

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
THURSDAY, NOVEMBER 14, 2013

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**THE COUNCIL**

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*Minutes of the Proceedings for the  
STATED MEETING  
of*

Thursday, November 14, 2013, 3:10 p.m.

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

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	Diana Reyna
Gale A. Brewer	David G. Greenfield	Donovan J. Richards
Fernando Cabrera	Letitia James	Ydanis A. Rodriguez
Margaret S. Chin	G. Oliver Koppell	Eric A. Ulrich
Leroy G. Comrie, Jr.	Karen Koslowitz	James Vacca
Inez E. Dickens	Bradford S. Lander	Peter F. Vallone, Jr.
Erik Martin Dilan	Jessica S. Lappin	Albert Vann
Daniel Dromm	Stephen T. Levin	James G. Van Bramer
Mathieu Eugene	Melissa Mark-Viverito	Mark S. Weprin
Julissa Ferreras	Michael C. Nelson	Jumaane D. Williams
Lewis A. Fidler	James S. Oddo	Ruben Wills
Daniel R. Garodnick	Annabel Palma	
James F. Gennaro	Domenic M. Recchia, Jr.	

Excused: Council Members Barron, Crowley, Gonzalez, Halloran, Ignizio, Jackson, King, Koo, Mealy, Mendez, Rivera and Rose.

*There is one vacancy presently in the Council (16th Council District, The Bronx) pending the swearing-in of the certified winner of the November 5, 2013 General Election for this seat.*

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

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

*There were 38 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 Rabbi Joseph Potasnik, New York Board of Rabbis, 136 E 39th Street, New York, NY 10016.

Thank you, Council Member Comrie. Speaker Quinn,

I just want to say to you  
and so many other members of the Council,  
thank you for your steadfast service to this city.  
You spoke of a quorum.  
In Jewish tradition, for us to have a public service,  
we need 10 people or a minion; that's our quorum.  
When I first became a rabbi,  
we had nine people at a service.  
I went outside. Somebody walked by.  
I said, "Excuse me, sir. Are you Jewish?"  
He said, "Yes." I said, "Would you come in?"  
We need one more for a minion."  
He said, "Sir, I don't believe in organized religion."  
I said to him,  
"Sir, if we were organized,  
would I be standing here  
on a street [laughter] stopping people?" [applause]  
So, let me say I want to thank you  
for organizing us all of these years.  
We don't put up statues for critics;  
we put them up for authors  
and you have authored much,  
you and many others.  
Let me say to all of you very briefly,  
years ago we had a magazine called Life.  
After that, we had a magazine called People.  
From People we had a magazine called Us,  
and after that we had a magazine called Self.  
So we started at Life; we concluded at Self,  
but we Jews read from right to left,  
so first you start with self and  
then you realize it's not just about self;  
it's about us as a people living together,  
seeing each other  
with different faces and different faiths,  
but ultimately as members of one family.  
Amen.

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

**ADOPTION OF MINUTES**

At this point, Council Member Nelson moved that the Minutes of the Stated Meeting of October 9, 2013 be adopted as printed.

The Speaker (Council Member Quinn) and the President Pro Tempore (Council Member Comrie) acknowledged the presence of two World War II Tuskegee Airmen, Wilfred DeFour, 94, and Dabney Montgomery, 90, in the Chambers escorted by Ms. Amelia Montgomery. Also acknowledged were Council Member-elects Vanessa Gibbons, Daneek Miller, Paul Vallone, Costa Constantinides, Chaim Deutsch, and Carlos Menchaca.

**MESSAGES & PAPERS FROM THE MAYOR**

M-1305

**Communication from the Mayor - Submitting the name of Christopher Collins to the Council for its advice and consent regarding his re-appointment to**

**the Board of Standards and Appeals, pursuant to Sections 31 and 659 of the City Charter.**

November 8, 2013

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 659 of the City Charter, I am pleased to present the name of Christopher Collins to the City Council for advice and consent regarding his reappointment to the Board of Standards and Appeals for the remainder of a six-year term that will expire on September 1, 2015.

Thank you for reviewing the reappointment of Christopher Collins.

Sincerely,

Michael R. Bloomberg  
 Mayor

Referred to the Committee on Rules, Privileges & Elections.

M-1306

**Communication from the Mayor - Submitting the name of Alfred Cerullo to the Council for its advice and consent regarding his re-appointment to the City Planning Commission, pursuant to Sections 31 and 192 of the City Charter.**

November 8, 2013

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 192 of the City Charter, I am pleased to present the name of Alfred C. Cerullo III to the City Council for advice and consent regarding his reappointment to the City Planning Commission. Mr. Cerullo's reappointment will be for the remainder of a five-year term that will expire on June 30, 2016.

Thank you for reviewing the reappointment of Fred Cerullo.

Sincerely,

Michael R. Bloomberg  
 Mayor

Referred to the Committee on Rules, Privileges & Elections.

M-1307

**Communication from the Mayor - Submitting the name of Iris Weinshall to the Council for its advice and consent regarding her re-appointment to the Taxi & Limousine Commission, pursuant to Sections 31 and 2301 of the City Charter.**

November 8, 2013

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 2301 of the City Charter, I am pleased to present the name of Iris Weinshall to the City Council for advice and consent regarding her reappointment as a member of the Taxi & Limousine Commission. Ms. Weinshall's

reappointment to the Commission will be for the remainder of a seven-year term that will expire on January 31, 2017.

Thank you for reviewing the reappointment of Iris Weinshall.

Sincerely,

Michael R. Bloomberg  
 Mayor

Referred to the Committee on Rules, Privileges & Elections.

**COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES**

M-1308

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license A.T.B. Car & Limousine Service Inc., Council District 42, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

November 1, 2013

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

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

Dear Speaker Quinn:

Please be advised that on October 17, 2013 the Taxi & Limousine Commission voted to approve the following for-hire vehicle base license application:

NEW (6):	LICENSE #	COUNCIL DISTRICT
A.T.B. Car & Limousine Service Inc.	B02677	42
Caprice 3 Car Service	B02659	29
Direct Car & Limo. Service Inc.	B02681	21
Exit Car Service Inc.	B02660	26
Frielech Car & Limo. Service Inc.	B02675	39
MIC-LOU Car Services L.L.C. D/b/a Lulu Car Services	B02661	49
RENEWALS (15):	LICENSE #	COUNCIL DISTRICT
Art's Place Inc. D/b/a On Time Car Service	B01653	48
County Car Service Inc.	B02265	50
Eagle Car & Limo. Ltd.	B01424	50
Flamingo Transp. & Limo. Services Inc.	B01485	35
Lower East Side Service Corp.	B01318	2
Lucky Express Corporation D/b/a Good Luck Car Service	B01730	1
Masada II Car & Limousine Service Inc.	B01244	24
Melmac Service Group Corp. D/b/a Econo Express Car Service	B01100	35

New Elegante Car Service Inc.	B01288	38
New Lots Car Service Inc.	B01282	42
New Puebla Car & Limousine Service Inc.	B01674	26
N.Y. Mexicana Car & Limo. Service Corp. D/b/a Mexicana Car Service	B01568	21
Shepreid Car Service & Limousine Corp. D/b/a Delta Car Service	B01292	27
Tovar Transportation Inc.	B01432	44
W.K. Car & Limo. Service Inc.	B01721	1
<b>RENEWAL &amp; OWNERSHIP CHANGE (2):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
Oceana Car & Limo	B02245	48
Unity Car Service Inc.	B01056	24

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

Very truly yours,

Angelique Meola  
 Supervisor of Applicant Licensing  
 Licensing & Standards Division  
 Taxi & Limousine Commission

Referred to the Committee on Transportation.

M-1309

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Caprice 3 Car Service, Council District 29, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1310

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

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1311

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

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1312

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Frielech Car & Limo. Service Inc., Council District 39, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1313

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license MIC-LOU Car Services L.L.C. D/b/a Lulu Car Services, Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1314

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Art's Place Inc. D/b/a On Time Car Service, Council District 48, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1315

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license County Car Service Inc., Council District 50, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1316

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Eagle Car & Limo. Ltd., Council District 50, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1317

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Flamingo Transp. & Limo. Services Inc., Council District 35, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1318

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Lower East Side Service Corp., Council District 2, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1319

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Lucky Express Corporation D/b/a Good Luck Car Service, Council District 1, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1320

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Masada II Car & Limousine Service Inc., Council District 24, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1321

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Melmac Service Group Corp. D/b/a Econo Express Car Service, Council District 35, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1322

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Elegante

Car Service Inc., Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1323

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Lots Car Service Inc., Council District 42, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1324

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

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1325

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license N.Y. Mexicana Car & Limo. Service Corp. D/b/a Mexicana Car Service, Council District 21, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1326

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Shepreid Car Service & Limousine Corp. D/b/a Delta Car Service, Council District 27, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1327

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Tovar Transportation Inc., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1328

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license W.K. Car & Limo. Service Inc., Council District 1, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1329

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Oceana Car & Limo, Council District 48, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-1330

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Unity Car Service Inc., Council District 24, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-1308 printed above in this Communications from City, County and Borough Offices section of these Minutes)

#### LAND USE CALL UPS

M-1331

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

**Pursuant to Rule 11.20(c) of the Council Rules and Section 197-d (b)(3) of the New York City Charter and Section 62-822(a) of the New York City Zoning Resolution, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure (ULURP) application no. C 140047 ZSK and non-ULURP Application no. N 140048 ZAK shall be subject to Council review. These items are related to Application no. N 140046 ZRK which is subject to Council review pursuant to Section 197-d of the New York City Charter.**

Coupled on Call – Up Vote

M-1332

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

**Pursuant to Rule 11.20(c) of the Council Rules 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 140035 ZSX and C 140036 PPX shall be subject to Council review. These items are related to Application nos. C 140033 ZMX and N 140034 ZRX which are subject to Council review pursuant to Section 197-d of the New York City Charter.**

Coupled on Call – Up Vote

M-1333

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

**Pursuant to Rule 11.20(c) of the Council Rules and Section 197-d (b)(3) of the New York City Charter and Section 62-822(a) of the New York City Zoning Resolution, the Council hereby resolves that the action of the City Planning Commission on non-LURP Application nos. N 140022 ZAK and N 140020 ZAK shall be subject to Council review. These items are related to Application nos. C 140019 HAK, and N 140028 ZRK which are subject to Council review pursuant to Section 197-d of the New York City Charter.**

Coupled on Call – Up Vote

M-1334

By the Speaker (Council Member Quinn):

**Pursuant to Rule 11.20b of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 550 Hudson Street, Community Board No. 2, Application no. 20145095 TCM, shall be subject to review by the Council.**

Coupled on Call – Up Vote

#### LAND USE CALL UP VOTE

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

**Affirmative** –Arroyo, Brewer, Cabrera, Chin, Comrie, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Greenfield, James, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, and the Speaker (Council Member Quinn) – **38**.

At this point, the President Pro Tempore (Council Member Comrie) declared the aforementioned item **\*adopted\*** and referred this item to the Committee on Land Use and to the appropriate Land use subcommittee.

#### REPORTS OF THE STANDING COMMITTEES

##### Report of the Committee on Environmental Protection

Report for Int. No. 1047-A

**Report of the Committee on Environmental Protection 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 increasing the use of biofuel in city-owned buildings.**

The Committee on Environmental Protection, to which the annexed amended proposed local law was referred on May 22, 2013 (Minutes, page 1653), respectfully

#### REPORTS:

##### Background

##### a. Heating Oils and Public Health

Heating oils are a major source of air pollutants in New York City. While some of the city's air pollutants are generated outside of the city by power plants, vehicles, and other sources, a large portion of pollutants are generated by in-city emissions, primarily from vehicles and heating systems. The New York City Community Air Survey (NYCCAS) released this January by the New York City Department of Health and Mental Hygiene was the first city-wide evaluation of the variation in air quality within the city. The study linked elevated levels of several air pollutants to areas within the city that have heavy traffic and truck traffic and high building density. Specifically, the study showed that higher levels of fine particulate matter and sulfur dioxide, two pollutants of great concern for public health, are present in areas with large numbers of boilers burning No. 4 and No. 6 fuel oil in building heating systems.<sup>1</sup> Diesel generators used to power equipment and vehicles associated with filming for television, movies, and advertisement, as well as those

used at street fairs, also burn fuels that cause localized increases in small particulate matter and other pollutants associated with fossil fuels.<sup>2</sup>

New York City's air quality consistently violates the EPA's National Ambient Air Quality Standards for criteria pollutants, and the city is designated a nonattainment area for ozone (O<sub>3</sub>) and fine particulate matter (PM<sub>2.5</sub>) pursuant to the Clean Air Act.<sup>3</sup> Other pollutants such as nitrous oxides (NO<sub>x</sub>), sulfur dioxides (SO<sub>2</sub>), and nickel also remain at unsafe concentrations in our air.<sup>4</sup> These pollutants are conclusively linked with a variety of health problems. Fine particulate matter is small enough to become embedded deep within the lungs, and short-term exposure can exacerbate heart and respiratory problems such as asthma.<sup>5</sup> Long-term exposure to fine particulate matter has been linked to reduced lung function (SO<sub>2</sub>), chronic bronchitis, cardiovascular disease, and premature death.<sup>6</sup> Sulfur dioxide, which converts in the atmosphere to sulfate particles, can cause difficulty breathing, increased respiratory symptoms, and aggravation of existing heart disease.<sup>7</sup> SO<sub>2</sub> also contributes to lower visibility and acid deposition, the latter of which has been of great concern in New York State because it contributes to the formation of acid rain, which damages plant and animal life, buildings and electrical equipment.<sup>8</sup> Airborne nickel, which is emitted when No. 4 and No. 6 fuel oil are burned, but is not emitted at all from No. 2 fuel oil or natural gas, has been linked to increased cardiovascular disease and premature death, can also be a severe allergen, and is found in New York City air at nine times the average levels of other United States cities.<sup>9</sup>

No. 6 fuel oil, known as residual oil because it is left over at the end of the petroleum distillate process, contains the greatest No. of toxins of all fuel oils used in New York City; but No. 6 fuel oil is cheaper than other heating oils and contains a larger energy content per gallon than other heating oils. No. 6 fuel oil, however, is very viscous and must be kept heated at all times in order to be used, increasing the cost of use. Because it contains more contaminants, it also requires that boilers be cleaned and maintained more frequently. No. 2 fuel oil is a medium distillate oil that is less viscous and contains fewer contaminants than No. 6 oil. No. 4 fuel oil is a mixture of No. 2 oil and No.6 oil, and therefore contains somewhat fewer pollutants than No. 6 oil.<sup>10</sup> These fuels are also used to power generators.

#### b. Use of Residual Heating Oils in New York City

In New York City, almost 10,000 buildings burn No. 4 or No. 6 heating oil.<sup>11</sup> According to estimates by the Environmental Defense Fund, these buildings represent approximately 1% of the total number of New York City buildings, but contribute approximately 87% of all soot pollution due to heating systems in the City.<sup>12</sup> No. 4 and No. 6 oil are normally used only in very large heating systems. In smaller systems, the cost of maintenance of the systems typically outweighs the lower price of the fuel. NYC is in the process of phasing out No. 4 and No. 6 oils, a process that will take some time, while No. 2 oil will continue to be used.

#### c. Biodiesel Blends

Biodiesel is a fuel produced from a variety of plant oils, animal fats, or used cooking greases or oils. Raw vegetable oils and animal fats are converted to biodiesel through a process called transesterification, wherein the oil and fat react with an alcohol (normally methanol) in the presence of a catalyst such as lye (sodium hydroxide) to produce biodiesel.<sup>13</sup> Glycerin is a co-product of the process, and is sometimes sold by biodiesel producers for use in cosmetics or pharmaceutical goods. On average, 100 pounds of oil or fat, along with 10 pounds of alcohol, produces 100 pounds of biodiesel and 10 pounds of glycerin.<sup>14</sup> The raw material used to produce biodiesel is referred to as its "feedstock". Oil from soy beans is the most common feedstock for biodiesel in the United States, though biodiesel can also be made from a variety of other plant oils such as cottonseed and canola, from recycled cooking grease and oil, or from animal fats such as beef tallow and lard.

Biodiesel is used as a substitute for or an additive to petroleum-based diesel fuel. In its pure form, biodiesel requires special handling and possible equipment modifications.<sup>15</sup> It is therefore used most frequently in blends along with conventional petroleum-based diesel. Blends of biodiesel are named according to the percentage of biodiesel they contain – for example, B100 indicates that a fuel is pure biodiesel, while B5 indicates that the fuel contains 5% biodiesel and 95% petroleum-based diesel. Up to the B5 level, a biofuel blend meets the specifications of ASTM International (the industry's fuel-rating association) for conventional diesel fuel for use in vehicle engines as well as in home heating oil, and can be used interchangeably with pure petroleum diesel fuel.

The use of biodiesel in place of conventional petroleum-based diesel home heating oil or to power generators has benefits for local air quality. Emissions of particulate matter, carbon monoxide, hydrocarbons, nitrous oxides, and sulfur dioxide are all lower for biodiesel blends than for all grades of conventional home heating oil.<sup>16</sup> Biodiesel contains approximately 11% oxygen, allowing the fuel to burn more completely than does exclusively petroleum-based fuel. Some PM and HC pollution is due to particles of unburned fuel in emissions, and can be toxic or carcinogenic. Because of the oxygen content of biodiesel that allows the fuel to burn more completely, PM and HC emissions from biodiesel blends can be reduced disproportionately to the percentage of biodiesel in the blend. B20 fuel can reduce these air toxics by up to 40%.<sup>17</sup> While reports have indicated that NO<sub>x</sub> emissions increase slightly when biodiesel is used in vehicle engines, this is not the case when biodiesel is used in home heating oil.<sup>18</sup> A different combustion process in home heating applications leads to a reduction in NO<sub>x</sub> proportional to the amount of biodiesel in the fuel blend. Similarly, SO<sub>2</sub> is reduced proportionally to the amount of biodiesel in the fuel blend. For each 1% of biodiesel that is added to the fuel mix, a 1% decrease in sulfur dioxide and nitrous oxides will occur, and a greater than 1% decrease in hydrocarbons and particulate matter will occur.

#### d. Sustainability of Biodiesel

Though biodiesel is considered by many to be a cleaner and more sustainable replacement for petroleum-based diesel fuels, questions have been raised about whether and to what degree the use of biodiesel reduces carbon emissions.<sup>19</sup> Land use change as a result of the cultivation of farmland to provide feedstock for biofuels has been the source of disagreement over the impact of biofuels on carbon emissions. The controversy arose after the release of two studies arguing that such land use change may mean that more prevalent use of biofuels will increase, rather than decrease, carbon emissions.<sup>20</sup> Valuable carbon-sequestering ecosystems, these studies argue, will be converted to the production of crops for biofuels, an aspect of biofuel carbon emissions that has been ignored in previous analyses of life cycle carbon emissions. Calculation of the carbon emissions from biofuels changes drastically when land use change is included in models of carbon emissions. Concerns have also been raised about the impact of biodiesel use on food prices.

The EPA recently released its final rules implementing the Renewable Fuels Standard Program created pursuant to the Energy Independence and Security Act of 2007. The EPA's analysis of the life cycle carbon emissions attributable to soy-based and waste grease-based biodiesel show a 57% reduction in carbon emissions and an 86% reduction, respectively.<sup>21</sup> This is a much higher carbon emissions reduction than had previously been calculated for soy-based biodiesel, which the EPA attributes to new information related to assumptions about crop yield and co-products from soy used for biodiesel, as well as updated information about the land that is typically converted to soy production. While the EPA's analysis shows significant reductions from both soy-based and waste grease-based biodiesel, it is clear that the carbon emissions benefits of waste grease-based biodiesel are much greater than those of soy-based or other types of biodiesel.

Heating systems in New York City buildings use approximately 730 million gallons of fuel oil annually.<sup>22</sup> Studies of the capacity of New York City's restaurants to produce waste grease for use in biodiesel show that approximately 1-1.5% of New York City's heating oil needs could be filled using New York City restaurant grease.<sup>23</sup>

#### **Proposed Int. No. 1047-A**

Bill section one contains the legislative intent and expresses the need for this bill. Bill section two would require that all No. 2, No. 4 and No. 6 heating oil purchased for use in any building owned by the City shall contain not less than five percent biodiesel (B5) by volume. This requirement would not apply to heating oil purchased for emergency generators. This section would also require the Department of Citywide Administrative Services (DCAS) to institute a one year pilot program, beginning October 1, 2014, to use greater amounts of biodiesel in city-owned buildings. Such pilot program would require that the heating oil burned in not less than five percent of city-owned buildings must contain at least ten percent biodiesel (B10) by volume. Within six months of the conclusion of the pilot program, the commissioner of DCAS must issue a report to the Mayor and the Speaker of the Council detailing the findings of such pilot program, including the utility of and any impediments to the use of ten percent biodiesel (B10) by volume in city-owned buildings. The report must also include any recommendations for the use of ten percent biodiesel (B10) by volume in all city-owned buildings. Bill section two also calls for the Commissioner of the Department of Citywide Administrative Services in conjunction with the Office of Long-Term Planning and Sustainability to undertake a one year study on the feasibility of the use of five percent biodiesel (B5) by volume in all buildings throughout the city. The study must include recommendations on whether and when the city should require the use of five percent biodiesel (B5) by volume in heating oil in all buildings.<sup>24</sup> Finally a report on the study must be issued to the Mayor and the Speaker of the Council by April 1, 2015. Bill section three provides the enactment clause and states that the bill would take effect immediately.

#### **Amendments to Proposed Int. No. 1047-A**

- The legislative findings were updated.
- The effective date for the use of biodiesel in city-owned buildings was changed from October 1, 2013 to October 1, 2014.
- The citywide pilot program requiring use of ten percent biodiesel (B10) by volume, in ten percent of city-owned buildings was modified to require the pilot program take place in five percent of city-owned buildings.
- A new paragraph 3 was added to require the commissioner of the Department of Citywide Administrative Services, in conjunction with the Office of Long-Term Planning and Sustainability, to undertake a one year study on the feasibility of the use of five percent biodiesel (B5) by volume in all buildings throughout the city. This study must include recommendations on whether and when the city should require the use of five percent biodiesel (B5) by volume in heating oil in all buildings. The report will be issued to the Mayor and the Speaker of the council by April 1, 2015.
- Updated Committee Report: This legislation was approved with a vote of 5 in the affirmative and no opposition.



<sup>1</sup> New York City Department of Health, December 2009. *New York City Community Air Survey, Winter 2008-2009 Results*. Available online at <http://www.nyc.gov/html/doh/html/eode/nyccas.shtml>

<sup>2</sup> Id.

<sup>3</sup> United States Environmental Protection Agency, 2010. *The Green Book Nonattainment Areas for Criteria Pollutants*. Available online at <http://www.epa.gov/oaqps001/greenbk/index.html>

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> Environmental Defense Fund, 2009. *The Bottom of the Barrel: How the Dirtiest Heating Oil Pollutes Our Air and Harms Our Health*.

<sup>7</sup> US EPA, Health and Environmental Impacts of SO<sub>2</sub>, at <http://www.epa.gov/air/urbanair/so2/hlth1.html>.

<sup>8</sup> American Lung Association and Environmental Defense, "Closing the Diesel Divide, Protecting Public Health from Diesel Air Pollution", 2003, p. 23.

<sup>9</sup> Environmental Defense Fund, 2009. *The Bottom of the Barrel: How the Dirtiest Heating Oil Pollutes Our Air and Harms Our Health*.

<sup>10</sup> Id at p. 30.

<sup>11</sup> New York City Office of Long-Term Planning and Sustainability, 2010. Analysis of DEP database on boiler types.

<sup>12</sup> Environmental Defense Fund, 2009. *The Bottom of the Barrel: How the Dirtiest Heating Oil Pollutes Our Air and Harms Our Health*, at p. 16.

<sup>13</sup> Fangrui Ma, Milford A. Hanna, Biodiesel Production: a review, *Bioresource technology*, Volume 70, Issue 1, October 1999, Pages 1-15.

<sup>14</sup> National Renewable Energy Laboratory, January 2009. *Biodiesel Handling and Use Guide, Fourth Edition.*, at p.5.

<sup>15</sup> Id.

<sup>16</sup> E.g., modifications to seals, gaskets, and other parts, or the addition of fuel line heaters. National Renewable Energy Laboratory, January 2009. *Biodiesel Handling and Use Guide, Fourth Edition.*, at p.8/p.37.

<sup>17</sup> Id

<sup>18</sup> Id

<sup>19</sup> Kevin Bulls, Do Biofuels Reduce Greenhouse Gases?, *MIT Review*, May 20, 2011.

<sup>20</sup> Timothy Searchinger et al., 2008. "Use of U.S. Croplands for Biofuels Increases Greenhouse Gases Through Emissions from Land-Use Change"; and Joseph Fargione et al., 2008. "Land Clearing and the Biofuel Carbon Debt." Both articles published in *Science* vol.29.

<sup>21</sup> US Environmental Protection Agency, March 2010. 40 CFR Part 80, Preamble. Regulation of Fuels and Fuel Additives: Changes to Renewable Fuel Standard Program.

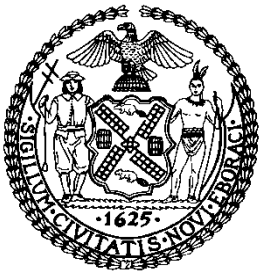
<sup>22</sup> Mayor's Office of Long Term Planning and Sustainability, 2008. Estimates obtained for 2008 NYC Greenhouse Gas Emissions Inventory.

<sup>23</sup> Calculations based on: Cornell Cooperative Extension, 2005: An Assessment of Waste Vegetable Oil Supply in Brooklyn, NY and its Potential as a Biodiesel Feedstock; and NYSERDA, 2003: Statewide Feasibility Study for a Potential New York State Biodiesel Industry.

<sup>24</sup>

The study must include recommendations on whether and when the city should require the use of five percent biodiesel (B5) by volume in heating oil in all buildings. A cost and supply analysis should be included. The leading NYC heating oil trade association, biodiesel trade association, as well as other appropriate stakeholders, should be consulted by City agencies in preparing the study. Finally the report would be issued to the mayor and the speaker of the council by April first, two thousand fifteen.

(The following is the text of the Fiscal Impact Statement for Int. No. 1047-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: 1047-A**

**COMMITTEE:  
Committee on  
Environmental  
Protection**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to increasing the use of biofuel in city-owned buildings.

**SPONSOR(S):** Council Members Gennaro, Arroyo, Barron, Brewer, Comrie, Eugene, Fidler, James, Koo, Koppell, Mark-Viverito, Mendez, Richards, Rose, Williams, Wills Levin, Gentile and Ulrich.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1047-A would amend New York City's Administrative code in relation to in relation to increasing the use of biofuel in city-owned buildings.

This legislation would require that as of October 1, 2014 all number (no.) 2, no. 4, and no. 6 heating oil purchased for use in city-owned buildings would contain at least five percent biodiesel (B5) by volume. This would not apply to the use of emergency generators.

The Commissioner of the New York City (NYC) Department of Citywide Administrative Services (DCAS) would be required to institute a pilot program to use greater amounts of biodiesel in city-owned buildings. By October 1, 2014 the heating oil burned in at least five percent of city-owned buildings would contain at least ten percent biodiesel (B10) by volume. This pilot would continue until October

1, 2015 and the DCAS Commissioner would issue a report to the Mayor and NYC Council Speaker on the findings of the pilot within six months of its conclusion. The report would include the benefits and impediments of using a B10 blend in city-owned buildings and any recommendations for the use of a B10 blend in all city-owned buildings.

The DCAS Commissioner would undertake a one year study on the feasibility of the use of a B5 blend in all buildings through the city, in conjunction with the Mayor's Office of Long-Term Sustainability and Planning. This study would include recommendations on whether and when the city should require the use a B5 blend in all buildings. The study would be issued to the Mayor and the NYC Council Speaker by April 1, 2015.

**EFFECTIVE DATE:** This local law would take effect immediately.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY14</b>	<b>FY Succeeding Effective FY15</b>	<b>Full Fiscal Impact FY14</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:** N/A

**IMPACT ON EXPENDITURES:** The B5 biodiesel blend requirements and B10 biodiesel blend pilot does not trigger any new costs. The B5 biodiesel blend is already in use in all buildings except for those managed by the Department of Housing Preservation and Development so this legislation merely would codify current practice with a minor expansion.

There may be a de-minimus price increase or decrease as a result of the B10 biodiesel blend pilot program based on market fluctuations in cost between the B5 and B10 biodiesel blends. It is anticipated that the difference will not be more than a few cents per gallon, affecting approximately five percent of city-owned buildings.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** NYC Department of Citywide Administrative Services

**ESTIMATE PREPARED BY:** Kate Seely-Kirk, Senior Legislative Financial Analyst

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

**LEGISLATIVE HISTORY:** On May 22, 2013, Intro. 1047 was introduced by the Council and referred to the Committee on Environmental Protection. On October 16, 2013 the Committee held a hearing regarding this legislation, which was then laid over and subsequently amended. The Committee will consider an amended version of the legislation, Proposed Intro. 1047-A. on November 14, 2013. Following a successful Committee vote, the Full Council will vote on Proposed Int. 1047-A on November 14, 2013.

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

(The following is the text of Int. No. 1047-A:)

Int. No. 1047-A

By Council Members Gennaro, Arroyo, Barron, Brewer, Comrie, Eugene, Fidler, James, Koo, Koppell, Mark-Viverito, Mendez, Richards, Rose, Williams, Wills, Rodriguez, Levin, Gentile, Lander and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the use of biofuel in city-owned buildings.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council finds that heating oil is a significant local source of air pollution in New York City. Space heating in buildings is responsible for approximately 12% of the local emissions of particulate matter, more than emissions from vehicle traffic or power plants. One immediate solution to address pollution from oil heat in the short term is to use blends of heating oil and biodiesel, known as bioheating fuel. The use of bioheating fuel would reduce emissions of air pollutants, reduce cleaning and maintenance costs, increase the viscosity and ease of handling of fuel oils, provide other operational benefits, strengthen the alternative fuels market, support regional farmers and local businesses, and increase energy independence and the diversity of our energy supply. Another method to address pollutants from the heating oil sector is to require increased use of biofuel in city-owned buildings.

§2. Section 24-168.1 of the administrative code of the city of New York is amended by adding a new subdivision i to read as follows:

(i) *Use of biodiesel for heating purposes by city buildings. (1) After October first, two thousand fourteen, all no. 2, no. 4 and no. 6 heating oil purchased for use in any building owned by the city shall be bioheating fuel containing not less than five percent biodiesel (B5) by volume except that the provisions of this subdivision shall not apply to the use of emergency generators.*

(2) *The commissioner of citywide administrative services shall institute a pilot program to use greater amounts of biodiesel in city-owned buildings. Such pilot program shall require that beginning October first, two thousand fourteen, the heating oil burned in not less than five percent of city-owned buildings shall contain at least ten percent biodiesel (B10) by volume. Such pilot program shall continue until October first, two thousand fifteen and within six months of the conclusion of such pilot program, the commissioner of citywide administrative services shall issue a report to the mayor and the speaker of the council detailing the findings of such pilot program, including the utility of and any impediments to the use of ten percent biodiesel (B10) by volume in city-owned buildings and any recommendations for the use of ten percent biodiesel (B10) by volume in all city-owned buildings.*

(3) *The commissioner of citywide administrative services in conjunction with the office of long-term planning and sustainability shall undertake a one year study on the feasibility of the use of five percent biodiesel (B5) by volume in all buildings throughout the city. Such study shall include recommendations on whether and when the city should require the use of five percent biodiesel (B5) by volume in heating oil in all buildings and shall be issued to the mayor and the speaker of the council by April first, two thousand fifteen.*

§3. This local law shall take effect immediately.

JAMES F. GENNARO, Chairperson; G. OLIVER KOPPELL, PETER F. VALLONE, Jr., STEPHEN T. LEVIN; DONOVAN J. RICHARDS; Committee on Environmental Protection, November 14, 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

Report for Res. No. 1992

**Report of the Committee on Finance in favor of approving a Resolution concerning amendments to the District Plan of the Hudson Square Business Improvement District that provide for additional improvements and a change in the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing the additional improvements and a change in the method of assessment upon which the district charge in the Hudson Square Business Improvement District is based.**

The Committee on Finance, to which the annexed resolution was referred on October 30, 2013 (Minutes, page 4518), respectfully

#### REPORTS:

#### INTRODUCTION

Today, the Committee on Finance will consider Resolution No. 1992, a resolution setting the date, time and place for the public hearing on an amendment to the District Plan of the Hudson Square Business Improvement for November 26, 2013, in the City Council Committee Room, 2nd Floor, City Hall at 10:00 a.m.

#### ANALYSIS:

This Proposed Resolution is required by the existing law, Chapter 4 of Title 25 of the New York City Administrative Code, (the "BID Law"), which authorizes the City Council to establish Business Improvement Districts.

The main purpose of this Resolution is to set the public hearing date, time and place for the review of the local law which would amend the District Plan of the Hudson Square Business Improvement District (the "Hudson Square BID"). The hearing on the local law and the Hudson Square BID plan, as amended, will be held on November 26, 2013, in the City Council Committee Room, 2nd Floor, City Hall at 10:00 a.m. before the Committee on Finance.

This Resolution also directs that all notices required under the BID Law be properly given by the Department of Business Services and the HUB Third Avenue District Management Association. The notice of the hearing will state the proposed change in the method of assessment upon which the district charge in the HUB Third Avenue Business Improvement District is based.

BID's, which are specifically established areas, use the City's property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance such areas and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget.

#### Plan Amendment

In March of this year, the Council created, via a zoning change, the "Special Hudson Square District", which allows for residential use in certain parts of the Hudson Square BID, which was zoned primarily for commercial and industrial purposes. The new zoning allows the creation (via new construction, or conversion or enlargement of existing buildings) of up to 2.8 million square feet of new housing over a 10 year period. With this new zoning, the district profile will be 75% commercial, and 25% residential.

The BID seeks to start several capital projects, including additional open space at Pier 40 at Hudson River Park; DEP's water tunnel site at Clarkson Street; and the Tony Dapolito Recreation Center (and others, as so determined).

To help fund these projects, property owners in the BID (specifically in the newly zoned Special Hudson District part of the Hudson Square BID) will pay a 1 time assessment of \$5 per square foot once a Temporary certificate of occupancy is granted by the Department of Buildings. This additional 1-time assessment will be in addition to what Class B residential property owners currently pay, which is \$1 dollar.

**(For text of the B.I.D. Plan, please refer to the Office of the City Clerk at 141 Worth Street, 1st Floor Executive Offices, New York, N.Y. 10013)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 1992:)**

Res. No. 1992

**Resolution concerning amendments to the District Plan of the Hudson Square Business Improvement District that provide for additional improvements and a change in the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing the additional improvements and a change in the method of assessment upon which the district charge in the Hudson Square Business Improvement District is based.**

By Council Member Recchia.

**Whereas**, Pursuant to chapter 4 of title 25 of the Administrative Code of the City of New York (the "BID Law"), the City established the Hudson Square Business Improvement District (the "District") in the City of New York; and

**Whereas**, Pursuant to section 25-410(b) of the BID Law, an amendment to the District Plan that provides for additional improvements or any change in the method of assessment upon which the district charge is based, may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such changes and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such changes; and

**Whereas**, The Hudson Square Business Improvement District wishes to amend the District Plan, in order to provide for additional improvements and to change the method of assessment upon which the district charge is based; and

**Whereas**, Pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the District specifying the time when and the place where the hearing will be held; now, therefore, be it

**Resolved**, That the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

- (i) November 26, 2013 is the date and the City Council Committee Room, 2nd floor, City Hall, is the place and 10AM is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize additional improvements



and a change in the method of assessment upon which the district charge is based; and

- (ii) on behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Association of the Hudson Square Business Improvement District is hereby authorized to publish in a newspaper of general circulation in the District, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and stating the proposed amendments to the District Plan authorizing additional improvements and a change in the method of assessment upon which the district charge in the Hudson Square Business Improvement District is based.

DOMENIC M. RECCHIA, Jr., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, JAMES S. ODDO; Committee on Finance, November 14, 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 Res. No. 1994

**Report of the Committee on Finance in favor of approving a Resolution concerning the increase in the annual expenditure for the Times Square, Lower East Side, Fashion Center, Grand Street, Lincoln Square, Sutphin Boulevard and DUMBO Business Improvement Districts, and the 165<sup>th</sup> Street Mall and the Fulton Mall Special Assessment Districts, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.**

The Committee on Finance, to which the annexed resolution was referred on October 30, 2013 (Minutes, page 4521), respectfully

**REPORTS:**

This resolution sets a date for a public hearing pursuant to requests from the 7 Business Improvement Districts (“BIDS”) to increase their annual expenditures effective as of July 1, 2013.

These increases, which have already been approved by the District Management Associations of the 8 BIDs and 1 Special Assessment District, would result in a higher assessment on all properties currently subject to BID assessments as a result of the increase in the assessment rate.

November 26, 2013 is the date and the City Council Committee Room, 2nd floor, City Hall, Manhattan is the place and 10 AM is the time for a public hearing to hear all persons interested in the legislation, which would increase the amount to be expended annually in the 8 BIDs and 1 Special Assessment District.

Pursuant to §§ 25-410(b) and 25-416 of the Administrative Code, a Business Improvement District (“BID”) may obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the BID or improvements, services, maintenance and operation) by means of the adoption of a local law amending the BID’s district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such an increase in the maximum annual amount, and that the tax and debt limits prescribed in section 25-412 of the Administrative Code will not be exceeded. Notice of the hearing on this local law must be published in at least one newspaper having general circulation in the district specifying the time when, and the place where, the hearing will be held and stating the increase proposed in the maximum amount to be expended annually.

