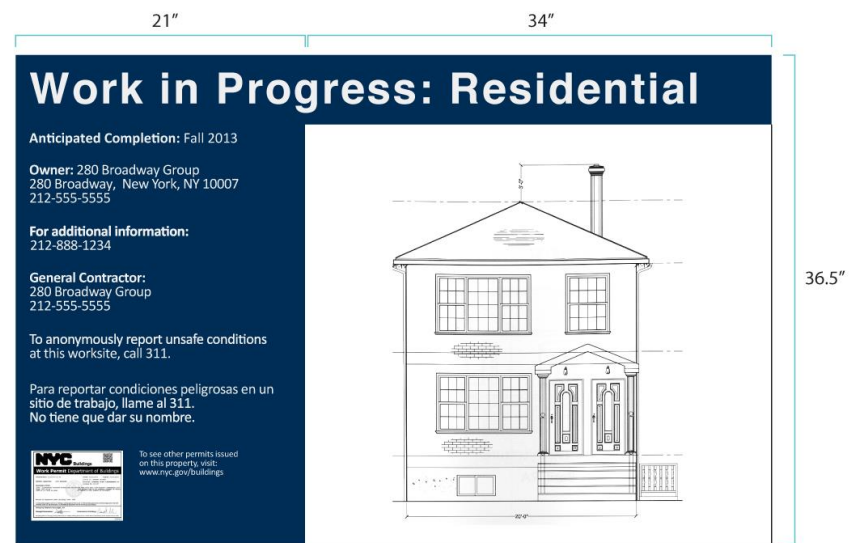


FIGURE 3301.9.1.4(3)

**FENCE PROJECT INFORMATION PANEL LAYOUT FOR SMALL LOTS**

**3301.9.1.5 Updating content.** When content required by Section 3301.9.1.1 changes, the project information panel shall be updated.

**3301.9.1.6 Maintenance of project information panels.** Project information panels shall be maintained so that the panel remains legible, securely attached, and free of sharp edges, protruding nails, or similar hazards. Content required by Section 3301.9.1.1 shall not be obscured by panel attachments, including but not limited to grommets or grommet holes.

**3301.9.2 Sidewalk shed parapet panel.** Where a sidewalk shed is installed, a sidewalk shed parapet panel meeting the requirements of Sections 3301.9.2.1 through 3301.9.2.6 shall be posted. Required sidewalk shed parapet panels shall be in place throughout the duration that the sidewalk shed remains at the site.

**Exceptions:**

1. At a site where the sidewalk shed permit was issued or renewed prior to July 1, 2013, signs meeting the requirement of Section 3301.9.4 may be posted in lieu of a sidewalk shed parapet panel. Such signs shall be removed and a sidewalk shed parapet panel in accordance with the requirements of this section installed upon date of the first permit renewal on or after July 1, 2013.
2. Signs posted at construction or demolition sites for one-, two- or three-family dwellings may comply with Section 3301.9.4 in lieu of this section.

**3301.9.2.1 Sidewalk shed parapet panel content.** Sidewalk shed parapet panels shall comply with the requirements of either section 3301.9.2.1.1 or 3301.9.2.1.2., as applicable:

**3301.9.2.1.1 Sidewalk Shed parapet panel content for sites not included in a best construction site management program.** Sidewalk shed parapet panels not included in a best construction site management program shall contain the following information and be arranged in accordance with Figure 3301.9.2.1(1):

1. The street address of the site;
2. Name (which may incorporate a logo) of the contractor responsible for the site or where there is no contractor, the name (which may incorporate a logo) of the owner of the site; and
3. The statement "For more information, visit [www.nyc.gov/buildings](http://www.nyc.gov/buildings)."

**3301.9.2.1.2 Sidewalk Shed parapet panel content for sites included in a best construction site management program.** In addition to the requirements of section 3301.9.2.1.1, for a site maintained in accordance with a best construction site management program accepted by the commissioner as set forth in Section 3301.9.2.7, either the name or logo of such program, with the department's program acceptance logo, may be placed on the sidewalk shed parapet panel in accordance with Figure 3301.9.2.1(2).

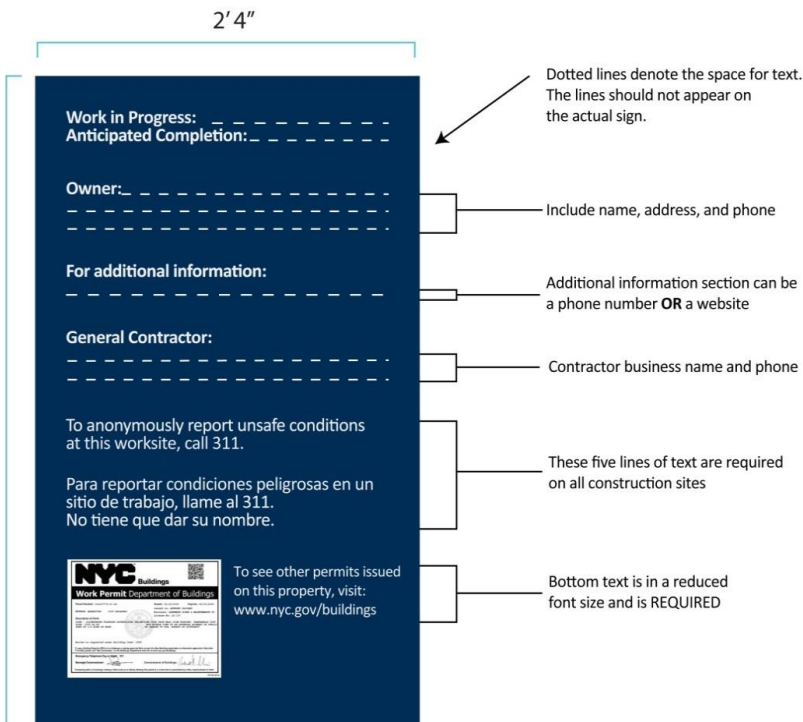


FIGURE 3301.9.1.4(1)

**FENCE PROJECT INFORMATION PANEL TEXT DETAIL**



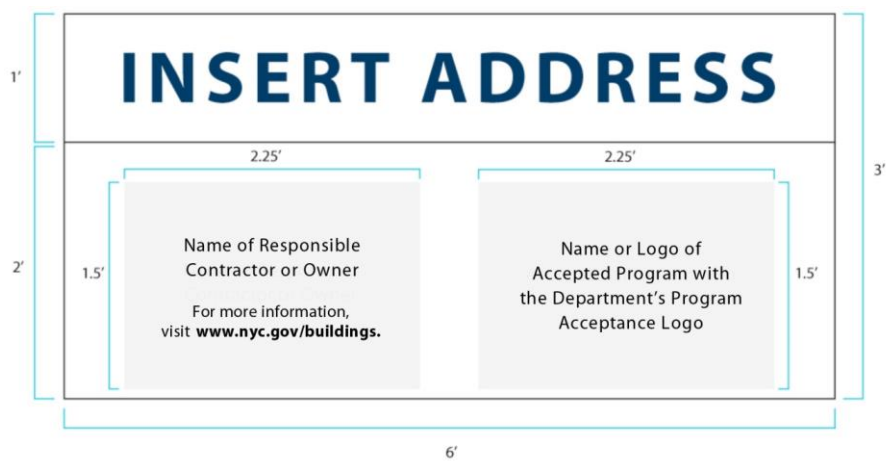
FIGURE 3301.9.1.4(2)

**FENCE PROJECT INFORMATION PANEL LAYOUT**





**FIGURE 3301.9.2.1(1)**  
**SIDEWALK SHED PARAPET PANEL LAYOUT**



**FIGURE 3301.9.2.1(2)**  
**SIDEWALK SHED PARAPET PANEL LAYOUT FOR ACCEPTED SITE MANAGEMENT PROGRAMS**

**3301.9.2.2 Posting of sidewalk shed parapet panels.** Sidewalk shed parapet panels shall be posted on the parapet that runs along the long axis of the sidewalk shed. Such sign:

1. Shall not be posted above or below the level of the parapet; and
2. Shall be posted at least 3 feet (914 mm) and no more than 6 feet (1828 mm) from the left edge of the sidewalk shed parapet, as viewed from the perspective of an individual on the sidewalk opposite the long axis of the sidewalk shed and facing the sidewalk shed; or
3. Where a project information panel in accordance with Section 3301.9.1 is posted on the fence, the horizontal center of the sidewalk shed parapet panel shall be in line with a vertical plane drawn through the horizontal center of the project information panel and the sidewalk shed parapet panel shall be posted in accordance with Figure 3301.9.2.2.



**FIGURE 3301.9.2.2**  
**PANEL POSTING ELEVATION DIAGRAM**

**3301.9.2.3 Sidewalk shed parapet panel material.** Sidewalk shed parapet panels shall be constructed out of a durable and weatherproof material such as vinyl, plastic, or aluminum, and such material shall be flame retardant in accordance with NFPA 701 or listed under UL 214.

**3301.9.2.4 Sidewalk shed parapet panel specifications.** Sidewalk shed parapet panels shall be 3 feet (914 mm) high and 6 feet (1829 mm) wide, with the content required by Section 3301.9.2.1 arranged in accordance with Figures 3301.9.2.1(1) or 3301.9.2.1(2). The sign shall have a white background. The content required by item number 1 of Section

3301.9.2.1.1 must be written in Calibri font or similar sans serif font style, and such letters shall be blue, with such blue color a shade matching Pantone 296, or RGB 15, 43, 84, or CMYK 100, 88, 38, 35.

**3301.9.2.5 Updating content.** When content required by Section 3301.9.2.1 changes, the sidewalk shed parapet panel shall be updated.

**3301.9.2.6 Maintenance of sidewalk shed parapet panels.** Sidewalk shed parapet panels shall be maintained so that the panel remains legible, securely attached, and free of sharp edges, protruding nails, or similar hazards. Content required by Section 3301.9.2.1 shall not be obscured by sign attachments, including but not limited to grommets or grommet holes.

**3301.9.2.7 Best construction site management program.** The department shall have the authority to create standards established by rule for the acceptance of a program that ensures best construction site management practices, and to set forth the basis and process for removal of such acceptance and for the removal of the program's name and logo from the sidewalk shed parapet panel located at a particular site.

**3301.9.3 Existing fence signs and signs at construction or demolition sites for one-, two- or three-family dwellings.** Where a site is enclosed with a fence in accordance with Section 3307.7, and a project information panel is not required in accordance with Section 3301.9.1, a sign or signs meeting the requirements of Sections 3301.9.3.1 through 3301.9.3.3 shall be posted. Required signs shall be in place throughout the duration that the fence remains at the site.

**3301.9.3.1 Sign content and posting.** One or more signs needed to accommodate the following information shall be posted on the fence on each perimeter fronting a public thoroughfare at a height of no more than 12 feet (3658 mm) above the ground, with such distance measured from the ground to the top of the sign:

1. The name, address, and telephone number of the owner of the property;
2. The name, address, and telephone number of the general contractor, or for a demolition site, the demolition contractor; and
3. The statement, in both English and Spanish, "TO ANONYMOUSLY REPORT UNSAFE CONDITIONS AT THIS WORK SITE THAT ENDANGER WORKERS, CALL 311."

**3301.9.3.2 Maintenance of fence signs.** Fence signs shall be maintained so that the sign remains legible, securely attached, and free of sharp edges, protruding nails, or similar hazards.

**3301.9.3.3 Fence sign specifications.** Fence signs shall be constructed of 3/4 inch (19 mm) plywood or material of equivalent strength, durability and weatherproofing, including but not limited to sheet metal, aluminum, vinyl, or plastic. The letters on such signs shall be black on a white background. Such signs shall be no larger than that needed to accommodate the information required by Section 3301.9.3.1 in letters no less than 3 inches (76 mm) high.

**3301.9.4 Existing sidewalk shed signs and signs at construction or demolition sites for one-, two- or three-family dwellings.** Where a sidewalk shed is installed, and a sidewalk shed parapet panel is not required in accordance with Section 3301.9.2, a sign readily visible from the street shall be posted on the parapet that runs along the long axis of the sidewalk shed. Such sidewalk shed sign shall be in place throughout the duration that the sidewalk shed remains at the site. Such sidewalk shed sign shall include:

1. The corporate name, address, and telephone number of the sidewalk shed permit holder;
2. The sidewalk shed permit number; and
3. The expiration date of the sidewalk shed permit.

**3301.9.5 Other signs.** Signs required by law to be displayed at a construction or demolition site shall be posted within the site, readily visible to workers, and shall not be posted in any location readily visible to the public unless otherwise required by law.

§3. Section BC 3307.1.1 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**3307.1.1 Signs.** Other than as specified in Section 3301.9 and 3301.10, there shall be no sign, information, pictorial representation, or any business or advertising messages posted on a sidewalk shed, bridge, fence, or other protective structure listed in this section that is erected at the construction or demolition site.

Where a protective structure required by this section obscures from view a lawful existing sign, a temporary sign may be installed in accordance with Section 3301.10.

No illuminated signs shall be permitted on any protective structure required by this section.

§4. Section BC 3307.6.4 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**3307.6.4 Construction of sidewalk sheds.** Sidewalk sheds shall be constructed in accordance with the following:

1. Sidewalk sheds shall be constructed out of wood, steel, or other materials having equivalent strength and suitability.
2. The members of the sidewalk shed shall be adequately braced and connected to prevent displacement or distortion of the framework. Where posts supporting the shed deck are placed beyond the curb, such posts shall be protected against displacement by vehicles as directed by the Department of Transportation. Such placement shall require a permit from the Department of Transportation.

3. The upright members of the sidewalk shed shall be plumb. The tolerance is L/100. "L" is measured as the distance from the ground to the first x-brace or bottom of the beam.
4. The deck of the sidewalk shed shall consist of planking laid closely and made tight.
5. Unless the top deck of the sidewalk shed is built solidly against the face of the structure in such a manner that no material can fall onto the sidewalk, the side of the shed toward the structure shall be solidly sealed with wood or other suitable material for the full height of the shed. Solid sliding or in swinging gates may be provided as necessary for the proper prosecution of the work.
6. The outer side and ends of the deck of the shed shall be provided with a substantial enclosure at least 3 feet 6 inches (1067 mm) high. Such enclosure may be vertical or inclined outward at approximately 45 degrees ( $0.79\text{ rad}$ ), and shall consist of boards laid close together and secured to braced uprights, of galvanized wire screen not less than no. 16 steel wire gage with a 1/2 inch (13 mm) mesh, of corrugated metal, or of solid plywood. Temporary removal of portions of the enclosure shall be permitted for handling material.
7. All sidewalk sheds shall provide protection for the full width of the shed extending upward at an angle of 45 degrees ( $0.79\text{ rad}$ ) from the ends of the deck and outward a horizontal distance of at least 5 feet (1524 mm) beyond the ends of the shed. Such sloping end protection shall be constructed to meet the requirements of numbered items two and three with substantial outriggers bearing on and securely attached to the deck.
8. The passageway under the shed shall have a minimum clear ceiling height of 8 feet (2438 mm).
9. *Sidewalk sheds erected on or after July 1, 2013 shall be painted the color of hunter green.*

§5. Section BC 3307.7 of the New York city building code, as added by local law number 33 of the year 2007, is amended to read as follows:

**3307.7 Fences.** When required by this code, fences shall be at least 8 feet (2438 mm) high and constructed of wood or other suitable material. They shall be built solid for their entire length, except for openings with solid sliding or in swinging gates as are required for the proper prosecution of the work, and for viewing panels, which shall be blocked with plexiglass or equivalent nonfrangible material.

The fence shall be constructed along the inside edge of the sidewalk, walkway or temporary walkway. If permission to close the sidewalk has been obtained from the Department of Transportation, such fence may be erected along the curb or outside of the curb to such extent as approved by the Department of Transportation. The fence shall be returned at its ends to the extent necessary to effectively close off the site.

**3307.7.1 Viewing panels.** *Viewing panels shall be provided in solid fences erected on or after July 1, 2013, at a rate of one for every 25 linear feet (7.6 m) per frontage, with a minimum of one per frontage. Viewing panels shall be 12 x 12 inches (305 x 305 mm) in size and shall be blocked with plexiglass or an equivalent nonfrangible material. The top of the viewing panel shall be located no more than 6 feet (1829 mm) above the level of the ground, and the bottom of the viewing panel shall be located no less than 3 feet (914 mm) above the level of the ground.*

**3307.7.2 Color of fences.** *Fences erected on or after July 1, 2013, shall be painted hunter green.*

§6. This local law shall take effect on July 1, 2013, except that the commissioner of the department of buildings shall take such action necessary for its implementation, including the promulgation of rules, prior to such effective date.

ERIK MARTIN DILAN Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH S. CROWLEY, JUMAANE D. WILLIAMS, JAMES S. ODDO; Committee on Housing and Buildings, June 11 2013.

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. 1010-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to exemption from taxation for alterations and improvements to multiple dwellings.**

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on February 27, 2013 (Minutes, page 440), respectfully

#### REPORTS:

#### INTRODUCTION

On June 12, 2013, the Committee on Housing and Buildings, chaired by Erik Martin Dilan, will meet to conduct a hearing on Proposed Int. No. 1010-A, "A

Local Law to amend the administrative code of the city of New York, in relation to exemption from taxation for alterations and improvements to multiple dwellings." Recently, the State enacted Chapter 4 of the Laws of 2013 to make changes to the J-51 tax benefit program and authorized localities to extend such program until June 30, 2015. This bill amends the City's J-51 program in conformance with state law and makes certain additional amendments to the program.

On June 6, 2013, the Committee conducted a hearing on a previous version of this bill and received testimony from the Department of Housing Preservation and Development (HPD), as well as representatives of the real estate industry and other interested parties. Amendments to the bill were made following this initial hearing. For an overview of the City's J-51 program, please refer to the Committee June 6<sup>th</sup> Committee Report, which is available online at [legistar.council.nyc.gov](http://legistar.council.nyc.gov). Proposed Int. No. 1010-A

Bill section one would amend subdivision (b) of section 11-243 of the Administrative Code of the City of New York (Ad. Code) to provide that in order to be eligible for the J-51 program, conversions, alterations or improvements shall be completed within thirty months of their initiation and prior to June 30, 2015. It would also provide that the thirty month limitation shall not apply to certain conversions.

Bill section two would amend subdivision (f) of section 11-243 of the Ad. Code to provide that except for certain projects, applications for certification filed for conversions, alterations or improvements completed after December 31, 2011 shall be made after completion and within thirty-six months following the start of construction.

Bill section three amends section 11-243 of the Ad. Code by adding new subdivisions i-1 and i-2. New subdivision i-1(a) would define substantial government assistance to mean: "grants, loans or subsidies from any federal, state or local agency or instrumentality in furtherance of a program for the development of affordable housing approved by the department of housing preservation and development, including, without limitation, financing or insurance provided by the state of New York mortgage agency or the New York city residential mortgage insurance corporation" or "a written agreement between a housing development fund corporation and the department of housing preservation and development limiting the incomes of persons entitled to purchase shares or rent housing accommodations therein." New subdivision i-1(b) would provide that as of December 31, 2011: 1) any condominium or cooperative seeking J-51 benefits that has an average assessed value of \$30,000 or more per dwelling unit must have carried out the alterations or improvements with substantial government assistance in order to be eligible for benefits; and 2) any non-residential building converted into a class A multiple dwelling seeking J-51 benefits must have carried out the conversion with substantial government assistance in order to qualify for benefits. New subdivision i-1(c) would require HPD to charge an applicant two times the actual cost of inspection for any additional inspections required to verify the completion of the conversion, alteration or improvement. New subdivision i-1(d) would provide that the revocation of benefits granted to any multiple dwelling, building or structure shall not exempt any dwelling unit therein from continued compliance with the requirements of the program or any local law or ordinance related to such program.

New subdivision i-2 would require electronic filing of applications if HPD makes it available.

Bill section four contains the enactment clause and provides that this local law shall take effect immediately and shall be deemed to have been in full force and effect on and after December 31, 2011, provided, however, that section four of the law shall not be deemed to change the eligibility for benefits, pursuant to such section, as a result of conversions, alterations or improvements completed before December 31, 2011.

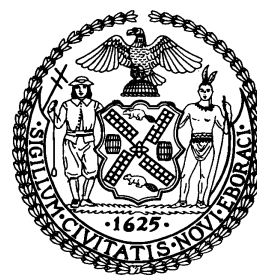
#### Amendments to Int. 1010

- Bill section three has been removed. This section would have amended subdivision (g) of section 11-243 of the Ad. Code to require that any property for which an owner is seeking a J-51 benefit be free of hazardous and immediately hazardous Housing Maintenance Code violations. An exception is provided for violations that were caused by a tenant and have not been corrected because the tenant has refused access, so long as an owner has provided proof of such refusal and notice to the tenant in accordance with HPD rules.

#### UPDATE

On Wednesday, June 12, 2013, the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

(The following is the text of the Fiscal Impact Statement for Int. No. 1010-A:)



THE COUNCIL OF THE CITY OF  
NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY  
DIRECTOR  
FISCAL IMPACT STATEMENT

PROPOSED INT. NO. 1010-A  
COMMITTEE: Housing and  
Buildings

**TITLE:** A Local Law to amend the administrative code of the City of New York, in relation to exemption from taxation for alterations and improvements to multiple dwelling units.

**SPONSORS:** Council Members Recchia, Comrie, Fidler, Koo and Nelson (by request of the Mayor)

**SUMMARY OF LEGISLATION:** On January 30, 2013, Governor Cuomo approved Chapter 4 of the Laws of 2013, which authorized the extension of the J-51 program to cover work completed by June 30, 2015. In addition to extending the program, Chapter 4 made additional changes, including requiring that certain projects complete work within 30 months of commencement, precluding benefits to cooperatives or condominiums with an average assessed value of \$30,000 or more per dwelling unit unless the work is undertaken with “substantial government assistance,” precluding benefits for the conversion of any non-residential building or structure into a residential building or structure unless the conversion was carried out with substantial government assistance, requiring the local housing agency to charge applicants two times the actual cost of a follow-up inspection if additional inspections to verify the completion of the work are necessary, providing that if a property’s benefits are revoked it would not exempt any dwelling unit in the building from continued compliance of the program or local law, and allowing the Department of Housing Preservation and Development to require application for benefits be filed electronically.

This legislation amends the City’s Administrative Code to reflect these state law changes and includes the requirement that certain applications for certification filed for conversions, alterations or improvements completed after December 31, 2011 be filed within 36 months following the start of construction.

**EFFECTIVE DATE:** This legislation will take effect immediately and be deemed to have been in full force and effect on and after December 31, 2011.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2014.

**FISCAL IMPACT STATEMENT:**

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

**IMPACT ON REVENUES:** The New York City Office of Management and Budget has already included the future revenue impact of the J-51 abatement extension in the budget after State legislation passed, therefore, there will be minimal to no additional effect on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** Because the Department of Finance and the Department of Housing Preservation and Development will use existing resources to implement this local law, it is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable

**SOURCE OF INFORMATION:** Office of Management and Budget  
Department of Housing Preservation and Development

**ESTIMATE PREPARED BY:** Amy Stokes, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director and Tanisha Edwards, Finance Counsel

**HISTORY:** Introduced as Int. No. 1010 by the Council on February 27, 2013 and referred to the Committee on Finance. The legislation was then re-referred to the Committee on Housing and Buildings on May 23, 2013. A hearing was held on June 6, 2013 and Int. No. 1010 was laid over by the Committee on June 6, 2013. The bill was then amended resulting in Proposed Int. No. 1010-A.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1010-A:)**

Int. No. 1010-A

By Council Members Recchia, Comrie, Fidler, Koo, Nelson and Gennaro (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to exemption from taxation for alterations and improvements to multiple dwellings.**

*Be it enacted by the Council as follows:*

Section one. Subdivision b of section 11-243 of the administrative code of the city of New York, as amended by local law number 57 for the year 2007, is amended to read as follows:

b. Subject to the limitations provided in subdivision d of this section and the restrictions in this section on conversion of buildings used in whole or in part for single room occupancy, any increase in the assessed valuation of real property shall be exempt from taxation for local purposes to the extent such increase results from the reasonable cost of: (1) the conversion of a class B multiple dwelling to a class A multiple dwelling except insofar as the gross cubic content of such building is increased thereby; or (2) the conversion of any nonresidential building or structure situated in the county of New York to a class A multiple dwelling except insofar as the gross cubic content of such building is increased; or (3) the conversion of any nonresidential building or structure situated in the counties of Bronx, Kings, Queens or Richmond to a class A multiple dwelling except insofar as the gross cubic content of such building or structure is increased thereby; or (4) alterations or improvements to the exterior of an otherwise eligible building or structure visible from a public street pursuant to a permit issued by the landmarks commission with respect to a designated historic or landmark site or structure; or (5) alterations or improvements constituting a moderate rehabilitation of a substantially occupied class A multiple dwelling except insofar as the gross cubic content of such building or structure is increased thereby; or (6) alterations or improvements to an otherwise eligible building or structure commenced after January first, nineteen hundred eighty designed to conserve the use of fuel, electricity or other energy sources or to reduce demand for electricity, including the installation of meters for purposes of measuring the amount of electricity consumed for each dwelling unit, and conversions of direct metering to a system that includes a master meter and submeters in any cooperative, condominium, or housing development fund company organized under article eleven of the private housing finance law; or (7) alterations or improvements to existing dwellings to eliminate existing unhealthy or dangerous conditions in any such existing dwelling or replace inadequate and obsolete sanitary facilities in any such existing dwelling, any of which represents fire or health hazards, including as improvements asbestos abatement to the extent such asbestos abatement is required by federal, state or local law, except insofar as the gross cubic content of such existing dwelling is increased thereby; or (8) conversion of residential units qualified for the protection of article seven-C of the multiple dwelling law in buildings or portions thereof registered with the New York city loft board as interim multiple dwellings pursuant to such article to units which are in compliance with the standards of safety and fire protection set forth in article seven-B of the multiple dwelling law or to units which have a certificate of occupancy as class A multiple dwellings; or (9) alterations or improvements commenced on or after September first, nineteen hundred eighty-seven constituting a substantial rehabilitation of a class A multiple dwelling, or a conversion of a building or structure into a class A multiple dwelling, as part of a program to provide housing for low and moderate income households as defined by the department of housing preservation and development pursuant to the rules and regulations promulgated pursuant to subdivision m of this section, provided that such alterations or improvements or conversions shall be aided by a grant, loan or subsidy from any federal, state or local agency or instrumentality, including, in the discretion of the department of housing preservation and development, a subsidy in the form of a below market sale from the city of New York; or (10) alterations or improvements to any private dwelling or conversion of any private dwelling to a multiple dwelling or conversion of any multiple dwelling to a private dwelling, provided that such alterations, improvements or conversions are part of a project that has applied for or is receiving benefits pursuant to this section and shall be aided by a grant, loan or subsidy from any federal, state or local agency or instrumentality. Such conversions, alterations or improvements shall be completed within [thirty-six] *thirty* months after the date on which same shall be started except that such [thirty-six] *thirty* month limitation shall not apply to conversions of residential units which are registered with the loft board in accordance with article seven-C of the multiple dwelling law pursuant to paragraph eight of this subdivision. Notwithstanding the foregoing, a sixty-month period for completion shall be available for alterations or improvements undertaken by a housing development fund company organized pursuant to article eleven of the private housing finance law, which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from the city of New York if alterations and improvements are completed within seven years after the date of transfer. In addition, the department of housing preservation and development may grant an extension of the period of completion for any project carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality, if such alterations, improvements or conversions are completed within sixty months from commencement of construction. Provided, further, that such conversions, alterations or improvements shall in any event be completed prior to [December thirty-first] *June thirtieth*, two thousand [eleven] *fifteen*. Exemption for conversions, alterations or improvements pursuant to paragraph one, two, three, four, six, seven, eight or ten of this subdivision shall continue for a period not to exceed fourteen years and begin no sooner than the first tax period immediately following the completion of such conversions, alterations or improvements. Exemption for alterations or improvements pursuant to paragraph five or nine of this subdivision shall continue for a period not to exceed thirty-four years and shall begin no sooner than the first tax period immediately following the completion of such alterations or improvements. Such



exemption shall be equal to the increase in the valuation, which is subject to exemption in full or proportionally under this subdivision for ten or thirty years, whichever is applicable. After such period of time, the amount of such exempted assessed valuation of such improvements shall be reduced by twenty percent in each succeeding year until the assessed value of the improvements is fully taxable. Provided, however, exemption for any conversions, alterations or improvements, which are aided by a loan or grant under article eight, eight-A, eleven, twelve, fifteen, or twenty-two of the private housing finance law, section six hundred ninety-six-a or section ninety-nine-h of the general municipal law, or section three hundred twelve of the housing act of nineteen hundred sixty-four (42 U.S.C.A. 1452b), or the Cranston-Gonzalez national affordable housing act, (42 U.S.C.A. 12701 et seq.), or started after July first, nineteen hundred eighty-three by a housing development fund company organized pursuant to article eleven of the private housing finance law which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from the city of New York and where alterations and improvements are completed within seven years after the date of transfer may commence at the beginning of any tax period subsequent to the start of such conversions, alterations or improvements and prior to the completion of such conversions, alterations or improvements. The assessed valuation of the land occupied by such dwelling and any increase in assessed valuation resulting from conversions, alterations, or improvements other than those made pursuant to this section shall not be affected by the provisions of this section.

§ 2. Subdivision f of section 11-243 of the administrative code of the city of New York, as amended by local law number 49 for the year 1993, is amended to read as follows:

f. Subject to the provisions of subdivision d of this section, the department of housing preservation and development shall determine and certify the reasonable cost of any such conversions, alterations or improvements and eligibility for the benefits of this section and for that purpose may adopt rules and regulations, administer oaths to and take the testimony of any person, including but not limited to the owner of such property, may issue subpoenas requiring the attendance of such persons and the production of such bills, books, papers or other documents as it shall deem necessary, may make preliminary estimates of the maximum reasonable cost of such conversions, alterations or improvements, may establish maximum allowable costs of specified units, fixtures or work in such conversions, alterations or improvements, and may require the submission of plans and specifications of such conversions, alterations or improvements, and may require the submission of plans and specifications of such conversions, alterations or improvements before the start thereof. Applications for certification shall include all bills and other documents showing the cost of construction or such other evidence of such cost as shall be satisfactory to the department of housing preservation and development, including, without limitation, certification of cost by a certified public accountant in accordance with generally accepted accounting principles. Applications for certification for a building eligible for benefits pursuant to paragraph three of subdivision d of this section, for alterations or improvements completed more than three years after its conversion to cooperative or condominium ownership, shall include such documentation of the sale price of dwelling units or stock allocated to such dwelling units as may be required by the department of housing preservation and development, including but not limited to certification of sales price by a certified public accountant. In addition, such applications shall contain the consent of the applicant to allow the department of housing preservation and development access to records, including but not limited to other tax records, as the department may deem appropriate to enforce such conditions of eligibility. Applications for certification filed [on or after January first, nineteen hundred seventy-nine] *for conversions, alterations or improvements completed after December thirty-first, two thousand eleven* pursuant to paragraphs one through seven and paragraph nine of subdivision b of this section shall be made after completion and within [forty-eight] *thirty-six* months following the start of construction of the conversion, alteration or improvement, except that applications for certification for alterations or improvements undertaken by a housing development fund company organized pursuant to article eleven of the private housing finance law, which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from the city of New York shall be made after completion and within seventy-two months following the start of the construction of the alteration or improvement. Provided, however, the department of housing preservation and development is empowered to grant an extension of the period for application for any project carried out with the substantial assistance of loans, grants or subsidies from any federal, state or local governmental agency or instrumentality, if such application is made within seventy-two months from commencement of construction. Applications for certification pursuant to paragraph eight of subdivision b of this section shall be filed within twelve months of the date of completion as provided by such subdivision.

§ 3. Section 11-243 of the administrative code of the city of New York is amended by adding two new subdivisions i-1 and i-2 to read as follows:

*i-1. (a) For purposes of this subdivision, "substantial governmental assistance" shall mean:*

*(i) grants, loans or subsidies from any federal, state or local agency or instrumentality in furtherance of a program for the development of affordable housing approved by the department of housing preservation and development, including, without limitation, financing or insurance provided by the state of New York mortgage agency or the New York city residential mortgage insurance corporation; or*

*(ii) a written agreement between a housing development fund corporation and*

*the department of housing preservation and development limiting the incomes of persons entitled to purchase shares or rent housing accommodations therein.*

*(b) With respect to conversions, alterations or improvements completed on or after December thirty-first, two thousand eleven:*

*(i) except as otherwise provided in this section with respect to multiple dwellings, buildings and structures owned and operated either by limited-profit housing companies established pursuant to article two of the private housing finance law or redevelopment companies established pursuant to article five of the private housing finance law, or with respect to a group of multiple dwellings that was developed as a planned community and that is owned as two separate condominiums containing a total of ten thousand or more dwelling units, any multiple dwelling, building or structure that is owned as a cooperative or a condominium that has an average assessed value of thirty thousand dollars or more per dwelling unit shall only be eligible for such benefits if the alterations or improvements for which such multiple dwelling, building or structure has applied for the benefits pursuant to this section were carried out with substantial governmental assistance, and*

*(ii) no benefits pursuant to this section shall be granted for the conversion of any non-residential building or structure into a class A multiple dwelling unless such conversion was carried out with substantial governmental assistance;*

*(c) If the conversions, alterations or improvements for which such multiple dwelling, building or structure has applied for benefits pursuant to this section are not completed on the date upon which such department of housing preservation and development inspects the items of work claimed in such application, the department of housing preservation and development shall require the applicant to pay two times the actual cost for any additional inspections needed to verify the completion of such conversion, alteration or improvement.*

*(d) The revocation of benefits granted to any multiple dwelling, building or structure pursuant to this section shall not exempt any dwelling unit therein from continued compliance with the requirements of this section or of any local law or ordinance providing for benefits pursuant to this section.*

*i-2. Notwithstanding the provisions of any general, special or local law providing for benefits pursuant to this section, applications for exemption and/or abatement under this section shall be filed electronically if the department of housing preservation and development makes electronic filing available.*

§ 4. This local law shall take effect immediately and shall be deemed to have been in full force and effect on and after December 31, 2011, provided, however, that section four of this local law shall not be deemed to change the eligibility for benefits, pursuant to such section, as a result of conversions, alterations or improvements completed before December 31, 2011.

ERIK MARTIN DILAN Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH S. CROWLEY, JUMAANE D. WILLIAMS, JAMES S. ODDO; Committee on Housing and Buildings, June 11 2013.

**(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 1010-A:)**

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

Pursuant to authority vested in me by section twenty of the Municipal Home Rule and by section thirty-seven of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law, entitled:

**A LOCAL LAW**

To amend the administrative code of the city of New York, in relation to exemption from taxation for alterations and improvements to multiple dwellings.

Given under my hand and seal this 12<sup>th</sup> day of June, 2013 at City Hall in the City of New York.

\_\_\_\_\_  
Michael R. Bloomberg  
Mayor

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 Housing and Buildings and had been favorably reported for adoption.

Report for Int. No. 1057

**Report of the Committee on Housing and Buildings in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to extending the waiver of certain permit and inspection fees for work related to plumbing and electrical systems in buildings damaged by the severe storm that occurred on October 29 and 30, 2012, commonly referred to as "Hurricane Sandy."**

The Committee on Housing and Buildings, to which the annexed proposed local law was referred on June 12, 2013, respectfully

#### REPORTS:

#### BACKGROUND:

On June 12, 2013, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Preconsidered Int. No. 1057, A Local Law to amend the administrative code of the city of New York, in relation to extending the waiver of certain permit and inspection fees for work related to plumbing and electrical systems in buildings damaged by the severe storm that occurred on October 29 and 30, 2012, commonly referred to as "Hurricane Sandy."

To aid communities in their recovery efforts from Hurricane Sandy, and encourage the repair and reconstruction of buildings damaged by the storm, on November 12, 2012, Mayor Bloomberg issued Executive Order 172, suspending certain Department of Buildings (DOB) fees for properties affected by Hurricane Sandy.<sup>1</sup> The Executive Order waived all fees for substantially damaged buildings (as indicated by a red placard or other notation by the Department) related to demolition applications and permits; alteration 1, 2 and 3 applications and permits to renovate and repair damaged structures; and new building applications and permits to rebuild structures that were completely destroyed. For all other buildings that were damaged by the storm, fees related to electrical and plumbing work were waived so long as a master plumber or electrician certified to the department that such damage was Sandy-related.<sup>2</sup> The Mayor re-issued this Executive Order a number of times to continue the same fee waivers set forth in the original order.

On December 18, 2012, the Council passed Proposed Int. No. 977-A (Local Law 4 of 2013), which set into law the waiver of all fees for applications, permits and inspections related to buildings that were substantially damaged or completely demolished and/or washed away by Sandy so long as the initial application for construction document approval or application for a permit or inspection was submitted by October 31, 2014. Local Law 4 of 2014 also waived application, permit and inspection fees for work related to plumbing and electrical systems damaged by Sandy, so long as the initial application for construction document approval or application for a permit or inspection was submitted on or before April 30, 2013.

Since the end of the fee waiver period, DOB has continued to receive a significant number of applications for permits and construction document approval from property owners whose electrical and plumbing systems were damaged by Sandy. This bill recognizes that the City is still recovering from the property damage caused by Sandy and there is a continued need to alleviate some of the financial impact related to electrical and plumbing repairs undertaken by homeowners; consequently, this bill would extend the waiver of DOB fees related to such work until December 31, 2013.

On June 6, 2013, the Committee conducted a hearing on this bill and received testimony from DOB representatives and members of the general public. No changes have been made to the bill since its first hearing.

#### Preconsidered Int. No. 1057

Bill section one amends section 28-112.10 of the Administrative Code to allow DOB to waive all fees for work related to electrical and plumbing systems damaged by Hurricane Sandy. Such fees could be waived through December 31, 2013.

Bill section two contains the enactment clause and provides that this local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect on and after April 30, 2013.

#### UPDATE

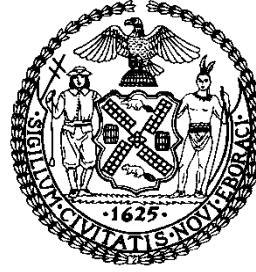
On Wednesday, June 12, 2013, the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1057:)**

for the Lower Ma\_\_\_\_\_

<sup>1</sup>Section 24 of the New York State Executive Law provides the Mayor with the authority to suspend any local laws, ordinances, or regulations, or parts thereof, which may prevent, hinder, or delay necessary action in coping with a disaster or recovery. Such suspension cannot, however, be declared for more than five days at a time.

<sup>2</sup> Executive Order No. 172 Emergency Order Regarding Waiver of Building Department Permit Fees November 12, 2012. [http://www.nyc.gov/html/om/pdf/eo/eo\\_172.pdf](http://www.nyc.gov/html/om/pdf/eo/eo_172.pdf)



THE COUNCIL OF THE CITY OF  
NEW YORK  
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY  
DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED INTRO. NO:  
COMMITTEE:  
Housing and  
Buildings

**TITLE:** To amend the administrative code of the city of New York, in relation to extending the waiver of certain permit and inspection fees for work related to plumbing and electrical systems in buildings damaged by the severe storm that occurred on October 29 and 30, 2012, commonly referred to as "Hurricane Sandy."

**SPONSOR(S):** Council Member Dilan (in conjunction with the Mayor)

**SUMMARY OF LEGISLATION:** This legislation would extend the deadline for the application, permit and inspection fee waivers for plumbing and electrical work in buildings damaged by Hurricane Sandy from April 30, 2013 to December 31, 2013.

**EFFECTIVE DATE:** This local law would take effect immediately and would be retroactive to and would be deemed to have been in full force and effect on and after April 30, 2013.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** 2014

#### FISCAL IMPACT STATEMENT:

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

**IMPACT ON REVENUES:** According to the Department of Buildings (DOB), for the period October 2012 - May 2013, an estimated \$3.7 million in filing fees were waived under this waiver program. Based on current trends and new construction regulations for rebuilding, DOB is expecting an additional \$1 million in filing fee revenues waived. The Hurricane Sandy fee waiver program is a one-time event, and the fiscal impact will not be forecasted into DOB's Revenue Plan for Fiscal 2013 and Fiscal 2014.

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCE OF INFORMATION:** Department of Buildings (DOB)

**ESTIMATE PREPARED BY:** Ralph P. Hernandez, Principal Legislative Financial Analyst

**ESTIMATED REVIEWED BY:** Nathan Toth, Deputy Director  
Juliana Han, Finance Assistant Counsel

**LEGISLATIVE HISTORY:** The Committee on Housing and Buildings held a hearing on the Preconsidered Intro and laid the bill over on June 6, 2013. The Council will introduce the legislation on June 12, 2013. The Preconsidered Intro will be voted on by the Committee and by the Full Council on June 12, 2013

**DATE SUBMITTED TO COUNCIL:** June 12, 2013.

*Accordingly, this Committee recommends its adoption.*





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 Council approves the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

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

- (i) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to HDFC and (ii) the date that HPD and the HDFC enter into the Regulatory Agreement.
  - (ii) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - (iii) "Exemption Area" shall mean the real property located in the Borough of the Manhattan, City and State of New York, identified as Block 2079, Lot 34 and Block 2065, Lot 26 on the Tax Map of the City of New York.
  - (iv) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (v) "HDFC" shall mean Heights 150<sup>th</sup> Street Housing Development Fund Corporation.
  - (vi) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (vii) "Owner" shall mean HDFC or any future owner of the Exemption Area.
  - (viii) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- a. 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.
  - b. Notwithstanding any provision hereof to the contrary, the Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified herein, the Exemption shall prospectively terminate.
  - c. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or equivalent document on the Effective Date.
  - d. In consideration of the Exemption, the Owner shall (i) execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, June 6, 2013.

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. 813

**Report of the Committee on Land Use in favor of approving Application No. 20135530 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 508 West 134<sup>th</sup> Street, Borough of Manhattan, Community Board 9, Council District 7. This matter is subject to Council review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 25, 2013 (Minutes, page 1184), respectfully

#### REPORTS:

#### SUBJECT

MANHATTAN CB - 9

20135530 HAM

Application submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project and related tax exemption for property located at 508 West 134<sup>th</sup> Street, Borough of Manhattan, Council District 7, pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.

#### INTENT

To approve an Urban Development Action Area Project and a real property tax exemption for a project which when completed will provide a building with approximately 15 affordable cooperative dwelling units.

#### PUBLIC HEARING

DATE: June 4, 2013

Witnesses in Favor: Two

Witnesses Against: None

#### SUBCOMMITTEE RECOMMENDATION

DATE: June 4, 2013

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

**In Favor:** Levin, Gonzalez, Dickens, Koo

**Against:** Barron

**Abstain:** None

#### COMMITTEE ACTION

DATE: June 6, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Vann, Gonzalez, Palma, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

**Against:** Barron

**Abstain:** None

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

Res. No. 1818

**Resolution approving an Urban Development Action Area Project located at 508 West 134<sup>th</sup> Street (Block 1987, Lot 41), Borough of the Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure; and granting a real estate tax exemption pursuant to Section 577 of the Private Housing Finance Law (L.U. No. 813; 20135530 HAM).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 5, 2013 its request dated March 25, 2013 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 508 West 134<sup>th</sup> Street (Block 1987/Lot 41), 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 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 577 of the Private Housing Finance Law (the "Tax Exemption").

**WHEREAS**, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, and 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 4, 2013;

**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 Council approves the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - (i) "Effective Date" shall mean the later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and Sponsor enter into the Regulatory Agreement.
  - (ii) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - (iii) "Exemption Area" shall mean the Disposition Area.
  - (iv) "Expiration Date" shall mean the earlier to occur of (a) a date which is forty (40) years from the Effective Date, (b) the date of the expiration or termination of the Regulatory Agreement, or (c) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (v) "Regulatory Agreement" shall mean the regulatory agreement between HPD and Sponsor establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Sponsor and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified herein, the Exemption shall prospectively terminate.
  - b. Nothing herein shall entitle the Sponsor to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - c. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
4. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, June 6, 2013.

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. 827

**Report of the Committee on Land Use in favor of approving Application no. 20135374 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 18 Greenwich Avenue LLC, d/b/a Rosemary's, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 18 Greenwich Avenue, in the Borough of Manhattan, Community District 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 8, 2013 (Minutes, page 1489), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2**

**20135374 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 18 Greenwich Avenue LLC, d/b/a Rosemary's, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 18 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 4, 2013

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 4, 2013, recessed to June 6, 2013

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

**In Favor:** Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Lappin, Wills, Ignizio

**Against:** None

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** June 6, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Palma, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

**Against:** None

**Abstain:** None

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

Res. No. 1819

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 18 Greenwich Avenue, Borough of Manhattan (20135374 TCM; L.U. No. 827).**

By Council Members Comrie and Weprin.

**WHEREAS,** the Department of Consumer Affairs filed with the Council on April 29, 2013 its approval dated April 29, 2013 of the petition of 18 Greenwich Avenue LLC, d/b/a Rosemary's, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located 18 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(e) of the Administrative Code;

**WHEREAS,** upon due notice, the Council held a public hearing on the Petition on June 4, 2013; 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, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, June 6, 2013.

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. 828

**Report of the Committee on Land Use in favor of filing Application no. 20135408 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Le Gans Restaurant, Inc., d/b/a RYU, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 46 Gansevoort Street, in the Borough of Manhattan, Community District 2, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 8, 2013 (Minutes, page 1489), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2**

**20135408 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Les Gans Restaurant, Inc., d/b/a RYU, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 46 Gansevoort Street.

The application was called up and introduced as L.U. 828. However, since no action will be taken, this application for a revocable consent will be filed.

A motion to file in accordance with Rule 7.90 of the Rules of the Council is required to remove L.U. 828 from the calendar.

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 4, 2013, recessed to June 6, 2013

**The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to Rule 7.90 of the Rules of the City Council.**

**In Favor:** Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Lappin, Wills, Ignizio

**Against:** None

**Abstain:** None

COMMITTEE ACTION

**DATE:** June 6, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Palma, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

**Against:** *None*

**Abstain:** *None*

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

Res. No. 1820

**Resolution approving a motion to file L.U. 828 concerning an application for a revocable consent for an unenclosed sidewalk café located at 46 Gansevoort Street, Borough of Manhattan (20135408 TCM; L.U. No. 828).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on April 29, 2013 its approval dated April 29, 2013 of the petition of Le Gans Restaurant Inc., d/b/a RYU, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 46 Gansevoort 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 application was called up and introduced as L.U. 828. However, since no action will be taken, this application for a revocable consent will be filed;

**WHEREAS**, L.U. 828 will be filed pursuant to a motion to file in accordance with Rule 7.90 of the Rules of the Council;

**RESOLVED:**

The Council approves the motion to file in accord with Rules 6.40a, 7.90 and 11.80 of the Rules of the Council.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, June 6, 2013.

Coupled to be Filed.

Report for L.U. No. 832

**Report of the Committee on Land Use in favor of approving Application No. M 840631(B) ZMK submitted by Metro Storage NY, LLC for modification to Restrictive Declaration D-100 pursuant to Section 7.01 of the Restrictive Declaration, to cancel said Restrictive Declaration to facilitate the construction of an as-of-right 4-story self-storage facility (UG 16 use) with accessory parking, on property located at 2713-2735 Knapp Street, in the Borough of Brooklyn, Community District 15, Council District 46.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 8, 2013 (Minutes, page 1491), respectfully

**REPORTS:**SUBJECT

**BROOKLYN CB - 15**

**M 840631(B) ZMK**

City Planning Commission decision approving an application submitted by Metro Storage NY, LLC for modification to Restrictive Declaration D-100 pursuant to Section 7.01 of the Restrictive Declaration, to cancel said Restrictive Declaration to facilitate the construction of an as-of-right 4-story self-storage facility (UG 16 use) with accessory parking, on property located at 2713-2735 Knapp Street (Block 8839, Lots 11, 14 & 53; Block 8840, Lots 70, 84 & p/o Lot 77; Block 8841, Lot 8900; and a portion of demapped Plumb 1<sup>st</sup> Street).

INTENT

To cancel the restrictive declaration in order to facilitate the construction of an as-of-right four story self-storage facility (Use Group 16) with accessory parking.

PUBLIC HEARING

**DATE:** June 4, 2013

**Witnesses in Favor:** One

**Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION

**DATE:** June 4, 2013, recessed to June 6, 2013

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

**In Favor:** Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Lappin, Wills, Ignizio

**Against:** *None*

**Abstain:** *None*

COMMITTEE ACTION

**DATE:** June 6, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Palma, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

**Against:** *None*

**Abstain:** *None*

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

Res. No. 1821

**Resolution approving the decision of the City Planning Commission on ULURP No. M 840631 (B) ZMK, for modification to Restrictive Declaration D-100, which was approved as part of a Zoning Map amendment, to cancel said Restrictive Declaration to facilitate construction of an as-of-right four story self-storage facility (UG 16 use) with accessory parking in Brooklyn (L.U. No. 832).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on April 26, 2013 its decision dated April 24, 2013 (the "Decision"), on the application submitted by Metro Storage NY, LLC, for modification to Restrictive Declaration D-100, pursuant to Section 7.01 of the Restrictive Declaration, to cancel said Restrictive Declaration to facilitate the construction of an as-of-right 4-story self-storage facility (UG 16 use) with accessory parking, on property located at 2713-2735 Knapp Street (Block 8839, Lots 11, 14 and 53; Block 8840, Lots 70, 84 and p/o Lot 77; Block 8841, Lot 8900; and a portion of demapped Plumb 1<sup>st</sup> Street), Community District 15, (ULURP No. M 840631(B) ZMK), Borough of Brooklyn (the "Application");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on June 4, 2013;

**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 (CEQR No. 12DCP160K) issued on January 22, 2013 ("Negative Declaration");



**RESOLVED:**

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

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, M 840631(B) ZMK, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, June 6, 2013.

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. 836

**Report of the Committee on Land Use in favor of approving Application no. 20135454 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 10th Avenue Group Inc., d/b/a 44&X-Hells Kitchen, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 622 Tenth Avenue, in the Borough of Manhattan, Community District 4, Council District 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(e) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 22, 2013 (Minutes, page 1663), respectfully

**REPORTS:****SUBJECT**

**MANHATTAN CB - 4**

**20135454 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 10<sup>th</sup> Avenue Group Inc., d/b/a 44&X-Hells Kitchen, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 622 Tenth Avenue.

**INTENT**

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

**PUBLIC HEARING**

**DATE:** June 4, 2013

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 4, 2013, recessed to June 6, 2013

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

**In Favor:** Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Lappin, Wills, Ignizio

**Against:** None

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** June 6, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Palma, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

**Against:** None

**Abstain:** None

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

Res. No. 1822

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 622 Tenth Avenue, Borough of Manhattan (20135454 TCM; L.U. No. 836).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on May 10, 2013 its approval dated May 10, 2013 of the petition of 10<sup>th</sup> Avenue Group Inc., d/b/a 44 &X-Hells Kitchen, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located 622 Tenth Avenue, Community District 4, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on June 4, 2013; 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, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, June 6, 2013.

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. 837

**Report of the Committee on Land Use in favor of approving Application No. N 130206(A) ZRM submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, relating to Article IX, Chapter I (Special Lower Manhattan District), concerning privately owned public spaces within the Borough of Manhattan, Community District 1, Council District 1.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 22, 2013 (Minutes, page 1663), respectfully

**REPORTS:****SUBJECT**

**MANHATTAN CB - 1**

**N 130206 (A) ZRM**

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter I (Special Lower Manhattan District) concerning privately owned public spaces within Community District 1, Borough of Manhattan.

**INTENT**

To temporarily modify existing provisions to allow temporary amenities in the Special Lower Manhattan District in all existing plazas, urban plazas, public plazas, arcades, indoor spaces, sidewalk widenings, and public areas provided by special permit along and near Water Street in Lower Manhattan.

**PUBLIC HEARING**

**DATE:** June 4, 2013

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

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 4, 2013, recessed to June 6, 2013

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

**In Favor:** Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Lappin, Wills, Ignizio

**Against:** *None*

**Abstain:** *None*

**COMMITTEE ACTION**

**DATE:** June 6, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Palma, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

**Against:** *None*

**Abstain:** *None*

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

Res. No. 1823

**Resolution approving the decision of the City Planning Commission on Application No. N 130206 (A) ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter I (Special Lower Manhattan District) concerning privately owned public spaces within Community District 1, Borough of Manhattan (L.U. No. 837).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on May 10, 2013 its decision dated May 8, 2013 (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, relating to Article IX, Chapter I (Special Lower Manhattan District) concerning privately owned public spaces. The amendment would create a new Section 91-82 (Existing Publicly Accessible Open Areas) of the Zoning Resolution, and modify existing provisions to allow temporary amenities and events in existing privately owned public spaces until January 1, 2014. The text would modify the Special Lower Manhattan District and apply to all existing plazas, urban plazas, public plazas, arcades, indoor spaces, sidewalk widenings, and public areas provided by special permit along and near Water Street in Lower Manhattan, within Community District 1 (Application No. N 130206 (A) ZRM), Borough of Manhattan (the "Application");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on June 4, 2013;

**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 Type II action which on February 28, 2013 was determined that the Application was not subject to review pursuant to SEQR and CEQR (CEQR No. 13DCP100M);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment since it was determined to be a Type II action.