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

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

**BID ASSESSMENT INCREASE REQUESTS**  
**FISCAL YEAR 2014**

BID Name	Year Est.	Last Assessment Increase	Authorized Assessment	Requested Assessment	FY 13 Rate	FY 14 Rate	Purpose of Assessment Increase
165 <sup>th</sup> Street	1978	FY 95 \$6,489	\$168,724	\$200,000	\$100.67 FF	\$119.33 FF	Expand business promotional activities including a new marketing campaign; and increase in insurance cost
DUMBO	2006	FY 10 \$100,000	\$500,000	\$650,000	\$0.083 SF + \$0.0026AV	\$0.108SF + \$0.0033AV	Expand sanitation service; additional business promotional activities; fund a technical study; and increase in insurance cost
Fashion Center	1993	FY 11 \$750,000	\$5,750,000	\$7,800,000	\$0.0020AV	\$0.0027AV	Renovate information kiosk; increase in insurance cost; and cost of living increases
Fulton Mall	1977	FY 08 \$71,500	\$1,501,500	\$1,537,500	\$0.0073 AV	\$0.0075 AV	Maintain new security cameras; new roll-down gates and awnings; increase in insurance cost, and cost of living increase
Grand Street	1985	FY 08 \$45,968	\$181,168	\$226,460	\$35.87 FF	\$44.96 FF	Hire an additional cleaner, and a part-time office assistant; increase in accounting fees; and cost of living increase
Lower East Side	1993	FY 10 \$45,200	\$335,600	\$974,600	\$0.0019AV	\$0.0057AV	LES BID currently generates over \$550K a year on Seward Park Parking Garage management agreement w/ the City. BID will lose this revenue with the commencement of the SPURA development project. 6 SPURA sites located in BID boundaries + additional development projects in the BID are anticipated coming on the BID's overall assessment over the next 5 years. *In order to make up for loss in revenue from parking lot, BID intends to keep same assessment rate but increase budget across the BID to capture new development assessments*. This will ensure the BID can continue to provide sufficient programming and services in the district
Lincoln Square	1997	FY 09 \$335,000	\$2,000,000	\$2,500,000	\$0.38 SF	\$0.41 SF	Hire an additional Clean Team person; replace 12-year old trash cans, tables, chairs and planters; and cost of living increases
Sutphin Boulevard	2005	None	\$177,000	\$252,000	\$68.79 FF	\$97.94 FF	Increase in cleaning hours; hire a retail consultant, and a security ambassador; increase in marketing materials; a new store signage and window display

							program
Times Square Alliance	1992	FY 11 \$1,285,440	\$11,685,440	\$12,638,972	\$0.00 19 AV	\$0.00 21 AV	Increase in staff and benefit costs for sanitation and public safety personnel; increase in programming cost for the public plaza; increase in insurance cost; and cost of living increases

**FF = Per frontage foot, the length of the property facing the street**  
**AV = Assessed Value, the assessed value is then multiplied by the given rate**  
**SF = Square Foot, the square feet is then multiplied by the given rate**

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1994:)

Res. No. 1994

**Resolution concerning the increase in the annual expenditure for the Times Square, Lower East Side, Fashion Center, Grand Street, Lincoln Square, Sutphin Boulevard and DUMBO Business Improvement Districts, and the 165<sup>th</sup> Street Mall and the Fulton Mall Special Assessment Districts, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.**

By Council Members Recchia and Koo.

**Whereas**, pursuant to Chapter 4 of Title 25 of the Administrative Code of the City of New York or the predecessor of such Chapter (the "BID Law"), the City established the Times Square, Lower East Side, Fashion Center, Grand Street, Lincoln Square, Sutphin Boulevard and DUMBO Business Improvement Districts, and the 165<sup>th</sup> Street Mall and Fulton Mall Special Assessment Districts in the City of New York; and

**Whereas**, pursuant to Local Law No. 82 for the year of 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

**Whereas**, pursuant to Section 25-410(b) of the BID Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded; and

**Whereas**, the seven Business Improvement Districts and two Special Assessment Districts wish to increase the amount to be expended annually beginning on July 1, 2013 as follows: Times Square, \$12,638,972; Lower East Side, \$974,600; Fashion Center, \$7,800,000; Grand Street, \$226,460; Lincoln Square, \$2,500,000; Sutphin Boulevard, \$252,000; DUMBO, \$650,000; 165<sup>th</sup> Street Mall, \$200,000; and Fulton Mall, \$1,537,500.

**Whereas**, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the districts specifying the time when and the place where the hearing will be held and stating the proposed amount to be expended annually; now, therefore, be it

**RESOLVED**, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

(i) November 26, 2013 is the date and the City Council Committee Room, 2nd floor, City Hall, Manhattan is the place and 10 AM is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation, which would increase the amount to be expended annually in the seven Business Improvement Districts and two Special Assessment Districts; and

(ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Associations of the Times Square, Lower East Side, Fashion Center, Grand Street, Lincoln Square, Sutphin Boulevard and DUMBO Business Improvement Districts, and the 165<sup>th</sup> Street Mall and the Fulton

Mall Special Assessment Districts are hereby authorized to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and setting forth the increase in the amount to be expended annually in each of the seven Business Improvement Districts and two Special Assessment Districts.

DOMENIC M. RECCHIA, Jr., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, JAMES S. ODDO; Committee on Finance, November 14, 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 Res. No. 2026

**Report of the Committee on Finance in favor of approving a Resolution amending and restating the resolution computing and certifying adjusted base proportion of each class of real property for fiscal 2014 to the state board of real property tax services pursuant to section 1803-a, real property tax law.**

The Committee on Finance, to which the annexed resolution was referred on November 14, 2013, respectfully

**REPORTS:**

**Introduction.** The above-captioned resolution completes the certification procedure required by Section 1803-a, Real Property Tax Law, to establish the class shares used in levying the real property taxes for the adopted Fiscal 2014 budget.

On June 26, 2013, the Council adopted a resolution computing and certifying the current base proportions for Fiscal 2014 (the "CBP Resolution"). After the adoption of the CBP Resolution, Section 1803-a, Real Property Tax Law, was amended to lower the percent of increase in the current base proportion as compared with the previous year's adjusted base proportion from 5.0 percent to 1 percent, which altered the calculations contained in the CBP Resolution. Pursuant to this amendment to state law, the Council adopted a resolution on November 14, 2013, restating the CBP Resolution. On June 26, 2013, the Council also adopted a resolution computing and certifying the adjusted base proportion of each class of real property for Fiscal 2014 (the "ABP Resolution"). The above-captioned resolution amends and restates the ABP Resolution to reflect the changes in the November 14, 2013 CBP Resolution.

The current base proportion for each class of real property takes into account the market value changes in the class occurring between the assessment roll for the base period, 1989, and the latest roll for which the State Board of Real Property Tax Services ("SBRPTS") has established class equalization rates, 2012. The CBP Resolution modified the class shares for the Fiscal 2014 property tax levy accordingly. The remaining step, to be taken in the above-captioned resolution, adjusts these current base proportions to take account of the various physical changes (such as demolitions, new construction, changes in exempt status and transfers among classes) that are reflected in the new final assessment roll. The computations called for in the SBRPTS procedure are designed to separate the effects of these physical changes from equalization changes made by local assessors.

**Analysis.** The calculations shown on the SBRPS Form RP-6702 attached to the above-captioned resolution modify the share for each class to reflect physical changes. For Fiscal 2014, all property tax classes see modest increases due to physical change. The Fiscal 2014 adjusted base proportions for Classes 1 shows a modest declines of almost one percent from the Fiscal 2014 current base proportions, while Classes 2 and 4 are marginally down by less than two-tenths of a percent from the Fiscal 2014 current base proportions. Class 3 on the other hand saw relatively more of a change due to physical increases putting in its adjusted base percentage more than 3.5 percent over its current base proportions (see exhibit A of the above-captioned resolution).

However, the changes from the adjusted base proportions from Fiscal 2013 to Fiscal 2014, as reported in the table below, show increases for Classes 1 and 4, while Classes 2 and 3 see decreases.

Comparison of Class Shares for Fiscal 2013 and Fiscal 2014			
Class	Fiscal 2013	Fiscal 2014	Percent Change
1	15.4619	15.4894	+0.18
2	36.9663	36.7523	-0.58
3	7.0332	6.8468	-2.65
4	40.5386	40.9115	+0.92
Total	100.0000	100.0000	

The tax rates resulting from the use of class shares shown above for Fiscal 2014 are compared to the Fiscal 2013 tax rates in the following table.

Comparison of Tax Rates for Fiscal 2013 and Fiscal 2014 (Per \$100 Assessed Value)			
Class	Fiscal 2013	Fiscal 2014	\$ Difference
1	18.569	19.191	+0.622
2	13.181	13.145	-0.036
3	12.477	11.902	+0.575
4	10.288	10.323	+0.035

Accordingly, this Committee recommends its adoption.

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

DOMENIC M. RECCHIA, Jr., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER; Committee on Finance, November 14, 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 Res. No. 2027

**Report of the Committee on Finance in favor of approving a Resolution amending and restating the resolution computing and certifying base percentage, current percentage and current base proportion of each class of real property for fiscal 2014 to the state board of real property tax services pursuant to section 1803-a, real property tax law. .**

The Committee on Finance, to which the annexed resolution was referred on November 14, 2013, respectfully

**REPORTS:**

**Introduction.** Section 1803-a, Real Property Tax Law, requires the City Council to certify to the State Board of Real Property Tax Services (the "SBRPTS") certain calculations used in the process of updating the class shares from the previous year. These calculations are made every year by the

Council to reflect the following changes in each class of real property:

- a. Changes in the market value of taxable real property (as determined by SBRPTS sample studies),
- b. Physical changes as a result of new construction or demolitions,
- c. Changes in taxable status, and
- d. Transfers of real property among the four classes of real property as a result of changes in use or for other reasons.

Under SBRPTS regulations, the Council must update the class shares by making two separate certifications. The action to be taken in the above-referenced resolution constitutes the first step of establishing the class shares of the four classes of taxable real property in the City to which the tax levy for the Fiscal 2014 budget will be applied. The purpose of this step is to give effect to the latest class equalization rates required by Article 18, Real Property Tax Law. Using these rates, new estimates of market values for each class are calculated.

The second step, certifying the "adjusted base proportions", is the subject of a separate resolution that takes account of all the changes that are included in the final assessment roll, after Tax Commission review of taxpayer protests. Attached hereto, as Exhibit A, are definitions of terms that are used in the analysis below.

**Analysis.** The class equalization rates described above produce prospective current base proportions that show increases in Classes 1 and 4 above the Fiscal 2014 adjusted base proportion, or "class shares" (as shown in column R of SBRPS Form RP-6700 attached to the above-captioned resolution), and decreases in the class shares of Classes 2 and 3. Pursuant to Section 1803-a(1)(c) of the Real Property Tax Law if the increase in any class exceeds 5 percent, the Council is directed to shift the excess (and only the excess) to any other class or classes so long as the shift does not cause the current base proportion of any other class to increase by more than 5 percent. However, pursuant to an amendment to the Real Property Tax Law enacted during the 2013 session and codified in Section 1803 a(1)(y) of the Real Property Tax Law, the City is authorized to limit the increase for Fiscal 2014 so that the current base proportion of any class does not exceed the adjusted base proportion of the previous year by 1 percent. Class 1 and 4 exceed this cap. Therefore, in the above-captioned resolution, the excess above 1 percent from Classes 1 and 4 is shifted to Classes 2 and 3.

As shown in the chart below, the shift of the increase from Classes 1 and 4 to Classes 2 and 3 will result in the Fiscal 2014 current base proportions of all four classes to show the following changes from their adjusted base proportions in Fiscal 2013.

Class	Percent Change Before Shifting Excess to Classes 2 & 3	Percent Change After Shifting Excess to Classes 2 & 3
1	+ 4.12	+ 1.00
2	- 1.27	- 0.38
3	- 16.83	- 5.96
4	+ 2.50	+ 1.00

However, these "current base proportions" must still be adjusted for the physical changes and transfers among classes which are contained in the final assessment roll. These adjustments will be made in a separately amended and restated resolution constituting the Council's second step. The "adjusted base proportions" thus derived will be the class shares used for allocating the real property tax levy for Fiscal 2014.

**EXHIBIT A**

"Class equalization rate" represents the percentage that the total assessed value of each class is of the market value of the class, as shown in SBRPTS sample studies.

"Base percentage" represents the percentage of total market value that each class constitutes in the 1989 base tax roll. The 1989 base tax roll is the one that was used in setting the tax levy for Fiscal 1990.

"Current percentage" is similar to the base percentage, but applies to the most recent year for which the SBRPTS has established class equalization rates (in this case, the 2012 tax roll).

"Local base proportions" are the class tax shares used to fix the tax rates for Fiscal 1991.

"Current base proportions" are the local base proportions modified to take into account the market value changes revealed by the latest class equalization rates.

Accordingly, this Committee recommends its adoption.

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

DOMENIC M. RECCHIA, Jr., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER; Committee on Finance, November 14, 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 Res. No. 2028

Report of the Committee on Finance in favor of approving a Resolution amending and restating the resolution to provide the amounts necessary for the support of the government of the city of New York and the counties therein and for the payment of indebtedness thereof, for the fiscal year beginning on July 1, 2013 and ending on June 30, 2014, by the levy of taxes on the real property in the city of New York, in accordance with the provisions of the constitution of the state of New York, the real property tax law and the charter of the city of New York.

The Committee on Finance, to which the annexed resolution was referred on November 14, 2013, respectfully

REPORTS:

Introduction. On May 2, 2013, the Mayor submitted the executive budget for Fiscal 2014 to the Council pursuant to Section 249 of the Charter. On the date hereof, the Council adopted the budget for Fiscal 2014 pursuant to Section 254 of the Charter (the "Fiscal 2013 Budget"). Pursuant to Section 1516 of the Charter, the Council must fix the annual real property tax rates immediately upon such approval of the Fiscal 2013 Budget. In the resolution, captioned above, fixing the real property tax rates for Fiscal 2014 (the "Tax Fixing Resolution"), the Council fixes the annual real property tax rates, as described in greater detail below, and authorizes the levy of real property taxes for Fiscal 2014.

After the final adoption of the Fiscal 2014 Budget, the Governor signed into law Chapter 134 Laws of New York, 2013 ("Chapter 134"). Chapter 134 adds a new paragraph (y) to subdivision 1 of section 1803-a, Real Property Tax Law, which provides that, in any special assessing unit which is a city (a "special assessing city"), for current base proportions to be determined in such special assessing city's fiscal year 2014, the current base proportion of any class shall not exceed the adjusted base proportion of the immediately preceding year by more than 1 percent.

In order to effect the provisions of Chapter 134, it is necessary to amend and restate the provisions of this resolution. In the amended and restated resolution, captioned above, fixing the real property tax rates for Fiscal 2014 (the "Tax Fixing Resolution"), the Council amends and restates the annual real property tax rates, as described in greater detail below, and authorizes the levy of real property taxes for Fiscal 2014.

Determining the Amount of the Real Property Tax Levy. In the Tax Fixing Resolution, the Council determines the amount of the real property tax levy for Fiscal 2014, pursuant to the provisions of Section 1516 of the Charter, in the following manner. (1) First, the Council acknowledges the amount of the Fiscal 2013 Budget to be \$69,916,832,926 as set forth in the communication from the Mayor pursuant to Section 1515(a) of the Charter (the "Fiscal 2014 Budget Amount"). (2) The Council then acknowledges the estimate of the probable amount of all non-property tax revenues to be \$50,346,345,926, as set forth in the communication from the Mayor

pursuant to Section 1515(a) of the Charter (the "Fiscal 2014 Revenue Estimate"). (Attached hereto as Exhibit A is a description of the Fiscal 2014 Revenue Estimate, detailing all sources of revenues exclusive of real property taxes.) (3) Pursuant to Section 1516 of the Charter, the Council finally determines the net amount required to be raised by tax on real property to be \$19,570,487,000, by subtracting the amount of the Fiscal 2014 Revenue Estimate from the Fiscal 2014 Budget Amount.

In order to achieve a real property tax yield of \$19,570,487,000, however, due to provision for uncollectible taxes and refunds and collection of levies from prior years equal in the aggregate to \$1,714,753,681, the Council determines that a real property tax levy of \$21,285,240,681 is required. Such amount, levied at rates on the classes of real property as further described below, will produce a balanced budget within generally accepted accounting principles for municipalities.

The Council also provides for the application of the real property tax levy (net of provision for uncollectible taxes and refunds and collection of levies from prior years) to (1) debt service not subject to the constitutional operating limit, (2) debt service subject to the constitutional operating limit and (3) the Fiscal 2014 Budget in excess of the amount of the Fiscal 2014 Revenue Estimate.

Authorizing and Fixing the Real Property Tax Rates. After having determined the amount of the real property tax levy, the Council authorizes and fixes the real property tax rates. On June 17, 2013, the Commissioner of the Department of Finance (the "Commissioner") delivered the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for Fiscal 2014 to the Council, pursuant to Section 1514 of the Charter (the "Fiscal 2014 Assessment Rolls"). On November 14, 2013, the Council amended and restated a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2014 pursuant to Section 1803-a (1), Real Property Tax Law (the "Current Base Proportion Resolution"). On November 14, 2013, pursuant to Section 1803-a, Real Property Tax Law, the Council amended and restated a resolution in which the Council adjusted the current base proportions of each class of real property in the City for Fiscal 2014, to reflect the additions to, and full or partial removal from, the Fiscal 2014 Assessment Rolls (the "Adjusted Base Proportion Resolution").

The following sections describe the determinations the Council must make before it fixes the real property tax rates and the process by which the Council fixes the real property tax rates.

Assessed Valuation Calculations. In the Tax Fixing Resolution, the Council sets out the assessed valuation calculations of taxable real property in the City by class within each borough of the City. Next, the Council sets out the assessed valuation (1) by class of real property for the purpose of taxation (exclusive of the assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes) in each borough of the City and (2) by class of veterans' real property subject to tax for school purposes in each borough of the City.

Compliance with Constitutional Operating Limit Provisions. In the Tax Fixing Resolution, the Council also provides evidence of compliance with constitutional operating limit provisions. The Council determines that the amount to be raised by tax on real property for the Fiscal 2014 Budget does not exceed the limit imposed by Section 10, Article VIII of the Constitution of the State of New York, as amended, and Article 12-A, Real Property Tax Law (the "Operating Limit Provisions"). The Operating Limit Provisions require that the City not levy taxes on real property in any fiscal year in excess of an amount equal to a combined total of two and one-half percent (2 1/2%) of the average full valuation of taxable real property, determined by taking the assessed valuations of taxable real property on the last completed assessment roll and the four (4) preceding assessment rolls of the City and applying thereto the special equalization ratio which such assessed valuations of each such roll bear to the full valuations as fixed and determined by the State Office of Real Property Tax Services ("ORPTS"), minus (i) the amount to be raised by tax on real property in such year for the payment of the interest on and the redemption of certificates or other evidence of indebtedness described in the Constitution and (ii) the aggregate amount of business improvement district charges exclusive of debt service. (Attached hereto as Exhibit B is a description of net reductions of the amounts to be raised by the Fiscal 2014 tax levy as authorized by New York State law for purposes of the Operating Limit determination.)

Adjusted Base Proportions. The Tax Fixing Resolution sets forth the adjusted base proportions for Fiscal 2014, pursuant to the amended and restated Adjusted Base Proportion Resolution, to be used in determining the amended and restated Fiscal 2014 tax rates for the four classes of properties.

Tax Rates on Adjusted Base Proportions. Finally, in the Tax Fixing Resolution, the Council authorizes and fixes, pursuant to Section 1516 of the Charter, the rates of tax for Fiscal 2014 by class (1) upon each dollar of assessed valuation of real property subject to taxation for all purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

- All One-, Two- and Three-Family Residential Real Property.....0.19191
All Other Residential Real Property.....0.13145

Utility Real Property .....0.11902

All Other Real Property .....0.10323

and (2) upon each dollar of assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

All One-, Two- and Three-Family Residential Real Property .....0.11277

All Other Residential Real Property.....0.07749

Utility Real Property .....0.00000

All Other Real Property .....0.06092

**Authorization of the Levy of Property Taxes for Fiscal 2014.** The Council authorizes and directs the Commissioner, pursuant to Section 1517 of the Charter, to set down in the Fiscal 2014 Assessment Rolls, opposite to the several sums set down as the valuation of real property, the respective sums to be paid as a tax thereon and add and set down the aggregate valuations of real property in the boroughs of the City and send a certificate of such aggregate valuation in each such borough to the State Comptroller. The Tax Fixing Resolution then requires the City Clerk to procure the proper warrants, in the form attached thereto, such warrants to be signed by the Public Advocate and counter-signed by the City Clerk.

The amended and restated Tax Fixing Resolution would take effect as of the date of adoption.

Accordingly, the Committee on Finance recommends adoption of the amended and restated Tax Fixing motion.

**EXHIBIT A**

**ESTIMATED FISCAL YEAR 2013 REVENUE  
OTHER THAN REAL PROPERTY TAXES  
Summarizing by Source of Revenue**

Source of Revenue	Estimate of Revenue
<b>Taxes (excluding Real Estate Taxes):</b>	
General Sales (1) .....	\$6,323,000,000
Personal Income (Excluding Transitional Finance Authority Debt) .....	8,169,000,000
General Corporation .....	2,586,000,000
Commercial Rent .....	686,000,000
Utility .....	394,000,000
Banking Corporation .....	1,297,000,000
Mortgage Recording .....	723,000,000
Unincorporated Business .....	1,843,000,000
Real Property Transfer .....	1,110,000,000
Cigarette .....	63,000,000
Hotel Occupancy .....	513,000,000
<b>Other:</b>	
Penalty and Interest .....	42,000,000
Off-Track Betting .....	0
Off-Track Betting Surtax .....	1,250,000
Payments in Lieu of Tax .....	240,000,000
Section 1127 (Waiver) .....	121,000,000
Beer and Liquor .....	24,000,000
Auto Use .....	29,000,000
Commercial Motor Vehicle .....	50,000,000
Taxicab License Transfer .....	8,000,000
Liquor License Surcharge .....	5,000,000
Horse Race Admissions .....	20,000
Other Refunds .....	(29,000,000)
State Tax Relief Program ("STAR") for Personal Income and Real Property Taxes.....	836,000,000
	<u>25,034,270,000</u>
<b>Miscellaneous Revenue:</b>	
Licenses, Franchises, etc.....	584,249,294
Interest Income.....	9,500,000
Charges for Services.....	909,106,525
Water and Sewer Charges.....	1,513,964,000
Rental Income.....	292,245,000
Fines and Forfeitures.....	815,579,600
Miscellaneous.....	<u>866,053,440</u>
	<u>4,990,697,859</u>

**EXHIBIT A**

**ESTIMATED FISCAL YEAR 2013 REVENUE  
OTHER THAN REAL PROPERTY TAXES  
Summarizing by Source of Revenue**

Source of Revenue	Estimate of Revenue
<b>Grants:</b>	
Federal .....	6,495,337,486
State .....	11,756,156,394
Provision for Disallowances .....	(15,000,000)
	<u>18,236,493,880</u>
<b>Unrestricted State and Federal Aid:</b>	
N.Y. State Revenue Sharing .....	0
Other Unrestricted Aid .....	0
	<u>0</u>
Transfer from Capital Funds .....	535,550,529
Tax Audit Revenue and Other Initiatives.....	709,400,000
Tax Program.....	0
Other Categorical Grants.....	839,933,658
Amount of Estimated Revenue other than Real Estate Taxes.....	<u>\$50,346,345,926</u>

**FOOTNOTES**

(1) Fiscal 2014 administrative expenses of the New York State Financial Control Board ("FCB") and the Office of the State Deputy Comptroller ("OSDC"), the "State Oversight Retention Requirements", have been treated only for accounting and financial reporting purposes of the City as if they were City expenditures. Consequently, the above estimates of General Fund receipts for Fiscal 2014 do not reflect anticipated reductions in amounts to be received by the City from the 4.5 percent sales tax levied in the City (the "City Sales Tax") pursuant to State Oversight Retention Requirements. In fact, the State Oversight Retention Requirements are to be retained by the State from the City Sales Tax and will therefore reduce the funds which are paid to the City from the City Sales Tax. This presentation of State Oversight Retention Requirements (instead of being shown as a reduction in City Sales Tax) has no bearing on the statutory relationship between the City, on the one hand, and the FCB and OSDC, on the other hand.



Exhibit B

PROPERTY TAX ITEMS IN THE RESERVE CONSIDERED OFFSETS TO LEVY FOR PURPOSES OF CONSTITUTIONAL OPERATING LIMIT PROVISIONS

FISCAL 2014 RESERVE ESTIMATES

Reserve Item	Estimate (in millions)
<u>Property Tax Reductions (Tax Expenditures) Authorized by State Law</u>	
Coop/Condo Abatement .....	(\$453.4)
STAR Exemption* .....	(223.0)
J-51 .....	(98.0)
SCRIE/DRIE .....	(173.9)
Commercial Revitalization Program & Borough Development .....	(59.1)
Section 626 .....	(18.0)
ICAP Abatement .....	(2.5)
Solar/Green Roof Abatement .....	(2.3)
<u>Property Tax Additions (Tax Programs) Authorized by State Law</u>	
Exempt Property Restored .....	33.6
ICIP Abatement/Repayment .....	1.6
<b>TOTAL .....</b>	<b>(\$995.0)</b>

\* Although the STAR exemption is authorized by State law and treated as an abatement and included in the property tax reserve, the State reimburses the City for the exact amount of the abatement. However, this is an Expense item and accounted for as a separate allocation of funds.

Accordingly, this Committee recommends its adoption.

(For text of the resolution, please see the Introduction and Reading of the Bills printed in these Minutes)

DOMENIC M. RECCHIA, Jr., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER; Committee on Finance, November 14, 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 Res. No. 2029

**Report of the Committee on Finance in favor of approving a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

The Committee on Finance, to which the annexed resolution was referred on November 14, 2013, respectfully

**REPORTS:**

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 27, 2013, the Council adopted the expense budget for fiscal year 2014 with various programs and initiatives (the “Fiscal 2014 Expense Budget”). On June 28, 2012, the Council adopted the expense budget for fiscal year 2013 with various programs and initiatives (the “Fiscal 2013 Expense Budget”). On June 29, 2011, the Council adopted the expense budget for fiscal year 2012 with various programs and initiatives (the “Fiscal 2012 Expense Budget”).

Analysis. This Resolution, dated November 14, 2013, approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2014, Fiscal 2013 and Fiscal 2012 Expense Budgets, and approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in such budgets, and amends the description for the Description/Scope of Services of certain organizations receiving local, aging and youth discretionary funding in accordance with the Fiscal 2014 and Fiscal 2013 Expense Budgets.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2014, Fiscal 2013 and Fiscal 2012 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 1; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 2; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 3; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2014 Expense Budget, as described in Charts 4-12; sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2013 Expense Budget, as described in Chart 13; sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2012 Expense Budget, as described in Chart 14; amends the description for the Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding pursuant to the Fiscal 2014 Expense Budget as described in chart 15; and amends the description for the Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding pursuant to the Fiscal 2013 Expense Budget as described in chart 16.

The charts, attached to the Resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2014 Expense Budget, dated June 27, 2013, Adjustments Summary/Schedule C/ Fiscal 2013 Expense Budget, dated June 28, 2012 and Adjustments Summary/Schedule C/ Fiscal 2012 Expense Budget, dated June 29, 2011.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 2 sets forth the new designation and changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 4 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Job Training and Placement for Day



Care Workers Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 6 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to Out of School Time Restoration Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Asthma Control Program Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 8 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 9 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Discretionary Child Care Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 10 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 11 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 12 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to Initiative Funding Changes in accordance with the Fiscal 2014 Expense Budget.

Chart 13 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget.

Chart 14 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget.

Chart 15 amends the description for the Description/Scope of Services for certain organizations receiving local, aging, youth and initiative discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 16 amends the description for the Description/Scope of Services for certain organizations receiving local, aging, youth and initiative discretionary funding in accordance with the Fiscal 2013 Expense Budget.

Chart 17 amends the description for the Description/Scope of Services for certain organizations receiving local, aging, youth and initiative discretionary funding in accordance with the Fiscal 2012 Expense Budget.

It is to be noted that organizations identified in the attached Charts with an asterisk (\*) have not yet completed or began the prequalification process conducted by the Mayor's Office of Contract Services (for organizations to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

It should be further noted that funding for organizations in the attached Charts with a double asterisk (\*\*) will not take effect until the passage of a budget modification.

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2014 and 2013 Expense Budgets. Such Resolution would take effect as of the date of adoption.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 2029:)**

Res. No. 2029

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

By Council Member Recchia.

**Whereas,** On June 27, 2013 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2014 with various programs and initiatives (the "Fiscal 2014 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

**Whereas,** On June 28, 2012 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local discretionary funding; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

**Whereas,** On June 29, 2011 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2013 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and therefore be it

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Job Training and Placement for Day Care Workers Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to Out of School Time Restoration Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Asthma Control Program Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 8; and be it

further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Discretionary Child Care Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to Immigrant Opportunities Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to Initiative Funding Changes in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 17.

**ATTACHMENT:**

CHART 1: Local Initiatives - Fiscal 2014 (continued)

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
CC	Cypress Hills Local Development Corporation **	11-268563	HPD	\$40,000.00	896	005		
Lapin	Yonkers Common Parity, Inc.	13-3127972	DYCD	\$3,500.00	260	005		
Lapin	New York Common Parity	13-3127972	DYCD	\$3,500.00	260	005		
Winnilo	Yonkers Common Parity, Inc.	13-3127972	DYCD	\$12,500.00	260	005		
Winnilo	New York Common Parity	13-3127972	DYCD	\$12,500.00	260	005		
Gardochek	Yonkers Common Parity, Inc.	13-3127972	DYCD	\$3,500.00	260	005		
Gardochek	New York Common Parity	13-3127972	DYCD	\$3,500.00	260	005		
Comie	Yonkers Common Parity, Inc.	11-267162	DYCD	\$5,000.00	260	312		
Comie	Yonkers Common Parity, Inc.	11-267162	DYCD	\$5,000.00	260	312		
Comie	Queens Satella High School **	13-4400434	DOE	\$4,000.00	260	402		
Comie	Jamaica Center for Arts and Learning **	11-2471709	DCLA	\$4,000.00	260	003		
Halkoran	Queens College Foundation, Inc. - Kupferberg Center **	11-6065271	CUNY	\$3,500.00	260	001		
Halkoran	Queens College Foundation, Inc. - Kupferberg Center **	11-6065271	DCLA	\$3,500.00	260	003		
Halkoran	Brooklyn Conservatory of Music **	11-1352426	DYCD	\$1,500.00	260	005		
Halkoran	Brooklyn Conservatory of Music **	11-1352426	DCLA	\$1,500.00	260	003		
CC	Community Center of the Rockaway Penitentiary, Inc.	11-3864581	DYCD	\$20,000.00	260	005		
Rosa	Community Center of the Rockaway Penitentiary, Inc.	11-3864581	DYCD	\$20,000.00	260	005		
Rosa	Port Richmond High School - Women's Track Team	13-4400434	DOE	\$3,500.00	260	402		

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect

CHART 1: Local Initiatives - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
James	Hollisack, Inc. **	27-3198968	DYCD	(\$3,500.00)	260	005		
James	Wall Whitman Tenants Association **	11-3558556	NYCHA	\$3,500.00	086	002		
Giddo	Military Order of the Purple Heart	13-3126845	DFTA	(\$3,500.00)	125	003		
Giddo	Military Order of the Purple Heart	13-3126845	DFTA	\$3,500.00	125	003		
Lapin	Department of Parks and Recreation	13-4400434	DPR	(\$6,000.00)	846	006		
Lapin	City Parks Foundation	13-3561657	DPR	\$6,000.00	846	006		
Eugene	Madison Square Boys & Girls Club, Inc.	13-3598792	DYCD	(\$4,000.00)	260	312		
Eugene	CMABA, Inc.	11-2483339	DYCD	\$4,000.00	260	005		
Rocchia	NIA Community Services Network (Via St. Rosalie-Ragna Pads)	11-2697931	DFTA	(\$3,000.00)	125	003		
Rocchia	NIA Community Services Network (Via St. Rosalie-Ragna Pads)	11-2697931	DYCD	\$3,000.00	260	005		
Rocchia	NIA Community Services Network (Via St. Rosalie-Ragna Pads)	11-2697931	DFTA	(\$5,000.00)	125	003		
Rocchia	NIA Community Services Network (Via St. Rosalie-Ragna Pads)	11-2697931	DYCD	\$5,000.00	260	005		
Rocchia	NIA Community Services Network (Via St. Rosalie-Ragna Pads)	11-2697931	DFTA	(\$13,000.00)	125	003		
Rocchia	NIA Community Services Network (Via St. Rosalie-Ragna Pads)	11-2697931	DYCD	\$13,000.00	260	005		
Gonzalez	Podiatry To The Struggle, Inc.	11-3192504	DYCD	\$3,500.00	260	005		
Gonzalez	Podiatry To The Struggle, Inc.	11-3192504	DYCD	\$3,500.00	260	005		
Eugene	Church Avenue District Management Association	11-2632413	DYCD	(\$6,500.00)	260	005		
Eugene	Church Avenue District Management Association	11-2632413	DYCD	\$6,500.00	260	005		
Rocchia	Family Renaissance, Inc.	11-3192965	DYCD	\$6,500.00	260	312		
Rocchia	Family Renaissance, Inc.	11-3192965	DYCD	\$6,500.00	260	312		
Rocchia	Elite High School	75-0799893	DYCD	\$5,000.00	260	312		
Rocchia	Elite High School	75-0799893	DYCD	\$5,000.00	260	312		
Palma	Making Opportunities for Upgrading Schools and Education (MOUSE), Inc. **	13-3973196	DOE	(\$5,000.00)	046	454		
Palma	Making Opportunities for Upgrading Schools and Education (MOUSE), Inc. **	13-3973196	DOE	\$5,000.00	046	312		
Gonzalez	Brooklyn Eighth Avenue Community Improvement Association, Inc.	41-2249834	DYCD	(\$10,000.00)	260	005		
Gonzalez	Brooklyn Community Improvement Association, Inc.	41-2249834	DYCD	\$10,000.00	260	005		
Dickens	American Performing Arts Collaborative, Inc. **	13-3877290	DSBS	(\$5,000.00)	801	002		
Dickens	American Performing Arts Collaborative, Inc. **	13-3877290	DSBS	\$5,000.00	801	002		
Dickens	American Performing Arts Collaborative, Inc. **	13-3877290	DYCD	\$5,000.00	260	005		
Dickens	American Performing Arts Collaborative, Inc. **	13-3877290	DYCD	\$5,000.00	260	005		
Mantahan Delegation	STPCV Tenants Association Foundation, Inc. **	27-4554330	DYCD	\$3,500.00	260	005		
Mantahan Delegation	STPCV Tenants Association Foundation, Inc. **	27-4554330	DYCD	\$3,500.00	260	005		
Rocchia	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2798118	DYCD	(\$5,000.00)	260	005		
Rocchia	Jewish Community Center of Staten Island, Inc.	13-4562256	DYCD	\$5,000.00	260	005		
Dickens	American Performing Arts Collaborative, Inc. **	13-3877290	DSBS	(\$5,000.00)	801	002		
Dickens	American Performing Arts Collaborative, Inc. **	13-3877290	DSBS	\$5,000.00	801	002		
Dickens	Cypress Hills Local Development Corporation	11-268563	DYCD	(\$40,000.00)	260	312		
Dickens	Cypress Hills Local Development Corporation	11-268563	DYCD	\$40,000.00	260	312		
Dilan	Ridgewood Bushwick Senior Citizens Council, Inc.	11-2453863	DYCD	\$40,000.00	260	005		

\* Indicates pending completion of pre-qualification review.  
 \*\* Requires a budget modification for the changes to take effect

CHART 2: Aging Initiatives - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Ulrich	Forest Park Senior Citizens Center, Inc.	11-2615437	DFTA	<del>(\$5,000.00)</del>	125	003		
Ulrich	Agudath Israel of America Community Services, Inc.	13-3975092	DFTA	\$25,000.00	125	003		
Ulrich	Forest Park Trust, Inc.	31-1598945	DFTA	\$10,000.00	125	003		
Ulrich	Jewish Association for Services for the Aged (JASA - Queens A)	13-2620898	DFTA	\$10,000.00	125	003		
Ulrich	Catholic Charities Neighborhood Services, Inc.	11-2047151	DFTA	\$10,000.00	125	003		

\* Indicates pending completion of pre-qualification review.

CHART 3: Youth Initiatives - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Amayo	Citizen Advice Bureau	13-3254864	DYCD	<del>(\$10,000.00)</del>	260	312		
Amayo	Bronx Works	13-3254484	DYCD	\$10,000.00	260	312		
Reyna	104th Precinct Law Explorers	33-1096210	DYCD	<del>(\$2,000.00)</del>	260	312		
Reyna	Greater Ridgewood Youth Council, Inc.	11-2618141	DYCD	\$2,000.00	260	312		
Gentile	Arab American Family Support Center	11-3167245	DYCD	<del>(\$2,000.00)</del>	260	312		
Gentile	Brooklyn Conservatory of Music	11-5324226	DYCD	<del>(\$3,500.00)</del>	260	005		
Gentile	Arab American Association of New York, Inc.	11-3604766	DYCD	\$5,500.00	260	312		

\* Indicates pending completion of pre-qualification review.

CHART 5: Infant Mortality Reduction - Fiscal 2014

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Lutheran Family Health Center's Family Support Center	11-1839567	DCHMH	<del>(\$22,320.42)</del>	816	113
Sunset Park Health Council dba Lutheran Family Health Centers	11-1839567	DCHMH	\$22,320.42	816	113

\* Indicates pending completion of pre-qualification review.

CHART 4: Job Training and Placement for Day Care Workers - Fiscal 2014

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Administration for Children Services	13-6400434	ACS	<del>(\$100,000.00)</del>	088	004
Day Care Council of New York, Inc.	13-2613479	ACS	\$100,000.00	088	004

\* Indicates pending completion of pre-qualification review.

CHART 6: Out of School Time Restoration - Fiscal 2014

Organization	EIN Number	Agency	Amount	Agy #	UIA *
University Settlement Society of New York, Inc. - PS 63 William McKinley School	13-562374	DYCD	(\$200,000.00)	260	312
University Settlement Society of New York, Inc. - PS 19	13-562374	DYCD	\$200,000.00	260	312
Central Queens YM & YWHA, Inc. - Arrow Community Center	11-1633509	DYCD	(\$80,000.00)	260	312
Central Queens YM & YWHA, Inc. - Public School 76	11-1633509	DYCD	\$80,000.00	260	312
Brooklyn Community Services - P.S. 149 THE DANNY KAYE SCHOOL	11-2549027	DYCD	(\$240,000.00)	260	312
Brooklyn Community Services - P.S. 149 THE DANNY KAYE SCHOOL	11-2549027	DYCD	\$240,000.00	260	312
Brooklyn Community Services - PS 021 CRISPUS ATTUCKS (K021)	11-1630760	DYCD	(\$240,000.00)	260	312
Brooklyn Community Services - PS 021 CRISPUS ATTUCKS (K021)	11-1630760	DYCD	\$240,000.00	260	312
Brooklyn Community Services - P.S. 306 ETHAN ALLEN SCHOOL	11-2549027	DYCD	(\$280,000.00)	260	312
Brooklyn Community Services - P.S. 306 ETHAN ALLEN SCHOOL	11-2549027	DYCD	\$280,000.00	260	312
Brooklyn Community Services - P.S. 306 ETHAN ALLEN SCHOOL (MS)	11-1630760	DYCD	(\$40,000.00)	260	312
Brooklyn Community Services - P.S. 306 ETHAN ALLEN SCHOOL (MS)	11-2549027	DYCD	\$40,000.00	260	312
Department of Youth and Community Development	13-6400434	DYCD	(\$358,000.00)	260	312
Brooklyn Community Services - PS 156	11-1630760	DYCD	\$358,000.00	260	312
East Side House, Inc. - Mill Brook Community Center	13-1623989	DYCD	(\$80,000.00)	260	312
East Side House, Inc. - Mitchell Community Center	13-1623989	DYCD	\$40,000.00	260	312
East Side House, Inc. - PS 179 (X179)	13-1623989	DYCD	\$40,000.00	260	312

\* Indicates pending completion of pre-qualification review.

CHART 7: Asthma Control Program - Fiscal 2014

Organization	EIN Number	Agency	Amount	Agy #	UIA *
Bronx Lebanon Hospital	13-1974191	DOHMH	(\$19,500.00)	816	113
Clergy for Community Empowerment, Inc.	11-3030795	DOHMH	(\$19,500.00)	816	113
Long Island College Hospital	11-1018985	DOHMH	(\$19,500.00)	816	113
Union Settlement Association, Inc.	13-1632530	DOHMH	(\$19,500.00)	816	113
Department of Health and Mental Hygiene	13-6400434	DOHMH	\$78,000.00	816	113

\* Indicates pending completion of pre-qualification review.

CHART 9: Discretionary Child Care Initiative - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	UIA *
Comite	Afro- American Parents DCC, Inc. - Afro- American Parents Site #3	13-2727408	ACS	(\$771,774.00)	068	004
Wills	Afro- American Parents DCC, Inc. - Afro- American Parents Site #2 (112-06 Sulphin Blvd.)	13-2727408	ACS	\$395,327.00	068	004
Comite	Committee for Early Childhood Development DCC, Inc. (193-04 Jamaica Ave.)	11-2343437	ACS	\$376,447.00	068	004

\* Indicates pending completion of pre-qualification review.

CHART 8: HIV/AIDS Faith Based Initiative - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	UIA *
Salt and Sea Mission		11-3012147	DOHMH	(\$6,400.00)	816	112
Coney Island Cathedral of Deliverance		11-274627	DOHMH	\$6,400.00	816	112
Saint Edward the Martyr		13-2873155	DOHMH	(\$6,400.00)	816	112
Saint Cecilia's Church		13-1624165	DOHMH	\$6,400.00	816	112

\* Indicates pending completion of pre-qualification review.

CHART 10: Cultural After School Adventure Initiative - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Genaro	Kupferberg Center Performances	13-000004	DCLA	(\$20,000.00)	126	003
Genaro	Kupferberg Center Performances	11-609021	DCLA	\$20,000.00	126	003
Kosowitz	Kupferberg Center Performances	13-000004	DCLA	(\$20,000.00)	126	003
Genaro	Kupferberg Center Performances	11-609021	DCLA	\$20,000.00	126	003
Koo	Kupferberg Center Performances	13-000004	DCLA	(\$20,000.00)	126	003
Koo	Kupferberg Center Performances	11-609021	DCLA	\$20,000.00	126	003
Chin	Studio in a School Association	01-3300312	DCLA	(\$20,000.00)	126	003
Chin	Studio in a School Association	13-3003112	DCLA	\$20,000.00	126	003
Eugene	Brooklyn Arts Council, Inc.	23-7072918	DCLA	(\$20,000.00)	126	003
Eugene	Brooklyn Arts Council, Inc.	23-7072915	DCLA	\$20,000.00	126	003
Richards	Queens Theater Company - Springfield Gardens High School	11-3589383	DCLA	(\$20,000.00)	126	003
Richards	Queens Theatre in the Park - Springfield Gardens High School	11-3381629	DCLA	\$20,000.00	126	003
Richards	Enact, Inc. - Middle School 53	13-2612524	DCLA	(\$20,000.00)	126	003
Richards	Enact, Inc. - PS 183	13-2612524	DCLA	\$20,000.00	126	003
Eugene	Creative Arts Team - Academy for College Preparation and Career Exploration	26-0073627	DCLA	(\$20,000.00)	126	003
Eugene	Creative Arts Team - P. S. 397 K	26-0073627	DCLA	\$20,000.00	126	003
Eugene	Creative Outlet Dance Theatre of Brooklyn - P. S. 6	11-3307755	DCLA	(\$20,000.00)	126	003
Eugene	Dancewave - P. S. 6	11-2726558	DCLA	\$20,000.00	126	003
King	Midtown Management Group - PS41	13-3192793	DCLA	(\$20,000.00)	126	003
King	Midtown Management Group - PS153	13-3192793	DCLA	\$20,000.00	126	003
Halloran	Conrad Poppenthusen Association - PS 79 Francis Lewis	11-1633524	DCLA	(\$20,000.00)	126	003
Halloran	Conrad Poppenthusen Association - PS 29	11-1633524	DCLA	\$20,000.00	126	003
Halloran	Bayside Historical Society - IS 25 - Adrien Block	11-6049457	DCLA	(\$20,000.00)	126	003
Halloran	Bayside Historical Society - JHS 194	11-6049457	DCLA	\$20,000.00	126	003
Halloran	Flushing Council on Culture and the Arts - PS 94 David D. Porter	11-2652182	DCLA	(\$20,000.00)	126	003
Halloran	Flushing Council on Culture and the Arts - IS 25 - Adrien Block	11-2652182	DCLA	\$20,000.00	126	003
Barron	Man Upl Inc. - P.S. 328 Phyllis Wheelley	30-550062	DCLA	(\$20,000.00)	126	003
Barron	Man Upl Inc. - M.S. 654 Van Sieten Community Middle School	30-550092	DCLA	\$20,000.00	126	003
Ulrich	Young People's Chorus of NYC, Inc. - PS207 Rockwood Park	11-3372980	DCLA	(\$20,000.00)	126	003
Ulrich	Intrepid Museum Foundation, Inc. - PS207 Rockwood Park	13-3062419	DCLA	\$20,000.00	126	003

\* Indicates pending completion of pre-qualification review.

CHART 11: Immigrant Opportunities Initiative - Fiscal 2014

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Brooklyn	Bedford-Stuyvesant Community Legal Services Corporation	11-2148962	DYCD	(\$50,000.00)	260	005
Brooklyn	South Brooklyn Legal Services	13-2605605	DYCD	(\$41,000.00)	260	005
Queens	Legal Services NYC - Queens Legal Services Corporation	13-2605604	DYCD	(\$51,000.00)	260	005
City-Wide	Legal Services NYC - Queens Legal Services Corporation, South Brooklyn Legal Services, Bedford-Stuyvesant Community Legal Services	13-2600199	DYCD	\$182,000.00	260	005

\* Indicates pending completion of pre-qualification review.

CHART 13: Local Initiatives - Fiscal 2013

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *	Fiscal Conduit/Sponsoring Organization	Conduit EIN *
Recchia	Our Lady of Grace Roman Catholic Church	11-1694947	DYCD	(\$5,000.00)	260	005		
Recchia	Graessend Athletic Association	11-3019763	DYCD	\$5,000.00	260	005		

\* Indicates pending completion of pre-qualification review.

CHART 12: Initiative Funding Changes - Fiscal 2014

Source	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Out of School Time Restoration	Department of Youth and Community Development	13-6400434	DYCD	(\$150,000.00)	260	312
Local	United Community Centers	11-1950787	DYCD	\$100,000.00	260	005
Local	United Community Centers	11-1950787	DYCD	\$50,000.00	260	312
Mental Hygiene	Department of Health and Mental Hygiene					
Contracts - FY13 PEG Restoration	Geriatric Mental Health Initiative	13-6400434	DOHMH	(\$41,000.00)	816	121
Local	Brooklyn Bureau of Community Services	11-1630780	DOHMH	\$41,000.00	816	120

\* Indicates pending completion of pre-qualification review.



CHART 14: Local Initiatives - Fiscal 2012

Source	Member	Organization	EIN Number	Agency	Amount	Agy #	UA	Fiscal Conduit/Sponsoring Organization	Conduit EIN
Local	Brewer	Committee for Environmental Sound Development	13-381814	DYCD	(\$1,500.00)				
Local	Brewer	Committee for Environmental Sound Development	13-381814	DYCD	\$3,500.00				
Boro	Richards	Fund for the City of New York, Inc.	13-281224	DYCD	(\$5,000.00)				
Boro	Richards	Fund for the City of New York, Inc.	13-281224	DYCD	\$6,500.00				
Local	Richards	Department of Parks and Recreation	13-600434	DPR	(\$25,000.00)				
Local	Richards	Department of Parks and Recreation	13-600434	DPR	\$25,000.00				
Local	James	88th Precinct	11-279654	DYCD	(\$1,500.00)				
Local	James	88th Precinct	11-279654	DYCD	\$1,500.00				
Youth	Gonzalez	United Chinese Association of Brooklyn	31-148912	DYCD	(\$1,500.00)				
Youth	Gonzalez	United Chinese Association of Brooklyn	31-148912	DYCD	\$3,500.00				
Local	Rose	Staten Island Fleet Week, Inc.	13-402649	DYCD	(\$1,500.00)				
Local	Rose	Staten Island Fleet Week, Inc.	13-402649	DYCD	\$3,500.00				
Local	Dolan	St. Rita's Roman Catholic Church	11-17110020	DYCD	(\$25,000.00)				
Local	Dolan	St. Rita's Roman Catholic Church	11-17110020	DYCD	\$25,000.00				
Boro	Crowley	Vietnam Veterans of America, Inc. - Queens Chapter #62	11-262838	DYCD	(\$7,857.00)				
Boro	Crowley	Vietnam Veterans of America, Inc. - Queens Chapter #62	11-262838	DYCD	\$7,857.00				
Aging	Eugene	St. Gabriel's Episcopal Church	11-246382	DFTA	(\$18,375.00)				
Aging	Eugene	St. Gabriel's Episcopal Church	11-246382	DFTA	\$18,375.00				

\* Indicates pending completion of pre-qualification review.

CHART 15: Purpose of Funds Changes - Fiscal 2014

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	Brewer	Committee for Environmental Sound Development	13-381814	DYCD	(\$1,500.00)	To restore and repair Damrosch Park following damage that resulted from Super Storm Sandy.
Local	Brewer	Committee for Environmental Sound Development	13-381814	DYCD	\$3,500.00	Funds will be used for the addition of a remediation to highlight environmental issues in the neighborhood, in particular damage to Damrosch Park.
Boro	Richards	Fund for the City of New York, Inc.	13-281224	DYCD	(\$5,000.00)	Funding will continue to help ENACT with providing developmental activities, reflective role play, and guided facilitation to address relevant issues school face on a daily basis, such as lack of respect, bullying, peer pressure, and anti-racism violence.
Boro	Richards	Fund for the City of New York, Inc.	13-281224	DYCD	\$6,500.00	The benefit of the Rockaway Youth Task Force is that we are preparing the next generation of leaders.
Local	Richards	Department of Parks and Recreation	13-600434	DPR	(\$25,000.00)	Support events in local parks in district 31.
Local	Richards	Department of Parks and Recreation	13-600434	DPR	\$25,000.00	To support recreational programs, events, and activities in Council District 31, to support Parks maintenance and operational needs in Rockaway.
Local	James	88th Precinct	11-279654	DYCD	(\$1,500.00)	Bringing the police into contact with the neighborhoods that they serve can forge positive relations based on trust, helping reduce resident fear of crime while improving the ability of officers to work with communities to solve crimes when they happen.
Local	James	88th Precinct	11-279654	DYCD	\$1,500.00	To support an After School Tutoring (AST) program.
Youth	Gonzalez	United Chinese Association of Brooklyn	31-148912	DYCD	(\$1,500.00)	To support a youth development program which includes services for the costs of renovating a new site, furniture, equipment and office supplies. In addition, the grant will be spent on the cost of space rental, insurance, utilities, staffs salary, and insurance wage which relate to the youth development extracurricular classes and services for visiting sailors.
Youth	Gonzalez	United Chinese Association of Brooklyn	31-148912	DYCD	\$3,500.00	To support Staten Island Fleet Week including costs incurred due to Hurricane Sandy and services for visiting sailors.
Local	Rose	Staten Island Fleet Week, Inc.	13-402649	DYCD	(\$1,500.00)	Funds will go toward storage expense, as well as to support Staten Island Fleet Week for costs incurred due to Hurricane Sandy, and for services for visiting sailors.
Local	Rose	Staten Island Fleet Week, Inc.	13-402649	DYCD	\$3,500.00	The most needy residents of the community can have a place where they can have at least two hot meals a week and lighten the burden of having to go without when they are not financially capable of providing for themselves or their families on a weekly basis.
Local	Dolan	St. Rita's Roman Catholic Church	11-17110020	DYCD	(\$25,000.00)	To assist all veterans in presenting compensation and pension claims before the Veterans Administration, advice on educational benefits and provide referrals to government agencies.
Local	Dolan	St. Rita's Roman Catholic Church	11-17110020	DYCD	\$25,000.00	To assist all veterans in presenting compensation and pension claims before the Veterans Administration, advice on educational benefits, and for bookkeeping fees.
Boro	Crowley	Vietnam Veterans of America, Inc. - Queens Chapter #62	11-262838	DYCD	(\$7,857.00)	To support the daily services for the elderly in the community.
Boro	Crowley	Vietnam Veterans of America, Inc. - Queens Chapter #62	11-262838	DYCD	\$7,857.00	The specific programming/services requested funds will be used to facilitate all of daily services to the elderly in the community.
Aging	Eugene	St. Gabriel's Episcopal Church	11-246382	DFTA	(\$18,375.00)	
Aging	Eugene	St. Gabriel's Episcopal Church	11-246382	DFTA	\$18,375.00	

\* Indicates pending completion of pre-qualification review.

CHART 15: Purpose of Funds Changes - Fiscal 2014 (Continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Aging	Crowley	Ridgewood Older Adult Center and Services, Inc.	05-080728	DFTA	(\$25,000.00)	To provide yoga classes, tai chi, arts, computer and other programs for seniors.
Aging	Crowley	Ridgewood Older Adult Center and Services, Inc.	05-080728	DFTA	\$25,000.00	Funds will also help pay for rent.
Domestic Violence and Empowerment (DVE) Initiative		District Attorney - New York	13-640034	OCCJ	(\$20,000.00)	
Domestic Violence and Empowerment (DVE) Initiative		District Attorney - New York	13-640034	OCCJ	\$20,000.00	Funds will be used for the purchase of furniture for the Family Justice Center.
Aging	Kosbwtz	Queens Intergangency Council on the Aging, Inc.	11-274170	DFTA	(\$5,000.00)	Funding used to support educational and recreational activities and a Social Adult Day program at Forest Hills, and Rock Park Senior Center.
Aging	Kosbwtz	Queens Intergangency Council on the Aging, Inc.	11-274170	DFTA	\$5,000.00	To support programs for seniors, program providers and the community on issues relevant to seniors including: accessible transportation, food and shelter, and affordable healthcare.
Aging	Holloran	Samuel Field YM & YWHA, Inc.	11-3071518	DFTA	(\$7,500.00)	To provide services through the NORC-SSP to senior adults who reside in the Chatham Gardens Cooperative in Queens.
Aging	Holloran	Samuel Field YM & YWHA, Inc.	11-3071518	DFTA	\$7,500.00	To provide services through the NORC-SSP to senior adults who reside in Queens.
Aging	Holloran	Chabad of Northeast Queens	11-3207716	DFTA	(\$4,500.00)	To provide after school programming, art classes, Spanish lessons, gym classes, music, ceramics, a Model Mitzvah Factory and an SOS senior program pairing teens and seniors through narrative home visitation.
Aging	Holloran	Chabad of Northeast Queens	11-3207716	DFTA	\$4,500.00	To provide a program in northeast Queens and services in the community through financial literacy program and operational expenses.
Local	Raczka	Brooklyn Kings County Hispanic Chamber Of Commerce, Inc.	20-2381186	DBSB	(\$4,000.00)	Funding will help pay for two part time staff and the payroll tax associated with those two positions. These two part time members will then assist and participate in the financial literacy program and operational expenses.
Local	Raczka	Brooklyn Kings County Hispanic Chamber Of Commerce, Inc.	20-2381186	DBSB	\$4,000.00	Funding will help pay for two part time staff and the payroll tax associated with those two positions. These two part time members will then assist and participate in the financial literacy program and operational expenses.
Local	Rose	Port Richmond High School	13-640034	DOE	(\$3,500.00)	To prepare college bound student athletes for college athletics and academics. Funds will be used to provide uniforms, buses for safe transportation, and college visits for all members of the program.
Local	Rose	Port Richmond High School - Women's Track Team	13-640034	DOE	\$3,500.00	To prepare college bound student athletes for college athletics and academics. Funds will be used to provide uniforms, buses for safe transportation, and college visits for all members of the Women's Track Team.
Local	Ulrich	Legacy Center for Community Development	27-103434	DYCD	(\$5,000.00)	Funds to be used for operational expenses & supplies.
Local	Ulrich	Legacy Center for Community Development	27-103434	DYCD	\$5,000.00	Funds to be used for supplies, books, salaries of staff members, utilities, operational expenses such as rent.

\* Indicates pending completion of pre-qualification review.

CHART 15: Purpose of Funds Changes - Fiscal 2014 (Continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	Reyna	Brooklyn Kings County Hispanic Chamber Of Commerce, Inc.	20-2381186	DBSB	(\$5,000.00)	Funds will support the Chamber of Commerce's literature, business expo, youth financial literacy program and operational expenses.
Local	Reyna	Brooklyn Kings County Hispanic Chamber Of Commerce, Inc.	20-2381186	DBSB	\$5,000.00	Funding will help pay for two part time staff and the payroll tax associated with those two positions. These two part time members will then assist and participate in the financial literacy program and operational expenses.
Local	CC	Center for Anti-Violence Education (CAE), Inc. (The)	11-2444876	DYCD	(\$50,000.00)	Funds will continue empowering LGBTQ communities to prevent, respond to, and heal from violence through the provision of practical strategies and skills to increase their safety and confidence.
Local	CC	Center for Anti-Violence Education (CAE), Inc. (The)	11-2444876	DYCD	\$50,000.00	Funds will continue empowering women, youth and LGBTQ communities to prevent, respond to, and heal from violence through the provision of practical strategies and skills to increase their safety and confidence.
Youth	Fidler	Army Little League, Inc.	11-2703385	DYCD	(\$5,000.00)	To support literacy services and GED testing for students who have taken the GED test and failed by 250 points or less to the community.
Youth	Fidler	Army Little League, Inc.	11-2703385	DYCD	\$5,000.00	To support literacy services and GED testing for students who have taken the GED test and failed by 250 points or less to the community.
Youth	Reyna	Grand Street Settlement, Inc.	13-662230	DYCD	(\$10,000.00)	Funds will support a fitness room at the Bushwick-Hyatt Community Center to help combat obesity.
Youth	Reyna	Grand Street Settlement, Inc.	13-662230	DYCD	\$10,000.00	The monies requested will be used to purchase fitness room equipment and security cameras for the Bushwick-Hyatt Community Center. The center is in need of equipment that will help teens, adults, and seniors combat the high obesity rates found in the neighborhood. The equipment will include treadmills, elliptical machines, and fitness equipment can consist of treadmills and low-impact cardio machinery such as an elliptical and stairmasters which will serve the growing number of community members that participate in the Community Centers older adult programming. Weight of the monies to purchase weight and resistance machines which are safer than free weights. The center would also use some of the monies to purchase much needed security cameras which would help monitor incidents at the center and would allow for safe facilitation of programs at the center.
Youth	Richards	Project Hope, The New Directions, Inc.	11-3327691	DYCD	(\$5,000.00)	Funds will be used for Leadership development training - Job readiness career development, Crisis justice, financial management, behavior modification, and etc. after-school starting from 6:30 p.m. Recreation Cultural: Basketball softball tournaments, Arts, craft, Chess, Games, Step dance competitions. Shows and other related activities. The recreational and cultural aspect of the program will be implemented to take place during the week after-school starting from 4:30 p.m.
Youth	Richards	Project Hope, The New Directions, Inc.	11-3327691	DYCD	\$5,000.00	To support health and fitness, arts and computer class and art classes and other programs and activities for seniors. Funds will also help pay for rent.
Local	Crowley	Ridgewood Older Adult Center and Services, Inc.	05-080728	DFTA	(\$10,000.00)	
Local	Crowley	Ridgewood Older Adult Center and Services, Inc.	05-080728	DFTA	\$10,000.00	

\* Indicates pending completion of pre-qualification review.



CHART 16: Purpose of Funds Changes - Fiscal 2013

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	Wright	Community Voice Heard	13-301997	DYCD	(\$10,000.00)	Funds will be used to conduct outreach and public education work with public assistance recipients about their rights around welfare. This also includes educating participants around OSHA and wage and hour regulations, so that they understand when their rights are being violated when fulfilling work requirements or when they take jobs. Outreach and public education activities are done at welfare centers, community organizations, job centers and at CVH's office.
Local	Wright	Community Voice Heard	13-301997	DYCD	\$10,000.00	Funds will be used to conduct outreach and public education work with public assistance recipients about their rights around welfare. This also includes educating participants around OSHA and wage and hour regulations, so that they understand when their rights are being violated when fulfilling work requirements or when they take jobs. Outreach and public education activities are done at welfare centers, community organizations, job centers and at CVH's office.
Local	Levin	Community Voice Heard	13-301997	DYCD	(\$5,000.00)	Funds will be used to conduct outreach and public education work with public assistance recipients about their rights around welfare. This also includes educating participants around OSHA and wage and hour regulations, so that they understand when their rights are being violated when fulfilling work requirements or when they take jobs. Outreach and public education activities are done at welfare centers, community organizations, job centers and at CVH's office.
Local	Levin	Community Voice Heard	13-301997	DYCD	\$5,000.00	Funds will be used to conduct outreach and public education work with public assistance recipients about their rights around welfare. This also includes educating participants around OSHA and wage and hour regulations, so that they understand when their rights are being violated when fulfilling work requirements or when they take jobs. Outreach and public education activities are done at welfare centers, community organizations, job centers and at CVH's office.
Local	Viverto	Community Voice Heard	13-301997	DYCD	(\$5,000.00)	Funds will be used to conduct outreach and public education work with public assistance recipients about their rights around welfare. This also includes educating participants around OSHA and wage and hour regulations, so that they understand when their rights are being violated when fulfilling work requirements or when they take jobs. Outreach and public education activities are done at welfare centers, community organizations, job centers and at CVH's office.
Local	Viverto	Community Voice Heard	13-301997	DYCD	\$5,000.00	Funds will be used to conduct outreach and public education work with public assistance recipients about their rights around welfare. This also includes educating participants around OSHA and wage and hour regulations, so that they understand when their rights are being violated when fulfilling work requirements or when they take jobs. Outreach and public education activities are done at welfare centers, community organizations, job centers and at CVH's office.
Local	Hellman	Community Voice Heard	13-301997	DYCD	(\$15,000.00)	Funds will be used to conduct outreach and public education work with public assistance recipients about their rights around welfare. This also includes educating participants around OSHA and wage and hour regulations, so that they understand when their rights are being violated when fulfilling work requirements or when they take jobs. Outreach and public education activities are done at welfare centers, community organizations, job centers and at CVH's office.
Local	Hellman	Community Voice Heard	13-301997	DYCD	\$15,000.00	Funds will be used to conduct outreach and public education work with public assistance recipients about their rights around welfare. This also includes educating participants around OSHA and wage and hour regulations, so that they understand when their rights are being violated when fulfilling work requirements or when they take jobs. Outreach and public education activities are done at welfare centers, community organizations, job centers and at CVH's office.

\* Indicates pending completion of pre-qualification review.

CHART 17: Purpose of Funds Changes - Fiscal 2012

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Youth	Ferreras	Organización Juvenil Ecuatoriana, Inc.	20-8830120	DYCD	(\$6,414.00)	ECUADORIAN SCHOLARS FUND: The Ecuadorian community is the fourth most numerous in New York City. Out of the 202,000 Ecuadorians who live in it, only 8.5 have a Bachelor's degree, or higher, which is equivalent to less than 2% of all Latinos in the United States. The Ecuadorian community is one of the most underserved by the Organization (JUVE) is carrying out its scholarship contest, which aims to financially benefit Ecuadorian students (or from Ecuadorian descent) living in the states of New York, New Jersey and Connecticut, regardless of immigration status. It is through awarding these scholarships that JUVE seeks to alleviate the financial burden attending college represents to the majority of them. It is through these scholarships that JUVE intends to make it possible for these students to develop as professionals in their respective fields and give back to the community that they were born in and helped them grow.
Youth	Ferreras	Organización Juvenil Ecuatoriana, Inc.	20-8830120	DYCD	\$6,414.00	FUNDING TO CONTINUE HIGHER EDUCATION: The Ecuadorian community is the fourth most numerous in New York City. Out of the 202,000 Ecuadorians who live in it, only 8.5 have a Bachelor's degree, or higher, which is equivalent to less than 2% of all Latinos in the United States. The Ecuadorian community is one of the most underserved by the Organization (JUVE) is carrying out its scholarship contest, which aims to financially benefit Ecuadorian students (or from Ecuadorian descent) living in the states of New York, New Jersey and Connecticut, regardless of immigration status. It is through awarding these scholarships that JUVE seeks to alleviate the financial burden attending college represents to the majority of them. It is through these scholarships that JUVE intends to make it possible for these students to develop as professionals in their respective fields and give back to the community that they were born in and helped them grow.

\* Indicates pending completion of pre-qualification review.

CHART 16: Purpose of Funds Changes - Fiscal 2013

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds
Local	Lander	Community Voice Heard	13-301997	DYCD	(\$7,000.00)	Funds will be used to conduct outreach and public education work with public assistance recipients about their rights around welfare. This also includes educating participants around OSHA and wage and hour regulations, so that they understand when their rights are being violated when fulfilling work requirements or when they take jobs. Outreach and public education activities are done at welfare centers, community organizations, job centers and at CVH's office.
Local	Lander	Community Voice Heard	13-301997	DYCD	\$7,000.00	Funds will be used to conduct outreach and public education work with public assistance recipients about their rights around welfare. This also includes educating participants around OSHA and wage and hour regulations, so that they understand when their rights are being violated when fulfilling work requirements or when they take jobs. Outreach and public education activities are done at welfare centers, community organizations, job centers and at CVH's office.
Local	Ulrich	Community Voice Heard	13-301997	DYCD	(\$5,000.00)	Funds will be used to conduct outreach and public education work with public assistance recipients about their rights around welfare. This also includes educating participants around OSHA and wage and hour regulations, so that they understand when their rights are being violated when fulfilling work requirements or when they take jobs. Outreach and public education activities are done at welfare centers, community organizations, job centers and at CVH's office.
Local	Ulrich	Community Voice Heard	13-301997	DYCD	\$5,000.00	Funds will be used to conduct outreach and public education work with public assistance recipients about their rights around welfare. This also includes educating participants around OSHA and wage and hour regulations, so that they understand when their rights are being violated when fulfilling work requirements or when they take jobs. Outreach and public education activities are done at welfare centers, community organizations, job centers and at CVH's office.
Local	Williams	Community Voice Heard	13-301997	DYCD	(\$5,000.00)	Funds will be used to conduct outreach and public education work with public assistance recipients about their rights around welfare. This also includes educating participants around OSHA and wage and hour regulations, so that they understand when their rights are being violated when fulfilling work requirements or when they take jobs. Outreach and public education activities are done at welfare centers, community organizations, job centers and at CVH's office.
Local	Williams	Community Voice Heard	13-301997	DYCD	\$5,000.00	Funds will be used to conduct outreach and public education work with public assistance recipients about their rights around welfare. This also includes educating participants around OSHA and wage and hour regulations, so that they understand when their rights are being violated when fulfilling work requirements or when they take jobs. Outreach and public education activities are done at welfare centers, community organizations, job centers and at CVH's office.
Local	Greenfield	Community Voice Heard	13-301997	DYCD	(\$5,000.00)	Funds will be used to conduct outreach and public education work with public assistance recipients about their rights around welfare. This also includes educating participants around OSHA and wage and hour regulations, so that they understand when their rights are being violated when fulfilling work requirements or when they take jobs. Outreach and public education activities are done at welfare centers, community organizations, job centers and at CVH's office.
Local	Greenfield	Community Voice Heard	13-301997	DYCD	\$5,000.00	Funds will be used to conduct outreach and public education work with public assistance recipients about their rights around welfare. This also includes educating participants around OSHA and wage and hour regulations, so that they understand when their rights are being violated when fulfilling work requirements or when they take jobs. Outreach and public education activities are done at welfare centers, community organizations, job centers and at CVH's office.
Local	Viverto	Community Voice Heard	13-301997	HPD	(\$30,000.00)	To support the Public Hearing Campaign's work to increase public housing resident NYC Housing Authority to make repairs and increase the management of developments.
Local	Viverto	Community Voice Heard	13-301997	HPD	\$30,000.00	Funds will be used to conduct outreach and public education work with public assistance recipients about their rights around welfare. This also includes educating participants around OSHA and wage and hour regulations, so that they understand when their rights are being violated when fulfilling work requirements or when they take jobs. Outreach and public education activities are done at welfare centers, community organizations, job centers and at CVH's office.

\* Indicates pending completion of pre-qualification review.

DOMENIC M. RECCHIA, Jr., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, JAMES S. ODDO; Committee on Finance, November 14, 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. 1092-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 and the New York city building code, in relation to secondary electrical power, heating and cooling systems for I-1 and I-2 occupancies and for adult homes, enriched housing, community residences and intermediate care facilities, where such occupancies are located in flood-prone areas.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on June 24, 2013 (Minutes, page 2080), respectfully

REPORTS:

Introduction and Procedural History

On November 14, 2013, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. 1092-A, Proposed Int. 1093-A, Proposed Int. 1094-A, and Proposed Int. 1101-A.

On June 27, 2013, the Committee in conjunction with a number of other Committees, held a hearing on these bills and received testimony from the New York City Office of Long Term Planning and Sustainability; the Urban Green Council; the International Code Council; Gilsanz, Murray, Steficek; the American Institute of Architects; Riverkeeper; the National Resources Defense Council; and the Plumbing

Foundation. The Committee also received feedback from additional stakeholders after the hearing. In light of the received feedback and testimony, the bills have been amended as described below.

#### **Hurricane Sandy and the Building Resiliency Task Force**

On October 29, 2012, Hurricane Sandy struck New York City causing record storm surges and flooding throughout Lower Manhattan, Brooklyn, Staten Island, Coney Island, and the Rockaways.<sup>1</sup> Forty-three New Yorkers lost their lives; many more were injured; and tens of thousands were temporarily or permanently displaced.<sup>2</sup> In addition, Sandy caused roughly \$19 billion in “infrastructure and property damage and economic loss” to the city.<sup>3</sup>

In November 2012, Mayor Bloomberg and New York City Council Speaker Christine Quinn announced the formation of the Building Resiliency Task Force (“BRTF”).<sup>4</sup> BRTF is a collection of “more than 200 dedicated volunteers who are leading experts in their fields” including “real estate owners, property managers, architects, engineers, contractors, utility representatives, subject matter specialists, city officials, code consultants, cost estimators and attorneys.”<sup>5</sup> In June 2013, BRTF issued a report with 33 proposals for improving building resiliency in the city for both new and existing buildings.<sup>6</sup> Those BRTF proposals formed the basis for the bills now under consideration.

#### **Proposed Int. No. 1092-A**

Proposed Int. No. 1092-A requires that healthcare facilities in flood-prone areas, including residential healthcare facilities, have backup electrical power systems and that hospitals in flood-prone areas additionally have backup heating and cooling systems when necessary.

Bill section one would require that the title sheet of construction documents submitted to the Department of Buildings (“DOB”) must list whether healthcare facilities in flood-prone areas are exempt from temporary external generator connection and temporary boiler and chiller requirements, as discussed below.

Bill section two would require that existing buildings whose main use is as a healthcare facility, such as a hospital, nursing home or a residential care facility, and which are located in a flood-prone area, must retroactively comply with the temporary external generator connection requirements discussed below by January 1, 2033. A report of compliance must be filed with DOB by such date as well. This section further provides that, where such buildings are newly mapped into a flood-prone area after the date of this local law, the period of compliance will be 20 years from the date the building was mapped into the flood-prone area.

Bill section three would require that existing buildings whose main use is as a hospital, and which are located in a flood-prone area, must comply with the temporary boiler and chiller requirements discussed below, and file a report of compliance, by January 1, 2033 or the applicable time frame for buildings newly mapped into flood-prone areas.

Bill section four would require (1) that new or substantially improved healthcare facilities either (a) have electrical connections allowing for the hook up of temporary external generators capable of providing secondary power to specified electrical systems and services for at least 72 hours or (b) have permanently installed secondary power systems located above expected flood levels and capable of providing power to specified electrical systems and services for at least 72 hours; (2) that new or substantially improved hospitals either (a) have connections allowing for the hook up of temporary boilers and chillers capable of providing adequate heating and cooling for patient care and sleeping areas for at least 72 hours or (b) have permanently installed boilers and chillers located above expected flood levels and capable of providing adequate heating and cooling to such areas for at least 72 hours; and (3) that all buildings required to comply with the temporary external generator and/or boiler and chiller connection requirements submit an “emergency connection plan” to DOB detailing how the temporary equipment will be connected and operational within 72 hours of failure of the primary equipment.

Bill section five reiterates the retroactive requirements for existing healthcare facilities. This section also provides that compliance reports related to temporary external generator connections must be completed by a registered design professional or licensed master electrician, and the reports related to temporary boiler and chiller plants must be completed by a registered design professional.

Bill section six contains the enactment clause and provides that this local law would take effect on the same date that Int. No. 1056, a local law relating to bringing the city’s Construction Codes up to date with international codes, takes effect.

#### **Amendments to Int. No. 1092**

The bill has been substantively amended as follows:

- The application of the temporary external generator connection requirement has been amended to apply only to healthcare facilities located within flood-prone areas rather than citywide. Further, healthcare facilities are exempt from this requirement if they have permanently installed emergency or

standby power systems that are located above expected flood levels and capable of meeting the power requirements identified for the temporary external generators.

- The temporary external generator requirement for occupancy group I-1 and residential healthcare facilities has been amended so that such generators when necessary power emergency lighting, fire alarm systems and, in certain taller buildings, an elevator, rather than all electrical services.
- The temporary boiler and chiller connection requirement for hospitals is new.
- The retroactive requirements referred to in the original bill have been clarified.
- The enactment clause has been modified so that this local law will take effect when Int. No. 1056 takes effect, rather than immediately.

#### **Proposed Int. No. 1093-A**

Proposed Int. No. 1093-A would allow for the use of temporary flood shields and barriers and temporary stairs and ramps in flood-prone areas.

Bill section one and two would amend the Administrative Code to allow the installation of temporary flood shields, stairs or ramps or continuous footings for temporary flood shields in accordance with the Building Code on boardwalks, beaches and on Ocean Parkway.

Bill section three would provide that any encroachment into the public right-of-way in excess of the limits specified in the Building Code shall require the approval of the Department of Transportation.

Bill section four would allow, in flood-prone areas, the installation of “continuous footings for the support and attachment of temporary, removable dry floodproofing barriers or shields” extending beyond the street line up to 12 inches both at grade and below grade.

Bill section five would allow, in flood-prone areas, “permanent attachments to building facades necessary for the support and attachment of” temporary flood barriers or shields to project beyond the street line up to 6 inches.

Bill section six would require that, in flood-prone areas, temporary flood shields, stairs and ramps must (1) comply with Sections G308.6 and G308.7 of Appendix G of the Building Code; (2) project no more than 1 foot beyond the street line and (3) be removed in a timely manner after a flood event.

Bill section seven would allow for the use of temporary flood shields, stairs and ramps in flood-prone areas. Temporary flood shields must comply with section 6.2.3 of ASCE 24. For new buildings that are planned to be evacuated during flooding, temporary stairs and ramps may be used for egress, but only from portions of the building other than dwelling units, patient care areas and areas intended for sleeping. For existing buildings, temporary stairs and ramps can generally be used for egress but can only be used for egress from dwelling units, patient care areas and areas intended for sleeping if the stairs or ramps comply with requirements for normal egress stairs and ramps.

Bill section eight would require that required emergency plans for temporary flood shields also address (1) the usage of temporary stairs and ramps, if such devices are planned to be used and (2) the timely removal of shields, stairs and ramps.

Bill section nine contains the enactment clause and provides that this local law would take effect immediately upon enactment.

#### **Amendments to Int. No. 1093**

The bill has been substantively amended in the following manner:

- The substance of bill section seven is new. The original bill would have generally permitted temporary stairs and ramps but would have required that they comply with the requirements for normal egress stairs and ramps regardless of the area served or whether the building was new or existing.
- Section eight of the original bill, which would have permitted nonresidential buildings entirely evacuated during an emergency to maintain only one elevated means of egress, has been removed.
- Required emergency plans are now also required to specify when and how temporary flood shields, stairs and ramps will be removed. In the original bill, only their installation was addressed.

**Proposed Int. No. 1094-A**

Proposed Int. No. 1094-A would require certain residential buildings to provide fixtures which can supply drinking water to a common area in the event that the water pump that serves such building fails. A building must provide one fixture for every 100 occupants of the building as determined by the occupant load of the building. Buildings that have water pumps that are connected to an emergency or standby power system that complies with the Building Code would be exempt from these requirements. Existing residential buildings greater than five stories will have 8 years to make these fixtures available.

Bill section one adds a new footnote (m) to table 403.1 of the Plumbing Code to note that, in accordance with the table, I-1, R-1, R-2 and R-3 occupancies must provide fixtures in line with the requirements of section PC 614 for emergency drinking water access.

Bill section two adds a new Section 614 to the Plumbing Code. This section will require I-1, R-1, R-2 and R-3 occupancies served by water pumps to provide fixtures which can supply drinking water to a common area in the building in the event that the water pump serving such building fails. The fixtures must comply with sections 614.1.1 through 614.1.5. Section 614.1.1 specifies the types of fixtures that will be required; section 614.1.5 identifies the number of fixtures needed based on the building's occupant load; section 614.1.3 specifies where such fixtures may be located; section 614.1.4 specifies the signage needed to readily identify such fixtures and section 614.1.5 addresses when certain existing buildings have to make such fixtures available. Buildings that have pumps that are connected to an emergency or standby power system that complies with the Building Code are exempt from the bill's requirements.

Bill section three adds a new section 28-315.8 to the Administrative Code to provide that, within 8 years, existing buildings greater than five stories in height must provide fixtures for building occupants in compliance with section 614 of the Plumbing Code.

Bill section four states that this local law will go into effect on the same date that Intro. 1056 goes into effect.