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 130206 (A) ZRM, incorporated by reference herein, the Council approves the Decision.

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

Matter Underlined is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

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

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

**Article IX – Special Purpose Districts****Chapter 1: Special Lower Manhattan District**

\* \* \*

**91-80****PUBLIC ACCESS AREAS****91-81****Certification to Modify Existing Arcades in Certain Areas**

\* \* \*

**91-82****Existing Publicly Accessible Open Areas**

The purpose of this Section is to facilitate temporary programmatic changes to existing public spaces to:

- (a) help address the short-term challenges facing the Water Street corridor as a result of Hurricane Sandy by encouraging increased economic activity, reinforcing community connections, creating a lively and engaging experience, and improving the corridor's pedestrian environment; and
- (b) explore new types of uses and amenities within public spaces intended to draw residents, workers, and visitors, thereby increasing the utilization and activation of the existing public spaces.

This Section, inclusive, shall be effective until January 1, 2014, at which time the provisions of this Section shall automatically expire and all #publicly accessible open areas#, as defined in Section 91-821, shall be returned to their compliant state and all temporary obstructions shall be removed.

**91-821****Special provisions for #publicly accessible open areas#**

For the purposes of this Section, the definition of "publicly accessible open area" shall also include any #arcade#, #through block arcade#, or other public amenity, open or enclosed, for which a #floor area# bonus has been granted.

The provisions of this Section shall apply to all #publicly accessible open areas# existing on (effective date of amendment) within the area designated as a Public Space Activation Area on Map 8 (Public Access Modification Areas) in Appendix A of this Chapter.

Any underlying provisions, including Section 91-81 of this Chapter, restricting the placement of obstructions within #publicly accessible open areas# or restricting their use for events may be modified, as follows:

- (a) Temporary permitted obstructions

Amenities that shall be considered temporary permitted obstructions for cultural, entertainment, and #commercial uses# including, but not limited to, tables, chairs, moveable planters, stages, kiosks, food trucks, artwork, and shade structures are allowed, provided that they:

- (1) are not permanently affixed to the ground and do not cause damage to any surface of the #publicly accessible open area#;
- (2) are not located within five feet of any #building# entrance; and
- (3) do not in combination occupy more than 60 percent of the #publicly accessible open area#.

(b) Events

Events including, but not limited to, farmers markets, holiday markets, concerts and performances, art and cultural exhibitions, and festivals are permitted. Such events may be sponsored by non-profit or for-profit entities, without limitation, and may include the sale of food, refreshments, and other event-related items, for the benefit or enjoyment of event participants. The use of #publicly accessible open area# for the promotion of products or services shall not itself qualify as an event permitted under this Section. Such events shall:

- (1) be open to the public;
- (2) only be permitted to use amplified sound between the hours of 9:00 am and 10:00 pm.

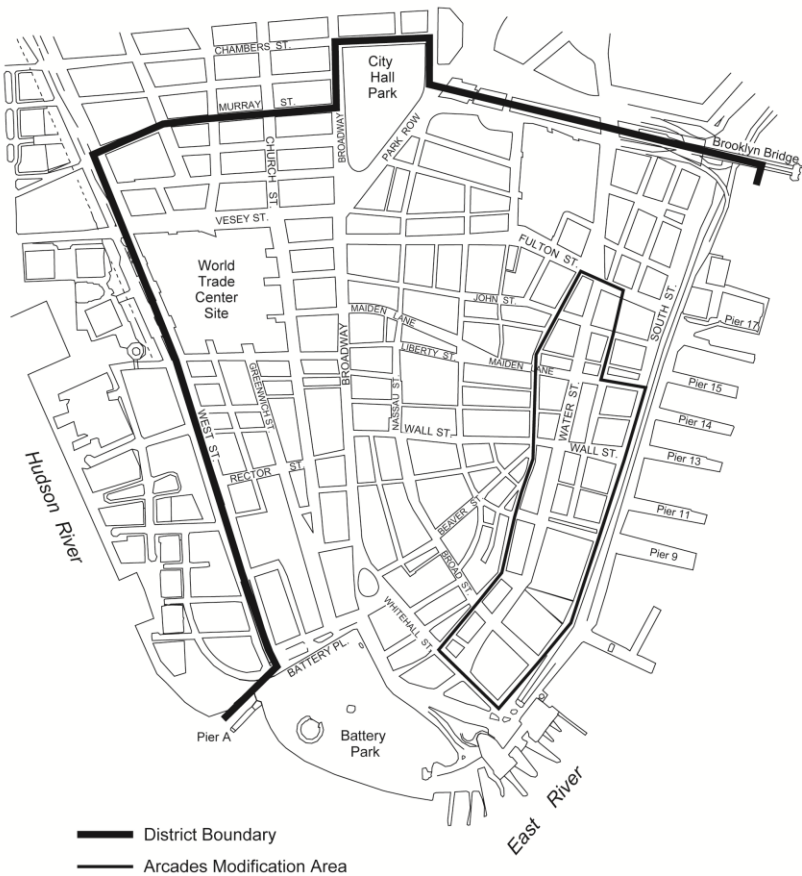
Nothing herein shall authorize the use of City #streets# or sidewalks in connection with an event permitted under this Section, and any such use shall be subject to all applicable provisions of law and regulation governing the use of City #streets# or sidewalks including, where applicable, the requirement to obtain a Street Activity Permit from the Street Activity Permit Office of the Office of Citywide Events Coordination and Management. No event shall be permitted pursuant to this Section unless, no later than fourteen (14) days prior to the scheduled date, the sponsor notifies the Street Activity Permit Office of the nature, size and location of the event upon a form prescribed by the Street Activity Permit Office for such purpose.

\* \* \*

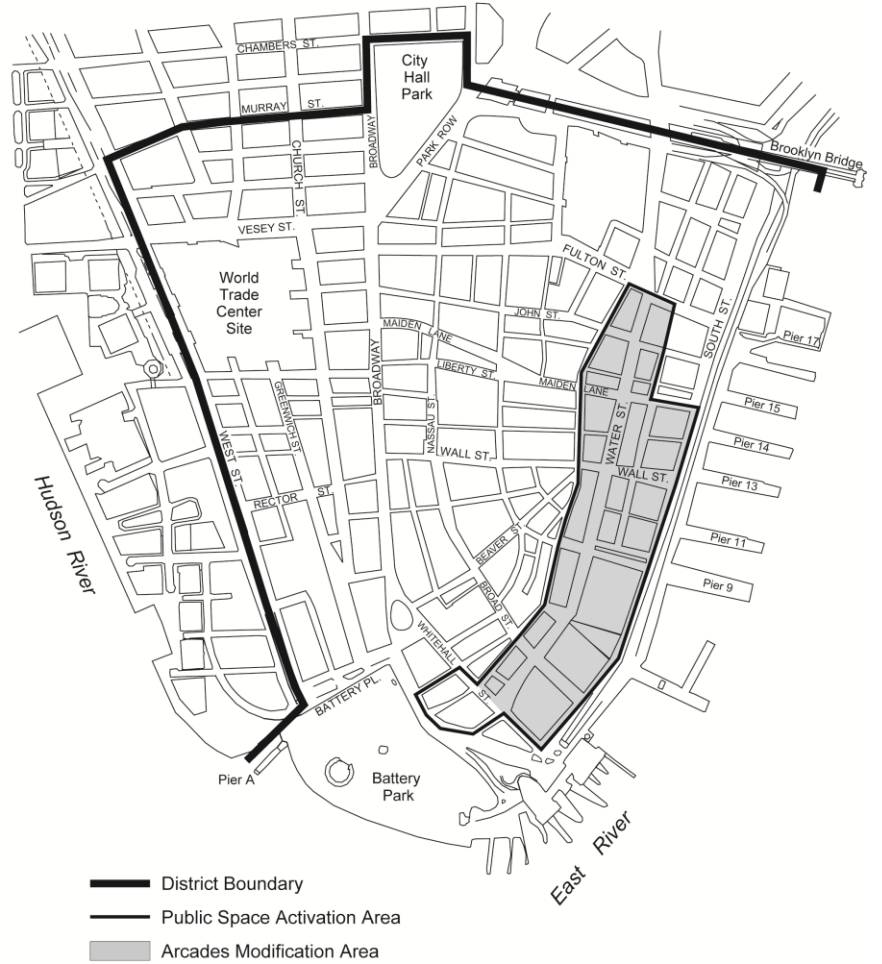
Appendix A  
Lower Manhattan District Plan Maps

\* \* \*

Appendix A  
Map 8. Public Access Modification Areas  
[MAP TO BE DELETED]



Appendix A  
Map 8. Public Access Modification Areas  
[MAP TO BE ADDED]



LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, June 6, 2013.

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. 838  
**Report of the Committee on Land Use in favor of approving Application No. C 110398 ZMQ submitted by Vlachich, LLC, pursuant to Section 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 9c, establishing within an existing R5 district a C1-2 District bounded by a line 150 feet northeasterly of 28th Avenue, 43rd Street, 28th Avenue, and 42nd Street, in the Borough of Queens, Community District 1, Council District 22.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 22, 2013 (Minutes, page 1663), respectfully

REPORTS:

SUBJECT

QUEENS CB - 1

C 110398 ZMQ

City Planning Commission decision approving an application submitted by Vlachich, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9c, establishing within an existing R5 District a C1-2 District bounded by a line 150 feet northeasterly of 28th Avenue, 43rd Street, 28th Avenue, and 42nd Street, as shown in a diagram (for illustrative purposes only) dated January 22, 2013.

INTENT

To establish a C1-2 commercial district within an existing R5 zoning district by a depth of 150 feet along the entire frontage of 28th Avenue between 42nd and 43rd

streets, to legalize an accessory parking lot (Block 701, Lots 5 and 9) in the Astoria area of Queens.

#### PUBLIC HEARING

**DATE:** June 4, 2013

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

#### SUBCOMMITTEE RECOMMENDATION

**DATE:** June 4, 2013, recessed to June 6, 2013

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

**In Favor:** Weprin, Rivera, Reyna, Comrie, Jackson, Vann, Garodnick, Lappin, Wills, Ignizio

**Against:** None

**Abstain:** None

#### COMMITTEE ACTION

**DATE:** June 6, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Palma, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

**Against:** None

**Abstain:** None

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

Res. No. 1824

**Resolution approving the decision of the City Planning Commission on ULURP No. C 110398 ZMQ, a Zoning Map amendment (L.U. No. 838).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on May 10, 2013 its decision dated May 8, 2013 (the "Decision"), on the application submitted by Vlachich, LLC pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to establish a C1-2 commercial district within an existing R5 zoning district by a depth of 150-feet along the entire frontage of 28<sup>th</sup> Avenue between 42<sup>nd</sup> and 43<sup>rd</sup> streets, to legalize an accessory parking lot (Block 701, Lots 5 and 9) in Astoria, Community District 1, (ULURP No. C 110398 ZMQ), Borough of Queens (the "Application");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on June 4, 2013;

**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 (CEQR No. 12DCP003Q) issued on January 22, 2013 (the "Negative Declaration");

#### **RESOLVED:**

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

Pursuant to Section 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 110398 ZMQ, 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. 9c, establishing within an existing R5 District a C1-2 District bounded by a line 150 feet northeasterly of 28<sup>th</sup> Avenue, 43<sup>rd</sup> Street, 28<sup>th</sup> Avenue, and 42<sup>nd</sup> Street, as shown in a diagram (for illustrative purposes only) dated January 22, 2013, Community District 1, Borough of Queens.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, June 6, 2013.

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. 839

**Report of the Committee on Land Use in favor of approving Application No. 20135674 HAX submitted by the New York City Department of Housing Preservation and Development (HPD) for a tax exemption pursuant to Section 577 of the Private Housing Finance Law for properties located at 442 East 176 Street, 446 East 176 Street, 440 East Tremont Avenue, 1842 Washington Avenue, 1991 Bathgate Avenue, and 2028 Washington Avenue, in the Borough of Bronx, Community Board 6, Council District 15.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 22, 2013 (Minutes, page 1664), respectfully

#### **REPORTS:**

#### SUBJECT

**BRONX CB - 06**

**20135674 HAX**

Application submitted by the New York City Department of Housing Preservation and Development for a tax exemption pursuant to Section 577 of the Private Housing Finance Law for properties located at 442 East 176 Street (Block 2908, Lot 15), 446 East 176 Street (Block 2908, Lot 17), 440 East Tremont Avenue (Block 2909, Lot 12), 1842 Washington Avenue (Block 2917, Lot 6), 1991 Bathgate Avenue (Block 3044, Lot 29), and 2028 Washington Avenue (Block 3046, Lot 3), in Council District 15.

#### INTENT

To approve a new real property tax exemption and terminate the prior tax exemption pursuant to Section 577 of the Private Housing Finance Law to facilitate a project.

#### PUBLIC HEARING

**DATE:** June 4, 2013

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

#### SUBCOMMITTEE RECOMMENDATION

**DATE:** June 4, 2013

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

**In Favor:** Levin, Barron, Gonzalez, Dickens, Koo

**Against:** None

**Abstain:** None

#### COMMITTEE ACTION

**DATE:** June 6, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Palma, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills Ignizio

**Against:** None

**Abstain:** None

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

Res. No. 1825

**Resolution approving a new tax exemption and terminating the previous tax exemption for properties located at 442 East 176 Street (Block 2908, Lot 15), 446 East 176 Street (Block 2908, Lot 17), 440 East Tremont Avenue (Block 2909, Lot 12), 1842 Washington Avenue (Block 2917, Lot 6), 1991 Bathgate Avenue (Block 3044, Lot 29), and 2028 Washington Avenue (Block 3046, Lot 3), Borough of the Bronx, pursuant to Section 577 of the Private Housing Finance Law (L.U. No. 839; 20135674 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 2, 2013 its request dated April 9, 2013 that the Council take the following actions regarding the proposed project (the "Project") located at 442 East 176 Street (Block 2908, Lot 15), 446 East 176 Street (Block 2908, Lot 17), 440 East Tremont Avenue (Block 2909, Lot 12), 1842 Washington Avenue (Block 2917, Lot 6), 1991 Bathgate Avenue (Block 3044, Lot 29), and 2028 Washington Avenue (Block 3046, Lot 3), Community District 6, Borough of the Bronx (the "Exemption Area"):

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on June 4, 2013; and

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

**RESOLVED:**

The Council approves a real property tax exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

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

- (a) "Company" shall mean East Tremont EC LLC.
- (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2908, Lots 15 & 17; Block 2909, Lot 12; Block 2917, Lot 6; Block 3044, Lot 29; and Block 3046, Lot 3; on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-two (32) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "HDFC" shall mean the East Tremont Bronx Housing Development Fund Company.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

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

(h) "Prior Exemption" shall mean the exemptions from real property taxation for the Exemption Area approved by the New York City Council on June 28, 1995 (Cal. Nos. 1097 & 1100), October 5, 1995 (Cal. Nos. 1270 & 1271) and October 25, 1995 (Cal. Nos. 1307 & 1308).

(i) "Owner" shall mean, collectively, the HDFC and the Company.

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

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

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

4. Notwithstanding any provision hereof to the contrary:

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

b. The New Exemption shall not apply to any building constructed on the Exemption Area that did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.

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

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

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, June 6, 2013.

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. 840

**Report of the Committee on Land Use in favor of approving Application No. 20135675 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) for termination of existing a tax exemption and granting of a new tax exemption for properties located at 1845 Park Avenue and 107 East 126 Street, Borough of Manhattan, Community Board 11, Council District 9. This matter is subject to Council**



**review and action at the request of HPD and pursuant to Article 16 of the New York General Municipal Law and Section 577 of the Private Housing Finance Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 22, 2013 (Minutes, page 1664), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 11**

**20135675 HAM**

Application submitted by the New York City Department of Housing Preservation and Development for termination of an existing tax exemption and granting of a new tax exemption for properties located at 1845 Park Avenue (Block 1775, Lot 3) and 107 East 126 Street (Block 1775, Lot 6), in Council District 9, pursuant to Sections 123(4), 125 and 577 of the Private Housing Finance Law.

**INTENT**

To approve a new real property tax exemption for the Exemption Area and terminate the prior tax exemption pursuant to Section 577 of the Private Housing Finance Law to facilitate the rehabilitation of a project.

**PUBLIC HEARING**

**DATE:** June 4, 2013

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 4, 2013

**The Subcommittee recommends that the Land Use Committee approve the requests made by the Department of Housing Preservation and Development.**

**In Favor:** Levin, Barron, Gonzalez, Dickens, Koo

**Against:** None

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** June 6, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Palma, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

**Against:** None

**Abstain:** None

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

Res. No. 1826

**Resolution approving a partial tax exemption, terminating the current tax exemption and voluntary dissolution of a Project located at 1845 Park Avenue (Block 1775, Lot 3) and 107 East 126 Street (Block 1775, Lot 6), Borough of Manhattan, pursuant to the Private Housing Finance Law (L.U. No. 840; 20135675 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, 2013 its request dated April 22, 2013 that the Council take the following actions regarding the following project (the "Project") located on 1845 Park Avenue (Block 1775, Lot 3) and 107

East 126 Street (Block 1775, Lot 6), Community District 11, Borough of Manhattan (the "Exemption Area"):

1. Approve the partial exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law;
2. Approve, pursuant to Section 125 of the PHFL, the termination of the partial tax exemption of the Exemption Area granted by the Board of Estimate on November 16, 1978 (Cal. No. 2) ("Prior Exemption"), which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
4. If (i) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur within one day following the termination of the Prior Exemption, or (ii) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur 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 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 interrupted.

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on June 4, 2013;

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

**RESOLVED:**

The Council approves the partial tax exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

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

- (1) "Company" shall mean 1775 Houses TP4 LLC.
- (2) "Current Owner" shall mean 1775 Housing Associates, L.P.
- (3) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the HPD Regulatory Agreement.
- (4) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1775, Lots 3 and 6 on the Tax Map of the City of New York.
- (5) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the HPD Regulatory Agreement, (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company, or (iv) 120 days from the date of the expiration or termination of the Section 8 Housing Assistance Payments Contracts or contracts under a similar or successor program, unless the New Owner or, subject to HPD approval, another housing development fund company organized pursuant to Article XI of the PHFL, has entered into a new regulatory agreement with HPD regarding rental subsidy for tenants living in the Exemption Area.
- (6) "HDFC" shall mean 1775 TP4 Housing Development Fund Company, Inc.
- (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 establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- (9) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (10) "New Owner" shall mean, collectively, the HDFC and the Company.
- (11) "PHFL" shall mean the Private Housing Finance Law.

(12) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on November 16, 1978 (Cal. No. 2).

(13) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.

(14) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.

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 property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.

d. Notwithstanding any provision hereof to the contrary:

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

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

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

e. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, 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.

The Council approves, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.

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

If (i) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur within one day following the termination of the Prior Exemption, or (ii) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur 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 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.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, June 6, 2013.

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. 841

**Report of the Committee on Land Use in favor of approving Application no. 20135676 HAM submitted by the New York City Department of Housing Preservation and Development for termination of existing tax exemption**

**and granting of a new a tax exemption for property located at 112 East 128 Street and 102 East 128 Street, Community District 11, Council District 9. This matter is subject to Council review and action at the request of HPD and pursuant to Sections 123(4), 125 and 577 of the Private Housing Finance Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 22, 2013 (Minutes, page 1664), respectfully

#### REPORTS:

#### SUBJECT

MANHATTAN CB - 11

20135676 HAM

Application submitted by the New York City Department of Housing Preservation and Development for termination of existing tax exemption and granting of a new a tax exemption for property located at 112 East 128 Street (Block 1775, Lot 165) and 102 East 128 Street (Block 1775, Lot 168), Council District 9. This matter is subject to Council review and action at the request of HPD and pursuant to Sections 123(4), 125 and 577 of the Private Housing Finance Law.

#### INTENT

To approve a new real property tax exemption for the Exemption Area that will supersede the prior tax exemption pursuant to Section 577 of the Private Housing Finance Law to facilitate the rehabilitation of a project.

#### PUBLIC HEARING

DATE: June 4, 2013

Witnesses in Favor: Two

Witnesses Against: None

#### SUBCOMMITTEE RECOMMENDATION

DATE: June 4, 2013

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

**In Favor:** Levin, Barron, Gonzalez, Dickens, Koo

**Against:** None

**Abstain:** None

#### COMMITTEE ACTION

DATE: June 6, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Palma, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

**Against:** None

**Abstain:** None

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

Res. No. 1827

**Resolution approving a partial tax exemption, terminating the current tax exemption and voluntary dissolution of a Project located at 112 East 128 Street (Block 1775, Lot 165) and 102 East 128 Street (Block 1775, Lot 168), Borough of Manhattan, pursuant to the Private Housing Finance Law (L.U. No. 841; 20135676 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, 2013 its request dated April 22, 2013 that the Council take the following actions regarding the proposed project (the "Project") located on 112 East 128 Street (Block 1775, Lot 165) and 102 East 128 Street (Block 1775, Lot 168), Community District 11, Borough of Manhattan (the "Exemption Area"):

2. Approve the partial exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law;

2. Approve, pursuant to Section 125 of the PHFL, the termination of the prior tax exemption of the Exemption Area granted by the Board of Estimate on December 21, 1978 (Cal. No. 1) ("Prior Exemption"), which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.

3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.

4. If (i) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur within one day following the termination of the Prior Exemption, or (ii) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur 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 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 interrupted.

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on June 4, 2013;

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

**RESOLVED:**

The Council approves the partial tax exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

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

(1) "Company" shall mean AK Houses TP4 LLC.

(2) "Current Owner" shall mean Triangle Housing Associates, L.P.

(3) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the HPD Regulatory Agreement.

(4) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1775, Lots 165 and 168 on the Tax Map of the City of New York.

(5) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the HPD Regulatory Agreement, (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company, or (iv) 120 days from the date of the expiration or termination of the Section 8 Housing Assistance Payments Contracts or contracts under a similar or successor program, unless the New Owner or, subject to HPD approval, another housing development fund company organized pursuant to Article XI of the PHFL, has entered into a new regulatory agreement with HPD regarding rental subsidy for tenants living in the Exemption Area.

(6) "HDFC" shall mean AK TP4 Housing Development Fund Company, Inc.

(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 establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.

(9) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.

(10) "New Owner" shall mean, collectively, the HDFC and the Company.

(11) "PHFL" shall mean the Private Housing Finance Law.

(12) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on December 21, 1978 (Cal. No. 1).

(13) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.

(14) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.

f. 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.

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

h. Notwithstanding any provision hereof to the contrary:

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

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

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

i. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, 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.

The Council approves, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.

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

If (i) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur within one day following the termination of the Prior Exemption, or (ii) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur 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 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.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, June 6, 2013.

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. 843

**Report of the Committee on Land Use in favor of approving Application no. 20135678 HAX submitted by the New York City Department of Housing Preservation and Development for the termination of an existing tax exemption and the granting of a new tax exemption for properties located at 1604 Jesup Avenue, 1595 & 1601 Macombs Road, 1551 Shakespeare Avenue, 1685 Hoe Avenue, 1662-1698 Vyse Avenue, and 1685 & 1717 Bryant Avenue, Community Districts 3 and 5, Council Districts 15 and 16, Borough of the Bronx. This matter is subject to Council review and action at the request of HPD and pursuant to Sections 123(4), 125 and 577 of the Private Housing Finance Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 22, 2013 (Minutes, page 1665), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB's 3 and 5**

**20135678 HAX**

Application submitted by the New York City Department of Housing Preservation and Development for the termination of an existing tax exemption and the granting of a new tax exemption for properties located at 1604 Jesup Avenue (Block 2872, Lot 252), 1595 Macombs Road (Block 2872, Lot 358), 1601 Macombs Road (Block 2872, Lot 365), 1551 Shakespeare Avenue (Block 2873, Lot 103), 1685 Hoe Avenue (Block 2983, Lot 38), 1662 Vyse Avenue (Block 2997, Lot 1), 1668 Vyse Avenue (Block 2997, Lot 5), 1680 Vyse Avenue (Block 2997, Lot 9), 1690 Vyse Avenue (Block 2997, Lot 13), 1698 Vyse Avenue (Block 2997, Lot 17), 1717 Bryant Avenue (Block 2997, Lot 26), 1685 Bryant Avenue (Block 2997, Lot 39), in Council Districts 15 and 16, pursuant to Sections 123(4), 125 and 577 of the Private Housing Finance Law.

**INTENT**

To approve a new real property partial tax exemption pursuant to Section 577 of the Finance Law and terminate the prior tax exemption.

**PUBLIC HEARING**

**DATE:** June 4, 2013

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** June 4, 2013

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

**In Favor:** Levin, Barron, Gonzalez, Dickens, Koo

**Against:** None

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** June 6, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Barron, Vann, Gonzalez, Palma, Dickens, Garodnick, Lappin, Mendez, Koo, Lander, Levin, Weprin, Williams, Wills, Ignizio

**Against:** None

**Abstain:** None

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

Res. No. 1828

**Resolution approving a partial tax exemption, voluntary dissolution and terminating the prior tax exemption for a Project located at 1604 Jesup Avenue (Block 2872, Lot 252), 1595 Macombs Road (Block 2872, Lot 358), 1601 Macombs Road (Block 2872, Lot 365), 1551 Shakespeare Avenue (Block 2873, Lot 103), 1685 Hoe Avenue (Block 2983, Lot 38), 1662 Vyse Avenue (Block 2997, Lot 1), 1668 Vyse Avenue (Block 2997, Lot 5), 1680 Vyse Avenue (Block 2997, Lot 9), 1690 Vyse Avenue (Block 2997, Lot 13), 1698 Vyse Avenue (Block 2997, Lot 17), 1717 Bryant Avenue (Block 2997, Lot 26), 1685 Bryant Avenue (Block 2997, Lot 39), Borough of the Bronx, pursuant to the Private Housing Finance Law (L.U. No. 843; 20135678 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, 2013 its request dated April 22, 2013 that the Council take the following actions regarding the proposed project (the "Project") located 1604 Jesup Avenue (Block 2872, Lot 252), 1595 Macombs Road (Block 2872, Lot 358), 1601 Macombs Road (Block 2872, Lot 365), 1551 Shakespeare Avenue (Block 2873, Lot 103), 1685 Hoe Avenue (Block 2983, Lot 38), 1662 Vyse Avenue (Block 2997, Lot 1), 1668 Vyse Avenue (Block 2997, Lot 5), 1680 Vyse Avenue (Block 2997, Lot 9), 1690 Vyse Avenue (Block 2997, Lot 13), 1698 Vyse Avenue (Block 2997, Lot 17), 1717 Bryant Avenue (Block 2997, Lot 26), 1685 Bryant Avenue (Block 2997, Lot 39), pursuant to Sections 123(4), 125 and 577 of the Private Housing Finance Law, Community Districts 3 and 5, Borough of the Bronx (the "Exemption Area"):

3. Approve the partial exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law;

2. Approve, pursuant to Section 125 of the PHFL, the termination of the prior tax exemption of the Exemption Area granted by the Board of Estimate on July 19, 1979 (Cal. No. 13), April 29, 1982 (Cal. No. 91), and April 16, 1982 (Cal. No. 8) ("Prior Exemption"), which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.

3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.

4. If (i) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur within one day following the termination of the Prior Exemption, or (ii) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur 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 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 interrupted.

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on June 4, 2013;

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

**RESOLVED:**

The Council approves the partial tax exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

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

(1) "Company" shall mean PRC Shakespeare Avenue LLC.

(2) "Current Owner" shall mean Featherbed Lane Associates, L.P., MBD I Associates L.P., and MBD III Associates, L.P.

(3) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, (ii) the date that HDC and the New Owner enter into the HDC Regulatory Agreement, or (iii) the date that HPD and the New Owner enter into the HPD Regulatory Agreement.

(4) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2872, Lots 252, 358, 365, Block 2873, Lot 103, Block 2983, Lot 38, and Block 2997, Lots 1, 5, 9, 13, 17, 26, 39 on the Tax Map of the City of New York.

(5) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-two (32) years from the Effective Date, (ii) the date of the expiration or termination of the HDC Regulatory Agreement, (iii) the date of the expiration or

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

(6) "HDFC" shall mean Longwood Housing Development Fund Company, Inc.

(7) "HDC" shall mean the New York City Housing Development Corporation.

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

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

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

(11) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.

(12) "New Owner" shall mean, collectively, the HDFC and the Company.

(13) "PHFL" shall mean the Private Housing Finance Law.

(14) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on July 19, 1979 (Cal. No. 13), April 29, 1982 (Cal. No. 91), and April 16, 1982 (Cal. No. 8).

(15) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.

(16) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.

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

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

l. Notwithstanding any provision hereof to the contrary:

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

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

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

m. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, 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.

The Council approves, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.

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

If (i) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur within one day following the termination of the Prior Exemption, or (ii) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur 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 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.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, June 6, 2013.

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 Parks and Recreation

Report for Int. No. 1045-A

**Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law in relation to the naming of 52 thoroughfares and public places, Joe Perez Way, Borough of the Bronx, Yomo Toro Place, Borough of the Bronx, La 65 de Infantería, Borough of the Bronx, African Burial Ground Square, Borough of Brooklyn, Gregory "Jocko" Jackson Boulevard, Borough of Brooklyn, Arthur Hill Way, Borough of Queens, Rev. Carl and Mother Helen Baldwin Way, Borough of Queens, Jefferson Diggs Way, Borough of Queens, Rev. Dr. John H. Boyd Sr. Way, Borough of Queens, Monsignor Robert R. McCourt Way, Borough of Queens, Lucile Hill Way, Borough of Queens, George Gibbons Jr. Way, Borough of Queens, Richard Italiano Corner, Borough of Queens, Father Eugene F. Donnelly Corner, Borough of Queens, Mary Sarro Way, Borough of Queens, Anthony "Tony" Caminiti Way, Borough of Queens, Dr. Rabbi H. Joel Laks Way, Borough of Queens, Charles Ahl Way, Borough of Brooklyn, Mildred Sutherland Way, Borough of Manhattan, Firefighter James Ruane Way, Borough of Manhattan, Willie Mays Place, Borough of Manhattan, Rev. Dr. Timothy P. Mitchell Way, Borough of Queens, Daniel Carter Beard Memorial Square, Borough of Queens, James V. Downey Way, Borough of the Bronx, St. Philip Neri Way, Borough of the Bronx, BARC Avenue, Borough of Brooklyn, Linda Ballou Way, Borough of Manhattan, Rafael Tufiño Way, Borough of Manhattan, Zurana Horton Way, Borough of Brooklyn, Officer Glen Pettit Corner, Borough of Manhattan, Paul Podhaizer Way, Borough of Brooklyn, Sister Mary Marcellus Way, Borough of Brooklyn, Pomus Place, Borough of Brooklyn, Roselyn A. Johnson Way, Borough of the Bronx, Lieutenant Patrick J. Sullivan Way, Borough of the Bronx, Ted Corbitt Way, Borough of Manhattan, Sgt. Jose Enrique Ulloa Way, Borough of Manhattan, Willie Mays Drive, Borough of Manhattan, Juan Rodriguez Way, Borough of Manhattan, Carmine Granito and William Smith Way, Borough of Staten Island, Eden II Lane, Borough of Staten Island, Ed Sadler Way, Borough of the Bronx, Dominic Castore Way, Borough of the Bronx, Carlo A. Lanzillotti Place, Borough of Queens, Sculpture Street, Borough of Queens, Sunnyside Gardens Arena Way, Borough of Queens, Benjamin Wheeler Place, Borough of Queens, Jerry Ingenito Way, Borough of Queens, Louis Rispoli Way, Borough of Queens, Bishop Luther Dingle Boulevard, Borough of Brooklyn, Yoseph Robinson Avenue, Borough of Brooklyn, Christopher Rose Way, Borough of Brooklyn and the repeal of section 24 of local law number 14 for the year 2012, sections 5 and 34 of local law number 48 for the year 2012 and section 65 of local law number 3 for the year 2011.**

The Committee on Parks and Recreation, to which the annexed amended proposed local law was referred on May 22, 2013 (Minutes, page 1639), respectfully

#### REPORTS:

##### Comment:

On June 10, 2013, the Committee on Parks and Recreation will hold a hearing to vote on Proposed Int. No. 1045-A which co-names fifty-two (52) thoroughfares and public places. The Committee first considered Int. No. 1045-A on June 7, 2013. The Council acts upon the authority granted in subdivision (b) of section 25-102.1 of the New York City Administrative Code which states:

b. Unless the local law specifically provides otherwise, any local law changing the name of a street, park, playground or portion thereof, or any facility or structure, located and laid out on the city map, that bears a name indicated on the city map shall not be construed to require a change in such name as it is indicated on the city map; provided, however, that in the case of a local law changing the name of a street or portion thereof, the name added by such local law shall be posted on a sign placed adjacent to or near a sign bearing the name of such street or portion thereof indicated on the city map.

The following street name changes are not to be construed as a change in the City Map, but as additional names to be posted near or adjacent to the street or location indicated on the City Map.

##### **Section 1. Joe Perez Way**

Introduced by Council Member Arroyo

August 5, 1950 – May 14, 2012

In 1990, Joe Perez co-founded The South Bronx Clean Air Coalition, Inc., a coalition set up in response to a medical waste incinerator being placed in the community. After years of organizing demonstrations, educational workshops and forming the smog squad, the incinerator stacks were removed on May 5, 2000. During the 1990's he successfully led residents against a plan to build a paper mill in the Harlem River Yards, when he and other organizers found that the process would have required hazardous materials be trucked through local streets. He was also the executive director of the Freedom Community Center on East 140<sup>th</sup> Street and helped organize tenants against negligent landlords and provided free summer camp for neighborhood kids.

##### **Section 2. Yomo Toro Place**

Introduced by Council Member Arroyo

July 26, 1933 – June 30, 2012

Yomo Toro was a virtuosic left-handed player of the cuatro, a mandolin-like Puerto Rican instrument, and was a big influence in New York's Latin music scene since the 1950's. He played traditional Puerto Rican and Mexican music on guitar and cuatro in New York through the 1950's and 60's with singers Odilio González and Victor Rolón Santiago and with Los Panchos, an internationally famous Mexican bolero trio. He hosted his own television show, "El Show de Yomo Toro," on New York's Channel 41 in the late 1960's. His other credits include soundtrack music for Woody Allen's "Bananas" and the children's television show "Dora the Explorer" and albums including David Byrne's "Rei Momo" and Linda Ronstadt's "Frenesi." He was a resident of the Bronx since 1973 and participated in the Bronx Puerto Rican parades and was inducted into the Bronx Walk of Fame.

##### **Section 3. La 65 de Infantería**

Introduced by Council Member Arroyo, Cabrera and Rivera

This co-naming will commemorate the 65th Infantry Regiment, a regiment of the United States Army, based in Puerto Rico, that fought in World War I, World War II, the Korean War and continues to serve in the War Against Terrorism and Operation Iraqi Freedom. In 1950 with more than 3,900 men in its ranks, they were among the first infantrymen to fight on the battlefields of Korea. During the Korean War, the 65th Regiment was instrumental in key battles and was awarded the Navy Unit Commendation for their defense in Hungnam. They were the first Regiment to cross the Han River in South Korea during Operation Killer in 1951. They also took and held Chorwon and were instrumental in breaking the Iron Triangle of Hill 717. General Douglas MacArthur, the United Nations Commander, observed that the unit's men showed magnificent ability and courage in field operations. During the war, a number of Puerto Rican soldiers were court-martialed for refusing to obey their commanding officer's orders and abandoning their positions. Ninety-one soldiers were convicted, however their sentences were quickly commuted or they were granted pardons. An official United States Army report cited a number of contributing factors to the incident including a shortage of officers, a language barrier between officers and enlisted men and high casualties. The report also found bias in the prosecution of the Puerto Rican soldiers. The Regiment went on to earn a Presidential Unit Citation, a Meritorious Unit Commendation, two Republic of Korea Unit Citations and the Greek Gold Medal for Bravery. Individual members of the Regiment earned four Distinguished Service Crosses and 124 Silver Stars.

##### **Section 4. African Burial Ground Square**

Introduced by Council Member Barron

This co-naming will commemorate the burial ground for enslaved Africans in the area encompassing Schenck, New Lots and Livonia Avenues and Barbey Street in the borough of Brooklyn.

##### **Section 5. Gregory "Jocko" Jackson Boulevard**

Introduced by Council Member Barron

August 2, 1951 – May 1, 2012

Greg Jackson was considered by many as the unofficial mayor of Brownsville who devoted his career to the community's improvement. He was a star basketball player at Guilford College in North Carolina and was drafted by the New York Knicks in the 1974-75 season, finishing the season with the Phoenix Suns as a guard. In 1997, he became the director of the Brownsville Recreation Center (BRC). Under his leadership, the BRC played host to world-renowned events and served as inspiration for the young men and women who passed through its doors. He chaired the Reeves Drakeford Brownsville Jets, a youth basketball team, started in the summer of 1965 that was open to all who were willing to try and help others. Each year, Greg and the Jets organized the Brownsville Oldtimers Week, which includes sporting events, a reunion night, and live entertainment. Oldtimers Week unites the community through fun, games and music, and regularly draws over 35,000 people. His efforts have earned him over 100 awards for his service. In 2010, he was honored with the W. Allison & Elizabeth Stubbs Davis Service Award, which was founded by former Parks Commissioner Gordon J. Davis to recognize Parks employees who show extraordinary dedication to the communities they serve. He was also the Director of Brownsville Common Ground, an organization that seeks to limit homelessness.

##### **Section 6. Arthur Hill Way**

Introduced by Council Member Comrie

Arthur Hill was born in New York in 1922 and grew up in Harlem. He served in the United States Army during World War II from 1942 to 1946. He joined the NYC Police Department in 1946 and was assigned to the 28th Precinct and was later promoted to Sergeant in 1959 while serving in the 42nd and 49th Precincts. He was promoted to Lieutenant in 1961 and received a variety of assignments to work in the 20th Precinct, as well as the 5th Division, the 40th Precinct and in the Planning Bureau where he worked as a system analyst. He had the honor of serving as Commanding Officer of the Malcolm X funeral detail in February, 1965. He was promoted to the rank of Captain in 1965 and worked in the 5th and 6th Divisions of the NYPD before he was appointed the second African American commanding officer of the 28th Precinct. He was appointed to the rank of Deputy Inspector in 1967 and was assigned to 6th Division in Harlem. On September 16, 1969, Arthur Hill was promoted to the rank of Deputy Chief Inspector and transferred to the 13th Division, Brooklyn. Chief Hill became the first African American commander of the Support Service Unit, which was formerly known as the Special Operations Division. He was promoted to rank of Assistant Chief in September, 1971 and retired in January, 1973. During his career, Chief Hill received two Commendations, three Meritorious and three Excellent Police Duty Awards along with numerous citations for outstanding community service. In retirement, Chief Hill continued to serve his community by remaining active and joining several civic organizations. He served on several boards of directors for charitable organizations, including the Apollo Theater. He was the long-time Executive Secretary of the Guy R. Brewer Democratic Club. He was also a member of National Organization of Black Law Enforcement Officials (NOBLE), the MARCH Foundation, Hundred Black Men and a member of the Kappa Alpha Psi.

##### **Section 7. Rev. Carl and Mother Helen Baldwin Way**

Introduced by Council Member Comrie

Rev. Carl L. Baldwin worked for the Reality House Drug Free Service in Harlem in the early 1970's. He founded the 1<sup>st</sup> Block Association of 140<sup>th</sup> Street on Rockaway Blvd in the mid 1970's. He founded the St. Albans Little League in the late 1970's. He founded the Godian Church and Outreach Center in 1981 which was one of the first food pantries in the New York City area that doubled as a soup kitchen which was contracted with City Harvest and The Food Bank of New York. He also served as member of the Southeast Queens Clergy for Empowerment for several years.

Helen V. Baldwin was the Director for Community Board 1 from 1968-1986. Under her direction the Neighborhood Center housed a Head Start Program, Free Summer Lunch Program, Summer Youth Program, and much more. She worked alongside her husband in the Godian Fellowship Church and Outreach. After the loss of Rev. Baldwin, who committed over 20 years of service, the Godian Outreach then became the responsibility of Helen Baldwin, who moved forward with prayer and faith that the vision and work continued until her passing in November 2011.

##### **Section 8. Jefferson Diggs Way**

Introduced by Council Member Comrie

Jefferson Diggs was born in Gary, West Virginia, and moved to Ohio where he attended high school and wrote for a local black newspaper called the *Ohio State Sentinel*. He received an academic scholarship to Notre Dame University, however, left the University shortly after enrollment due to its strict policy of banning all students from interaction with the black community in South Bend, Indiana. He enrolled in Winston Salem State Teachers College where he was moved by the injustices of racism and segregation and joined the Civil Rights movement. He participated in the first wave of student sit-ins at Woolworth and Kress department store lunch counters. He was arrested with 10 other black students from Winston Salem College and 10 white students from Wake Forest University. After three



months of sit-ins, their actions ultimately led to city officials and store owners agreeing to desegregate lunch counters in Winston Salem. He later moved to New York City, where he became one of the first African-American reporters hired by The New York Daily News. He also earned his doctorate in theology and counseling and helped counsel the elderly, physically-challenged and substance abusers. He was also an active member of Immaculate Conception R.C. Church.

#### **Section 9. Rev. Dr. John H. Boyd Sr. Way**

Introduced by Council Member Comrie

Rev. John Boyd moved to New York City at the age of 16 and graduated from George Washington High School. In 1944, Dr. Boyd was drafted into the United States Army, where he attained the rank of First Sergeant. After three years of service, he received an honorable discharge. Dr. Boyd later received his Doctor of Divinity degree from the United Christian College in Brooklyn. He founded New Greater Bethel Ministries in 1972. He erected a small tent on the corner of Linden and Francis Lewis Boulevards in Cambria Heights that over the years grew into a thriving ministry with more than 2,000 members. In 1975, the church acquired the Cambria Heights theater complex and that became its new home. The congregation established a food pantry and a soup kitchen, giving free meals to hundreds of homeless individuals. Boyd also created the Set Free Prison Ministry, to help meet the spiritual needs of the incarcerated. Greater Bethel created a 24-hour prayer line, with counselors ready to minister to those in need, even in the middle of the night. The church also spread its message of faith through the Voice of Bethel radio broadcast, reaching nearly 150 million listeners worldwide. In 1993, the congregation expanded to include a location at 215-32 Jamaica Avenue in Queens Village, which could accommodate 1,500 people, and contained a Christian literature and media center, a drama center and recording and television studios. Boyd studied at the Manhattan Bible Institute and earned his Doctrine of Divinity from the United Christian College. He received numerous awards for his spiritual work including being awarded "Man of the Year" by The New York Christian Times. Superintendent Brian Fischer of the Queensborough Correctional Facility recognized Boyd for his outstanding work with the Inmate Community Improvement Program.

#### **Section 10. Monsignor Robert R. McCourt Way**

Introduced by Council Member Comrie

February 15, 1935 - June 21, 2001

Msgr. Robert R. McCourt was ordained to the Priesthood on June 3, 1961. He served the diocese of Brooklyn and his community and was a longtime pastor at St. Pascal Baylon Church in St. Albans and as Pastor of Saint Clement Pope (Ozone Park). He also served as temporary administrator of St. Bonaventure (Jamaica) and Saint Gerard Majella (Hollis); as Parochial Vicar of Saint Frances de Chantal (Brooklyn), Holy Rosary (Brooklyn) and Saint Clement Pope (Ozone Park); and as Deanery Moderator to the Brooklyn Diocesan Council of Catholic Women (Central Deanery-Kings County). He was named Prelate of Honor on February 25, 1988 by His Holiness Pope John Paul II, Monsignor McCourt was a community activist and hands-on pastor. He could be frequently seen in the neighborhood taking every opportunity available to express personally that he was interested in knowing how a person was doing. He believed that saving souls and building bridges in the community was his duty as a community leader. Msgr. McCourt was also a member of the Hollis Local Development Corporation and a longtime community leader.

#### **Section 11. Lucile Hill Way**

Introduced by Council Member Comrie

October 2, 1944 – 2013

Rev. Lucile Chambers Hill was born in Chester, Pennsylvania. She was ordained a Full Elder in the United Methodist Church (UMC) in 2007. Rev. Hill faithfully served Long Island People's UMC as a Provisionary Member from 2004 through 2008 and Epworth UMC in the Bronx from 2008 until her death in 2013. Rev. Hill also founded the Theater of Dance Movement using her amazing talents and superior education to enrich the lives of those in the community and indeed the residents of the City. The Lucile Hill Theatre of Dance Movement not only trained thousands of young students but gave them the hope and promise of careers in teaching or the cultural arts. And also she championed liturgical dance at the renowned Allen A.M.E. Cathedral and other Houses of Worship.

#### **Section 12. George Gibbons Jr. Way**

Introduced by Council Member Crowley

June 23, 1974 – October 15, 2011

George Gibbons Jr. was very active in his community. He organized a team every year to raise money for breast cancer awareness with the American Cancer Society, supported local schools, churches, fundraising events, local softball teams and both the Monaghan Society and Monaghan football club. He also supported the local Shannon Gaels Association and the Mayo Society. He had a love for music and supported the enrichment of music in local children. He was also involved in wheelchair sports and the Wounded Warrior Project. He was a leader in both Maspeth and the Irish community, known first for his days as the block party DJ who travelled from block to block building fond memories for the whole community. Just months before his death, George opened his own hospitality business appropriately named "Gibbons' Home." It was and still is a place for friends to meet up, share their stories and be there for one another. He was in charge of running the 60<sup>th</sup> Drive summer block parties for many years. George Gibbons was tragically killed on October 15, 2011 by a hit-and-run driver. His death brought attention to the leniency

of the penalty for leaving the scene of an accident without reporting the accident to the proper authorities under New York State law and inspired New York City Council Resolution 720 of 2011 which supports State legislation to increase such penalties.

#### **Section 13. Richard Italiano Corner**

Introduced by Council Member Dromm

March 29, 1952 – January 18, 2012

Richard Italiano was the district manager and former chairman of Community Board 4. He was born and raised in Corona and attended St. Leo School and Newtown High School. He served as a coach for St. Leo's Athletic Association and Co-Director of St. Leo's Teen Center. He joined Community Board 4 as part of its Youth Services Committee in 1984. Between 1995 and 2004, he served as the CB4's chairman, and became district manager in 2005. In addition to serving on CB4, he was a member of several community organizations, including the Flushing Meadows Corona Park Conservancy, the New York Hospital Queens Community Advisory Council and the Italian Heritage and Culture Committee of Queens County. He also served on the board of directors for Italian Charities of America. He was instrumental in planning and completing projects such as the Arthur Ashe Tennis Stadium and the Queens Center Mall expansion. Richard Italiano was Chair of CB4 beginning the year just before the Arthur Ashe stadium was built. He worked in the capacity of Chair of the Board, and during the time that the stadium was being proposed, he was a CB Member and At-Large Director. He was also a member of the Community Emergency Response Team (CERT), the Queens Traffic Safety Board, Queens Boulevard Traffic Safety Task Force, Flushing Meadow Corona Park Conservancy, Queens Vanguard Community Advisory Board of the National Children's Study, the 110<sup>th</sup> Precinct Community Council, the Forest Hills Chamber of Commerce and the Queens Vietnam Memorial Committee.

#### **Section 14. Father Eugene F. Donnelly Corner**

Introduced by Council Member Dromm

1921 – February 12, 2012

Father Eugene G. F. Donnelly spent 59 years as a parish priest in Queens. Born in Astoria, Father Donnelly attended Cathedral College, Brooklyn; and Immaculate Conception Seminary, Huntington, L.I. He was ordained May 22, 1948 by Bishop Thomas E. Molloy at St. James Pro-Cathedral in Brooklyn. He served as an assistant at St. Luke's in Whitestone from 1948 until 1965, and Our Lady of Fatima, East Elmhurst from 1965 until 2007. He retired in 2007 but remained in residence at Our Lady of Fatima. He loved helping people and he was able to serve generations of people in his 47 years at Our Lady of Fatima. He was involved with the Knights of Columbus, the American Legion, the Port Authority Police and the local police precinct. He was very dedicated to visiting the sick and homebound and would often bring a group of people with him from the parish to visit sick children at St. Mary's Hospital in Bayside. He was also very active in the old Jackson Heights Volunteer Ambulance Corps and ran blood drives in the community. He was also very active with the Boy Scouts and Girl Scouts arranging trips and outings as well as working with the Lexington School for the Deaf and Monsignor McClancy Memorial High School. Fr. Donnelly was also a member of the Jackson Heights Neighborhood Association and was involved with the Blue Lancers marching band, the teen center, movie nights, and field trips. In addition, he was involved with the Our Lady of Fatima track team and the Catholic War Veterans.

#### **Section 15. Mary Sarro Way**

Introduced by Council Member Dromm

Mary Sarro was a Community Board 3 District Manager for nearly four decades. She was very active in the Jackson Heights community. She worked at the 1964-1965 World's Fair at Flushing Meadows-Corona Park, and as a social secretary for Edward Bronfman, of the Seagram's liquor empire. She joined Community Board 3 in 1974 and worked as an unpaid secretary for community planning boards. She helped plant trees, create community gardens and increase the safety and well-being of her neighbors. The community board fought successfully for a new police precinct for Jackson Heights, the 115th Precinct, and for neighborhood preservation through the establishment of a Jackson Heights Historic District and the Jackson Heights Beautification Group. She advocated for enforcement of livery cabs, new schools for the overcrowded district and improved relations with officials at the Port Authority and LaGuardia Airport, as well as dozens of quality of life issues including LGBT rights in the area. In 2010, she stepped down from CB3 but remained active in the community, serving as the sergeant-at-arms for the 115th Precinct Community Council and as a member of the North Queens Homeowners Civic Association, the United Community Civic Association and the Jackson Heights Beautification Group. She was also a founder of the Catherine M. Sheridan Senior Citizen Center and was instrumental in creating the 82<sup>nd</sup> Street Business Improvement District.

#### **Section 16. Anthony "Tony" Caminiti Way**

Introduced by Council Member Ferreras

December 13, 1911 – February 18, 2012

Anthony Caminiti grew up in Corona, Queens and attended PS 14 and Newtown High School. He served in the European Theater of Operations with the 42<sup>nd</sup> Rainbow Division during World War II. His division liberated the concentration camp of Dachau, freeing over 32,000 starving prisoners. He was awarded the Combat Infantry Badge, The Bronze Star and the Conspicuous Service

Cross and was a member of the American Legion and the Flanders Field VFW Post #150 in Corona. He was a member of Community Board 4 for 40 years and served as chairman of its Parks Committee. He also served as Chairman on the Corona Task Force where he helped secure low-income housing for seniors. He served as executive director of the Corona Taxpayers Civic Association and helped provide after school programs with the NYC Youth Board at PS 14, PS 19, IS 61 and St. Leo's Roman Catholic School. He served as president of the Colombia Association of America, St. Leo's Holy Name Society, St. Leo's War Veterans, the Corona Boys Club and served on the Board of Directors of the Queens Village Chamber of Commerce. He also worked on projects such as the NYC Partnership Housing and many community enhancement projects.

#### **Section 17. Dr. Rabbi H. Joel Laks Way**

Introduced by Council Member Gennaro

Dr. Rabbi H. Joel Laks served as Rabbi of the first Orthodox Congregation, the Jewish Center Torath Emeth for over 50 years. He received his MA in Philosophy from Yale University and a PhD in Philosophy from the University of Pennsylvania. He taught Contemporary Civilization at Queens College as well as Philosophy. He served as the Jewish Chaplain at Booth Memorial Hospital for 30 years and conducted weekly services at the Meadow Park Nursing Home. He galvanized the community Rabbis to establish the Vaad Harabonim of Queens for kashrus and communal needs. He served as the first chairman of the Chevra Kadisha (Burial Society) and was a member of the Queens Jewish Community Council for many years. He also established a thriving Talmud Torah (Hebrew School) which educated more than 400 students in its prime.

#### **Section 18. Charles Ahl Way**

Introduced by Council Member Gentile

Charles Ahl was Community Board 10's first chairman, having been appointed in 1977 when the current community board system was designated in the City Charter, where he served in various capacities until 1986. He served in World War II and later owned a liquor store on Fifth Avenue. He served as president of the Dyker Heights Civic Association and a scoutmaster at Saint Ephrem Catholic Church for 35 years and organized numerous cleanup projects at Owl's Head Park. He was a member of The Entertainers, a group of local civic leaders who put on musical shows to raise money for local charities and institutions, including the Bay Ridge Ambulance Volunteer Organization.

#### **Section 19. Mildred Sutherland Way**

Introduced by Council Member Jackson

Mildred Sutherland was a dedicated community activist who was elected president of the Block Association of West 152<sup>nd</sup> Street in 1975. In addition she served as the DC37 and UFT Union Leader for several years, served as a Girl Scout leader from 1967 until 1972, was the Executive Vice President of the Friends of Music for Junior High School Pupils in Manhattan and was honored by Friends of Music, Inc. for her devoted service to the Salute to Music Program as a volunteer and member of its Board of Directors. In 1994, she was honored with an Award of Recognition for her hard work and commitment to students by the Parent's Association of PS 132 and in 1998, was recognized for her dedication and support to the educational needs of the students of PS 132. In 2004, she received an Excellence in Education Award from the White House for her contributions to the students of the All The Way Program and Manhattan Borough President, Scott M. Stringer declared December 12, 2010, "Mildred Sutherland Appreciation Day" for her outstanding leadership and community work.

#### **Section 20. Firefighter James Ruane Way**

Introduced by Council Member Jackson

James Ruane was killed in the line of duty at a fire at 535 West 150<sup>th</sup> Street.

#### **Section 21. Willie Mays Place**

Introduced by Council Member Jackson

Willie Mays was born on May 6, 1931, in Westfield, Alabama, and began playing baseball at an early age. He played in the minor leagues for two seasons and was picked up by the New York Giants in 1951. Although having no hits in his first twelve at bats, he finally hit a home run over the left field fence of the Polo Grounds and from then on, his batting average improved throughout the season and won the 1951 Rookie of the Year Award. In the 1951 World Series, Mays was part of the first all-African-America outfield in major league history along with Hank Thompson and Monte Irvin in game one of the series. Mays was drafted by the United States Army in 1952 during the Korean War and missed most of the 1952 season and all of the 1953 season. He returned to the Giants in 1954 and won the National League Most Valuable Player Award and the Hickok Belt as top professional athlete of the year. Also, the Giants won the National League pennant and went on to dominate in the 1954 World Series. In this series, Mays made an over-the-shoulder running grab referred to as, "The Catch," which is considered the iconic image of his career and one of baseball's most memorable fielding plays which prevented two runners from scoring. In 1955, he led the league with 51 home runs and in 1956, he hit 36 home runs and stole 40 bases, being only the second player, and first National League player to join the 30-30 Club. In 1957, he won the first of twelve consecutive Gold Glove Awards and also became the fourth player in Major League history to join the 20-20-20 Club. He also stole 38 bases that year and became the second player in baseball history to reach 20 in each of those four categories, doubles, triples, home

runs, steals in the same season. After the 1957 season, Mays moved with the Giants franchise to San Francisco. One of his best games was on April 30, 1961 when Mays hit four home runs against the Milwaukee Braves. In 1970, Mays was named the 1960's "Player of the Decade." In 1972, Mays was traded to the New York Mets where he retired after the 1973 season with a lifetime batting average of .302 with 660 home runs, 7,095 fielding putouts in the outfield which remains the major league record and played in 24 All-Star games.

After his retirement, Mays continued working with the New York Mets as a hitting instructor until the 1979 season. Later on, he became a full-time special assistant to the Giants for over 25 years and served on the advisory board of the Baseball Assistance Team helping former players with finances and medical issues. He was inducted into the Hall of Fame in January 1979 and every May 24<sup>th</sup> in San Francisco is celebrated as Willie Mays Day. He was also very involved with his charity, the Say Hey Foundation which is dedicated to helping underprivileged youth. In addition, he is involved in charitable events such as the Giants Community Fund, the San Francisco Food Bank and the Whitney Young Child Development Center in Hunter's Point. He has also received honorary degrees from Ohio State University, Ohio and Yale University, Connecticut and Mills College and Dartmouth. He was honored by Major League Baseball and the Giants at the 2007 All-Star game for his lifetime achievements and was also honored with the Boys & Girls Club at Hunters Point officially becoming the Willie Mays Boys & Girls Club at Hunters Point after the clubhouse was rebuilt. The Sporting News ranked him second among the 100 greatest baseball players of the century and was listed eighth of the top 50 athletes of the century by ESPN. This co-name will commemorate the location of where Willie Mays lived during his first two years in New York after he began playing with the Giants.

#### **Section 22. Rev. Dr. Timothy P. Mitchell Way**

Introduced by Council Member Koo

Rev. Dr. Timothy P. Mitchell was known in the Flushing community as a great pastor, preacher and teacher. He served in the United States Army during the Korean War. He was recognized locally, nationally and internationally as a religious and interfaith leader of renown, and also a civil rights and veteran advocate who marched with the Rev. Dr. Martin Luther King Jr. in Georgia to protest the Jim Crow laws and got arrested. He served as one of the principal strategists of King's Poor People's Campaign, which sought to acquire low-income housing and jobs for the nation's poverty-stricken residents. He served as Pastor of the Oldest Black Church for 47 years and was known as the "Prince of Prince Street." He provided outreach services such as an onsite daycare center, housing an onsite senior center, establishing a Head Start Program, Breakfast and Lunch Children's feeding program, provided ministerial counseling and outreach services in drug rehabilitation for homeless and prison populations in Queens County and New York State.

#### **Section 23. Daniel Carter Beard Memorial Square**

Introduced by Council Member Koo

June 21, 1850 – June 11, 1941

Daniel Carter Beard was an American illustrator, author, youth leader, and social reformer who founded the Sons of Daniel Boone in 1905 and the Boy Scouts of America. He attended art school in New York City and wrote a series of articles for St. Nicholas Magazine that later formed the basis for The American Boy's Handy Book and illustrated a number of books for Mark Twain, and for other authors such as Ernest Crosby. He founded the Sons of Daniel Boone in 1905 and merged his organization into the Boy Scouts of America when it was founded in 1910 and became one of the first National Scout Commissioners of the Boy Scouts for 30 years. He was the editor of Boys' Life magazine, the BSA official magazine and wrote a monthly column for youth. His work with Ernest Thompson Seton became the basis of the Traditional Scouting movement. He also helped organize the Camp Fire Girls and served as president of the Camp Fire Club of America. He was the founder of Boy Scouts Troop 1 in Flushing, New York, which is one of the oldest continuously chartered Boy Scout Troop in the United States. He became an Eagle Scout at the age of 64 and was the recipient of the only gold Eagle badge awarded at the Second National Training Conference of Scout Executives held in 1922.

#### **Section 24. James V. Downey Way**

Introduced by Council Member Koppell

James V. Downey resided in Riverdale for over 50 years and was devoted to the Bronx community. He worked for the Federal Bureau of Investigation for over 40 years. He founded and was the president and treasurer of the North Riverdale Baseball League where he organized fundraising efforts so that children within the community could participate in the league without having to pay for uniforms and equipment. While Jim was on the board, the league expanded to include a full softball program, the first in the Northwest Bronx. The softball program became a model for other leagues in the Bronx and Manhattan. He booked bagpipers on opening day to lead the parade. Sid Augarten Field, home of the North Riverdale Baseball League, reopened on April 6, 2013. He had worked with elected officials and the Department of Parks and Recreation to provide the funding necessary to make Sid Augarten Field, home of the North Riverdale Baseball League safe for the children who played on it. These renovations ensure that District 23 Little League Tournament games can be played in a safe and secure environment. He also served as Parish Counsel at St. Margaret of Cortona. He ran fundraising events for St. Margaret's and supervised the remodeling and renovation of the Parish in the 1990's. In 2009, the North Riverdale Baseball League presented him its highest honor, the Harry F. Baker Hall of Fame Award. The award was presented posthumously to his wife and three sons.

**Section 25. St. Philip Neri Way**

Introduced by Council Member Koppell

The Church of St. Philip Neri was founded in 1898 in the Bedford Park area of the Bronx. In 1913, St. Philip Neri parish opened St. Philip Neri Roman Catholic School to serve the children of Bedford Park. This co-naming will celebrate the 115<sup>th</sup> and 100<sup>th</sup> anniversaries of St. Philip Neri church and school.

**Section 26. BARC Avenue**

Introduced by Council Member Levin

This co-naming will commemorate 25 years of service to Williamsburg animals and their owners. The Brooklyn Animal Resource Coalition (BARC) is a no kill animal shelter whose mission is to provide a safe haven for homeless animals and help them find a permanent home.

**Section 27. Linda Ballou Way**

Introduced by Council Member Mark-Viverito

November 20, 1949 – February 26, 2007

Linda Ballou was a counselor, entrepreneur and community activist. She served as the Bronx Liaison for Mayor Edward Koch and received many awards, decorations and certificates of appreciation for her various acts within the community. She served as a board member of Bronx Lebanon Hospital Department of Mental Health Services for over 20 years and served as the Resident Association President for six years at Millbrook Houses. She implemented a 16 week SAT prep course for the teens of Millbrook in collaboration with Success Consultancy Inc., where several NYCHA Developments also participated. She also started a food pantry program at the Millbrook Community Center which is still going to this day. Ms. Ballou was the first TA president to rally around the need for the installation of security cameras at the development.

**Section 28. Rafael Tufiño Way**

Introduced by Council Member Mark-Viverito

Rafael Tufiño was a painter and printmaker who was considered one of Puerto Rico's most prominent cultural figures. He was known as the "Painter of the People" for his canvases and posters depicting traditional aspects of life on the island. He was born in Brooklyn and was an important presence in New York, where he was a mentor to Puerto Rican artists and served as a bridge to Puerto Rico's traditions and aesthetics. After serving in the Army Signal Corps in Panama during World War II, he went to art school in Mexico under the G.I. Bill. Returning to Puerto Rico in the early 1950s, he became a member of Generación del Cincuenta, a group of young artists dedicated to forging an aesthetic identity for the island. He was a founder of Taller Boricua, a workshop and art collective started in East Harlem in 1970, and was also influential in the establishment of El Museo del Barrio in that neighborhood. His work was the subject of a major retrospective at the museum in 2003. His art, which can be seen on posters throughout Old San Juan, presents scenes of daily life in Puerto Rico such as work, dance, music and festivals in bright, Fauvist colors. His paintings, including landscapes, interiors and portraits, are in the collections of the Museum of Modern Art, the Metropolitan Museum of Art, the Library of Congress and the Galería Nacional in Puerto Rico. In 2003, he was given a lifetime achievement award by the National Arts Club in New York City. He created some of his best-known posters and prints during the '50s, many for government-sponsored literacy and hygiene campaigns.

**Section 29. Zurana Horton Way**

Introduced by Council Member Mealy

June 14, 1977 – October 21, 2011

Zurana Horton was a lifelong Brooklyn resident who received her education through the New York Public School System. She was picking up her child when she was shot to death across the street from a school in Brownsville, Brooklyn. During the incident, she tried to protect several children from a gunman on a rooftop who opened fire on a group of rivals on a crowded street. An 11-year-old girl was grazed in the cheek and another woman who was also retrieving her child was hit in the arm and chest as the man fired at least a dozen shots with an automatic pistol onto Watkins Street from his perch atop a five-story building on Pitkin Avenue. She was seen moments before she was shot, hovering over several children to protect them as the shots were fired.

**Section 30. Officer Glen Pettit Corner**

Introduced by Council Member Mendez

June 9, 1971 – September 11, 2001

Officer Glenn Pettit was appointed to the NYPD on December 8, 1997. He began his career on patrol in the 10<sup>th</sup> Precinct and was assigned to the Police Academy Video Production Unit in July 2000. He was killed as a result of the terrorist attacks on September 11, 2001 while attempting to rescue the victims trapped in the World Trade Center. He was posthumously awarded the New York City Police Department's Medal of Honor for his heroic actions.

**Section 31. Paul Podhaizer Way**

Introduced by Council Member Recchia, Jr.

1917 – 2010

Paul Podhaizer was a prominent leader in the community and one whose work led to many civic achievements. He was elected to the position of chairman of the Brightwater Tenants Council, a position he held for over 20 years until his death. He was responsible in achieving a favorable article 78 ruling which resulted in rent

reductions for many tenants. He also led a rent action which meant refunds for rent overpayments of \$500,000. He was a longtime member of B'nai B'rith and served on the Executive Board of the Brighton Atlantic Unit. He was on the Public Safety Committee of Community Board 13, a member of the Abe Cohen-Lehman Jewish War Veterans Post #50, a member of MET Council on Housing and Tenants and Neighbors Association, a member of the Deborah Hospital Foundation, Vice President Sea Breeze Jewish Center and organizer of Project HOPE.

**Section 32. Sister Mary Marcellus Way**

Introduced by Council Member Reyna

Sister Mary Anne Marcellus began her religious life in 1958 as a Sister of St. Joseph of Brentwood, New York. After being assigned to two other parishes, St. Agnes, and St. Ambrose, in 1965, she was missioned to Transfiguration Parish in Williamsburg to teach the 2<sup>nd</sup> grade and would continue to teach for 23 years until she was appointed Principal, a position she held for 17 years until the school closed in 2005. Sister Marcellus deeply influenced countless people in the 47 years of Ministry in Transfiguration. While her main ministry was formal education in Transfiguration School she will also be well remembered and loved for her various extracurricular activities. While teacher and principal she was also the director of the School Chorus, as well as director of the English Choir in church while being the organist for the Sunday Masses. During the 1970's and 80's one of her greatest achievements was the formation and direction of the Drama Guild. Performances included South Pacific, West Side Story, The King and I, The Mercado, Fiddler on the Roof, The Sound of Music and Guys and Dolls. But however great these accomplishments were, Sister Marcellus' true joy came from the Spiritual roots and formation which began in Brentwood in 1954 as a Sister of Saint Joseph and enabled her through the years to be a true "Sister of the Neighborhood."

**Section 33. Pomus Place**

Introduced by Council Member Reyna

June 27, 1925 – March 14, 1991

Jerome Solon Felder, better known as Doc Pomus, was an American blues singer and songwriter. He was born in Brooklyn and was a fan of the blues. As a child, he had polio and used crutches to walk. He began performing as a teenager, becoming a blues singer playing at various clubs in and around New York City. He recorded approximately 40 songs as a singer during the 1940's and 1950's for record companies such as Chess, Apollo and others. In the 1950s, he wrote magazine articles as well as songs to earn a living. He collaborated with Mort Shuman, a pianist who worked with many popular artists. Together they wrote the hit songs, "A Teenager in Love," "Save The Last Dance For Me," "Hushabye," "This Magic Moment," "Turn Me Loose," "Sweets For My Sweet," "Little Sister" and "Surrender." During the late 1950's and early 1960's, he also collaborated on several songs with Phil Spector such as, "Young Boy Blues," "Ecstasy," "Here Comes The Night" and "What Am I To Do?" He also wrote "Lonely Avenue," which became a 1956 hit for Ray Charles. During the 1970's and 1980's, he wrote more songs and worked with Willy DeVille, B. B. King, Irma Thomas, Marianne Faithful, Charlie Rich, Ruth Brown, Dr. John, James Booker, and Johnny Adams.

**Section 34. Roselyn A. Johnson Way**

Introduced by Council Member Rivera

Roselyn A. Johnson was an employee of the Bronx Supreme Court for 16 years serving as confidential secretary to three administrative judges and was elevated to administrative aide. She was employed by the New York City Board of Education in Community School District Twelve for 23 years as an executive secretary to the Community Superintendent of Schools. She was an active member of the 48th Precinct Community Council for over 20 years, was elected to the NYS Judicial Delegation in 1980 and was later elected as a NYS committee member for the 76th Assembly District. She was elected as a school board member in Community School District 12 where she served as treasurer and chairperson for special projects. She was the New York City Liaison for Phipps/West Farms Beacon School Advisory Board. She was involved in various groups that enabled her to organize many outreach programs throughout the 23 schools that are located in Community School District 12, as well as to volunteer for the West Farms Library, where she organized many activities for children and adults. She is the recipient of many awards from the City Council, the Office of the Governor, the U.S. Senate, the NYC Board of Education, the New York State Assembly, the Office of the Bronx Borough President, Community Board #6, as well as several other awards from churches and community organizations. She established a volunteer program that invited her colleagues in the Bronx courts, including judges, court attorneys and court officers to the West Farms Library to speak about their careers to kids in the West Farms neighborhood. This program not only helped neighborhood children, but also helped troubled youth who were looking to turn their life around. The program continues today. In addition, she organized basketball tournaments, organized trips to Yankee Stadium for children who couldn't afford to attend games and organized block parties for kids in the neighborhood and she organized day trips to shopping malls for seniors who had no access to transportation.

**Section 35. Lieutenant Patrick J. Sullivan Way**

Introduced by Council Member Rivera

Patrick J. Sullivan became a sworn member of the New York City Fire Department in 1985. He started with Engine 310 and Ladder 174 in Brooklyn and was later promoted to the rank of Lieutenant and assigned to the Bronx. He was



transferred to Ladder 58. He was the Fire Prevention Coordinator performing numerous building inspections and also visited many schools, housing complexes and senior center throughout the Bronx educating the community about fire safety. At one fire in a large commercial building, he searched for reported trapped workers directly over the fire area putting him in danger. He did not leave this position until all workers were confirmed safely out of the building. He was awarded the Meritorious Award from the City of New York after he rescued a trapped fire victim while precariously hanging from a portable ladder. During 9/11, he was in command of Engine 45 and assisted in evacuating many civilians as well as search, rescue and the fire operations that day and night. He also returned to the site to assist in the recovery and cleanup effort. In 2011, he was diagnosed with leukemia. He died on June 16, 2012. NYFD classified his death as a result of his exposures while operating at the World Trade Center. He was honored with an Administrative Line of Duty funeral.

### Section 36. Ted Corbitt Way

Introduced by Council Member Rodriguez  
January 31, 1919 - December 12, 2007

Ted Corbitt was a pioneer of ultramarathon running in the United States. He ended his running career at the age of 55, however he continued to participate in ultramarathons. At the age of 81, he walked 240 miles in a six-day race, with interludes for sleep. The following year, in the same race, he walked 303 miles. In 1993, Fred Lebow, the founder of the [New York City Marathon](#), called him “the father of American distance running.” He ran 199 marathons and ultramarathons, which are typically races of 50 or 100 miles or 24 hours and won 30 of those races. He was also a United States marathon champion and a member of the United States team at the 1952 Olympics in Helsinki, Finland, where he finished a disappointing 44th in the marathon. At various times, he held American records in the marathon, the 100-mile run and the 25-, 40- and 50-kilometer events. He also won national American Athletic Union championships in several distance running events. His fastest time in a marathon was 2 hours 26 minutes 44 seconds. In addition, he helped found the Road Runners Club of America and later became its president. He established guidelines to measure courses accurately for the thousands of nationally certified races. In 1958, he was a co-founder and the first president of the New York Road Runners Club and organized the first ultramarathon event in the United States, a 30 mile course through the Bronx and Queens and into Westchester County. He was among the first five athletes inducted into the National Distance Running Hall of Fame in Utica, N.Y., in 1998. He also served in the United States Army during World War II.

### Section 37. Sgt. Jose Enrique Ulloa Way

Introduced by Council Member Rodriguez  
December 20, 1984 – August 8, 2008

Jose Enrique Ulloa graduated from Washington Irving High School and joined the United States Army on March 9, 2005. He was assigned to the 515<sup>th</sup> Transportation Company of the 28<sup>th</sup> Transportation Battalion in Germany in 2006. He was killed in the line of duty in Sadr City, Iraq when his vehicle encountered an explosive device.

### Section 38. Willie Mays Drive

Introduced by Rodriguez and Dickens

Willie Mays was born on May 6, 1931, in Westfield, Alabama, and began playing baseball at an early age. He played in the minor leagues for two seasons and was picked up by the New York Giants in 1951. Although having no hits in his first twelve at bats, he finally hit a home run over the left field fence of the Polo Grounds and from then on, his batting average improved throughout the season and won the 1951 Rookie of the Year Award. In the 1951 World Series, Mays was part of the first all-African-America outfield in major league history along with Hank Thompson and Monte Irvin in game one of the series. Mays was drafted by the United States Army in 1952 during the Korean War and missed most of the 1952 season and all of the 1953 season. He returned to the Giants in 1954 and won the National League Most Valuable Player Award and the Hickok Belt as top professional athlete of the year. Also, the Giants won the National League pennant and went on to dominate in the 1954 World Series. In this series, Mays made an over-the-shoulder running grab referred to as, “The Catch,” which is considered the iconic image of his career and one of baseball’s most memorable fielding plays which prevented two runners from scoring. In 1955, he led the league with 51 home runs and in 1956, he hit 36 home runs and stole 40 bases, being only the second player, and first National League player to join the 30-30 Club. In 1957, he won the first of twelve consecutive Gold Glove Awards and also became the fourth player in Major League history to join the 20-20-20 Club. He also stole 38 bases that year and became the second player in baseball history to reach 20 in each of those four categories, doubles, triples, home runs, steals in the same season. After the 1957 season, Mays moved with the Giants franchise to San Francisco. One of his best games was on April 30, 1961 when Mays hit four home runs against the Milwaukee Braves. In 1970, Mays was named the 1960’s “Player of the Decade.” In 1972, Mays was traded to the New York Mets where he retired after the 1973 season with a lifetime batting average of .302 with 660 home runs, 7,095 fielding putouts in the outfield which remains the major league record and played in 24 All-Star games.

After his retirement, Mays continued working with the New York Mets as a hitting instructor until the 1979 season. Later on, he became a full-time special assistant to the Giants for over 25 years and served on the advisory board of the Baseball Assistance Team helping former players with finances and medical issues. He was inducted into the Hall of Fame in January 1979 and every May 24<sup>th</sup> in San

Francisco is celebrated as Willie Mays Day. He was also very involved with his charity, the Say Hey Foundation which is dedicated to helping underprivileged youth. In addition, he is involved in charitable events such as the Giants Community Fund, the San Francisco Food Bank and the Whitney Young Child Development Center in Hunter’s Point. He has also received honorary degrees from Ohio State University, Ohio and Yale University, Connecticut and Mills College and Dartmouth. He was honored by Major League Baseball and the Giants at the 2007 All-Star game for his lifetime achievements and was also honored with the Boys & Girls Club at Hunters Point officially becoming the Willie Mays Boys & Girls Club at Hunters Point after the clubhouse was rebuilt. The Sporting News ranked him second among the 100 greatest baseball players of the century and was listed eighth of the top 50 athletes of the century by ESPN. This co-name will commemorate the location of where Willie Mays used to play baseball at the Polo Grounds.

### Section 39. Juan Rodriguez Way

Introduced by Council Member Rodriguez

Jan Rodrigues/Juan Rodriguez was a mulatto or Black man from Santo Domingo (the Spanish island-colony also known as *La Española* in Spanish and as *Hispaniola* in English) that arrived in the Hudson River Harbor in 1613 as part of the crew of a merchant Dutch ship exploring the area for its trade potential. After a few weeks in the area, the captain decided to return to Holland, but Rodriguez refused, arguing he was a free man and warning that if he was forced to go on the ship he would jump overboard. His Dutch captain accepted his demands and in payment for the work done as part of the ship’s crew, Rodriguez was compensated with a number of hatchets, presumably to trade them with the local Algonquian Amerindians. The ship left with the entire crew for Holland leaving Rodriguez in the area. The following year, 1614, another Dutch merchant ship arrived in the Hudson, found Rodriguez, and hired him to assist in trading with the local Amerindians. Shortly afterwards, the same captain that had brought over Rodriguez as sailor in 1613, arrived for a second time on a ship in the Hudson. A dispute erupted between the two Dutch captains and crews over the primacy in the right to trade with the local Amerindians. Rodriguez himself was involved in the scuffle. Once the crews were back in Holland, they took their contention to court and a notarial record was generated with their depositions about the past events in the Hudson. These depositions, held at the Archives of the City of Amsterdam, became the only source known so far on the story of Juan Rodriguez. They were first published by Simon Hart in 1959 in his book *The prehistory of the New Netherland Company*. (Amsterdam: City of Amsterdam Press). No other documents have been found about the life of Rodriguez after 1614. Further research work in archival documents pertaining to Hispaniola in the late sixteenth and early seventeenth century conducted by the CUNY Dominican Studies Institute at The City College of New York have revealed the existence of a number of individuals with the name Juan Rodrigues or Rodriguez (spelled indistinctly, with S or Z, in the Spanish documents) in the island-colony of Santo Domingo at the time, including three explicitly tried by the authorities for smuggling of goods with Dutch merchants in the island. The historical record clearly shows Jan Rodrigues/Juan Rodriguez residing somewhere at the Hudson Bay area between 1613 and 1614. As a result, Rodriguez is considered the first non-Amerindian person to ever have resided in what is today New York City. The arrival of Juan Rodriguez in 1613 indicates that the Dominican/Latino population’s relationship with the second capital of the country, as New York is called, began many years ago and that those who left the country of origin afterwards merely followed the trail of Juan Rodriguez, first non-native man in residing in the city. A conclusive statement on the role played by Rodriguez is that in 1613 it had been expressly declared that no other member of the Dutch crew had stayed behind in the Hudson area. This is confirmed by the documents found in the Archives of the City of Amsterdam, where the Dutch sailors declare that when the Dutch ship sailed away from the river, a mulatto born in Santo Domingo stayed ashore at the same place.

### Section 40. Carmine Granito and William Smith Way

Introduced by Council Member Rose

Carmine Granito and William Smith were killed in combat during WWII in Okinawa, Japan.

### Section 41. Eden II Lane

Introduced by Council Member Rose

Approximately 1% of children in the United States are born with some form of autism. The Eden II School for Autistic Children (DBA Eden II Programs) provide children and adults with autism specialized community-based programs and opportunities. Eden II Programs was founded in 1976 and serves over 200 participants and over 500 families through adult programs, residential services and family support services.

### Section 42. Ed Sadler Way

Introduced by Council Member Vacca

Ed Sadler was a 35-year veteran of the FDNY and a lifelong resident of City Island. While working with the FDNY, he spent more than 30 years as a marine pilot of the FDNY Marine Division. In 2011, Ladder 53 on City Island faced elimination for the third straight year and he was a voice that made sure it remained open. He was also president of the City Island Historical Society and a beloved fixture at the City Island Nautical Museum. He was a lifelong parishioner at Trinity United Methodist Church on City Island, like three generations of his family before him. He served as a trustee for many years, heading up most of the committees at one time or another. He was also a trustee of the Pelham Masonic Lodge for 12 years, a member for 67 years. He was also an honorary member of Pelham Lodge Past Master’s. He was awarded

the Dedicated Service Award in 2001 by the Grand Lodge of the State of New York, his title was Brother Edward Sadler, DSA. At the time of his death he was president of the City Island Historical Society, which runs the City Island Nautical Museum, where he served as a volunteer docent for at least 15 years. He was a member of the City Island Civic Association and regularly attended monthly meetings.

#### **Section 43. Dominic Castore Way**

Introduced by Council Member Vacca

December 13, 1928 – November 10, 2012

Dominic Castore was the Chairperson of Bronx Community Board 11 for 25 years. He joined CB 11 in 1979, when he was appointed by then-Bronx Borough President Stanley Simon and helped improve the northeast Bronx through his collaboration with civic associations and dedicated to helping the youth. After graduating from DeWitt Clinton High, he enlisted in the United States Army for a period of two years, where he played football with the Ft. Eustis Hell Divers, winning the South East Coast Championship. Beginning approximately in 1949, he spent three to four years at the School of Visual Arts in Manhattan, focusing on advertising, commercial art and store illustration courses. He was president and co-founder of the Morris Park Community Association in 1971. In addition, he also chaired the Bronx Civilian Patrol Council, the Senior Citizens Committee, founded and commissioned the Morris Park Softball League and the Bronx Football League and coached the All American Youth Conference, the Pelham Parkway Little League and the Bronxchester Babe Ruth League. He worked for the New York State Division of Substance Abuse and the Division for Youth. He was awarded the Equal Rights Council's Humanitarian of the Year in Youth Development Award, a Certificate of Appreciation from the NYPD Deputy Commissioner William E. Perry, Jr., Certificate of Merit for outstanding community service, the Citizenship Award from the NYPD 43<sup>rd</sup> Precinct Commander, Certificate of Merit from the Knights of Columbus and the Distinguished Humanitarian Award from the Institute of Applied Human Dynamics.

#### **Section 44. Carlo A. Lanzillotti Place**

Introduced by Council Member Van Bramer

February 18, 1911 – May 12, 1979

Carlo A. Lanzillotti served in the New York State Senate representing the 7<sup>th</sup> State Senate district in 1952 through 1954. He served in the United States Army during World War II. In addition, he was a commander of the American Legion's Blissville Post No. 727, a board member of the Sunnyside Chamber of Commerce, chairman of the Republican County Committee, 37<sup>th</sup> Assembly District, president of the Woodside Republican Club, public relations chairman of the Boy Scouts of America, District No. 3. He was also chairman of the L.I. City Civic Welfare Committee, chairman of the Sunnyside-Woodside Health Council, director of the West Queens Guidance Center and a member of the Army and Navy Union.

#### **Section 45. Sculpture Street**

Introduced by Council Member Van Bramer

This co-naming would commemorate the SculptureCenter which has been an active contributor to New York City's cultural community since 1928. It was originally founded as "The Clay Club" by Dorothea Denslow, and was renamed in 1944 and in 1948 moved to a carriage house on East 69<sup>th</sup> Street in Manhattan from Brooklyn. In 2001, SculptureCenter purchased a former trolley repair shop in Long Island City, Queens. The building was redesigned by artist and designer Maya Lin, and includes 6,000 square feet of interior exhibition space and a 3,000 square foot outdoor exhibition space.

#### **Section 46. Sunnyside Gardens Arena Way**

Introduced by Council Member Van Bramer

The Sunnyside Garden Arena was originally built as a tennis club by Jay Gould in the 1920s. The arena was sold in 1945 and turned into an arena that staged boxing matches, as well as wrestling, roller derby and kick-boxing until it was shut down in 1977. Emile Griffith and Gerry Cooney are among the boxers that fought at the 2,000-seat arena, as well as the actor Tony Danza. The Sunnyside Arena was often used as a stepping stone by New York area fighters before they moved on to larger venues, such as Madison Square Garden. One of the biggest events held at the venue was a John F. Kennedy presidential rally in 1960. In addition, proms were held there and the movie Mr. Universe was filmed there. The building was sold and torn down in 1977.

#### **Section 47. Benjamin Wheeler Place**

Introduced by Council Member Van Bramer

Benjamin Wheeler was born in New York City and lived in Sunnyside, Queens for the first year of his life before moving to Connecticut. He just six years old when he was killed in the massacre at Sandy Hook Elementary School in Newtown, Connecticut. Benjamin's parents, David and Francine Wheeler have been very active meeting with lawmakers in Washington D.C. to discuss how gun laws can be strengthened to prevent tragedies like Sandy Hook from occurring and also helped found and are members of the Sandy Hook Promise, a non-profit corporation created by members of the community of Newtown in response to the shooting on December 14<sup>th</sup>. The corporation was set up to support the families of victims, survivors, first responders and teacher and staff of the school by providing financial and service support and assistance.

#### **Section 48. Jerry Ingenito Way**

Introduced by Council Member Van Bramer

Jerry Ingenito, a Sunnyside native, was considered one of the most brilliant basketball minds in New York City. Over his 30 year career, he coached at Saint Raphael's CYO, Christ the King and Queens College and influenced hundreds of players, including Lamar Odom, Speedy Claxton, Derrick Phelps and Khalid Reeves. He won four freshmen CHSAA titles and was an assistant on the Royals varsity squad and won the 1989 intersectional title. After a successful career at Christ the King, he joined Kyrk Peponakis' staff at Queens College where he spent eight years helping the Knights twice reach the NCAA tournament. He also coached the women's team for five years. He was a challenging coach who stressed hard work and defense and kept solid relationships with his players. After he officially retired from coaching, he still trained players like Terry Tarpey and Evan Conti. A Boys and Girls Club runs a summer basketball league named after him at St. Theresa School in Woodside, the Bruns Summer basketball camp in Garden City offers two scholarships for Sunnyside youth in his honor and he was the founder and director of the Cathedral High School summer camp which also offers a scholarship for one Sunnyside youth in his honor.

#### **Section 49. Louis Rispoli Way**

Introduced by Council Member Van Bramer

Louis Rispoli was a gay rights activist and arts and music supporter who was brutally beaten in Sunnyside, Queens where he lived for over 30 years. He enjoyed being a mentor to young people, cooked and cared for friends with AIDS and HIV and encouraged people in their careers in the arts. He had just celebrated a year of legal marriage with his partner of 31 years. He had been out for a walk at 2:15am when he was attacked by three men. He died of his injuries five days later. He had worked as an assistant to the late composer Virgil Thomson, who had lived for a time in the Chelsea Hotel. NYPD have not yet determined whether the assault was a random act of violence or was motivated by Rispoli's sexuality.

#### **Section 50. Bishop Luther Dingle Boulevard**

Introduced by Council Member Vann

1925 – December 30, 2007

Luther Dingle was born in 1925 in Charleston, South Carolina and later moved to Brooklyn. He joined the Pentecostal House of Prayer for all People under the leadership of Bishop Felix. He was later ordained as a Deacon. He went on to found the Pentecostal House of Prayer in his home in Brooklyn in 1958 at 230 Pulaski Street and later moved to 203 Nostrand Avenue in Brooklyn. He was known as the Pastor who always tried to help someone. He served as Chaplain for the St. Mary's Hospital and the CABS Nursing Home since its opening over thirty years ago. He attended the New York Theological Seminary and received a Certificate in Ministry. In addition, he distributed food and clothing to those in need. He was instrumental in opening an IBM office located on Nostrand Avenue and informed the community of job opportunities. He was also instrumental in the development, funding and placement of the HIP Center, now known as Preferred Health Partners on Nostrand Avenue which provides the community with medical care. He wrote letters for community members who needed assistance in social services, visited hospitals and nursing homes, contributed money for funeral services and performed eulogies for families who could not afford it and he also opened up the church parking lot for those who needed a space for weddings, birthday parties and other community events.

#### **Section 51. Yoseph Robinson Avenue**

Introduced by Council Member Williams

Yoseph Robinson moved to Brooklyn at the age of 12 and dropped out of school at the age of 16 and became involved with drugs and worked for a hip-hop record label. When he turned 23, he became involved with Orthodox Judaism to turn his life around and be a positive influence on the community. He worked as a clerk at MB Vineyards in Midwood. While at work one night he was chatting with his girlfriend and cousin when a masked gunman entered the store and demanded the jewelry off of Mr. Robinson's girlfriend and the money in the register. Mr. Robinson lunged across the counter to grab the gun from the gunman and told his girlfriend and cousin to run. In the struggle, Mr. Robinson was shot three times and was pronounced dead at Kings County Hospital Center later on that night.

#### **Section 52. Christopher Rose Way**

Introduced by Council Member Williams

Christopher Rose and his friends were on their way to the Port Authority Bus Terminal when they were approached by a gang of teenagers. The gang demanded that Christopher's friend give them his iPod. When his friend refused, the gang began to attack Christopher and his friends. During the struggle, Christopher was stabbed twice in the chest and died. He was 15 years-old. As a result of his death, the Christopher Rose Community Empowerment Campaign (CRCEC) was created to increase community awareness of the factors that contribute to violence, occurrences of violence, the impact of violence and strategies for preventing delinquency of adolescents that leads to youth gang involvement and community violence. The CRCEC serves both East Flatbush in Brooklyn and Bushkill in Pennsylvania and has created programs such as CAMERA (Community Action and Mobilization Effort to raise Awareness), PACE (Practical, Academic and Cultural Enrichment) and HOPE (Helping Other Parents Endure).

**Section 53. The REPEAL of Section 24 of Local Law number 14 for the year 2012.** This section repeals Section 24 of Local Law number 14 for the year 2012.

**Section 54. The REPEAL of Sections 5 and 34 of Local Law number 48 for the year 2012.** This section repeals Sections 5 and 34 of Local Law number 48 for the year 2012.

**Section 55. The REPEAL of Section 65 of Local Law number 3 for the year 2011.** This section repeals Section 65 of Local Law number 3 for the year 2011.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1045-A:)**



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

PROPOSED INTRO No. 1045-A

COMMITTEE: Parks and Recreation

TITLE: A Local Law in relation to the naming of fifty-two thoroughfares and public places:

SPONSOR: By Council Members Arroyo, Barron, Cabrera, Comrie, Crowley, Dickens, Dromm, Ferreras, Gennaro, Gentile, Jackson, Koo, Koppell, Levin, Mark-Viverito, Mealy, Mendez, Recchia, Jr., Reyna, Rivera, Rodriguez, Rose, Vacca, Van Bramer, Vann, Williams and Wills

In relation to the naming of 52 thoroughfares and public places, Joe Perez Way, Borough of the Bronx, Yomo Toro Place, Borough of the Bronx, La 65 de Infanteria, Borough of the Bronx, African Burial Ground Square, Borough of Brooklyn, Gregory "Jocko" Jackson Boulevard, Borough of Brooklyn, Arthur Hill Way, Borough of Queens, Rev. Carl and Mother Helen Baldwin Way, Borough of Queens, Jefferson Diggs Way, Borough of Queens, Rev. Dr. John H. Boyd Sr. Way, Borough of Queens, Monsignor Robert R. McCourt Way, Borough of Queens, Lucile Hill Way, Borough of Queens, George Gibbons Jr. Way, Borough of Queens, Richard Italiano Corner, Borough of Queens, Father Eugene F. Donnelly Corner, Borough of Queens, Mary Sarro Way, Borough of Queens, Anthony "Tony" Caminiti Way, Borough of Queens, Dr. Rabbi H. Joel Laks Way, Borough of Queens, Charles Ahl Way, Borough of Brooklyn, Mildred Sutherland Way, Borough of Manhattan, Firefighter James Ruane Way, Borough of Manhattan, Willie Mays Place, Borough of Manhattan, Rev. Dr. Timothy P. Mitchell Way, Borough of Queens, Daniel Carter Beard Memorial Square, Borough of Queens, James V. Downey Way, Borough of the Bronx, St. Philip Neri Way, Borough of the Bronx, BARC Avenue, Borough of Brooklyn, Linda Ballou Way, Borough of Manhattan, Rafael Tuffiño Way, Borough of Manhattan, Zurana Horton Way, Borough of Brooklyn, Officer Glen Pettit Corner, Borough of Manhattan, Paul Podhaizer Way, Borough of Brooklyn, Sister Mary Marcellus Way, Borough of Brooklyn, Pomus Place, Borough of Brooklyn, Roselyn A. Johnson Way, Borough of the Bronx, Lieutenant Patrick J. Sullivan Way, Borough of the Bronx, Ted Corbitt Way, Borough of Manhattan, Sgt. Jose Enrique Ulloa Way, Borough of Manhattan, Willie Mays Drive, Borough of Manhattan, Juan Rodriguez Way, Borough of Manhattan, Carmine Granito and William Smith Way, Borough of Staten Island, Eden II Lane, Borough of Staten Island, Ed Sadler Way, Borough of the Bronx, Dominic Castore Way, Borough of the Bronx, Carlo A. Lanzillotti Place, Borough of Queens, Sculpture Street, Borough of Queens, Sunnyside Gardens Arena Way, Borough of Queens, Benjamin Wheeler Place, Borough of Queens, Jerry Ingenito Way, Borough of Queens, Louis Rispoli Way, Borough of Queens, Bishop Luther Dingle Boulevard, Borough of Brooklyn, Yoseph Robinson Avenue, Borough of Brooklyn, Christopher Rose Way, Borough of Brooklyn and the repeal of section 24 of local law number 14 for the year 2012, sections 5 and 34 of local law number 48 for the year 2012 and section 65 of local law number 3 for the year 2011.

SUMMARY OF LEGISLATION: The proposed law would add, through the posting of additional signs, the following names:

New Name	Present Name	Limits
Joe Perez Way	Cypress Avenue	Between 138 <sup>th</sup> Street and 139 <sup>th</sup> Street

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Yomo Toro Place	None	At the intersection of Ogden Avenue and East 162 <sup>nd</sup> Street
La 65 de Infanteria	Southern Boulevard	Between Bruckner Boulevard and East Fordham Road
African Burial Ground Square	None	at the intersections of Barbey Street and New Lots Avenue, Barbey Street and Livonia Avenue, Schenck Avenue and Livonia Avenue and Schenck Avenue and New Lots Avenue
Gregory "Jocko" Jackson Boulevard	Linden Boulevard	Between Mother Gaston Boulevard and Powell Street
Arthur Hill Way	None	At the intersection of Illion Avenue and Hannibal Street
Rev. Carl and Mother Helen Baldwin Way	None	At the intersection of South Road and Guy R. Brewer Boulevard
Jefferson Diggs Way	None	At the intersection of 88 <sup>th</sup> Avenue and 178 <sup>th</sup> Street
Rev. Dr. John H. Boyd Sr. Way	None	At the intersection of 219 <sup>th</sup> Street and Linden Boulevard
Monsignor Robert R. McCourt Way	None	At the intersection of 199 <sup>th</sup> Street and 113 <sup>th</sup> Avenue
Lucile Hill Way	None	At the intersection of 200 <sup>th</sup> Street and Linden Boulevard
George Gibbons Jr. Way	60 <sup>th</sup> Drive	Between Fresh Pond Road and Mt. Olivet Crescent
Richard Italiano Corner	None	At the southwest corner of 102 <sup>nd</sup> Street and Strong Avenue
Father Eugene F. Donnelly Corner	None	At the southwest corner of 80 <sup>th</sup> Street and 25 <sup>th</sup> Avenue
Mary Sarro Way	73 <sup>rd</sup> Street	Between 34 <sup>th</sup> Avenue and 35 <sup>th</sup> Avenue
Anthony "Tony" Caminiti Way	None	At the intersection of 108 <sup>th</sup> Street and 51 <sup>st</sup> Avenue
Dr. Rabbi H. Joel Laks Way	78 <sup>th</sup> Road	Between Parsons Boulevard and 160 <sup>th</sup> Street
Charles Ahl Way	None	At the intersection of 80 <sup>th</sup> Street and Fifth Avenue
Mildred Sutherland Way	West 152 <sup>nd</sup> Street	Between Broadway and Amsterdam
Firefighter James Ruane Way	None	the 500 block of West 150 <sup>th</sup> Street
Willie Mays Place	St. Nicholas Place	Between 153 <sup>rd</sup> Street and 155 <sup>th</sup> Street
Rev. Dr. Timothy P. Mitchell Way	None	At the southeast corner of Northern Boulevard and Prince Street
Daniel Carter Beard Memorial Square	None	At the southwest corner at the intersection of Northern Boulevard and Main Street
James V. Downey Way	Mosholu Avenue	Between West 254 <sup>th</sup> Street and West 256 <sup>th</sup> Street
St. Philip Neri Way	Villa Avenue	Between Bedford Park Boulevard and East 204 <sup>th</sup> Street
BARC Avenue	Wythe Avenue	Between Grand Street and N. 1 <sup>st</sup> Street

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Linda Ballou Way	137 <sup>th</sup> Street	Between Brook Avenue and St. Ann's Avenue
Rafael Tuffiño Way	East 103 <sup>rd</sup> Street	From the west side of Third Avenue to the east side of Park Avenue
Zurana Horton Way	None	At the intersection of Watkins Street and Pitkin Avenue
Officer Glen Pettit Corner	20 <sup>th</sup> Street	Between 2 <sup>nd</sup> Avenue and 3 <sup>rd</sup> Avenue
Paul Podhaizer Way	None	At the northeast corner of Seabreeze Avenue and West 5 <sup>th</sup> Street
Sister Mary Marcellus Way	Hooper Street	Between Marcy Avenue and Harrison Avenue
Pomus Place	Manhattan Avenue	Between McKibbin Street and Boerum Street
Roselyn A. Johnson Way	None	At the intersection of East 180 <sup>th</sup> Street and Honeywell Avenue
Lieutenant Patrick J. Sullivan Way	East Tremont Avenue	Between Vyse Avenue and Daly Avenue
Ted Corbitt Way	None	At the intersection of 228 <sup>th</sup> Street and Broadway
Sgt. Jose Enrique Ulloa Way	None	At the intersection of 177 <sup>th</sup> Street and Audubon Avenue
Willie Mays Drive	At the Harlem River Driveway / Polo Grounds Service Road	Between 155 <sup>th</sup> Street and 163 <sup>rd</sup> Street
Juan Rodriguez Way	Broadway	Between 159 <sup>th</sup> Street and 218 <sup>th</sup> Street
Carmine Granito and William Smith Way	None	Underneath the Lafayette Avenue sign at the intersection of Brighton Avenue and Lafayette Avenue
Eden II Lane	None	Underneath the Beach Street sign at the intersection of Beach Street and Union Place
Ed Sadler Way	None	At the intersection of East Schofield Street and City Island Avenue
Dominic Castore Way	Morris Park Avenue	Between Colden Avenue and Bronxdale Avenue
Carlo A. Lanzillotti Place	None	At the intersection of 41 <sup>st</sup> Street and 48 <sup>th</sup> Avenue
Sculpture Street	None	At the intersection of Purves Street and Jackson Avenue
Sunnyside Gardens Arena Way	None	At the intersection of 44 <sup>th</sup> Street and Queens Boulevard
Benjamin Wheeler Place	None	At the intersection of 41 <sup>st</sup> Street and Queens Boulevard
Jerry Ingenito Way	38 <sup>th</sup> Street	Between Greenpoint Avenue and 48 <sup>th</sup> Avenue
Louis Rispoli Way	None	At the intersection of 51 <sup>st</sup> Street and 43 <sup>rd</sup> Avenue
Bishop Luther Dingle Boulevard	Nostrand Avenue	Between Dekalb Avenue and Willoughby Avenue
Yoseph Robinson Avenue	None	At the intersection of Avenue J and Nostrand Avenue

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Christopher Rose Way	None	At the intersection of Avenue D and East 40 <sup>th</sup> Street
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**EFFECTIVE DATE:** This local law shall take effect immediately upon 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 (+)	\$0	\$0	\$0
Expenditures (-)	\$0	(\$14,950)	(\$14,950)
Net	\$0	(\$14,950)	(\$14,950)

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

**IMPACT ON EXPENDITURES:** This legislation would require approximately 52 signs at \$37.50 each and an additional \$13,000 for the installation of these signs. The total cost of enacting this legislation would be approximately \$14,950.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable

**SOURCE OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Chima Obichere, Unit Head

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director and Tanisha Edwards, Finance Counsel

**HISTORY:** Introduced as Intro. 1045 by the Council on May 22, 2013 and referred to the Committee on Parks and Recreation. A hearing was held and the legislation was laid over by the Committee on June 7, 2013. An amended version of the legislation, Proposed Intro 1045-A, will be considered by the Committee on June 10, 2013 and upon successful vote, the bill would be submitted to the full Council for a vote on June 12, 2013.

**Fiscal Impact Schedule**

New Name	Number of Signs	Cost	Installation (street signs only)	Total Cost
Joe Perez Way	1	37.5	250	287.5
Yomo Toro Place	1	37.5	250	287.5
La 65 de Infantería	1	37.5	250	287.5

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African Burial Ground Square	1	37.5	250	287.5
Gregory "Jocko" Jackson Boulevard	1	37.5	250	287.5
Arthur Hill Way	1	37.5	250	287.5
Rev. Carl and Mother Helen Baldwin Way	1	37.5	250	287.5
Jefferson Diggs Way	1	37.5	250	287.5
Rev. Dr. John H. Boyd Sr. Way	1	37.5	250	287.5
Monsignor Robert R. McCourt Way	1	37.5	250	287.5
Lucile Hill Way	1	37.5	250	287.5
George Gibbons Jr. Way	1	37.5	250	287.5
Richard Italiano Corner	1	37.5	250	287.5
Father Eugene F. Donnelly Corner	1	37.5	250	287.5
Mary Sarro Way	1	37.5	250	287.5
Anthony "Tony" Caminiti Way	1	37.5	250	287.5
Dr. Rabbi H. Joel Laks Way	1	37.5	250	287.5
Charles Ahl Way	1	37.5	250	287.5
Mildred Sutherland Way	1	37.5	250	287.5
Firefighter James Ruane Way	1	37.5	250	287.5
Willie Mays Place	1	37.5	250	287.5
Rev. Dr. Timothy P. Mitchell Way	1	37.5	250	287.5
Daniel Carter Beard Memorial Square	1	37.5	250	287.5
James V. Downey Way	1	37.5	250	287.5
St. Philip Neri Way	1	37.5	250	287.5
BARC Avenue	1	37.5	250	287.5
Linda Ballou Way	1	37.5	250	287.5
Rafael Tufiño Way	1	37.5	250	287.5
Zurana Horton Way	1	37.5	250	287.5
Officer Glen Pettit Corner	1	37.5	250	287.5
Paul Podhaizer Way	1	37.5	250	287.5
Sister Mary Marcellus Way	1	37.5	250	287.5
Pomus Place	1	37.5	250	287.5
Roselyn A. Johnson Way	1	37.5	250	287.5
Lieutenant Patrick J. Sullivan Way	1	37.5	250	287.5
Ted Corbitt Way	1	37.5	250	287.5
Sgt. Jose Enrique Ulloa Way	1	37.5	250	287.5

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Willie Mays Drive	1	37.5	250	287.5
Juan Rodriguez Way	1	37.5	250	287.5
Carmine Granito and William Smith Way	1	37.5	250	287.5
Eden II Lane	1	37.5	250	287.5
Ed Sadler Way	1	37.5	250	287.5
Dominic Castore Way	1	37.5	250	287.5
Carlo A. Lanzillotti Place	1	37.5	250	287.5
Sculpture Street	1	37.5	250	287.5
Sunnyside Gardens Arena Way	1	37.5	250	287.5
Benjamin Wheeler Place	1	37.5	250	287.5
Jerry Ingenito Way	1	37.5	250	287.5
Louis Rispoli Way	1	37.5	250	287.5
Bishop Luther Dingle Boulevard	1	37.5	250	287.5
Yoseph Robinson Avenue	1	37.5	250	287.5
Christopher Rose Way	1	37.5	250	287.5
<b>TOTAL</b>	<b>52</b>	<b>\$1,950</b>	<b>\$13,000</b>	<b>\$14,950</b>

Proposed Intro No. 1045-A

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*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1045-A:)**

Int. No. 1045-A

By Council Members Arroyo, Barron, Cabrera, Comrie, Crowley, Dickens, Dromm, Ferreras, Gennaro, Gentile, Jackson, Koo, Koppell, Levin, Mark-Viverito, Mealy, Mendez, Recchia, Jr., Reyna, Rivera, Rodriguez, Rose, Vacca, Van Bramer, Vann, Williams and Wills.

**A Local Law in relation to the naming of 52 thoroughfares and public places, Joe Perez Way, Borough of the Bronx, Yomo Toro Place, Borough of the Bronx, La 65 de Infantería, Borough of the Bronx, African Burial Ground Square, Borough of Brooklyn, Gregory "Jocko" Jackson Boulevard, Borough of Brooklyn, Arthur Hill Way, Borough of Queens, Rev. Carl and Mother Helen Baldwin Way, Borough of Queens, Jefferson Diggs Way, Borough of Queens, Rev. Dr. John H. Boyd Sr. Way, Borough of Queens, Monsignor Robert R. McCourt Way, Borough of Queens, Lucile Hill Way, Borough of Queens, George Gibbons Jr. Way, Borough of Queens, Richard Italiano Corner, Borough of Queens, Father Eugene F. Donnelly Corner, Borough of Queens, Mary Sarro Way, Borough of Queens, Anthony "Tony" Caminiti Way, Borough of Queens, Dr. Rabbi H. Joel Laks Way, Borough of Queens, Charles Ahl Way, Borough of Brooklyn, Mildred Sutherland Way, Borough of Manhattan, Firefighter James Ruane Way, Borough of Manhattan, Willie Mays Place, Borough of Manhattan, Rev. Dr. Timothy P. Mitchell Way, Borough of Queens, Daniel Carter Beard Memorial Square, Borough of Queens, James V. Downey Way, Borough of the Bronx, St. Philip Neri Way, Borough of the Bronx, BARC Avenue, Borough of Brooklyn, Linda Ballou Way, Borough of Manhattan, Rafael Tufiño Way, Borough of Manhattan, Zurana Horton Way, Borough of Brooklyn, Officer Glen Pettit Corner, Borough of Manhattan, Paul Podhaizer Way, Borough of Brooklyn, Sister Mary Marcellus Way, Borough of Brooklyn, Pomus Place, Borough of Brooklyn, Roselyn A. Johnson Way, Borough of Brooklyn, Lieutenant Patrick J. Sullivan Way, Borough of the Bronx, Ted Corbitt Way, Borough of Manhattan, Sgt. Jose Enrique Ulloa Way, Borough of Manhattan, Willie Mays Drive, Borough of Manhattan, Juan Rodriguez Way, Borough of Manhattan, Carmine Granito and William Smith Way, Borough of Staten Island, Eden II Lane, Borough of Staten Island, Ed Sadler Way, Borough of the Bronx, Dominic Castore Way, Borough of the Bronx, Carlo A. Lanzillotti Place, Borough of Queens, Sculpture Street, Borough of Queens, Sunnyside Gardens Arena**

Way, Borough of Queens, Benjamin Wheeler Place, Borough of Queens, Jerry Ingenito Way, Borough of Queens, Louis Rispoli Way, Borough of Queens, Bishop Luther Dingle Boulevard, Borough of Brooklyn, Yoseph Robinson Avenue, Borough of Brooklyn, Christopher Rose Way, Borough of Brooklyn and the repeal of section 24 of local law number 14 for the year 2012, sections 5 and 34 of local law number 48 for the year 2012 and section 65 of local law number 3 for the year 2011.