**Amendments to Int. No. 1094**

The bill was substantively amended as follows:

- The bill now allows for the use of faucets or fixtures capable of being attached to a splitter and either a sink or floor drain.
- The bill requires one fixture for every 100 occupants of the building as determined by the occupant load of the building instead of one for every 75 occupants.
- The provision specifying that, in areas of special flood hazard, fixtures must be located on a story that is entirely above the design flood elevation was removed.
- Language was added to make clear that areas where fixtures are located must be accessible to building occupants.
- The bill was amended to provide that existing buildings greater than five stories must comply with the fixture requirements within 8 years of enactment. The bill previously required all existing buildings to comply with its requirements by January 1, 2019.

**Proposed Int. No. 1101-A**

Proposed Int. No. 1101-A would introduce a classification scheme and requirements for secondary power sources, allow natural gas to be used as a fuel supply for certain secondary power systems and provide minimum load requirements for voluntarily installed (optional) secondary power systems.

Bill section one would adopt the three-tiered classification scheme for secondary power systems utilized in the National Electrical Code and International Building Code and includes certain New York City-specific modifications. Secondary power systems would be classified as emergency power systems, legally required standby power systems or optional standby systems, and the electrical services or systems to be served by such power sources are specified. This section would also allow for fuel cell systems to serve as a source of power for emergency power systems in R-2 occupancies and standby power systems in all occupancies.

Bill sections two through ten and twelve through fourteen would identify the electrical services that must be backed up by either emergency or standby power. Examples of such systems include emergency voice/alarm communication systems, fire alarm systems, smoke control systems, elevators, horizontal sliding doors, auxiliary inflation systems for membrane structures and voice/alarm communication systems in covered mall buildings.

Bill section eleven would allow natural gas from the public utility to be used as the sole fuel source for (1) emergency power systems serving R-2 occupancies and (2) standby power systems generally. Where such a fuel source is to be used, a separate outside gas cut-off valve must be installed in accordance with the Fuel Gas Code. This section would also require that voluntarily installed (optional) standby systems must be capable of providing power for emergency lighting, fire alarm systems and, in certain taller buildings, an elevator, in addition to any other loads.

Bill section fifteen contains the enactment clause and provides that this local law would take effect immediately upon enactment.

**Amendments to Int. No. 1101**

The bill has been substantively amended in the following manner:

- Bill section one is new. The original bill did not address the classification of secondary power systems.
- For emergency power systems, natural gas from the public utility main may only be used as a fuel source in R-2 occupancies rather than in all occupancies.

**Update**

On Thursday, November 14, 2013, the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

<sup>1</sup> Hurricane Sandy Advisory Archive, National Oceanic and Atmospheric Administration Hurricane Center, available online at <http://www.nhc.noaa.gov/archive/2012/SANDY.shtml>; Hurricane Sandy After Action Plan (May 2013), pg. 4, available online at [http://www.nyc.gov/html/recovery/downloads/pdf/sandy\\_aar\\_5.2.13.pdf](http://www.nyc.gov/html/recovery/downloads/pdf/sandy_aar_5.2.13.pdf); Special Initiative for Rebuilding and Resiliency report, pgs. 11-18, available online at: [http://nytelecom.vo.llnwd.net/o15/agencies/sirr/SIRR\\_spreads\\_Lo\\_Res.pdf](http://nytelecom.vo.llnwd.net/o15/agencies/sirr/SIRR_spreads_Lo_Res.pdf).

<sup>2</sup> SIRR report, pg. 5; After Action Plan, pg. 1.

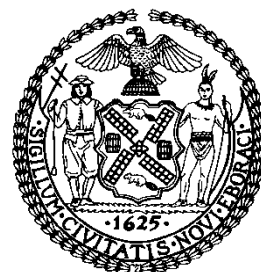
<sup>3</sup> SIRR report, pg. 34.

<sup>4</sup> Mireya Navarro, "After Storm, Dry Floors Prove Value of Exceeding City Code," New York Times (Nov. 23, 2012), available online at [http://www.nytimes.com/2012/11/24/science/earth/new-york-reassessing-building-code-to-limit-storm-damage.html?\\_r=0](http://www.nytimes.com/2012/11/24/science/earth/new-york-reassessing-building-code-to-limit-storm-damage.html?_r=0).

<sup>5</sup> BRTF report, pg. 4, available online at <http://www.urbangreencouncil.org/BuildingResiliency>.

<sup>6</sup> BRTF report, pg. 5.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1092-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: 1092-A  
COMMITTEE:  
Housing and  
Buildings**

**TITLE:** To amend the administrative code of the city of New York and the New York city building code, in relation to secondary electrical power, heating and cooling systems for I-1 and I-2 occupancies and for adult homes, enriched housing, community residences and intermediate care facilities, where such occupancies are located in flood-prone areas.

**SPONSOR(S):** By Council Members Lappin, Chin, Comrie, James, Koo, Lander, Mendez, Richards and Rose

**SUMMARY OF LEGISLATION:** Proposed Intro 1092-A would amend chapter 1 of title 28 of the administrative code of the city of New York to ensure that healthcare facilities in flood-prone areas have adequate backup electrical power for certain systems and backup heating and cooling systems.

The bill would require that new or substantially improved healthcare facilities such as hospitals, nursing homes, and adult homes in flood-prone areas be equipped with an electrical connection which would allow for the hookup of temporary external generators to power certain systems if the primary system fails, or have permanently installed backup power systems that are placed above expected flood levels and that new or substantially improved hospitals in flood-prone areas be equipped with a connection which would allow for the hookup of temporary external heating and cooling equipment to maintain temperatures if the primary system fails, or place heating and cooling equipment above expected flood levels.



In addition, the bill would require that healthcare facilities must submit “emergency connection plans” to the Department of Buildings detailing how the temporary generators and temporary heating and cooling equipment would be connected and ready to operate within 72 hours of the failure of the primary systems. Existing healthcare facilities in flood-prone areas would have 20 years to comply.

**EFFECTIVE DATE:** This legislation would take effect on the same date that a local law of the city of New York for the year 2013 amending 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, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in introduction number 1056, takes effect.

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

**FISCAL IMPACT STATEMENT:**

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY2033
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** The legislation would have no impact on revenues.

**IMPACT ON EXPENDITURES:** The legislation would have no impact on expenditures for the City. If any expenses are incurred due to the proposed requirements they will be borne by the building owner.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Chima Obichere, Unit Head

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on June 24, 2013 as Intro. 1092 and was referred to the Committees on Housing and Buildings. A joint hearing was held by the Committees on Housing and Buildings, Environmental Protection, Parks and Recreation, Transportation, and Waterfronts on June 27, 2013 and the bill was laid over. The legislation was amended, and the amended version, Proposed Intro. 1092-A will be heard by the Committee on Housing and Buildings on November 14, 2013. Following a successful Committee vote, the bill would be submitted to the full Council for a vote.

**(For text of the Fiscal Impact Statements and bills for Int Nos. 1093-A, 1094-A, and 1101-A, please see the Reports of the Committee on Housing and Buildings for Int Nos. 1093-A, 1094-A, and 1101-A, respectively, printed in these Minutes; for text of Int No. 1093-A, please see below)**

Accordingly, this Committee recommends the adoption of Int Nos. 1092-A, 1093-A, 1094-A, and 1101-A.

**(The following is the text of Int. No. 1092-A:)**

Int. No. 1092-A

By Council Members Lappin, Chin, Comrie, James, Koo, Lander, Mendez, Richards, Rose, Gentile, Van Bramer, Rodriguez, Barron, Dickens and Williams.

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to secondary electrical power, heating and cooling systems for I-1 and I-2 occupancies and for adult homes, enriched housing, community residences and intermediate care facilities, where such occupancies are located in flood-prone areas.**

Be it enacted by the Council as follows:

Section 1. Article 104 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding new sections 28-104.7.14 and 28-104.7.15 to read as follows:

**§ 28-104.7.14 Identification of certain I-1 and I-2 occupancies and of certain adult homes, enriched housing, community residences and intermediate care facilities as exempt from temporary external generator connection requirements.** The title sheet of construction documents for the following buildings shall list whether the building is exempt from the requirement to provide connections for temporary external generators pursuant to any exception contained in sections G304.5.1 or G304.5.2 of appendix G of the New York city building code, as applicable:

1. A new or substantially improved building, as such term is defined in appendix G of the New York city building code, that contains space classified in occupancy group I-1 or I-2 or space that is an adult home, enriched housing, community residence or intermediate care facility classified as occupancy group R pursuant to an exception to section 308.2.1 or 308.2.2 of the New York city building code, and that is located in an area of special flood hazard, as such term is defined in appendix G of the New York city building code; and

2. A new or substantially improved building that contains space classified as an occupancy group I-2 hospital and that is located in a shaded X-Zone, as such terms are defined in appendix G of the New York city building code.

**§ 28-104.7.15 Identification of certain hospitals as exempt from temporary external boiler or chiller connection requirements.** The title sheet of construction documents for a new or substantially improved building, as such term is defined in appendix G of the New York city building code, that contains space classified as an occupancy group I-2 hospital and that is located in an area of special flood hazard or shaded X-Zone, as such terms are defined in appendix G of the New York city building code, shall list whether the requirement to provide connections for temporary external boilers and chillers pursuant to Item 2 of section G304.5.2 is inapplicable as a result of such building having its boiler and chiller plants located at or above the applicable design flood elevation.

§2. Chapter 3 of title 28 of the administrative code of the city of New York, as amended by a local law of the city of New York for the year 2013 amending 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, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in introduction number 1056, is amended by adding new sections 28-315.8.2 and 28-315.8.3 to read as follows:

**§28-315.8.2 Connections for temporary external generators.** For the following buildings, the provision of connections for temporary external generators in accordance with the retroactive requirements of section G311.2 of appendix G of the New York city building code shall be completed by January 1, 2033, and a report detailing compliance with such requirements shall be filed with the department in accordance with section G311.2.2 by such date:

1. Buildings whose main use or dominant occupancy is group I-1 and that are located in an area of special flood hazard, as such term is defined in appendix G of the New York city building code;

2. Buildings whose main use or dominant occupancy is an adult home, enriched housing, community residence or intermediate care facility classified as occupancy group R pursuant to an exception to section 308.2.1 or 308.2.2 of the New York city building code and that are located in an area of special flood hazard, as such term is defined in appendix G of the New York city building code;

3. Buildings whose main use or dominant occupancy is group I-2 hospital and that are located in an area of special flood hazard or shaded X-Zone, as such terms are defined in appendix G of the New York city building code;

4. Buildings whose main use or dominant occupancy is group I-2 nursing home and that are located in an area of special flood hazard, as such term is defined in appendix G of the New York city building code; and

5. Buildings whose main use or dominant occupancy is group I-2, other than hospitals and nursing homes, and that are located in an area of special flood hazard, as such term is defined in appendix G of the New York city building code.

**§ 28-315.8.2.1 Modification to the area of special flood hazard or shaded X-Zone.** Where the area of special flood hazard or shaded X-Zone, as established in appendix G of the New York city building code, is modified on or after the effective date of this section, any building identified in section 28-315.8.2 and newly identified as being within such modified area of special flood hazard or shaded X-Zone shall, no later than 20 years following the adoption of such modification, comply with the retroactive requirements of section G311.2 of appendix G of the New York city building code. The owner of such building shall, no later than 20 years following the

adoption of such modification, file with the department a report detailing compliance with such requirements in accordance with section G311.2.2.

**§ 28-315.8.3 Connections for temporary external boilers and chillers.** For buildings whose main use or dominant occupancy is group I-2 hospital and that are located in an area of special flood hazard or shaded X-Zone, as such terms are defined in appendix G of the New York city building code, the provision of connections for temporary external boilers and chillers in accordance with the retroactive requirements of section G311.3 of appendix G of the New York city building code shall be completed by January 1, 2033, and a report detailing compliance with such requirements shall be filed with the department in accordance with section G311.3.2 by such date.

**§ 28-315.8.3.1 Modification to the area of special flood hazard or shaded X-Zone.** Where the area of special flood hazard or shaded X-Zone, as established in appendix G of the New York city building code, is modified on or after the effective date of this section, any building whose main use or dominant occupancy is group I-2 hospital and that is newly identified as being within such modified area of special flood hazard or shaded X-Zone shall, no later than 20 years following the adoption of such modification, comply with the retroactive requirements of section G311.3 of appendix G of the New York city building code. The owner of such building shall, no later than 20 years following the adoption of such modification, file with the department a report detailing compliance with such requirements in accordance with section G311.3.2.

§3. Section G102.1 of appendix G of the New York city building code, as amended by a local law of the city of New York for the year 2013 amending 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, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in introduction number 1056, is amended by adding a new item 11 to read as follows:

**11. Retroactive requirements.** This appendix shall apply to retroactive requirements as provided for in Section G311.

§4. Appendix G of the New York city building code is amended by adding a new section G304.5 to read as follows:

**G304.5 Additional construction standards with respect to connections for temporary external generators, boilers and chillers.** In addition to the other requirements of this chapter, connections for temporary external generators, boilers and chillers shall be provided in accordance with Sections G304.5.1 through G304.5.4.

**G304.5.1 Group I-1 and adult homes, enriched housing, community residences and intermediate care facilities.** An occupancy that is classified as Group I-1, or that is an adult home, enriched housing, community residence or intermediate care facility and classified as Group R pursuant to an exception to Section 308.2.1 or 308.2.2, shall comply with the following requirements:

**1. Connections for temporary external generators.** Electrical connections shall be provided allowing for the connection of temporary external generators capable of providing power for at least 72 hours for, at a minimum, the following systems:

1.1. Exit signs and means of egress illumination required by Chapter 10 and serving such occupancy;

1.2. Fire alarm systems serving such occupancy;

1.3. For buildings having occupied floors located more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access, at least one elevator that serves all floors; and

1.4. Lighting in such occupancy, sufficient to maintain illumination in accordance with Section 1205.3, for (i) spaces primarily used for the provision of medical services to persons, including, but not limited to, consultation, evaluation, monitoring and treatment services and (ii) spaces intended to be used by persons for sleeping purposes.

**Exception:** Connections for temporary external generators shall not be required for buildings with emergency or standby power systems that are permanently installed above the design flood elevation specified in Table 7-1 of ASCE 24 and capable of providing power for at least 72 hours to the systems identified in Item 1 of Section G304.5.1. Natural gas shall be a permitted fuel supply.

**2. Flood protection for temporary external generator connections.** Electrical connections installed in accordance with Item 1 of Section G304.5.1 shall be located at or above the design flood elevation specified in Table 7-1 of ASCE 24.

**3. Emergency connection plan.** Prior to sign-off of work by the department, a plan shall be submitted to the department that identifies how

the temporary external generators will be connected and capable of providing power for the occupancy in accordance with Item 1 of Section G304.5.1 within 72 hours after failure of the normal power supply.

**G304.5.2 Group I-2 hospitals.** An occupancy that is a Group I-2 hospital shall comply with the following requirements:

**1. Connections for temporary external generators.** Electrical connections shall be provided allowing for the connection of temporary external generators capable of providing power for at least 72 hours for, at a minimum, the following systems:

1.1. All electrical services serving such occupancy for which emergency or standby power must be provided in accordance with any other applicable local, state or federal law or rule; and

1.2. Air conditioning and cooling systems serving such occupancy, sufficient to maintain temperature and humidity in accordance with Section 1204, for (i) spaces primarily used for the provision of medical services to persons, including, but not limited to, consultation, evaluation, monitoring and treatment services and (ii) spaces intended to be used by persons for sleeping purposes.

**Exception:** Connections for temporary external generators shall not be required for buildings that have emergency or standby power systems that are permanently installed above the design flood elevation specified in Table 7-1 of ASCE 24 and capable of providing power for at least 72 hours to the systems identified in Item 1 of Section G304.5.2. Natural gas shall be a permitted fuel supply.

**2. Connections for temporary external boilers and chillers.** Where boiler and chiller plants are located below the design flood elevation specified in Table 7-1 of ASCE 24 and serve (i) spaces primarily used for the provision of medical services to persons, including, but not limited to, consultation, evaluation, monitoring and treatment services or (ii) spaces intended to be used by persons for sleeping purposes, connections shall be provided to allow for the connection of temporary external boilers and chillers capable of maintaining temperature and humidity for such spaces in accordance with Section 1204 for at least 72 hours.

**3. Flood protection for temporary external generator, boiler and chiller connections.** Electrical connections installed in accordance with Item 1 of Section G304.5.2 and connections installed in accordance with Item 2 of Section G304.5.2 shall be located at or above the design flood elevation specified in Table 7-1 of ASCE 24.

**4. Emergency connection plan.** Prior to sign-off of work by the department, the following shall be submitted to the department:

4.1. For an occupancy required to comply with Item 1 of Section G304.5.2, a plan that identifies how the temporary external generators will be connected and capable of providing power for the occupancy in accordance with such item within 72 hours after failure of the normal power supply; and

4.2. For an occupancy required to comply with Item 2 of Section G304.5.2, a plan that identifies how the temporary external boilers and chillers will be connected and capable of maintaining temperature and humidity for specified spaces in accordance with Section 1204 within 72 hours after failure of the primary boiler and chiller plants.

**G304.5.3 Group I-2 nursing homes.** An occupancy that is a Group I-2 nursing home shall comply with Section G304.5.2.

**Exception:** Such occupancy is not required to comply with Items 1.2, 2 and 4.2 of Section G304.5.2.

**G304.5.4 Group I-2 occupancies, other than hospitals and nursing homes.** A Group I-2 occupancy, other than a hospital or a nursing home, shall comply with Section G304.5.1.

§5. Chapter G3 of appendix G of the New York city building code, as amended by a local law of the city of New York for the year 2013 amending 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, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in introduction number 1056, is amended by adding a new section BC G311 to read as follows:

#### SECTION BC G311 RETROACTIVE REQUIREMENTS

**G311.1 General.** Notwithstanding any other provision of the New York City Construction Codes, the provisions of this section shall apply retroactively to all

buildings and structures specified herein.

**G311.2 Connections for temporary external generators.** The following buildings shall be provided with connections for temporary external generators in accordance with Sections G304.5.1 through G304.5.4, as applicable, by January 1, 2033, and a report detailing compliance with such requirements shall be filed with the department in accordance with Section G311.2.2 by such date:

1. Buildings whose main use or dominant occupancy is Group I-1 and that are located in an area of special flood hazard;
2. Buildings whose main use or dominant occupancy is an adult home, enriched housing, community residence or intermediate care facility that is classified as occupancy Group R pursuant to an exception to Section 308.2.1 or 308.2.2 and that are located in an area of special flood hazard;
3. Buildings whose main use or dominant occupancy is Group I-2 hospital and that are located in an area of special flood hazard or shaded X-Zone;
4. Buildings whose main use or dominant occupancy is Group I-2 nursing home and that are located in an area of special flood hazard; and
5. Buildings whose main use or dominant occupancy is Group I-2, other than hospitals and nursing homes, and that are located in an area of special flood hazard.

**G311.2.1 Modification to the area of special flood hazard or shaded X-Zone.** Where the area of special flood hazard or shaded X-Zone is modified on or after the effective date of this section, any building identified in section G311.2 and newly identified as being within such modified area of special flood hazard or shaded X-Zone shall, no later than 20 years following the adoption of such modification, comply with the retroactive requirements of Section G311.2. The owner of such building shall, no later than 20 years following the adoption of such modification, file with the department a report detailing compliance with such requirements in accordance with section G311.2.2.

**G311.2.2 Report of compliance.** The owner of a building required to comply with the provisions of Section G311.2 shall file with the department, by January 1, 2033, a report prepared by a registered design professional or licensed master electrician (i) certifying that the requirements of Section G311.2 have been satisfied and detailing how such requirements were satisfied or (ii) certifying that the building met or was altered to meet the provisions of any applicable exception in Sections G304.5.1 or G304.5.2.

**G311.2.3 Filing.** The department may promulgate rules establishing filing fees for the review and examination of such reports.

**G311.3 Connections for temporary external boilers and chillers.** Buildings whose main use or dominant occupancy is Group I-2 hospital and that are located in an area of special flood hazard or shaded X-Zone shall be provided with connections for temporary external boilers and chillers in accordance with Section G304.5.2 by January 1, 2033, and a report detailing compliance with such requirements shall be filed with the department in accordance with Section G311.3.2 by such date.

**G311.3.1 Modification to the area of special flood hazard or shaded X-Zone.** Where the area of special flood hazard or shaded X-Zone is modified on or after the effective date of this section, any building whose main use or dominant occupancy is Group I-2 hospital and that is newly identified as being within such modified area of special flood hazard or shaded X-Zone shall comply with the retroactive requirements of Section G311.3 no later than 20 years following the adoption of such modification. The owner of such building shall file with the department a report detailing compliance with such requirements in accordance with section G311.3.2 no later than 20 years following the adoption of such modification.

**G 311.3.2 Report of compliance.** The owner of a building required to comply with the provisions of Section G311.3 shall file with the department, by January 1, 2033, a report prepared by a registered design professional (i) certifying that the requirements of Section G311.3 have been satisfied and detailing how such requirements were satisfied or (ii) certifying that any boiler and chiller plants that serve the spaces specified in Item 2 of Section G304.5.2 are located at or above the design flood elevation specified in Table 7-1 of ASCE 24.

**G311.3.3 Filing.** The department may promulgate rules establishing filing fees for the review and examination of such reports.

§6. This local law shall take effect on the same date that a local law of the city of New York for the year 2013 amending 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, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in introduction number 1056,

takes effect.

ERIK MARTIN DILAN Chairperson; GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, JUMAANE D. WILLIAMS, ERIC A. ULRICH, JAMES S. ODDO; Committee on Housing and Buildings, November 14, 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. 1093-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 and the New York city building code, in relation to removing barriers to the usage of temporary flood control and response devices.**

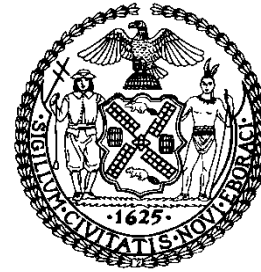
The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on June 24, 2013 (Minutes, page 2083), respectfully

**REPORTS:**

**(For text of the report, please see the Report of the Committee on Housing and Buildings for Int No. 1092-A printed in these Minutes)**

Accordingly, this Committee recommends its adoption, as amended.

The following is the text of the Fiscal Impact Statement for Int. No. 1093-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:  
1093-A  
COMMITTEE: Housing and  
Buildings

**TITLE:** To amend the administrative code of the city of New York and the New York city building code, in relation to removing barriers to the usage of temporary flood control and response devices.

**SPONSOR(S):** By Council Members Levin, Chin, Comrie, James, Lander, Mendez, Richards and Rose

**SUMMARY OF LEGISLATION:** This legislation would amend section 18-109 and 18-113 of the administrative code of the city of New York to allow the usage of temporary flood control and response devices, such as flood shields, stairs and ramps. The bill would allow owners of buildings in flood-prone areas to install footings around their property which can support temporary flood barriers or shields. The bill would also make it easier for owners to use temporary stairs and ramps during a flood event. However, any encroachment into the public right-of-way that exceeds the limitation provided for in this local law shall require the approval of the Department of Transportation.

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

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

**FISCAL IMPACT STATEMENT:**

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY15



Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** The legislation would have no impact on revenues.

**IMPACT ON EXPENDITURES:** The legislation would have no impact on expenditures for the City. If any expenses are incurred due to the proposed requirements they will be borne by the building owner.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Chima Obichere, Unit Head

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on June 24, 2013 as Intro. 1093 and was referred to the Committees on Housing and Buildings. A joint hearing was held by the Committees on Housing and Buildings, Environmental Protection, Parks and Recreation, Transportation, and Waterfronts on June 27, 2013 and the bill was laid over. The legislation was amended, and the amended version, Proposed Intro. 1093-A will be heard by the Committee on Housing and Buildings on November 14, 2013. Following a successful Committee 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. 1093-A:)**

Int. No. 1093-A

By Council Members Levin, Chin, Comrie, James, Lander, Mendez, Richards, Rose, Gentile, Van Bramer, Rodriguez, Barron and Williams.

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to removing barriers to the usage of temporary flood control and response devices.**

*Be it enacted by the Council as follows:*

Section 1. Section 18-109 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows

*c. This section shall not prevent or make unlawful the installation of footings for temporary barriers or shields in accordance with section 3202.1.1.1 of the New York city building code or temporary flood shields, stairs or ramps in accordance with section 3202.4.3 of the New York city building code.*

§2. Section 18-113 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

*c. This section shall not prevent or make unlawful the installation of footings for temporary barriers or shields in accordance with section 3202.1.1.1 of the New York city building code or temporary flood shields, stairs or ramps in accordance with section 3202.4.3 of the New York city building code.*

§3. Chapter 32 of the New York city building code is amended by adding new section 3201.9 to read as follows:

**3201.9 Department of Transportation approval.** Any encroachment into the public right-of-way that exceeds the limitation provided for in this chapter shall require the approval of the Department of Transportation.

§4. Section BC 3202 of the New York city building code is amended by adding a new section 3202.1.1.1 to read as follows:

**3202.1.1.1 Footings for temporary barriers or shields in areas of special flood hazard or shaded X-Zones.** In areas of special flood hazard or shaded X-Zones, continuous footings for the support and attachment of temporary, removable dry floodproofing barriers or shields may be constructed to project beyond the street line not more than 12 inches (305 mm) both at grade and below grade.

§5. Section BC 3202 of the New York city building code is amended by adding new section 3202.2.2.3 to read as follows:

**3202.2.2.3 Flood shield supports.** In areas of special flood hazard or shaded X-Zones, permanent attachments to building facades necessary for the support and attachment of temporary, removable dry floodproofing barriers or shields may be constructed to project beyond the street line for a distance of not more than 6 inches (152 mm).

§6. Section 3202.4 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**3202.4 Temporary encroachments.** Encroachments of temporary nature shall

comply with Sections 3202.4.1 [and 3202.4.2] through 3202.4.3.

**3202.4.1 Sidewalk cafés.** Enclosures for sidewalk cafés, where permitted by the Commissioner of the Department of Consumer Affairs pursuant to applicable law and constructed in compliance with Section 3110, may be constructed beyond the street line.

**3202.4.2 Storm enclosures.** Storm enclosures projecting not more than 18 inches (457 mm) beyond the street line may be permitted during the period between November 15 and the following April 15. Such enclosures shall be removed at the end of this period. Construction of storm enclosures must comply with the requirements of this code including the fire resistance rating of the building to which it is appurtenant and Chapter 11 of this code.

**3202.4.3 Temporary flood shields, stairs and ramps in areas of special flood hazard and shaded X-Zones.** In areas of special flood hazard and shaded X-Zones, temporary flood shields, stairs and ramps shall comply with Sections G308.6 and G308.7 of Appendix G of the New York City Building Code and shall be permitted in accordance with plans approved by the department subject to the following conditions:

1. Such flood shields, stairs and ramps shall project no more than one foot (305 mm) beyond the street line;
2. Such flood shields, stairs and ramps shall be removed in a timely manner after a flood event.

§7. Appendix G of the New York city building code is amended by adding new sections G308.6 and G308.7 to read as follows:

**G308.6 Temporary flood shields.** Temporary flood shields shall be permitted in accordance with Section 6.2.3 of ASCE 24.

**G308.7 Temporary stairs and ramps.** Temporary stairs and ramps shall comply with the requirements of Sections G308.7.1 and G308.7.2.

**G308.7.1 Evacuated buildings.** Temporary stairs and ramps shall be permitted to provide elevated ingress and egress in compliance with Item 3 of Section 6.2.2 of ASCE 24 for buildings or portions of buildings that are planned to be evacuated during design flood conditions, except for maintenance and emergency personnel, provided that such temporary stairs and ramps shall not be permitted to serve as a required means of egress for a dwelling unit or for any area described in Item 2.2.1 of Section G304.1.2 required to be located at or above the design flood elevation.

**G308.7.2 Existing buildings.** Temporary stairs and ramps for an existing building or portions thereof shall be permitted to provide elevated ingress and egress in compliance with Item 3 of Section 6.2.2 of ASCE 24, including as a required means of egress for dwelling units or for areas described in Item 2.2.1 of Section G304.1.2 required to be located at or above the design flood elevation, where such temporary stairs and ramps comply with Sections 1009 and 1010.

§8. Section G501.1 of the New York city building code, as added by local law number 33 for the year 2007, is amended by adding a modification to subsection 6.2.3 of ASCE 24 to read as follows:

**Section 6.2.3.** Section 6.2.3 (Limits on Human Intervention) is amended to read as follows:

*Section 6.2.3 Limits on Human Intervention.* Dry floodproofing measures that require human intervention to activate or implement prior to or during a flood, including temporary stairs or ramps, shall be permitted only when all of the following conditions are satisfied:

1. The flood warning time (alerting potential flood victims of pending flood situation) shall be a minimum of 12 hours, unless the community operates a flood warning system and implements an emergency plan to ensure safe evacuation of flood hazard areas, in which case human intervention is allowed only if the community can provide a minimum flood warning time equal to or longer than the cumulative:
  - (a) time to notify person(s) responsible for installation of floodproofing measures, plus
  - (b) time for responsible persons to travel to structure to be floodproofed, plus
  - (c) time to install, activate, or implement floodproofing measures, plus
  - (d) time to evacuate all occupants from the flood hazard area;
2. All removable shields or covers for openings such as windows, doors, and other openings in walls and temporary stairs or ramps shall be

designed to resist flood loads specified in Section 1.6; and

3. Where removable shields or temporary stairs or ramps are to be used, a flood emergency plan shall be approved by the authority having jurisdiction and shall specify, at a minimum, the following information: storage location(s) of the shields and temporary stairs and ramps; the method of installation and removal; conditions activating installation and removal; maintenance of shields and attachment devices and temporary stairs and ramps; periodic practice of installing and removing shields and temporary stairs and ramps; testing sump pumps and other drainage measures; and inspecting necessary material and equipment to activate or implement floodproofing. The flood emergency plan shall be permanently posted in at least two conspicuous locations within the structure.

§9. This local law shall take effect immediately.

ERIK MARTIN DILAN Chairperson; GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, JUMAANE D. WILLIAMS, ERIC A. ULRICH, JAMES S. ODDO; Committee on Housing and Buildings, November 14, 2013.

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 1093-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 and the New York city building code, in relation to removing barriers to the usage of temporary flood control and responsive devices.

Given under my hand and seal this 14<sup>th</sup> day of November, 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).

Report for Int. No. 1094-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city plumbing code and the administrative code of the city of New York, in relation to requiring residential buildings to provide drinking water to a common area supplied directly through pressure in the public water main.**

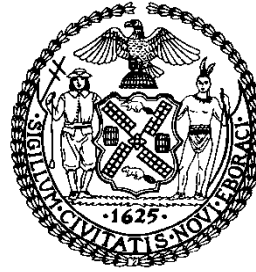
The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on June 24, 2013 (Minutes, page 2087), respectfully

**REPORTS:**

(For text of the report, please see the Report of the Committee on Housing and Buildings for Int No. 1092-A printed in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

The following is the text of the Fiscal Impact Statement for Int. No. 1094-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: 1094-A**

**COMMITTEE:  
Housing and  
Buildings**

**TITLE:** To amend the New York city plumbing code and the administrative code of the city of New York, in relation to requiring residential buildings to provide drinking water to a common area supplied directly through pressure in the public water main.

**SPONSOR(S):** By Council Members Lappin, Chin, Comrie, James, Koo, Lander, Mendez, Richards and Rose

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1094-A would require residential buildings to provide fixtures which can supply drinking water to a common area to ensure that residents are able to get access to fresh water for drinking, cooking or other needs in the event that the electric pump for the plumbing system fails. A building must provide one such fixture for every 100 occupants of the building as determined by the occupant load of the building. The bill would allow existing residential buildings greater than five stories, that use electric pumps, eight years to make these fixtures available and would exempt buildings that have pumps that are connected to an emergency or standby power system that complies with the Building Code from the requirements of this legislation.

**EFFECTIVE DATE:** This legislation would take effect on the same date that a local law of the city of New York for the year 2013 amending 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, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in introduction number 1056, takes effect.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY14</b>	<b>FY Succeeding Effective FY15</b>	<b>Full Fiscal Impact FY15</b>
<b>Revenue s</b>	\$0	\$0	\$0
<b>Expendit ures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** The legislation would have no impact on revenues.

**IMPACT ON EXPENDITURES:** The legislation would have no impact on expenditures for the City. If any expenses are incurred due to the proposed requirements they will be borne by the building owner.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division

ESTIMATE PREPARED BY: Chima Obichere, Unit Head

ESTIMATED REVIEWED BY: Nathan Toth, Deputy Director  
Tanisha Edwards, Finance Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on June 24, 2013 as Proposed Intro. 1094 and was referred to the Committees on Housing and Buildings. A joint hearing was held by the Committees on Housing and Buildings, Environmental Protection, Parks and Recreation, Transportation, and Waterfronts on June 27, 2013 and the bill was laid over. The legislation was amended, and the amended version, Proposed Intro. 1094-A will be heard by the Committee on Housing and Buildings on November 14, 2013. Following a successful Committee 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. 1094-A:)

Int. No. 1094-A

By Council Members Mendez, Brewer, Chin, James, Lander, Richards, Rose, Rodriguez, Arroyo, Mark-Viverito, Gennaro, Barron, Van Bramer, Lappin, Gentile, Koppell and Williams.

**A Local Law to amend the New York city plumbing code and the administrative code of the city of New York, in relation to requiring residential buildings to provide drinking water to a common area supplied directly through pressure in the public water main.**

Be it enacted by the Council as follows:

Section 1. Occupancy I-1 in item No.5 and Occupancy R-1, R-2 and R-3 in item No.7 of table 403.1 of the New York city plumbing code, as added by local law number 41 for the year 2012, are amended and a new footnote m is added to such table to read as follows:

**TABLE 403.1  
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES<sup>a</sup>  
(See Sections 403.2 and 403.3)**

NO.	CLASSIFICATION	OCCUPANCY <sup>i</sup>	DESCRIPTION	WATER CLOSETS	LAVATORIES	BATH TUBS/SHOWERS	DRINKING FOUNTAIN (SEE SECTION 410.1) <sup>e,f</sup>	OTHER
				URINALS (SEE SECTION 419.2)	MALE FEMALE	MALE FEMALE		
5	Institutional	I-1 <sup>m</sup>	Residential care	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink

7	Residential	R-1 <sup>m</sup>	Hotels, motels, boarding houses (transient)	1 per guestroom	1 per guestroom	1 per guestroom		1 service sink
		R-1 <sup>m</sup>	Dormitories, fraternities, sororities and boarding houses (not transient)	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
		R-2 <sup>m</sup>	Apartment house	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit		1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per 20 dwelling units <sup>e</sup>
		R-3	One- and two-family dwellings	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit		1 kitchen sink per dwelling unit; 1 automatic clothes washer

								connection per dwelling unit <sup>e</sup>
		R-3 <sup>m</sup>	Congregate living facilities with 16 or fewer persons	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink

m. In addition to the requirements of Table 403.1, residential occupancies I-1, R-1, R-2, and R-3 shall provide fixtures in compliance with the requirements of Section PC 614 for emergency drinking water access.

§ 2. Chapter 6 of the New York city plumbing code is amended by adding a new section PC 614 to read as follows:

**SECTION PC 614  
EMERGENCY DRINKING WATER ACCESS**

**614.1 Buildings required to provide alternative potable water access.** Buildings that supply potable water from the public water main for dwelling units and sleeping units in occupancy groups I-1, R-1, R-2, and R-3 with the assistance of pumps shall provide additional fixtures that in an emergency when such pumps are inoperable are capable of supplying potable water from the public water main to the building utilizing only the available pressure from the public water main. Such fixtures shall comply with Sections 614.1.1 through 614.1.5.

**Exception:** Buildings where the pumps used to supply potable water for the dwelling units or sleeping units are connected to an emergency or a standby power system that complies with the requirements of Chapter 27 of the New York City Building Code.

**614.1.1 Emergency water fixture.** Fixtures capable of supplying an emergency source of potable water in accordance with this section shall consist of a faucet conforming to Section PC 424 or a fixture conforming to Section PC 424 that is capable of attaching to a splitter and either:

1. a sink conforming to Section PC 418; or
2. a floor drain conforming to Section PC 412.

**614.1.2 Number of emergency water fixtures required.** One such fixture shall be provided for each 100 occupants as determined by the occupant load of the building.

**614.1.3 Access to emergency water fixtures.** Fixtures capable of supplying an emergency source of potable water in accordance with this section shall be located indoors in one or more common areas of the building. Such area shall be on an accessible route that complies with Section 1104.3 of the New York City Building Code. Where such area requires users to pass through a doorway to access the emergency water fixture, such area shall further comply with Section 1107.3 of the New York City Building Code. Emergency fixtures shall comply with Section 1109.12 of the New York City Building Code.

**Exception.** Such fixtures shall not be located in a bathroom or toilet room.

**614.1.4 Signage.** Fixtures capable of supplying an emergency source of potable water in accordance with this section shall be identified by a legible sign stating: "EMERGENCY DRINKING WATER." Signs shall be readily visible and located near such fixtures and on the door to any room or closet in which such a fixture is located.

**614.1.5 Retroactive requirement for existing buildings.** Existing buildings greater than five stories that supply potable water from the public water main for dwelling units and sleeping units in occupancy groups I-1, R-1, R-2, and R-3 with the assistance of pumps shall be provided with fixtures capable of supplying an emergency source of potable water in accordance with this section within 8 years after the effective date of this section.

**Exception:** Areas in such existing buildings greater than five stories where emergency fixtures are installed are not required to comply with Section 1104.3 or 1107.3 of the New York City Building Code unless where required pursuant to Section 1101.3.

§ 3. Article 315 of chapter 3 of title 28 of the administrative code of the city of New York, as added by a local law of the city of New York for the year 2013 amending 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, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, is amended by adding a new section 28-315.8 to read as follows:

**§28-315.8 Resiliency.** The work specified in this section to enhance building resiliency shall be completed by the dates specified herein.

**§28-315.8.1 Emergency source of water for residential occupancies.** Within 8 years after the effective date of this section, existing buildings greater than five stories in occupancy groups I-1, R-1, R-2, and R-3 that supply potable water from the public water main to occupants with the assistance of pumps, other than pumps connected to an emergency or a standby power system that complies with the requirements of chapter 27 of the New York city building code, shall be equipped with additional fixtures capable of supplying potable water to occupants utilizing only the available pressure from the public water main in compliance with section 614 of the New York city plumbing code.

§ 4. This local law shall take effect on the same date as a local law of the

city of New York for the year 2013 amending 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, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. 1056, takes effect.

ERIK MARTIN DILAN Chairperson; GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, JUMAANE D. WILLIAMS, ERIC A. ULRICH, JAMES S. ODDO; Committee on Housing and Buildings, November 14, 2013.

**(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 1094-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 New York city plumbing code and the administrative code of the city of New York, in relation to requiring residential buildings to provide drinking water to a common area supplied directly through pressure in the public water main.

Given under my hand and seal this 13<sup>th</sup> day of November, 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).

Report for Int. No. 1101-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law amend the administrative code of the city of New York, the New York city building code, and the New York city mechanical code, in relation to emergency and standby power systems and natural gas usage.**

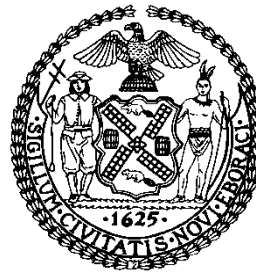
The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on June 24, 2013 (Minutes, page 2106), respectfully

**REPORTS:**

**(For text of the report, please see the Report of the Committee on Housing and Buildings for Int No. 1092-A printed in these Minutes)**

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

**The following is the text of the Fiscal Impact Statement for Int. No. 1101-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: 1101-A  
COMMITTEE:  
Housing and  
Buildings**

**TITLE:** To amend the administrative code of the city of New York, the New York city building code, and the New York city mechanical code, in relation to emergency and standby power systems and natural gas usage.

**SPONSOR(S):** By Council Members Vacca, Chin, James, Koo, Lander, Mendez, Recchia, Richards and Rose

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1101-A is intended to ensure that backup power is available during emergencies and outages. Because natural gas supplies are less likely to be disrupted during disasters, the bill would amend the City's Electrical Code and Building Code to allow the possible use natural gas as a fuel source for backup power.

In addition, the bill would set standards for voluntarily installed backup systems to ensure that such systems are capable, at a minimum, of providing backup power for critical systems like emergency lighting, fire alarms, and, in taller buildings, at least one elevator.

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

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY14</b>	<b>FY Succeeding Effective FY15</b>	<b>Full Fiscal Impact FY15</b>
<b>Revenue s</b>	\$0	\$0	\$0
<b>Expendit ures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** The legislation would have no impact on revenues.

**IMPACT ON EXPENDITURES:** The legislation would have no impact on expenditures for the City. If any expenses are incurred due to the proposed requirements they will be borne by the building owner.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Chima Obichere, Unit Head

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on June 24, 2013 as Proposed Intro. 1101 and was referred to the Committees on Housing and Buildings. A joint hearing was held by the Committees on Housing and Buildings, Environmental Protection, Parks and Recreation, Transportation, and Waterfronts on June 27, 2013 and the bill was laid over. The legislation was amended, and the amended version, Proposed Intro. 1101-A will be heard by the Committee on Housing and Buildings on November 14, 2013. Following a successful Committee 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. 1101-A:)

Int. No. 1101-A

By Council Members Vacca, Chin, James, Koo, Lander, Mendez, Recchia, Richards, Rose, Gentile, Van Bramer, Rodriguez, Greenfield, Koppell and Williams.

**A Local Law to amend the administrative code of the city of New York, the New York city building code, and the New York city mechanical code, in relation to emergency and standby power systems and natural gas usage.**

Be it enacted by the Council as follows:

Section 1. The New York city amendments to sections 700.1, 700.4, 700.5, 700.6 and 700.12 and articles 701 and 702 of the 2008 National Electrical Code as set forth in section 27-3025 of the administrative code of the city of New York, as added by local law number 39 for the year 2011, are amended to read as follows:

**[SECTION 700.1**

Section 700.1—Delete FPN Nos. 2, 3, 4 and 5 and revise second sentence to read as follows:

Emergency systems are lighting, fire protection and power systems legally required and classed as emergency by any governmental agency having jurisdiction.]

**SECTION 700.4**

Subsection 700.4(A)—Revise to read as follows:

**(A) Acceptance Test.** A licensed professional shall submit to the department a testing report of the [completed] *complete* system upon installation. *Such testing report shall be* from an authorized testing entity.

Subsection 700.4(E)—Revise to read as follows:

**(E) Installation Test Requirements.** The installation test shall be conducted and documented in accordance with NFPA 110-2005, Section 7-13, amended as follows:

7.13.3: Delete in its entirety.

[7.13.4.1(5): Add at the end of (5): Time to initial load transfer shall not exceed 10 seconds.]

7.13.4.1(11): Revise to read as follows: The load test with building load or other loads that simulate intended load shall continue for 2 hours observing and recording load changes and the resultant effect on voltage and frequency.

7.13.10.2: Delete and replace with the following: The complete crank/rest cycle shall consist of 3-15 second crank cycles with 15 second rest periods between cranks.

7.13.13: Add a new paragraph to read as follows: Transfer switches shall be tested in accordance with 8.4.6 as modified herein.

Subsection 700.4(F)—Add a new subsection 700.4(F) to read as follows:

**(F) Maintenance and Operational Testing.** Maintenance and operational testing shall be performed and documented in accordance with NFPA 110-2005, Section 8, amended as follows:

[8.1.2: Delete in its entirety.]

8.2: Delete in its entirety.

[8.3.1: Delete the following text from the end: “for the type and for the time duration specified for the class.”]

8.3.4: Delete and replace with the following: A written record of the EPSS inspection, tests, exercising, operation, and repairs shall be maintained on premises and made available to the department on request. Records shall be inclusive of the transfer switches and storage batteries.

8.4.4.1: Add a new sentence to read as follows: Inspection shall consist of examination of all EPSS components for leaks, abnormal device position and of all alarm/trouble indicators.

8.4.5: Delete in its entirety.

8.4.6: Replace "monthly" with "semi-annually".

8.4.6.1: Replace "monthly" with "semi-annually".

**SECTION 700.5**

Subsection 700.5 (B)—Delete third paragraph of subsection 700.5(B)[, revise the first paragraph of such subsection] and add a FPN to read as follows:

[The alternate power source shall be permitted to supply emergency and optional standby system loads where the source has adequate capacity or where automatic selective load pickup and load shedding is provided as needed to ensure adequate power to (1) emergency circuits and (2) optional standby circuits, in that order of priority. The alternate power source shall be permitted for peak load shaving, provided the above conditions are met.]

FPN: Peak reduction program may require utility approval.

**SECTION 700.6**

Subsection 700.6 (E)—Add a new subsection 700.6(E) to read as follows:

**(E) Mechanical Operation.** Means shall be provided to mechanically operate the switch without hazard to personnel.

Subsection 700.6 (F)—Add a new subsection 700.6(F) to read as follows:

**(F) Temporary Connections for Portable Generators.** Temporary connection of a portable generator without transfer equipment shall be permitted where qualified persons maintain and supervise service of the installation, and where the normal source of supply is physically isolated by a lockable [disconnect] *disconnecting* means or by disconnection of the normal supply conductors. Portable generators shall not be paralleled except by special permission.

Subsection 700.6 (G)—Add a new subsection 700.6(G) to read as follows:

**(G) Permanent Connections for Portable Generators.** Where a permanent [installation] *connection* is made for a portable generator, a disconnecting means and overcurrent protection shall be provided at the point of connection for the portable generator. Capacity shall not exceed the capacity of the permanent installation.

**SECTION 700.12**

Section 700.12 – Revise the fourth paragraph, add a new Exception to read as follows and delete the FPNs:

Fire, sprinkler, standpipe, smoke detection, oxygen, nitrous oxide and other alarm or extinguishing systems shall be connected to the line side of the service equipment and shall have separate overcurrent protection.

*Exception: Such systems installed for local area protection only, may connect ahead of the supply to the area protected.*

Subsection 700.12(A) – Revise the first paragraph and add a FPN to read as follows:

Storage batteries may be used as a source of power for emergency lighting systems and shall be of suitable rating and capacity to supply and maintain the total load for a minimum period of 1½ hours, without the voltage applied to the load falling below 87½ percent of normal. Storage batteries may be used for other emergency systems only where special permission is granted for such use.

FPN: See Article 760 for additional information on the use of batteries for fire alarm systems.

Subsection 700.12(B)(2) – Revise first sentence and add a FPN to read as follows:

Where internal combustion engines are used as the prime mover, an on-site fuel supply shall be provided sufficient for not less than 6 hours of operation at full demand load.

FPN: Some installations may require more than 6 hours of fuel supply. See Articles 517 and 708.

Subsection 700.12(B)(6) – Revise to read as follows:

**(6) Outdoor Generator Sets.** Where an outdoor generator set is permanently installed and is equipped with a disconnecting means and such generator set is

located within sight of the building or structure supplied, an additional disconnecting means shall not be required where ungrounded conductors pass through the building or structure. Appropriate signage shall be provided at the generator set and at the first disconnecting means within the building or structure supplied.

Subsection 700.12(B)(7) – Add new subsection 700.12(B)(7) to read as follows:

**(7) Temporary Generators.** The equipment grounding conductor(s) of the derived system shall be bonded to the grounding electrode system.

FPN: See 250.34 for grounding of generator frame.

(a) Separately Derived System. Where a temporary portable generator is a separately derived system, it shall be grounded in accordance with 250.30.

(b) Not A Separately Derived System. Where a temporary portable generator is not a separately derived system, a grounding connection shall not be made to the grounded circuit conductor.

Subsection 700.12(C) – Revise to read as follows:

**(C) Uninterruptible Power Supplies.** Uninterruptible power supplies may be used to provide power for emergency systems only where special permission is granted for such use.

Subsection 700.12(D) – Revise the first sentence of subsection to read as follows:

Where acceptable to the commissioner as suitable for use as an emergency source, a second service independent of the source normally supplying the building shall be permitted.

Subsection 700.12(E) – [Delete the subsection in its entirety] *Revise the first sentence to read as follows: Fuel cell systems shall be permitted to be used as a source of power for emergency systems in R-2 occupancies and shall be of suitable rating and capacity to supply and maintain the total load for not less than 6 hours of full-demand operation.*

#### ARTICLE 701 Legally Required Standby Systems

[Delete the article in its entirety and add a FPN to read as follows:

FPN: All legally required standby systems are classified as emergency systems.]

##### SECTION 701.5

Subsection 701.5(A)–Revise to read as follows:

**(A) Acceptance Test.** A licensed professional shall submit to the department a testing report of the complete system upon installation. Such testing report shall be from an authorized testing entity.

Subsection 701.5(E)–Revise to read as follows:

**(E) Installation Test Requirements.** The installation test shall be conducted and documented in accordance with 700.4(E).

Subsection 701.5(F)–Add a new subsection 701.5(F) to read as follows:

**(F) Maintenance and Operational Testing.** Maintenance and operational testing shall be performed and documented in accordance with 700.4(F).

##### SECTION 701.6

Section 701.6–Add a new FPN to read as follows:

FPN: Peak reduction program may require utility approval.

##### SECTION 701.7

Subsection 701.7(D)–Add a new subsection 701.7(D) to read as follows:

**(D) Mechanical Operation.** Means shall be provided to mechanically operate the switch without hazard to personnel.

Subsection 701.7(E)–Add a new subsection 701.7(E) to read as follows:

**(E) Temporary Connections for Portable Generators.** Temporary connection of a portable generator without transfer equipment shall be permitted where qualified persons maintain and supervise service of the installation, and where the normal source of supply is physically isolated by a lockable disconnecting means or by a disconnection of the normal supply conductors. Portable generators shall not be paralleled except by special permission.

Subsection 701.7(F) – Add a new subsection 701.7(F) to read as follows:

**(F) Permanent Connections for Portable Generators.** Where a permanent connection is made for a portable generator, a disconnecting means and overcurrent protection shall be provided at the point of connection for the portable generator. Capacity shall not exceed the capacity of the permanent installation.

##### SECTION 701.8

Section 701.8 – Revise the first sentence to read as follows:

Audible and visual signal devices shall be provided at a continuously supervised location for the following purposes:

##### SECTION 701.10

Section 701.10 – Revise to read as follows:

##### 701.10 Wiring and Conductors for Legally Required Standby Systems.

**(A) Wiring.** Wiring for legally required standby systems shall be permitted to occupy the same raceways, cables, boxes, and cabinets as other general wiring.

##### **(B) Conductors.**

**(1) Ampacity.** See 445.13.

**(2) Installation of Generator Conductors.** Generator conductors to the first disconnecting means shall be installed in accordance with the requirements of Article 230.

**(3) Overcurrent Devices.** There shall be no limit to the number of overcurrent devices connected to the generator terminal devices.

##### SECTION 701.11

Subsection 701.11(B)(2)–Revise to read as follows:

**(2) Internal Combustion Engines as Prime Mover.** Where internal combustion engines are used as the prime mover, an on-site fuel supply shall be provided sufficient for not less than 6 hours of operation at full demand load.

*Exception: Legally required standby generators relying on natural gas as a fuel supply shall not be required to maintain an on-site fuel supply.*

FPN: Some installations may require more than 6 hours of fuel supply. See Articles 517 and 708.

Subsection 701.11(B)(6)–Add a new subsection 701.11(B)(6) to read as follows:

**(6) Temporary Generators.** The equipment grounding conductors of the derived system shall be bonded to the grounding electrode system.

FPN: See 250.34 for grounding of the generator frame.

(a) Separately Derived System. Where a temporary portable generator is a separately derived system, it shall be grounded in accordance with 250.30.

(b) Not A Separately Derived System. Where a temporary portable generator is not a separately derived system, a grounding connection shall not be made to the grounded circuit conductor.

Subsection 701.11(F) – Revise the first sentence to read as follows: Fuel cell systems used as a source of power for legally required standby systems shall be of suitable rating and capacity to supply and maintain the total load for not less than 6 hours of full-demand operation.

##### SECTION 701.18

Section 701.18–Revise to read as follows:

**701.18 Coordination.** Legally required standby system(s) overcurrent devices shall be selectively coordinated in the overcurrent range with all supply side overcurrent protective devices.

#### ARTICLE 702 Optional Standby Systems

##### SECTION 702.2

Section 702.2–Revise the first sentence to read as follows:

*Those systems not required by municipal, state, federal, or other codes or by any governmental agency having jurisdiction.*

##### SECTION 702.6

Section 702.6–At the Exception, add a second sentence to read as follows:

Portable generators shall not be paralleled with permanent optional standby sources, except by special permission.

##### SECTION 702.12

Section 702.12–Add a new section 702.12 to read as follows:



**702.12 Portable and Temporary Generators.** Portable and temporary generators shall comply with 700.6(G) and 700.12(B)(7).

§2. Item 3.9 of section 28-109.3 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

3.9. Emergency *and standby* power systems.

§3. Section 402.12 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**402.12 [Emergency] Standby power.** Covered mall buildings exceeding 50,000 square feet (4645 m<sup>2</sup>) shall be provided with [emergency] *standby* power systems that are capable of operating the emergency voice/alarm communication system.

§4. Sections 403.10 and 403.11 of the New York city building code, as added by local law number 33 for the year 2007, are amended to read as follows:

**403.10 [Reserved.] Standby power.** *A standby power system complying with Section 2702 shall be provided for standby power loads specified in Section 403.10.2.*

**403.10.1 Special requirements for standby power systems.** *If the standby system is a generator set inside a building, the system shall be located in a separate room enclosed with 2-hour fire-resistance-rated fire barrier assemblies. System supervision with manual start and transfer features shall be provided at the fire command center.*

**403.10.2 Standby power loads in occupancies other than Group R-2.** *In buildings of any occupancy group other than Group R-2, the following are classified as standby power loads:*

1. Power and lighting for fire command center required by Section 403.8;
2. Ventilation and automatic fire detection equipment for smokeproof enclosures;
3. Elevators, in accordance with Section 3003; and
4. Stair pressurization systems when provided.

**403.10.3 Standby power loads in Group R-2 occupancies.** *Group R-2 occupancies in buildings greater than 125 feet (38 100 mm) in height shall be required to provide a standby power system to support the following loads:*

1. Power and lighting for fire command center required by Section 403.8;
2. Ventilation and automatic fire detection equipment for smokeproof enclosures;
3. At least one elevator serving all floors, or one elevator per bank where different banks serve different portions of the building; and
4. Stair pressurization systems when provided.

**403.11 Emergency power systems.** An emergency power system complying with Section 2702 shall be provided for emergency power loads specified in Sections 403.11.1 and 403.11.2.

**403.11.1 Emergency power loads in occupancies other than R-2.** In buildings of any occupancy group other than Group R-2, the following are classified as emergency power loads:

1. Exit signs and means of egress illumination required by Chapter 10; [and]
2. Elevator car lighting; [and]
3. Emergency voice/alarm communications systems; [and]
4. Automatic fire detection systems; [and]
5. Fire alarm systems; and
6. [Power and lighting for the fire command center required by Section 403.8; and
- 7.] Electrically powered fire pumps[; and
8. Ventilation and automatic fire detection equipment for smokeproof enclosures; and
9. Elevators in accordance with Section 3003; and

10. Stair pressurization systems when provided].

**403.11.2 Emergency power loads in Group R-2 occupancies.** Group R-2 occupancies in buildings greater than 125 feet (38 100 mm) in height shall be required to provide an emergency power system to support the following loads:

1. Exit signs and means of egress illumination required by Chapter 10;
- [2. At least one elevator serving all floors, or one elevator per bank where different banks serve different portions of the building;]
- [3.] 2. Emergency voice communications systems; and
- [4.] 3. Electrically powered fire pumps, unless electrical power to the motor is taken ahead of the main from the street side of the house service switch.

[Where a generator is used as the emergency power system, diesel or gas shall be permitted as the fuel source in accordance with Section 2702.1.]

§5. Section 404.6 of the New York city building code, as amended by local law number 33 for the year 2007, is amended to read as follows:

**404.6 [Emergency] Standby power.** Equipment required to provide smoke control shall be connected to [an emergency] *a standby* power system in accordance with Section 909.11.

§6. Sections 405.9 and 405.10 of the New York city building code, as amended by local law number 33 for the year 2007, are amended to read as follows:

**405.9 [Reserved.] Standby power.** *A standby power system complying with Section 2702 shall be provided for standby power loads specified in Section 405.9.1.*

**405.9.1 Standby power loads.** *The following loads are classified as standby power loads:*

1. Smoke control system;
2. Ventilation and automatic fire detection equipment for smokeproof enclosures;
3. Fire pumps;
4. Elevators in accordance with Section 3003; and
5. Stair pressurization systems when provided.

**405.10 Emergency power.** An emergency power system complying with Section 2702 shall be provided for emergency power loads specified in Section 405.10.1.

**405.10.1 Emergency power loads.** The following loads are classified as emergency power loads:

1. Emergency voice/alarm communications systems[.];
2. Fire alarm systems[.];
3. Automatic fire detection systems[.];
4. Elevator car lighting[.]; and
5. Means of egress and exit sign illumination as required by Chapter 10.
- [6. Smoke control system.
7. Ventilation and automatic fire detection equipment for smokeproof enclosures.
8. Fire pumps.
9. Elevators in accordance with Section 3003.
10. Stair pressurization systems when provided.]

§7. Section 414.5.4 of the New York city building code, as amended by local law number 33 for the year 2007, is amended to read as follows:

**414.5.4 Emergency or standby power.** Where mechanical ventilation, treatment systems, temperature control, alarm, detection or other electrically

operated systems are required, such systems shall be provided with an emergency or standby power system in accordance with the *New York City Electrical Code*.

**Exceptions:**

1. Storage areas for Class I and II oxidizers.
2. Storage areas for Class III, IV and V organic peroxides.
3. [Emergency] Standby power for mechanical ventilation, treatment systems and temperature control systems shall not be required where an approved fail-safe engineered system is installed.

§8. Sections 909.11 and 909.20.6.2 of the New York city building code, as added by local law number 33 for the year 2007, are amended to read as follows:

**909.11 Power systems.** The smoke control system shall be supplied with two sources of power. Primary power shall be from the normal building power systems. Secondary power shall be from [an emergency] a standby power source complying with the *New York City Electrical Code*. The [emergency] standby power source and its transfer switches shall be in a separate room from the normal power transformers and switch gear and shall be enclosed in a room constructed of not less than 1-hour fire-resistance-rated fire barriers ventilated directly to and from the exterior. Power distribution from the two sources shall be by independent routes. Transfer to full [emergency] standby power shall be automatic and within 60 seconds of failure of the primary power. The systems shall comply with the *New York City Electrical Code*.

**909.20.6.2 [Emergency] Standby power.** Mechanical vestibule and stair shaft ventilation systems and automatic fire detection systems shall be powered by [an emergency] a standby power system conforming to Section [403.11] 403.10 and Chapter 27.

§9. Sections 1007.4, 1007.5, and 1008.1.3.3 of the New York city building code, as added by local law number 33 for the year 2007, are amended to read as follows:

**1007.4 Elevators.** To be considered part of an accessible means of egress, an elevator shall comply with the emergency operation and signaling device requirements of Section 2.27 of ASME A17.1 and Section 1109.6. [Emergency] Standby power shall be provided in accordance with Sections 2702 and 3003. The elevator shall be accessed from either an area of rescue assistance complying with Section 1007.6 or a horizontal exit complying with Section 1021.

**Exceptions:**

1. Elevators are not required to be accessed from an area of rescue assistance or horizontal exit in open parking garages.
2. Elevators are not required to be accessed from an area of rescue assistance or horizontal exit in buildings and facilities equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

**1007.5 Platform lifts.** Platform (wheelchair) lifts shall not serve as part of an accessible means of egress, except where allowed as part of a required accessible route in Section 1109.7. Platform lifts shall be installed in accordance with ASME A18.1. [Emergency] Standby power shall be provided in accordance with Section 2702 for platform lifts permitted to serve as part of an accessible means of egress.

**1008.1.3.3 Horizontal sliding doors.** In other than Group H occupancies, horizontal sliding doors permitted to be a component of a means of egress in accordance with Exception 5 to Section 1008.1.2.1 shall comply with all of the following criteria:

1. The doors shall be power operated and shall be capable of being operated manually in the event of power failure.
2. The doors shall be openable by a simple method from both sides without special knowledge or effort.
3. The force required to operate the door shall not exceed 30 pounds (133 N) to set the door in motion and 15 pounds (67 N) to close the door or open it to the minimum required width.
4. The door shall be openable with a force not to exceed 15 pounds (67 N) when a force of 250 pounds (1100 N) is applied perpendicular to the door adjacent to the operating device.
5. The door assembly shall comply with the applicable fire protection rating and, where rated, shall be self-closing or automatic-closing by smoke detection, shall be installed in accordance with NFPA 80 and shall comply with Section 715.

6. The door assembly shall have an integrated [emergency] standby power supply.

7. The door assembly power supply shall be electrically supervised.

8. The door shall open to the minimum required width within 10 seconds after activation of the operating device.

§10. Section 1707.7 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**1707.7 Mechanical and electrical components.** Periodic special inspection is required during the anchorage of electrical equipment for emergency or standby power systems in structures assigned to Seismic Design Category C[,] or D. Periodic special inspection is required during the installation of piping systems intended to carry flammable, combustible or highly toxic contents and their associated mechanical units in structures assigned to Seismic Design Category C[,] or D. Periodic special inspection is required during the installation of HVAC ductwork that will contain hazardous materials in structures assigned to Seismic Design Category C[,] or D.

§11. Section BC 2702 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**SECTION BC 2702 EMERGENCY AND STANDBY POWER SYSTEMS**

**2702.1 Installation.** Emergency and standby power systems shall be installed in accordance with the *New York City Electrical Code*, NFPA 110 and NFPA 111[, and]. *Systems relying on fuel supplies* shall have an on-premises fuel supply sufficient for not less than 6-hour full-demand operation of the system. However, [for R-2 occupancies required to provide emergency power systems pursuant to the provisions of Section 403.11.2, and for voluntarily installed emergency power systems,] natural gas from the public utility street main shall be permitted as the sole fuel supply for (i) emergency power systems serving R-2 occupancies and (ii) standby power systems, provided that an outside gas cut-off valve separate from other gas services is installed in accordance with Section E.6 of Appendix E of the *New York City Fuel Gas Code*.

**2702.1.1 Stationary generators.** Emergency and standby power generators shall be listed in accordance with UL 2200.

**2702.1.2 Capacity.** The emergency and standby power [system] systems shall have [a] capacity and [rating] ratings that [supplies] supply all equipment required to be operational at the same time.

**2702.2 Where required.** Emergency and standby power systems shall be provided where required by this section.

**2702.2.1 Group A occupancies.** Emergency power shall be provided for voice/alarm communication systems in Group A occupancies in accordance with Section 907.2.1.2.

**2702.2.2 Smoke control systems.** [Emergency] Standby power shall be provided for smoke control systems in accordance with Section 909.11.

**2702.2.3 Exit signs.** Emergency power shall be provided for exit signs in accordance with Section 1011.5.3.

**2702.2.4 Means of egress illumination.** Emergency power shall be provided for means of egress illumination in accordance with Section 1006.3.

**2702.2.5 Accessible means of egress elevators.** [Emergency] Standby power shall be provided for elevators that are part of an accessible means of egress in accordance with Section 1007.4.

**2702.2.6 Horizontal sliding doors.** [Emergency] Standby power shall be provided for horizontal sliding doors in accordance with Section 1008.1.3.3.

**2702.2.7 Semiconductor fabrication facilities.** Emergency power shall be provided for semiconductor fabrication facilities in accordance with Section 415.9.10.

**2702.2.8 Membrane structures.** [Emergency] Standby power shall be provided for auxiliary inflation systems in accordance with Section 3102.8.2. Emergency power shall be provided for exit signs in tents and membrane structures.

**2702.2.9 Hazardous materials.** Emergency or standby power shall be provided in occupancies with hazardous materials in accordance with Section 414.5.4 and the *New York City Fire Code*.

**2702.2.10 Highly toxic and toxic materials.** Emergency power shall be provided for occupancies with highly toxic or toxic materials in accordance with the *New York City Fire Code*.

**2702.2.11 Organic peroxides.** [Emergency] *Standby* power shall be provided for occupancies with organic peroxides in accordance with the *New York City Fire Code*.

**2702.2.12 Pyrophoric materials.** Emergency power shall be provided for occupancies with silane gas in accordance with the *New York City Fire Code*.

**2702.2.13 Covered mall buildings.** [Emergency] *Standby* power shall be provided for voice/alarm communication systems in covered mall buildings in accordance with Section 402.12.

**2702.2.14 High-rise buildings.** Emergency *and standby* power shall be provided in high-rise buildings in accordance with [Section] *Sections 403.10 and 403.11*.

**2702.2.15 Underground buildings.** Emergency *and standby* power shall be provided in underground buildings in accordance with [Section] *Sections 405.9 and 405.10*.

**2702.2.16 Group I-3 occupancies.** Emergency power shall be provided for doors in Group I-3 occupancies in accordance with Section 408.4.2.

**2702.2.17 Reserved.**

**2702.2.18 Elevators.** [Emergency] *Standby* power for elevators, including elevators provided to accommodate ambulance stretchers pursuant to Section 3002.4, shall be provided as set forth in Section 3003.1.

**2702.2.19 Smokeproof enclosures and pressurized elevator shaft.** [Emergency] *Standby* power shall be provided for smoke-proof enclosures as required by Section 909.20 and for pressurized elevator shafts provided in accordance with Item 5 of Section 403.9.1.1.

**2702.2.20 Occupancy Groups B, E and R-1.** [An emergency] *Emergency and standby* power [system] shall be required in those Group B, E and R-1 occupancies specified in this section:

1. Group B occupancies with occupied floor less than 75 feet (22 860 mm) above the lowest fire department vehicle access having a gross floor area over 15,000 square feet (1393.6 m<sup>2</sup>) per floor or a total gross floor area of 100,000 square feet (9290.3 m<sup>2</sup>) or more.

2. Group E occupancies with occupied floor less than 75 feet (22 860 mm) above the lowest level of fire department vehicle access having a gross floor area over 15,000 square feet (1393.6 m<sup>2</sup>) per floor or a total gross floor area of 100,000 square feet (9290.3 m<sup>2</sup>) or more.

3. All Group R-1 occupancies.

**2702.2.20.1 Equipment requiring emergency power system.** With respect to such [occupancy] *Occupancy* Groups B, E and R-1, the following equipment, where such equipment is required by this code, shall be provided with an emergency power system:

1. Exit signs and means of egress illumination required by Chapter 10;
2. Elevator car lighting;
3. Emergency voice/alarm communications systems;
4. Automatic fire detection systems;
5. Fire alarm systems; *and*
6. Electrically powered fire pumps[;]
7. Ventilating systems used for smoke venting or control;
8. Stair pressurization; *and*
9. At least three elevators in a building at one time with manual transfer to other elevators as required by Section 3003].

**2702.2.20.2 Equipment requiring standby power system.** With respect to such *Occupancy* Groups B, E and R-1, the following equipment, where such equipment is required by this code, shall be provided with a standby power system:

1. Ventilating systems used for smoke venting or control;
2. Stair pressurization; *and*
3. At least three elevators in a building at one time with manual transfer to other elevators as required by Section 3003.

**2702.3 Maintenance.** Emergency *and standby* power systems shall be maintained and tested in accordance with the *New York City Fire Code* and *New York City Electrical Code*.

**2702.4 Required loads for optional standby power systems.** In addition to any other loads, optional standby power systems shall be capable of providing power to the following systems upon failure of the normal power supply or the emergency or standby power system:

1. Emergency lighting;
2. Fire alarm systems; *and*
3. Elevators as follows:

3.1 For Group R-2 occupancies in buildings greater than 125 feet (38 100 mm) in height, at least one elevator serving all floors, or one elevator per bank where different banks serve different portions of the building; *or*

3.2 For all other buildings having occupied floors located more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access, at least one elevator that serves all floors.

§12. Sections 3003.1, 3003.1.1, 3003.1.2, 3003.1.3, and 3003.1.4 of the New York city building code, as added by local law number 33 for the year 2007, are amended to read as follows:

**3003.1 [Emergency] Standby power.** In buildings and structures where [emergency] *standby* power is required or furnished to operate an elevator, the operation shall be in accordance with Sections 3003.1.1 through 3003.1.4.

**3003.1.1 Manual transfer.** [Emergency] *Standby* power shall be manually transferable to all elevators in each bank.

**3003.1.2 One elevator.** Where only one elevator is installed, the elevator shall automatically transfer to [emergency] *standby* power within 60 seconds after failure of normal power.

**3003.1.3 Two or more elevators.** Where two or more elevators are controlled by a common operating system, all elevators shall automatically transfer to [emergency] *standby* power within 60 seconds after failure of normal power where the [emergency] *standby* power source is of sufficient capacity to operate all elevators at the same time. Where the [emergency] *standby* power source is not of sufficient capacity to operate all elevators at the same time, all elevators shall transfer to [emergency] *standby* power in sequence, return to the designated landing and disconnect from the [emergency] *standby* power source. After all elevators have been returned to the designated level, at least three elevators shall remain operable from the [emergency] *standby* power source.

**3003.1.4 Venting.** Where [emergency] *standby* power is connected to elevators, the machine room ventilation or air conditioning shall be connected to the [emergency] *standby* power source.

§13. Section 3102.8.2 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**3102.8.2 [Emergency] Standby power.** Wherever an auxiliary inflation system is required, an approved [emergency] *standby* power-generating system shall be provided. However, notwithstanding Section 2702.1, the [emergency] *standby* power-generating system shall be equipped with a suitable means for automatically starting the generator set upon failure of the normal electrical service and for automatic transfer and operation of all of the required electrical functions at full power within 60 seconds of such service failure. [Emergency] *Standby* power shall be capable of operating independently for a minimum of 4 hours.

§14. Section 513.11 of the New York city mechanical code, as added by local law number 33 for the year 2007, is amended to read as follows:

**513.11 Power systems.** The smoke control system shall be supplied with two sources of power. Primary power shall be the normal building power systems. Secondary power shall be from an approved [emergency] *standby* power source complying with

the *New York City Electrical Code*. The [emergency] *standby* power source and its transfer switches shall be in a separate room from the normal power transformers and switch gear and shall be enclosed in a room constructed of not less than 1-hour fire-resistance-rated fire barriers, ventilated directly to and from the exterior. Power distribution from the two sources shall be by independent routes. Transfer to full [emergency] *standby* power shall be automatic and within 60 seconds of failure of the primary power. The systems shall comply with the *New York City Electrical Code*.

§15. This local law shall take effect immediately.

ERIK MARTIN DILAN Chairperson; GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, JUMAANE D. WILLIAMS, ERIC A. ULRICH, JAMES S. ODDO; Committee on Housing and Buildings, November 14, 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).

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 1101-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, the New York city building code, and the New York city mechanical code, in relation to emergency and standby power systems and natural gas usage.

Given under my hand and seal this 14<sup>th</sup> day of November, 2013 at City Hall in the City of New York.

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

Report for Int. No. 1111-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 and the New York city building code, in relation to smoke alarms.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on July 24, 2013 (Minutes, page 3110), respectfully

**REPORTS:**

**Introduction and Procedural History**

On November 14, 2013, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 1111-A, a Local Law in relation to smoke alarms.

On October 24, 2013, the Committee held a hearing on this bill and received testimony from the Fire Department (“FDNY”), the National Fire Protection Association and the Rent Stabilization Association. The Committee also received for the record comments from additional stakeholders prior to and after the hearing. In light of the received testimony and for the record comments, the bill has been amended as described below.

**Background**

According to the United States Fire Administration (“USFA”),<sup>1</sup> a “properly installed and maintained smoke alarm is the only thing in your home that can alert

you and your family to a fire 24 hours a day, seven days a week. Whether you’re awake or asleep, a working smoke alarm is constantly on alert, scanning the air for fire and smoke.”<sup>2</sup>

**Fire Statistics**

USFA maintains a National Fire Incident Reporting Service that collects fire data from about 23,000 fire departments in all 50 states.<sup>3</sup> According to USFA, there were 364,500 residential building fires in 2011 (the most recent year for which data is available).<sup>4</sup> These fires resulted in 2,450 deaths and 13,900 injuries.<sup>5</sup> The major causes of fire were “cooking” (166,600 fires) and “heating” (43,700 fires).<sup>6</sup> The major (known) causes of fire deaths were “other unintentional, careless” (360 deaths) and “smoking” (305 deaths).<sup>7</sup> The major causes of fire injuries were “cooking” (3,675 injuries) and “other unintentional, careless” (1,625 injuries).<sup>8</sup>

From 2009-2011, USFA found that smoke alarms were present in 37.4% of fatal residential building fires, not present in 22.3% of such fires, and in 40.3% of such fires firefighters were unable to determine whether smoke alarms were present.<sup>9</sup> Of the 1,287 fatal residential building fires in which a smoke alarm was present, USFA found that the alarms operated in 42% of cases, failed to operate in 21%, and in 36% of cases firefighters could not determine whether the alarm operated.<sup>10</sup> USFA does not maintain data on the *type* of smoke alarm present in those residential buildings.<sup>11</sup>

**Types of Smoke Alarms**

There are two basic types of smoke alarms: ionization and photoelectric.<sup>12</sup> Ionization smoke alarms “contain a chamber with two plates that generate a small, continuous electric current. When smoke enters the ionization chamber, the smoke particles disrupt the current flow, which triggers the alarm.”<sup>13</sup> Photoelectric smoke alarms “use a light beam and light receptor (photocell). When smoke is present between the light and receptor, depending on the type of smoke chamber configuration, the reduction or increase of light on the photocell triggers the alarm.”<sup>14</sup>

Ionization smoke alarms detect “flaming fires, which may occur in the kitchen or garage.”<sup>15</sup> A “flaming fire” results from “ignition of items such as flammable liquids, wood or paper, cooking accidents, or from open flames such as candles that ignite other items. They produce large quantities of flames and lesser visible amounts of smoke.”<sup>16</sup> Flaming fires have a “very short amount of time before flames and heat become intense” and do not leave much time for escape.<sup>17</sup>

Photoelectric smoke alarms detect “smoldering fires, which may occur in bedrooms or sitting rooms.”<sup>18</sup> “Smoldering fires develop slowly”<sup>19</sup> and “most often occur when smoking materials, such as cigarettes, are left unattended. In general, they initially produce minimal amounts of flames and larger, visible amounts of smoke.”<sup>20</sup>

**Smoke Alarm Power and Maintenance**

In addition to the different types of smoke alarm sensors, smoke alarms can also be powered differently.<sup>21</sup> They can be connected to the home’s electrical wiring system, battery-powered, or a combination of both.<sup>22</sup> If powered by batteries, smoke alarms can either be powered by replaceable 9 volt batteries or by long-life (10-year) lithium batteries.<sup>23</sup> CPSC recommends testing smoke alarms monthly, replacing 9 volt batteries annually,<sup>24</sup> and replacing smoke alarms entirely every 10 years.<sup>25</sup> CPSC also notes that many smoke alarms will “chirp” when batteries are low.<sup>26</sup>

According to FDNY, while many homes have smoke alarms, those alarms do not function because required batteries have been removed. FDNY explains that people “often remove or disconnect batteries to prevent nuisance activation caused by bathroom steam or cooking vapors.”<sup>27</sup>

**Proposed Int. No. 1111-A**

Proposed Int. No. 1111-A would require that smoke alarms be periodically replaced and comply with certain industry standards.

Bill section one would amend subdivision (a) of section 27-2045 of the Housing Maintenance Code to include the smoke alarm requirements of the 2008 Building Code as part of the duties for owners of class A multiple dwellings<sup>28</sup> required to equip such dwellings with smoke alarms.

Paragraph (1) requires such owners to “provide and install one or more approved and operational smoke detecting devices in each dwelling unit.” The amendments to such paragraph would require that class A multiple dwelling owners also replace smoke alarms in accordance with the 2008 Building Code (as amended by this local law).

Paragraph (2) requires such owners to “post a notice in a form approved by the commissioner<sup>29</sup> in a common area of the building informing the occupants of such building (i) that the owner is required by law to install one or more approved and operational smoke detecting devices in each dwelling unit in the building and (ii) that each occupant is responsible for the maintenance and repair of such devices and for replacing any or all such devices which are stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit.” The amendments to such paragraph would require that the notice also set forth (i) that such owners must periodically replace smoke alarms upon expiration of their useful life and (ii) that, when occupants replace smoke alarms, the replacement device must be comply with the requirements of the 2008 Building Code (as amended by this local law).



Paragraph (3) requires such owners to replace any smoke alarm that has been “stolen, removed, missing or rendered inoperable during a prior occupancy of the dwelling unit and which has not been replaced by the prior occupant prior to the commencement of a new occupancy.” The amendments to such paragraph would require that such replacement device must comply with the requirements of the 2008 Building Code (as amended by this local law).

Paragraph (4) requires such owners to replace any smoke alarm “within thirty calendar days after the receipt of written notice any such device which becomes inoperable within one year of the installation of such device due to a defect in the manufacture of such device and through no fault of the occupant of the dwelling unit.”

Paragraph (5) requires that such owners “keep such records as the commissioner shall prescribe relating to the installation and maintenance of smoke detecting devices in the building.” The amendments to such paragraph would provide that such records include records showing that the smoke alarm meets the requirements of the 2008 Building Code (as amended by this local law).