Be it enacted by the Council as follows:

Section 1. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Joe Perez Way	Cypress Avenue	Between 138 <sup>th</sup> Street and 139 <sup>th</sup> Street

§2. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Yomo Toro Place	None	At the intersection of Ogden Avenue and East 162 <sup>nd</sup> Street

§3. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated, and one sign shall be provided at each intersection inclusive of and between the limits indicated below.

New Name	Present Name	Limits
La 65 de Infantería	Southern Boulevard	Between Bruckner Boulevard and East Fordham Road

§4. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
African Burial Ground Square	None	at the intersections of Barbey Street and New Lots Avenue, Barbey Street and Livonia Avenue, Schenck Avenue and Livonia Avenue and Schenck Avenue and New Lots Avenue

§5. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Gregory “Jocko” Jackson Boulevard	Linden Boulevard	Between Mother Gaston Boulevard and Powell Street

§6. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Arthur Hill Way	None	At the intersection of Illion Avenue and Hannibal Street

§7. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rev. Carl and Mother Helen Baldwin Way	None	At the intersection of South Road and Guy R. Brewer Boulevard

§8. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Jefferson Diggs Way	None	At the intersection of 88 <sup>th</sup> Avenue and 178 <sup>th</sup> Street

§9. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rev. Dr. John H. Boyd Sr. Way	None	At the intersection of 219 <sup>th</sup> Street and Linden Boulevard

§10. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Monsignor Robert R. McCourt Way	None	At the intersection of 199 <sup>th</sup> Street and 113 <sup>th</sup> Avenue

§11. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lucile Hill Way	None	At the intersection of 200 <sup>th</sup> Street and Linden Boulevard

§12. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
George Gibbons Jr. Way	60 <sup>th</sup> Drive	Between Fresh Pond Road and Mt. Olivet Crescent

§13. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Richard Italiano Corner	None	At the southwest corner of 102 <sup>nd</sup> Street and Strong Avenue

§14. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Father Eugene F. Donnelly Corner	None	At the southwest corner of 80 <sup>th</sup> Street and 25 <sup>th</sup> Avenue

§15. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Mary Sarro Way	73 <sup>rd</sup> Street	Between 34 <sup>th</sup> Avenue and 35 <sup>th</sup> Avenue

§16. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Anthony “Tony” Caminiti Way	None	At the intersection of 108 <sup>th</sup> Street and 51 <sup>st</sup> Avenue

§17. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dr. Rabbi H. Joel Laks Way	78 <sup>th</sup> Road	Between Parsons Boulevard and 160 <sup>th</sup> Street

§18. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Charles Ahl Way	None	At the intersection of 80 <sup>th</sup> Street and Fifth Avenue

§19. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Mildred Sutherland Way	West 152 <sup>nd</sup> Street	Between Broadway and Amsterdam

§20. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Firefighter James Ruane Way	None	the 500 block of West 150 <sup>th</sup> Street

§21. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Willie Mays Place	St. Nicholas Place	Between 153 <sup>rd</sup> Street and 155 <sup>th</sup> Street

§22. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rev. Dr. Timothy P. Mitchell Way	None	At the southeast corner of Northern Boulevard and Prince Street

§23. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Daniel Carter Beard Memorial Square	None	At the southwest corner at the intersection of Northern Boulevard and Main Street

§24. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
James V. Downey Way	Mosholu Avenue	Between West 254 <sup>th</sup> Street and West 256 <sup>th</sup> Street

§25. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
St. Philip Neri Way	Villa Avenue	Between Bedford Park Boulevard and East 204 <sup>th</sup> Street

§26. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
BARC Avenue	Wythe Avenue	Between Grand Street and N. 1 <sup>st</sup> Street

§27. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Linda Ballou Way	137 <sup>th</sup> Street	Between Brook Avenue and St. Ann’s Avenue

§28. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rafael Tufiño Way	East 103 <sup>rd</sup> Street	From the west side of Third Avenue to the east side of Park Avenue

§29. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Zurana Horton Way	None	At the intersection of Watkins Street and Pitkin Avenue

§30. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Officer Glen Pettit Corner	20 <sup>th</sup> Street	Between 2 <sup>nd</sup> Avenue and 3 <sup>rd</sup> Avenue

§31. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Paul Podhaizer Way	None	At the northeast corner of Seabreeze Avenue and West 5 <sup>th</sup> Street

§32. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Sister Mary Marcellus Way	Hooper Street	Between Marcy Avenue and Harrison Avenue

§33. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Pomus Place	Manhattan Avenue	Between McKibbin Street and Boerum Street

§34. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Roselyn A. Johnson Way	None	At the intersection of East 180 <sup>th</sup> Street and Honeywell Avenue

§35. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lieutenant Patrick J. Sullivan Way	East Tremont Avenue	Between Vyse Avenue and Daly Avenue

§36. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Ted Corbitt Way	None	At the intersection of 228 <sup>th</sup> Street and Broadway

§37. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Sgt. Jose Enrique Ulloa Way	None	At the intersection of 177 <sup>th</sup> Street and Audubon

		Avenue
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§38. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Willie Mays Drive	At the Harlem River Driveway / Polo Grounds Service Road	Between 155 <sup>th</sup> Street and 163 <sup>rd</sup> Street

§39. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated, and one sign shall be provided at each intersection inclusive of and between the limits indicated below.

New Name	Present Name	Limits
Juan Rodriguez Way	Broadway	Between 159 <sup>th</sup> Street and 218 <sup>th</sup> Street

§40. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Carmine Granito and William Smith Way	None	Underneath the Lafayette Avenue sign at the intersection of Brighton Avenue and Lafayette Avenue

§41. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Eden II Lane	None	Underneath the Beach Street sign at the intersection of Beach Street and Union Place

§42. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Ed Sadler Way	None	At the intersection of East Schofield Street and City Island Avenue

§43. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dominic Castore Way	Morris Park Avenue	Between Colden Avenue and Bronxdale Avenue

§44. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.



New Name	Present Name	Limits
Carlo A. Lanzillotti Place	None	At the intersection of 41 <sup>st</sup> Street and 48 <sup>th</sup> Avenue

§45. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Sculpture Street	None	At the intersection of Purves Street and Jackson Avenue

§46. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Sunnyside Gardens Arena Way	None	At the intersection of 44 <sup>th</sup> Street and Queens Boulevard

§47. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Benjamin Wheeler Place	None	At the intersection of 41 <sup>st</sup> Street and Queens Boulevard

§48. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Jerry Ingenito Way	38 <sup>th</sup> Street	Between Greenpoint Avenue and 48 <sup>th</sup> Avenue

§49. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Louis Rispoli Way	None	At the intersection of 51 <sup>st</sup> Street and 43 <sup>rd</sup> Avenue

§50. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Bishop Luther Dingle Boulevard	Nostrand Avenue	Between Dekalb Avenue and Willoughby Avenue

§51. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Yoseph Robinson Avenue	None	At the intersection of Avenue J and Nostrand Avenue

§52. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Christopher Rose Way	None	At the intersection of Avenue D and East 40 <sup>th</sup> Street

§53. Section 24 of local law number 14 for the year 2012 is hereby REPEALED.

§54. Sections 5 and 34 of local law number 48 for the year 2012 is hereby REPEALED.

§55. Section 65 of local law number 3 for the year 2011 is hereby REPEALED.

§56. This local law shall take effect immediately.

MELISSA MARK-VIVERITO, Chairperson; VINCENT J. GENTILE, JAMES VACCA, ELIZABETH S. CROWLEY, JULISSA FERRERAS, DANIEL DROMM, JAMES G. VAN BRAMER; Committee on Parks and Recreation, June 10, 2013.

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

**Report of the Committee on Rules, Privileges and Elections**

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

Report for Preconsidered M-1163

**Report of the Committee on Rules, Privileges and Elections in favor of approving the re-appointment by the Queens Borough President of Irwin G. Cantor as a member of the New York City Planning Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on June 12, 2013, respectfully

**REPORTS:**

**Topic:** *New York City Planning Commission – (Queens Borough President’s nominee for re-appointment upon advice and consent of the Council)*

• **Irwin G. Cantor [Pre-considered M-1163]**

Section 192 of the *New York City Charter* (“Charter”) states that there shall be a thirteen-member CPC, with seven appointments made by the Mayor (including the Chair), one by the Public Advocate, and one by each Borough President [*Charter* §192(a)]. All members, except the Chair, are subject to the advice and consent of the Council [*Charter* §192(a)]. Further, the *Charter* states that members are to be chosen for their independence, integrity, and civic commitment [*Charter* §192(a)].

The *Charter* provides that CPC members serve for staggered five-year terms, except for the Chair, who as Director of the Department of City Planning (*Charter* §191), serves at the pleasure of the Mayor [*Charter* §192(a)]. For purposes of Chapter 68 (Conflicts of Interest) of the *Charter*, CPC members, other than the Chair, shall not be considered regular employees of the City [*Charter* §192(b)]. There is no limitation on the number of terms that a CPC member may serve [*Charter* §192(a)]. CPC members are prohibited from holding any other City office while they serve on CPC [*Charter* §192(b)]. The Chair receives an annual salary of \$205,180. The member who is designated as Vice-Chair receives an annual salary of \$62,271. The other members receive an annual salary of \$54,150. CPC is responsible for:

- undertaking long-range planning for the City's orderly growth, improvement and future development, including appropriate resources for housing, business, industry, recreation and culture [Charter §192(d)];
- assisting the Mayor and other officials in developing the ten-year capital strategy, the four-year capital program and the annual *Statement of Needs* [Charter §192(f)];
- overseeing and coordinating environmental reviews under the *City Environmental Quality Review* ("CEQR"), as mandated by state law (*Environmental Conservation Law* – Article 8) [Charter §192(e)];
- preparing a zoning and planning report at least once every four years, which includes a review of the *Zoning Resolution*, with any recommendations for changes and proposals for implementing planning policies [Charter §192(f)]; and
- approving or disapproving the acquisition by the City of office space [Charter §195].

CPC has also promulgated rules:

- establishing minimum standards for certifying *Uniform Land Use and Review Procedure* ("ULURP") applications and specific time periods for pre-certification review [Charter §197-c (i)];
- creating capital site selection criteria [Charter §218 (a)];
- setting minimum standards for the form and content of plans for the development of the City and boroughs [Charter §197-a (b)]; and
- defining "major concessions [Charter §374 (b)]."
- Mr. Cantor is scheduled to appear before the Committee on Rules, Privileges, and Elections on June 12, 2013. Upon re-appointment by the Queens Borough President with the advice and consent of the Council, Mr. Cantor, a resident of Queens will be eligible to serve a five-year term that begins on July 1, 2013 and expires on June 30, 2018. Copies of Mr. Cantor's résumé and report/resolution are annexed to this briefing paper.

(After interviewing the candidate and reviewing the relevant submitted material, this Committee decided to approve the re-appointment of the nominee Irwin G. Cantor [M-1163]; for text of the coupled resolution, please see below following this report:)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 192 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Queens Borough President of Irwin G. Cantor as a member of the New York City Planning Commission to serve a five-year term that begins on July 1, 2013 and expires on June 30, 2018.

This matter was referred to the Committee on June 12, 2013.

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

Res. No. 1829

**RESOLUTION APPROVING THE RE-APPOINTMENT BY THE QUEENS BOROUGH PRESIDENT OF IRWIN G. CANTOR AS A MEMBER OF THE NEW YORK CITY PLANNING COMMISSION.**

By Council Member Rivera.

**RESOLVED**, that pursuant to §§ 31 and 192 of the *New York City Charter*, the Council does hereby approve the re-appointment by the Queens Borough President of Irwin G. Cantor as a member of the New York City Planning Commission to serve a five-year term that begins on July 1, 2013 and expires on June 30, 2018.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, June 12, 2013.

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 Preconsidered State Legislation Res. No. 1

**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 Klein, Dilan, Espaillat, Peralta, Squadron, S.4459-A, and Assembly Members Glick, Millman, Cook, Gottfried, Weprin, Titone, Rosenthal, Ortiz, Brook-Krasny, Hevesi, Markey, Maisel, Moya, Clark, Quart, Gjonaj, Kellner, Skoufis, Gabryszak, Miller, Aubry, and Hennessey, et al, A.4327-A, "AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices; and providing for the repeal of such provisions upon expiration thereof".**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 12, 2013, 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

According to the Memorandum of Support (MIS), the New York City Police Department issues more than 118,000 summonses each year for speeding violations. "These violations are often a significant factor in accidents which result in the death or injury to motorists and pedestrians." According to the New York City Department of Transportation's (DOT) 2012 Traffic Safety Statistics, speeding contributed to 81 fatal traffic crashes which are about 30% of all New York City traffic fatalities in 2012. There is a concern regarding speeding near New York City Schools.<sup>3</sup>

According to a map released by DOT in 2012, 75% of vehicles were found to be speeding within a quarter of a mile of New York City schools. "DOT tracked 79% percent of vehicles speeding near PS 199 in Sunnyside, Queens; 97% speeding near PS 187 in Washington Heights, Manhattan; 87% near PS 270 in Clinton Hill, Brooklyn; 89% near PS 69 in the Bronx; and 81% speeding near PS 35 in Grymes Hill, Staten Island."<sup>4</sup> Under the current law a police officer must be present to observe a speeding violation and present the operator of a vehicle with a summons at that time. According to the MIS, it is very difficult for police officers to be able to observe every speeding violation that endangers the general public. The MIS further states that a motorist can rely on high odds that a speeding violation will not be detected at all.

The proposed legislation seeks to create a system similar to the red light camera program to use technology to record speeding violations on film or other recording devices. This image would then be used as evidence in a proceeding to impose liability on an owner of the vehicle of a speeding violation. According to the MIS, this technology is presently in use in Utah, California, Arizona, British Columbia and Canada.

This legislation would permit New York City to create a demonstration program to provide for the operation of cameras in up to twenty school speed zones at any one time during any one year of the program. The cameras would either be stationary or mobile and will be activated at locations selected by the City. According to the proposed legislation, such speed limit photo devices shall be placed in school zones based on criteria, which includes roadway geometry, speed data and crash history.

for the Lower Ma\_\_\_\_\_

<sup>3</sup> NYC DOT Press Releases 2012 Traffic Safety Statistics [www.nyc.gov/html/dot/html/pr13.Shtml](http://www.nyc.gov/html/dot/html/pr13.Shtml)

<sup>4</sup> Ibid.

**PROPOSED LEGISLATION**

Section 10 of the proposed legislation authorizes and contains the requirements of the demonstration program. Section 10 would amend the Vehicle and Traffic Law to authorize New York City to establish a demonstration program using photo speed violation monitoring systems to record speeding violations and place monetary liability on owners of motor vehicles who are found to be in violation of posted maximum school speed limits in a school speed zone. The demonstration program would only apply to violations when a school speed zone limit is in effect on school days during school hours, one hour before and after school, or when other speed limits are in effect pursuant to certain provisions of the Vehicle and Traffic Law and during student activities 30 minutes before and 30 minutes after any school activities.

The bill would allow for photo speed violation monitoring systems to be installed in up to 20 school speed zones through the City at any one time. In the selection of such school speed zones, the City would have to consider certain criteria which include but are not limited to, speed data, crash history and the roadway geometry associated with the school speed zone. The penalties for speeding detected by school speed cameras would only be implemented for a driver driving 10 miles or more above the posted school speed limit. A technician would be required to submit a sworn affidavit as to the contents of the photographs and technology must be used to the extent practicable, to ensure that drivers, passengers and the content of the vehicle would not be shown in the photographs.

The proposed legislation would provide a maximum penalty of fifty dollars for each violation (plus up to a maximum of an additional twenty-five dollar penalty for failure to respond) with adjudication by the Parking Violations Bureau which would be authorized to set a schedule of monetary penalties. The violation would not be deemed a conviction and would not affect the driving record of the operator.

The legislation would require the cameras to be tested and calibrated and the operator of the cameras to be trained. Finally, the proposed legislation would require a report by the City to the Governor, the Temporary President of the Senate and Assembly Speaker including the information about the use of cameras, violations found, traffic accidents, adjudication process and the cost to the City.

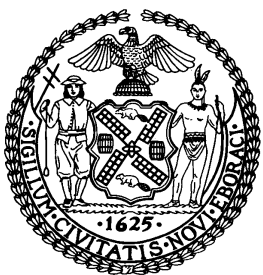
**FISCAL IMPLICATIONS:**

See Finance Fiscal Impact Statement

**EFFECTIVE DATE:**

This act shall take effect on the thirtieth day after it shall have become a law and expire 5 years after such effective date when upon such date the provisions of this act shall be deemed repealed; and provided further that any rules necessary for the implementation of this act on its effective date shall be promulgated on or before such date.

(The following is the text of the Fiscal Impact Statement for State Legislation Res. No. 1:)



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

**Preconsidered SLR 1: S.4459A (Klein)**  
**A.4327A (Glick)**

**COMMITTEE:** State and Federal Legislation

**TITLE:** AN ACT establishing a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices in the city of New York

**SPONSOR:** Council Member Foster

**SUMMARY OF LEGISLATION:** Authorizes the city of New York to establish a demonstration program imposing liability on owners of motor vehicles found to be in violation of the maximum speed limit in school speed zones of the city through the use of a speed limit photo device which determines the speed of a vehicle and captures/records that date by photographic, microphotographic, video tape or other recording system and produces an image of a motor vehicle at the moment that it exceeds the speed limit; provides for the expiration of this demonstration program five years after the effective date.

**EFFECTIVE DATE:** This act shall take effect on the thirtieth day after it shall have become a law and shall expire 5 years after such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FY 2014

**FISCAL IMPACT STATEMENT:**

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY14
<b>Revenues (+)</b>	\$0	~\$3,000,000	~\$3,000,000
<b>Expenditures (-)</b>	\$0	~\$3,000,000	~\$3,000,000
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** Revenues from violations are estimated to equal the approximate \$3,000,000 in costs associated with staffing the program.

**IMPACT ON EXPENDITURES:** Revenues from violations are estimated to equal the approximate \$3,000,000 dollars in costs associated with staffing the program.

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

**SOURCE OF INFORMATION:** New York City Office of Management and Budget

**ESTIMATE PREPARED BY:** Scott M. Crowley, Deputy Director

**ESTIMATE REVIEWED BY:** Juliana Han, Assistant Counsel

**LEGISLATIVE HISTORY:** This bill will be voted out of the State and Federal Legislation Committee as a Preconsidered SLR on June 12, 2013. Following a successful vote, the Preconsidered SLR will be introduced and voted on by the Full Council on June 12, 2013.

Date Submitted To Council: **June 12, 2013**

*Accordingly, this Committee recommends its adoption.*

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor’s Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly).

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, LEWIS A. FIDLER, DOMENIC M. RECCHIA, Jr., ELIZABETH CROWLEY; Committee on State and Federal Legislation, June 12, 2013.

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 Preconsidered State Legislation Res. No. 2

**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 Felder, S.4548, and Assembly Member Farrell, A.6764-A, “AN ACT to amend the tax law, in relation to a credit against personal income taxes imposed by certain cities for certain household and dependent care services necessary for gainful employment”.**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 12, 2013, 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)*

This bill, if enacted, would enable New York City to expand by local law the current New York City child care credit to the entire middle class. The credit is intended to offset the cost of child care for working parents or parents looking for work.

**Background**

*Child Care Credit*

Child care is a necessity for many working families. For unemployed parents, lack of child care is a handicap in looking for work. On average, families with a child under the age of 5 will spend over \$9,200 per year on child care.<sup>1</sup> This represents around 10.4 percent of family income. For lower income families earning between \$18,000 and \$36,000 annually, this can represent 21.7 percent of family income. The recent New York City Council study “The Middle Class Squeeze” describes how middle income households in the City are struggling at an unprecedented extent with reduced employment opportunities, higher education requirements and astronomical costs.<sup>2</sup> According to the Council for Community and Economic Research, Manhattan and Brooklyn ranked first and second place among the top 10 most expensive metropolitan areas in the U.S. Queens achieved fifth place.<sup>3</sup>

The Federal and State governments have their own child care credits that help. Together these programs can provide up to \$2,200 per child or dependent to offset allowable costs of care. Nevertheless, this amount is inadequate in a high cost state like New York. In addition, the Federal credit is not refundable which means low income families are typically unable to use the credit.

For the Federal Credit, a portion of the qualified expenses is credited against the payer’s personal income tax liability. The maximum qualified expenses currently range from \$3,000 to \$6,000 depending on whether one or more children (or dependents) are present in the household. The total amount of expenses that can be credited against tax liabilities is based on household income. The current Federal credit equals 35 percent of allowable expenses at an income of \$15,000, and phases down to 20 percent at incomes over \$43,000. Using the same rules for allowable expenses, the State credit is now 110 percent of the Federal credit for earnings under \$25,000 and declines gradually to 20 percent of the Federal credit for incomes over \$65,000. Close to 220,000 City families received the New York State credit in 2010.<sup>4</sup>

The current City credit was created by A7834/S5803, signed by the Governor on August 1, 2007. It was made effective as of January 1, 2007. Like the State program, the City credit is refundable. The City credit is currently 75 percent of the State credit for incomes of \$25,000 or less and phases down to zero at \$30,000. Consequently, middle and lower-middle income families are entirely excluded from receiving the City credit. Because of the limited income range covered by the credit, only 23,500 New York City families received the credit in 2010.<sup>5</sup>

*New York City’s Expanded Child Care Credit*

The proposed expansion of the City credit would continue focusing the credit on children up through age 3 since child care is most expensive during these early years, and many school and preschool programs are only available at ages 4 and older. The credit will now be expanded to cover middle income households, and it will be increased for those households already receiving it. An estimated 102,800 families are expected to receive the City credit. The credit will be 90 percent of the Federal credit for adjusted gross incomes of \$45,000 or less, phasing down to 50 percent of the Federal credit at \$60,000. It remains at 50 percent for adjusted gross incomes of up to \$150,000 and then phases down to zero at \$175,000. The proposed credit will also be fully refundable. Families with incomes under \$30,000 eligible for the existing New York City credit will do better under the proposed credit.

The example below shows how adding the City credit will enhance support for working families:

**Examples:**

#1: One child, \$35,000 income Expenses = \$3,000 <b>City credit = \$675</b>	#2: Two children, \$85,000 income Expenses= \$6,000 <b>City credit = \$600</b>
------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------

household and dependent care services necessary for gainful employment.

**SUMMARY OF PROVISIONS:**

This bill would amend Section 1310 of the tax law by adding a new subdivision (g) to create a credit for certain household and dependent care services for gainful employment. In Section 1 of the bill, paragraph 1 of new subdivision (g) would allow, beginning January 1, 2013, New York City to create, by local law, a credit against the City’s personal income tax. New York City’s credit would be limited to qualifying individuals who also claimed the State’s credit for certain household and dependent care services necessary for gainful employment with respect to children who have not yet reached the age of 4.

The credit would be equal to the applicable percentage of the Federal credit for expenses for household and dependent care services necessary for gainful employment. The applicable percentage of the Federal Credit would be as follows:

- (A) For incomes \$45,000 or less, the credit is 90%.
- (B) For incomes between \$45,001 and \$60,000, the credit phases down from 90% to 50%.
- (C) For incomes between \$60,001 and \$150,000, the credit is 50%.

(D) For incomes between \$150,001 and \$175,000, the credit phases down from 50% to zero.

(E) For incomes of \$175,001 or more, the credit is zero.

Paragraph 2 provides that such credit is refundable, and shall be applied after all other credits against the City personal income tax have been taken. For part year residents, the credit will be prorated based on the length of time the taxpayer was a resident of New York City.

Paragraph 3 provides that for married couples who filed a joint federal return, but are required to file their City taxes separately, then the credit shall be imposed on the spouse with the lower income. If the spouse with the lower income is not resident of the City, then no credit shall be given. The credit will only be applicable to taxpayers who file a New York City return.

Paragraph 4 provides that the local law adopted pursuant to this act shall only be authorized to provide the credit for 3.5 consecutive calendar years, and that the credit can only apply between July 1, 2013 and December 31, 2016. Credits provided in 2013 will be prorated on the basis of the number of days remaining in the calendar year.

Section 2 of the bill provides that the act would take effect immediately.

**FISCAL IMPLICATIONS:**

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

**EFFECTIVE DATE:**

This legislation would take effect immediately.

<sup>1</sup> Council Finance calculations based on national data, for families with child care costs., 2010 date inflated to 2012 levels. Source: U.S. Census Bureau, Survey of Income and Program Participation (SIPP), “Who’s minding the kids? Child care arrangement Spring 2011,” Table 6.

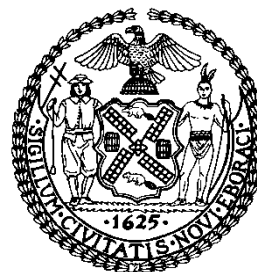
<sup>1</sup> New York City Council – Finance Division, “The Middle Class Squeeze,” February 2013.

<sup>1</sup> The Council for Community and Economic Research, ACCRA Cost of Living Index, Third Quarter 2011.

<sup>1</sup> New York State Department of Taxation and Finance, The New York State Child and Dependent Care Credit, Tax Year 2010. Table 3

<sup>1</sup> New York State Department of Taxation and Finance, The New York State Child and Dependent Care Credit, Tax Year 2010. Table 3a

**(The following is the text of the Fiscal Impact Statement for State Legislation Res. No. 2:)**



**THE COUNCIL OF THE CITY OF  
NEW YORK  
FINANCE DIVISION**

**PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY  
DIRECTOR**

**FISCAL IMPACT STATEMENT**

**INTRO. NO: Preconsidered SLR 2:  
A6764a by Farrell S4548 by Felder**

**COMMITTEE: State and  
Federal Legislation**

**TITLE:** AN ACT to amend the tax law, in relation to a credit against personal income taxes imposed by certain cities for certain household and dependent care services **necessary for gainful employment.**

**SPONSOR(S): Council Member  
Foster.**

**SUMMARY OF LEGISLATION:** This bill will allow New York City to expand through local law New York City’s Child Care Credit to cover middle income households and increases the credit for those households already receiving it. An estimated 102,800 families are expected to receive the amended City credit. The credit will be 90 percent of the Federal Child and Dependent Care credit for adjusted gross incomes of \$45,000 or less, phasing down to 50 percent of the Federal credit at \$60,000. It remains at 50 percent for adjusted gross incomes of up to \$150,000, and then phases down to zero at \$175,000.

This amendment to the credit will continue to limit the credit on children up through age 3 since child care is most expensive during those early years, and many



school and preschool programs are only available at ages 4 and older. The Credit will also be fully refundable.

**EFFECTIVE DATE:** January 1, 2013

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal year 2014.

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY14</b>	<b>FY Succeeding Effective FY15</b>	<b>Full Fiscal Impact FY14</b>
<b>Revenues</b>	<b>(\$32,000,000)</b>	<b>(\$32,000,000)</b>	<b>(\$32,000,000)</b>
<b>Expenditures</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>(\$32,000,000)</b>	<b>(\$32,000,000)</b>	<b>(\$32,000,000)</b>

**IMPACT ON REVENUES:** The impact on revenues would occur following adoption of the local law provided for in the bill. The New York City Council Finance Division estimates that Credit would reduce revenues by \$32 million starting in Fiscal 2014.

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

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

**SOURCE OF INFORMATION:** NEW YORK CITY COUNCIL FINANCE DIVISION.

**ESTIMATE PREPARED BY:** Paul Sturm, Unit Head/Revenue Unit.

**ESTIMATE REVIEWED BY:** Raymond Majewski, Deputy Director/Chief Economist  
Tanisha Edwards, Finance Counsel

**LEGISLATIVE HISTORY:** This bill will be voted out of the State and Federal Legislation Committee as a Preconsidered SLR on June 12, 2013. Following a successful vote, the Preconsidered SLR will be introduced and voted on by the Full Council on June 12, 2013.

**DATE SUBMITTED TO COUNCIL:** JUNE 12, 2013

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor’s Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly).**

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, LEWIS A. FIDLER, DOMENIC M. RECCHIA, Jr., ELIZABETH CROWLEY; Committee on State and Federal Legislation, June 12, 2013.

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 Preconsidered State Legislation Res. No. 3

**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.4650, and Assembly Member Abbate, A.6579, “AN ACT to amend the general municipal law, in relation to training of fire officers in cities of one million or more”.**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 12, 2013, 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 would require mandatory training for fire officers on fire, building and construction codes in New York City. According to the Memorandum in Support (MIS)...” in order to insure the most coordinated and efficient fire departments, it is necessary for new and existing fire officers to be knowledgeable of contemporary fire codes, as well as building and construction codes and local city ordinances.” This proposed legislation would mandate New York City to provide fire officers with mandatory classroom and field training on building and constructions codes and local ordinances of the city.

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

**PROPOSED LEGISLATION**

The legislation would amend the General Municipal Law to include a new section which would require all fire departments in cities with a population of one million or more to provide all fire officers with at least 40 hours of field training and class room instruction in the building and construction codes and local ordinances of the City and 40 hours of field training and classroom instruction in the City’s fire code by July 1, 2015. Emphasis would be on the inspection duties of fire officers and any relevant changes to these duties as a result of the new fire and building codes that took effect on or after July 1, 2008.

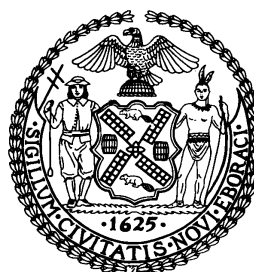
**FISCAL IMPLICATIONS:**

See Finance Fiscal Impact Statement

**EFFECTIVE DATE:**

This Act shall take effect immediately.

**(The following is the text of the Fiscal Impact Statement for State Legislation Res. No. 3:)**



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

**SLR 3: S. 4650 (Golden)  
A.6579 (Abbate)**

**COMMITTEE:** State and Federal Legislation

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

**SPONSOR:** Council Member Foster

**SUMMARY OF LEGISLATION:** This proposed legislation would require the Fire Department, in conjunction with the Department of Buildings to provide all fire officers with at least forty hours of field training and classroom instruction in the fire code, and at least forty hours of field training and classroom instruction in the building and construction codes and local ordinances, with an emphasis on the inspection duties of fire officers and any pertinent changes in these duties resulting from the enactment or amendment of any such codes that took effect on or after July 1st, 2008.

**EFFECTIVE DATE:** This legislation shall take effect immediately

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2014

**FISCAL IMPACT STATEMENT:**

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY14
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$21,900,000</b>	<b>\$21,900,000</b>
<b>Net</b>	<b>\$0</b>	<b>\$21,900,000</b>	<b>\$21,900,000</b>

**IMPACT ON REVENUES:** None

**IMPACT ON EXPENDITURES:** According to the Office of Management and Budget, this legislation would require assignment of 2,356 fire officers to a minimum of 80 hours of training. Officers would be assigned to training on overtime and the costs would total approximately \$19.0 million. Additionally, the Department of Buildings would incur costs of approximately \$2.9 million for the training and curriculum.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCE OF INFORMATION:** New York City Office of Management and Budget

New York City Department of Buildings

**ESTIMATE PREPARED BY:** Regina Poreda Ryan, Deputy Director, Finance Division

Analyst

Ralph Hernandez, Principal Legislative Financial

**ESTIMATE REVIEWED BY:** Juliana Han, Assistant Counsel

**LEGISLATIVE HISTORY:** This is a re-introduction of S.6436/A.9367A from the 2012-2013 State Legislative Session. The Council voted and adopted a Home Rule message, SLR 16 on May 31, 2012. This bill will be voted out of the State and Federal Legislation Committee as a Preconsidered SLR on June 12, 2013. Following a successful vote, the Preconsidered SLR will be introduced and voted on by the Full Council on June 12, 2013.

Date Submitted To Council: June 12, 2013

*Accordingly, this Committee recommends its adoption.*

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly).

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, LEWIS A. FIDLER, DOMENIC M. RECCHIA, Jr., ELIZABETH CROWLEY; Committee on State and Federal Legislation, June 12, 2013.

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 Preconsidered State Legislation Res. No. 4

**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.4907, and Assembly Member Abbate, A.6867, "AN ACT to amend the state finance law, in relation to establishing employee representative participation on the city of New York deferred compensation plan board".**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 12, 2013, 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 New York City Deferred Compensation Plan (DCP) is an employee benefit available to New York City employees which consists of two saving programs: a 457 Plan and a 401(k) Plan. According to the New York City Office of Labor Relations, the purpose of DCP is to encourage employees to continue careers with the City of New York and to save on a regular and long term basis for their retirement.<sup>1</sup>

The proposed legislation seeks to expand board membership established by any deferred compensation plan established by the City of New York to include employee representation. The Memorandum of Support (MIS), emphasizes that part of the Board's decision making powers include the designation of financial institutions in which participants may invest. According to the MIS, equal representation between employees and employers on the Board will ensure that the Board is striving to meet the needs of plan participants since the plan is comprised of assets held for the exclusive security of many employees.

**PROPOSED LEGISLATION**

Section 1 Subdivision 5 of Section 5 would be amended as it relates to any deferred compensation plan established by the City of New York to include an equal number of employer and union representatives. The union representatives will be selected by the chair of the municipal labor committee. Any act of the Board would be approved by a majority of the members. The concurrence of one union representative and one employer representative would be necessary for any act of such Board.

**FISCAL IMPLICATIONS:**

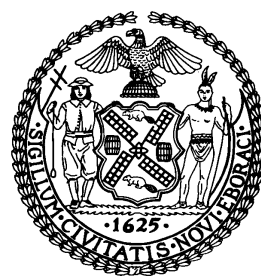
See Council Finance Division fiscal impact statement.

**EFFECTIVE DATE:**

The Act shall take effect immediately.

<sup>1</sup> Office of Labor Relations <http://www.nyc.gov/html/olr/html/deferred/dcphome.shtml>

**(The following is the text of the Fiscal Impact Statement for State Legislation Res. No. 4:)**



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

**Preconsidered SLR: S.4907 (Golden)**  
**A.6867 (Abbate)**

**COMMITTEE: State and Federal Legislation**

**TITLE:** AN ACT providing that the board of any deferred compensation plan established by the city of New York shall include an equal number of employer and union representatives

**SPONSOR:**  
 Council  
 Member Foster

**SUMMARY OF LEGISLATION:** This legislation would require equal union and employer representation on the board of the deferred compensation plan established by the city of New York, and provides that any act of the board shall be approved by a majority of the members with concurrence of one union and one employer representative.

**EFFECTIVE DATE:** This legislation shall take effect immediately

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** None

**FISCAL IMPACT STATEMENT:**

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

**IMPACT ON REVENUES:** None

**IMPACT ON EXPENDITURES:** None

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

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

**ESTIMATE PREPARED BY:** Scott M. Crowley, Deputy Director

**ESTIMATE REVIEWED BY:** Juliana Han,  
Assistant Counsel

**LEGISLATIVE HISTORY:** This bill will be voted out of the State and Federal Legislation Committee as a Preconsidered SLR on June 12, 2013. Following a successful vote, the Preconsidered SLR will be introduced and voted on by the Full Council on June 12, 2013.

Date Submitted To Council: June 12, 2013

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly).**

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, DOMENIC M. RECCHIA, Jr., ELIZABETH CROWLEY; Committee on State and Federal Legislation, June 12, 2013.

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 Preconsidered State Legislation Res. No. 5

**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 Serrano, S.5048, and Assembly Members Kavanagh, Glick, Magee, Englebright, Brennan, Cook, Dinowitz, Galef, Millman, Ortiz, and Weisenberg, A.2046, "AN ACT to amend chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing of dogs in a certain city; to amend the administrative code of the city of New York, in relation to the animal population control fund; and to repeal certain provisions of chapter 115 of the laws of 1894, relating to the better protection of lost or strayed animals and for securing the rights of owners thereof, relating to licensing of dogs in a certain city".**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 12, 2013, 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**

State law currently requires all people living in New York City who own dogs to obtain a license for each dog and sets the fee for a license for a sterilized dog ("the base fee") at \$8.50.<sup>1</sup> The license term must be renewed annually<sup>2</sup> and the state may assess a late fee of \$2 should a person not renew the license within 10 days of its expiration date.<sup>3</sup> In 2010, State law was amended to create an animal population control program (in both New York State and New York City) focused on reducing the number of stray and/or unwanted dogs and cats by promoting and funding low-cost spay/neuter programs throughout the City.<sup>4</sup> This program is funded primarily by the fees collected for dog licenses from unsterilized dogs.<sup>5</sup> As part of the animal population control program legislation, the State gave the New York City Council the power to set the licensing fee for unsterilized dogs.<sup>6</sup> Thus, in 2011, New York City enacted Local Law 9, which required dog owners to pay an additional \$25.50, in addition to the base fee of \$8.50, for a license for unsterilized dogs.<sup>7</sup> Therefore, the current total amount an owner must pay for an unsterilized dog license is \$34. Previous to the change in state law, an unsterilized dog license cost an additional \$12.50.<sup>8</sup>

**PROPOSED LEGISLATION**

Section one of the proposed legislation would repeal Sections 1, 2, 2-a, 3, 3-a, and 4 of the Chapter 115 of the Unconsolidated laws of 1894, pertaining to the protection of lost and strayed animals, and replace them with new sections 1, 2, 3, and 4. The proposed bill would maintain the requirement that all dog owners in New York City procure a license for their dog and would require applicants to submit enumerated information to the Department of Health and Mental Hygiene ("DOHMH") in order to receive such license. DOHMH would be permitted to make rules to determine whether additional information would be required from the applicant, including proof of rabies vaccination. DOHMH would also be required to include a statement with all license application or renewal forms that the applicant may submit additional funds, separate from the required fees, to be used solely for funding low-cost animal sterilization programs. The proposed legislation would keep the license term at one year, but permit DOHMH to increase the length of the term via rule. If the DOHMH chose to change the licensing term, the fees would be required to be prorated. Under the proposed legislation, the base fee for a sterilized dog license would be set by the City Council, rather than by the state, and the proposed legislation would mandate that the fee for an unsterilized dog would be at least 85% greater than the amount of the base fee. Applicants for a dog license would be required to pay the greater fee unless (1) they submitted a signed statement from a veterinarian attesting that the dog had been sterilized or, due to age or other condition, sterilization would be harmful to the dog or (2) an affirmation, in a form approved by the commissioner, that the dog has been sterilized. The requirement that the additional licensing fee for an unsterilized dog be deposited in the animal population control fund would be retained. The City Council, rather than the state, would determine via local law any late fee that may be imposed, but the proposed legislation would require that such fee not be greater than 20% of the base fee for a license. The proposed legislation would retain the requirement that ten cents annually from each license fee be submitted to New York State Department of Agriculture and Markets to be used to fund research into dog diseases and the study of viruses that affect dogs and humans. The proposed legislation would add a requirement that all dog licensing fees must be equal, regardless of the breed of dog.

Under the proposed legislation, penalties for not licensing a dog would increase from \$10 to no more than \$75 for a first violation and no more than \$100 for a subsequent violation within 5 years of the first violation. Notices of violation would be returnable to the Environmental Control Board or the DOHMH tribunal and could be issued by any DOHMH agent or any other entity designated by the commissioner. The proposed legislation would add two affirmative defenses: (1) that the applicant submitted a timely application or renewal, but DOHMH had not yet issued or renewed such license and (2) violation was issued less than thirty days after the expiration date of the license and the person had applied for a renewal. Additionally, the proposed legislation would designate that three-fourths of any penalty amount would be deposited into the animal population and control fund, while the remaining one-fourth could be used only to carry out the provisions of the law, establishing, maintaining or funding animal shelters, providing education about responsible pet ownership, or other animal care and control activities. Using a dog licensing tag on a dog for whom it was not issued would be considered a misdemeanor and owners would be subject to penalties of up to \$250.

DOHMH would be permitted to issue replacement tags upon proof of that the originally issued tag was lost. The cost of a replacement tag would be set by the City Council via local law.

Section 2 of the proposed legislation would amend section 8 of chapter 115 of the laws of 1894. It would give DOHMH sole authority to enforce the provisions of the law, including issuing and renewing licenses and collecting fees. Any references to the ASPCA would be omitted, since they would no longer play a role in any dog licensing activities. The legislation would specify that any fees collected by DOHMH, besides those for unsterilized dogs and those earmarked for the State Department of Agriculture and Markets, must be used to defray the costs of

implementing and enforcing the law, establishing, maintaining or funding animal shelters, and providing public education on responsible pet ownership.

Section 3 of the legislation would repeal sections 8-a and 8-c of chapter 115 of the laws of 1894 and renumber section 8-b as 8-a. The newly renumbered section would add the requirement that anyone transferring ownership of a dog in New York City would be mandated to require that the new owner submit a license application prior to such transfer. The seller or transferor would be permitted to collect the application and then forward it to the DOHMH. The legislation would permit the seller or transferor of a dog to retain a fee of up to 10% of the base fee for a license. Currently, a seller may only charge \$1 per license application submitted to DOHMH.

Section 4 of the proposed legislation would clarify that notices of violation would be issued by DOHMH or any other entity designated by the Commission and returnable to ECB or the DOHMH tribunal at OATH.

Section 5 would amend section 13 of Chapter 115 regarding exemptions to the licensing requirement. Under the proposed legislation the licensing requirements would not apply to people temporarily residing in the City for less than thirty days, to people within thirty days after becoming a City resident or to dogs in the temporary custody of an owner for purposes of adoption, boarding, training or other temporary situations.

Finally, section 6 of the proposed legislation would amend section 17-812 of the administrative code of the city of New York to clarify that the animal population control program would be funded by any additional fees for unsterilized dogs and three-fourths of the amount of any penalties assessed.

**FISCAL IMPLICATIONS:**

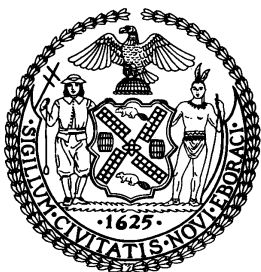
See Council Finance Division fiscal impact statement.

**EFFECTIVE DATE:**

This act shall take effect on the sixtieth day after it shall have become a law, provided that upon the repeal of sections 1, 2, 2-a, 3, 3-a and 4 of chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, pursuant to section one of this act, any existing licenses or renewals thereof issued under the provisions of such sections shall continue to be valid for such terms as they were issued under such provisions; and provided further that such licenses shall be renewable pursuant to the new provisions added by section one of this act; and provided further that upon the repeal of sections 1, 2, 2-a, 3, 3-a and 4 of chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, any license or renewal fees previously authorized and in effect pursuant to such sections as of the date this act takes effect shall remain in effect until new fees shall be adopted and take effect pursuant to local law enacted in accordance with this act; and provided further that notices of violation may not be issued pursuant to section three of chapter 115 of the laws of 1894, relating to better protection of lost and strayed animals and for securing the rights of owners there- of, until the one hundred twentieth day after this act shall have become a law.

<sup>1</sup> NY CLS Unconsol Ch 41 §1, 8-a  
<sup>2</sup> NY CLS Unconsol Ch 41 §2  
<sup>3</sup> NY CLS Unconsol Ch 41 §2-a  
<sup>4</sup> NYC Ad Code §17-811  
<sup>5</sup> NYC Ad Code §17-812  
<sup>6</sup> NYC CLS Unconsol Ch 41 §3-a  
<sup>7</sup> NYC Ad Code §17-813  
<sup>8</sup> NY CLS Unconsol Ch 41 §3-a

(The following is the text of the Fiscal Impact Statement for State Legislation Res. No. 5:)



THE COUNCIL OF THE CITY OF NEW YORK  
 FINANCE DIVISION  
 PRESTON NIBLACK, DIRECTOR  
 JEFF RODUS, FIRST DEPUTY DIRECTOR  
 FISCAL IMPACT STATEMENT

Preconsidered SLR 5: S.5048 (Serrano)  
 A.2046 (Kavanagh)

COMMITTEE: State and Federal Legislation

**TITLE:** AN ACT to amend chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing of dogs in a certain city; to amend the administrative code of the city of New York, in relation to the animal population control fund; and to repeal

**SPONSOR:**  
 Council Member Foster

certain provisions of chapter 115 of the laws of 1894, relating to the better protection of lost or strayed animals and for securing the rights of owners thereof, relating to licensing of dogs in a certain city

**SUMMARY OF LEGISLATION:** This legislation would improve and clarify the law related to licensing of dogs in New York City and give the City greater local control over licensure and the associated fees.

**EFFECTIVE DATE:** This act shall take effect on the sixtieth day after it shall have become a law, provided that notices of violation may not be issued under this law until the one hundredth day after this act shall have become law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FY 2015

**FISCAL IMPACT STATEMENT:**

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY15
Revenues (+)	\$0	\$3,000,000	\$3,600,000
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** The revenue from these fees will be used to defray the Department of Health & Mental Hygiene’s (DOHMH) committed expenditures for animal care and control costs in the amount of \$3 million in FY 2014 and \$3.6 million in the out years.

**IMPACT ON EXPENDITURES:** None

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

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

**ESTIMATE PREPARED BY:** Scott M. Crowley, Deputy Director

**ESTIMATE REVIEWED BY:** Juliana Han,  
 Assistant Counsel

**LEGISLATIVE HISTORY:** This bill will be voted out of the State and Federal Legislation Committee as a Preconsidered SLR on June 12, 2013. Following a successful vote, the Preconsidered SLR will be introduced and voted on by the Full Council on June 12, 2013.

Date Submitted To Council: **June 12, 2013**

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor’s Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly).

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, LEWIS A. FIDLER, DOMENIC M. RECCHIA, Jr., ELIZABETH CROWLEY; Committee on State and Federal Legislation, June 12, 2013.

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 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.5238, and Assembly Member Scarborough, A.2355, "AN ACT to amend the tax law, in relation to authorizing 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 State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 12, 2013, 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:

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' funds. Angel investors are often critical for small start-ups seeking capital, because most of traditional 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 implemented some form of angel investor credit.

In 2010, healthcare and 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 City.

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 research base and particularly city's university and hospital-based research sectors.

#### PROPOSED LEGISLATION:

A.2355/S.5238 would allow New York City to create by local law a refundable angel investor credit equal to 10 percent of eligible investments. The local law may provide the credit for a maximum of 3 consecutive calendar years, beginning on or before January 1, 2013 or after January 1, 2016.

##### **Who would be eligible?**

Accredited investors who invest in eligible firms could receive the credit. The investments would have to be for a period of at least five years. Investments would have to be at arm's length. In other words, the firm's founders, principal owners, and their families would not be eligible.

##### **What could they invest in?**

Eligible businesses would be small early stage startups with the majority of their employment within the City in the biotech and medtech sectors.<sup>1</sup>

Small biotech firms in the City tend to be focused on the early stage development of new drugs and similar products. This is complementary to the City's university and hospital-based research sector.

Medtech firms consists of firms involved with the research and manufacturing of various medical devices.<sup>2</sup> The City has approximately 287 firms in the industry, with around 2,200 employees who were paid an average salary of \$52,000. Like biotech, the medtech sector is complementary to the City's university and hospitalbased research sector.

##### **What would investors receive?**

Investors would receive a refundable credit equal to 10 percent of eligible investment. Credits would be limited to a maximum credit of \$100,000 payable over five (5) years (about \$20,000 per year). Given that nationally the typical angel's investment in a single firm is around \$325,000, we expect most credits to be well under the limit.<sup>3</sup> The credit would be against the City's personal income tax, or, for partnerships, against the unincorporated business tax. The total credits that the City could issue in a given year will be capped at \$3 million.

#### SUMMARY OF PROVISIONS:

Section 1 enables any city with a population of one million or more to allow an angel investor credit to an eligible taxpayer against the unincorporated business tax.

Such credit would be allowed to an eligible taxpayer that 1) is an accredited investor; 2) makes a qualified investment in a company located in the city that engages in biotechnology or medical technology; 3) has no more than 100 full-time employees, of which at least 75 percent are employed in the city of New York, has a ratio of research and development funds to net sales, as referred to in section thirty-one hundred two-e of the public authorities law, which equals or exceeds six percent during its taxable year, and has gross revenues, along with the gross revenues of its affiliates and related members, not exceeding \$20 million for the taxable year immediately preceding the year the taxpayer is allowed a credit under this subdivision; and (4) own less than 50 percent of the qualified emerging technology company ("QETC") or medical technology company after their qualified investment.

Eligible taxpayers granted an angel investor credit for a qualified investment against the city personal income tax shall be ineligible for an angel investor credit against the unincorporated business tax for such investment.

The section also sets forth definitions for 1) a "qualified investment"; 2) "related member"; and 3) "affiliates".

The percentage of the credit shall be 2 percent per each qualified investment made during a taxable year and the next succeeding 4 years, up to \$20,000 per taxable year, and \$100,000 in the aggregate for all years taken. If the taxpayer is a partner in a partnership or member in an unincorporated business, then such limits shall be applied at the entity level.

Such credit shall be refundable and allowed against the unincorporated business tax paid on or after January 1, 2013.

If, during the 5 year period, there is an recapture event (the QETC or medical technology company no longer qualifies as such; the taxpayer sells the QETC or medical technology company or investment withdrawal), then the unincorporated business tax owed by the taxpayer shall be increased by the credit recapture amount, which is the aggregate decrease in the angel investor credit provided for all prior taxable years which would have resulted if no such credit had been determined with respect to such qualified investment, plus interest.

No later than October 1, 2012, the NYC Department of Finance shall establish by rule procedures for the allocation of the angel investor credit to eligible taxpayers.

Any local law adopted pursuant to this Act may provide for a credit for a maximum of 3 consecutive calendar years, but shall not apply to taxable years beginning on or before January 1, 2013 or after January 1, 2016.

Section 2 mirrors the provisions of section 1, except that:

1. Such section applies to the city personal income tax;
2. Eligible taxpayers granted an angel investor credit for a qualified investment against the unincorporated business tax shall be ineligible for an angel investor credit against the city personal income tax for such investment;
3. In the case of a resident taxpayer, the credit provided shall be allowed against the city personal income tax for the taxable year reduced by the credits already taken against the PIT. If the credit exceeds the tax as so reduced, the credit shall be refundable;
4. If a taxpayer changes residency status during the taxable year from resident to nonresident, or from nonresident to resident, the credit shall be prorated according to the number of months in the period of residence; and
5. In the case of a husband and wife who file a joint return, but who are required to determine their city personal income taxes separately, the angel investor credit may be applied against the tax of either or divided between them as they may elect. In the case of a husband and wife who are not required to file a federal return, the credit under this subsection shall be allowed only if such taxpayers file a joint city personal income tax return.

Section 3 provides that the aggregate amount of tax credits allowed under this act in any calendar year shall be up to \$3 million. Such aggregate amount of credits shall be allocated by the New York City department of finance among taxpayers in order of priority based upon the date of filing an application for allocation of the angel investor credit with such department. If the total amount of allocated credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for such year, such excess shall be treated as having been applied for on the first day of the subsequent year.

Section 4 provides that a certified copy of the local law enacted pursuant to this act shall be mailed by registered mail to the state department of taxation and finance at its office in Albany within fifteen days of its enactment. However, the state

department of taxation and finance may allow additional time for such certified copy to be mailed if it deems such action to be consistent with its duties under this act.

Section 5 provides that the Act will take effect immediately.

**FISCAL IMPLICATIONS:**

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

**EFFECTIVE DATE:**

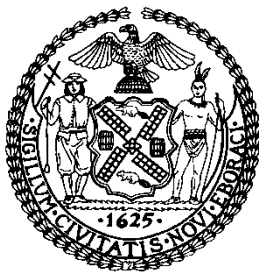
This Act will take effect immediately.

<sup>1</sup>Firm size and New York State employment requirements would be similar to the City’s existing biotech credit.

<sup>1</sup>In the Census North American Industrial Classification system (NAICS) med tech is sectors 3,345 and 3,391.

<sup>1</sup>New York City Council Finance Division calculations based on: Volpe, Deborah (Q2 2011). "Second Quarter 2011 MoneyTree Report Summary". *The Money Tree Report*. PriceWaterhouseCoopers.

(The following is the text of the Fiscal Impact Statement for State Legislation Res. No. 6:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY DIRECTOR

**FISCAL IMPACT STATEMENT**

**PRECONSIDERED SLR 6:**  
A02355 (Scarborough)  
S05238 (Golden)

**COMMITTEE: State and Federal Legislation**

**TITLE:** AN ACT to amend the tax law in relation to authorizing 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.

**SPONSOR(S):** Council Member Foster

**SUMMARY OF LEGISLATION:** This legislation would allow New York City to create by local law an Angel Investor Tax Credit. The Credit would provide an incentive for investment in small, early stage biotech and medtech businesses in New York City. It is designed to aid the formation of promising firms by lowering their cost of capital. It would provide accredited investors with a credit of up to 10 percent of their investment. Angel Investors look for fast growing firms and as a result Angel Credits can be a significant source of job growth over time.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Full fiscal impact is expected to be realized in CFY2016

**FISCAL IMPACT STATEMENT:**

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY16
Revenues	(\$600,000)	(\$1.2 million)	(\$1.8 million)
Expenditures	\$0		\$0
Net	(\$600,000)	(\$1.2 million)	(\$1.8 million)

**IMPACT ON REVENUES:** This resolution has no impact on revenues till the New York City Council enacts a local law as provide for in the New York State bill. Once this happens, the New York City Council Finance Division estimates that the credit will reduce City personal income tax and unincorporated business tax revenues by \$600,000 in City Fiscal Year 2014 up to \$1.8 million in City Fiscal Year 2016.

**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:** Paul Sturm, Unit Head, NYC Council Finance  
Aleksandr V. Gevorkyan, Senior Economist, NYC Council Finance

**ESTIMATE REVIEWED BY:** Raymond Majewski, Chief Economist/Deputy Director, NYC Council Finance  
Tanisha Edwards, Finance Counsel, NYC Council Finance

**DATE SUBMITTED TO COUNCIL:** June 12, 2013

**HISTORY:** This bill will be voted out of the State and Federal Legislation Committee as a Preconsidered Resolution on June 12, 2013. Following a successful vote, the Preconsidered Resolution will be introduced and voted on by the Full Council on June 12, 2013.

*Accordingly, this Committee recommends its adoption.*

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor’s Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly).

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, DOMENIC M. RECCHIA, Jr., ELIZABETH CROWLEY; Committee on State and Federal Legislation, June 12, 2013.

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 Preconsidered State Legislation Res. No. 7  
**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 Senate Committee on Rules, S.5663, and Assembly Member Aubry, A.7826, “AN ACT to amend the administrative code of the city of New York, in relation to the leasing of property in the environs of a tennis stadium and center in Flushing Meadows-Corona Park in the borough of Queens and to replace certain descriptions of property subject to such property lease and to rededicate certain property as park land”.**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 12, 2013, 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**

Flushing-Meadows Corona Park, spanning 897 acres, is the largest park located in the borough of Queens. The park contains six playgrounds, a zoo, baseball stadium, an art museum, science museum and botanical garden.<sup>1</sup> The park is also the site of the United States Tennis Association (USTA) Billie Jean King National Tennis Center, the largest public tennis facility in the world, operated by the USTA for the City of New York since 1978.<sup>2</sup>

According to the USTA website, the Billie Jean King National Tennis Center is open to the public seven days a week, 11 months a year, closing only on Thanksgiving, Christmas and New Year’s Day and during the U.S. Open. The USTA currently pays the City of New York more than 1.5 million per a year in rent and is permitted to use the tennis center for it’s own events, including the U.S. Open for no more than 60 days per a year.<sup>3</sup>

According to the Memorandum in Support (MIS), the proposed legislation seeks to amend the Administrative Code to provide for a .68 acre expanded boundary for the tennis stadium and center. The MIS states that approval would allow for the disposition of .68 acres (29,534 square feet) of City property by long term lease to the USTA National Tennis Center Incorporated (“NTC”), an affiliate of the USTA, to expand and improve the tennis center. The subject .68 acres, is currently part of the Flushing Meadows Corona Park and is located along the southern boundary of the tennis center. According to the MIS, this land presently contains a landscape border to the tennis center, a park pathway and a pathway median with trees which is used by park patrons as a walking path. The MIS states, that there are two remaining pathways that will not be affected by this proposed project and that the disposition of the parcel will allow for a shift of the grandstand stadium and the southern tennis courts, with a fenced in and landscape border to improve safety and circulation

The proposed legislation would require NTC to return to the City two parcels of park land that are currently alienated and leased to the NTC. According to the MIS, the replacement parkland totals 1.56 acres which includes 0.75 acre landscaped area and 0.81 acres of space for recreation which contains 5 tennis courts used during the U.S. Open and other major tennis tournaments. The MIS states that under the proposed changes, the two parcels would no longer be alienated and would be returned to Flushing Meadow Corona Park for park purposes and use under the jurisdiction of the Department of Parks and Recreation and the lease would be amended, so that these parcels would no longer be part of the tennis center. According to the MIS, the NTC would only have control over these parcels during the US Open when they will have 30 days of use of the five tennis courts. The NTC would remain responsible for the maintenance and repair of the tennis courts on an annual basis so they will be in good condition for the public’s use.

**PROPOSED LEGISLATION**

Section 1 of the bill would repeal paragraphs 1 through 3 of subdivision c of section 18-128 of the Administrative Code of the City of New York and would replace them with new language which describes the new boundaries subject to the lease for the tennis stadium and center.

Section 2 of the bill adds a new subdivision d section 18-128 of the Code that would set forth the boundaries of two tracts of land being surrendered by the NTC and rededicated as parkland. Further, the provision permits the NTC to make exclusive use of the parcels described for the dates of the U.S. Open tennis tournament, qualifying tournament and for the set up and removal of structures and equipment associated with the tournament.

**FISCAL IMPLICATIONS:**

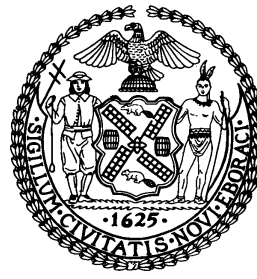
See Finance Fiscal Impact Statement

**EFFECTIVE DATE:**

This Act shall take effect immediately.

<sup>1</sup> www.nyc.gov/FMP  
<sup>2</sup> www.usta.com / Billie Jean King National Tennis Center  
<sup>3</sup> Ibid.

**(The following is the text of the Fiscal Impact Statement for State Legislation Res. No. 7:)**



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

**Preconsidered SLR 7: 5663 (Rules) A.7826 (Aubry)**

**COMMITTEE:** State and Federal Legislation

**TITLE:** AN ACT to amend the Administrative Code of the city of New York, in relation to the leasing of property in the environs of a tennis stadium and center in Flushing Meadows-Corona Park in the borough of Queens and to replace certain descriptions of property subject to such property lease and to rededicate certain property as park land

**SPONSOR:**  
 Council Member Foster

**SUMMARY OF LEGISLATION:** This bill would amend the Administrative Code of the city of New York to provide for a .68-acre expanded boundary for the tennis stadium center, Billie Jean King National Tennis Center (NTC), a public tennis facility that is part of Flushing Meadows-Corona Park in Queens, and to remove from the boundaries permitted to be leased a total of 1.56 acres.

**EFFECTIVE DATE:** This legislation shall take effect immediately

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** None

**FISCAL IMPACT STATEMENT:**

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

**IMPACT ON REVENUES:** None

**IMPACT ON EXPENDITURES:** None

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

**SOURCE OF INFORMATION:** New York City Office of Management and Budget  
 New York State Assembly

**ESTIMATE PREPARED BY:** Scott Crowley, Deputy Director

**ESTIMATE REVIEWED BY:** Juliana Han, Assistant Counsel

**LEGISLATIVE HISTORY:** This bill will be voted out of the State and Federal Legislation Committee as a Preconsidered SLR on June 12, 2013. Following a successful vote, the Preconsidered SLR will be introduced and voted on by the Full Council on June 12, 2013.

**Date Submitted To Council: June 12, 2013**

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor’s Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly).**

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, LEWIS A. FIDLER, DOMENIC M. RECCHIA, Jr., ELIZABETH CROWLEY; Committee on State and Federal Legislation, June 12, 2013.



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 Preconsidered State Legislation Res. No. 8

**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.5737, and Assembly Member Farrell, A.7827, “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 two thousand fourteen”.**

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 12, 2013, 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:**

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 (y), which would limit the Fiscal Year 2014 increase in the base proportion of any class to one 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 2014 before this legislation shall have become law, this legislation would allow City to revise the Fiscal 2014 current base proportions and adjusted base proportions, reset the Fiscal 2014 real property tax rates, and send out amended Fiscal 2014 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 4 percent from Fiscal 2013. If this legislation does not take effect, the Fiscal 2014 tax rate for class one will increase by nearly 6.1 percent from the Fiscal 2013 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.

**(The following is the text of the Fiscal Impact Statement for State Legislation Res. No. 8:)**



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
JEFF RODUS, FIRST DEPUTY DIRECTOR  
FISCAL IMPACT STATEMENT

PRECONSIDERED SLR 8: A. 7827 (Farrell)  
S. 5737 (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 2014.

**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 (y), which would limit the increase in the Fiscal 2014 current base proportions of any class over the Fiscal 2014 adjusted base proportions to one 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 2014

**FISCAL IMPACT STATEMENT:**

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY14
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:** Emre Edev, Senior Legislative Financial Analyst, Revenue  
City Council Finance Division

**ESTIMATE REVIEWED BY:** Raymond Majewski, Chief Economist/Deputy Director, Revenue, City Council Finance Division  
Tanisha Edwards, Chief Counsel, Finance Division, City Council Finance Division

**DATE SUBMITTED TO COUNCIL:** June 12, 2013

**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 2013, the City Council and the Mayor, together with the State Legislature, limited the increase to one 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 2014. This year the uncapped share for class one (residential one-, two-, and three-unit family homes) has increased by over 4 percent while the uncapped share for class two has dropped by about 1.3 percent. The share of class three (utility properties) decreased by about 15.6 percent, while the uncapped portion borne by class four (commercial and industrial properties increased by about 2.5 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 29, 2013, at the five percent cap, the Fiscal 2014 tax rate for class one would increase by over 6 percent from the Fiscal 2013 tax rate. By lowering the cap to one percent, class one’s tax rate still goes up, but by less than 3 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 percent.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor’s Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly).

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, LEWIS A. FIDLER, DOMENIC M. RECCHIA, Jr., ELIZABETH CROWLEY; Committee on State and Federal Legislation, June 12, 2013.

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

**Report of the Committee on Transportation**

Report for Int. No. 1042-A

**Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to deactivating muni-meters when parking rules are not in effect or receipt paper is not available.**

The Committee on Transportation, to which the annexed amended proposed local law was referred on May 8, 2013 (Minutes, page 1477), respectfully

**REPORTS:**

**INTRODUCTION**

On June 11, 2013, the Committee on Transportation, chaired by Council Member James Vacca, held a hearing on Int. No. 1042-A, a Local Law to amend the Administrative Code of the City of New York, in relation to deactivating muni-meters when parking rules are not in effect or receipt paper is not available. This was the second hearing on this bill. The first hearing on this bill was held May 29, 2013. At that hearing, the Committee heard testimony from the New York City Department of Transportation (DOT) and the American Automobile Association (AAA).

**BACKGROUND**

DOT is responsible for managing the City’s on-street parking system, encompassing approximately 85,000 on-street parking spaces.<sup>1</sup> DOT charges for use of metered parking spaces using approximately 13,000 muni-meters.<sup>2</sup> As of February 2013, the City has been “fully munified,” meaning that all metered spots formerly served by single-space meters have been converted to control by muni-meters.<sup>3</sup> Muni-meters are “pay and display” meters; drivers park in a metered space, pay to use the space at a nearby muni-meter, retrieve a receipt from the muni-meter which indicates the time that has been purchased, and display the receipt on the vehicle’s dashboard.

Signs posted near parking meters indicate when parking rules and meters are in effect for a particular parking space, and these rules vary across the City. A typical space might be subject to parking meter regulations from 9:00 AM to 7:00 PM every day except Sundays, for example. However, even though drivers are not required to pay for parking during times when meter regulations are not in effect, muni-meters will nonetheless accept payment and print receipts during those times. Drivers who are unaware of or misunderstand meter regulations are therefore susceptible to losing money as a result of paying meters at times when they are not required to do so.

Motorists can similarly lose money when they attempt to pay for parking at a muni-meter that accepts the payment but fails to print a receipt due to an insufficient supply of receipt paper. Muni-meters are not equipped to dispense refunds in such a situation. Instead, the driver must go to another muni-meter on the block and pay again in order to obtain the required receipt. Section 19-167.1 of the City’s Administrative Code specifies that only if “all muni-meters in a parking field or on a block are missing or broken” can someone then park without a muni-meter receipt, “up to the maximum amount of time otherwise lawfully permitted” by the posted regulations.

**ANALYSIS**

Section one of Int. No. 1042-A would amend subchapter 2 of chapter 1 of title 19 of the Administrative Code of the City of New York by adding a new section 19-167.3.

Subdivision a of new section 19-167.3 would define muni-meter as an electronic parking meter that dispenses timed receipts that must be displayed in a conspicuous place on a vehicle’s dashboard.

Subdivision b of new section 19-167.3 would require DOT to program each muni-meter to ensure that such muni-meter is unable to accept payment from the last time in a day that parking meter rules are in effect for any parking space within the

block, parking field, or other parking space within one hundred feet of such muni-meter until one hour prior to the next time meter rules take effect for any parking space within the block, parking field or other parking space within one hundred feet of such muni-meter. It would further require DOT to program each muni-meter to ensure that such muni-meter is unable to accept payment when such muni-meter does not contain paper to print timed receipts.

Subdivision c would state that new section 19-167.3 would apply only to muni-meters that can be programmed as set forth in subdivision b of the new section, provided that no later than two years after the enactment of the new section, all muni-meters in the City be capable of being programmed in the manner required by subdivision b of the new section.

Section two of Int. No. 1042-A states that the local law would take effect ninety days following enactment.

**UPDATE**

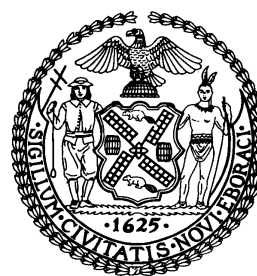
On June 11, 2013, the Committee on Transportation voted 13-0 in favor of the bill, with no abstentions.

<sup>1</sup> Testimony of Ed Pincar, DOT Director of Intergovernmental Affairs, at Committee on Transportation hearing on 4/23/2012

<sup>2</sup> <http://newyork.cbslocal.com/2013/05/01/city-council-proposes-muni-meter-reprogramming-to-end-overpayment-scam/>

<sup>3</sup> Testimony of Janette Sadik-Khan, Commissioner of Transportation, at joint hearing of the Committees on Finance and Transportation on 5/9/2013

(The following is the text of the Fiscal Impact Statement for Int. No. 1042-A:)



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

**PROPOSED INTRO. NO: 1042-A**  
**COMMITTEE: Transportation**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to deactivating muni-meters when parking rules are not in effect or receipt paper is not available.

**SPONSORS:** Council Members Greenfield, Gentile, Vacca, Arroyo, Barron, Cabrera, Eugene, Fidler, Gonzalez, James, King, Koo, Koppell, Palma, Recchia, Richards, Rose, Vallone, Williams, Wills, Garodnick and Ulrich

**SUMMARY OF LEGISLATION:** This legislation would amend subchapter 2 of chapter 1 of title 19 of the Administrative Code by adding a new section 19-167.3 entitled “Deactivating muni-meters” to require the New York City Department of Transportation shall program each muni-meter, defined as “an electronic parking meter that dispenses timed receipts that must be displayed in a conspicuous place on a vehicle’s dashboard”, to ensure that such muni-meter is unable to accept payment from the last time in a day that parking meter rules are in effect for any parking space within the block or parking field of such muni-meter, or for any other parking space within one hundred feet of such muni-meter, until one hour prior to the next time meter rules take effect for any parking space within the block or parking field, or for any other parking space within one hundred feet of such muni-meter and when such muni-meter does not contain paper to print timed receipts. In addition, the above requirement will apply only to muni-meters that can be programmed as set forth in the local law, provided that no later than two years after the enactment of this local law, all muni-meters in the city of New York shall be capable of being programmed in the manner required by this legislation.

**EFFECTIVE DATE:** This legislation would take effect 90 days after its enactment into law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2015.

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY14</b>	<b>FY Succeeding Effective FY15</b>	<b>Full Fiscal Impact FY15</b>
<b>Revenues</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues



resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** Because the Department will use existing resources to implement this local law, it is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable

**SOURCE OF INFORMATION:** City Council Finance Division  
NYC Department of Transportation

**ESTIMATE PREPARED BY:** Chima Obichere, Unit Head

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director and Tanisha Edwards, Finance Counsel

**HISTORY:** Introduced as Intro. 1042 by the Council on May 8, 2013 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on May 29, 2013. An amended version of the legislation, Proposed Intro. 1042-A, will be considered by the Committee on June 11, 2013 and upon successful vote, the bill would be submitted to the full Council for a vote.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1042-A:)**

Int. No. 1042-A

By Council Members Greenfield, Gentile, Vacca, Arroyo, Barron, Cabrera, Eugene, Fidler, Gonzalez, James, King, Koo, Koppell, Palma, Recchia, Richards, Rose, Vallone, Jr., Williams, Wills, Garodnick, Rodriguez, Brewer, Mealy, Van Bramer, Dickens, Gennaro, Ulrich and Ignizio.

A Local Law to amend the administrative code of the city of New York, in relation to deactivating muni-meters when parking rules are not in effect or receipt paper is not available.

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended to add a new section 19-167.3 to read as follows:

§19-167.3 *Deactivating muni-meters.* a. For the purposes of this section, the term "muni-meter" shall mean an electronic parking meter that dispenses timed receipts that must be displayed in a conspicuous place on a vehicle's dashboard.

b. The department shall program each muni-meter to ensure that such muni-meter is unable to accept payment:

1. from the last time in a day that parking meter rules are in effect for any parking space within the block or parking field of such muni-meter, or for any other parking space within one hundred feet of such muni-meter, until one hour prior to the next time meter rules take effect for any parking space within the block or parking field, or for any other parking space within one hundred feet of such muni-meter; and

2. when such muni-meter does not contain paper to print timed receipts.

c. This section shall apply only to muni-meters that can be programmed as set forth in subdivision b of this section, provided that no later than two years after the enactment of the local law that added this section, all muni-meters in the city of New York shall be capable of being programmed in the manner required by subdivision b of this section.

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

JAMES VACCA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, 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 11 2013.

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>
Tabitha C. Santos	408 East 92 <sup>nd</sup> Street #1413 New York, N.Y. 10128	5
Jeannette Marquez	1990 Lexington Avenue #5J New York, N.Y. 10035	8
Cecelia Holloway	73-06 Springfield Blvd Queens, N.Y. 11364	23
Eric Black	249-48 60 <sup>th</sup> Avenue Queens, N.Y. 11362	23
Christine Diaz	139-15 83 <sup>rd</sup> Avenue #585 Queens, N.Y. 11435	24
Abby Mullen	69-05 Kissena Blvd #2B Flushing, N.Y. 11367	24
Sruthi Venigalla	39-77 51 <sup>st</sup> Street #B4 Queens, N.Y. 11377	26
Jacob A. Adler	833 Central Avenue #6N Queens, N.Y. 11691	31
Keyne Jean Villert	1029 Lorimer Street #2 Brooklyn, N.Y. 11222	33
Jane Carey	420 Union Avenue #3L Brooklyn, N.Y. 11211	34
Donald Lee	185 Hall Street #1205 Brooklyn, N.Y. 11205	35
Barbara Luksa	823 49 <sup>th</sup> Street Brooklyn, N.Y. 11220	38
Stephanie Giovinco	581 Bay Ridge Parkway Brooklyn, N.Y. 11209	43
Barry Spitzer	1624 49 <sup>th</sup> Street Brooklyn, N.Y. 11204	44
Jessica Rose	671 East 81 <sup>st</sup> Street Brooklyn, N.Y. 11236	46
Diane Petersen	116 Sheraden Avenue Staten Island, N.Y. 10314	50
Nicholas Morano	33 Finlay Street Staten Island, N.Y. 10307	51

#### *Approved New Applicants and Reapplicants*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Amelia Jefferson-McNeil	477 FDR Drive #M1803 New York, N.Y. 10002	1
Mai L. Sommerfield	10 Catherine Slip #16E New York, N.Y. 10038	1
Louise E. Dankberg	152 East 22 <sup>nd</sup> Street #5D New York, N.Y. 10010	2
Bruce McDougald	258 West 22 <sup>nd</sup> Street #5H New York, N.Y. 10011	3
Joanne M. Tarantino	50 Park Avenue #6H New York, N.Y. 10016	3
Stephen Berger	1050 Park Avenue #2A New York, N.Y. 10028	4
Marie Dominique Pierre-Jean	626 Riverside Drive New York, N.Y. 10031	7
Lavinia D. Gibson	180 West 152 <sup>nd</sup> Street #1B New York, N.Y. 10039	9

Josh J. Neustein	3001 Arlington Avenue #1 Bronx, N.Y. 10463	11
Bernard Buckner	3959 Murdock Avenue Bronx, N.Y. 10466	12
Maria S. Pabon	100 Carver Loop #25F Bronx, N.Y. 10475	12
Amandah Pasha	1551 Williamsbridge Road Bronx, N.Y. 10461	13
Alexander Opoku-Agyemang	1685 Selwyn Avenue #403 Bronx, N.Y. 10457	14
Enrique Figueroa	1100 Clay Avenue #3C Bronx, N.Y. 10456	16
Arabella M. Poveriet	834 Cauldwell Avenue Bronx, N.Y. 10456	17
Jaime Bocanumenth	37-25 81 <sup>st</sup> Street #3D Queens, N.Y. 11372	21
Steven V. Santiago	90-16 201 <sup>st</sup> Street Queens, N.Y. 11423	23
Esperanza T. Mallari	76-12 35 <sup>th</sup> Avenue #4A Queens, N.Y. 11372	26
Althea Flowers	215-05 104 <sup>th</sup> Avenue Queens Village, N.Y. 11429	27
Donald A. Logan Jr.	114-27 211 <sup>th</sup> Street Queens, N.Y. 11411	27
Doris Brown	166-01 Linden Blvd #8J Jamaica, N.Y. 11434	28
Rupert Chase	144-21 Liberty Avenue Queens, N.Y. 11435	28
A.M. Ashfaquul S. Islam	84-07 57 <sup>th</sup> Road #1K South Elmhurst, N.Y. 11373	29
Christina Schiro	69-14 66 <sup>th</sup> Place Glendale, N.Y. 11385	30
Teresa I. Solis	84-06 Woodhaven Blvd #2 Woodhaven, N.Y. 11421	30
Alexandra L. Wenz	66-26 Hull Avenue Queens, N.Y. 11378	30
Wanda A. Clemons	130-67 224 <sup>th</sup> Street Queens, N.Y. 11413	31
Karron Franklin	144-26 182 <sup>nd</sup> Place Queens, N.Y. 11413	31
Peter J. LaBella	158-18 82 <sup>nd</sup> Street Queens, N.Y. 11414	32
Josephine A. Miele	162-35 99 <sup>th</sup> Street Queens, N.Y. 11414	32
Grace Franca	240 Leonard Street #2 Brooklyn, N.Y. 11211	34
Standish Benton	117 Saint James Place #1 Brooklyn, N.Y. 11238	35
Mayra A. Tones	82 St. Edwards Street #1D Brooklyn, N.Y. 11205	35
Gerald Davis Sr.	471 Willoughby Avenue Brooklyn, N.Y. 11206	36
Ernestine Smith	1419 Bushwick Avenue #3L Brooklyn, N.Y. 11207	37
Consula J. Edwards	1800 Albermarle Road #9F Brooklyn, N.Y. 11226	40
Tanisha Laventura	144 Winthrop Street Brooklyn, N.Y. 11225	40
Twuana N. Benjamin	87 Rockaway Avenue #3 Brooklyn, N.Y. 11233	41
Alexander Young	111 East 57 <sup>th</sup> Street Brooklyn, N.Y. 11203	41
Winston L. Hoppie	884 East 95 <sup>th</sup> Street Brooklyn, N.Y. 1126	42
Abraham Helfenbaum	7323 3 <sup>rd</sup> Avenue Brooklyn, N.Y. 11209	43
Mimi Kramer	578 74 <sup>th</sup> Street Brooklyn, N.Y. 11209	43
Lailani Raphaell	4723 Beverly Road Brooklyn, N.Y. 11203	45
Petal Harlow	758 East 83 <sup>rd</sup> Street #2 Brooklyn, N.Y. 11236	46
Christine Pascall	1165 East 54 <sup>th</sup> Street #7G	46

Eva Broit	525 Neptune Avenue Brooklyn, N.Y. 11224	47
Sylvia Sperber	464 Neptune Avenue #10C Brooklyn, N.Y. 11224	47
Cathy C. Calandra	2062 East 14 <sup>th</sup> Street Brooklyn, N.Y. 11229	48
Margarita Mironov	2668 East 27 <sup>th</sup> Street Brooklyn, N.Y. 11235	48
Michelle Aguayo	14 Beacon Place Staten Island, N.Y. 10306	50
Irina Gaston	50 Hamden Avenue Staten Island, N.Y. 10306	50
Adrien Haagerman	57 Barbara Street Staten Island, N.Y. 10306	50
Loretta R. Magrino	10 HarborView Place Staten Island, N.Y. 10305	50
Josephine Garcia	459 Manhattan Street Staten Island, N.Y. 10307	51
Randi Linder	350 Jefferson Blvd Staten Island, N.Y. 10312	51
Lena Marinaro	90 Sand Lane Staten Island, N.Y. 10305	51
Sandra M. Walsh	22 Kathy Place #1B Staten Island, N.Y. 10314	51
Rose Wegenaar	3334 Amboy Road Staten Island, N.Y. 10306	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 1163 & Res 1829 -** **Irwin G. Cantor** - re-appointment by the Queens Borough President - New York City Planning Commission
- (2) **Int 1003-A -** In relation to signs at construction sites with fences or sheds and repealing section BC 3301.9 of the New York city building code in relation thereto.
- (3) **Int 1010-A -** In relation to exemption from taxation for alterations and improvements to multiple dwellings **(with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage).**
- (4) **Int 1042-A -** In relation to deactivating muni-meters when parking rules are not in effect or receipt paper is not available.
- (5) **Int 1045-A -** 52 thoroughfares and public places
- (6) **Int 1057 -** In relation to extending the waiver of certain permit and inspection fees for work related to plumbing and electrical systems in buildings damaged by the severe storm that occurred on October 29 and 30, 2012, commonly referred to as "Hurricane Sandy."
- (7) **Res 1739 -** Procurement Policy Board to raise the micropurchase limit to \$20,000.
- (8) **SLR 1 -** **S.4459-A, A.4327-A**, in relation to establishing in a city with a population of one million or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices; and providing for the repeal of such provisions upon expiration thereof" **(Home Rule item\*)**.
- (9) **SLR 2 -** **S.4548, A.6764-A** in relation to a credit against personal income taxes imposed by certain cities for certain household and dependent care services necessary for gainful employment" **(Home Rule**

- (10) SLR 3 - item\*).  
S.4650, A.6579, in relation to training of fire officers in cities of one million or more” (Home Rule item\*).
- (11) SLR 4 - S.4907, A.6867, “in relation to establishing employee representative participation on the city of New York deferred compensation plan board” (Home Rule item\*).
- (12) SLR 5 - S.5048, A.2046, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing of dogs in a certain city; to amend the administrative code of the city of New York, in relation to the animal population control fund; and to repeal certain provisions of chapter 115 of the laws of 1894, relating to the better protection of lost or strayed animals and for securing the rights of owners thereof, relating to licensing of dogs in a certain city” (Home Rule item\*).
- (13) SLR 6 - S.5238, A.2355, in relation to authorizing 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” (Home Rule item\*).
- (14) SLR 7 -, S.5663, A.7826, in relation to the leasing of property in the environs of a tennis stadium and center in Flushing Meadows-Corona Park in the borough of Queens and to replace certain descriptions of property subject to such property lease and to rededicate certain property as park land” (Home Rule item\*).
- (15) SLR 8 - S.5737, A.7827, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year two thousand fourteen” (Home Rule item\*).
- (16) L.U. 811 & Res 1817 - App. 20135527 HAM, 1772 Amsterdam Avenue and 801-05 St. Nicholas Avenue, Borough of Manhattan, Community Board 9, Council District 7.
- (17) L.U. 813 & Res 1818 - App. 20135530 HAM, 508 West 134th Street, Borough of Manhattan, Community Board 9, Council District 7.
- (18) L.U. 827 & Res 1819 - App. 20135374 TCM, 18 Greenwich Avenue, in the Borough of Manhattan, Community District 2, Council District 3.
- (19) L.U. 828 & Res 1820 - App. 20135408 TCM, 46 Gansevoort Street, in the Borough of Manhattan, Community District 2, Council District 3 (Coupled to be Filed).
- (20) L.U. 832 & Res 1821 - App. M 840631(B) ZMK, 2713-2735 Knapp Street, in the Borough of Brooklyn, Community District 15, Council District 46.
- (21) L.U. 836 & Res 1822 - App. 20135454 TCM, 622 Tenth Avenue, in the Borough of Manhattan, Community District 4, Council District 3.
- (22) L.U. 837 & Res 1823 - App. N 130206(A) ZRM, privately owned public spaces within the Borough of Manhattan, Community District 1, Council District 1.
- (23) L.U. 838 & Res 1824 - App. C 110398 ZMQ, amendment to the Zoning Map, Section No. 9c, establishing within an existing R5 district a C1-2 District bounded by a line 150 feet northeasterly of 28th Avenue, 43rd Street, 28th Avenue, and 42nd Street, in the Borough of Queens, Community District 1, Council District 22.
- (24) L.U. 839 & Res 1825 - App. 20135674 HAX, 442 East 176 Street, 446 East 176 Street, 440 East Tremont Avenue, 1842 Washington Avenue, 1991 Bathgate Avenue, and 2028 Washington Avenue, in the Borough of Bronx, Community Board 6, Council District 15.

- (25) L.U. 840 & Res 1826 - App. 20135675 HAM, 1845 Park Avenue and 107 East 126 Street, Borough of Manhattan, Community Board 11, Council District 9.
- (26) L.U. 841 & Res 1827 - App. 20135676 HAM, 112 East 128 Street and 102 East 128 Street, Community District 11, Council District 9.
- (27) L.U. 843 & Res 1828 - App. 20135678 HAX, 1604 Jesup Avenue, 1595 & 1601 Macombs Road, 1551 Shakespeare Avenue, 1685 Hoe Avenue, 1662-1698 Vyse Avenue, and 1685 & 1717 Bryant Avenue, Community Districts 3 and 5, Council Districts 15 and 16, Borough of the Bronx.
- (28) L.U. 844 & Res 1814 - Presbyterian Housing Development Fund Corporation of Queens
- (29) L.U. 845 & Res 1815 - Seagirt Apartments
- (30) L.U. 846 & Res 1816 - 927 Columbus Avenue
- (31) Resolution approving various persons Commissioners of Deeds.

**\*Home Rule items introduced by the Council in the form of an SLR require an affirmative vote of at least two-thirds of the Council for passage.**

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

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **51**.

**The General Order vote recorded for this Stated Meeting was 51-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int No. 1045-A**:

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn). – **50**.

**Abstention** – Lappin – **1**.

The following was the vote recorded for **Res No. 1739**:

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn). – **50**.

**Negative** – Koppell – **1**.

The following was the vote recorded for **SLR No. 1:**

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn). – **46**.

**Negative** – Halloran, Ignizio, Ulrich and Oddo – **4**.

**Abstention** – Vallone, Jr. – **1**.

The following was the vote recorded for **SLR No. 4:**

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn). – **50**.

**Abstention** – Fidler – **1**.

The following was the vote recorded for **SLR No. 5:**

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

**Negative** - Halloran, Ignizio, Ulrich and Oddo – **4**.

The following was the vote recorded for **SLR No. 6:**

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn). – **50**.

**Negative** – Koppell – **1**.

The following was the vote recorded for **SLR No. 7:**

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

**Negative** – Dromm – **1**.

**Abstention** – Vallone, Jr. – **1**.

The following was the vote recorded for **SLR No. 8:**

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn). – **44**.

**Negative** - Halloran, Ignizio, Rose, Ulrich, Vacca, and Oddo – **6**.

**Abstention** – Vallone, Jr. – **1**.

The following was the vote recorded for **LU No. 813 & Res No. 1818:**

**Affirmative** – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn). – **50**.

**Negative** – Barron – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. Int Nos.1003-A, 1010-A (passed under a Message of Necessity), 1042-A, 1045-A, and 1057.*

*With the passage of SLR Nos. 1-8 of 2013 by the Council, Home Rule Messages for the respective State bills referenced in these State Legislation Resolutions were sent to the New York State Senate and New York State Assembly.*

By this point in the Meeting, the City Clerk and Clerk of the Council (Mr. McSweeney) had assumed his seat behind the dais.

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:**

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

Report for voice-vote Res. No. 1798

**Report of the Committee on Health in favor of approving and adopting a Resolution calling on the New York State Legislature to pass and the Governor to sign A.740/S.3753, which allows municipalities to regulate pet dealers as long as the law, rule, regulation, or ordinance is not less stringent than state law.**

The Committee on Health, to which the annexed resolution was referred on June 12, 2013, respectfully

## REPORTS:

### 1. INTRODUCTION

On June 11<sup>th</sup>, the Committee on Health will consider Preconsidered Res. No. 1798 calling on the New York State Legislature to pass and the Governor to sign A.740/S.3753, an act which, subject to the normal legislative process, would repeal express preemption clauses in state law to permit municipalities to regulate pet stores and thereby stem the flow of unsterilized, mistreated dogs from puppy mills into the city's shelter system. The Committee first held a hearing on this preconsidered resolution on June 7th along with other items to address animal welfare.

### 2. ANALYSIS OF LEGISLATION

Preconsidered Res. No. 1798 calls upon the New York State Legislature to pass and the Governor to sign A.740/S.3753, an act to amend the Agriculture and Markets Law and the General Business Law, in relation to the preemption of local laws, and to repeal section 400-a of the Agriculture and Markets Law and section 753-e of the General Business Law relating thereto. The bills are sponsored by Assemblymember Linda Rosenthal and Senator Mark Grisanti.

Under current state law, municipalities cannot regulate pet stores and therefore have little power to regulate the supply of animals sold in them. Most of the puppies

sold in New York City pet stores come from puppy mills in the Midwest.<sup>1</sup> According to the ASPCA, “Our local governments and animal shelters absorb the costs associated with unregulated breeders and unwanted pet store dogs through cruelty seizures, sheltering costs and legal proceedings.”<sup>2</sup> Puppy mills breed large numbers of dogs several times a year, keep animals in cramped conditions often with inadequate food and water, and ship them hundreds of miles to pet stores.<sup>3</sup> Nationwide, the Humane Society estimates that there are at least 10,000 puppy mills that are producing up to 4 million puppies a year.<sup>4</sup> Currently, the city of New York has no power to stem the flow of these animals into the city.

A.740/S.3753 would allow municipalities to regulate pet dealers as long as the law, rule, regulation, or ordinance is not less stringent than state law. The Act would thus allow the Council to impose improve conditions at pet stores and to impose other measures to help reduce the supply of animals that might end up in shelters.

<sup>1</sup> Kate Tur and Tom Burke, *NY Pet Stores Supplied by Puppy Mills: Humane Society*, WNBC, Nov. 10, 2011, available at <http://www.nbcnewyork.com/news/local/New-York-Pet-Stores-Supplied-by-Puppy-Mills-Humane-Society-133586508.html>.

<sup>2</sup> ASPCA, *Support A.740 (Rosenthal)/S.3753 (Grissanti): Allow Local Governments to Regulate Puppy Mills, on file with committee.*

<sup>3</sup> People For The Ethical Treatment of Animals (PETA), *Puppy Mills: Dogs Abused for the Pet Trade*, available at <http://www.peta.org/issues/Companion-Animals/puppy-mills-dogs-abused-for-the-pet-trade.aspx>

<sup>4</sup> Julian Hattem, *White House reviewing rule to crack down on puppy mills*, THE HILL, May 1, 2013, available at <http://thehill.com/blogs/regwatch/pending-regs/297325-white-house-reviewing-rule-to-crack-down-on-puppy-mills>

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered resolution, please see Introduction and Reading of Bills section printed in these Minutes)**

MARIA del CARMEN ARROYO, Chairperson; PETER F. VALLONE, Jr., ALBERT VANN, ROSIE MENDEZ, MATTHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER; Committee on Health, June 11, 2013.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) 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 Women’s Issues and had been favorably reported for adoption.

Report for voice-vote Res. No. 1799

**Report of the Committee on Women’s Issues in favor of approving and adopting a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, the Women’s Equality Act.**

The Committee on Women’s Issues, to which the annexed resolution was referred on June 12, 2013, respectfully

#### REPORTS:

On Monday June 10, 2013, the City Council’s Committee on Women’s Issues, chaired by Council Member Julissa Ferreras, conducted a hearing on Preconsidered Res. No. 1799, a resolution calling upon the New York State Legislature to pass, and the Governor to sign, the Women’s Equality Act. The Committee voted to pass the resolution.

#### Background

In his 2013 State of the State address, Governor Cuomo outlined a Women’s Equality Agenda which included 10 targeted areas aimed at improving women’s lives in all communities throughout the State. The legislation to fulfill this 10 point agenda, known as the Women’s Equality Act, was introduced by Governor Cuomo on June 4, 2013. The 10 key provisions would address the following issues: pay equity, sexual harassment in the workplace, barriers to remedying discrimination, family status discrimination, housing discrimination for victims of domestic violence, source of income discrimination, strengthening order of protection laws, strengthening human trafficking laws, pregnancy discrimination, and protecting freedom of choice.

The Women’s Equality Act has the support of over 800 organizations and individuals who united and formed the New York Women’s Equality Coalition.

#### Preconsidered Res. No. 1799

Preconsidered Res. No. 1799 would note that in his January 2013 State of the State address, Governor Andrew Cuomo outlined 10 points for a women’s

equality agenda seeking to strengthen women’s rights and protections in New York. The Preconsidered Resolution would indicate that on June 4, 2013, Governor Cuomo delivered the “Women’s Equality Act” to the New York State Legislature and is awaiting its formal introduction by the Assembly and Senate.

The Preconsidered Resolution would note that the Women’s Equality Act is a comprehensive legislative package that includes 10 points which cover a wide array of protections and areas of law. Preconsidered Res. No. 1799 would state that for example, the Act would seek to shatter the glass ceiling by passing an equal pay law which would increase damages for underpayment or discrimination in the workplace, and would also include legislation that would ban sexual harassment in every workplace regardless of size.

Preconsidered Res. No. 1799 would indicate that the Women’s Equality Act would also strive to strengthen lending and credit discrimination laws. The Preconsidered Resolution would also indicate that furthermore, the Act would work to further protect some of the most vulnerable in our State, by enhancing and strengthening human trafficking laws. The Preconsidered Resolution would state that additionally, the Act would include language barring discrimination against Section 8 voucher-holders and other housing-seekers based on the source of their income.

The Preconsidered Resolution would indicate that further protections included in the Act would strive to end housing discrimination for victims of domestic violence. The Preconsidered Resolution would note in addition, the Women’s Equality Act would include provisions aimed at ending pregnancy discrimination. Preconsidered Resolution No. 1799 would point out that another provision of the Act would seek to protect victims of domestic violence by strengthening the orders of protection laws. The Preconsidered Resolution would state that finally, the Act would protect a woman’s freedom of choice by aligning State law with existing federal law which protects a woman’s right to have an abortion prior to fetal viability or when necessary to protect the health and life of the woman.

Preconsidered Res. No. 1799 would note that the Women’s Equality Act is designed to address gender inequality in its many forms and restore New York’s status as a leader in women’s rights. The Preconsidered Resolution would further note that over eight hundred groups, businesses and individuals support the Women’s Equality Act and strongly encourage moving this agenda forward by passing this comprehensive legislation before the end of the current session. Finally, the resolution states that the Council of the City of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, the Women’s Equality Act.

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered resolution, please see Introduction and Reading of Bills section printed in these Minutes)**

JULISSA FERRERAS Chairperson; CHARLES BARRON, ANNABEL PALMA, MARGARET S. CHIN; Committee on Women’s Issues, June 10, 2013.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following 4 Council Members formally voted against this item: Council Members Halloran, Ignizio, Ulrich, and Oddo.

The following 3 Council Members formally abstained to vote on this item: Council Members Cabrera, Gentile, and Vallone, Jr..

Adopted by the Council by voice-vote.

#### INTRODUCTION AND READING OF BILLS

Res. No. 1793

**Resolution calling upon the United States Congress to pass and the President to sign the “Stop Deceptive Advertising in Women’s Services Act.”**

By The Speaker (Council Member Quinn) and Council Members, Lappin, Ferreras, Mendez, Arroyo, Brewer, Chin, Comrie, Dickens, Dromm, Eugene, Jackson, James, Koppell, Koslowitz, Lander, Palma, Recchia, Richards, Rose and Mark-Viverito.

**Whereas**, Crisis pregnancy centers (CPCs) are facilities that use deceptive advertising to give the false impression that they provide abortion services when in fact they attempt to dissuade women who may be pregnant from choosing abortion or emergency contraception; and

**Whereas**, Many of these centers are designed to look like medical facilities but



do not provide abortion, emergency contraception, prenatal care or referrals for any of these; and

**Whereas,** Instead, CPCs often give false information about the dangers of abortion and show disturbing videos about abortion or graphic photos of aborted fetuses to further an anti-abortion agenda; and

**Whereas,** According to Legal Momentum, CPCs were initially an ad-hoc and scattered anti-abortion response to the legalization of abortion following the *Roe v. Wade* court decision but are now highly organized, heavily funded, and outnumber actual abortion clinics in the nation; and

**Whereas,** In 2009, in response to growing concerns about CPCs, volunteers for the NARAL Pro-Choice New York Foundation decided to conduct an undercover investigation of CPCs in New York City and found that many CPCs in New York City consistently provide misinformation and seek to manipulate and scare the women who turn to them for care; and

**Whereas,** Although the operators of these centers are entitled under the law to express their own viewpoint on abortion, deceptive advertising is not a protected right; and

**Whereas,** H.R. 2030/S.981, introduced by Representative Carolyn Maloney (D-NY) and Senator Robert Menendez (D-NJ) on May 16, 2013, also known as the Stop Deceptive Advertising in Women's Services Act, is legislation that would prohibit deceptive advertising of abortion services; and

**Whereas,** Specifically, the Act would require the Federal Trade Commission (FTC) to promulgate rules to prohibit, as an unfair and deceptive act or practice, a CPC from advertising as a provider of abortion services when it does not in fact provide such services; and

**Whereas,** Deceptive practices that delay the access of abortion or emergency contraception create increased health risks and financial burdens, and may eliminate a woman's ability to obtain these services altogether, thereby severely limiting her reproductive health options; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the United States Congress to pass and the President to enact the "Stop Deceptive Advertising in Women's Services Act."

Referred to the Committee on Women's Issues.

Int. No. 1051

By Council Members Arroyo, Ferreras, Cabrera, Comrie, James, Koo, Koppell, Lander, Mendez, Palma, Rose, Vann and Van Bramer.

**A Local Law to amend the New York city charter, in relation to procedures for conducting a root cause analysis by the office of the chief medical examiner.**

*Be it enacted by the Council as follows:*

Section 1. Section 557 of chapter 22 of the New York city charter is amended by adding a new subdivision (h) to read as follows:

(h) (1) For the purpose of this subdivision, the following terms shall have the following meanings:

(A) "Designated root cause analysis officer" shall mean an employee of the office of the chief medical examiner who shall be responsible for receiving a report, complaint or such other communication from employees that a significant event has occurred within the office of chief medical examiner.

(B) "Root cause analysis" shall mean a process for investigating the causal factors of a significant event that shall focus primarily on systems and processes, not on individual performance or human error, and shall identify corrective action, including strategies to prevent the reoccurrence of a significant event or potential improvements in systems or processes that will decrease the likelihood of such a significant event in the future.

(C) "Root cause analysis committee" shall mean a committee composed of representatives of certain divisions of the office of chief medical examiner which assembles in response to a significant event in order to conduct a root cause analysis.

(D) "Root cause analysis committee report" shall mean a report issued by the root cause analysis committee that shall include the findings of the root cause analysis committee, including, but not limited to, the identification of causes of the significant event to which the committee is responding and a plan for corrective action.

(E) "Root cause analysis guidelines" shall mean the collection of documents developed by the office of chief medical examiner which provide protocols, bylaws or such other guidance documents relating to (i) guidelines for determining whether a significant event has occurred, consistent with this subdivision; (ii) procedures for discovering and/or reporting a significant event; (iii) protocol for creating a root cause analysis committee upon the discovery of a significant event or conclusion that a significant event has transpired; (iv) guidelines for selecting individuals who shall serve as members of a root cause analysis committee in response to a significant event; (v) policies which set forth the roles and responsibilities of members of root cause analysis committees; (vi) guidelines for when and how frequently a root cause analysis committee shall meet once a committee has been assembled in response to a significant event; (vii) guidelines for producing a root cause analysis committee report in a timely manner; (viii) procedures and criteria for identifying causal factors of a significant event; and (ix) guidelines for identifying corrective action to be taken as a result of the root cause analysis.

(F) "Significant event" shall mean any unexpected occurrence involving a failure, lapse, error, act or situation which implicates the reliability, integrity, accuracy or competency of the office of chief medical examiner, its services or functions, laboratories, departments, divisions or its workers. Such occurrence shall include, but not be limited to, any (i) acts by an employee involving intentional fabrication or falsehood with regard to his or her work product, analysis or test results; (ii) incident involving a lab employee who has engaged in a demonstrated pattern of significant errors and which may have affected the reported results of laboratory analysis or which may have resulted in or risked resulting in an erroneous identification, false identification, false negative, or false positive; (iii) incident involving a lab employee who has engaged in a demonstrated pattern of failing to follow lab protocol; or (iv) incident involving a lab employee who, in the course of testimony, has significantly misrepresented or misstated a material fact, has significantly misstated his or her experience, training, education or qualifications, or has made a significant scientific error.

(2) Within forty-eight hours of the discovery by the office of chief medical examiner of a significant event or conclusion that a significant event has transpired, the office of chief medical examiner shall assemble a root cause analysis committee for the purpose of conducting a root cause analysis and producing a root cause analysis committee report. Representatives serving on such committee must include at least seven members in total, of which (i) at least two are individuals who are knowledgeable in the subject area relating to the significant event, of which at least one shall be a lab worker or other personnel who performs scientific or technical services, and at least one other who shall be a non-lab worker or individual who does not perform scientific or technical services; (ii) at least one is an individual who serves in a senior managerial capacity within the office of chief medical examiner, such as a director or deputy commissioner; (iii) at least two are individuals from divisions, departments or laboratories of the office of chief medical examiner which are not implicated by the significant event; and (iv) at least one is an external consultant who shall be an employee of the health and hospitals corporation of the city of New York with expertise in the area of quality assurance and quality control and/or root cause analysis.

(3) Within thirty days of the discovery by the office of chief medical examiner of a significant event or conclusion that a significant event has transpired, the office of chief medical examiner shall report the occurrence of such significant event to the mayor and council of the city of New York. The root cause analysis committee shall submit its completed report no later than ninety days following the creation of such committee, provided, however, that should such report not be completed within ninety days, the committee shall report to the chief medical examiner and the mayor and council of the city of New York on the progress of the committee's findings and root cause analysis report, provide an explanation as to why such report is not yet completed, and provide an explanation of when such committee anticipates the conclusion of its report. Within seven days of submission of a root cause analysis report to the chief medical examiner or his or her deputy, the chief medical examiner shall provide a copy of such report to the mayor and council of the city of New York, post such report on the website of the office of chief medical examiner, and send a copy of the root cause analysis report to (i) the New York state commission on forensic science and any entity responsible for the accreditation of the DNA laboratory of the office of the chief medical examiner, provided that the significant event that is the subject of such report is relevant to the DNA testing function or the DNA laboratory of the office of chief medical examiner, and (ii) the district attorneys of the counties of the city of New York, the Legal Aid Society of the city of New York, all public defender offices currently under contract with the city of New York, and representatives of the panel of 18b assigned counsel of the city of New York, provided that the findings and/or conclusions contained in such report may be reasonably found to have an impact on a criminal investigation, whether ongoing or completed.

(4) The office of chief medical examiner shall appoint an employee of the office of chief medical examiner who shall serve as the designated root cause analysis officer.

(5) The office of chief medical examiner shall post a copy of all root cause analysis guidelines documents on the website of the office of chief medical examiner.

(6) The root cause analysis report shall not include the names of either employees of the office of chief medical examiner or the names of individuals who are the subject of the work of the office of chief medical examiner, including, but not limited to, individuals who are the subject of autopsies, investigations or other functions or services performed by the office of chief medical examiner.

Section 2. This local law shall take effect immediately.

Referred to the Committee on Health.

Int. No. 1052

By Council Members Arroyo, Lappin, Vacca, Chin, Vallone, Jr., Brewer, Cabrera, Comrie, Dickens, Dromm, Fidler, James, Koo, Koppell, Koslowitz, Lander, Mendez, Palma, Recchia, Richards, Rose, Vann and Gentile.

**A Local Law to amend the administrative code of the city of New York, in relation to regulating social adult day care programs.**

*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 15 to read as follows:

**Chapter 15****Social adult day care programs.****§ 17-1501 Definitions.****§ 17-1502 Department responsibilities.****§ 17-1503 Program standards.****§ 17-1504 Registration with the department.****§ 17-1505 Participants' rights.****§ 17-1506 Civil penalties.**

§ 17-1501 Definitions. For the purposes of this chapter:

a. "Social adult day care program" or "program" shall mean a structured, comprehensive program which provides functionally impaired individuals with socialization; supervision and monitoring; personal care; and nutrition in a protective setting during any part of the day, but for less than a twenty-four hour period. Additional services may include, and not be limited to, maintenance and enhancement of daily living skills, transportation, caregiver assistance, and case coordination and assistance.

b. "Participant" shall mean an adult individual who is eligible for and is receiving social adult day services in accordance with this chapter.

c. "Functionally impaired" shall mean needing the assistance of another person in at least one of the following activities of daily living: toileting, mobility, transferring, or eating; or needing supervision due to cognitive and/or psycho-social impairment.

d. "Commissioner" shall mean the commissioner of health and mental hygiene.

e. "Department" shall mean the department of health and mental hygiene.

§ 17-1502 Department responsibilities. a. In carrying out oversight and other responsibilities related to social adult day care programs, the department will comply with chapter II of subtitle Y of title 9 of the New York state codes, rules, and regulations, except as otherwise provided in this chapter.

b. Consistent with this chapter, the commissioner may establish additional requirements for social adult day care programs operating under this chapter.

c. The department shall ensure that providers carry out this section in accordance with the applicable provisions of the Federal Americans with Disabilities Act.

§ 17-1503 Program standards. All social adult day care program providers shall meet the following services and administration standards.

a. Services standards. (1) Participant eligibility. A social adult day care program shall serve only individuals who are functionally impaired and will benefit from participation in the program.

(2) Admission and discharge. (i) The program shall serve only individuals whose social adult day care needs can be met and managed by the program.

(ii) The program shall admit an individual only after an assessment of the individual's functional capacities and impairments has been completed.

(iii) The program shall discharge and, if appropriate, assist in making other arrangements for a participant who can no longer be safely or adequately served by the program.

(3) Service plan. (i) Each participant shall receive services only in accordance with an individualized written service plan which has been developed by the program staff in conjunction with the participant and, if applicable, the participant's authorized representative. To the extent possible, if applicable, the plan shall be developed in consultation with the participant's informal caregiver(s).

(ii) A service plan shall be developed no later than thirty days after a participant's admission to the program and reviewed as necessary or at least once annually.

(iii) The service plan shall be based on the assessment and shall be consistent with the needs of the participant.

(iv) To the maximum extent possible, each service plan:

(a) shall seek to attain and maintain the highest practicable physical, mental, and psychosocial well being of the participant, including an optimal capacity for independence and self care; and

(b) shall encourage the participant to use his/her existing capacities, develop new capacities and interests and compensate for existing or developing impairments in capacity.

(v) The service plan shall specify the individual participant outcomes expected from the provision of social adult day care services.

(4) Services. (i) Required services. Consistent with the needs of the participant, all programs shall provide the following services:

(a) Socialization which:

(1) means planned and structured activities which utilize the participant's skills to the extent possible; respond to the participant's interests, capabilities, and needs; and minimize any impairments in capacity to engage in those activities;

(2) includes social, intellectual, cultural, educational, and physical group activities; and

(3) encourages and stimulates the participant to interact with others and seeks to establish, maintain, or improve the participant's sense of usefulness to self and others, the desire to use his or her physical and mental capabilities to the fullest extent, and his or her sense of self-respect.

(b) Supervision and monitoring which:

(1) means observation and awareness of the participant's whereabouts, activities, and current needs during attendance at the program; and

(2) protects the safety and welfare of the participant and provides ongoing encouragement and assistance to the participant.

(c) Personal care which:

(1) shall include some assistance for the participant with toileting, mobility, transfer, and eating;

(2) may include total assistance to the participant with toileting, mobility, transfer, and eating; and

(3) may include some assistance or total assistance to the participant with:

(A) dressing;

(B) bathing;

(C) grooming;

(D) self administration of medication, including prompting the participant as to time, identifying the medication, bringing the medication and any necessary supplies or equipment to the participant, opening the container, positioning the participant for medication and administration, and disposing of used supplies and materials;

(E) routine skin care;

(F) changing simple dressings; or

(G) using supplies and adaptive and assistive equipment.

(d) Nutrition. (1) Nutrition means providing nutritious meals for participants who are attending the program at normal meal times and includes offering snacks and liquids for all participants at appropriate times.

(2) Meals shall be consistent with standards set forth in part 6654 of chapter II of subtitle Y of title 9 of the New York state codes, rules, and regulations for a nutrition program for the elderly site and any additional meal standards established by the state office for the aging, unless:

(A) participant meals are brought by the participant; or

(B) the program participates in the United States department of agriculture child and adult care food program.

(3) If meals are prepared by participants and/or staff as part of a planned activity of the program, such meals to the extent possible shall be consistent with standards set forth in part 6654 of chapter II of subtitle Y of title 9 of the New York state codes, rules, and regulations for a nutrition program for the elderly site and any additional meal standards established by the state office for the aging.