Bill section one would also amend subdivision (b) of section 27-2045 of the Housing Maintenance Code to set forth the duties of occupants of dwelling units within class A multiple dwellings “in which a smoke detecting device has been provided and installed by the owner pursuant to the provisions of article six of subchapter seventeen of chapter one of [title 27],” which refers to the smoke alarm requirements of the 1968 Building Code. The amendments to this paragraph would recognize the smoke alarm requirements of the 2008 Building Code (Section 907.2) as well as pertinent sections of the 1968 Building Code (sections 27-978, 27-979, 27-980, and 27-981).

Paragraph (1) requires that such occupants “keep and maintain such device in good repair.”

Paragraph (2) requires that when such occupants replace smoke alarms, the replacement alarm must comply with the 2008 Building Code (as amended by this local law).

Bill section one would also amend subdivision (c) of section 27-2045 of the Housing Maintenance Code. Subdivision (c) provides that, except as provided in paragraphs (3) and (4) of subdivision (a) of section 27-2045 and the 2008 Building Code, class A multiple dwelling owners are not required to keep and maintain smoke alarms, in dwelling units, in good repair or to replace any alarm which is stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit. The proposed revision would amend the subdivision to note that the 2008 Building Code, as amended by this local law, also provides instances where class A multiple dwelling owners would be required to maintain or replace smoke alarms.

Bill section one would also amend subdivision (d) of section 27-2045 of the Housing Maintenance Code to provide that occupants of a dwelling unit in which a battery-operated smoke alarm is provided and installed must reimburse the owner a maximum of \$25, rather than \$10, for the cost of providing and installing such device. Where the owner provides and installs a combined smoke and carbon monoxide detecting device, the occupant must reimburse the owner a maximum of \$50.

Bill section two would amend section 27-2046 of the Housing Maintenance Code to set forth duties for owners of class B multiple dwellings<sup>30</sup> which are “required to be equipped with smoke detecting devices pursuant to article six of subchapter seventeen of chapter one of [title 27],” which refers to the smoke alarm requirements of the 1968 Building Code. Bill section nine would amend the first undesignated paragraph of such section to refer to the smoke alarm requirements of the 2008 Building Code in addition to sections 27-978, 27-979, 27-980, and 27-981 of the 1968 Building Code.

Paragraph (2) requires such owners to keep and maintain smoke alarms in good repair. The amendments to such paragraph would require that class B multiple dwelling owners also replace smoke alarms in accordance with the 2008 Building Code (as amended by this local law).

Paragraph (3) requires such owners to replace any smoke alarm that has been “stolen, removed, missing or rendered inoperable prior to the commencement of a new occupancy.” The amendments to such paragraph would require that such replacement device must comply with the requirements of the 2008 Building Code (as amended by this local law).

Paragraph (4) requires that such owners “keep such records as the commissioner shall prescribe relating to the installation and maintenance of smoke detecting devices in each dwelling unit.” The amendments to such paragraph would provide that such records must show that the smoke alarm meets the requirements of 2008 Building Code (as amended by this local law).

Bill section three would amend article 12 of chapter 3 of title 28 of the Administrative Code to make technical edits to such article, to add a new section 28-312.1 describing the scope of such article, and to add new sections 28-312.4 and 28-312.5 to such article.

New section 28-312.4 would require that all required smoke alarms – i.e. those for which installation is required by section 907.2 of the 2008 Building Code or sections 27-978 through 27-981 of the 1968 Building Code – be replaced when the time elapsed since the installation of such alarm exceeds the manufacturer’s suggested useful life of the alarm. The new section would also provide that smoke alarms installed prior to the effective date of the section and whose useful life is not known, must be replaced with an alarm that complies with section 28-312.5 within 7 years after the effective date of such section.

New section 28-312.5 would require that all smoke alarms installed after the effective date of this section (1) comply with technical standard UL 217, (2) “employ a non-removable, non-replaceable battery that powers the alarm for a minimum of 10

years,” and (3) “be of the type that emits an audible notification at the expiration of the useful life of the alarm.”

Bill section four would amend chapter 35 of the 2008 Building Code to add the 2009 edition of UL 217 to the list of reference and technical standards incorporated into such code.

Bill section five contains the enactment clause and provides that this local law would take effect 120 days after enactment except that (1) the City’s Department of Housing Preservation and Development may promulgate rules or take other actions to implement its provisions prior to such effective date and (2) owners may replace smoke alarms prior to such effective date provided that such replacements comply with the requirements of the 2008 Building Code (as amended by this local law) and the reimbursement period set forth in subdivision (d) of section 27-2045, as amended by this local law, commences on the date of such replacement.

#### Amendments to Int. No. 1111

The bill has been amended in the following manner:

- Technical changes were made throughout the bill for the purposes of clarity and to revise organization of the text.
- Bill section one, subdivision (d) of section 27-2045 was amended to allow a maximum reimbursement of \$50 where an owner of a class A multiple dwelling provides and installs a combined smoke and carbon monoxide detective device.
- Bill section three was amended to specify that smoke alarms installed prior to the effective date of this local law and whose useful life is not known, must be replaced with an alarm that complies with section 28-312.5 within 7 years after the effective date of this local law rather than within six (6) months after the effective date of this local law.
- Bill section five was amended to specify that owners may replace smoke alarms prior to the effective date of this local law, provided that such replacements comply with the requirements of the 2008 Building Code (as amended by this local law) and the reimbursement period set forth in subdivision (d) of section 27-2045, as amended by this local law, commences on the date of such replacement.

#### Update

On Thursday, November 14, 2013, the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

<sup>1</sup> USFA is a subdivision of the United States Department of Homeland Security’s Federal Emergency Management Agency. See USFA website at <http://www.usfa.fema.gov/about/> (last accessed Oct. 15, 2013).

<sup>2</sup> See USFA, “Learn About Smoke Alarms,” available online at <http://www.usfa.fema.gov/campaigns/smokealarms/alarms/> (last accessed Oct. 15, 2013) (cited as “USFA-1”).

<sup>3</sup> USFA, “National Fire Incident Reporting System (NFIRS),” available online at <http://www.usfa.fema.gov/fireservice/nfirs/> (last accessed Oct. 18, 2013).

<sup>4</sup> USFA, “Residential and Nonresidential Building Fire Estimates,” available online at <http://www.usfa.fema.gov/statistics/estimates/index.shtml> (last accessed Oct. 18, 2013) (cited hereafter as “USFA-2”).

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

<sup>6</sup> USFA, “Residential Building Fire Causes (2007-2011),” available online at [http://www.usfa.fema.gov/downloads/pdf/statistics/res\\_bldg\\_fire\\_causes.pdf](http://www.usfa.fema.gov/downloads/pdf/statistics/res_bldg_fire_causes.pdf) (last accessed Oct. 18, 2013) (cited hereafter as “USFA-3”).

<sup>7</sup> USFA, “Residential Building Fire Death Causes (2007-2011),” available online at [http://www.usfa.fema.gov/downloads/pdf/statistics/res\\_bldg\\_fire\\_death\\_causes.pdf](http://www.usfa.fema.gov/downloads/pdf/statistics/res_bldg_fire_death_causes.pdf) (last accessed Oct. 18, 2013) (cited hereafter as “USFA-4”).

<sup>8</sup> USFA, “Residential Building Fire Injury Cases (2007-2011),” available online at [http://www.usfa.fema.gov/downloads/pdf/statistics/res\\_bldg\\_fire\\_injury\\_causes.pdf](http://www.usfa.fema.gov/downloads/pdf/statistics/res_bldg_fire_injury_causes.pdf) (last accessed Oct. 18, 2013) (cited hereafter as “USFA-5”).

<sup>9</sup> USFA, “Fatal Fires in Residential Buildings (2009-2011),” available online at <http://www.usfa.fema.gov/downloads/pdf/statistics/v14i3.pdf> (last accessed Oct. 18, 2013) (cited hereafter as “UFA-6”).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* Combination ionization/photoelectric smoke alarms are also available.

<sup>13</sup> United States Consumer Products Safety Commission (“CPSC”), “Smoke Alarms – Why, Where, and Which,” CPSC Pub. 559, available online at <http://www.cpsc.gov/PageFiles/119009/559.pdf> (last accessed Oct. 15, 2013) (cited hereafter as “CPSC-1”); see also National Fire Protection Association (“NFPA”), “Ionization vs. Photoelectric” available online at <http://www.nfpa.org/safety-information/for-consumers/fire-and-safety-equipment/smoke-alarms/ionization-vs-photoelectric> (last accessed Oct. 15, 2013) (cited hereafter as “NFPA-1”).

<sup>14</sup> United States Consumer Products Safety Commission (“CPSC”), “Smoke Alarms – Why, Where, and Which,” CPSC Pub. 559, available online at <http://www.cpsc.gov/PageFiles/119009/559.pdf> (last accessed Oct. 15, 2013) (cited hereafter as “CPSC-1”); see also National Fire Protection Association (“NFPA”), “Ionization vs. Photoelectric” available online at <http://www.nfpa.org/safety-information/for-consumers/fire-and-safety-equipment/smoke-alarms/ionization-vs-photoelectric> (last accessed Oct. 15, 2013) (cited hereafter as “NFPA-1”).

<sup>15</sup> FDNY-1.

<sup>16</sup> Kidde, “Frequently Asked Questions: Types of Fires and Types of Smoke Alarms,” available online at <http://www.kidde.com/Documents/photo-ion-faq.pdf> (last accessed Oct. 15, 2013) (cited

hereafter as “Kidde-1”). Kidde is a company that manufactures fire safety products. See Kidde’s website at <http://www.kidde.com/Pages/AboutUs.aspx>.

<sup>17</sup> CPSC-1.

<sup>18</sup> FDNY-1.

<sup>19</sup> CPSC-1.

<sup>20</sup> Kidde-1.

<sup>21</sup> CPSC-1.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> DOB recommends replacing batteries *twice* a year rather than annually. See DOB, “Smoke Alarms & Carbon Monoxide Detectors,” available online at [http://www.nyc.gov/html/dob/html/homeowners\\_and\\_tenants/smoke\\_co\\_detector.shtml](http://www.nyc.gov/html/dob/html/homeowners_and_tenants/smoke_co_detector.shtml) (last accessed Oct. 18, 2013).

<sup>25</sup> CPSC-1.

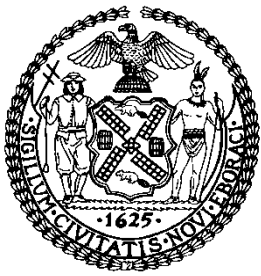
<sup>26</sup> *Id.*

<sup>27</sup> FDNY-1.

<sup>28</sup> “Commissioner” refers to the commissioner of the City’s Department of Housing Preservation and Development. See Ad. Code § 27-2004(a)(1); Charter § 1802(1).

<sup>29</sup> A class B multiple dwelling is a building or portion thereof that serves as a residence for three or more families and which is occupied on a transient or temporary basis. See Ad. Code § 27-2004(a)(7) and (9).

(The following is the text of the Fiscal Impact Statement for Int. No. 1111-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: 1111-A**

**COMMITTEE:  
Housing and  
Buildings**

**TITLE:** To amend the administrative code of the city of New York and the New York city building code, in relation to smoke alarms.  
**SPONSOR(S):** By Council Members Dilan, Comrie Koo, Nelson, Rose, Wills and Rodriguez

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1111-A would require the administrative code of the city of New York and the New York city building code be amended to require that new smoke alarms comply with industry testing standards; have a non-removable, non-replaceable battery that powers the alarm for at least 10 years and be of the type that emits an audible notification when its useful life has expired.

Also, the bill would increase the amount that tenants must reimburse building owners for smoke alarms from \$10 to \$25 (or \$50 where the replacement device is a combined smoke alarm and carbon monoxide detector).

**EFFECTIVE DATE:** This local law shall take effect one hundred twenty days after enactment except that the department of housing preservation and development may promulgate rules or take other actions to implement its provisions prior to such effective date and, at any time prior to such effective date, owners may replace previously installed smoke alarms which do not conform to the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York. Such replacement smoke alarms shall comply with article 312 of chapter 3 of title 28 of the administrative code of the city of New York and the period of reimbursement pursuant to subdivision (d) of section 27-2045 of the administrative code of the city of New York by the occupant of a dwelling unit for which such replacement has occurred shall commence as of the date of such replacement.

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

**FISCAL IMPACT STATEMENT:**

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY15
Revenue s	\$0	\$0	\$0
Expendit ures	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** The legislation would have no impact on revenues.

**IMPACT ON EXPENDITURES:** The legislation would have no impact on expenditures for the City. If any expenses are incurred due to the proposed requirements they will be borne by the building owner or renter.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Chima Obichere, Unit Head

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

**LEGISLATIVE HISTORY:** Introduced as Intro. 1111 by the Council on July 24, 2013 and referred to the Committee on Housing and Buildings. A hearing was held and the legislation was laid over by the Committee on October 24, 2013. Intro. 1111 has been amended, and the amended version, Proposed Int. 1111-A, will be considered by the Committee on Housing and Buildings on November 14, 2013 and upon a 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. 1111-A:)

Int. No. 1111-A

By Council Members Dilan, Comrie, Koo, Nelson, Rose, Wills, Rodriguez, Gentile, Van Bramer, Koppell and Williams (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to smoke alarms.**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2045 of the administrative code of the city of New York, as amended by local law number 82 for the year 1989, is amended to read as follows:

§ 27-2045 Duties of owner and occupant with respect to installation and maintenance of smoke detecting devices in class A multiple dwellings. a. It shall be the duty of the owner of a class A multiple dwelling which is required to be equipped with smoke detecting devices pursuant to [article six of subchapter seventeen of chapter one of this title] *section 907.2 of the New York city building code or sections 27-978, 27-979, 27-980 and 27-981 of the 1968 building code* to:

(1) provide and install one or more approved and operational smoke detecting devices in each dwelling unit *and replace such devices in accordance with article 312 of chapter 3 of title 28 of the administrative code of the city of New York*. Such devices shall be installed [in accordance with the requirements of] *at locations specified in reference standard 17-12 of the 1968 building code or section 907.2.10 of the New York city building code, as applicable.*

(2) post a notice in a form approved by the commissioner in a common area of the building informing the occupants of such building (i) that the owner is required by law to install one or more approved and operational smoke detecting devices in each dwelling unit in the building *and to periodically replace such devices upon the expiration of their useful life in accordance with article 312 of chapter 3 of title 28 of the administrative code of the city of New York* and (ii) that each occupant is responsible for the maintenance and repair of such devices and for replacing any or all such devices which are stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit *with a device meeting the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York.*

(3) replace any smoke detecting device which has been stolen, removed, missing or rendered inoperable during a prior occupancy of the dwelling unit and which has not been replaced by the prior occupant prior to the commencement of a new occupancy of a dwelling unit *with a device meeting the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York.*

(4) replace within thirty calendar days after the receipt of written notice any such device which becomes inoperable within one year of the installation of such device due to a defect in the manufacture of such device and through no fault of the occupant of the dwelling unit.

(5) keep such records as the commissioner shall prescribe relating to the installation and maintenance of smoke detecting devices in the building, *including records showing that such devices meet the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York*, and make such records available to the commissioner upon request.

b. Notwithstanding the provisions of subdivision a of section 27-2005 of article one of this subchapter and subdivision c of section 27-2006 of article one of



this subchapter, it shall be the sole duty of the occupant of each dwelling unit in a class A multiple dwelling in which a smoke detecting device has been provided and installed by the owner pursuant to the provisions of [article six of subchapter seventeen of chapter one of this title] *section 907.2 of the New York city building code or sections 27-978, 27-979, 27-980 and 27-981 of the 1968 building code* to:

(1) keep and maintain such device in good repair; and

(2) replace any and all devices which are either stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit *with a device meeting the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York.*

c. Except as otherwise provided in paragraphs three and four of subdivision a of this section *and article 312 of chapter 3 of title 28 of the administrative code of the city of New York*, an owner of a class A multiple dwelling who has provided and installed a smoke detecting device in a dwelling unit pursuant to this section shall not be required to keep and maintain such device in good repair or to replace any such device which is stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit.

d. The occupant of a dwelling unit in which a battery-operated smoke detecting device is provided and installed pursuant to this section shall reimburse the owner a maximum of [ten] *twenty-five* dollars, *or a maximum of fifty dollars where a combined smoke and carbon monoxide detecting device is installed*, for the cost of providing and installing each such device. The occupant shall have one year from the date of installation to make such reimbursement.

e. For the purposes of this section, the term “class A” multiple dwelling shall include garden-type maisonette dwellings constructed before April eighteenth, nineteen hundred fifty-four and the term “garden-type maisonette dwellings” shall be defined as any dwelling project consisting of a series of dwelling units which together and in their aggregate are arranged or designed to provide three or more apartments, and are provided as a group collectively with all essential services such as, but not limited to, house sewers and heat, and which are operated as a unit under single ownership, notwithstanding that certificates of occupancy were issued for portions thereof as private dwellings.

§2. Section 27-2046 of the administrative code of the city of New York, as added by chapter 907 of the laws of 1985, is amended to read as follows:

§ 27-2046 Duties of owner with respect to installation and maintenance of smoke detecting devices in class B multiple dwellings. It shall be the duty of the owner of a class B multiple dwelling which is required to be equipped with smoke detecting devices pursuant to [article six of subchapter seventeen of chapter one of this title] *section 907.2 of the New York city building code or sections 27-978, 27-979, 27-980 and 27-981 of the 1968 building code* to:

(1) provide and install one or more approved and operational smoke detecting devices in each dwelling unit or, in the alternative, provide and install a line-operated zoned smoke detecting system with central annunciation and central office tie-in for all public corridors and public spaces, pursuant to rules and regulations promulgated by the commissioner of buildings.

(2) keep and maintain smoke detecting devices in good repair *and replace such devices in accordance with article 312 of chapter 3 of title 28 of the administrative code of the city of New York.*

(3) replace any smoke detecting device which has been stolen, removed, missing or rendered inoperable prior to the commencement of a new occupancy of a dwelling unit, *in accordance with article 312 of chapter 3 of title 28 of the administrative code of the city of New York.*

(4) keep such records as the commissioner shall prescribe relating to the installation and maintenance of smoke detecting devices in each dwelling unit, *including records showing that such devices meet the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York*, and make such records available to the commissioner upon request.

§3. Article 12 of Chapter 3 of title 28 of the administrative code of the city of New York, as added by local law number 75 for the year 2011, is amended to read as follows:

#### ARTICLE 312

#### CARBON MONOXIDE AND SMOKE ALARMS

§ 28-312.1 *General. Required carbon monoxide and smoke alarms shall comply with the provisions of this article.*

§ 28-312.[1]2. **Periodic replacement of carbon monoxide alarms.** Carbon monoxide alarms required pursuant to section 908.7 of the New York city building code or sections 27-981.1, 27-981.2 and 27-981.3 of the 1968 building code shall be replaced when the time elapsed since the installation of such alarm exceeds the [manufacturers] *manufacturer’s* suggested useful life of the alarm.

[Exception.] **Exception:** A carbon monoxide alarm installed prior to the effective date of this article shall be replaced when the time elapsed since the installation of such alarm exceeds the [manufacturers] *manufacturer’s* suggested useful life of the alarm or within 6 months after the effective date of this article, whichever is later.

§ 28-312.[2]3. **Audible notification of expiration of useful life of carbon monoxide alarms.** All carbon monoxide alarms installed after the effective date of this article shall comply with UL 2034 and be of a type that emits an audible notification at the expiration of the useful life of such alarm.

§ 28-312.4 **Periodic replacement of smoke alarms.** *Smoke alarms required*

*pursuant to section 907.2 of the New York City building code or sections 27-978, 27-979, 27-980 and 27-981 of the 1968 building code shall be replaced when the time elapsed since the installation of such alarm exceeds the manufacturer’s suggested useful life of the alarm.*

**Exception:** *A smoke alarm installed prior to the effective date of this section and whose end of useful life is not known shall be replaced with an alarm that complies with section 28-312.5 within 7 years after the effective date of this section.*

§ 28-312.5 **Audible notification of expiration of useful life of smoke alarms.** *All smoke alarms installed after the effective date of this section shall comply with UL 217, shall employ a non-removable, non-replaceable battery that powers the alarm for a minimum of 10 years, and shall be of the type that emits an audible notification at the expiration of the useful life of the alarm.*

§4. Chapter 35 of the New York city building code is amended by adding a new standard reference number UL 217 of Underwriters Laboratories (UL) to read as follows:

**UL** Underwriters Laboratories 333 Pfingsten Road Northbrook, IL 60062-2096  
Standard reference Number Title 217-09 *Standard for Single and Multiple Station Smoke Alarms.*

§5. This local law shall take effect one hundred twenty days after enactment except that the department of housing preservation and development may promulgate rules or take other actions to implement its provisions prior to such effective date and, at any time prior to such effective date, owners may replace previously installed smoke alarms which do not conform to the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York. Such replacement smoke alarms shall comply with article 312 of chapter 3 of title 28 of the administrative code of the city of New York and the period of reimbursement pursuant to subdivision (d) of section 27-2045 of the administrative code of the city of New York by the occupant of a dwelling unit for which such replacement has occurred shall commence as of the date of such replacement.

ERIK MARTIN DILAN Chairperson; GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, JUMAANE D. WILLIAMS, ERIC A. ULRICH, JAMES S. ODDO; Committee on Housing and Buildings, November 14, 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 Land Use

Report for L.U. No. 945

**Report of the Committee on Land Use in favor of filing, pursuant to a Letter of Withdrawal, Application No. N 130274(A) ZRM submitted by the NYC Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution, concerning Article VIII, Chapter 1 (Special Midtown District), in the Borough of Manhattan, Community Districts 5 and 6, Council District 4.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 9, 2013 (Minutes, page 4183), respectfully

#### REPORTS:

#### SUBJECT

MANHATTAN CB’s - 5 and 6

N 130247(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, concerning Article VIII, Chapter 1 (Special Midtown District).

By letter dated November 12, 2013, and submitted to the City Council on November 13, 2013, the applicant withdrew the application.

#### PUBLIC HEARING

**DATE:** October 22, 2013

**Witnesses in Favor:** Thirty-eight **Witnesses Against:** Thirty-six

SUBCOMMITTEE RECOMMENDATION

**DATE:** November 13, 2013

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal by the Applicant.

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

**Against:** None      **Abstain:** None

COMMITTEE ACTION

**DATE:** November 13, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Jackson, Vann, Palma, Garodnick, Lappin, 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. 2031

**Resolution approving a motion to file pursuant to withdrawal of the application of the New City Department of City Planning, Application No. N 130247 (A) ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning Article VIII, Chapter 1 (Special Midtown District), Community Districts 5 and 6, Borough of Manhattan (L.U. No. 945).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on September 30, 2013 its decision dated September 30, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning for an amendment to the Zoning Resolution of the City of New York concerning Article VIII, Chapter 1 (Special Midtown District), which in conjunction with the related zoning map amendment would establish the East Midtown Subdistrict affecting 73 blocks within the Special Midtown District (Application No. N 130247 (A) ZRM), Community Districts 5 and 6, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to application C 130248 ZMM (L.U. No. 946), a zoning map amendment that would change an existing C5-2 District to C5-2.5 and C5-3 Districts, and establish a Special Midtown District within the proposed C5-2.5 and C5-3 Districts, in the area bounded by East 43rd Street, Second Avenue, East 42<sup>nd</sup> Street, and a line 200 feet easterly of Third Avenue;

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

**WHEREAS**, by submission dated November 12, 2013 and submitted to the Council on November 13, 2013, the New York City Department of City Planning withdrew the Application.

**RESOLVED:**

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, November 13, 2013.

Coupled to Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 946

**Report of the Committee on Land Use in favor of filing, pursuant to a Letter of Withdrawal, Application No. C 130248 ZMM submitted by the NYC**

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 No. 8d, changing an existing C5-2 District to C5-2.5 and C5-3 Districts, and establish a Special Midtown District within the proposed C5-2.5 and C5-3 Districts, in the area bounded by East 43rd Street, Second Avenue, East 42nd Street, and a line 200 feet easterly of Third Avenue, in the Borough of Manhattan, Community Districts 5 and 6, Council District 4.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 9, 2013 (Minutes, page 4183), respectfully

**REPORTS:**SUBJECT

MANHATTAN CB - 6

C 130248 ZMM

City Planning Commission decision approving an application submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 8d:

1. changing from a C5-2 District to a C5-2.5 District property bounded by East 43rd Street, a line 100 feet westerly of Second Avenue, a line midway between East 43rd Street and East 42nd Street, and a line 200 feet easterly of Third Avenue;
2. changing from a C5-2 District to a C5-3 District property bounded by East 43rd Street, Second Avenue, East 42nd Street, a line 200 feet easterly of Third Avenue, a line midway between East 43rd Street and East 42nd Street, and a line 100 feet westerly of Second Avenue; and
3. establishing a Special Midtown District (MiD) bounded by East 43rd Street, Second Avenue, East 42nd Street, and a line 200 feet easterly of Third Avenue

as shown in a diagram (for illustrative purposes only) dated April 22, 2013, and subject to the conditions of CEQR Declaration E-310.

By letter dated November 12, 2013, and submitted to the City Council on November 13, 2013, the applicant withdrew the application.

PUBLIC HEARING

**DATE:** October 22, 2013

**Witnesses in Favor:** Thirty-eight      **Witnesses Against:** Thirty-six

SUBCOMMITTEE RECOMMENDATION

**DATE:** November 13, 2013

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal by the Applicant.

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

**Against:** None      **Abstain:** None

COMMITTEE ACTION

**DATE:** November 13, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Jackson, Vann, Palma, Garodnick, Lappin, 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. 2032

**Resolution approving a motion to file pursuant to withdrawal of the application of the New York City Department of City Planning, ULURP No. C 130248 ZMM, a Zoning Map amendment (L.U. No. 946).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on September 30, 2013 its decision dated September 30, 2013 (the "Decision"), on the application submitted by the New York City 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 No. 8d, which in conjunction with the related text amendment is intended to establish the East Midtown Subdistrict affecting 73 blocks within the Special Midtown District in Manhattan's Community Districts 5 and 6, Community District 6, (ULURP No. C 130248 ZMM), Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to application C 130247 (A) ZRM (L.U. No. 945), a zoning text amendment concerning Article XIII, Chapter 1 (Special Midtown District);

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

**WHEREAS**, by submission dated November 12, 2013 and submitted to the Council on November 13, 2013, the New York City Department of City Planning withdrew the Application.

**RESOLVED:**

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, November 13, 2013.

Coupled to Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 954

**Report of the Committee on Land Use in favor of approving Application No. C 130272 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area Project for, and approval of the disposition of, property located at 2135-2139 Adam Clayton Powell Jr. Boulevard, Borough of Manhattan, Community District 10, 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 197-c of the New York City Charter.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 30, 2013 (Minutes, page 4528), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 10                      C 130272 HAM**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a. the designation of property located at 2135-2139 Adam Clayton Powell Jr. Boulevard (Block 1911; Lots 61 and 62), as an Urban Development Action Area; and
  - b. an Urban Development Action Area Project for such area; and

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

to facilitate the development of a ten-story mixed-use building, tentatively known as Harlem Dowling, with approximately 60 residential units and community facility use.

**INTENT**

This urban development action area designation, disposition and project approval along with its related zoning map amendment would facilitate the development of a ten-story mixed-use building, tentatively known as Harlem Dowling, with approximately 60 residential units and community facility space.

**PUBLIC HEARING**

**DATE:** November 12, 2013

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

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 12, 2013

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

**In Favor:** Levin, Dickens, Koo  
**Against:** None                      **Abstain:** None

**COMMITTEE ACTION**

**DATE:** November 13, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Jackson, Vann, Palma, Garodnick, Lappin, 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. 2033

**Resolution approving the application submitted by the NYC Department of Housing Preservation and Development ("HPD") and the decision of the City Planning Commission, ULURP No. C 130272 HAM, approving the designation of property located at 2135-2139 Adam Clayton Powell Jr. Boulevard (Block 1911; Lots 61 and 62), Borough of Manhattan, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such properties to a developer selected by HPD (L.U. No. 954; C 130272 HAM).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on October 11, 2013 its decision dated October 9, 2013 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of properties located at 2135-2139 Adam Clayton Powell Jr. Boulevard (Block 1911; Lots 61 and 62), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate the development of a ten-story mixed-use building, tentatively known as Harlem Dowling, with approximately 60 residential units and community facility use, (the "Disposition"), Community District 10, Borough of Manhattan (ULURP No. C 130272 HAM) (the "Application");

**WHEREAS**, the Application is related to Application C 130271 ZMM (L.U. No. 955), an amendment to the Zoning Map to change from an existing R7-2 district to an R8A district;

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

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

**WHEREAS**, by letter dated October 7, 2013 and submitted October 17, 2013, the New York City Department of Housing Preservation and Development (HPD) submitted its requests respecting the Application;

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

**WHEREAS**, the Council has considered the relevant environmental issues and the negative declaration (CEQR No. 07HPD027M) issued on May 6, 2013 which included (E) designations (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 of the New York City Charter, based on the environmental determination and the consideration described in the report (C 130272 HAM) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

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

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

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary, a copy of which is attached hereto and made a part hereof.

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

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

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, November 13, 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. 955

**Report of the Committee on Land Use in favor of approving Application No. C 130271 ZMM submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, changing from an R7-2 District to and R8A District property bounded by West 127th Street, a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard, West 126th Street, and Adam Clayton Powell Jr. Boulevard, in the Borough of Manhattan, Community District 10, Council District 9.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 30, 2013 (Minutes, page 4529), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 10**

**C 130271 ZMM**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, changing from an R7-2 District to an R8A District property bounded by West 127<sup>th</sup> Street, a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard, West 126<sup>th</sup> Street, and Adam Clayton Powell Jr. Boulevard, as shown on a diagram (for illustrative purposes only) dated May 20, 2013, and subject to the conditions of CEQR Declaration E-313.

**INTENT**

This zoning map amendment along with its related urban development action area designation, disposition and project approval action would facilitate the development of a ten-story mixed-use building, tentatively known as Harlem Dowling, with approximately 60 residential units and community facility space.

**PUBLIC HEARING**

**DATE:** November 12, 2013

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 12, 2013

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

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

**Against:** None

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** November 13, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Jackson, Vann, Palma, Garodnick, Lappin, 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. 2034

**Resolution approving the decision of the City Planning Commission on ULURP No. C 130271 ZMM, a Zoning Map amendment (L.U. No. 955).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on October 11, 2013 its decision dated October 9, 2013 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 6a, to rezone an existing R7-2 district to an R8A district, which along with the other related action would facilitate the development of a ten-story mixed-use building, tentatively known as Harlem Dowling, with approximately 60 residential units and community facility use, in Community District 10, (ULURP No. C 130271 ZMM), Borough of Manhattan (the "Application");

**WHEREAS**, the application is related to Application C 130272 HAM (L.U. No. 954), designation of an Urban Development Action Area and Project, and disposition of city-owned property;

**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 November 12, 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. 07HPD027M) issued on May 6, 2013 which included (E) designations (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 130271 ZMM, 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. 6a, changing from an R7-2 District to an R8A District property bounded by West 127<sup>th</sup> Street, a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard, West 126<sup>th</sup> Street, and Adam Clayton Powell Jr. Boulevard, as shown on a diagram (for illustrative purposes only) dated May 20, 2013, and subject to the conditions of CEQR Declaration E-313, Community District 10, Borough of Manhattan.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, November 13, 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. 956

**Report of the Committee on Land Use in favor of disapproving Application No. C 130266 PPK submitted by the NYC Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of two city-owned properties located on Block 6037, Lot 102 and Block 6339, Lot 164, in the Borough of Brooklyn, Community District 10, Council District 43. 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.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 30, 2013 (Minutes, page 4529), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 10**

**C 130266 PPK**

City Planning Commission decision approving an application submitted by the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of two (2) city-owned properties located on Block 6037, Lot 102 and Block 6339, Lot 164, pursuant to zoning.

**INTENT**

To allow for the sale of two city-owned properties pursuant to zoning.

**PUBLIC HEARING**

**DATE:** November 12, 2013

**Witnesses in Favor:** One

**Witnesses Against:** Two

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 12, 2013

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

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

**Against:** None      **Abstain:** None

**COMMITTEE ACTION**

**DATE:** November 13, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Jackson, Vann, Palma, Garodnick, Lappin, 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. 2035

**Resolution disapproving the decision of the City Planning Commission on ULURP No. C 130266 PPK, for the disposition of two (2) city-owned properties located on Block 6037, Lot 102 and Block 6339, Lot 164, pursuant to zoning, Borough of Brooklyn (L.U. No. 956).**

By Council Members Comrie and Levin.

**WHEREAS**, the City Planning Commission filed with the Council on October 11, 2013 its decision dated October 9, 2013 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Citywide Administrative Services (DCAS), for the disposition of two (2) city-owned properties located on Block 6037, Lot 102 and Block 6339, Lot 164, pursuant to zoning (Application No. C 130266 PPK), Community District 10, Borough of Brooklyn (the "Application");

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the New York City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on November 12, 2013;

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

**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 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, C 130266 PPK, incorporated by reference herein, the Council disapproves the Decision.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, November 13, 2013.

Coupled to be Disapproved.

Report for L.U. No. 957

**Report of the Committee on Land Use in favor of approving Application no. 20145153 HAX submitted by the New York City Department of Housing Preservation and Development for an exemption from real property taxation, termination of the prior exemption and voluntary dissolution of current owner for properties located on Block 3125, Lots 9, 12 & 14, Block 3128, Lots 9, 13, 29 & 32, Block 3129, Lot 29, Block 3133, Lot 13, Block 3134, Lot 1, in the Borough of the Bronx, Community District 6, Council**

**District 15. 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 October 30, 2013 (Minutes, page 4529), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 6**

**20145153 HAX**

Application submitted by the New York City Department of Housing Preservation and Development for an exemption from real property taxation, termination of the prior exemption and voluntary dissolution of current owner for properties located on Block 3125, Lots 9, 12 & 14, Block 3128, Lots 9, 13, 29 & 32, Block 3129, Lot 29, Block 3133, Lot 13, Block 3134, Lot 1, in the Borough of the Bronx, Community District 6, Council District 15. 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 an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law for multiple dwellings that will provide housing for low-income families.

**PUBLIC HEARING**

**DATE:** November 12, 2013

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 12, 2013

**The Subcommittee recommends that the Land Use Committee approve the tax exemption for the Exemption Area.**

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

**Against:** None      **Abstain:** None

**COMMITTEE ACTION**

**DATE:** November 13, 2013

The Committee recommends that the Council approve the attached resolution.

**In Favor:** Comrie, Rivera, Reyna, Jackson, Vann, Palma, Garodnick, Lappin, 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. 2036

**Resolution to approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), terminate a prior exemption under PHFL Section 125, consent to the voluntary dissolution of the prior owner under PHFL 123(4), and approve the conveyance to a new owner for the Exemption Area located on Block 3125, Lots 9, 12, and 14; Block 3128, Lots 9, 13, 29, and 32; Block 3129, Lot 29; Block 3133, Lot 13; and Block 3134, Lot 1, Borough of the Bronx (L.U. No. 957; 20145153 HAX).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 10, 2013 its request dated October 7, 2013 that the Council take the following actions regarding a tax exemption for real property located on Block 3125, Lots 9, 12, and 14; Block 3128, Lots 9, 13, 29, and 32; Block 3129, Lot 29; Block 3133, Lot 13; and Block 3134, Lot 1, Community District 6, Borough of the Bronx (the "Exemption Area");

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

Terminate, pursuant to PHFL Section 125, a prior exemption for the Exemption Area;

Approve the conveyance of the Exemption Area from the current owner to the new owner; and

Consent to, pursuant to PHFL Section 123(4), the voluntary dissolution of the current owner;

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on November 12, 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 the 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) "Current Owner" shall mean Daly II Associates and Daly III Associates.

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

(3) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3125, Lots 9, 12, and 14; Block 3128, Lots 9, 13, 29, and 32; Block 3129, Lot 29; Block 3133, Lot 13; and Block 3134, Lot 1 on the Tax Map of the City of New York.

(4) "Expiration Date" shall mean the earlier to occur of (i) a date which is 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.

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

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

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

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

(9) "New Owner" shall mean, collectively, the HDFC and the Partnership.

(10) "Partnership" shall mean Daly IV Associates L.P.

(11) "Prior Exemption" shall mean the exemption of the Exemption Area from real property taxation pursuant to Section 125 of the PHFL approved by the Board of Estimate on December 1, 1977, Cal. No. 29, as to Block 3125, Lots 9, 12, and 14, and Block 3128, Lots 9, 13, 29, and 32, and on December 1, 1977, Cal. No. 30, as to Block 3129, Lot 29; Block 3133, Lot 13; and Block 3134, Lot 1.

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

(13) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the New Owner providing that, for the term of thirty-two (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.

(14) "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.

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

b. All of the value of the property, including both the land and the 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 annual 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 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.

d. Notwithstanding any provision hereof to the contrary:

(1) The New Exemption shall terminate if HPD determines 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 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, 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.

2. 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.

3. The Council approves the conveyance of the Exemption Area from the Current Owner to the New Owner.

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

5. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, November 13, 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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 976

**Report of the Committee on Land Use in favor of approving Application No. 20145162 SCQ pursuant to Section 1732 of the New York City School Construction Authority Act, concerning the proposed site selection for a new, approximately 456-seat primary school facility, located on the north side of 48th Avenue between 210th and 211th Streets in Bayside (Block 7327, Lots 28, 38, 39, and 49), Borough of Queens, Community 11, Council District 19.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 14, 2013, respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 11**

**20145162 SCQ**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 456-Seat Primary School Facility to be located at 210-07 48<sup>th</sup> Avenue (Block 7327, Lots 28, 38, 39 and 49), in the Bayside section of Queens, Community School District No. 26.

**INTENT**

To facilitate construction of a new, approximately 456-Seat Primary School facility in order to address overcrowding in Community School District 26.

**PUBLIC HEARING**

**DATE:** November 12, 2013

**Witnesses in Favor:** Four

**Witnesses Against:** Two

**COMMITTEE ACTION**

**DATE:** November 13, 2013

Pursuant to Council Rule 11.10 (e), the Chair of the Land Use Committee called up Application No. 20145162 SCQ from the Subcommittee on Landmarks, Public Siting and Maritime Uses to the Committee. The Committee recommends that the Council approve the attached resolution which approves the Site Plan.