(ii) Optional services. Consistent with the needs of the participant, programs may provide the following services:

(a) Maintenance and enhancement of daily living skills which shall include, where appropriate, activities which supplement, maintain, and/or enhance the participant's own daily living skills; and/or training which assists the participant to learn or relearn self-care skills, if possible. Participant skills which may be addressed include:

(1) instrumental activities of daily living including use of transportation, doing laundry, shopping, cooking, using a telephone, and handling personal business and finance;

(2) self-care skills such as grooming, washing, and dental hygiene;

(3) use of supplies and adaptive and assistive equipment; or

(4) other appropriate related skills.

(b) Transportation between the home and the program.

(c) Caregiver assistance which shall include:

(1) facilitating informal caregiver support of the participant;

(2) fostering understanding of the condition of the participant, the contents of the service plan, and how to maximize at home the use of skills learned or relearned in the program;

(3) identifying sources of assistance to the informal caregiver and facilitating access to that assistance, including participation in support groups;

(4) facilitating respite; and

(5) other related assistance.

(d) Case coordination and assistance, which:

(1) shall include establishing and maintaining effective linkages, coordinating with, and, as appropriate, making referrals to and accepting participants from other services providers; and

(2) may include advising and assisting participants and their caregivers, if any, in relation to benefits, entitlements, and other information and assistance.

b. Administration standards. (1) Policies and procedures. Each social adult day care program shall establish, follow, and have on file for review by the department written policies and procedures consistent with this section regarding the operation of the program including, but not limited to:

(i) participant eligibility;

(ii) admission and discharge;

(iii) service plan;

(iv) staffing plan, including paid and volunteer staff;

(v) participants' rights;

(vi) services delivery;

(vii) program self evaluation;

(viii) records; and

(ix) emergency preparedness.

(2) Program self evaluation. The program shall:

(i) conduct a self evaluation of its administrative, fiscal, and program operations, including feedback from participants and caregivers, at least annually; and

(ii) maintain a copy of the self evaluation on file for review by the department.

(3) Records. The program shall:

(i) maintain the following information on file:

(a) administrative and financial records;

(b) participant personal records, including identifying, emergency, and medical information including physician name, diagnosis, and medications; and

(c) services records, including the individual assessment, the service plan, and documentation of the delivery of services; and

(ii) treat all information as confidential and shall not disclose or release information except as authorized by federal or state laws and regulations, or pursuant to court order.

(4) Staffing. (i) General requirements. (a) The program shall have an adequate number of qualified staff, which may include volunteers, to perform all of the functions prescribed in part 6654 of chapter II of subtitle Y of title 9 of the New York state codes, rules, and regulations and to ensure the health, safety, and welfare of participants.

(b) The program shall have at least two staff, one of whom shall be a paid staff person, with the participants during the program day.

(c) Health status. The program shall ensure that:

(1) the health status of each staff person who may or will have contact with participants, including the program director, is assessed and documented annually and that the health status of each new staff person is assessed and documented prior to the beginning of contact with the participant to ensure that he or she is free from any health impairment that is of potential risk to others or that may interfere with the performance of his or her duties; and

(2) each staff person who may or will have contact with participants has a ppd (Mantoux) skin test for tuberculosis prior to employment and no less than every two years thereafter for negative findings or more frequently as determined by the director of the state office for the aging.

(ii) Personnel. (a) Director. Each social adult day care program shall have a paid director. (1) Qualifications. The director shall be a qualified individual with appropriate educational qualifications and work experience to ensure that activities and services are provided appropriately and in accordance with participants' needs.

(2) Duties. The director shall:

(A) have the authority and responsibility necessary to manage and implement the program;

(B) ensure compliance and conformity with all applicable local, state, and federal laws and regulations;

(C) submit program reports, as necessary; and

(D) be responsible for policies and procedures as required by this chapter.

(b) Services staff. Services staff shall:

(1) be responsible for carrying out the individualized service plan for participants; and

(2) complete training as required by this section.

(c) Volunteers. (1) As determined by the program director, the program shall provide training for volunteers which is appropriate for the tasks to which they are assigned. In making this determination, the program director shall consider whether such volunteer may on occasion be asked or required to perform tasks related to the health, safety, or welfare of participants.

(2) All volunteers who may or will have contact with participants are subject to the requirements of this section, including the assessment of health status required in this paragraph.

(iii) Training requirements for all staff. (a) Except as otherwise provided in this chapter, the program shall provide all staff with:

(1) an orientation to the program provider, the community, and the program itself;

(2) training on working with the elderly, participants' rights, safety, and accident prevention;

(3) at least six hours of in-service training annually to develop, review, or expand skills or knowledge; and

(4) training at least annually in the use of fire extinguishers, written procedures concerning evacuation and emergency situations, and emergency telephone numbers.

(b) The program shall provide staff with training appropriate to the tasks to which they are assigned.

(c) The program shall maintain appropriate documentation for all training provided to staff.

(iv) Training requirements for service staff. (a) Prior to delivering any social adult day care services, all service staff including volunteer service staff must complete basic training, or have equivalent knowledge and skills as established in this section, as follows:

(1) orientation to personal care skills;

(2) body mechanics; and

(3) behavior management.

(b) Within three months of being assigned to provide social adult day care services, all service staff including volunteer service staff must complete additional training, or have equivalent knowledge and skills as established in this section, which:

(1) is directed by a registered professional nurse, social worker, home economist, and/or other appropriate professional with at least a bachelor's degree or four years professional experience in an area related to delivery of human services or education;

(2) totals at least twenty hours of group, individual, and/or on-the-job training;

(3) covers the following topics:

(A) socialization skills and activities;

(B) supervision and monitoring;

(C) personal care skills, taught by a registered nurse;

(D) the family and family relationships;

(E) mental illness and mental health; and

(F) cardiopulmonary resuscitation (CPR); and

(4) includes evaluation of each person's competency in the required content.

(c) Equivalent knowledge and skills. (1) Persons who have completed personal care training which is approved by the state department of social services or home health aide training or nurse aide training which is approved by the state department of health shall be considered by the program to have met the training requirements of this clause.

(2) Persons who have completed adult day care worker training which is approved by the state office of mental retardation and developmental disabilities may be considered by the program to have met those portions of the training requirements which in the judgment of the program are equivalent to the training requirements of this clause.

(3) Any person who has been employed for at least three months prior to the effective date of this chapter by a social adult day care program which has been funded or directly operated by the department for the aging and who has been delivering social adult day care services may be considered by the program to have met the training requirements of this clause.

(4) The program shall maintain appropriate documentation for services staff who have equivalent knowledge and skills.

(d) The program shall provide all service staff with periodic on-the-job training, as considered necessary by the program director or an individual who supervises service staff according to criteria for evaluating job performance and the ability to function competently and safely.

(5) Consultants. Programs may arrange for qualified consultants to assist with education, staff training, and other appropriate tasks.

(6) Physical environment and safety. The program shall:

(i) Use a facility which has sufficient space to accommodate program activities and services.

(ii) Maintain and operate buildings and equipment so as to prevent fire and other hazards to personal safety.

(iii) Notify in writing the local fire jurisdiction in which the program exists of its presence and hours of operation.

(7) Emergency preparedness. The program shall:

(i) have current, written procedures for handling emergencies (such as a flood or fire or when a participant is choking or has fainted);

(ii) have an easily located file on each participant, listing identifiable information, including physician's name and telephone number and family member's name and telephone numbers, needed in emergencies; and

(iii) conduct fire drills at least twice a year and document those drills.

(8) Insurance. The social adult day care program shall have in effect sufficient insurance coverage including, but not limited to, personal and professional liability.

§ 17-1504 Participants' rights. a. The program shall protect and promote the following rights of participants:

(1) Participants shall be treated with dignity and respect.

(2) Participants shall not be subject to verbal, sexual, mental, physical, or financial abuse, corporal punishment, or involuntary work or service by the program.

(3) Participants shall not be subject to chemical or physical restraint by the program.

(4) Participants shall not be subject to coercion, discrimination, or reprisal by the program.

(5) Participants shall be free to make personal choices about accepting or refusing the services and activities offered.

(6) Personal information about participants shall be kept confidential.

b. The program shall give a copy of and shall explain the rights to participants and caregivers at the time of admission.

c. The program shall post these rights, along with the addresses and telephone numbers of the department, the department for the aging, and the state office for the aging, in a public place which is clearly visible to participants, their families, and program staff.

§ 17-1505 Registration with the department. a. All individuals, groups or organizations operating or seeking to operate a social adult day program shall register with the department and the department for the aging.

b. Registration must include, at a minimum:

(1) the street address of the location of the program; and

(2) the name and address of the director; and

(3) if the registrant is an individual: the registrant's full name, residence address, business address, business telephone number, and email address; or

(4) if the registrant is a corporation: the corporate name, address, telephone number, and email address of the registrant's principal office or place of business; or

(5) if the registrant is a partnership: the name, address, telephone number, and email address of the registrant's principal office or place of business and the names, telephone numbers, and email addresses of all partners; and

(6) the names, telephone numbers, and email addresses of all corporate officers and registered agents and any person owning or controlling an interest of ten percent or more in the registrant's program.

c. For the purposes of this section, a United States postal service mail delivery box, a mail delivery box maintained through a privately operated mail handling facility or the address at which any similar service is provided shall be deemed an invalid business address.

d. The registration statement shall be filed on forms to be prescribed by the

department.

*e. Changes to information required under this section must be submitted in writing to the department no later than the effective date of the change. § 17-1506 Civil penalties. a. The department, in consultation with the department for the aging, shall adopt regulations establishing civil penalties of not less than two hundred and fifty dollars per day and not more than five hundred dollars per day to be assessed against social adult day programs for violations of this chapter and any regulations promulgated thereunder. Such regulations establishing civil penalties shall specify the violations subject to penalty.*

*b. An individual, group or organization that operates as a social adult day program without registering shall be subject to a civil penalty of not less than two hundred and fifty dollars and not more than one thousand dollars for each day such program operates without such registration.*

§ 2. Chapter two of title 21 of the administrative code of the city of New York is amended by adding a section 21-204 to read as follows:

§ 21-204 Social adult day care program ombudsman. *a. Establishment of ombudsman position and duties. There shall be in the department the position of ombudsman whose duties shall include, but not be limited to:*

*1. establishing a system to receive comments and complaints with respect to any social adult day care program as defined in chapter 15 of title 17 of this code, including but not limited to establishing and publicizing the availability of a telephone number and website to receive such comments and complaints;*

*2. investigating complaints received pursuant to paragraph 1 of this subdivision and taking appropriate action regarding such complaints, including but not limited to referring such complaints to appropriate city and state agencies; and*

*3. making recommendations to the commissioner and the commissioner of health and mental hygiene with respect to improving social adult day care programs as defined in chapter 15 of title 17 of this code.*

*b. Posting of ombudsman information. All social adult day care programs as defined in chapter 15 of title 17 of this code shall post in a conspicuous location a sign indicating the phone number and website of the ombudsman established pursuant to paragraph 1 of subdivision a of this section and a statement indicating that any person may contact such ombudsman if such person has a comment or complaint regarding such program.*

§ 3. This local law shall take effect six months after its enactment into law, except that the department shall take all necessary action, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Health.

Int. No. 1053

By Council Members Arroyo, Lappin, Barron, Brewer, Cabrera, Chin, Comrie, Dickens, Eugene, Jackson, James, Koo, Koppell, Koslowitz, Lander, Mendez, Palma, Richards, Rose and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the tracking of persons with special medical needs during and after emergency conditions.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-107 to read as follows:

§ 30-107 Tracking of persons with special medical needs. *a. The commissioner shall develop and implement a plan no later than October 1, 2013 to ensure the tracking of admission, registration, transfer, and discharge of persons to and from special medical needs shelters established as a result of emergency conditions and potential incidents as such conditions and incidents are described in section 497 of the charter. Such plan shall include, but not be limited to: (1) a mechanism to adequately track, including but not limited to the development of paperwork or other forms necessary for such tracking, persons who are admitted to or otherwise registered at, transferred to, or discharged from a special medical needs shelter to locations both in and outside of New York city; (2) a description of the process for ensuring that such paperwork or forms, including patient critical evacuation tracking forms, are correctly completed and disseminated to essential parties in a timely manner including but not limited to any evacuating facility, transportation personnel, and the receiving special medical needs shelter; (3) dissemination of bracelets or other wearable identification devices to any person admitted to or otherwise registered at a special medical needs shelter, which shall include such person's name, any location from which such person was evacuated or transferred including but not limited to other shelters or healthcare facilities, and to the extent permitted by state and federal law, information regarding the medical needs of such person; (4) a mechanism to track the medical needs of persons admitted to or otherwise registered at a special medical needs shelter including but not limited to needed medications; and (5) a mechanism for ensuring that family members and guardians can locate any person who has been admitted to or otherwise registered at, transferred to, or discharged from a special medical needs shelter, including the establishment of a designated point of contact for such information and a description of how such mechanism will be publicized.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Preconsidered Res. No. 1794

**Resolution calling upon the New York State Legislature to pass and the Governor to sign A.2046/S.5048, legislation that would amend current laws relating to animal control, the animal population control fund and licensing of animals in New York City.**

By Council Members Arroyo, Chin, Eugene, Lander, Mark-Viverito, Palma, Rose and Vann.

**Whereas**, New York State law requires that all owned dogs be licensed and that dogs wear their license in public; and

**Whereas**, In order to license their dogs, owners must fill out an application through the New York City Department of Health and Mental Hygiene (“DOHMH”) and pay a fee; and

**Whereas**, The base fee to license a dog in New York City is \$8.50 if the dog is spayed or neutered and \$34 if the owner does not provide proof that the dog has been spayed or neutered; and

**Whereas**, A.2046/S.5048 (by Assemblyman Brian Kavanaugh/Senator José Serrano) states that the base fee will be determined by local law and that the additional fee for dogs that are not spayed or neutered will be at least 85 percent above the base fee; and

**Whereas**, Furthermore, the additional fee collected for dogs that are not spayed or neutered would be deposited in the animal population control fund; and

**Whereas**, Currently, the animal population control fund has already been authorized by New York City to fund free and subsidized spay and neuter services; and

**Whereas**, According to the proposed bill, any person who fails to renew the license prior to its expiration may be required to pay a late fee upon renewal; and

**Whereas**, The late fee will be set by local law and cannot be more than 20 percent of the amount of the base fee; and

**Whereas**, Ten cents of every fee collected from dog licensing will provide funding for research into diseases of dogs and the search and study of viruses that affect people and animals; and

**Whereas**, Under the proposed legislation, penalties for not licensing a dog would allow for a civil penalty of \$75 for the first violation and no more than \$100 for a subsequent violation within five years of the first violation; and

**Whereas**, However, two affirmative defenses have been added for people who have either: 1) submitted an application or renewal but are waiting to receive the license and 2) if the violation was issued less than thirty days after the expiration date of the license and the person had applied for a renewal; and

**Whereas**, The proposed bill would establish that DOHMH may designate another person or entity, including but not limited to a person who provides care, treatment, services, or merchandise for animals, to process applications for dog licenses, collect, and remit the fees; and

**Whereas**, Current law permits private entities to issue licenses on behalf of the City and authorizes that they collect a \$1 fee; however, the proposed legislation would expand who can process license applications and changes the collection fee to 10 percent of the total fee; and

**Whereas**, The animal population control fund and animal control program were established to provide low cost spay and neuter services; and

**Whereas**, According to the testimony of then Acting Deputy Commissioner of Environmental Health at DOHMH Daniel Kass on April 28, 2010 at a New York City Council Hearing, “increasing the ability for voluntary serialization of owned pets will reduce the number of animals entering the City’s shelters and therefore reduce the number of animals that are euthanized;” and

**Whereas**, Additionally, the New York City Animal Care and Control (“AC&C”) is required by DOHMH to sterilize dogs and cats that are adopted out of shelters; and

**Whereas**, A.2046/S.5048 would allow local law to determine the fees for licensing and designates specific funds for the animal control program and animal control fund; and

**Whereas**, This legislation would help fund important services such as the sheltering and care for stray, abandoned, and dangerous animals; and help prevent additional animals from entering shelter; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon New York State Legislature to pass and the Governor to sign A.2046/S.5048, legislation that would amend current laws relating to animal control, the animal population control fund and licensing of animals in New York City.

Referred to the Committee on Health (preconsidered but laid over by the Committee on Health).

Int. No. 1054

By Council Members Comrie, Barron, Brewer, Cabrera, Chin, Dickens, Eugene, James, King, Koo, Koslowitz, Lander, Mendez, Palma, Richards, Rose, Halloran and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a community recovery plan to respond to emergency conditions.**

*Be it enacted by the Council as follows:*



Section 1. The administrative code of the city of New York is amended to add a new section 30-105 to read as follows:

§ 30-105. Community Recovery Plan.

a. The commissioner shall develop and implement, no later than October 1, 2013, a community recovery plan to be utilized after emergency conditions and potential incidents as such conditions and incidents are described in section 497 of the charter. Such plan shall specify steps that the office, with relevant agencies and other partners, shall take to assist city residents immediately after such conditions and incidents. Such plan shall include, but not be limited to:

(1) an operational timeline of how city resources will be quickly and efficiently deployed immediately after such conditions and incidents, which shall include, at a minimum:

i. a description of ways to leverage community based organizations, service providers and volunteers to ensure that a unified recovery assistance operation is commenced as rapidly as possible; and

ii. a description of ways to leverage federal and state resources in an expedited manner to ensure that resources from all levels of government become immediately available after such conditions and incidents;

(2) a borough recovery director strategy that formalizes the position of the borough recovery director for each of the five boroughs and that will clearly:

i. explain how borough recovery directors are chosen;

ii. provide for the creation of deputy borough recovery directors that can assist the borough recovery director in impacted areas within the designated borough;

iii. detail the specific duties of the borough recovery director and deputies including how such director and deputies will act as points of contact for providing general services and meeting the most critical needs of impacted areas and individuals which shall include, but not be limited to: (1) generator placements; (2) debris removal; (3) shelter operations; (4) food and water distribution; (5) household item distributions; and (6) medical service deployment, including the filling of necessary prescriptions in the event that access to hospitals and pharmacies is hindered;

iv. include a timeline and description of how office and agency partner staff will be deployed to impacted areas immediately after such conditions and incidents, which shall include predetermined and mobile locations, and specifics about how information will be conveyed among staff within the borough recovery director structure;

v. describe how borough recovery directors, deputy borough recovery directors and office staff will work with community based organizations and service providers in recovery assistance operations; and

vi. create a citywide uniform information sharing and distribution plan to be used by each borough recovery director to properly inform residents, elected officials, and the press about the services available through the borough recovery director and his or her team on the ground;

(3) a field recovery office strategy that shall clearly determine where field offices will be located after such conditions and incidents in affected communities and shall account for all the administrative and functional items necessary for successful operation such as furniture procurement, internet and phone access, signage, and translation services;

(4) an access to disaster benefits action strategy that requires office staff and borough recovery directors to work with federal and state representatives, and sets forth a detailed plan on how office staff and borough recovery directors will assist impacted individuals with access to disaster benefits; and

(5) an information dissemination strategy that identifies and utilizes major hubs and distribution centers to share information about all city services to clients, elected officials, and press.

§2. This local law shall take effect take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1055

By Council Members Comrie, Koo, Mendez, Barron, Brewer, Cabrera, Chin, Dromm, Eugene, James, Koppell, Koslowitz, Lander, Palma, Rose, Vann, Vacca, and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to report information concerning vehicle collisions in which a driver left the scene of the collision.**

Be it enacted by the Council as follows:

Section 1. Section 153 of title 14 of the administrative code of the city of New York is amended by adding a new subdivision c and by amending subdivision b to read as follows:

b. The data required pursuant to *subdivision a* of this section shall be published on the department's website for the whole city and disaggregated by borough and police precinct, and shall be searchable by intersection, except for the data required under paragraph one of subdivision a, which shall be disaggregated by borough and police precinct only. Such data shall be updated at least once every month.

c. On a biannual basis, the department shall report to the council on the number of traffic-related incidents involving at least one vehicle that result in serious injury or death and where the driver of a vehicle involved in such incident left the scene of such incident without reporting, disaggregated by precinct. Additionally, the department shall provide a brief description of what steps were taken to investigate each such incident, noting the cross streets of the incident. For purposes of this subdivision, "seriously injured" shall mean those injuries categorized as "A" injuries by the New York state department of motor vehicles.

§ 2. This local law shall take effect 120 days after its enactment into law.

Referred to the Committee on Public Safety.

Res. No. 1795

**Resolution proclaiming the month of June as African American Music Appreciation Month.**

By Council Members Comrie, Dickens, Foster, Vann, Williams, Barron, Cabrera, Chin, Dromm, Eugene, James, King, Koo, Koslowitz, Mendez, Palma, Richards and Rose.

**Whereas**, Music has consistently been a medium for African Americans to communicate their experiences and explore their duality of culture; and

**Whereas**, From the spirituals that communicated an unbreakable faith and plans of freedom for enslaved Africans to Hip Hop songs that expose the world to the African American experience, music has been used by African Americans to address social issues, pass on traditions and protest injustice; and

**Whereas**, Whether considered Hip Hop, Rhythm and Blues, Jazz, Funk, or Neo-Soul, African American music often contains elements of faith underscoring the power in the message and melody of the earliest spirituals; and

**Whereas**, African American music such as Gospel music was born out of the inability of African Americans to worship in houses of faith with other Americans; and

**Whereas**, Through music, artists such as Mahalia Jackson, Shirley Ceasar, The Winans, Take 6 and Mary Mary showcase the breadth of African American fortitude; and

**Whereas**, Historic points such as the events of the Civil Rights Movement, the protests of apartheid in South Africa and the call to acknowledge HIV and AIDS as a global pandemic were commemorated and solemnized by coalitions of African American artists; and

**Whereas**, The music of Louis Armstrong, Dorothy Dandridge, Lena Horne, Duke Ellington, Bessie Smith, Nora Douglas, Nina Simone, John Coltrane, Marvin Gaye, Curtis Mayfield and James Brown, helped to break down racial barriers in the United States; and

**Whereas**, The music of these artists continues to be expressed and highlighted in the music of Jill Scott, the Roots, Erykah Badu, Mary J. Blige, Common, Miguel, and countless other African American artists; and

**Whereas**, Contemporary African American artists are following in the tradition of their predecessors by using music to promote positive self-awareness, encourage voter participation and to end gun violence and domestic violence; and

**Whereas**, These artists have also raised a collective voice and illuminated the need to reform New York State's antiquated drug policies that largely affect African American people living in the City; and

**Whereas**, Notably, the City has produced many musical artists that have contributed to African American culture; and

**Whereas**, We appreciate every note sung and every instrument played in Addisleigh Park and Corona, Queens by Count Basie, Ella Fitzgerald and Fats Waller; and

**Whereas**, The music of the Harlem Renaissance during the 1920s and 1930s reinvigorated African American culture in the City; and

**Whereas**, The musical styles of Harry Belafonte and Luther Vandross, are both shining example of African American music by artists that were born in Manhattan that reflect the variety of this rich musical culture; and

**Whereas**, The Bronx gave birth to a musical tradition that would forever change the world, Hip Hop, in the 1970s; and

**Whereas**, Jay-Z, one of today's most renowned Brooklyn-born Hip Hop artists, has made several contributions to the City, including sold out concerts in Madison Square Garden and Barclay's Center, and whose hit song "Empire State of Mind" became the anthem for the New York Yankees 2009 World Champions; and

**Whereas**, We recognize the indelible mark that African American music has made on the landscape of our City; now, therefore, be it

**Resolved**, That the Council of the City of New York proclaims the month of June as African American Music Appreciation Month.

Referred to the Committee on Cultural Affairs, Libraries, & International Intergroup Relations.



Res. No. 1796

**Resolution recognizing the contributions of Caribbean Americans and people of Caribbean descent to the City of New York and designating the month of June as “Caribbean Heritage Month.”**

By Council Members Comrie, Williams, Arroyo, Barron, Chin, Dickens, Dromm, Eugene, James, King, Koo, Koppell, Koslowitz, Lander, Mendez, Palma, Recchia, Richards and Rose.

**Whereas**, People of Caribbean ancestry have a long and distinguished history in New York City; and

**Whereas**, New York City’s Caribbean American population represents a wide array of countries, ranging from the Dominican Republic and Puerto Rico, to the many islands of the West Indies; and

**Whereas**, In New York City, there are at least 2.7 million individuals who are of West Indian descent, not including Hispanic origin groups, 761,720 who are of Puerto Rican descent, 622,374 who are of Dominican descent and 38,331 who are of Cuban descent, according to the 2011 American Community Survey; and

**Whereas**, Caribbeans are among New York City’s oldest and most established ethnic groups, having lived in New York City since the City’s founding in the 17<sup>th</sup> century; and

**Whereas**, This remarkably diverse population has brought an extraordinary variety of cultural influences into the City; and

**Whereas**, Caribbean Americans in New York City have risen to distinction in countless fields ranging from government to the arts, and include such influential and accomplished New Yorkers as Alexander Hamilton, the first Secretary of the Treasury, Shirley Chisholm, the first African American elected to the United States Congress, civil rights leader Marcus Garvey, historian and writer Arthur Schomburg, former Secretary of State Colin Powell, actor and musician Harry Belafonte, and legendary actor Sidney Poitier; and

**Whereas**, In June 2005, the House of Representatives unanimously adopted H. Con. Res. 71, recognizing the significance of Caribbean people and their descendants in the history and culture of the United States and on February 14, 2006, the resolution similarly passed the Senate; and

**Whereas**, Since the declaration, the White House has issued an annual proclamation recognizing June as Caribbean-American Heritage Month; and

**Whereas**, The extraordinary music, dance, poetry, theatre and cuisine of the Caribbean region have greatly enriched the cultural life of New York City; and

**Whereas**, Caribbean Americans have earned the recognition of New York City’s government for the important roles that they and their ancestors have played in the development of the City; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes the contributions of Caribbean Americans and people of Caribbean descent to the City of New York and designates the month of June as “Caribbean Heritage Month.”

Referred to the Committee on Cultural Affairs, Libraries, & International Intergroup Relations.

Res. No. 1797

**Resolution urging the Commissioner of the New York City Police Department to establish and implement procedures requiring police officers to obtain and review any and all available surveillance video within 24 hours in all cases where a driver leaves the scene of a motor vehicle accident that resulted in the death or critical injury of another.**

By Council Members Comrie, Koo, Mendez, Barron, Brewer, Chin, Dromm, Fidler, James, Koppell, Koslowitz, Lander, Palma, Richards and Vann.

**Whereas**, Hit-and-run drivers attempt to evade personal responsibility by leaving the scene of motor vehicle accidents and fail to report the accident to the appropriate authorities; and

**Whereas**, Law enforcement officials have the difficult task of identifying and apprehending those individuals who leave the scene of accidents; and

**Whereas**, In New York City, the New York City Police Department (NYPD) is responsible for responding to and investigating all motor vehicle accidents including hit-and-run accidents; and

**Whereas**, Upon arriving to the scene of an accident, the NYPD determines if anyone has been injured; and

**Whereas**, The NYPD’s level of response to a motor vehicle accident depends on several factors, including but not limited to: (i) severity of the victim’s injuries, (ii) the extent of the damage, (iii) whether the facts or degree of damage indicate the operator intentionally left the scene knowing he or she caused damage, and (iv) availability of witnesses to testify, among other factors; and

**Whereas**, For motor vehicle accidents that result in death or critical injury, the NYPD deploys patrol officers, detective squad members, and the Highway District’s Collision Investigation Squad (“CIS”) to the scene; and

**Whereas**, CIS is a specialized unit comprised of, among others, detectives who conduct a comprehensive investigation at the accident scene, including interviewing witnesses, preparing crash scene diagrams, and analyzing physical evidence; and

**Whereas**, In order to ensure that the NYPD reviews all crash scene evidence

within a reasonable time period, the NYPD should mandate that its officers obtain and review all available surveillance video located near the crime scene within 24 hours of a motor vehicle accident that results in death or critical injury; and

**Whereas**, Reviewing all video surveillance within 24 hours is an important element of an investigation since most cameras operate on a time loop that erases previous footage; and

**Whereas**, Such crucial crime scene evidence should not be compromised given the numerous hit-and-run accidents that occur on the streets of New York City; and

**Whereas**, On November 2, 2012, in one such incident, Dante Dominguez, a 45-year-old father, was reportedly struck and killed by a driver in Flushing, Queens; and

**Whereas**, According to reports, the driver left the scene of the accident and has yet to be identified; and

**Whereas**, Reports indicate in October 2010, an alleged speeding driver hit James Paz and Michelle Matson and fled the scene; and

**Whereas**, Mr. Paz suffered a broken rib while Ms. Matson suffered a fractured skull, a broken neck and a broken leg; and

**Whereas**, Despite witnesses who saw the car hit Ms. Matson, the driver has yet to be identified; and

**Whereas**, NYPD should seek out and review surveillance video within 24 hours to assist them in apprehending hit-and-run drivers and bring justice to accident victims; now, therefore, be it

**Resolved**, That the Council of the City of New York urges the Commissioner of the New York City Police Department to establish and implement procedures requiring police officers to obtain and review any and all available surveillance video within 24 hours in all cases where a driver leaves the scene of a motor vehicle accident that resulted in the death or critical injury of another.

Referred to the Committee on Public Safety.

Preconsidered Res. No. 1798

**Resolution calling on the New York State Legislature to pass and the Governor to sign A.740/S.3753, which allows municipalities to regulate pet dealers as long as the law, rule, regulation, or ordinance is not less stringent than state law.**

By Council Members Crowley, Lappin, Arroyo, Rose, Vann, Chin, Comrie, Dromm, Eugene, Jackson, James, Koppell, Lander, Mark-Viverito and Palma.

**Whereas**, On January 9, 2013, A.740/S.3753, an act to amend the Agriculture and Markets Law and the General Business Law, in relation to the preemption of local laws, and to repeal section 400-a of the Agriculture and Markets Law and section 753-e of the General Business Law relating thereto, was introduced; and

**Whereas**, The Agriculture and Markets Law and General Business Law currently prohibit municipalities from regulating the sale of animals in pet stores; and

**Whereas**, Pet stores in New York are permitted to sell dogs and cats that have not been spayed or neutered; and

**Whereas**, The supply of adoptable pets in New York City exceeds the demand, resulting in thousands of animals being abandoned and euthanized; and

**Whereas**, In 2011, NBC New York has found that most of the puppies sold in New York pet stores are purchased from puppy mills; and

**Whereas**, The Humane Society estimates that there are at least 10,000 puppy mills in the United States that are producing up to 4 million puppies a year and that most of the puppy mills are unlicensed and unmonitored; and

**Whereas**, Puppy mills keep animals in cramped areas while breeding large numbers of dogs at the same time; and

**Whereas**, New York State allows puppy mills to operate as long as the animals are given food and water; and

**Whereas**, The Times Union recently conducted a special segment on the increase of puppy mills in upstate New York where a reporter found that the basic requirements of food and water are not being met by many puppy mills; and

**Whereas**, Dr. Ann Hohenhaus of the Animal Medical Center in Manhattan says the lack of government oversight helps to foster the environment necessary for unscrupulous puppy mill transactions; and

**Whereas**, According to Dr. Hohenhaus, puppies need to socialize with humans within the first 14 weeks of their lives or they will be at a high risk of developing behavioral problems and become unwanted pets; and

**Whereas**, Dogs rescued or purchased from puppy mills often have chronic ailments, skin and eye infections and rotten teeth; and

**Whereas**, Some of the dogs rescued or purchased from puppy mills are inevitably euthanized because they are very ill and unadoptable; and

**Whereas**, Allowing municipalities in New York State to set rules and regulations appropriate for their jurisdictions will create transparency around the operations of puppy mills and pet stores and help prevent dogs from unnecessarily being euthanized; 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.740/S.3753, which allows municipalities to regulate pet dealers as long as the law, rule, regulation, or ordinance is not less stringent than state law.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Health).

*Editor's Int No. 1056 Note: The full text of Int No. 1056 is over 2,440 pages long. Due to the sheer length of this bill, an edited version is printed below for the purposes of these Minutes. For the full text of this bill, please refer to the New York City Council website at <http://council.nyc.gov>. The edited version below contains the first paragraph of Section 1 and the entire sections 2, 3, and 4 of the bill. Parts A, B, C, D, and E of Section 1 have not been printed in these Minutes—these Parts contain the amendments bringing the New York City Plumbing Code, the New York City Building Code, the New York City Mechanical Code, and the New York City Fuel Gas Code up to date with the 2009 editions of the International Plumbing, Building, Mechanical, and Fuel Gas Codes published by the International Code Council with differences to accommodate the unique nature of construction in New York City (see Section 1. Legislative Intent below).*

Int. No. 1056

By Council Members Dilan, Comrie, Dickens, Koo, Richards, and Rose (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code in relation to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, with differences that reflect the unique character of the city and clarifying and updating administration and enforcement of such codes and the 1968 code.**

*Be it enacted by the Council as follows:*

Section 1. Legislative intent. This local law implements sections 28-601.1, 28-701.1, 28-801.1 and 28-901.1 of the administrative code, which require triennial updates of the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code to reflect changes in the International Plumbing, Building, Mechanical and Fuel Gas Codes. These amendments will bring the New York city codes up to date with the 2009 editions of the International Plumbing, Building, Mechanical and Fuel Gas Codes published by the International Code Council, with differences to accommodate the unique nature of construction in the City. The local law is divided into parts A through E. Part A contains amendments to chapters 1 through 5 of title 28 of the administrative code in separately numbered sections within part A. Chapters 1 through 5 contain general provisions governing administration and enforcement of all such codes and the 1968 code. Parts B, C, D and E contain amendments to chapters 6 through 9 of title 28 of the administrative code and to the codes within such chapters - chapter 6, containing the New York city plumbing code (part B); chapter 7, containing the New York city building code, (part C); chapter 8, containing the New York city mechanical code, (part D); and chapter 9, containing the New York city fuel gas code, (part E). Parts C, D and E are further divided into subparts with each subpart consisting of amendments to a chapter or appendix of the relevant code in separately numbered sections within the subpart.

**[Editor's Note: Parts A, B, C, D, and E of Section 1 are not printed in these Minutes; please see Editor's Int No. 1056 Note printed immediately above the text of this bill for further explanation]**

Section 2. Notwithstanding any other law or rule, tables, figures or equations in PDF or other electronic format to be added to the New York city construction codes or amended pursuant to this local law need not be underlined to denote new matter being added. The absence of underlining to denote new matter being added shall not affect the validity of new tables, figures or equations in PDF or other electronic format to be added to the New York city construction codes or amended pursuant to this local law.

Section 3. Section 3 of local law 41 for the year 2012 is amended to read as follows:

§3. This local law shall take effect [on the same date as the effective date of a local law amending the administrative code of the city of New York in relation to bringing the New York city building code up to date with the 2009 edition of the International Building Code published by the International Code Council] 270 days after the date of enactment of the local law that amended this section.

Section 4. This local law shall take effect 270 days after the date of its enactment into law except that sections 2 and 3 of this local law shall take effect immediately and the commissioner of buildings may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

Referred to the Committee on Housing and Buildings.

Preconsidered Int. No. 1057

By Council Members Dilan, Barron, Chin, Comrie, Gennaro, Jackson, James, Koo, Lander, Nelson, Rose, Vallone, Vann, Williams and Ulrich (in conjunction with the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to extending the waiver of certain permit and inspection fees for work related to plumbing and electrical systems in buildings damaged by the severe storm that occurred on October 29 and 30, 2012, commonly referred to as "Hurricane Sandy."**

*Be it enacted by the Council as follows:*

Section 1. Section 28-112.10.2 of the administrative code of the city of New York is amended to read as follows:

**§28-112.10.2 Storm related damage to electrical and plumbing systems.** In buildings other than eligible buildings, fees shall be waived only for applications, permits and inspections for work related to plumbing and electrical systems damaged by such storm. Applicants must submit certification by a licensed master electrician or a licensed master plumber or fire suppression piping contractor that the proposed work is related to such storm damage. The commissioner may request the applicant to submit additional information relating to the damage. Waiver of such fees pursuant to this section shall be applicable for jobs where the initial application for construction document approval or, if no construction documents are required, application for permit is submitted on or after October 30, 2012 and on or before [April 30] December 31, 2013.

§2. This local law shall take effect immediately and shall be retroactive to and shall be deemed to have been in full force and effect on and after April 30, 2013.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Housing and Buildings).

Int. No. 1058

By Council Members Ferreras, Arroyo, Barron, James, Koo, Koppell, Lander, Mendez, Palma, Vann and Van Bramer.

**A Local Law to amend the New York city charter, in relation to transparency of the office of the chief medical examiner.**

*Be it enacted by the Council as follows:*

Section 1. Section 557 of chapter 22 of the New York city charter is amended by adding a new subdivision (i) to read as follows:

(i) (1) For the purpose of this subdivision, the following terms shall have the following meanings:

(A) "Forensic DNA laboratory" shall have the same meaning as set forth in section 995 of article 49-B of the executive law.

(B) "Proficiency test" shall mean such testing required by section 995 of article 49-B of the executive law.

(C) "Proficiency testing report" shall mean an annual report produced by the office of chief medical examiner which reports the number of employees working in the forensic DNA laboratory of the office of chief medical examiner who have taken a proficiency test that year, and the average score and average pass rate of all such employees on such tests.

(2) The office of chief medical examiner shall annually prepare a proficiency testing report and shall include comparison data for each of the previous five years as available.

(3) The office of chief medical examiner shall post and maintain the following concerning the forensic DNA laboratory of the office of chief medical examiner on the website of the office of chief medical examiner:

(A) current copies of all manuals, guidelines, or other documents relating to scientific procedures and/or protocols, quality assurance and quality control procedures and/or protocols, materials used for the training of lab workers, and evidence and case management procedures;

(B) the most recent copy of a proficiency testing report; and

(C) current copies of all certificates of accreditation issued to the forensic DNA laboratory of the office of chief medical examiner, whether by a governmental entity or a non-governmental entity responsible for the accreditation of such laboratory.

Section 2. This local law shall take effect immediately.

Referred to the Committee on Health.

Preconsidered Res. No. 1799

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, the Women's Equality Act.**

By Council Members Ferreras, Rodriguez, Lappin, Recchia, Barron, Brewer, Chin, Arroyo, Comrie, Dickens, Dromm, Eugene, Jackson, James, Koo, Koslowitz, Lander, Mark-Viverito, Palma, Rose, Van Bramer, Vann and Koppell.

**Whereas,** In his January 2013 State of the State address, Governor Andrew Cuomo outlined 10 points for a women's equality agenda seeking to strengthen women's rights and protections in New York; and

**Whereas,** On June 4, 2013, Governor Cuomo delivered the "Women's Equality Act" to the New York State Legislature and is awaiting its formal introduction by the Assembly and Senate; and

**Whereas,** The Women's Equality Act is a comprehensive legislative package that includes 10 points which cover a wide array of protections and areas of law; and

**Whereas,** For example, the Act would seek to shatter the glass ceiling by passing an equal pay law which would increase damages for underpayment or discrimination in the workplace, and would also include legislation that would ban sexual harassment in every workplace regardless of size; and

**Whereas,** The Women's Equality Act would also strive to strengthen lending and credit discrimination laws; and

**Whereas,** Furthermore, the Act would work to further protect some of the most vulnerable in our State, by enhancing and strengthening human trafficking laws; and

**Whereas,** Additionally, the Act would include language barring discrimination against Section 8 voucher-holders and other housing-seekers based on the source of their income; and

**Whereas,** Further protections included in the Act would strive to end housing discrimination for victims of domestic violence; and

**Whereas,** In addition, the Women's Equality Act would include provisions aimed at ending pregnancy discrimination; and

**Whereas,** Another provision of the Act would seek to protect victims of domestic violence by strengthening the orders of protection laws; and

**Whereas,** Finally, the Act would protect a woman's freedom of choice by aligning State law with existing federal law which protects a woman's right to have an abortion prior to fetal viability or when necessary to protect the health and life of the woman; and

**Whereas,** The Women's Equality Act is designed to address gender inequality in its many forms and restore New York's status as a leader in women's rights; and

**Whereas,** Over eight hundred groups, businesses and individuals support the Women's Equality Act and strongly encourage moving this agenda forward by passing this comprehensive legislation before the end of the current session; 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, the Women's Equality Act.

Adopted by the Council by voice-vote (preconsidered and adopted by the Committee on Women's Issues).

Int. No. 1059

By Council Members Fidler, James, Chin, Recchia, Comrie, Weprin, Palma, Foster, Brewer, Arroyo, Dickens, Jackson, King, Koo, Koppell, Lander, Mendez, Rose, Vann, Greenfield, Koslowitz, Nelson, Mark-Viverito, Vacca, Vallone, Jr., Dromm and Van Bramer

**A Local Law to amend the administrative code of the city of New York, in relation to regulating the act of using three-dimensional printers to print firearms, ammunition and ammunition feeding devices.**

*Be it enacted by the Council as follows:*

Section 1. Section 10-301 of chapter 3 of title 10 of the administrative code of the city of New York is amended by adding a new paragraph 21 to read as follows:

21. "Three-dimensional printer." *A computer-driven machine capable of producing a three-dimensional object from a digital model.*

§2. Subdivision a of section 10-302 of chapter 3 of title 10 of the administrative code of the city of New York is amended to read as follows:

a. It shall be unlawful for any person or business enterprise to engage in the business of gunsmith, wholesale manufacturer of firearms, assembler of firearms, dealer in firearms, dealer in rifles and shotguns, or special theatrical dealer, unless such person, or business enterprise, has obtained a license to engage in such business in the manner prescribed in this section. *No person shall use a three-dimensional printer to create any firearm, rifle or shotgun or any piece or part thereof, that such person would otherwise be lawfully permitted to create under local, state or federal law, unless such person possesses a license as a gunsmith. Any person using a three-dimensional printer to create any firearm, rifle or shotgun or any piece or part thereof must ensure that such firearm, rifle or shotgun or any piece or part thereof complies with all applicable local, state, and federal laws.* No person shall engage in the business of dealer in rifles and shotguns or special theatrical dealer unless he or she has been issued a permit for the possession of shotguns and rifles pursuant to the provisions of this chapter. No person or business enterprise shall be eligible to apply for or to hold a license as a special theatrical dealer unless such person or business enterprise (1) possesses both a license as a dealer in firearms and a license as a dealer in rifles and shotguns and (2) has possessed such licenses and engaged in such businesses for at least one year.

§3. Paragraph one of subdivision n of section 10-302 of chapter 3 of title 10 of the administrative code of the city of New York is amended to read as follows:

n. Records. (1) Any person licensed under this section shall keep an accurate

book record of every transaction involving a firearm, machine gun, rifle, shotgun or assault weapon. Such record shall be kept in the manner prescribed and contain the information required by the police commissioner. *Any gunsmith using a three-dimensional printer to create any piece or part of a firearm, rifle, or shotgun, in compliance with the provisions of subdivision (a) of this section, shall keep a detailed record of each firearm, rifle, or shotgun, or part thereof, printed and any transaction involving any such piece or part, including any identifying marks and registration information.*

§4. Section 10-302 of chapter 3 of title 10 of the administrative code of the city of New York is amended by adding a new subdivision t to read as follows:

t. *Any gunsmith or dealer in firearms, when selling or disposing of a weapon, ammunition or ammunition feeding device produced in whole or in part by a three-dimensional printer must notify recipients as to the printed nature of some or all of its parts*

§5. Subdivision a of section 10-304 of chapter 3 of title 10 of the administrative code of the city of New York is amended to read as follows:

a. It shall be unlawful for any person to have in his or her possession any rifle or shotgun unless said person is the holder of a certificate of registration for such rifle or shotgun. *Any gunsmith who creates a rifle or shotgun produced in whole or in part by a three-dimensional printer must notify the NYPD and seek registration within seventy-two hours of having completed the printing of said rifle or shotgun.*

§6. Section 10-306 of chapter 3 of title 10 of the administrative code of the city of New York is amended by adding a new subdivision i to read as follows:

i. *Any ammunition or ammunition feeding device produced in whole or in part by a three-dimensional printer must comply with all of the provisions in this section and with all applicable local, state and federal laws relating to the possession, sale or disposal of such an item.*

§7. Section 10-309 of chapter 3 of title 10 of the administrative code of the city of New York is amended by adding a new subdivision c, to read as follows:

c. *Any firearm, rifle or shotgun created using a three-dimensional printer and sold or otherwise disposed of by a licensed dealer, which does not contain a manufacturer's or serial number, must have a dealer's number imbedded into it. Failure to so mark and identify any such firearm, rifle or shotgun shall be a violation of this section.*

§8. Subdivision a of section 10-311 of chapter 3 of title 10 of the administrative code of the city of New York is amended to read as follows:

a. It shall be unlawful for any person or business enterprise to dispose of any weapon, *including one created in whole or in part with the use of a three-dimensional printer,* which does not contain a safety locking device. For the purposes of this section and section 10-312: (1) weapon shall mean a firearm, rifle, shotgun, or assault weapon, as such terms are defined in section 10-301; or a machine gun, as defined in the penal law; and (2) a safety locking device shall mean a design adaptation or attachable accessory that will prevent the use of the weapon by an unauthorized user, and includes, but is not limited to, a trigger lock, which prevents the pulling of the trigger without the use of a key, or a combination handle, which prevents the use of the weapon without the alignment of the combination tumblers.

§9. Effect of invalidity; severability. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

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

Referred to the Committee on Public Safety.

Int. No. 1060

By Council Members Fidler, James, Gentile, Brewer, Comrie, Dickens, King, Koslowitz, Lander, Levin, Vann, Dromm, Ferreras, Gonzalez, Mendez, Palma, Richards, Rivera, Van Bramer and Nelson (in conjunction with the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to restrictions on the sale or use of certain polystyrene items.**

*Be it enacted by the Council as follows:*

Section 1. The opening paragraph of subdivision a of section 16-324 of the administrative code of the city of New York, as amended by local law number 34 for the year 2010, is amended to read as follows:

a. Subject to the provisions of subdivision b of this section, any person who violates this chapter, except subdivision f of section 16-308 of this chapter [or], *section 16-310.1 of this chapter or section 16-329 of this chapter,* or any rule promulgated pursuant thereto, shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding returnable before the environmental control board, as follows:

§ 2. Subdivision d of section 16-324 of the administrative code of the city of New York, as amended by local law number 34 for the year 2010, is amended to read as follows:

d. Any notice of violation or notice of hearing for a violation issued to the owner, net lessee or person in charge of a premises *or to a food service establishment, mobile food commissary, store, or manufacturer at which or by whom*



a violation of this chapter or any rule promulgated thereto is alleged to have occurred shall be served by delivering a copy of the notice thereof at the address maintained in the records of the department of housing preservation and development or the department of finance. The notice of violation or notice of hearing may be served by regular mail or in accordance with section one thousand forty-nine-a of the charter.

§ 3. Section 16-324 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

*e. Any person who violates section 16-329 of this chapter shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner, or in a proceeding returnable before the environmental control board, in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on a different day within a period of twelve months.*

§ 4. Title 16 of the administrative code of the city of New York is amended by adding a new subchapter nine to read as follows:

**SUBCHAPTER 9**

**RESTRICTIONS ON THE SALE OR USE OF CERTAIN EXPANDED POLYSTYRENE ITEMS**

*§16-329 Restrictions on the sale or use of certain expanded polystyrene items. a. Definitions. When used in this section:*

*“Expanded polystyrene” means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene).*

*“Food service establishment” means a premises or part of a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle. Food service establishment shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts and cafeterias.*

*“Manufacturer” means every person, firm or corporation that:*

*1. produces expanded polystyrene or polystyrene loose fill packaging that is sold or distributed in the city of New York; or*

*2. imports expanded polystyrene or polystyrene loose fill packaging that is sold or distributed in the city of New York.*

*“Mobile food commissary” shall mean any facility that:*

*1. disposes of solid waste generated by the operation of a food service establishment that is located in or is a pushcart, stand or vehicle; or*

*2. supplies potable water and food, whether pre-packaged by the manufacturer or prepared at the mobile food commissary, and supplies non-food items.*

*“Polystyrene loose fill packaging,” commonly known as packing peanuts, means a void filled packaging product made of expanded polystyrene that is used as a packaging fill.*

*“Single service articles” means cups, containers, lids, closures, trays, plates, knives, spoons, stoppers, paddles, straws, place mats, napkins, doilies, wrapping materials, toothpicks and all similar articles that are intended by the manufacturer to be used once for eating or drinking and generally recognized by the public as items to be discarded after one use.*

*“Store” means a retail or wholesale establishment, other than a food service establishment.*

*b. Beginning July first, two thousand fifteen, no food service establishment, mobile food commissary, or store shall sell or provide single service articles that consist of expanded polystyrene including but not limited to providing food in single service articles that consist of expanded polystyrene. This subdivision shall not apply to (1) expanded polystyrene containers used for prepackaged food that have been filled and sealed prior to receipt by the food service establishment or store and (2) expanded polystyrene containers used to store raw, butchered meats, fish or poultry sold from a butcher case or similar retail appliance.*

*c. Beginning July first, two thousand fifteen, no manufacturer or store shall sell or offer for sale polystyrene loose fill packaging in the city of New York.*

*d. The department, the police department, the department of health and mental hygiene and the department of consumer affairs shall have the authority to enforce the provisions of this subchapter.*

§ 5. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Preconsidered State Legislation Res. No. 1

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Klein, Dilan, Espaillat, Peralta, Squadron, S.4459-A, and Assembly Members Glick, Millman, Cook, Gottfried, Weprin, Titone, Rosenthal, Ortiz, Brook-Krasny, Hevesi, Markey, Maisel, Moya, Clark, Quart, Gjonaj, Kellner, Skoufis, Gabryszak, Miller, Aubry, and Hennessey, et al, A.4327-A, “AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices; and providing for the repeal of such provisions upon expiration thereof”.**

By Council Members Foster, Comrie, Dromm, James, Mendez, Palma and Rose.

**Whereas**, Bills have been introduced in the New York State Legislature by Senators Klein, Dilan, Espaillat, Peralta, Squadron, S.4459-A, and Assembly Members Glick, Millman, Cook, Gottfried, Weprin, Titone, Rosenthal, Ortiz, Brook-Krasny, Hevesi, Markey, Maisel, Moya, Clark, Quart, Gjonaj, Kellner, Skoufis, Gabryszak, Miller, Aubry, and Hennessey, et al, A.4327-A, “AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices; and providing for the repeal of such provisions upon expiration thereof”; 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).

Preconsidered State Legislation Res. No. 2

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Felder, S.4548, and Assembly Member Farrell, A.6764-A, “AN ACT to amend the tax law, in relation to a credit against personal income taxes imposed by certain cities for certain household and dependent care services necessary for gainful employment”.**

By Council Members Foster, Comrie, Dickens, Fidler and Palma .

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Felder, S.4548, and Assembly Member Farrell, A.6764-A, “AN ACT to amend the tax law, in relation to a credit against personal income taxes imposed by certain cities for certain household and dependent care services necessary for gainful employment”; 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).

Preconsidered State Legislation Res. No. 3

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.4650, and Assembly Member Abbate, A.6579, “AN ACT to amend the general municipal law, in relation to training of fire officers in cities of one million or more”.**

By Council Members Foster, Comrie and Palma.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Golden, S.4650, and Assembly Member Abbate, A.6579, “AN ACT to amend the general municipal law, in relation to training of fire officers in cities of one million or more”; and

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Res. No. 4

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.4907, and Assembly Member Abbate, A.6867, “AN ACT to amend the state finance law, in relation to establishing employee representative participation on the city of New York deferred compensation plan board”.**

By Council Members Foster, Comrie, Palma and Vann.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Golden, S.4907, and Assembly Member Abbate, A.6867, “AN ACT to amend the state finance law, in relation to establishing employee representative participation on the city of New York deferred compensation plan board”; *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).

Preconsidered State Legislation Res. No. 5

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Serrano, S.5048, and Assembly Members Kavanagh, Glick, Magee, Englebright, Brennan, Cook, Dinowitz, Galef, Millman, Ortiz, and Weisenberg, A.2046, “AN ACT to amend chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing of dogs in a certain city; to amend the administrative code of the city of New York, in relation to the animal population control fund; and to repeal certain provisions of chapter 115 of the laws of 1894, relating to the better protection of lost or strayed animals and for securing the rights of owners thereof, relating to licensing of dogs in a certain city”.**

By Council Members Foster, Comrie, James, Mendez, Palma and Vann.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Serrano, S.5048, and Assembly Members Kavanagh, Glick, Magee, Englebright, Brennan, Cook, Dinowitz, Galef, Millman, Ortiz, and Weisenberg, A.2046, “AN ACT to amend chapter 115 of the laws of 1894, relating to the better protection of lost and strayed animals and for securing the rights of owners thereof, in relation to licensing of dogs in a certain city; to amend the administrative code of the city of New York, in relation to the animal population control fund; and to repeal certain provisions of chapter 115 of the laws of 1894, relating to the better protection of lost or strayed animals and for securing the rights of owners thereof, relating to licensing of dogs in a certain city”; *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).

Preconsidered State Legislation Res. No. 6

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.5238, and Assembly Member Scarborough, A.2355, “AN ACT to amend the tax law, in relation to authorizing 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 Foster, Comrie and Palma.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Golden, S.5238, and Assembly Member Scarborough, A.2355, “AN ACT to amend the tax law, in relation to authorizing 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” *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).

Preconsidered State Legislation Res. No. 7

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senate Committee on Rules, S.5663, and Assembly Member Aubry, A.7826, “AN ACT to amend the administrative code of the city of New York, in relation to the leasing of property in the environs of a tennis stadium and center in Flushing Meadows-Corona Park in the borough of Queens and to replace certain descriptions of property subject to such property lease and to rededicate certain property as park land”.**

By Council Members Foster and Comrie.

**Whereas**, Bills have been introduced in the New York State Legislature by Senate Committee on Rules, S.5663, and Assembly Member Aubry, A.7826, “AN ACT to amend the administrative code of the city of New York, in relation to the leasing of property in the environs of a tennis stadium and center in Flushing Meadows-Corona Park in the borough of Queens and to replace certain descriptions of property subject to such property lease and to rededicate certain property as park land”; *and*

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Res. No. 8

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.5737, and Assembly Member Farrell, A.7827, “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 two thousand fourteen”.**

By Council Members Foster, Comrie and Palma.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Golden, S.5737, and Assembly Member Farrell, A.7827, “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 two thousand fourteen”; *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).



Preconsidered Int. No. 1061

By Council Members Gennaro, Levin, Eugene, Fidler, Mark-Viverito, Mendez, Palma and Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing the emissions of pollutants from vehicles used by or on behalf of the city of New York.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 24-163.4 of the administrative code of the city of New York is amended by adding a new paragraph 8 to read as follows:

(8) “Biodiesel” means a fuel, designated B100, that is composed exclusively of mono-alkyl esters of long chain fatty acids derived from feedstock and that meets the specifications of the American society of testing and materials designation D 6751-09a.

§ 2. Paragraph 1 of subdivision b of section 24-163.4 of the administrative code of the city of New York is amended to read as follows:

b. (1) Each diesel fuel-powered motor vehicle owned or operated by a city agency shall be powered by an ultra low sulfur diesel fuel blend containing biodiesel as follows:

i. for the fiscal year beginning July 1, 2014, an ultra low sulfur diesel fuel blend containing at least five percent biodiesel (B5) by weight;

ii. for the fiscal year beginning July 1, 2015, an ultra low sulfur diesel fuel blend containing at least ten percent biodiesel (B10) by weight; and

iii. for the fiscal year beginning July 1, 2016, and thereafter, an ultra low sulfur diesel fuel blend containing at least twenty percent biodiesel (B20) by weight.

§ 3. Subdivision b of section 24-163.4 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

(3) Notwithstanding any provisions of subdivision c of this section, diesel fuel-powered motor vehicles having a gross vehicle weight rating of more than 8,500 pounds that are owned or operated by city agencies shall utilize the best available retrofit technology that meets the level 4 emission control strategy as defined in subdivision d of this section, or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent, pursuant to the following schedule:

i. 50% of all such motor vehicles by January 1, 2014;

ii. 70% of all such motor vehicles by January 1, 2015;

iii. 90% of all such motor vehicles by January 1, 2016;

iv. 100% of all such motor vehicles by January 1, 2017.

§ 4. Subdivision a of section 24-163.5 of the administrative code of the city of New York is amended by adding a new paragraph 15 to read as follows:

(15) “Biodiesel” means a fuel, designated B100, that is composed exclusively of mono-alkyl esters of long chain fatty acids derived from feedstock and that meets the specifications of the American society of testing and materials designation D 6751-09a.

§ 5. Paragraph 1 of subdivision b of section 24-163.5 of the administrative code of the city of New York is amended to read as follows:

b. (1) Any solid waste contract or recyclable materials contract shall specify that all diesel fuel-powered motor vehicles and diesel fuel-powered nonroad vehicles used in the performance of such contract that operate primarily within the city of New York shall be powered by an ultra low sulfur diesel fuel blend containing biodiesel, and all contractors in the performance of such contract shall comply with such specification, as follows:

i. for the fiscal year beginning July 1, 2014, an ultra low sulfur diesel fuel blend containing at least five percent biodiesel (B5) by weight;

ii. for the fiscal year beginning July 1, 2015, an ultra low sulfur diesel fuel blend containing at least ten percent biodiesel (B10) by weight; and

iii. for the fiscal year beginning July 1, 2016, and thereafter, an ultra low sulfur diesel fuel blend containing at least twenty percent biodiesel (B20) by weight.

§ 6. Subdivision b of section 24-163.5 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

(3) Notwithstanding any provisions of subdivision c of this section, any solid waste contract or recyclable materials contract shall specify that, as of January 1, 2017, all diesel fuel-powered motor vehicles and diesel fuel-powered nonroad vehicles used in the performance of such contract that operate primarily within the city of New York shall utilize the best available retrofit technology that meets the level 4 emission control strategy as defined in subdivision d of this section, or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent, and all contractors in the performance of such contract shall comply with such specification.

§ 7. Subdivision b of section 24-163.6 of the administrative code of the city of New York is amended to read as follows:

b. (1) Beginning January 1, 2007, any diesel fuel-powered sight-seeing bus that is licensed pursuant to subchapter 21 of chapter 2 of title 20 of the administrative code and that is equipped with an engine that is over three years old shall utilize the best available retrofit technology.

(2) Notwithstanding any provisions of subdivision c of this section, any diesel fuel-powered sight-seeing bus that is licensed pursuant to subchapter 21 of chapter 2 of title 20 of the administrative code shall utilize the best available retrofit technology that meets the level 4 emission control strategy as defined in subdivision d, or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent, by January 1, 2017.

§ 8. Subdivision a of section 24-163.7 of the administrative code of the city of New York is amended by adding a new paragraph 8 to read as follows:

(8) “Biodiesel” means a fuel, designated B100, that is composed exclusively of mono-alkyl esters of long chain fatty acids derived from feedstock and that meets the specifications of the American society of testing and materials designation D 6751-09a.

§ 9. Subdivision b of section 24-163.7 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

(3) Notwithstanding paragraphs 1 and 2 of this subdivision, all diesel fuel-powered school buses shall be powered by an ultra low sulfur diesel fuel blend containing biodiesel as follows:

i. for the fiscal year beginning July 1, 2014, an ultra low sulfur diesel fuel blend containing at least five percent biodiesel (B5) by weight;

ii. for the fiscal year beginning July 1, 2015, an ultra low sulfur diesel fuel blend containing at least ten percent biodiesel (B10) by weight; and

iii. for the fiscal year beginning July 1, 2016, and thereafter, an ultra low sulfur diesel fuel blend containing at least twenty percent biodiesel (B20) by weight.

§ 10. Subdivision c of section 24-163.7 of the administrative code of the city of New York is amended to read as follows:

c. (1) Diesel fuel-powered school buses shall utilize the best available retrofit technology in accordance with the following schedule:

i. 50% of school buses used to fulfill each school bus contract by September 1, 2006;

ii. 100% of school buses used to fulfill each school bus contract by September 1, 2007.

(2) Notwithstanding any provisions of subdivision d of this section, diesel fuel-powered school buses shall utilize the best available retrofit technology that meets the level 4 emission control strategy as defined in subdivision d, or be equipped with an engine certified to the applicable 2007 United States environmental protection agency standard for particulate matter as set forth in section 86.007-11 of title 40 of the code of federal regulations or to any subsequent United States environmental protection agency standard for such pollutant that is at least as stringent, in accordance with the following schedule:

i. 50% of school buses used to fulfill each school bus contract by January 1, 2014;

ii. 70% of school buses used to fulfill each school bus contract by January 1, 2015;

iii. 90% of school buses used to fulfill each school bus contract by January 1, 2016;

iv. 100% of school buses used to fulfill each school bus contract by January 1, 2017.

§ 11. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection (preconsidered but laid over by the Committee on Environmental Protection).

Preconsidered Int. No. 1062

By Council Members Gennaro, Levin, Fidler, Lander, Mendez, Palma and Richards.

**A Local Law to amend the administrative code of the city of New York, in relation to renewal of waivers issued for certain diesel-powered vehicles unable to adopt best available retrofit technology.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision h of section 24-163.5 of title 24 of the administrative code of the city of New York is amended to read as follows:

h. The commissioner may issue a waiver for the use of the best available retrofit technology by a diesel fuel-powered motor vehicle or diesel fuel-powered nonroad vehicle where the city agency that has entered into the applicable solid waste contract or recyclable materials contract makes a written finding, which is approved, in writing, by the commissioner, that such technology is unavailable for purchase for such vehicle, in which case the contractor shall be required to use the technology for reducing the emission of pollutants that would be the next best available retrofit technology and that is available for purchase for such vehicle. Any waiver issued pursuant to this subdivision shall expire after three years. *The commissioner shall not renew any waiver issued pursuant to this subdivision after January 1, 2014.*

§ 2. Subdivision e of section 24-163.6 of title 24 of the administrative code of the city of New York is amended to read as follows:

e. The commissioner may issue a waiver for the use of the best available retrofit technology by a diesel fuel-powered sight-seeing bus where the department of consumer affairs makes a written finding, which is approved, in writing, by the commissioner, that such technology is unavailable for purchase for such bus, in

which case the owner or operator of such bus shall be required to use the technology for reducing the emission of pollutants that would be the next best available retrofit technology and that is available for purchase for such bus. Any waiver issued pursuant to this subdivision shall expire after three years. *The commissioner shall not renew any waiver issued pursuant to this subdivision after January 1, 2014.*

§ 3. Subdivision h of section 24-163.7 of title 24 of the administrative code of the city of New York is amended to read as follows:

h. The commissioner may issue a waiver for the use of the best available retrofit technology by a diesel fuel-powered school bus where the department of education makes a written finding, which is approved, in writing, by the commissioner, that such technology is unavailable for purchase for such bus, in which case the owner or operator of such school bus shall be required to use the technology for reducing the emission of pollutants that would be the next best available retrofit technology and that is available for purchase for such bus. Any waiver issued pursuant to this subdivision shall expire after three years. *The commissioner shall not renew any waiver issued pursuant to this subdivision after January 1, 2014.*

§ 4. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection (preconsidered but laid over by the Committee on Environmental Protection).

Res. No. 1800

**Resolution urging the New York State Board of Regents and State Education Department to require certified school library media specialists (“school librarians”) in public elementary schools and to enforce library staffing regulations in all public schools, including the New York City public school system.**

By Council Members Gentile, Van Bramer, Barron, Brewer, Chin, Ferreras, James, Koo, Koppell, Lander, Mendez, Palma, Recchia and Richards.

**Whereas**, According to the Regulations of the New York State Commissioner of Education, each elementary and secondary school (middle schools and high schools) is required to have a school library; and

**Whereas**, Currently, New York State regulations require certified school library media specialists (“school librarians”) in middle and high schools but not elementary schools; and

**Whereas**, In the New York City public school system, with approximately 1.1 million students and 1,700 schools, there are only 306 certified librarians on staff systemwide with 178 in high schools, 95 in middle schools, and 33 in elementary schools, according to the latest data by the City’s Department of Education (“DOE”); and

**Whereas**, This number represents a decline of more than 16% since 2011, when the City employed 365 licensed librarians; and

**Whereas**, According to DOE’s testimony at a New York City Council hearing held jointly with the Committee on Education, the Committee on Cultural Affairs, Libraries and International Intergroup Relations and the Select Committee on Libraries in May 2013, “[m]any campus schools are maximizing resources by sharing library services and the costs of a librarian [while] others are assigning teachers to the library [and] using parent volunteers”; and

**Whereas**, In 2012, the New York State Board of Regents Advisory Council on Libraries (“RAC”) issued a report which included a number of recommendations for school libraries, including the recommendation to “expand the existing Commissioner’s Regulations (“CR 91.2”) to require an elementary school librarian in every school...and enforce library staffing regulations in all public schools”; and

**Whereas**, According to testimony by a RAC representative at the New York City Council hearing, the state regulation calling for a school librarian at the secondary level has been in existence since 1973, but has not been enforced in 40 years; and

**Whereas**, Extensive research shows that schools that utilize school libraries have seen increased motivation, higher assessment scores and higher graduation rates among students; and

**Whereas**, School librarians are essential because they teach students information literacy, technological skills, and collaborate with teachers in designing curricula, developing learning experiences, and providing technical support; and

**Whereas**, The role of the school librarian continues to evolve to accommodate the learning needs of students in the 21<sup>st</sup> century and, furthermore, the school librarian is increasingly seen as a guide to help students become life-long learners; and

**Whereas**, The school librarian has become a leader in teaching information and technology skills, including ethics and responsibility in the use of social media; and

**Whereas**, Advocates maintain that school libraries and librarians are essential to closing the digital divide for low income students and others who lack access to computers, tablets and other technology at home; and

**Whereas**, It is absolutely necessary for every school to have a school librarian to create a supportive working and learning environment for teachers and students, respectively, and to ensure academic achievement; now, therefore, be it

Resolved, That the Council of the City of New York urges the New York State Board of Regents and State Education Department to require certified school library media specialists (“school librarians”) in public elementary schools and to enforce

library staffing regulations in all public schools, including the New York City public school system.

Referred to the Committee on Education.

Int. No. 1063

By Council Members Greenfield, Vallone, Jr., Eugene, Fidler, James, Koo, Nelson and Recchia.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York city police department to assign school safety agents to public and nonpublic schools, upon the request of such schools.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-155 to read as follows:

§14-155. *Provision of school safety agents to nonpublic schools.*

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

1. *“Public school” shall mean any school in a building owned or leased by the New York city department of education, including charter schools, that contains any combination of grades from kindergarten through grade twelve; and*

2. *“Nonpublic school” shall mean any non-profit elementary or secondary school in the city of New York, other than a public school, which is providing instruction in accordance with the education law of the state of New York.*

b. *The New York city police department shall, upon request of the authorities of a public or nonpublic school, assign no less than one school safety agent to such school within ten business days, or as many school safety agents above one agent that the NYPD deems necessary.*

§2. This local law shall take effect 120 days after it is enacted into law, provided that the department may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on Public Safety.

Int. No. 1064

By Council Member Ignizio, The Speaker (Council Member Quinn), Recchia, Oddo, Arroyo, Chin, Comrie, Dickens, Eugene, Fidler, Koo, Lander, Palma, Richards, Vann and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to the transfer of the alternative exemption for veterans upon the purchase of real property after the taxable status date in accordance with section four hundred fifty-eight-a of the real property tax law.**

*Be it enacted by the Council as follows:*

Section 1. Part 1 of subchapter 2 of chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-245.9 to read as follows:

§11-245.9 *Alternative exemption for veterans; transfer of title. 1. Pursuant to subdivision eight of section four hundred fifty-eight-a of the real property tax law, where a veteran, the spouse of the veteran or unremarried surviving spouse already receiving an exemption pursuant to such section sells the property receiving such exemption and purchases property within the city, the department of finance shall transfer and prorate, for the remainder of the fiscal year, the exemption received. The prorated exemption shall be based upon the date the veteran, the spouse of the veteran or unremarried surviving spouse obtains title to the new property and shall be calculated by multiplying the tax rate for which taxes were levied, on the appropriate tax roll used for the fiscal year during which the transfer occurred, multiplied by the previously granted exempt amount, multiplied by the fraction of each fiscal year remaining subsequent to the transfer of title.*

2. *Nothing in this section shall be construed to remove the requirement that any such veteran, the spouse of the veteran or unremarried surviving spouse transferring an exemption pursuant to subdivision one of this section shall reapply for the exemption authorized pursuant to section four hundred fifty-eight-a of the real property tax law on or before the following taxable status date, in the event such veteran, the spouse of the veteran or unremarried surviving spouse wishes to receive the exemption in future fiscal years.*

§2. The commissioner of finance shall promulgate rules to implement the provisions of this section. Such rules shall include, but not be limited to, provisions describing the process by which any such veteran, spouse of the veteran or unremarried surviving spouse transferring an exemption pursuant to subdivision one of this section notifies the commissioner of the purchase of new property within the city.

§3. This local law shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1,

2014.

Referred to the Committee on Finance.

Res. No. 1801

**Resolution calling upon the State Legislature to pass and the Governor to sign A.792/S.1406, regarding the appointment of the New York City Board of Education members, commonly known as the Panel for Educational Policy, and concerning the appointment of the Chancellor of Education.**

By Council Members Jackson, Chin, Fidler, James, Koppell, Lander, Mendez and Palma.

**Whereas**, In New York City, the thirteen member body designated as the Board of Education in New York State Education Law is currently known as the Panel for Educational Policy; and

**Whereas**, A.792/S.1406, introduced by Assemblyman David Weprin and Senator Velmonette Montgomery, would end mayoral control over the constitution of the Panel for Educational Policy and allow the Mayor to appoint four members of the Panel; and

**Whereas**, The current system governing the New York City public school system gives the Mayor great control over the constitution of the Panel for Educational Policy; and

**Whereas**, The current system gives the Mayor the power to appoint the absolute majority of eight on the Panel for Educational Policy; and

**Whereas**, The legislation would authorize the Council of the City of New York to appoint four members of the Panel for Educational Policy; and

**Whereas**, The bill provides that of the four members appointed by the Council, one shall be a representative of a college or university, one shall be a member of a parent organization, one shall be a member of a community district council, and one shall be appointed at large; and

**Whereas**, The current system gives the Mayor the power to appoint the Chancellor of the New York City Board of Education; and

**Whereas**, The bill provides that the Chancellor shall be appointed by the Panel for Educational Policy who will select and negotiate the salary of the Chancellor; and

**Whereas**, Accordingly, this legislation would alter the constitution of the Panel for Educational Policy so that five members are appointed by each Borough President of the City of New York, four members are appointed by the Mayor of the City of New York, and four members are appointed by the Council of the City of New York; and

**Whereas**, The bill maximizes parental and community involvement, giving power back to those who best understand children's needs and skills amidst a degrading public school system; now, therefore, be it

Resolved, That the Council of the City of New York upon the State Legislature to pass and the Governor to sign A.792/S.1406, regarding the appointment of the New York City Board of Education members, commonly known as the Panel for Educational Policy, and concerning the appointment of the Chancellor of Education.

Referred to the Committee on Education.

Res. No. 1802

**Resolution calling on the State University of New York ("SUNY") and the New York State Department of Health ("DOH") to work with stakeholders to keep SUNY Downstate Medical Center open as a leading public medical institution and to preserve the essential health care services the hospital provides.**

By Council Members Jackson, Williams, Barron, Brewer, Chin, Comrie, Eugene, Fidler, James, Lander, Mendez and Palma.

**Whereas**, All of the facilities under the State University of New York Downstate Medical Center ("SUNY Downstate") are a critical part of the Brooklyn healthcare system; and

**Whereas**, SUNY Downstate is one of the nation's leading urban medical teaching facilities since approximately 1860; and

**Whereas**, As the only academic medical center in Brooklyn and the fourth largest employer in Brooklyn, SUNY Downstate employs about 8,000 faculty and staff members, educates over 1,700 students and serves a population of more than 2 million New Yorkers; and

**Whereas**, SUNY Downstate provides over 1,000 medical residents to 23 affiliated hospitals; and

**Whereas**, SUNY Downstate educates more New York City and minority physicians than any hospital in the region and must stay open in order to address the City's growing shortage of primary care physicians; and

**Whereas**, The quality of SUNY Downstate's program was recognized with the awarding of the Nobel Peace Prize in Medicine to Dr. Robert F. Furchgott in 1998; and

**Whereas**, More recently, on November 28, 2012, the State University of New York Board of Trustees appointed two Downstate faculty members to distinguished ranks, the highest system-wide honor conferred upon SUNY professors; and

**Whereas**, In addition, on that same day, six additional Downstate faculty and staff members were honored with Chancellor's Awards for Excellence; and

**Whereas**, According to SUNY Downstate, for every dollar invested in the institution, \$12 are returned to the local economy; and

**Whereas**, According to a January 2013 New York State Comptroller Audit, "absent other actions or plans to increase revenue or limit expenses, the Hospital will not have sufficient cash to meet its liabilities, possibly as early as May 2013"; and

**Whereas**, According to the Laws of New York, the Chancellor of SUNY is required to submit a sustainability plan for SUNY Downstate facilities on or before June 1, 2013, which must be approved by the DOH Commissioner and the New York State Director of the Division of Budget ("DOB") for implementation by June 15, 2013; and

**Whereas**, In accordance with this law, SUNY and DOH should engage with stakeholders to develop a plan that preserves the medical school and critical health care services at SUNY Downstate to ensure the viability of this institution; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the State University of New York ("SUNY") and the New York State Department of Health ("DOH") to work with stakeholders to keep SUNY Downstate Medical Center open as a leading public medical institution and to preserve the essential health care services the hospital provides.

Referred to the Committee on Health.

Int. No. 1065

By Council Members Koppell, Gonzalez, Barron, Brewer, Cabrera, Chin, Comrie, Dickens, Eugene, James, Koo, Lander, Mendez, Palma, Richards, Halloran and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of an outreach and recovery plan to assist vulnerable and homebound individuals before, during and after emergency conditions.**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended to add a new section 30-104 to read as follows:

§ 30-104. *Plan for outreach and recovery to vulnerable and homebound individuals.*

*The commissioner shall develop and implement, no later than October 1, 2013, an outreach and recovery plan to assist vulnerable and homebound individuals before, during and after emergency conditions and potential incidents as such conditions and incidents are described in section 497 of the charter. Such plan shall create a strategy for conducting outreach to and assisting such individuals prior to and during such conditions and incidents and during recovery efforts after such conditions and incidents and shall include, but not be limited to the following:*

*a. a description of how the office will coordinate with relevant agencies, including but not limited to the department for the aging, the department of health and mental hygiene and the human resources administration, community based organizations and service providers to identify, conduct outreach to, communicate with, and otherwise assist vulnerable and homebound individuals prior to, during and after the impact of such conditions and incidents;*

*b. a description of how information, supplies, services, and transportation will be made available to such individuals to facilitate the relocation of such individuals if necessary, including the procurement of vehicles and recruitment of volunteers able and ready to assist;*

*c. a description of how the office will utilize the office's current Coastal Storm Plan Advanced Warning System, or any other such system designed to identify, communicate with, and assist vulnerable or homebound populations; and*

*d. the creation of a Door-to-Door Task Force that will be responsible for creating and implementing a strategy to locate and assist vulnerable and homebound populations, provide such individuals with information, and maintain a list of such individuals to assist with any recovery efforts that take place after such conditions and incidents, including the delivery of necessary supplies and services.*

§2. This local law shall take effect take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1066

By Council Members Lander, Brewer, Dromm, Garodnick, James, King, Levin, Weprin and Arroyo.

**A Local Law to amend the New York city charter, in relation to instant run-off voting.**

Be it enacted by the Council as follows:

Section 1. Paragraph 10 of subdivision c of section 10 of the New York city charter is REPEALED.

§2. Chapter 46 of the New York city charter is amended by adding a new section 1057-c to read as follows:

§ 1057-c Instant run-off voting for citywide primary elections.

a. The method of conducting primary elections for the offices of mayor, public advocate, and comptroller, and any election for mayor, public advocate, comptroller, borough president, or councilmember for which all candidates were nominated by independent nominating petition, shall be governed by applicable provisions of the New York state election law, except for provisions inconsistent with the procedures established by this section. The procedures of this section shall apply exclusively to instant run-off candidates and instant run-off ballots.

b. For the purposes of this section:

(1) an "instant run-off candidate" is a candidate for the offices of mayor, public advocate, or comptroller in a primary election, or a candidate for mayor, public advocate, comptroller, borough president, or councilmember for which all candidates were nominated by independent nominating petition, with more than one other candidate appearing on the ballot as a candidate for the same office.

(2) an "instant run-off ballot" is a ballot allowing voters to rank instant run-off candidates in order of preference equal to the total number of candidates for each office.

(3) a candidate shall be deemed "continuing" if the candidate has not been eliminated;

(4) a candidate being "eliminated" means the votes for that candidate are distributed to other candidates, under the procedure established in this section, until the ballot is exhausted.

(5) a ballot shall be deemed "continuing" if it is not exhausted; and

(6) a ballot shall be deemed "exhausted" with respect to an office, and therefore not counted in further rounds of tabulation for that office, if all marked instant run-off candidates for that office have been eliminated.

c. Elections with instant run-off candidates shall utilize instant run-off ballots for election to the office for which instant run-off candidates are running.

d. If an instant run-off candidate receives a majority of first choice votes, that candidate shall be declared elected to that office. If no instant run-off candidate for one or more of the offices with instant run-off candidates on the ballot receives a majority of first choice votes, the candidate who received the fewest first choice votes for that office shall be eliminated and each first choice vote for the eliminated candidate shall be transferred to the next ranked candidate on that ballot for that office. If, after this transfer of votes, any candidate for that office has a majority of the votes from the continuing ballots, that candidate shall be declared elected to that office.

e. If no instant run-off candidate for an office receives a majority of votes from the continuing ballots for an office after a candidate for that office has been eliminated and his or her votes have been transferred to the next-ranked candidate, the continuing candidate for that office with the fewest votes from the continuing ballots shall be eliminated. All votes cast for that candidate shall be transferred to the next-ranked continuing candidate on each voter's ballot. This process of eliminating candidates and transferring their votes to the next-ranked continuing candidates shall be repeated until a candidate for each office with instant run-off candidates on the ballot receives a majority of the votes from the continuing ballots for each office.

f. If the total number of votes of the two or more candidates credited with the lowest number of votes for an office is less than the number of votes credited to the candidate with the next highest number of votes for that office, those candidates with the lowest number of votes shall for that office be eliminated simultaneously and their votes transferred to the next-ranked continuing candidate for that office on each ballot in a single counting operation.

g. If an instant run-off ballot gives equal rank to two or more candidates for an office, the ballot shall be considered exhausted when such multiple rankings are reached for that office. If a voter casts an instant run-off ballot but skips a rank for an office, the voter's vote shall be transferred to that voter's next ranked choice for that office.

h. An instant run-off ballot shall not interfere with a voter's ability to cast a vote for a write-in candidate for an office with instant run-off candidates.

i. Instant run-off ballots shall include instructions explaining how to mark a ballot, as well as any other information deemed necessary by the New York city board of elections.

j. The voter assistance advisory committee shall conduct a voter education campaign to familiarize voters with the instant run-off method of voting.

§3. This local law shall take effect immediately following its ratification by the voters of this city in a referendum to be held in the general election next following its enactment.

Referred to the Committee on Governmental Operations.

Res. No. 1803

**Resolution calling upon the Social Security Administration to take additional measures to curb Social Security fraud.**

By Council Members Lappin, Chin, James, Koo, Koppell and Mendez.

**Whereas**, Social Security is a federal program providing retired and disabled American workers, surviving spouses and children of workers, and low-income disabled individuals with monthly monetary benefits; and

**Whereas**, Approximately 56.7 million Americans receive Old-Age, Survivors, and Disability Insurance benefits and more than 8 million are recipients of Supplemental Security Income; and

**Whereas**, Eighty-eight percent of New York State residents over age 65 receive Social Security benefits, on average accounting for more than 58 percent of those seniors' incomes; and

**Whereas**, Many seniors in New York City depend on each monthly Social Security payment to pay for basic necessities such as housing and food; and

**Whereas**, In 2011, the Social Security Administration began issuing benefit payments electronically, allowing beneficiaries to route payments directly into bank accounts or onto pre-paid debit cards, with enrollment in the electronic payment program becoming mandatory for most beneficiaries in March 2013; and

**Whereas**, In September 2012, the Social Security Administration's Office of the Inspector General announced it had received more than 19,000 reports of questionable direct deposit changes made to beneficiary accounts and continued to receive approximately 50 new reports per day; and

**Whereas**; Identity thieves call or email beneficiaries, often posing as government officials or claiming the beneficiary has won a lottery or prize, and attempt to obtain personal information that can be used to falsely pose as the beneficiary; and

**Whereas**, Once an identity thief secures certain personal information from a Social Security beneficiary, they are often able to open an online account with the Social Security Administration or call the agency posing as the beneficiary and request that benefits be rerouted to a new bank account; and

**Whereas**, The Social Security Administration should take additional measures to protect beneficiaries from fraud, including the improvement of verification measures to confirm the identity of callers requesting account changes over the phone and the implementation of new notification systems such as mailed confirmation letters, supplemented by emails, text messages, and automated phone calls to alert beneficiaries that changes have been made to their account; and

**Whereas**, In addition, the Social Security Administration should allow beneficiaries that fear they have been a victim of fraud to require in-person verification before any changes may be made to their account; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Social Security Administration to take additional measures to curb Social Security fraud.

Referred to the Committee on Aging.

Res. No. 1804

**Resolution calling on the New York State Legislature to pass and the Governor to sign A.3743/S.2372, which relates to the expansion of powers and duties of the office of community gardens.**

By Council Members Levin, Chin, James and Mendez.

**Whereas**, On January 16, 2013, A.3743/S.2372, an act to amend the Agriculture and Markets Law and the General Business Law, in relation to expanding the powers and duties of the office of community gardens, was introduced; and

**Whereas**, Community gardens provide significant health, educational, and social benefits to the neighborhoods in which they are located; and

**Whereas**, Community gardens encourage community dialogue and create a sense of belonging that promote harmony in this very diverse City; and

**Whereas**, Augmenting the authority of the office of community gardens will foster healthier lifestyles for individuals and their families by encouraging them to eat better and engage in physical activity; and

**Whereas**, Streamlining the community garden application process will ensure that all who are interested are not deterred by unnecessary administrative obstacles; and

**Whereas**, School gardens are just as important as community gardens to the neighborhoods they are located in; and

**Whereas**, This bill would foster better coordination between school gardens, farm to school programs and community gardeners; and

**Whereas**, This bill would also authorize the convening of a Community Gardens Taskforce which would strengthen the community gardens and allow their impact to be sustainable; 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.3743/S.2372, which relates to the expansion of powers and duties of the office of community gardens.

Referred to the Committee on Parks and Recreation.



Res. No. 1805

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation to expand the number of trucks covered under the 2011 crossover mirror law.**

By Council Members Mark-Viverito, Chin, James, Koppell and Mendez.

**Whereas**, In 2011, the New York State Legislature passed and Governor Andrew Cuomo signed legislation requiring trucks that are registered in New York State, that weigh over 26,000 pounds, and operate within New York City to be equipped with a convex mirror; and

**Whereas**, The law, also known as the “crossover mirror law,” went into effect on January 15, 2012; and

**Whereas**, Under the “crossover mirror law,” heavy trucks are required to install a convex mirror on the front of the truck; and

**Whereas**, Convex mirrors allow truck drivers to see any person who is at least 3 feet tall and is crossing in front of the truck at least 1 foot from the front of the vehicle; and

**Whereas**, According to the legislative memo in support of the 2011 State bill, similar equipment has been required for school buses since the 1970s; and

**Whereas**, While the State legislation defines a large truck as weighing 26,000 pounds, the Insurance Institute for Highway Safety-Highway Loss Data Institute defines a large truck as one that weighs over 10,000 pounds; and

**Whereas**, According to the legislative history of the 2011 State law, commercial trucks have been a major contributor to pedestrian accidents and deaths in New York City because of the “blind spot” that exists in front of the truck; and

**Whereas**, The legislative history also cites to a 2005 United States Department of Transportation study that shows that 71 percent of pedestrians killed by large trucks were killed in frontal collisions; and

**Whereas**, Streetsblog NYC, which operates the website streetsblog.org, documents at least three cases in New York City in recent years when people were killed by trucks, including one small child; and

**Whereas**, While requiring heavy trucks to have a convex mirror will help prevent deaths like this in the City, exempting lighter trucks raises questions about whether the law should be strengthened; and

**Whereas**, Proponents of closing this loophole argue that the lighter trucks are similar to heavier trucks and have the same blind spots that do not allow them to see pedestrians crossing in front of the truck; 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 to expand the number of trucks covered under the 2011 crossover mirror law.

Referred to the Committee on Transportation.

Int. No. 1067

By Council Members Mealy and James (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to contract management and a contractor responsibility data base and to the definition of “business dealings with the city” in connection with campaign financing.**

*Be it enacted by the Council as follows:*

Section 1. Section 6-116.2 of the administrative code of the city New York, as added by local law number 52 for the year 1987, subdivision a, the opening paragraph of paragraph i of subdivision b, and subdivisions c, d, e, f, and i as amended, and paragraph vii of subdivision b and subdivisions j and k as added by local law number 44 for the year 1992, paragraphs 7 and 8 of subdivision a as separately amended and paragraph 9 of subdivision a as added by local law number 34 for the year 1992, subdivision b as added by local law number 5 for the year 1991, subparagraph 1 of paragraph i of subdivision b as amended by local law number 21 for the year 1992, subparagraph 22 of paragraph i of subdivision b as amended and subparagraph 23 of paragraph i of subdivision b as added by local law number 49 for the year 1992, paragraphs ii, iv and v of subdivision b as amended by local law number 13 for the year 1991, paragraph vi of subdivision b as amended by local law number 64 for the year 1993, subdivision g as relettered and amended by local law number 5 for the year 1991, subdivision h as amended by local law number 22 for the year 2004, is amended to read as follows:

§ 6-116.2 *Contract management and contractor responsibility data bases*

a. The comptroller and the mayor shall jointly maintain, at the financial information services agency, a computerized data base. Such data base shall contain information for every franchise and concession and every contract *or subcontract* for goods or services involving the expenditure of more than [ten] *twenty* thousand dollars [or in the case of construction, repair, rehabilitation or alteration, the expenditure of more than fifteen thousand dollars.] entered into by an agency, New York city affiliated agency, elected official or the council, including, but not limited to:

(1) the name, address, and federal taxpayer's identification number of the

contractor [franchisee or concessionaire] *or subcontractor* where available in accordance with applicable law;

(2) the dollar amount of each contract including original maximum and revised maximum expenditure authorized, current encumbrance and actual expenditures;

(3) the type of goods or services to be provided pursuant to the contract;

(4) the term of the contract, or in the case of a construction contract the starting and scheduled completion date of the contract and the date final payment is authorized;

(5) the agency, New York city affiliated agency, elected official or the council that awarded the contract[, franchise or concession] *or subcontract* and the contract registration number, if any, assigned by the comptroller;

(6) the manner in which the contractor[, franchisee or concessionaire] *or subcontractor* was selected, including, but not limited to, in the case of a contractor, whether the contractor was selected through public letting and if so, whether the contractor was the lowest responsible bidder; whether the contractor was selected through a request for proposal procedure, and if so, whether the contractor's response to the request offered the lowest price option; whether the contractor was selected without competition or as a sole source; whether the contractor was selected through the emergency procedure established in the charter or the general municipal law, where applicable; or whether the contractor was selected from a list of prequalified bidders, and if applicable, whether the contractor was the lowest responsible bidder; and

(7) the date of any public hearing held with respect to the contract and the date and agenda number of action taken with respect to a concession or franchise by the franchise and concession review committee; and

(8) Reserved

(9) the contract budget category to which the contract is assigned, where applicable.

[b. (i) The mayor and comptroller shall be responsible for the maintenance of a computerized data system which shall contain information for every contract, in the following manner: the mayor shall be responsible for operation of the system; the mayor and the comptroller shall be jointly responsible for all policy decisions relating to the system. In addition, the mayor and the comptroller shall jointly review the operation of the system to ensure that the information required by this subdivision is maintained in a form that will enable each of them, and agencies, New York city affiliated agencies, elected officials and the council, to utilize the information in the performance of their duties. This system shall have access to information stored on other computerized data systems maintained by agencies, which information shall collectively include, but not be limited to:

(1) the current addresses and telephone numbers of:

Referred to the Committee on Contracts.

Int. No. 1068

By Council Member Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for certain city employees, city retirees and their dependents.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision b of section 12-126 of the administrative code of the city of New York is amended to read as follows:

(1) The city will pay the entire cost of health insurance coverage for city employees, city retirees, and their dependents, not to exceed one hundred percent of the full cost of H.I.P.-H.M.O. on a category basis *or any successor health insurance coverage plan that has a substantially equivalent plan design*. Where such health insurance coverage is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the Social Security Act, the city will pay the amount set forth in such act under 1839 (a) as added by title XVIII of the 1965 amendment to the Social Security Act; provided that such amount shall not exceed the sum of nineteen dollars and fifty-three cents per month per individual for the period beginning January first, nineteen hundred eighty-eight and ending December thirty-first, nineteen hundred eighty-eight, and provided further however that such amount shall not exceed the sum of twenty-seven dollars and ninety cents per month per individual for the period beginning January first, nineteen hundred eighty-nine and ending December thirty-first, nineteen hundred ninety-one, and provided further that such amount shall not exceed the sum of twenty-nine dollars per month per individual for the period beginning January first, nineteen hundred ninety-two and ending December thirty-first, nineteen hundred ninety-five. Provided further, that such amount shall not exceed the sum of thirty-two dollars per month per individual effective January first, nineteen hundred ninety-six. Provided further, that such amount shall not exceed the sum of thirty-eight dollars and seventy cents per month effective January first, two thousand and provided further that each year thereafter, the City shall reimburse covered employees in an amount equal to one hundred percent of the Medicare Part-B premium rate applicable to that year.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Civil Service and Labor.

Int. No. 1069

By Council Members Oddo, Arroyo, Brewer, Cabrera, Chin, Comrie, Fidler, James, Koo, Lander, Nelson, Palma, Richards, Halloran and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to developing and implementing a food and water access plan in response to emergency conditions.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-109 to read as follows:

§ 30-109 *Food and water access plan. a. The commissioner shall develop and implement a food and water access plan no later than October 1, 2013, to ensure the distribution of food and water to areas of the city impacted by emergency conditions and potential incidents as such conditions and incidents are described in section 497 of the charter, when there is a disruption of food and water access that impacts the ability to purchase, prepare or consume food or water. Such plan shall include, but not be limited to: (1) consultation with a food and water distribution task force, which shall include members of the advocacy community with relevant expertise and which shall make recommendations on the development of such plan; (2) objectives of such plan, including but not limited to, ensuring the public has access to adequate food and water during and after such conditions and incidents and restoring the public, private and non-profit sectors' ability to provide food and water access; (3) an assessment of the city's food and water needs if such conditions and incidents arise and a blueprint for acquiring and distributing food and water to meet such needs; (4) a description of how the city will attempt to ensure adequate food and water access, including but not limited to through public information about food and water services and availability; management of requests for support from food and water providers; disaster feeding; food pantry, soup kitchen, and meal provider operations; food benefit programs; coordination of food donations, food business and emergency food providers and food sector recovery operations; (5) identification of city personnel responsible for implementing such plan, including a clear hierarchy and points of contact; (6) identification of food and water distribution points throughout the city, including how such distribution points are identified, and how such distribution points will be publicized to ensure that the public is aware of the locations of such distribution points; (7) a blueprint for ensuring to the extent practicable that public benefits recipients have uninterrupted access to food benefits during such emergency conditions and potential incidents; (8) identification of contracts that can be activated during such emergency conditions and incidents for providers who can provide and distribute food and water, including but not limited to, hot food providers, trucks and drivers; (9) an assessment of transportation routes that allow for the distribution of food and water that account for emergency road and bridge closures; and (10) a timeline regarding when each step of the plan will be implemented prior to, during, and after such emergencies and potential incidents.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1070

By Council Members Palma, Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, James, Lander, Mendez, Nelson and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to a sheltering plan in response to emergency conditions.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-108 to read as follows:

§ 30-108 *Sheltering plan. a. The commissioner shall develop and implement a sheltering plan no later than October 1, 2013, that anticipates the operation of shelters for short, medium or long-term periods of time as a result of emergency conditions and potential incidents as such conditions and incidents are described in section 497 of the charter. Such plan shall include, but not be limited to: (1) a description of the types of shelters, the number of such shelters and the location of each such shelter throughout New York city; (2) a description of shelter staffing and management, including but not limited to identification of key shelter staff, including the shelter manager for each shift at each such shelter, any clinical staff, and an employee from the office of emergency management as the contact person for each shelter; (3) a mechanism for ensuring that such key staff is clearly known to residents, volunteers and other staff at each such shelter and a mechanism to ensure that special medical needs shelters are adequately staffed with trained medical personnel; (4) the requirement that any shelter manager, prior to the completion of his or her shift as shelter manager, coordinate with a shelter manager on the immediately following shift at such shelter regarding requests for supplies, shelter conditions, and other significant issues at such shelter; (5) a mechanism to ensure that any location being used as a shelter is adequate for habitability for long-term stays and that food options other than shelf stable items and meals ready to eat are available at any such shelter; (6) a reassessment of the emergency shelter supply stockpile at least annually, as well as immediately before and after such plan is*

*activated, to ensure that appropriate supplies are available and adequate; (7) to the extent possible a plan for shower and laundry facilities for persons who remain in shelters after three days; (8) a mechanism for tracking the daily census at each shelter, including the number of persons with special medical needs, the number of persons newly admitted and discharged each day, and a general description of the locations to which such persons were discharged; (9) a mechanism to ensure that any person who receives public benefits does not experience disruption of such benefits due to an inability to meet program requirements as a result of such person's stay in such shelter; (10) consideration of mechanisms to ensure that such shelters are accessible to persons with disabilities, including bathroom and shower facilities.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1071

By Council Member Recchia (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Hudson Square business improvement district to authorize additional improvements and a change in the method of assessment upon which the district charge is based.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 25 the administrative code of the city of New York is amended by adding a new section 25-479.1 to read as follows:

§ 25-479.1 *Hudson Square business improvement district; amendments to the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize additional improvements and to authorize a change in the method of assessment upon which the district charge in the Hudson Square business improvement district is based, and the council having determined further that the tax and debt limitations prescribed in section 25-412 of chapter four of this title will not be exceeded by such changes, there are hereby authorized in the Hudson Square business improvement district such changes as are set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

*b. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan setting forth the additional improvements and containing the change in the method of assessment authorized by subdivision a of this section.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Finance.

Res. No. 1806

**Resolution calling on the United States Congress to pass, and the President to sign, legislation that would extend the Terrorism Risk Insurance Program Reauthorization Act of 2007.**

By Council Members Recchia, Foster, the Speaker (Council Member Quinn), Chin, Fidler, James and Palma.

**Whereas**, On September 11, 2001, terrorists attacked the United States, killing almost 3,000 people in New York, Washington D.C. and Pennsylvania as well as destroying New York City's Twin Towers along with 10 other large buildings in lower Manhattan; and

**Whereas**, There have been several attempted terror attacks across the United States since September 11, 2001, including in New York City; and

**Whereas**, New York City Police Department Commissioner Raymond W. Kelly testified at a New York City Council hearing on March 15, 2011, that New York City remains the number one target for radical Islamic terrorism and highlighted 12 terror plots against New York City since September 11, 2001; and

**Whereas**, On April 15, 2013, terrorists attacked spectators and participants at the Boston Marathon by detonating two homemade bombs, which killed three and injured more than 260 innocent individuals; and

**Whereas**, According to the Insurance Information Institute, for property and casualty insurers and reinsurers, the claims paid as a result of the September 11<sup>th</sup> terrorist attacks constituted, at the time, the largest cumulative claims payout in global insurance history, producing insured losses of about \$32.5 billion; and

**Whereas**, After the September 11<sup>th</sup> terrorist attacks, many insurance companies excluded terrorism events from their insurance policies, which, among other things, hampered the development of large commercial real estate projects; and

**Whereas**, In an effort to help make terrorism insurance available and affordable to businesses, particularly those in major urban areas such as New York City, the U.S. Congress passed the Terrorism Risk Insurance Act of 2002 ("TRIA"); and

**Whereas**, On November 26, 2002, then-President George W. Bush signed TRIA into law, creating a temporary program known as the Federal Terrorism Insurance Program ("FTIP"), that required property and casualty insurers conducting business

in the United States to offer coverage for incidents of international terrorism and reinsure a large percentage of that insured risk; and

**Whereas**, At the TRIA bill signing, President Bush stated that by helping to ensure that terrorism insurance is available, TRIA would permit many construction projects to move forward and help the economy grow, and that investors and markets would have greater confidence that our economy was strong enough to withstand a future attack; and

**Whereas**, The FTIP, which is overseen by the U.S. Department of the Treasury, provides for a transparent system of shared public and private compensation for insured losses resulting from acts of terrorism; and

**Whereas**, TRIA was set to expire on December 31, 2005, but was extended for two years through the enactment of the Terrorism Risk Insurance Revision and Extension Act of 2005, which was signed into law on December 22, 2005; and

**Whereas**, The Terrorism Risk Insurance Program Reauthorization Act of 2007 (“TRIPRA”), signed into law on December 26, 2007, extended FTIP through December 31, 2014; and

**Whereas**, TRIPRA made several amendments to TRIA, including revising the definition of a certified act of terrorism to include acts of domestic terrorism and requiring clear and conspicuous notice to policyholders of the existence of the \$100 billion annual program cap; and

**Whereas**, TRIPRA has helped make terrorism insurance available and affordable to businesses, particularly those in located in New York City; and

**Whereas**, Without TRIA and the FTIP, many major development projects across the country could have ceased, jeopardizing job growth and economic development opportunities; and

**Whereas**, On September 11, 2012, the U.S. House of Representatives Subcommittee on Insurance, Housing and Community Opportunity held a hearing entitled *TRIA At Ten Years: The Future of the Terrorism Risk Insurance Program*; and

**Whereas**, At this hearing, several industry leaders testified regarding the value of FTIP and the extension of the program; and

**Whereas**, Robert P. Hartwig, Ph.D, CPCU, President & Economist of the Insurance Information Institute testified that, “[t]he evidence, both in the United States and from similar programs abroad, is that market stability in terms of both pricing and availability of terrorism coverage, as well as the ability to maintain adequate and expanding levels of capacity over time, are contingent on the continued existence of the Terrorism Risk Insurance Program”; and

**Whereas**, Congress should review whether or not TRIPRA needs to be amended prior to extending the program and determine the appropriate length of the extension; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, legislation that would extend the Terrorism Risk Insurance Program Reauthorization Act of 2007.

Referred to the Committee on State and Federal Legislation.

Int. No. 1072

By Council Members Reyna, Barron, Brewer, Cabrera, Chin, Comrie, James, King, Koo, Lander, Mendez, Palma, Vallone, Jr., and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to a small business recovery plan in response to emergency conditions.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-110 to read as follows:

§ 30-110 *Small business recovery plan.* a. *The commissioner shall develop and implement no later than October 1, 2013, in consultation with the department of small business services, a recovery plan for small businesses that are impacted by emergency conditions and potential incidents as such conditions and incidents are described in section 497 of the charter. In developing such plan, the department of small business services shall work with and conduct a survey of small business owners throughout New York city to identify critical resources that would be necessary to ensure that such businesses can function during and after such conditions and incidents and to develop strategies that can be implemented before, during and after such conditions to facilitate small business recovery. Such plan shall include but not be limited to: (1) an evaluation of the potential impact of disruptions on small businesses as a result of such conditions and incidents including a mechanism to conduct a business impact analysis for major categories of small businesses, as determined by the commissioner, in order to identify disruptions unique to each such category, and measures to prevent or mitigate such disruptions and to support recovery of the small business sector, (2) the establishment of a voluntary database of small businesses to receive alerts regarding such potential conditions and incidents, recovery assistance, and other relevant information and to conduct outreach to small businesses to encourage registration in such database; (3) conducting a survey of small business owners after such conditions and incidents to identify resources necessary for recovery, which shall include but not be limited to an assessment of small businesses such as whether a business is open, closed or partially in operation, damage to business facilities, lost revenues, the number of*

*employees affected and whether there is a plan for employees to return to such business if such employees are unable to work, whether additional workers were needed or hired to assist with recovery efforts, a description of the type of assistance necessary for recovery, the type and amount of insurance that such business has, and whether such business has filed insurance claims and the status of such claims; and (4) coordination with non-profit organizations to assist small business owners with loan and grant applications, and counseling services, to facilitate and expedite recovery.*

*b. To the extent possible, communications, written or otherwise, with small businesses as set forth in this section, shall be available in the languages that reflect the communities impacted, including Spanish, Chinese, Russian, Korean, Haitian Creole and any other languages set forth in executive order 120 of 2008.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1073

By Council Members Richards, Lappin, Arroyo, Barron, Brewer, Chin, Comrie, Dickens, Fidler, James, Koo, Koppell, Lander, Mendez, Nelson, Palma and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the evacuation of persons with special medical needs during and after emergency conditions.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-106 to read as follows:

§ 30-106 *Evacuation of persons with special medical needs.* a. *The commissioner shall develop and implement a plan no later than October 1, 2013 to ensure orderly and timely evacuations of healthcare facilities conducted during and after emergency conditions and potential incidents as such conditions and incidents are described in section 497 of the charter. Such plan shall include, but not be limited to: (1) mechanisms for ensuring the availability of adequate transportation for persons to be evacuated from healthcare facilities and coordination of such transportation; (2) a mechanism for assisting healthcare facilities with limited communications ability in accessing and updating the New York state hospital emergency response data system or any subsequent electronic data system designed to monitor the availability of beds at healthcare facilities; (3) development of paperwork or forms necessary for adequately tracking persons evacuated from healthcare facilities; (4) a description of the process for ensuring that all paperwork or forms necessary for adequately tracking persons evacuated from healthcare facilities are correctly completed and disseminated to essential parties in a timely manner; and (5) mechanisms for coordinating with appropriate New York state officials.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Preconsidered Int. No. 1074

By Council Members Richards, Levin, Chin, Comrie, James, Koppell, Lander and Palma.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the calculation and reporting of the use-based fuel economy of light-duty and medium-duty vehicles in the city fleet.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 24-163.1 of title 24 of the administrative code of the city of New York is amended by adding a new paragraph 13 to read as follows:

(13) *“Use-based fuel economy” means the total number of miles driven by all light-duty and medium-duty vehicles in the city fleet during the previous fiscal year divided by the total amount of fuel used by such vehicles during the previous fiscal year.*

§ 2. Subdivision e of section 24-163.1 of title 24 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

(3) *Not later than January 1, 2015, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the use-based fuel economy. The information contained in this report shall also be included in the preliminary mayor’s management report and the mayor’s management report for the relevant fiscal year.*

§ 3. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection (preconsidered but laid over by the Committee on Environmental Protection).

Int. No. 1075

By Council Members Rodriguez, Gentile, Cabrera, Chin, Comrie, James, Koppell, Lander, Mendez, Palma, Richards, Vallone, Jr. and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of the office of emergency management to review plans for responding to emergency conditions and potential incidents and to report to the council.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title thirty of the administrative code of the city of New York is amended by adding a new section 30-113, to read as follows:

§ 30-113 *Emergency management plan reporting and review.*

a. *The commissioner shall provide to the city council a copy of any plan prepared by the New York city office of emergency management for the purpose of responding to emergency conditions and potential incidents which require a multi-agency response in relation to coastal storms, hurricanes, earthquakes and other severe weather incidents and other natural hazards and disasters, including but not limited to any plan created in accordance with sections 30-104 through 30-112 of this chapter.*

b. *The commissioner shall assess any plan referenced in subdivision a of this section whenever such plan is activated. Such assessment shall take into account the reports and recommendations issued by any task force or commission following such an activation. The commissioner shall report to the city council any subsequent changes to such plan and provide a copy of such updated plan to the city council, no later than sixty days after such assessment is completed. The commissioner shall also assess any such plan at least once every two years, whether or not such plan has been activated and shall report to the city council any subsequent changes to such plan and provide a copy of such updated plan to the city council no later than sixty days after such assessment is completed.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Res. No. 1807

**Resolution calling upon the United States Congress to pass and the President of the United States to sign the Ruth Moore Act of 2013, which would improve the disability claims process for victims of Military Sexual Trauma.**

By Council Members Rose, Brewer, James, Lander, Mendez and Richards.

**Whereas**, In May 2013, the United States (U.S.) Department of Defense estimated that 26,000 service members experienced incidents of unwanted sexual contact in 2012, an increase from an estimated 19,000 incidents in 2011; and

**Whereas**, More than 85,000 veterans were treated by the U.S. Department of Veterans Affairs (VA) in 2012 for injuries or illness resulting from Military Sexual Trauma (MST), defined as psychological trauma that is a result of a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred during active military service; and

**Whereas**, The VA provides disability benefits to honorably and generally discharged veterans with injuries or diseases that were incurred or aggravated during active duty or training for active or inactive duty; and

**Whereas**, Veterans filing VA disability claims for MST must submit proof that they were assaulted or sexually harassed in a threatening manner in order to qualify for benefits; and

**Whereas**, It is estimated that more than 85 percent of military sexual assaults are not officially reported, making it difficult for victims of MST to meet the burden of proof required by the VA; and

**Whereas**, U.S. Representative Chellie Pingree and U.S. Senator Jon Tester introduced the Ruth Moore Act of 2013 on February 13, 2013, legislation aimed at easing the evidentiary requirements for MST disability claims; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass and the President of the United States to sign the Ruth Moore Act of 2013, which would improve the disability claims process for victims of Military Sexual Trauma.

Referred to the Committee on Veterans.