**In Favor:** Comrie, Rivera, Reyna, Jackson, Vann, Palma, Garodnick, Lappin, Koo, Lander, Levin, Williams, Wills, Ignizio  
**Against:** Weprin **Abstain:** None

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

Res. No. 2037

**Resolution approving the site plan for a new, approximately 456-Seat Primary School Facility to be located at 210-07 48<sup>th</sup> Avenue (Block 7327, Lots 28, 38, 39 and 49), Community School District 26, Borough of Queens (Non-ULURP No. 20145162 SCQ; Preconsidered L.U. No. 976).**

By Council Members Comrie and Lander.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on November 6, 2013, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 456-Seat Primary School Facility to be located at 210-07 48<sup>th</sup> Avenue (Block 7327, Lots 28, 38, 39 and 49) in the Bayside section of Queens, Community Board No. 11, Borough of Queens, Community School District No. 26 (the "Site Plan");

**WHEREAS**, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on November 12, 2013;

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration issued on July 16, 2013 (SEQR Project Number 14-001); and

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

**RESOLVED:**

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

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, November 13, 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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 977

**Report of the Committee on Land Use in favor of approving Application No. 20135772 SCX pursuant to Section 1732 of the New York City School Construction Authority Act, concerning the proposed site selection for a new, approximately 379-seat primary school 1024-1036 White Plains Road (Block 3733, Lots 5, 7 and 9), Borough of Bronx, Community Board 9, Council District 18.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 14, 2013, respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 09**

**20135772 SCX**

Application pursuant to Section 1732 of the New York City School Construction Authority Act, concerning the proposed site selection for a new, approximately 379-seat primary school facility, known as P.S. 317, located at 1024-1036 White Plains Road (Tax Block 3733, Tax Lots 5, 7 and 9), Borough of the Bronx, Community School District No. 8.

**INTENT**

To construct a new, approximately 379-seat primary school facility to accommodate students in Community School District 8 in the Borough of the Bronx.

**PUBLIC HEARING**

**DATE:** November 12, 2013

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 12, 2013

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

**In Favor:** Lander, Palma, Williams

**Against:** None

**Abstain:** None

**COMMITTEE ACTION**

**DATE:** November 13, 2013

The Committee recommends that the Council approve the attached resolution.

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

**Against:** None

**Abstain:** None

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

Res. No. 2038

**Resolution approving the site plan for a new, approximately 379-Seat Primary School Facility, known as P.S. 317), to be located at 1024-1036 White Plains Road (Tax Block 3733, Tax Lots 5, 7 and 9), Community School District 8, Community District 9, Borough of the Bronx (Non-ULURP No. 20135772 SCX; Preconsidered L.U. No. 977).**

By Council Members Comrie and Lander.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on November 6, 2013, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 379-seat primary school facility, known as P.S. 317, Bronx, to be located at 1024-1036 White Plains Road (Tax Block 3733, Tax Lots 5, 7 and 9), Community District 9, Borough of the Bronx, Community School District No. 8 (the "Site Plan");

**WHEREAS**, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on November 12, 2013;

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration issued on October 23, 2013 (SEQR Project Number 14-003); and

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

**RESOLVED:**

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

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, RUBEN WILLS, VINCENT M. IGNIZIO; Committee on Land Use, November 13, 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. 1011

**Report of the Committee on Parks and Recreation in favor of approving and adopting a Local Law in relation to renaming one thoroughfare in the**

**Borough of Queens, Tuskegee Airmen Way, and to amend the official map of the city of New York accordingly.**

The Committee on Parks and Recreation, to which the annexed local law was referred on February 27, 2013 (Minutes, page 449), respectfully

**REPORTS:**

**INTRODUCTION**

The Committee on Parks and Recreation will hold a hearing on November 13, 2013 to consider Int. No. 1011, A Local Law in relation to renaming one thoroughfare in the Borough of Queens, Tuskegee Airmen Way, and to amend the official map of the city of New York accordingly. The Committee first considered Int. No. 1011 on October 3, 2013.

**BACKGROUND**

Int. No. 1011 would permanently change the name “South Road” between the limits of “Merrick Boulevard to Remington Street” to “Tuskegee Airmen Way” in the Borough of Queens, and would amend the New York City Map accordingly.

**THE TUSKEGEE AIRMEN**

The Tuskegee Airmen were African American pilots who fought in World War II and were the first African American military aviators in the United States Armed Forces. Formally, they formed the 332<sup>nd</sup> Fighter Group and the 477<sup>th</sup> Bombardment Group of the United States Army Air Corps.<sup>1</sup> In spring 1944, the 332<sup>nd</sup> Fighter Group were sent overseas with the 100<sup>th</sup>, 301<sup>st</sup> and 302<sup>nd</sup> fighter squadrons. The 332<sup>nd</sup> Fighter Group escorted the Fifteenth Air Force heavy strategic bombing raids into Czechoslovakia, Austria, Hungary, Poland and Germany. These assignments marked the first aerial combat missions ever carried out by African American pilots.

In total, 996 pilots<sup>2</sup> were trained at Tuskegee Army Air Field in Tuskegee, Alabama, from 1941 to 1946 with approximately 445 men deployed overseas.<sup>3</sup> The Tuskegee Airmen had an impressive combat record earning the name Red Tails or Red-Tail Angels because of the distinctive red paint predominately applied on the tail section of their aircrafts. 150 Tuskegee Airmen lost their lives in accidents or combat including 66 pilots killed in action or accidents<sup>4</sup> and 32 fallen into captivity as prisoners of war.

The Tuskegee Airmen were credited with 15,533 combat sorties and 1578 missions flown. The 332<sup>nd</sup> Fighter Group shot down 112 enemy aircraft in the air, destroyed over 600 railcars, trucks, and other motor vehicles, sunk one destroyer and 40 boats by P-47 machine gun fire and had a nearly perfect record of not losing United States bombers.<sup>5</sup> The Tuskegee Airmen received numerous awards and decorations for valor and performance including the Congressional Gold Medal in 2007.<sup>6</sup>

The Tuskegee Airmen have been recognized for helping spur the desegregation of the United States Military and their contributions during the civil rights movement. Surviving members of the 332<sup>nd</sup> Fighter Group still take part in educating and inspiring youth at the Queens Library Center in Jamaica and at York College. In 2007, as part of the College Now summer program, which taught approximately 80 students subjects including Astronomy, Fine Arts, Music, Aviation and Psychology, nine Tuskegee Airmen were present at the award ceremony to encourage and inspire the program’s participants.<sup>7</sup>

In 2009, York College opened an exhibition dedicated to the Tuskegee Airmen in the school’s Performing Arts Center consisting of photographs, a replica of the Congressional Gold Medal awarded to the Airmen in 2007, a replica of the P-51 Mustang with its distinctive “Red Tail,” and a life-sized statue of a Tuskegee Airmen.<sup>8</sup> Several Tuskegee Airmen were present for the opening and spoke to a group of students about their accomplishments during World War II.<sup>9</sup>

This bill is supported by the New York City Fire Department, the New York City Police Department and local elected officials.

<sup>1</sup> See, National Museum of the United States Air Force, Tuskegee Airmen, <http://www.nationalmuseum.af.mil/factsheets/factsheet.asp?id=15472>

<sup>2</sup> See, [http://tuskegees.org/?page\\_id=42](http://tuskegees.org/?page_id=42)

<sup>3</sup> See, National Museum of the United States Air Force, Tuskegee Airmen, [http://www.nationalmuseum.af.mil/factsheets/factsheet\\_print.asp?fsID=15471&page=2](http://www.nationalmuseum.af.mil/factsheets/factsheet_print.asp?fsID=15471&page=2)

<sup>4</sup> [http://tuskegees.org/?wp\\_super\\_faq=how-many-died-in-combat&doing\\_wp\\_cron=1380582532.3852500915527343750000](http://tuskegees.org/?wp_super_faq=how-many-died-in-combat&doing_wp_cron=1380582532.3852500915527343750000)

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

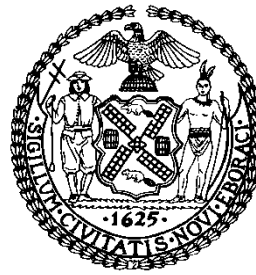
<sup>6</sup> See, Associated Press, “Tuskegee Airmen Awarded Congressional Gold Medal,” March 29, 2007.

<sup>7</sup> See, York College website, <http://york.cuny.edu/president/gallery/tuskegee-airmen/historical-tuskegee-airmen-visit-york-college>.

<sup>8</sup> Junior Lops, “Tuskegee Men Visit York to Open Exhibit,” *Queens Chronicle*, April 23, 2009.

<sup>9</sup> See, York College website, <http://york.cuny.edu/news/an-evening-to-remember-at-york-college>.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1011:)**



THE COUNCIL OF THE CITY OF  
NEW YORK  
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR  
JEFFREY RODUS, FIRST DEPUTY  
DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO: 1011

COMMITTEE:  
Parks

**TITLE:** A Local Law in relation to renaming one thoroughfare in the Borough of Queens, Tuskegee Airmen Way, and to amend the official map of the city of New York accordingly.

**SPONSOR(S):** By Council Members Wills, Chin, Comrie, Dickens, Eugene, James, Koppell, Lander, Mealy, Mendez, Nelson, Palma, Williams, Rodriguez, Mark-Viverito, Vacca and Halloran

In relation to the renaming of one thoroughfare in the Borough of Queens Tuskegee Airmen Way, and to amend the official map of the city of New York accordingly.

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

New Name	Present Name	Limits
Tuskegee Airmen Way	South Road	Between Merrick Boulevard and Remington Street

**EFFECTIVE DATE:** This local law would take effect immediately upon its enactment into law.

**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	\$3,600	\$0	\$3,600
Net	\$3,600	\$0	\$3,600

**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 56 signs at \$37.50 each and an additional \$1,500 for the installation of these signs. The total cost of enacting this legislation would be approximately \$3,600.

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

**SOURCE OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Chima Obichere, Unit Head

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

**LEGISLATIVE HISTORY:** This legislation was introduced as intro. 1011 by Council and referred to the Committee on Parks and Recreation on February 27, 2013. Hearing was held and the legislation laid over by the Committee on October 3, 2013. Int. 1011 will be re-considered by the Committee on November 13, 2013 and upon a successful vote, the bill would be submitted to the full Council for a vote.

**Fiscal Impact Schedule**

New Name	Number of Signs	Cost	Installation (street signs only)	Total Cost
Prospect Avenue	56	2,100	1,500	3,600
<b>TOTAL</b>	<b>56</b>	<b>\$2,100</b>	<b>\$1,500</b>	<b>\$3,600</b>

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1011:)

Int. No. 1011

By Council Members Wills, Chin, Comrie, Dickens, Eugene, James, Koppell, Lander, Mealy, Mendez, Nelson, Palma, Williams, Rodriguez, Mark-Viverito, Vacca, Gentile, Van Bramer, Barron, Brewer and Halloran.

**A Local Law in relation to renaming one thoroughfare in the Borough of Queens, Tuskegee Airmen Way, and to amend the official map of the city of New York accordingly.**

Be it enacted by the Council as follows:

Section 1. The following street name, in the Borough of Queens, is hereby renamed as hereafter indicated.

New Name	Present Name	Limits
Tuskegee Airmen Way	South Road	Between Merrick Boulevard and Remington Street

§2. The official map of the city of New York shall be amended in accordance with the provisions of section one of this local law.

§3. This local law shall take effect immediately.

MELISSA MARK-VIVERITO, Chairperson; VINCENT J. GENTILE, JAMES VACCA, ELIZABETH S. CROWLEY, DANIEL DROMM, JAMES G. VAN BRAMER; Committee on Parks and Recreation, November 13, 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 Technology**

Report for Int. No. 132-A

**Report of the Committee on Technology in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to requiring that all public meetings be webcast.**

The Committee on Technology, to which the annexed proposed amended local law was referred on April 14, 2010 (Minutes, page 1233), respectfully

**REPORTS:**

**1. INTRODUCTION**

On Thursday, November 14, 2013, at 9:30 a.m., the Committee on Technology, chaired by Council Member Fernando Cabrera, will vote on Proposed Int. No. 132-A. This bill would require that all public meetings subject to Article Seven of the Public Officers Law be webcast.

**2. WEBCASTING**

Webcasting is the distribution of video and audio via the Internet to any Internet-connected personal computer or video-capable device. Webcasting is similar to broadcasting (transmission of video and audio via radio waves) and cablecasting

(transmission of video and audio via cable), differing only in the technology used to deliver video and audio and the means of transmission. Because video and audio require a huge amount of data, and because many Internet connections have limited bandwidth available and/or high network latency<sup>1</sup> webcasts are compressed and encoded using complicated mathematical algorithms known as codecs.<sup>2</sup> Compressed files are much smaller and take less time to transmit via the Internet. Furthermore, most webcasts make use of streaming media technology to deliver video and audio to the user which begins playback before the file has been completely transferred. Webcasts can be live (with a short delay) or archived online and made available on-demand and may even be saved locally by personal computer for playback at a later time without the need for an Internet connection.

**3. EXECUTIVE ORDER NUMBER 3**

On January 1, 2007 former New York Governor Elliot Spitzer issued Executive Order No. 3 (“the Order”), which requires all meetings of State agencies and public authorities subject to the Open Meetings Law to be broadcast on the Internet through the use of webcasting no later than July 1, 2007.<sup>3</sup> This webcasting is intended to inform the public of the activities involved in decision making by allowing citizens to observe meetings that are open to the public by use of the Internet. The Order includes in the definition of a State agency all departments, offices, boards, commissions, and any other instrumentality of the State.<sup>4</sup> In addition, the Order requires that all governmental entities that are subject to the provisions of the Open Meetings Law submit a report to the Secretary to the Governor by December 31, 2007 that identifies the number of meetings webcast that year and a summary of comments received from the public about such broadcasts. On June 18, 2008, former Governor Paterson signed Executive Order No. 9 which ordered the continuation of Executive Order No. 3, along with others.<sup>5</sup> On January 1, 2011, Governor Andrew Cuomo signed Executive Order No. 2 which ordered the continuation of Executive Order No. 3, along with others.<sup>6</sup>

The Chief Information Officer/Office for Technology (CIO/OFT), the Office of General Services, and the Department of State have worked jointly to help State agencies implement Executive Order 3, including the creation of a Best Practices Guideline<sup>7</sup> and a Mandatory Technology Standard.<sup>8</sup> New York State maintains an Internet portal that allows visitors to view a list of New York State agency and authority webcasts.<sup>9</sup> The State webcast portal permits visitors to search webcasts by date or by agency.

**4. ADVANTAGES OF MUNICIPAL WEBCASTING**

There are many advantages associated with municipal webcasting of open meetings. First, webcasting increases public access to government. Webcasting and archival video on-demand permits persons who cannot attend a meeting, whether due to other obligations, travel restrictions, inclement weather, physical disability, infirmity, or simply lack of space in the meeting venue, to stay informed about the actions of their local government. Second, archival video on-demand allows persons to have complete access to full government meetings according to their own schedules and at no cost,<sup>10</sup> which may result in increased transparency and community involvement. Third, webcasting and archival video permits those persons interested in the proceedings, but who do not wish to actively participate, to save travel time or money. Finally, webcasting enhances a municipality’s image as open, accountable, and technologically forward.

Hundreds of municipalities in the United States offer webcasting and archival video on-demand of their meetings. Most significantly, the New York City Council webcasts all of its public committee hearings, as well as its “stated meetings” at which the entire Council meets.

**5. PROPOSED INTRO. NO. 132-A**

Section one of Int. No. 132-A amends section 1063 of chapter 47 of the New York City Charter by adding a new subdivision (d). Subdivision (d) requires all City agencies, committees, commissions, task forces, and the City Council to record their open meetings in digital video format and webcast the meeting live where practicable. Recordings shall be archived and made available to the public on the City’s website, or, in the case of the council, on the council’s website not more than 72 hours after the adjournment of the meeting or hearing recorded.

Section two of Int. No. 132-A provides that this local law shall take ninety days after its enactment.

**6. CHANGES TO PROPOSED INT. NO. 132-A**

The changes made to Proposed Int. No. 132-A include the following:

- Language was added specifically excluding community boards and local school boards.
- Language was added allowing agencies, committees, commissions, and task forces to make the recordings available on their websites or the city’s website.

<sup>1</sup> Latency is the delay between the transmission and reception of information.

<sup>2</sup> Codec stands for compression/decompression algorithm. Many codecs are available to the public for free, but high quality codecs are often only available commercially.

<sup>3</sup> Governor Eliot Spitzer, “Executive Order No. 3: Promotion of Public Access to Government Decisionmaking,” January 1, 2007, available at [http://www.governor.ny.gov/archive/spitzer/executiveorders/eo\\_3.html](http://www.governor.ny.gov/archive/spitzer/executiveorders/eo_3.html).

<sup>4</sup> *Id.*

<sup>5</sup> Governor David A. Paterson, “Executive Order No. 9: Review, Continuation, and Expiration of Prior Executive Orders,” June 18, 2008, available at [http://www.governor.ny.gov/archive/paterson/executiveorders/eo\\_9.html](http://www.governor.ny.gov/archive/paterson/executiveorders/eo_9.html).

<sup>6</sup> Governor Andrew Cuomo, “Executive Order No. 2: Review, Continuation and Expiration of Prior Executive Orders,” January 1, 2011, available at <http://www.governor.ny.gov/executiveorder/2>.

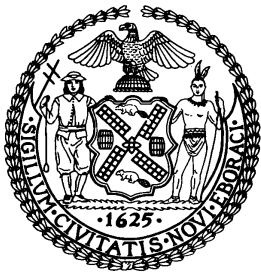
<sup>7</sup> New York State Chief Information Officer/Office for Technology, Best Practice Guideline G07-002, Webcasting Open Meetings, available at <http://www.cio.ny.gov/policy/G07-002/G07-002.pdf>.

<sup>8</sup> New York State Chief Information Officer/Office for Technology, NYC Mandatory Technology Standard S07-001, Webcasting Open Meetings, available at <http://www.cio.ny.gov/policy/S07-001/S07-001.pdf>.

<sup>9</sup> This portal is available at <http://www.nysegov.com/webcast.cfm>

<sup>10</sup> Transcripts of City Council meetings are available at the City Clerk’s Office for a flat fee of \$20 for an electronic version or \$1 per page for a print version. The minutes of some City agency meetings are available at <http://www.nyc.gov>.

(The following is the text of the Fiscal Impact Statement for Int. No. 132-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. 132-A  
COMMITTEE:  
Technology

**TITLE:** A Local Law to amend the New York city charter, in relation to requiring that all public meetings be webcast.

**SPONSORS:** By Council Members Brewer, Dromm, Ferreras, James, Koppell, Lander, Mark-Viverito, Palma, Reyna, Rodriguez, Rose, Van Bramer, Williams, Garodnick, Foster, Vacca, Jackson and Halloran

**SUMMARY OF LEGISLATION:** Proposed Int. No. 132-A would require that all City agencies, committees, commissions, task forces, and the City Council record their open meetings in digital video format and webcast the meeting live where practicable. Recordings shall be archived and made available to the public on the City’s website, or, in the case of the council, on the council’s website not more than 72 hours after the adjournment of the meeting or hearing recorded.

**EFFECTIVE DATE:** This local law would take effect ninety days after its enactment.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2015

**FISCAL IMPACT STATEMENT:**

	Effective FY14	FY Succeeding Effective FY15	Full Fiscal Impact FY15
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$230,000	\$100,000	\$100,000
Net	\$230,000	\$100,000	\$100,000

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

**IMPACT ON EXPENDITURES:** Based on the review of the various funding requirements, the implementation of this legislation would require \$180,000 for initial one-time expenses for equipment and training for the approximately 18 City entities that do not currently webcast open meetings. The annual expense to webcast

these public meetings would require additional baseline funding of \$100,000. Because this legislation would go into effect midway through the fiscal year, the fiscal 2014 expenses, including start-up costs, would total \$230,000.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** John Russell, Principal Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Latonia Mckinney, Deputy Director, and Tanisha Edwards, Finance Counsel

**HISTORY:** This legislation was introduced to the full Council on April 14, 2010 as Intro. 132 and referred to the Committee on Technology. On April 29 2013, the Committee on Technology held a hearing on Intro. 132 and the legislation was laid over. An amended version of the legislation, Proposed Intro. 132-A, will be considered by the Committee on November 14, 2013, and upon successful vote of the Committee, Proposed Intro. 132-A will be submitted to the Full Council for a vote.

*Accordingly, this Committee recommends its adoption.*

(The following is the text of Int. No. 132-A:)

Int. No. 132-A

By Council Members Brewer, Dromm, Ferreras, James, Koppell, Lander, Mark-Viverito, Palma, Reyna, Rodriguez, Rose, Van Bramer, Williams, Garodnick, Vacca, Jackson, Gentile, Lappin, Barron, Greenfield and Halloran.

**A Local Law to amend the New York city charter, in relation to requiring that all public meetings be webcast.**

*Be it enacted by the Council as follows:*

Section 1. Section 1063 of the New York city charter is amended by adding a new subdivision d to read as follows:

*d. Each city agency, committee, commission and task force and the council shall record or cause to be recorded in digital video format its meetings and hearings, or portions thereof, that are required to be public pursuant to article seven of the public officers law, provided that this section shall not apply to community boards or local school boards. Such recordings shall be webcast live, where practicable, and shall be archived and made available to the public on the city’s website or on the website of such agency, committee, commission, task force, or council, not more than seventy-two hours after adjournment of the meeting or hearing recorded.*

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

FERNANDO CABRERA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, MARK S. WEPRIN; Committee on Technology, November 13, 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 Transportation**

Report for Int. No. 234-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 the taxi and limousine commission advisory board.**

The Committee on Transportation, to which the annexed proposed amended local law was referred on May 12, 2010 (Minutes, page 1713), respectfully

**REPORTS:**

**INTRODUCTION**

On November 13, 2013, the Committee on Transportation, chaired by Council Member James Vacca, held a hearing on Int. No. 234-A, a Local Law to amend the Administrative Code of the City of New York, in relation to the Taxi and Limousine Commission advisory board. This was the third hearing on this bill. The first hearing was held on May 24, 2010 and the second hearing was held on March 1,



2012. At the first two hearings the Committee heard testimony from representatives of the New York City Taxi and Limousine Commission (“TLC”) and other interested stakeholders and community members.

### BACKGROUND

The TLC was created in 1971 to handle the licensing and regulation of New York City’s medallion taxicabs, for-hire vehicles, commuter vans, paratransit vehicles (ambulettes) and luxury limousines.<sup>1</sup> The TLC oversees nearly 50,000 vehicles, 100,000 drivers, and more than 13,000 medallion taxicabs and it also inspects the medallion taxicabs for safety and emissions and holds hearings regarding violations of its rules and regulations.<sup>2</sup>

### Advisory Boards

Section 19-520 of the Administrative Code of the City of New York authorized the creation of several advisory boards to the TLC: a fifteen member advisory board, an advisory board for the transportation of the disabled, a livery advisory board, and an advisory board for drivers.<sup>3</sup> The fifteen member advisory board is required to include one member representing the taxi industry, labor, the commissioner of transportation, the commissioner of consumer affairs, the police commissioner, the director of the bureau of franchises, owner-drivers of taxis, the coach and limousine service industry, the private livery industry, the chairperson of the consumer affairs committee and the finance committee of the council and five members of the general public, one from each of the boroughs of the city.<sup>4</sup>

The advisory board for the transportation of persons with disabilities advises the TLC about fees, safety regulations and any other matters concerning wheelchair accessible vans and transportation services for the disabled.<sup>5</sup> There are supposed to be fifteen board members who are appointed for two-year terms by the Mayor, on the recommendation of the Mayor’s Office for People with Disabilities, and from each of the borough delegation of Council Members<sup>6</sup> The members of this board serve without compensation except for reasonable expenses incurred in the transportation to and from meetings of the board.<sup>7</sup>

The livery advisory board advises the TLC about matters relating to the livery industry, including the preparation of rules and regulations for the class of for-hire vehicles commonly known as “liveries,” for the owners and drivers thereof, and for livery vehicle base operators.<sup>8</sup> The livery advisory board’s membership is limited to twenty members, who are appointed for two-year terms by the TLC Chairman.<sup>9</sup>

The driver’s advisory board was created by Local Law 60 of 2003, which was signed into law on October 20, 2003 by Mayor Bloomberg.<sup>10</sup> The driver advisory board advises the TLC on matters of safety, conditions of work, the fair enforcement of laws and rules governing drivers licensed by the TLC and to examine complaints by drivers.<sup>11</sup> The driver’s advisory board is to be made up of fourteen members representing all categories of TLC licensed drivers and who are required to possess a valid driver’s license and are in good standing with the TLC. Half the members within each category are appointed for two-year terms by the Speaker of the City Council and the other half are appointed by the mayor.<sup>12</sup> Local Law 60 also required the driver’s advisory board to meet at least once every three months, unless the board determined otherwise. However, the advisory board cannot go more than six months without convening.

### ANALYSIS

Section one of Int. 234-A would amend Section 19-520 of the Administrative Code of the City of New York by amending subdivision a to delete the word “Boards” and replace it with the word “Board”.

Subdivision a of section 19-520 would also be amended to require a TLC advisory board whose members are appointed for two-year terms by the Mayor and the Speaker of the Council to enable the TLC to be kept aware of current views of all segments of the industries regulated by the TLC and of the public and to be available to TLC to provide the expertise of its members for the better administration of TLC and service to the public. The advisory board would also consider and provide recommendations to TLC regarding issues related to such industries, including, but not limited to, the promulgation of rules, enforcement of existing laws and rules, and issues related to accessibility, safety regulations, fees, rates, work conditions and other industry matters.

Subdivision b of section 19-520 would be amended to require the advisory board to consist of twenty-four members, including each Chairperson of the Transportation, Consumer Affairs, and Finance Committees of the Council, or their designees, as well as one member each of the following groups:

- (1) a taxicab medallion owner who is not required by law to drive his or her taxicab;
- (2) a taxicab medallion owner who is required by law to drive his or her taxicab;
- (3) an individual who acts as an agent for those who lease taxicab medallions to drivers who own or lease their own vehicles;
- (4) an individual who represents an institution which lends money for the purpose of purchasing or financing taxicab medallions;

- (5) a taxicab driver who does not own a taxicab medallion and leases a taxicab on a contract term that is on a daily or weekly basis;
- (6) a taxicab driver who does not own a taxicab medallion but owns his or her own taxicab or leases a taxicab on a contract term that is other than on a daily or weekly basis;
- (7) an advocate for the disability community;
- (8) an advocate for taxicab passengers;
- (9) an advocate for passengers of for-hire vehicles;
- (10) a commuter van service driver or operator;
- (11) an operator of a black car base;
- (12) an operator of a luxury limousine base;
- (13) a driver of a black car vehicle;
- (14) a driver of a luxury limousine vehicle;
- (15) a driver of a for-hire vehicle other than a luxury limousine or black car;
- (16) an operator of a paratransit base;
- (17) a driver of a wheelchair accessible taxicab or for-hire vehicle;
- (18) a holder of a HAIL vehicle permit as applicable;
- (19) an advocate for the environment;
- (20) an operator of a base station that has a permit issued by the commission to dispatch one or more HAIL vehicles as applicable; and
- (21) an operator of a base station that does not have a permit to dispatch any HAIL vehicles as applicable.

Int. 234-A also amends section 19-520 by deleting existing subdivision c, d, e and f and creating new subdivisions c, d, and e.

The new subdivision c of such section would require that, except for the Chairpersons of the Transportation, Finance and Consumer Affairs Committees, or their designees, eight of the members of the advisory board be appointed by the Speaker of the Council and thirteen be appointed by the Mayor, all for two-year terms, none of whom would be able to be an employee or staff member of the Council or TLC. No members of the advisory board serving two-year terms would be eligible to serve more than two consecutive two-year terms. The board would have to meet no less often than every three months beginning after the complete board is initially appointed.

The new subdivision d of such section would require that not more than thirty days following any meeting of the advisory board, TLC shall provide to the Council and to all board members a written summary of such meeting, including but not limited to any recommendations made by the advisory board.

The new subdivision e of section 19-520 would state that nothing contained in the amended section would preclude any members of the TLC from holding meetings with members of the board or other interested industry members that are not advisory board meetings.

Section two of Int. 234-A would provide that this local law take effect immediately upon enactment.

### UPDATE

On November 13, 2013, the Committee on Transportation voted 8-0 in favor of the bill, with no abstentions.

<sup>1</sup> Information retrieved from [www.nyc.gov/tlc](http://www.nyc.gov/tlc) on February 29, 2012.

<sup>2</sup> Information retrieved from <http://www.nyc.gov/html/tlc/html/about/about.shtml> on November 8, 2013.

<sup>3</sup> Administrative Code of the City of New York §19-520

<sup>4</sup> Administrative Code of the City of New York §19-520 (b)

<sup>5</sup> Administrative Code of the City of New York §19-520 (c)

<sup>6</sup> Administrative Code of the City of New York §19-520 (d)

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

<sup>8</sup> Administrative Code of the City of New York §19-520 (e)

<sup>9</sup> *Id.*

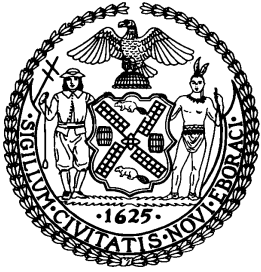
<sup>10</sup> Information retrieved from <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=437879&GUID=2EBF30DB-4961->

[4BD0-8909-1BF3E3C97858&Options=ID%7cText%7c&Search=advisory+board](http://www.nyc.gov/html/finance/html/press/pr1301234a.htm) on February 29, 2012.

<sup>11</sup> Administrative Code of the City of New York §19-520 (f)

<sup>12</sup> *Id.*

(The following is the text of the Fiscal Impact Statement for Int. No. 234-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: 234-A  
COMMITTEE: Transportation

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the Taxi and Limousine Commission advisory board.

**Sponsor:** By Council Members Vacca, Chin, Dromm, Fidler, Koppell, Nelson, Rodriguez and Koo

**SUMMARY OF LEGISLATION:** This legislation would amend section 19-520 of the Administrative Code of the city of New York to require an advisory board whose members shall be appointed for two-year terms by the Mayor and the Speaker of the Council to enable the Commission to be kept aware of current views of all segments of the industries it regulates. The advisory board will consist of twenty-four members, including each chairperson of the Transportation, Consumer Affairs, and Finance Committees of the Council or such chairpersons' designees, as well as one member of each 21 categories prescribed by this local law.

In addition, except for the chairpersons of the Transportation, Finance and Consumer Affairs Committees or such chairpersons' designees, eight of the members of the advisory board shall be appointed by the Speaker of the Council and thirteen shall be appointed by the Mayor all for two-year terms and none of whom shall be an employee or staff member of the Council or the Commission. No members of such advisory board serving two-year terms shall be eligible to serve more than two consecutive two-year terms. Also, not more than thirty days following any meeting of the advisory board held pursuant to this local law, the Commission shall provide to the Council and to all board members a written summary of such meeting, including but not limited to any recommendations made by such advisory board.

**EFFECTIVE DATE:** This local law would take effect immediately upon enactment.

**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 would be no impact on revenues by the enactment of this legislation.

**IMPACT ON EXPENDITURES:** Because the Commission 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:** N/A

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

**ESTIMATE PREPARED BY:** Chima Obichere, Unit Head

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

**HISTORY:** Introduced as Intro. 234 by the Council on May 12, 2010 and referred to the Committee on Transportation. A first hearing was held and the legislation was laid over by the Committee on May 24, 2010. A subsequent hearing was held

and the legislation was laid over by the Committee on March 1, 2012. Intro. 234 has been amended, and the amended version, Proposed Int. 234-A, will be considered by the Committee on Transportation on November 13, 2013 and upon a 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. 234-A:)

Int. No. 234-A

By Council Members Vacca, Chin, Dromm, Fidler, Koppell, Nelson, Rodriguez, Koo and Van Bramer.

**A Local Law to amend the administrative code of the city of New York, in relation to the taxi and limousine commission advisory board.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-520 of the administrative code of the city of New York is amended to read as follows:

§ 19-520 Advisory [Boards] *Board.* a. Taxi and limousine commission advisory board. There shall be an advisory board whose members shall be appointed for two-year terms by the mayor *and the speaker of the council* to enable the commission to be kept aware of current views of all segments of the [taxi industry] *industries regulated by the commission* and of the public and to be available to the commission to provide the expertise of its members for the better administration of the commission and service to the public. *Such advisory board shall consider and provide recommendations to the commission regarding issues related to such industries, including, but not limited to, the promulgation of rules, enforcement of existing laws and rules, and issues related to accessibility, safety regulations, fees, rates, work conditions and other industry matters.*

b. The advisory board shall consist of [fifteen] *twenty-four* members, *including each chairperson of the transportation, consumer affairs, and finance committees of the council or such chairpersons' designees, as well as one member of each* [representing the taxi industry, labor, the commissioner of transportation, the commissioner of consumer affairs, the police commissioner, the director of the bureau of franchises, owner-drivers of taxis, the coach and limousine service industry, the private livery industry, the chairperson of the consumer affairs committee and the finance committee of the council and five members of the general public, one from each of the boroughs of the city.

c. Advisory board on transportation of the handicapped. There shall be an advisory board to advise the commission as to fees, safety regulations and any other matters concerning wheelchair accessible vans and handicapped transportation services.

d. This board shall consist of fifteen members to be appointed for two-year terms as follows: two, at least one of whom is handicapped, by the delegation of council members from each borough and five, at least three of whom are handicapped, by the mayor on recommendation of the director of the office for the handicapped. The members of this board shall serve without compensation except for reasonable expenses incurred in the transportation to and from meetings of said board.

e. Livery advisory board. There shall be a livery advisory board to consist of not more than twenty members to be appointed for two-year terms by the chairman to advise the commission concerning matters relating to the livery industry, including the preparation of rules and regulations for the class of for-hire vehicles commonly known as "liveries," for the owners and drivers thereof, and for livery vehicle base operators.

f. There shall be a drivers' advisory board to advise the commission on matters of safety, conditions of work and the fair enforcement of laws and rules governing drivers licensed by the commission and to examine complaints about these matters solely to facilitate the board's ability to advise the commission. This board shall consist of fourteen members each of whom shall, at the time of appointment and thereafter, possess, for at least one year, a valid driver's license in good standing issued by the commission. The board shall be comprised of two taxicab lease drivers and two independent taxicab owner-operators, two for-hire vehicle fleet drivers and two independent for-hire vehicle operators, two black car drivers, two commuter van drivers and two paratransit drivers. Half] *of the following groups:*

(1) *a taxicab medallion owner who is not required by law to drive his or her taxicab;*

(2) *a taxicab medallion owner who is required by law to drive his or her taxicab;*

(3) *an individual who acts as an agent for those who lease taxicab medallions to drivers who own or lease their own vehicles;*

(4) *an individual who represents an institution which lends money for the purpose of purchasing or financing taxicab medallions;*

(5) *a taxicab driver who does not own a taxicab medallion and leases a taxicab on a contract term that is on a daily or weekly basis;*

(6) *a taxicab driver who does not own a taxicab medallion but owns his or her own taxicab or leases a taxicab on a contract term that is other than on a daily or weekly basis;*

(7) *an advocate for the disability community;*

- (8) an advocate for taxicab passengers;  
 (9) an advocate for passengers of for-hire vehicles;  
 (10) a commuter van service driver or operator;  
 (11) an operator of a black car base;  
 (12) an operator of a luxury limousine base;  
 (13) a driver of a black car vehicle;  
 (14) a driver of a luxury limousine vehicle;  
 (15) a driver of a for-hire vehicle other than a luxury limousine or black car;  
 (16) an operator of a paratransit base;  
 (17) a driver of a wheelchair accessible taxicab or for-hire vehicle;  
 (18) a holder of a HAIL vehicle permit as applicable;  
 (19) an advocate for the environment;  
 (20) an operator of a base station that has a permit issued by the commission to dispatch one or more HAIL vehicles as applicable; and  
 (21) an operator of a base station that does not have a permit to dispatch any HAIL vehicles as applicable.

c. Except for the chairpersons of the transportation, finance and consumer affairs committees or such chairpersons' designees, eight of the members [within each category] of the advisory board set forth in subdivision b of this section shall be appointed by the speaker of the council and [half] thirteen shall be appointed by the mayor all for two-year terms, none of whom shall be an employee or staff member of the council or the commission. No members of such advisory board serving two-year terms shall be eligible to serve more than two consecutive two-year terms. The board shall meet no less often than every three months[, unless the board determines otherwise, but in no event shall the board meet less often than every six months] beginning after the complete board is initially appointed.

d. Not more than thirty days following any meeting of the advisory board held pursuant to this section, the commission shall provide to the council and to all board members a written summary of such meeting, including but not limited to any recommendations made by such advisory board.

e. Nothing contained in this section shall preclude any members of the commission from holding meetings with members of the board or other interested industry members that are not advisory board meetings.

§2. This local law shall take effect immediately.

JAMES VACCA, Chairperson; G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Transportation, November 13, 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. 904-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 periodic interagency roadway safety plans.**

The Committee on Transportation, to which the annexed proposed amended local law was referred on July 25, 2012 (Minutes, page 3160), respectfully

#### REPORTS:

#### INTRODUCTION

On November 13, 2013, the Committee on Transportation, chaired by Council Member James Vacca, held a hearing on Int. No. 904-A, a Local Law to amend the Administrative Code of the City of New York, in relation requiring periodic interagency roadway safety plans. This was the second hearing on this bill. The first hearing was held on October 31, 2013, at which time the Committee heard testimony from representatives of the Department of Transportation and other transportation and traffic safety advocates.

#### BACKGROUND

The Department of Transportation ("DOT") is responsible for the condition of approximately 6,000 miles of streets, highways and 788 bridges structures, six tunnels, and the Staten Island ferry.<sup>1</sup>

In 2011, the Council passed Local Law 12 (LL 12), to require the development of a roadway safety plan. The stated intent of the legislation was to reduce the number motor vehicle related fatalities in New York City, by requiring the Department of Transportation ("DOT") to identify key agencies and to make

recommendations on how to improve the safety of the City's roadways. However, LL 12 called for a one time plan.

Since the enactment of LL 12, the Council has continued to focus on reducing traffic crashes and fatalities. Most recently, on September 30, 2013, the Committees on Transportation and Public Safety held an oversight hearing on the NYPD's new procedures for investigating vehicular collisions. The goal of the hearing was to explore new reforms to the NYPD's collision investigation squad, and what the NYPD is doing to reduce motor vehicle fatalities. Despite a decrease in traffic fatalities from FY 2009 to FY 2011 there has been an increase in traffic fatalities over the last couple of years, from 236 in FY 2011 to 291 and 261 in FY 2012 and FY 2013 respectively.<sup>2</sup>

The proposed legislation would require the release of an interagency roadway safety plan every five years. In addition to the current requirements under LL 12, the new interagency report would require that the relevant agencies report on how they have implemented the recommendations of the prior reports.

#### ANALYSIS

Section one of Int. No. 904-A would amend section 19-184 by adding a new subdivision d, which would require that an updated interagency roadway safety plan be presented to the Council and the Mayor no later than May 31, 2016 and every five years thereafter no later than May 31st. The updated plan would be required to include but not be limited to actions that have been taken to implement the prior plans submitted pursuant to this section, and an explanation of why actions that were recommended by such prior plans were not taken.