Int. No. 1076

By Council Members Rose, Vacca, Brewer, Chin, Comrie, James, Koo, Lander, Mendez, Richards, Vallone, Jr. and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to a traffic management plan in response to emergency conditions.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-112 to read as follows:

§30-112 *Traffic management plan. The commissioner shall develop and implement a traffic management plan no later than October 1, 2013 in consultation with other city agencies and relevant governmental entities, to be implemented during and after emergency conditions and incidents as such conditions and incidents are defined in section 497 of the charter, when such conditions or incidents severely impact automotive, subway, and/or commuter train transportation in the city of New York. Such plan shall include but not be limited to, to the extent practicable: (1) the installation of back-up power capability, including but not limited to solar power and other alternative energy sources, to street lights and traffic control signals to keep the roadway network functioning to the maximum possible extent during power outages; (2) alternative transportation options to be used in the event of subway service and/or major roadway shutdowns, including but not limited to expanded bus and ferry service, both from governmental and private entities; (3) alternative bus routing, including, but not limited to, the closing of certain streets to all traffic except buses; (4) the expanded use of vehicles licensed by the taxi and limousine commission, including allowing for-hire vehicles to accept street hail passengers, allowing taxicabs to pick up multiple fares, and relaxing high-occupancy vehicle (HOV) restrictions for taxicabs and other for-hire vehicles, where appropriate; and (5) accessible transportation options for persons with special needs, including but not limited to the elderly and persons with disabilities.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Res. No. 1808

**Resolution calling upon the United States Congress to amend the Biggert-Waters Flood Insurance Reform Act of 2012.**

By Council Member Ulrich and the Speaker (Council Member Quinn), also Council Member Chin.

**Whereas**, In 1968, Congress passed the National Flood Insurance Act, which created the National Flood Insurance Program (“NFIP”) to provide a means for property owners in flood-prone areas to financially protect themselves from floods; and

**Whereas**, Homeowners, renters and businesses in NFIP participating communities are able to, and in many cases required to, purchase flood insurance; and

**Whereas**, In order to participate in NFIP, communities must adopt and enforce federally mandated requirements, including the adoption of Flood Insurance Rate Maps (“FIRMs”); and

**Whereas**, FIRMs are the official maps, created by the Federal Emergency Management Agency (“FEMA”), used by a community to identify areas most prone to flooding and to set insurance rates and requirements accordingly; and

**Whereas**, Since its inception, the NFIP has offered lower premium rates to property owners under certain circumstances; and

**Whereas**, Properties with buildings that were constructed before their community adopted its first FIRM or that were in compliance with an existing FIRM at the time the building was constructed, but that now have an increased flood risk according to a current FIRM, formerly benefited from subsidized rates; and

**Whereas**, On July 6, 2012, President Obama signed into law the Biggert-Waters Flood Insurance Reform Act of 2012 (the “Act”), which reauthorizes the NFIP through September 30, 2017, and significantly alters the way flood insurance premium rates are calculated; and

**Whereas**, The Act requires premium rates for all properties located in NFIP participating areas to accurately reflect the current actuarial risk to such property from floods; and

**Whereas**, Eventually, the Act will eliminate all subsidies and grandfathered rates, commonly referred to as Pre-FIRM subsidies; and

**Whereas**, FEMA recently released Preliminary Work Maps which are predictive of the new FIRMs expected to be adopted within the next two years; and

**Whereas**, The Preliminary Work Maps reflect current flood risk more accurately than the existing FIRMs, which were last updated in 2007; and

**Whereas**, According to the Preliminary Work Maps, the areas in the City at risk of flooding are expected to increase and the number of total properties in flood hazard areas is expected to nearly double from approximately 35,000 to 67,000 when the new FIRMs are adopted; and

**Whereas**, Under the Act, when FEMA adopts its new FIRMs, properties that had been receiving subsidized rates will now be required to pay actuarial-based premium rates that will be phased in over a five-year period at 20 percent per year, while newly mapped properties may be required to pay actuarial-based premium rates immediately; and

**Whereas**, The NYC Special Initiative for Rebuilding and Resiliency, an initiative created after Superstorm Sandy to consider how the City can be better protected against future natural disasters, estimates that premiums for buildings currently located in flood zones could increase by 2 to 10 times their current cost under a new FIRM; and



**Whereas**, For example, once the new premiums apply, a homeowner currently paying a premium of \$1,410 per year whose home is four feet below the Base Flood Elevation (“BFE”), according to the new FIRM, would have an actuarial premium of \$9,500 per year; and

**Whereas**, Under the five-year phase-in currently being proposed, the homeowner in that example would have to pay an annual increase of \$1,618 per year until \$9,500 is reached; and

**Whereas**, The Act requires that the Government Accountability Office (“GAO”) conduct a study and report to Congress on Pre-FIRM structures and the options for eliminating the subsidy to such structures; and

**Whereas**, The GAO study has been delayed for as much as two years; and

**Whereas**, When the study is released, it may show that the elimination of Pre-FIRM subsidies was unnecessary and overly burdensome on the poor and middle class; and

**Whereas**, At the conclusion of the GAO study, if the elimination of subsidies is found to be necessary, the Act should be amended to reduce the 20 percent premium rate increase per year the bill imposes as it will rapidly increase premiums for property owners; and

**Whereas**, Further, the Act would remove subsidized rates upon the lapse of a policy, purchase of a new policy or the sale of a property; and

**Whereas**, For the approximately 32,000 properties that find themselves in the floodplain for the first time when the new FIRMs are adopted, actuarial rates may be effective immediately, as entering into a new policy after such date triggers actuarial rates; and

**Whereas**, The Act should be amended to allow newly mapped properties to participate in the phase-in of the actuarial rate without requiring them to purchase a preferred-risk policy prior to the adoption of the final FIRM; and

**Whereas**, For buyers wishing to purchase a property in an NFIP participating area after the new FIRMs are adopted, actuarial rates will be effective immediately even if that home would have been eligible for a gradual phase in prior to its sale; and

**Whereas**, The Act should be amended to allow for current subsidized rates to continue upon the sale of a property, allowing the new buyer to participate in the phase-in of the actuarial rate, as prospective buyers will likely be deterred from purchasing homes in flood-prone areas when they factor in the monthly cost of flood insurance at an actuarial rate; and

**Whereas**, The NFIP should allow for higher deductibles; and

**Whereas**, Current baseline deductibles start at \$1,000 and \$2,000 depending on whether the building is a Post-FIRM or Pre-FIRM construction, respectively; and

**Whereas**, Allowing the deductible for 1 to 4 family homes to be raised to \$4,000 could reduce premium rates up to 15 percent, and raising the deductible for 1 to 4 family homes to \$50,000, as is permitted for other residential and non-residential buildings, could reduce their premiums rates up to 43.5 percent; and

**Whereas**, The NFIP should reduce premiums for partial mitigation and building type; and

**Whereas**, Currently, the only factors for determining flood premiums post-Biggert-Waters are the flood zone and the elevation of its lowest occupied floor relative to BFE; and

**Whereas**, Elevating a building or vacating the ground floor are cost-prohibitive or, in some cases, impossible with the majority of NYC’s building stock; and

**Whereas**, There are other factors which determine a building’s actual risk for flood loss including construction materials, foundation type and whether the mechanicals have been elevated; and

**Whereas**, NFIP should give owners credit for the actual risk-mitigating alterations they make to their buildings; and

**Whereas**, The NFIP should treat cooperatives the same as condominiums; and

**Whereas**, Currently, condominium associations are able to receive separate policies for each of its units, however, cooperatives are only able to receive one policy for the entire building, leaving NYC cooperatives under-insured; and

**Whereas**, Unless the Act is amended, it will undoubtedly have huge implications for coastal areas in NYC by reducing property values in coastal communities and imposing economic hardships on property owners; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to amend the Biggert-Waters Flood Insurance Reform Act of 2012.

Referred to the Committee on Housing and Buildings.

Int. No. 1077

By Council Members Vacca, Brewer, Chin, Comrie, Fidler, Koo, Lander, Mendez, Vallone, Jr., Halloran and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to a fuel management plan in response to emergency conditions.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-111 to read as follows:

*§30-111 Fuel management plan. The commissioner shall develop and implement a fuel management plan no later than October 1, 2013 in consultation with other city agencies and other relevant governmental entities, to be implemented during and after emergency conditions and incidents as described in section 497 of the charter, when such conditions or incidents disrupt the fuel supply in the city of New York. Such plan shall include but not be limited to: (1) the procedures and criteria for determining when a fuel shortage exists and for rationing of fuel in the event of a fuel shortage in the city of New York, with such criteria to include the uses of fuel for generator and emergency needs; (2) the amount of fuel reserves the city of New York should maintain and for what priority purposes; (3) the establishment and maintenance of lines of communication between the city and the industries that provide fuel to the city of New York; (4) prioritization of fuel access for persons involved in rescue, recovery and clean-up operations, including emergency services and medical and uniformed services personnel such as police, fire and sanitation workers; and (5) an assessment of transportation routes to allow fuel providers to reach their destinations within the city of New York.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Res. No. 1809

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign into law, A.1056/S.744, which alters the statute of limitations for medical, dental or podiatric malpractice to when a person knows or reasonably should have known of the alleged negligent act or omission rather than when the negligent act or omission took place, and calling on the Legislature to pass or amend legislation to authorize the same change for the New York City Health and Hospitals Corporation and its employees.**

By Council Members Vacca and Koppell.

**Whereas**, In New York State, an individual has fifteen months from the date of an act of alleged medical malpractice to initiate a lawsuit for malpractice in the case of a hospital under the auspices of the New York City Health and Hospitals Corporation (HHC) or a physician employed by such hospital; and

**Whereas**, In the case of other hospitals and physicians in New York State, the statute of limitations is two years and six months from the date of the medical error; and

**Whereas**, If a patient learns of a medical mistake after the statute of limitations, the patient cannot file a lawsuit, even if there was no way for the patient to have known of the error earlier; and

**Whereas**, Many states follow a "date of discovery" rule, meaning that the statute of limitations for bringing a lawsuit against a doctor and/or hospital for medical negligence begins on the date that the patient discovers the misconduct, rather than the date the misconduct occurred; and

**Whereas**, A.1056, by Assemblywoman Weinstein, and companion bill S.744, by Senator Fuschillo, seek to alter the statute of limitations for private medical, dental or podiatric malpractice to two years and six months from the time when a person knows or reasonably should have known of the alleged negligent act or omission and knows or reasonably should have known that such negligent act or omission has caused an injury; and

**Whereas**, A.1056/S.744 does not also address municipality-owned hospitals or their employees, such as those under HHC; and

**Whereas**, In addition to passing A.1056/S.744, the New York State Legislature should also amend state law to alter the statute of limitations for municipality-owned hospitals and their employees to the date of discovery rather than the date of the negligence; and

**Whereas**, Passing such legislation will provide patients with the opportunity to seek justice when wrongdoing is alleged; 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, A.1056/S.744, which alters the statute of limitations for medical, dental or podiatric malpractice to when a person knows or reasonably should have known of the alleged negligent act or omission rather than when the negligent act or omission took place, and calling on the Legislature to pass or amend legislation to authorize the same change for the New York City Health and Hospitals Corporation and its employees.

Referred to the Committee on Health.

Res. No. 1810

**Resolution calling upon New York State Legislature to examine the Retirement and Social Security Law as it pertains to the provision of disability benefits for members of the New York City Police Pension Fund and for members of the New York City Fire Department Pension Fund.**

By Council Members Vallone, Jr., Chin, Comrie and Halloran.

**Whereas**, The men and women that serve in the New York City Police Department (“NYPD”) and in the New York City Fire Department (“FDNY”) risk their lives daily to ensure the safety and well-being of the residents of New York City; and

**Whereas**, According to the Tier 3 Summary Plan Description of the New York City Police Pension Fund, if a NYPD or FDNY officer that has less than five years of service is disabled during a non-work function they receive no pension benefits; and

**Whereas**, However, According to the Emergency Medical Technician (EMT) 25-Year Retirement Plan for Tier 4 Members of the New York City Employees Retirement System, EMTs disabled during a non-work function and have less than five years of service receive a portion of their salary for the remainder of their life; and

**Whereas**, The State and the unions that represent the members of both pension funds should work together to find a fiscally sound remedy to this disparity that leaves some the City’s first responders unprotected after honorably serving the people of New York City; and

**Whereas**, Remedying this disparity would help provide equality in benefits among first responders; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon New York State Legislature to examine the Retirement and Social Security Law as it pertains to the provision of disability benefits for members of the New York City Police Pension Fund and for members of the New York City Fire Department Pension Fund.

Referred to the Committee on Civil Service and Labor.

Res. No. 1811

**Resolution calling upon the Metropolitan Transportation Authority to proceed with a track intrusion technology pilot program in the New York City subway system.**

By Council Members Vallone, Jr., Koo and Koppell

**Whereas**, In 2012, 141 people were struck by subway trains in New York City, resulting in 55 fatalities, according to the Metropolitan Transportation Authority (MTA); and

**Whereas**, Over the past 12 years, on average, 135 people were struck by trains each year, resulting in an average of 44 fatalities each year; and

**Whereas**, Contact between passengers and trains takes many forms; in order from most common to least common, these include: tripping and falling onto the track or into a moving train; suicides; intentionally entering the tracks (i.e. to retrieve items or trespassing); leaning over the platform edge; being pushed or bumped onto the tracks or into a moving train; falling as a result of a medical condition (i.e. seizures); falling between cars; and

**Whereas**, After a series of high-profile incidents, including two cases of passengers being intentionally pushed off subway platforms to their deaths in December 2012, the Council’s Committee on Transportation held an emergency oversight hearing on preventing train-passenger collisions in the subway on February 7, 2013; and

**Whereas**, At the February hearing, MTA officials included track intrusion technology among the measures they would consider as a means to prevent train-passenger collisions and at a subsequent committee hearing in May 2013, MTA officials indicated that they would like to begin a track intrusion technology pilot by the end of 2013; and

**Whereas**, Such systems typically are designed to detect people and objects of a certain size and to automatically trigger an alarm and alert train control centers upon any intrusion into the track area; and

**Whereas**, Track intrusion technology has possible security-related benefits, in addition to potentially preventing train-passenger collisions; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to proceed with a track intrusion technology pilot program in the New York City subway system.

Referred to the Committee on Transportation.

Int. No. 1078

By Council Members Vann, Reyna, Comrie, Crowley, Dickens, James, Koo, Koslowitz, Mendez, Rose, King and Halloran.

**A Local Law to amend the New York city charter, in relation to a small business redemption community investment program.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and declaration. New York City has an interest in both easing the financial burden many small businesses face as a result of fines issued by City agencies and in promoting service aimed at helping the City thrive. A redemption program providing small businesses with a voluntary opportunity to

avoid fines in exchange for performing community service would help struggling small businesses while making a difference in addressing the needs of communities throughout the City. The Council finds that a small business redemption community investment program would serve as a way to effectively engage small business owners in community service.

§ 2. Chapter 56 of the New York city charter is amended by adding a new section 1307 to read as follows:

§ 1307. *Small business redemption community investment program. a. For the purposes of this section, “small business” shall have the same meaning as in section one hundred thirty-one of the economic development law.*

*b. The department shall establish a small business redemption community investment program. As part of such program, the department shall consult with the department of health and mental hygiene, the department of consumer affairs and the department of sanitation to develop a program that provides any small business with the option of performing community service activities specified by the department within a period of time specified by the department after such business receives notice of a violation from the department of health and mental hygiene, the department of consumer affairs or the department of sanitation. The department shall consult with such agencies to develop a mechanism for determining the types of community service activities that may be performed. Performance of such activities to the satisfaction of the department shall result in the waiver of the penalty for such violation.*

*c. Within two years of the effective date of this section, the department shall submit to the council and the mayor a written report analyzing the small business redemption pilot program which shall include, but not be limited to, the number of small businesses that opted to participate in the program, the number of community service hours performed by small businesses that participated in the program, the loss of revenue as a result of businesses opting to participate in community service activities rather than paying penalties, any other information the department deems appropriate to the evaluation of such pilot program, and recommendations for improvements to such program.*

*d. This pilot program shall expire two years after the effective date of this section.*

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

Referred to the Committee on Small Business.

Int. No. 1079

By Council Members Williams, Lander, the Speaker (Council Member Quinn), Mark-Viverito, Mendez, Cabrera, Jackson, Arroyo, Barron, Brewer, Chin, Comrie, Dickens, Dromm, Ferreras, Foster, Garodnick, James, King, Koppell, Lappin, Levin, Palma, Reyna, Richards, Rodriguez, Rose, Van Bramer, Vann, Weprin, Wills, Mealy, Eugene, Koslowitz, Gonzalez, the Public Advocate (Mr. de Blasio), Greenfield and Halloran.

**A Local Law to amend the New York city charter, in relation to the investigating, reviewing, studying, and auditing of and making of recommendations relating to the operations, policies, programs and practices of the new york city police department by the commissioner of the department of investigation.**

*Be it enacted by the Council as follows:*

Section 1. Section 803 of chapter 34 of the New York city charter is amended by adding a new subdivision c, relettering current subdivisions c through e as new subdivisions d through f, and amending relettered subdivision d to read as follows:

*c. 1. The commissioner shall, on an ongoing basis, investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices, including ongoing partnerships with other law enforcement agencies, of the new york city police department with the goal of enhancing the effectiveness of the department, increasing public safety, protecting civil liberties and civil rights, and increasing the public’s confidence in the police force, thus building stronger police-community relations.*

*2. Not later than ninety days after the effective date of the local law that added this subdivision, the commissioner shall report to the council regarding the identity and qualifications of the individual responsible for overseeing the implementation of the duties described in paragraph 1 of this subdivision, the number of personnel assigned to assist that individual, and the details of the management structure covering them. Upon removal or replacement of the individual responsible for overseeing the implementation of the duties described in paragraph 1 of this subdivision, notification of that removal or replacement, and the identity and qualifications of the new individual responsible for overseeing the implementation of the duties described in paragraph 1 of this subdivision, shall be provided to the council.*

*3. The Mayor, in consultation with the department and the new york city police department, shall have the discretion to determine how sensitive information provided to the department in connection with any investigation, review, study, or audit undertaken pursuant to this section shall be treated. The Mayor shall provide the Council with any guidelines, procedures, protocols or similar measures related to the treatment of sensitive information that he or she puts in place. Sensitive information shall mean information concerning (a) ongoing civil or criminal investigations or proceedings; (b) undercover operations; (c) the identity of*

confidential sources, including protected witnesses; (d) intelligence or counterintelligence matters; or (e) other matters the disclosure of which would constitute a serious threat to national security or to the safety of the people of the city of New York.

4. The executive director of the civilian complaint review board and the chief of the new york city police department's internal affairs bureau shall report to the commissioner any problems and deficiencies relating to the new york city police department's operations, policies, programs and practices that he or she has reason to believe would adversely affect the effectiveness of the department, public safety, the exercise of civil liberties and civil rights, or the public's confidence in the police force, and that would be relevant to the duties of the commissioner as described in paragraph 1 of this subdivision.

5. No officer or employee of an agency of the city shall take any adverse personnel action with respect to another officer or employee in retaliation for his or her making a complaint to, disclosing information to, or responding to queries from the commissioner pursuant to activities undertaken under paragraph 1 of this subdivision unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity. Any officer or employee who believes he or she has been retaliated against for making such complaint to, disclosing such information to, or responding to such queries from the commissioner may report such action to the commissioner as provided for in subdivision c of section 12-113 of the administrative code.

6. The department's website shall provide a link for individuals to report any problems and deficiencies relating to the new york city police department's operations, policies, programs and practices. Individuals making such reports shall not be required to provide personally identifying information.

d[c]. 1. For any investigation made pursuant to subdivision a or b of this section, the commissioner shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the requesting party, if any. In the event that [the] any matter investigated, reviewed, studied, or audited pursuant to this section involves or may involve allegations of criminal conduct, the commissioner, upon completion of the investigation, review, study, or audit, shall also forward a copy of his or her written report or statement of findings to the appropriate prosecuting attorney, or, in the event the matter investigated, reviewed, studied, or audited involves or may involve a conflict of interest or unethical conduct, to the conflicts of interest board[ of ethics].

2. For any investigation, review, study, or audit made pursuant to paragraph one of subdivision c of this section, the commissioner shall prepare a written report or statement of findings and shall forward a copy of such report or statement to the mayor, the council, and the police commissioner upon completion. Within ninety days of receiving such report or statement, the police commissioner shall provide a written response to the commissioner, the mayor, and the council. Each such written report or statement, along with a summary of its findings, as well as the reports described in paragraph 3 of this subdivision, shall be posted on the department's website in a format that is searchable and downloadable and that facilitates printing no later than ten days after it is delivered to the mayor, the council, and the police department. All such reports, statements, and summaries so posted on the department's website shall be made easily accessible from a direct link on the homepage of the website of the department.

3. In addition to the reports and statements of findings to be delivered to the mayor, the council, and the police commissioner pursuant to paragraph 2 of this subdivision, there shall be an annual summary report on the activities undertaken pursuant to paragraph 1 of subdivision c of this section containing the following information: (a) a description of all significant findings from the investigations, reviews, studies, and audits conducted in the preceding year; (b) a description of the recommendations for corrective action made in the preceding year; (c) an identification of each recommendation described in previous annual reports on which corrective action has not been implemented or completed; and (d) the number of open investigations, reviews, studies, or audits that have been open, as of the close of the preceding calendar year, for a time period of 1) six months up to and including one year, 2) more than one year up to and including two years, 3) more than two years up to and including three years, and 4) more than three years. The annual summary report required by this paragraph shall be completed and delivered to the mayor, the council, and the police commissioner on April 1, 2015 and every April 1 thereafter.

e[d]. The jurisdiction of the commissioner shall extend to any agency, officer, or employee of the city, or any person or entity doing business with the city, or any person or entity who is paid or receives money from or through the city or any agency of the city.

f[e]. The commissioner shall forward to the council and to the mayor a copy of all reports and standards prepared by the corruption prevention and management review bureau, upon issuance by the commissioner.

§ 2. Section 804 of chapter 34 of the New York City charter is amended to read as follows:

§ 804. Complaint bureau. There shall be a complaint bureau in the department which shall receive complaints from the public, including, but not limited to, complaints about any problems and deficiencies relating to the new york city police department's operations, policies, programs and practices.

§ 3. This local law shall take effect on January 1, 2014.

Referred to the Committee on Public Safety.

Int. No. 1080

By Council Members Williams, Mark-Viverito, Mendez, Lander, Cabrera, Jackson, Arroyo, Barron, Brewer, Chin, Comrie, Dickens, Dromm, Ferreras, Foster, Garodnick, James, King, Koppell, Lappin, Levin, Palma, Reyna, Richards, Rodriguez, Rose, Van Bramer, Vann, Weprin, Wills, Mealy, Eugene, Gonzalez and the Public Advocate (Mr. de Blasio).

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting bias-based profiling.**

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Intent and Findings. The City Council finds that bias-based policing endangers New York City's long tradition of serving as a welcoming place for people of all backgrounds. The Council further finds that the people of the City of New York are in great debt to the hard work and dedication of police officers in their daily duties. The name and reputation of these officers should not be tarnished by the actions of those who would commit discriminatory practices. By passing this legislation, it is the intent of the City Council to create a safer city for all New Yorkers.

The City Council expresses deep concern about the impact of NYPD practices on various communities in New York City. In particular, the Council expresses concern about the NYPD's growing reliance on stop-and-frisk tactics and the impact of this practice on communities of color. In 2002, the NYPD made approximately 97,000 stops. By 2010, the number of stops had increased to more than 601,000. Black and Latino New Yorkers face the brunt of this practice and consistently represent more than 80 percent of people stopped despite representing just over 50 percent of the city's population. Moreover, stop-and-frisk practices have not increased public safety, as year-after-year nearly 90 percent of individuals stopped are neither arrested nor issued a summons.

Bias-based profiling by the police alienates communities from law enforcement, violates New Yorkers' rights and freedoms, and is a danger to public safety. It is the Council's intent that the provisions herein be construed broadly, consistent with the Local Civil Rights Restoration Act of 2005, to ensure protection of the civil rights of all persons covered by the law.

§ 2. Section 14-151 of the administrative code of the City of New York is amended to read as follows:

§ 14-151 [Racial or Ethnic]Bias-based Profiling Prohibited. a. Definitions. As used in this section, the following terms have the following meanings:

1. "[Racial or ethnic]Bias-based profiling" means an act of a member of the force of the police department or other law enforcement officer that relies on actual or perceived race, [ethnicity, religion or] national origin, color, creed, age, alienage or citizenship status, gender, sexual orientation, disability, or housing status as the determinative factor in initiating law enforcement action against an individual, rather than an individual's behavior or other information or circumstances that links a person or persons [of a particular race, ethnicity, religion national origin] to suspected unlawful activity.

2. "Law enforcement officer" means (i) a peace officer or police officer as defined in the Criminal Procedure Law who is employed by the city of New York; or (ii) a special patrolman appointed by the police commissioner pursuant to section 14-106 of the administrative code.

3. The terms "national origin," "gender," "disability," "sexual orientation," and "alienage or citizenship status" shall have the same meaning as in section 8-102 of the administrative code.

4. "Housing status" means the character of an individual's residence or lack thereof, whether publicly or privately owned, whether on a temporary or permanent basis, and shall include but not be limited to:

- (i) an individual's ownership status with regard to the individual's residence;
- (ii) the status of having or not having a fixed residence;
- (iii) an individual's use of publicly assisted housing;
- (iv) an individual's use of the shelter system; and
- (v) an individual's actual or perceived homelessness.

b. Prohibition.

1. Every member of the police department or other law enforcement officer shall be prohibited from [racial or ethnic]engaging in bias-based profiling.

2. The department shall be prohibited from engaging in bias-based profiling.

c. Private Right of Action

1. A claim of bias-based profiling is established under this section when an individual brings an action demonstrating that:

(i) the governmental body has engaged in intentional bias-based profiling of one or more individuals and the governmental body fails to prove that such bias-based profiling (A) is necessary to achieve a compelling governmental interest and (B) was narrowly tailored to achieve that compelling governmental interest; or

(ii) one or more law enforcement officers have intentionally engaged in bias-based profiling of one or more individuals; and the law enforcement officer(s) against whom such action is brought fail(s) to prove that the law enforcement action at issue was justified by a factor(s) unrelated to unlawful discrimination.

2. A claim of bias-based profiling is also established under this section when:

(i) a policy or practice within the police department or a group of policies or practices within the police department regarding the initiation of law enforcement action has had a disparate impact on the subjects of law enforcement action on the basis of characteristics delineated in paragraph 1 of subdivision a of this section,



such that the policy or practice on the subjects of law enforcement action has the effect of bias-based profiling; and

(ii) The police department fails to plead and prove as an affirmative defense that each such policy or practice bears a significant relationship to advancing a significant law enforcement objective or does not contribute to the disparate impact; provided, however, that if such person who may bring an action demonstrates that a group of policies or practices results in a disparate impact, such person shall not be required to demonstrate which specific policies or practices within the group results in such disparate impact; provided further, that a policy or practice or group of policies or practices demonstrated to result in a disparate impact shall be unlawful where such person who may bring an action produces substantial evidence that an alternative policy or practice with less disparate impact is available and the police department fails to prove that such alternative policy or practice would not serve the law enforcement objective as well.

(iii) For purposes of claims brought pursuant to this paragraph, the mere existence of a statistical imbalance between the demographic composition of the subjects of the challenged law enforcement action and the general population is not alone sufficient to establish a prima facie case of disparate impact violation unless the general population is shown to be the relevant pool for comparison, the imbalance is shown to be statistically significant and there is an identifiable policy or practice or group of policies or practices that allegedly causes the imbalance.

**d. Enforcement**

1. An individual subject to bias-based profiling as defined in paragraph 1 of subdivision a of this section may file a complaint with the New York City Commission on Human Rights, pursuant to Title 8 of the Administrative Code of the City of New York, or may bring a civil action against (i) any governmental body that employs any law enforcement officer who has engaged, is engaging, or continues to engage in bias-based profiling, (ii) any law enforcement officer who has engaged, is engaging, or continues to engage in bias-based profiling, and (iii) the police department where it has engaged, is engaging, or continues to engage in bias-based profiling or policies or practices that have the effect of bias-based profiling.

2. The remedy in any civil action or administrative proceeding undertaken pursuant to this section shall be limited to injunctive and declaratory relief.

3. In any action or proceeding to enforce this section, the court may allow a prevailing plaintiff reasonable attorney's fees as part of the costs, and may include expert fees as part of the attorney's fees.

**e. Preservation of rights.** This section shall be in addition to all rights, procedures, and remedies available under the United States Constitution, Section 1983 of Title 42 of the United States Code, the Constitution of the State of New York and all other federal law, state law, law of the City of New York or the New York City Administrative Code, and all pre-existing civil remedies, including monetary damages, created by statute, ordinance, regulation or common law.

§ 3. Section 8-502 of the administrative code of the city of New York is amended by relettering current subdivisions e and f as new subdivisions f and g, and amending relettered subdivision f to read as follows:

[e]f. The provisions of this section which provide a cause of action to persons claiming to be aggrieved by an act of discriminatory harassment or violence as set forth in chapter six of this title shall not apply to acts committed by members of the police department in the course of performing their official duties as police officers whether the police officer is on or off duty. *This subdivision shall in no way affect rights or causes of action created by Section 14-151 of the Administrative Code of the City of New York.*

[f]g. In any civil action commenced pursuant to this section, the court, in its discretion, may award the prevailing party costs and reasonable attorney's fees. For the purposes of this subdivision, the term "prevailing" includes a plaintiff whose commencement of litigation has acted as a catalyst to effect policy change on the part of the defendant, regardless of whether that change has been implemented voluntarily, as a result of a settlement or as a result of a judgment in such plaintiff's favor.

§ 4. Severability. If any provision of this bill 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.

§ 5. This local law shall take effect ninety days after it is enacted.

Referred to the Committee on Public Safety.

Res. No. 1812

**Resolution calling on the Mayor to direct the New York City Department of Health and Mental Hygiene and the New York City Human Resources Administration/Department of Social Services to develop and implement a comprehensive interdisciplinary response to gun violence.**

By Council Members Williams, Barron, Brewer, Chin, Fidler, James, Koppell, Lander, Mendez, Palma and Vann.

**Whereas**, According to the Brady Center to Prevent Gun Violence, on average, 32 Americans were murdered with guns every day and 140 were treated for gun assault in an emergency room in 2012; and

**Whereas**, In New York City in particular, 57 percent of all murders in 2012 were attributed to gun violence; and

**Whereas**, Moreover there were nearly 1,375 shooting incidents, where a person was injured either fatally or non-fatally, in New York City in 2012; and

**Whereas**, David Hemenway, Professor of Health Policy at the Harvard School of Public Health and the Director of Harvard's Injury Control Research Center and Youth Prevention Center, has stated that the mission of public health is the attainment of positive physical, mental and social well-being; and

**Whereas**, Recent research conducted by urbanologist Richard Florida suggests that while stringent gun control laws reduce gun violence, these laws do not address poverty, which is a major indicator of high gun violence rates; and

**Whereas**, In New York City, gun violence is a problem that disproportionately impacts certain neighborhoods and populations; and

**Whereas**, For example, approximately half of all shooting incidents in 2012 occurred in only 10 of the City's 76 police precincts; and

**Whereas**, These precincts are located in the City's most economically distressed communities; and

**Whereas**, There is a direct correlation between social economic status and health outcomes; and

**Whereas**, Infant mortality, obesity and diabetes are disproportionately high in the precincts where the highest concentration of shooting incidents in 2012 occurred; and

**Whereas**, In 2010, gunshot wounds and deaths, along with court proceedings and hospitalizations paid for by government health programs, cost American tax payers at least \$12 billion according to the Detroit Free Press; and

**Whereas**, It is therefore necessary for the City of New York to undertake a comprehensive gun violence prevention plan in order to reduce, the physical, mental and emotional cost of gun violence, as well as the cost of caring for victims of gun violence which is often passed on to tax payers; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Mayor to direct the New York City Department of Health and Mental Hygiene and the New York City Human Resources Administration/Department of Social Services to develop and implement a comprehensive interdisciplinary response to gun violence.

Referred to the Committee on Public Safety.

Res. No. 1813

**Resolution calling upon the United States Congress and the President of the United States to raise the minimum age for enlisting in the military to age 21.**

By Council Members Williams, Barron, Chin and James.

**Whereas**, Federal law allows individuals who are age 18 and over, and those age 17 with parental consent, to enlist in the United States Army, Navy, Air Force, Marine Corps or Coast Guard; and

**Whereas**, Each branch of the United States Armed Forces utilizes recruitment and Junior Reserve Officer Training Corps (JROTC) programs in high schools in an effort to promote the option of military service to students and to obtain enlistments by those age 17 and older; and

**Whereas**, Under federal law, military recruiters must be afforded the same access to public high school students that is provided to colleges, universities, and prospective employers; and

**Whereas**, The No Child Left Behind Act of 2001 grants military recruiters access to personal information of public high schools students without prior parental consent unless a parent or guardian has submitted a request that such information not be released; and

**Whereas**, Research indicates that adolescents are more susceptible to peer pressure and have an increased tendency to engage in risky behavior in comparison to adults; and

**Whereas**, Development of the portion of the brain involved in decision-making is not complete until an individual is over age 21; and

**Whereas**, Service in the military may entail exposure to life-threatening and highly stressful situations; and

**Whereas**, Those under age 21 may be unprepared to properly weigh the risks and benefits of military service; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress and the President of the United States to raise the minimum age for enlisting in the military to age 21.

Referred to the Committee on Veterans.

Int. No. 1081

By Council Member Wills.

**A Local Law in relation to the creation of a task force on the sport of cricket.**

*Be it enacted by the Council as follows:*



Section 1. Legislative findings and declaration. Participation in team sports has been associated with higher levels of participation in overall physical activity, decreased cardiovascular risks, improved mental health, and a reduction in risky behaviors. In addition, children who play on three sports teams or more were 27% less likely to be overweight/obese and 40% less likely to be obese compared with children who do not play on any sports team. Thus, it is important for young people to be encouraged to participate in team sports. Cricket is the second most popular sport in the world, second only to soccer. There are currently more than 30 cricket fields and leagues across New York city as well as 25 high school teams and an NYPD youth cricket league with a dozen teams.

The Council finds that it is important to encourage young people to participate on team sports, that cricket is an increasingly popular sport for young people, and that it would give youth another activity to engage in during Out-of-School Time. Based on this finding, the Council determines that it is necessary to create a task force to study the health, social, and potential economic benefits of cricket, recommend ways to promote the sport in New York city and identify funding sources for equipment, uniforms, and umpires.

§2. Cricket Task Force. a. There shall be a task force to study the health, social and potential economic benefits of cricket in New York city and to make specific recommendations to the mayor and council for the promotion of the sport of cricket and to identify funding sources for team equipment.

b. Such task force shall consist of nine members as follows:

i. Three members shall be appointed by the mayor.

ii. One member shall be appointed by the speaker of the city council.

iii. One member shall be appointed by each of the five borough presidents.

iv. The members shall be appointed within sixty days of the enactment of this local law.

v. At its first meeting, the task force shall select a chairperson from among its members by majority vote of the task force.

c. Each member shall serve for a term of twelve months, to commence after the final member of the task force is appointed. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.

d. No member of the task force shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.

e. Members of the task force shall serve without compensation and shall meet no less than one a month.

f. The task force shall issue a report to the mayor and council no later than twelve months after the final member of the task force is appointed. Such report shall include specific recommendations on the following topics:

i. funding sources for team equipment, uniforms, and umpires

ii. promoting cricket in New York city

iii. potential economic development initiatives.

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

Referred to the Committee on Parks and Recreation.

Preconsidered Int. No. 1082

By Council Members Wills, Levin, Chin and Palma.

**A Local Law to amend the administrative code of the city of New York, in relation to minimum average fuel economy of light-duty vehicles purchased by the city.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 2 of subdivision d of section 24-163.1 of title 24 of the administrative code of the city of New York is amended to read as follows:

(2) The city shall achieve the following minimum percentage increases in the average fuel economy of all light-duty vehicles purchased by the city during the following fiscal years, relative to the average fuel economy of all such vehicles purchased by the city during the fiscal year beginning July 1, 2004, calculated pursuant to paragraph one of this subdivision:

(i) For the fiscal year beginning July 1, 2006, five percent;

(ii) For the fiscal year beginning July 1, 2007, eight percent;

(iii) For the fiscal year beginning July 1, 2008, ten percent;

(iv) For the fiscal year beginning July 1, 2009, twelve percent;

(v) For the fiscal [year] years beginning July 1, 2010 and July 1, 2011, fifteen percent;

(vi) For the fiscal [year] years beginning July 1, 2012, July 1, 2013 and July 1, 2014, eighteen percent; [and]

(vii) For the fiscal year beginning July 1, 2015, [and for each fiscal year thereafter,] twenty percent[.];

(viii) For the fiscal year beginning July 1, 2016, twenty three percent;

(ix) For the fiscal year beginning July 1, 2017, twenty six percent;

(x) For the fiscal year beginning July 1, 2018, twenty nine percent;

(xi) For the fiscal year beginning July 1, 2019, thirty two percent;

(xii) For the fiscal year beginning July 1, 2020, thirty five percent;

(xiii) For the fiscal year beginning July 1, 2021, thirty eight percent; and

(xiv) For the fiscal year beginning July 1, 2022, and for each fiscal year thereafter, forty one percent.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection (preconsidered but laid over by the Committee on Environmental Protection).

Preconsidered L.U. No. 844

By Council Member Recchia:

**Presbyterian Housing Development Fund Corporation of Queens, Block 1932, Lot 9, Queens, Community District No. 4, Council District No. 25**

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

Preconsidered L.U. No. 845

By Council Member Recchia:

**Seagirt Apartments, Block 15610, Lot 1, Queens, Community District No. 14, Council District No. 31**

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

Preconsidered L.U. No. 846

By Council Member Recchia:

**927 Columbus Avenue, Block 1841, Lot 4, Manhattan, Community District No. 7, Council District No. 8**

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

L.U. No. 847

By Council Member Comrie:

**Application No. N 130137 ZRM submitted by MSG Holdings, L.P. pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, relating to Article III, Chapter 7 (Urban Design Regulations), Article VII, Chapter 4 (Special Permits by the City Planning Commission), and Article IX, Chapter 3 (Special Hudson Yards District), to facilitate the continued use and operation of Madison Square Garden in the Borough of Manhattan, Community District 5, Council District 3.**

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

L.U. No. 848

By Council Member Comrie:

**Application No. C 130139 ZSM submitted by MSG Holdings, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-41 of the Zoning Resolution to allow an arena of approximately 22,000 seats on the property located at 3-10 Penn Plaza (Block 781, Lots 1, 2, and 10), in C6-4 and C6-6 Districts, partially within the Special Hudson Yards District and partially within the Special Midtown South District in the Borough of Manhattan, Community District 5, Council District 3. 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 a voted 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. 849

By Council Member Comrie:

**Application No. C 130140 ZSM submitted by MSG Holdings, L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 93-171 of the Zoning Resolution to**

modify applicable provisions of the Zoning Resolution to allow advertising signs, allow an increase in surface area, and to allow signs above the maximum permitted height, for an arena located at 3-10 Penn Plaza (Block 781, Lots 1, 2, and 10), in C6-4 and C6-6 Districts, partially within the Special Hudson Yards District and partially within the Special Midtown South District in the Borough of Manhattan, Community District 5, Council District 3. 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 a voted 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. 850

By Council Member Comrie:

Application No. C 130188 ZMQ submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 11b, 11d, 15a, and 15c, to rezone all or portions of 411 blocks in the Bellerose, Floral Park and Glen Oaks neighborhoods in the Borough of Queens, Community District 13, Council District 23.

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

L.U. No. 851

By Council Member Comrie:

Application No. 20135759 PNM, pursuant to § 1301(2)(f) of the New York City Charter concerning the proposed maritime lease agreement between the City of New York Department of Small Business Services, as landlord, and Hornblower, New York, LLC, as tenant, for certain City-owned berth areas and other improvements located on Pier 15 (Block 73, part of Lot 2), Borough of Manhattan, Community Board 1, Council District 1.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 852

By Council Member Comrie:

Application No. C 130155 PPQ submitted by the NYC Department of Parks and Recreation and the USTA National Tennis Center Inc. (USTA), pursuant to Section 197-c of the New York City Charter, for the disposition of a lease of city-owned property to USTA located northerly of United Nations Avenue North, between Meridian Road and Path of Americas (Block 2018, p/o Lot 1) within Flushing Meadows-Corona Park, in the Borough of Queens, Community Districts 3, 4, 6, 7, 8 and 9, Council District 21. 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 a vote of the Council pursuant to 197-d(b)(3) of the Charter.

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

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

ANNOUNCEMENTS:

Thursday, June 13, 2013

★ Addition

Committee on FINANCE jointly with the Committee on PUBLIC HOUSING ..... 10:00 A.M. Oversight - Proposed NYCHA Actions to Address the Impact of Federal Sequestration Council Chambers – City Hall ..... Domenic M. Recchia, Chairperson ..... Rosie Mendez, Chairperson

★ Deferred

Committee on HEALTH ..... 10:00 A.M. Proposed Int. 386 A - By Council Members Gentile, James, Palma, Koppell and King - A Local Law to amend the administrative code of the city of New York, in relation to the smoking of non-tobacco products. Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Maria del Carmen Arroyo, Chairperson

Committee on PUBLIC SAFETY ..... 10:00 A.M. Int. 544 - By Council Members Chin, Rivera, Fidler, Mendez, Comrie, Brewer and Koslowitz - A Local Law to amend the administrative code of the city of New York, in relation to the purchase of counterfeit goods. Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Peter Vallone, Chairperson

Monday, June 17, 2013

★ Deferred

Committee on EDUCATION ..... 10:00 A.M. Oversight - NYC DOE's School Facilities. Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Robert Jackson, Chairperson

Committee on CONTRACTS ..... 10:00 A.M. Oversight – The Department of Homeless Services' Use of Emergency Procurement Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Darlene Mealy, Chairperson

Committee on STATE AND FEDERAL LEGISLATION ..... 10:30 A.M. Res. 1806 - By Council Members Recchia, Foster and the Speaker (Council Member Quinn) - Resolution calling on the United States Congress to pass, and the President to sign, legislation that would extend the Terrorism Risk Insurance Program Reauthorization Act of 2007. Committee Room – City Hall ..... Helen Foster, Chairperson

★ Note Committee Addition

Committee on FIRE AND CRIMINAL JUSTICE SERVICES jointly with the Committee on PUBLIC SAFETY and the ★Committee on TECHNOLOGY ..... 1:00 P.M. Int. 143 - By Council Members Fidler, Dromm, Ferreras, Gentile, Gonzalez, James, Koppell, Nelson, Reyna, Rodriguez, Williams, Crowley and Halloran - A Local Law to amend the administrative code of the city of New York, in relation to reporting response times for firefighting units and ambulances to fire and medical emergencies. Int. 189 - By Council Members Fidler, Comrie, Gentile, James, Koppell, Koslowitz, Nelson, Williams, Rodriguez, Mark-Viverito, Dromm, Van Bramer, Crowley and Halloran - A Local Law to amend the administrative code of the city of New York, in relation to comprehensive tracking of firefighting response times. Int. 265 - By Council Members Fidler, Barron, Brewer, Chin, Dickens, Foster, Gentile, Gonzalez, James, Koppell, Nelson, Palma, Williams, Mark-Viverito, Crowley and Halloran - A Local Law to amend the administrative code of the city of New York, in relation to comprehensive tracking of emergency medical service response times. Oversight - Examining Recent Problems with the City's Emergency 911 System Council Chambers – City Hall ..... Elizabeth Crowley, Chairperson ..... Peter Vallone, Chairperson ..... Fernando Cabrera, Chairperson

Committee on LOWER MANHATTAN REDEVELOPMENT jointly with the Committee on CIVIL SERVICE AND LABOR ..... 1:00 P.M. Oversight - Are cancer rates increasing in 9/11 Responders? Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Margaret Chin, Chairperson ..... Michael Nelson, Chairperson

Tuesday, June 18, 2013

Committee on CIVIL RIGHTS ..... 10:00 A.M. Proposed Int. 974-A - By Council Members Vacca, Lander, Palma, Rose, Lappin, Arroyo, Brewer, Chin, Eugene, Ferreras, Gentile, Jackson, James, Koo, Koppell, Koslowitz, Mendez, Reyna, Rivera, Williams, Rodriguez, Mark-Viverito, Crowley, Gonzalez and Ulrich – A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination in employment based on pregnancy, childbirth, or a related condition Committee Room– 250 Broadway, 14<sup>th</sup> Floor ..... Deborah Rose, Chairperson

Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES ..... 11:00 A.M.

See Land Use Calendar Available Thursday, June 13, 2013  
Committee Room— 250 Broadway, 16<sup>th</sup> Floor ..... Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**.....**1:00 P.M.**  
See Land Use Calendar Available Thursday, June 13, 2013  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Stephen Levin, Chairperson

★ Addition  
Committee on **PUBLIC SAFETY** ..... **1:00 P.M.**  
Preconsidered Int. 1053 - By Council Members Arroyo and Lappin - A Local Law to amend the administrative code of the city of New York, in relation to the tracking of persons with special medical needs during and after emergency conditions.  
Preconsidered Int. 1054 - By Council Member Comrie - A Local Law to amend the administrative code of the city of New York, in relation to the creation of a community recovery plan to respond to emergency conditions.  
Preconsidered Int. 1065 - By Council Members Koppell and Gonzalez - A Local Law amend the administrative code of the city of New York, in relation to the creation of an outreach and recovery plan to assist vulnerable and homebound individuals before, during and after emergency conditions.  
Preconsidered Int. 1069 - By Council Member Oddo - A Local Law to amend the administrative code of the city of New York, in relation to developing and implementing a food and water access plan in response to emergency conditions.  
Preconsidered Int. 1070 - By Council Member Palma - A Local Law to amend the administrative code of the city of New York, in relation to a sheltering plan in response to emergency conditions.  
Preconsidered Int. 1072 - By Council Member Reyna - A Local Law to amend the administrative code of the city of New York, in relation to a small business recovery plan in response to emergency conditions.  
Preconsidered Int. 1073 - By Council Members Richards, Lappin, and Arroyo - A Local Law to amend the administrative code of the city of New York, in relation to the evacuation of persons with special medical needs during and after emergency conditions.  
Preconsidered Int. 1075 - By Council Members Rodriguez and Gentile - A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of the office of emergency management to review plans for responding to emergency conditions and potential incidents and to report to the council.  
Preconsidered Int. 1076 - By Council Members Rose and Vacca - A Local Law to amend the administrative code of the city of New York, in relation to a traffic management plan in response to emergency conditions  
Preconsidered Int. 1077 - By Council Member Vacca - A Local Law to amend the administrative code of the city of New York, in relation to a fuel management plan in response to emergency conditions.  
Oversight – Reviewing the City’s Hurricane Sandy After Action Report and Recommendations.  
Council Chambers – City Hall ..... Peter Vallone, Chairperson

★ Note Topic Addition and Time Change  
Committee on **JUVENILE JUSTICE** ..... **★1:30 P.M.**  
★Oversight - Re-entry Planning for Youth in Detention and Placement  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Sara Gonzalez, Chairperson

**Wednesday, June 19, 2013**

Subcommittee on **ZONING & FRANCHISES**..... **9:30 A.M.**  
See Land Use Calendar Available Friday, June 14, 2013  
Council Chambers – City Hall .....Mark Weprin, Chairperson

★ Deferred  
Committee on **GOVERNMENTAL OPERATIONS**.....**10:00 A.M.**  
Agenda to be announced  
Committee Room— 250 Broadway, 16<sup>th</sup> Floor ..... Gale Brewer, Chairperson

★ Note Topic Addition, Deferral and Committee Addition  
Committee on **AGING** jointly with the  
Committee on **HEALTH**..... **1:00 P.M.**  
★Oversight – Pension Fraud and Retirees  
★Int. 1052 - By Council Members Arroyo, Lappin, Vacca, and Chin – A Local Law to amend the administrative code of the city of New York, in relation to regulating social adult day care programs. Committee Room – 250 Broadway, 14<sup>th</sup> Floor  
..... Jessica Lappin, Chairperson  
..... Maria del Carmen Arroyo, Chairperson

★ Note Topic Additions

Committee on **CONSUMER AFFAIRS**..... **1:00 P.M.**  
Proposed Int. 247-A - By Council Members Comrie, Brewer, Koslowitz, Palma, Recchia and Williams - A Local Law to amend the administrative code of the city of New York, in relation to the sale of tickets to the general public by operators of theater, music, or sporting events taking place in New York City.  
Proposed Res. 1295-A - By Council Members Garodnick, Brewer, James, Koo and Lander - Resolution calling on the New York State Legislature to amend the Arts and Cultural Affairs Law to define “e-ticket,” “paperless ticket” and “paperless ticketing system,” and calling for greater enforcement of current law relating to the transferability of tickets.  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Daniel Garodnick, Chairperson

**Thursday, June 20, 2013**

★ Note Committee and Topics Addition  
Committee on **HEALTH** jointly with the  
★Committee on **WOMEN’S ISSUES**..... **10:00 A.M.**  
★ Int. 1051 By Council Members Arroyo and Ferreras – A Local Law to amend the New York city charter, in relation to procedures for conducting a root cause analysis by the office of the chief medical examiner.  
★ Int. 1058- By Council Members Ferreras and Arroyo – A Local Law to amend the New York city charter, in relation to transparency of the office of the chief medical examiner.  
★Oversight - Examining the Need for Meaningful Transparency, Review and Reporting in the Office of Chief Medical Examiner  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor  
..... Maria del Carmen Arroyo, Chairperson  
..... Julissa Ferreras, 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, 16<sup>th</sup> Floor ..... Leroy Comrie, Chairperson

★ Addition  
Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... **11:00 A.M.**  
See Land Use Calendar Available Monday, June 17, 2013  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Stephen Levin, Chairperson  
  
Committee on **VETERANS** ..... **11:00 A.M.**  
Tour: Manhattan VA Medical Center  
Location: 423 East 23rd Street (Near 1<sup>st</sup> Avenue) New York, NY 10010  
Details Attached..... Mathieu Eugene, Chairperson

★ Deferred  
Committee on **COMMUNITY DEVELOPMENT**..... **1:00 P.M.**  
Agenda to be announced  
Committee Room— 250 Broadway, 14<sup>th</sup> Floor ..... Albert Vann, Chairperson

**Friday, June 21, 2013**

Committee on **PARKS AND RECREATION** ..... **10:00 A.M.**  
Agenda to be announced  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor  
..... Melissa Mark-Viverito, Chairperson

**Monday, June 24, 2013**

★ Addition  
Committee on **EDUCATION**..... **10:00 A.M.**  
Oversight - NYC DOE’s School Facilities.  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Robert Jackson, Chairperson

★ *Deferred*

Committee on **ECONOMIC DEVELOPMENT** ..... **10:00 A.M.**  
Agenda to be announced  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Karen Koslowitz, Chairperson

Committee on **HIGHER EDUCATION** ..... **10:00 A.M.**  
Agenda to be announced  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Ydanis Rodriguez, Chairperson

Committee on **TRANSPORTATION**..... **1:00 P.M.**  
Agenda to be announced  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor .....James Vacca, Chairperson

★ *Deferred*

Committee on **WATERFRONTS** ..... **1:00 P.M.**  
Agenda to be announced  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Peter Koo, Chairperson

**Tuesday, June 25, 2013**

★ *Addition*

Committee on **ECONOMIC DEVELOPMENT** ..... **10:00 A.M.**  
Oversight - Industrial and Commercial Abatement Program: Where are we five years later?  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Karen Koslowitz, Chairperson

Committee on **IMMIGRATION** ..... **10:00 A.M.**  
Agenda to be announced  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Daniel Dromm, Chairperson

Committee on **HOUSING AND BUILDINGS** ..... **1:00 P.M.**  
Agenda to be announced  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Erik Martin-Dilan, Chairperson

Committee on **SMALL BUSINESS**..... **1:00 P.M.**  
Agenda to be announced  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor .....Diana Reyna, Chairperson

**Wednesday, June 26, 2013**

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

**MEMORANDUM**

**May 30, 2013**

**TO:** ALL COUNCIL MEMBERS

**RE:** TOUR BY THE COMMITTEE ON VETERANS

Please be advised that all Council Members are invited to attend a tour to:

**Manhattan VA Medical Center  
423 East 23rd Street (Near 1<sup>st</sup> Avenue)  
New York, NY 10010**

The tour will be on **Thursday, June 20, 2013 beginning at 11:00 a.m.** A van will be leaving City Hall at **10:30 a.m. sharp.**

Council Members interested in riding in the van should call Kelly Taylor at 212-788-6898.

Mathieu Eugene, Chairperson  
Committee on Veterans

Christine C. Quinn  
Speaker of the  
Council

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, June 26, 2013.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int Nos. 480-A, 591-A, 981-A, 949-A, 956, and 1035-A, all adopted at the May 22, 2013 Stated Meeting, were signed into law by the Mayor on June 6, 2013 as, respectively, Local Law Nos. 42, 43, 44, and 45 of 2013.*

*(Editor's Note: An additional Stated Meeting was later scheduled for Monday, June 17, 2013)*