Section two states that Int. No. 904-A would take effect one hundred twenty days after its enactment into law.

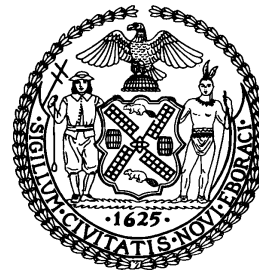
#### UPDATE

<sup>1</sup> Mayor's Management Report, September 2013, at 149 ("MMR 2013").

<sup>2</sup> *Id.*

On November 13, 2013, the Committee on Transportation voted 8-0 in favor of the bill, with no abstentions.

**(The following is the text of the Fiscal Impact Statement for Int. No. 904-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: 904-A  
COMMITTEE: Transportation**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to periodic interagency roadway safety plans.

**Sponsor:** By Council Members Levin, Lappin, Lander, Vacca, Chin, Comrie, Dromm, Eugene, Fidler, Gentile, James, Koo, Koppell, Koslowitz, Rose, Williams, Greenfield and Halloran

**SUMMARY OF LEGISLATION:** This legislation would amend section 19-184 of the Administrative Code of the city of New York by adding a new subdivision d to require that such plan (interagency roadway safety plans) be updated every five years and the first such updated plan to be presented to the Mayor and Council no later than May 31, 2016 and on or before the same date every five years thereafter. Such updated plan shall include but not be limited to actions that have been taken to implement the prior plans submitted pursuant to this local law, and the reasons that any actions that had been recommended by such prior plans but not implemented were not taken.

**EFFECTIVE DATE:** This local law would take effect one hundred twenty days after it is enacted into law.

**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 would be no impact on revenues by the enactment of this legislation.

**IMPACT ON EXPENDITURES:** Because the Commission 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:** N/A

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

**ESTIMATE PREPARED BY:** Chima Obichere, Unit Head

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

**HISTORY:** Introduced as Intro. 904 by the Council on July 25, 2012 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on October 21, 2013. Intro. 904 has been amended, and the amended version, Proposed Int. 904-A, will be considered by the Committee on Transportation on November 13, 2013 and upon a 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. 904-A:)**

Int. No. 904-A

By Council Members Levin, Lappin, Lander, Vacca, Chin, Comrie, Dromm, Eugene, Fidler, James, Gentile, Koo, Koppell, Koslowitz, Rose, Williams, Greenfield, Van Bramer, Rodriguez, Barron and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to periodic interagency roadway safety plans.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-184 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

*d. Such plan shall be updated every five years and the first such updated plan shall be presented to the mayor and council no later than May 31, 2016 and on or before the same date every five years thereafter. Such updated plan shall include but not be limited to actions that have been taken to implement the prior plans submitted pursuant to this section, and the reasons that any actions that had been recommended by such prior plans but not implemented were not taken.*

§2. This local law shall take effect one hundred twenty days after it is enacted into law.

JAMES VACCA, Chairperson; G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Transportation, November 13, 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. 1155-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 right turns from bus lanes.**

The Committee on Transportation, to which the annexed proposed amended local law was referred on September 12, 2013 (Minutes, page 3426), respectfully

**REPORTS:**

**INTRODUCTION**

On November 13, 2013, the Committee on Transportation, chaired by Council Member James Vacca, held a hearing on Int. No. 1155-A, a Local Law to amend the Administrative Code of the City of New York, in relation to right turns from bus lanes. This was the second hearing on this bill. The first hearing was held on October 10, 2013, at which time the Committee heard testimony from the New York City Department of Transportation (DOT) as well as other interested stakeholders and community members.

**BACKGROUND**

On streets throughout the City, specially marked lanes are set aside for use by buses in an attempt to free buses from road congestion and, in turn, make bus travel faster and more reliable.<sup>1</sup> In addition to police enforcement, the City uses cameras to enforce bus lane rules, as authorized by State law.<sup>2</sup> According to DOT rules, drivers of vehicles other than buses cannot drive in a bus lane except to “use such bus lane in order to make the first available right hand turn where permitted into a street, private road, private drive, or an entrance to private property in a safe manner or when necessary to avoid conflict with other traffic or at the direction of a law enforcement officer.”<sup>3</sup>

There is evidence to suggest that, at certain locations in the City, street design and road conditions make it difficult for drivers to safely comply with the rules. For example, in August 2013, local officials protested that along a stretch of Richmond Avenue on Staten Island, drivers who entered a bus lane and made a right turn at the next City street were unfairly being issued summonses for failing to turn into an intervening private mall entrance, even though the City street and private road were in close proximity to one another.<sup>4</sup>

Int. No. 1155-A would allow motorists to enter a bus lane in order to make a right turn at the next City street regardless of any intervening private roads.

**ANALYSIS**

Section one of Int. No. 1155-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 19-175.4.

Section 19-175.4 would state that, notwithstanding any other law, rule or regulation, when bus lane restrictions are in effect on a street, it shall not be a violation of law for a vehicle to drive in such a lane where such vehicle enters the lane and makes the next permissible right turn onto a street under the jurisdiction of DOT and designated on the map of the City of New York, except that the new section would not be deemed to permit a vehicle to drive through an intersection under the jurisdiction DOT in such bus lane without making a turn.

Section two of Int. No. 1155-A states that the local law would take effect one hundred eighty days after its enactment.

**UPDATE**

On November 13, 2013, the Committee on Transportation voted 8-0 in favor of the bill, with no abstentions.

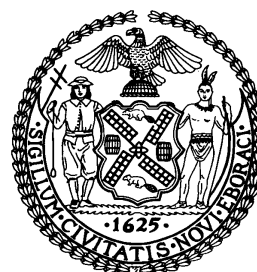
<sup>1</sup> <http://www.nyc.gov/html/brt/html/faq/buslanes.shtml>

<sup>2</sup> *Id.*

<sup>3</sup> Subdivision m of Section 4-12 of Chapter 4 of Title 34 of the Rules of the City of New York

<sup>4</sup> [http://www.silive.com/news/index.ssf/2013/08/pols\\_scowl\\_at\\_bus\\_lane\\_cameras.html](http://www.silive.com/news/index.ssf/2013/08/pols_scowl_at_bus_lane_cameras.html)

**(The following is the text of the Fiscal Impact Statement for Int. No. 1155-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: 1155-A**  
**COMMITTEE:**  
**Transportation**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to right turns from bus lanes. **Sponsor:** By Council Members Ignizio, Oddo, Jackson, James, Koo, Wills and Rodriguez

**SUMMARY OF LEGISLATION:** This legislation would amend subchapter 2 of chapter 1 of title 19 of the Administrative Code by adding a new section 19-175.4 entitled “Right turns from bus lanes” to require that notwithstanding any other law, rule or regulation, when bus lane restrictions are in effect on a street, it shall not be a violation of law for a vehicle to drive in such a lane where such vehicle enters the lane and makes the next permissible right turn onto a street under the jurisdiction of the Commissioner and designated on the map of the city of New York, except that this local law shall not be deemed to permit a vehicle to drive through an intersection under the jurisdiction of the Commissioner in such bus lane without making a turn.

**EFFECTIVE DATE:** This local law would take effect one hundred eighty days after it is enacted into law.

**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 would be no impact on revenues by the enactment of this legislation.

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

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

**ESTIMATE PREPARED BY:** Chima Obichere, Unit Head

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

**HISTORY:** Introduced as Intro. 1155 by the Council on September 12, 2013 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on October 10, 2013. Intro. 1155 has been amended, and the amended version, Proposed Int. 1155-A, will be considered by the Committee on Transportation on November 13, 2013 and upon a 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. 1155-A:)**

Int. No. 1155-A

By Council Members Ignizio, Oddo, Jackson, James, Koo, Wills, Rodriguez, Gentile, Van Bramer, Barron, Greenfield, Koppell and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to right turns from bus lanes.**

*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 19-175.4 to read as follows:

§19-175.4 *Right turns from bus lanes. Notwithstanding any other law, rule or regulation, when bus lane restrictions are in effect on a street, it shall not be a violation of law for a vehicle to drive in such a lane where such vehicle enters the lane and makes the next permissible right turn onto a street under the jurisdiction of the commissioner and designated on the map of the city of New York, except that this section shall not be deemed to permit a vehicle to drive through an intersection under the jurisdiction of the commissioner in such bus lane without making a turn.*

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

JAMES VACCA, Chairperson; G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Transportation, November 13, 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>
Michael Roitman	455 West 37 <sup>th</sup> Street #1103 New York, N.Y. 10018	3
Brenda Simmons	2265 5 <sup>th</sup> Avenue #3B New York, N.Y. 10037	9
Destiny Stathum	1323 Louis Nine Blvd Bronx, N.Y. 10459	17
Subeh Roushon Ety	1470 East Avenue #5D Bronx, N.Y. 10462	18
Melissa Naidoo	94-60 221 <sup>st</sup> Street Queens Village, N.Y. 11428	23
Mazel Yakubov	63-09 108 <sup>th</sup> Street Forest Hills, N.Y. 11375	24
Gwendolyn Berry	112 Ten Eyck Street Brooklyn, N.Y. 11206	34
Nicholas Iacono	674 Britton Avenue Staten Island, N.Y. 10304	50

*Approved New Applicants and Reapplicants*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Nellie Rivera	310 East 115 <sup>th</sup> Street #7C New York, N.Y. 10029	8
Lunette Holmes	235 West 135 <sup>th</sup> Street New York, N.Y. 10030	9
Roger A. Davila	104-41 Roosevelt Avenue #1R Corona, N.Y. 11368	21
Melissa A. Rivera	62-59 108 <sup>th</sup> Street #4F Queens, N.Y. 11375	29
Richard Resk	162-17 96 <sup>th</sup> Street Howard Beach, N.Y. 11414	32
Mary Virginia Ward	959 Park Place #5B Brooklyn, N.Y. 11213	36
Evelyn Monerrat	100 Himrod Street Brooklyn, N.Y. 11221	37
Carol K. Jacobs	959 Hegeman Avenue Brooklyn, N.Y. 11208	42
Kimberly J. Jones	1610 East 102 <sup>nd</sup> Street #4E Brooklyn, N.Y. 11236	42
Philippa C. Falotico	8735 Bay Parkway #A44 Brooklyn, N.Y. 11214	47
Joseph Nolasco	85 Decker Avenue Staten Island, N.Y. 10302	49
Christie Rich	546 Ilyssa Way Staten Island, N.Y. 10312	51

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



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

- (1) **Int 132-A -** In relation to requiring that all public meetings be webcast.
- (2) **Int 234-A -** In relation to the taxi and limousine commission advisory board.
- (3) **Int 904-A -** In relation to periodic interagency roadway safety plans.
- (4) **Int 1047-A -** In relation to increasing the use of biofuel in city-owned buildings.
- (5) **Int 1011 -** In relation to renaming one thoroughfare in the Borough of Queens, Tuskegee Airmen Way, and to amend the official map of the city of New York accordingly.
- (6) **Int 1092-A -** In relation to secondary electrical power, heating and cooling systems for I-1 and I-2 occupancies and for adult homes, enriched housing, community residences and intermediate care facilities, where such occupancies are located in flood-prone areas.
- (7) **Int 1093-A -** In relation to removing barriers to the usage of temporary flood control and response devices **(with Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage)**.
- (8) **Int 1094-A-** In relation to requiring residential buildings to provide drinking water to a common area supplied directly through pressure in the public water main **(with Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage)**.
- (9) **Int 1101-A -** In relation to emergency and standby power systems and natural gas usage **(with Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage)**.
- (10) **Int 1111-A -** In relation to smoke alarms.
- (11) **Int 1155-A -** In relation to right turns from bus lanes.
- (12) **Res 1992 -** Hudson Square Business Improvement District.
- (13) **Res 1994 -** Times Square, Lower East Side, Fashion Center, Grand Street, Lincoln Square, Sutphin Boulevard and DUMBO Business Improvement Districts.
- (14) **Res 2026 -** Computing and certifying adjusted base proportion.
- (15) **Res 2027 -** Computing and certifying base percentage, current percentage and current base proportion
- (16) **Res 2028 -** Amending and restating the resolution to provide the amounts necessary for the support of the government of the city of New York **(Tax-Fixing Resolution, November 14, 2013)**.
- (17) **Res 2029 -** Designation and funding in the Expense Budget **(Transparency Resolution)**.
- (18) **L.U. 945 & Res 2031 -** App. N **130274(A) ZRM**, amendment of the Zoning Resolution, concerning Article VIII, Chapter 1 (Special Midtown District), in the Borough of Manhattan, Community Districts 5 and 6, Council District 4 **(Coupled to be Filed pursuant to a Letter of Withdrawal)**.
- (19) **L.U. 946 & Res 2032 -** App. C **130248 ZMM**, Special Midtown District within the proposed C5-2.5 and C5-3 Districts, in the area bounded by East 43rd Street, Second Avenue, East 42nd Street, and a line 200 feet easterly of Third Avenue, in the Borough of Manhattan, Community Districts 5 and 6, Council District 4 **(Coupled to be Filed pursuant to a Letter of Withdrawal)**.
- (20) **L.U. 954 & Res 2033 -** App. C **130272 HAM**, 2135-2139 Adam Clayton Powell Jr. Boulevard, Borough of Manhattan, Community District 10, Council District 9.
- (21) **L.U. 955 & Res 2034 -** App. C **130271 ZMM**, property bounded by West 127th Street, a line 100 feet easterly of Adam Clayton Powell Jr. Boulevard, West 126th Street, and Adam Clayton Powell Jr. Boulevard, in the Borough of Manhattan, Community District 10, Council District 9.

- (22) **L.U. 956 & Res 2035 -** App. C **130266 PPK**, Block 6037, Lot 102 and Block 6339, Lot 164, in the Borough of Brooklyn, Community District 10, Council District 43 **(Coupled to be Disapproved)**.
- (23) **L.U. 957 & Res 2036 -** App. **20145153 HAX**, Block 3125, Lots 9, 12 & 14, Block 3128, Lots 9, 13, 29 & 32, Block 3129, Lot 29, Block 3133, Lot 13, Block 3134, Lot 1, in the Borough of the Bronx, Community District 6, Council District 15.
- (24) **L.U. 976 & Res 2037 -** App. **20145162 SCQ**, north side of 48th Avenue between 210th and 211th Streets in Bayside (Block 7327, Lots 28, 38, 39, and 49), Borough of Queens, Community 11, Council District 19.
- (25) **L.U. 977 & Res 2038 -** App. **20135772 SCX**, site selection for a new, approximately 379-seat primary school 1024-1036 White Plains Road (Block 3733, Lots 5, 7 and 9), Borough of Bronx, Community Board 9, Council District 18.
- (26) **Resolution approving various persons Commissioners of Deeds.**

The President Pro Tempore (Council Member Comrie) 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, Brewer, Cabrera, Chin, Comrie, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Greenfield, James, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, and the Speaker (Council Member Quinn) – **38**.

**The General Order vote recorded for this Stated Meeting was 38-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Res Nos. 2026, 2027, and 2028:**

**Affirmative** – Arroyo, Brewer, Cabrera, Chin, Comrie, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Greenfield, James, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, and the Speaker (Council Member Quinn) – **35**.

**Negative** – Ulrich, Vallone, Jr, and Oddo - **3**.

The following was the vote recorded for **LU No. 976 & Res 2037:**

**Affirmative** – Arroyo, Brewer, Cabrera, Chin, Comrie, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Greenfield, James, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Nelson, Palma, Recchia, Reyna, Richards, Rodriguez, Ulrich, Vacca, Van Bramer, Vann, Williams, Wills, Oddo, and the Speaker (Council Member Quinn) – **36**.

**Negative** – Vallone, Jr. and Weprin – **2**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos.132-A, 234-A, 904-A, 1011, 1047-A, 1092-A, 1093-A (passed under a Message of Necessity), 1094-A (passed under a Message of Necessity), 1101-A (passed under a Message of Necessity), 1111-A, and 1155-A.*

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

**RESOLUTIONS**

*Presented for voice-vote*

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

Report for voice-vote Res. No. 1906-A

**Report of the Committee on Education in favor of approving, as amended, a Resolution calling upon the New York State Legislature to amend the State Education Law and the New York City Department of Education to amend Chancellor's Regulation A-190, in order to specify procedures for notifying affected parents of any proposed school closure or significant change in school utilization.**

The Committee on Education, to which the annexed amended resolution was referred on August 22, 2013 (Minutes, page 3356), respectfully

#### REPORTS:

On Thursday November 14, 2013, the City Council's Committee on Education, chaired by Council Member Robert Jackson, will conduct a hearing to consider Proposed Resolution No. 1906-A, which calls upon the New York State Legislature to amend the State Education Law and the New York City Department of Education to amend Chancellor's Regulation A-190, in order to specify procedures for notifying affected parents of any proposed school closure or significant change in school utilization. A prior hearing was held on October 2, 2013 on an earlier version of the resolution.

#### Proposed Resolution No. 1906-A

Proposed Resolution No. 1906-A would note that in 2009, the New York State Education Law (SEL) was amended to require a public review and comment process on all proposals by the Chancellor of the New York City school district to close a school or make a significant change in school utilization. The Proposed Resolution would note that SEL §2590-h(2-a) governs any proposed school closing or significant change in school utilization, including the phase-out, grade reconfiguration, re-siting, or co-location of schools, of any public school located within the City district. The Proposed Resolution would further note that SEL §2590-h(2-a) requires the preparation of an educational impact statement for any proposed school closing or significant change in school utilization, and that such education impact statement shall be made publicly available. The Proposed Resolution would point out that in addition, the law requires that a joint public hearing be held with the impacted community council and school based management team, at the school that is subject to the proposed school closing or significant change in school utilization, to allow all interested parties an opportunity to present comments or concerns.

Proposed Resolution No. 1906-A would note that further, the law states that the Chancellor shall ensure that notice of such hearing is widely and conspicuously posted in such a manner to maximize the number of affected individuals that receive notice, including providing notice to affected parents and students, and shall also notify members of the community boards and the elected state and local officials who represent the affected community district.

The Proposed Resolution would point out that a New York City Department of Education (DOE) regulation, Chancellor's Regulation A-190, was first promulgated in November 2009 to implement the requirements of SEL §2590-h(2-a). The Proposed Resolution would note that Chancellor's Regulation A-190 was amended October 10, 2010 and specifies that the Chancellor shall publish the educational impact statement on the DOE's official internet website as well as delivering "or mailing by First Class Mail a hard copy" to the Chairperson of the Panel for Educational Policy, the administrative assistant(s) of the impacted Community Education Council(s), the president or representative of the impacted community board(s), the impacted community superintendent(s), the principal(s) of the impacted school(s) and appropriate Citywide Councils.

Proposed Resolution No. 1906-A would point out that the Regulation states that the community superintendent of the community school district shall provide notice of such proposal and any subsequent revised proposal to all impacted parents, directly or via the affected school's administration, but does not specify the method(s) for such notification. The Proposed Resolution would describe that the Regulation further states that the Chancellor shall post notice of the joint public hearing on the DOE's official internet website and provide notice to all affected parents and students, as well as to the community boards and the elected state and local officials who represent the affected community district, but does not specify the method(s) for such notification.

The Proposed Resolution would indicate that there have been consistent complaints from parents in affected school communities about a lack of notice regarding proposals of and joint public hearings on school closings or significant changes in school utilization. Proposed Resolution No. 1906-A would state that the SEL clearly requires that this information be widely disseminated to parents and students in affected school communities in order to facilitate the opportunity for public review and comment process.

The Proposed Resolution would note that Chancellor's Regulation A-190 already specifies some procedures for notification, including posting information on the DOE's official internet website as well as delivering "or mailing by First Class Mail a hard copy" to certain school officials. Proposed Resolution No. 1906-A would state that similar procedures should be specified in the SEL and in Chancellor's Regulation A-190 for parent notification, including mailing notices by

First Class Mail directly to parents of students in affected schools as well as publication of notices in at least three newspapers distributed in the affected area.

Proposed Resolution No. 1906-A would state that requiring such notification procedures would improve parental awareness of and participation in the public review process for proposed school closings or significant changes in school utilization. Finally, Proposed Resolution No. 1906-A would indicate that the Council of the City of New York calls upon the New York State Legislature to amend the State Education Law and the New York City Department of Education to amend Chancellor's Regulation A-190, in order to specify procedures for notifying affected parents of any proposed school closure or significant change in school utilization.

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

**(The following is the text of Res. No. 1906-A:)**

Res. No. 1906-A

**Resolution calling upon the New York State Legislature to amend the State Education Law and the New York City Department of Education to amend Chancellor's Regulation A-190, in order to specify procedures for notifying affected parents of any proposed school closure or significant change in school utilization.**

By Council Members Wills, Barron, Dickens, Eugene, James, Mendez, Richards, Rose, Dromm, Rodriguez, Chin, Greenfield, Koppell, Williams, Vacca, Mealy, Gentile, Van Bramer, Lander and Ulrich.

**Whereas**, In 2009, the New York State Education Law (SEL) was amended to require a public review and comment process on all proposals by the Chancellor of the New York City school district to close a school or make a significant change in school utilization; and

**Whereas**, SEL §2590-h(2-a) governs any proposed school closing or significant change in school utilization, including the phase-out, grade reconfiguration, re-siting, or co-location of schools, for any public school located within the City district; and

**Whereas**, SEL §2590-h(2-a) requires the preparation of an educational impact statement for any proposed school closing or significant change in school utilization, and that such educational impact statement shall be made publicly available; and

**Whereas**, In addition, the law requires that a joint public hearing be held with the impacted community council and school based management team, at the school that is subject to the proposed school closing or significant change in school utilization, to allow all interested parties an opportunity to present comments or concerns; and

**Whereas**, Further, the law states that the Chancellor shall ensure that notice of such hearing is widely and conspicuously posted in such a manner to maximize the number of affected individuals that receive notice, including providing notice to affected parents and students, and shall also notify members of the community boards and the elected state and local officials who represent the affected community district; and

**Whereas**, A New York City Department of Education (DOE) regulation, Chancellor's Regulation A-190, was first promulgated in November 2009 to implement the requirements of SEL §2590-h(2-a); and

**Whereas**, Chancellor's Regulation A-190 was amended October 10, 2010 and specifies that the Chancellor shall publish the educational impact statement on the DOE's official internet website as well as delivering "or mailing by First Class Mail a hard copy" to the Chairperson of the Panel for Educational Policy, the administrative assistant(s) of the impacted Community Education Council(s), the president or representative of the impacted community board(s), the impacted community superintendent(s), the principal(s) of the impacted school(s) and appropriate Citywide Councils; and

**Whereas**, The Regulation states that the community superintendent of the community school district shall provide notice of such proposal and any subsequent revised proposal to all impacted parents, directly or via the affected school's administration, but does not specify the method(s) for such notification; and

**Whereas**, The Regulation further states that the Chancellor shall post notice of the joint public hearing on the DOE's official internet website and provide notice to all affected parents and students, as well as to the community boards and the elected state and local officials who represent the affected community district, but does not specify the method(s) for such notification; and

**Whereas**, There have been consistent complaints from parents in affected school communities about a lack of notice regarding proposals of and joint public hearings on school closings or significant changes in school utilization; and

**Whereas**, The SEL clearly requires that this information be widely disseminated to parents and students in affected school communities in order to facilitate the opportunity for public review and comment process; and

**Whereas**, Chancellor's Regulation A-190 already specifies some procedures for notification, including posting information on the DOE's official internet website as well as delivering "or mailing by First Class Mail a hard copy" to certain school officials; and

**Whereas**, Similar procedures should be specified in the SEL and in Chancellor's Regulation A-190 for parent notification, including mailing notices by First Class

Mail directly to parents of students in affected schools as well as publication of notices in at least three newspapers distributed in the affected area; and

**Whereas**, Requiring such notification procedures would improve parental awareness of and participation in the public review and comment process for proposed school closings or significant changes in school utilization; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to amend the State Education Law and the New York City Department of Education to amend Chancellor’s Regulation A-190, in order to specify procedures for notifying affected parents of any proposed school closure or significant change in school utilization.

ROBERT JACKSON, Chairperson; LEWIS A. FIDLER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, FERNANDO CABRERA, MARGARET S. CHIN, DANIEL DROMM, KAREN KOSLOWITZ, STEPHEN T. LEVIN, MARK S. WEPRIN, DAVID G. GREENFIELD, ERIC A. ULRICH; Committee on Education, November 14, 2013.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Comrie) called for a voice vote. Hearing no objections, President Pro Tempore (Council Member Comrie) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

**INTRODUCTION AND READING OF BILLS**

Int. No. 1188

By The Speaker (Council Member Quinn) and Council Members Arroyo, Brewer, Chin, Comrie, Crowley, Dickens, Dromm, Gentile, Halloran, Ignizio, Koppell, Koslowitz, Mark-Viverito, Oddo, Recchia, Rivera, Rodriguez, Rose, Vacca, Vallone, Jr., Van Bramer, Vann and James.

**A Local Law in relation to the naming of 52 thoroughfares and public places, Miguel Angel (Mike) Amadeo Way, Borough of the Bronx, Private First Class Carlos James Lozada Place, Borough of the Bronx, Rivera Avenue, Borough of the Bronx, P.O. Calabrese and P.O. Keegan Plaza, Borough of Manhattan, Miles Davis Way, Borough of Manhattan, Janet Freeman Way, Borough of Manhattan, Danny Chen Way, Borough of Manhattan, Bishop Roderick R. Caesar Sr. Way, Borough of Queens, Pope John Paul II Way, Borough of Queens, Teachers College Way, Borough of Manhattan, Sylvia P. Woods Way, Borough of Manhattan, St. James Place, Borough of Manhattan, Grace Gold Way, Borough of Manhattan, Dr. John L.S. Holloman Way, Borough of Manhattan, Dr. Billy Taylor Way, Borough of Manhattan, Jeanne, Jules, Morty Manford PFLAG Way, Borough of Queens, Richard Italiano Corner, Borough of Queens, Firefighter Michael G. Behette 9/11 Memorial Way, Borough of Brooklyn, John and Dorothy Maguire Way, Borough of Brooklyn, Tom Kane Way, Borough of Brooklyn, Mrs. Geri Cilmi Place PS 41, Borough of Queens, Salman Hamdani Way EMT, NYPD Cadet 9-11-01, Borough of Queens, Fr. Wissa Bessada Way, Borough of Staten Island, Korean War Veterans Way, Borough of Staten Island, Peter J. Carroll Way, Borough of Staten Island, Mary V. Lauro Way, Borough of the Bronx, Emanuel and Adam Gold Plaza, Borough of Queens, Yolanda Sanchez Place, Borough of Manhattan, Charlie Palmieri Way, Borough of Manhattan, William Creech Vietnam Veteran Way, Borough of Staten Island, Herbert Ellis Smith “Smitty” Way, Borough of Staten Island, Joseph N. Esposito “Lighthouse Joe” Corner, Borough of Staten Island, Father Capodanno Place, Borough of Staten Island, Edward A. Tierney, Sr. Corner, Borough of Staten Island, Soccer Hall of Famer John “Jack” Hynes Way, Borough of Staten Island, Paramedic Lt. David G. Restuccio Way, Borough of Staten Island, SSG Michael H. Ollis Way, Borough of Staten Island, Brandon Romero Plaza, Borough of Manhattan, Firefighter William Tropea Way, Borough of Brooklyn, Natale “Nat” Cerini Corner, Borough of the Bronx, Stanley Michels Way, Borough of Manhattan, Guadalupe Rodriguez Way, Borough of Manhattan, Addison Branch Way, Borough of Staten Island, William S. Klapach Way, Borough of Staten Island, Major Walter M. Murphy, Jr. Way, Borough of Staten Island, Carmine Granito and William Smith Way, Borough of Staten Island, Elias Karmon Way, Borough of the Bronx, The Honorable Gloria D’Amico Place, Borough of Queens, Sunnyside Gardens Arena Way, Borough of Queens, Walter McCaffrey Place, Borough of Queens, Dr. Joan Maynard Way, Borough of Brooklyn, Birdel’s Records Way, Borough of Brooklyn and the repeal of sections 13, 40 and 46 of local law number 50 for the year 2013, the repeal of section 24 of local law number 34 for the year 2003 and the repeal of section 40 of local law number 48 for the year 2012.**

*Be it enacted by the Council as follows:*

Section 1. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Miguel Angel (Mike) Amadeo Way	None	At the southwest corner of Prospect Avenue and Westchester Avenue

§2. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Private First Class Carlos James Lozada Place	None	At the intersection of Willis Avenue and East 135 <sup>th</sup> Street

§3. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rivera Avenue	None	At the intersection of 161 <sup>st</sup> Street and River Avenue

§4. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
P.O. Calabrese and P.O. Keegan Plaza	None	At the southeast corner of 60 <sup>th</sup> Street and Broadway

§5. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Miles Davis Way	None	At the northwest corner of West 77 <sup>th</sup> Street and West End Avenue

§6. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Janet Freeman Way	None	At the intersection of Elizabeth Street and Kenmare Street

§7. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Danny Chen Way	Elizabeth Street	Between Canal Street and Bayard Street

§8. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Bishop Roderick R. Caesar Sr. Way	None	At the intersection of Guy R. Brewer Boulevard and 110 <sup>th</sup> Road

§9. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Pope John Paul II Way	56 <sup>th</sup> Road	Between 61 <sup>st</sup> Street and 64 <sup>th</sup> Street

§10. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Teachers College Way	120 <sup>th</sup> Street	Between Broadway and Amsterdam Avenue

§11. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Sylvia P. Woods Way	None	At the intersection of West 126 <sup>th</sup> Street and Malcolm X Boulevard

§12. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
St. James Place	East 126 <sup>th</sup> Street	Between Madison Avenue and Park Avenue

§13. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Grace Gold Way	West side of Broadway	Between 115 <sup>th</sup> Street and 116 <sup>th</sup> Street

§14. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dr. John L.S. Holloman Way	None	At the northwest corner of 135 <sup>th</sup> Street and Madison Avenue

§15. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dr. Billy Taylor Way	None	At the southeast corner of 138 <sup>th</sup> Street and Fifth Avenue

§16. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Jeanne, Jules, Morty Manford PFLAG Way	171 <sup>st</sup> Street	Between 33 <sup>rd</sup> Avenue and 35 <sup>th</sup> Avenue

§17. 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 northeast corner of 102 <sup>nd</sup> Street and Strong Avenue

§18. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Firefighter Michael G. Behette 9/11 Memorial Way	None	At the intersection of 85 <sup>th</sup> Street and Fifth Avenue

§19. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
John and Dorothy Maguire Way	None	At the intersection of 79 <sup>th</sup> Street and Fifth Avenue

§20. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Tom Kane Way	None	At the intersection of 88 <sup>th</sup> Street and Colonial Road

§21. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Mrs. Geri Cilmi Place PS 41	214 Lane	Between 34 <sup>th</sup> Avenue and 35 <sup>th</sup> Avenue

§22. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Salman Hamdani Way EMT, NYPD Cadet 9-11-01	204 <sup>th</sup> Street	Between 35 <sup>th</sup> Avenue and 34 <sup>th</sup> Avenue

§23. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Fr. Wissa Bessada Way	None	At the northeast corner of Lindenwood Road and Amboy Road

§24. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Korean War Veterans Way	None	At the northeast corner of Vespa Avenue and Arden Avenue

§25. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Peter J. Carroll Way	None	Aligned with the Surf Avenue sign on the northeast corner of Surf Avenue and Loretto Street

§26. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Mary V. Lauro Way	Matilda Avenue	Between East 236 <sup>th</sup> Street and East 237 <sup>th</sup> Street

§27. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Emanuel and Adam Gold Plaza	None	At the intersection of 70 <sup>th</sup> Avenue and Queens Boulevard

§28. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Yolanda Sanchez Place	None	At the southeast corner of East 120 <sup>th</sup> Street and Lexington Avenue

§29. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Charlie Palmieri Way	None	At the northwest corner of East 112 <sup>th</sup> Street and Park Avenue

§30. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
William Creech Vietnam Veteran Way	None	At the intersection of Felton Street and Lamberts Lane

§31. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Herbert Ellis Smith "Smitty" Way	None	At the intersection of Rockland Avenue and Nevada Avenue

§32. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Joseph N. Esposito "Lighthouse Joe" Corner	None	At the intersection of Husson Street and Buel Avenue

§33. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Father Capodanno Place	None	At the intersection of Bank Place and Newberry Avenue

§34. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Edward A. Tierney, Sr. Corner	None	At the intersection of West Fingerboard Road and Clove Road

§35. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Soccer Hall of Famer John "Jack" Hynes Way	None	At the intersection of Tysens Lane and Hylan Boulevard

§36. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Paramedic Lt. David G. Restuccio Way	None	At the intersection of Sheraden Avenue and Westwood Avenue

§37. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
SSG Michael H. Ollis Way	None	At the intersection of Burbank Avenue and South Railroad Avenue

§38. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Brandon Romero Plaza	None	At the northwest corner of West 19 <sup>th</sup> Street and Ninth Avenue

§39. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Firefighter William Tropea Way	None	At the northwest corner of West 11 <sup>th</sup> Street and Highlawn Avenue

§40. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Natale "Nat" Cerini Corner	None	At the southwest corner of Belmont Avenue and

		East 187 <sup>th</sup> Street
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§41. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Stanley Michels Way	Cabrini Boulevard	Between 181 <sup>st</sup> Street and 190 <sup>th</sup> Street

§42. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Guadalupe Rodriguez Way	West 173 <sup>rd</sup> Street	Between Fort Washington and Haven

§43. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Addison Branch Way	None	Underneath the St. Paul's Avenue sign at the northeast corner of St. Paul's Avenue and Taxter Place

§44. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
William S. Klapach Way	None	At the northeast corner of Fillmore Street and Lafayette Avenue

§45. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Major Walter M. Murphy, Jr. Way	None	At the southwest corner of Windsor Road and Manor Road

§46. 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 Brighton Avenue sign at the intersection of Brighton Avenue and Lafayette Avenue

§47. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Elias Karmon Way	None	At the northeast corner of Thwaites Place and Barker Avenue

§48. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
The Honorable Gloria D'Amico Place	None	At the intersection of 21 <sup>st</sup> Drive and Shore Boulevard

§49. 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 45 <sup>th</sup> Street and Queens Boulevard



§50. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Walter McCaffrey Place	None	At the intersection of 61 <sup>st</sup> Street and Woodside Avenue

§51. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dr. Joan Maynard Way	Buffalo Avenue	Between St. Marks Avenue and Bergen Street

§52. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Birdel's Records Way	Nostrand Avenue	Between Atlantic Avenue and Fulton Street

§53. Sections 13, 40 and 46 of local law number 50 for the year 2013 are hereby REPEALED.

§54. Section 24 of local law number 34 for the year 2003 is hereby REPEALED.

§55. Section 40 of local law number 48 for the year 2012 is hereby REPEALED.

§56. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Res. No. 2023

**Resolution in support of A.187A, also known as the Voter Empowerment Act of New York, which would streamline and improve the voter registration system in the city of New York.**

By Council Members Brewer, Chin, James, Koppell, Lander and Wills.

**Whereas**, According to the New York State Governor's Office, New York State ranks 47<sup>th</sup> in the nation in voter registration, with less than 64% of eligible New Yorkers registered to vote; and

**Whereas**, The League of Women Voters reported that only 18.4 percent of New Yorkers turned out to vote in the New York City citywide elections of 2009; and

**Whereas**, The voter registration system is currently a costly paper-based system that is prone to human error, which could potentially disenfranchise a voter if a mistake is made; and

**Whereas**, Modernizing the antiquated New York voter registration process to an electronic system will help increase the amount of voters registering while saving money; and

**Whereas**, Other counties that implemented electronic registration systems, such as Maricopa County in Arizona, have saved money on data entry, printing, and mailing costs totaling more than \$450,000 in 2008 alone; and

**Whereas**, By modernizing the voting registration system, voters will be able to register to vote and change their party affiliation closer to Election Day, have their registration information transferred to the correct county if they move within the state, and access and update their voter registration records online; and

**Whereas**, The Brennan Center for Justice has noted that New Yorkers can already bank and pay their taxes online, and should also be allowed to safely and securely access and update their voter registration forms online; and

**Whereas**, In order to increase voter turnout and ease the process of registration, the Voter Empowerment Act would allow certain government agencies to automatically and electronically transfer voter registration information to local election offices, provided that the eligible citizen consents; and

**Whereas**, In other states, such as Washington and Kansas, where such modernized ways of registration have already been implemented, the number of voters able to register and cast a ballot have doubled through the electronic registration transactions at DMVs; and

**Whereas**, In a report of the New York City Campaign Finance Board,

adults under the age of 30 were found to be less likely to vote than older adults, while a Project Vote study of the 2008 election found that voters age 18 to 29 were both underrepresented in the electorate and less likely to be registered; and

**Whereas**, In order to address such disparities in voting amongst the young adult population, the Voter Empowerment Act will permit sixteen and seventeen year-olds to pre-register and allow college students to vote in the community they consider home; and

**Whereas**, If a youth considers his or her parental community of primary concern, the student will retain his or her residence for voting purposes, however if the community of the New York college or university in which a student resides is of primary concern to the student, he or she will be permitted to register to vote within this community, thereby potentially increasing participation among young voters; now, therefore, be it

**Resolved**, That the Council of the City of New York supports A.187A, also known as the Voter Empowerment Act of New York, which would streamline and improve the voter registration system in the city of New York.

Referred to the Committee on Governmental Operations.

Res. No. 2024

**Resolution calling on the United States Congress to pass legislation to ensure that coverage provisions are updated to ensure protections for Americans under the Voting Rights Act.**

By Council Members Brewer, Chin, James, Koppell, Lander and Wills.

**Whereas**, The Voting Rights Act of 1965 was passed by Congress in order to further achieve racial equality, pursuant to Section 2 of the fifteenth amendment to the United States Constitution; and

**Whereas**, Sections 4 and 5 of the Voting Rights Act ("VRA") require states and local governments with histories of racial discrimination in voting to submit all changes to their voting laws or practices to the Federal Government for approval or "preclearance" before they can take effect; and

**Whereas**, In the June 25, 2013 decision of *Shelby County V. Holder* ("Shelby") the Supreme Court ruled that the coverage formula in Section 4(b) of the VRA, which determined which jurisdictions were subject to preclearance, exceeded Congress's enforcement authority and held it to be unconstitutional; and

**Whereas**, The decision was split, with the majority ruling that the fifteenth amendment was not designed to punish past actions, and that the current coverage formula, which concentrated on past discriminatory policies and decades old voter turnout and registration data, unfairly punished Southern states; and

**Whereas**, Although the pervasive, flagrant, and widespread discrimination that was present in the jurisdictions requiring preclearance no longer exists, striking down section 4(b) of the VRA as unconstitutional could result in minority populations within those states being subject to new voter restriction laws, leading to their disenfranchisement; and

**Whereas**, It is essential for Congress to pass legislation to ensure Constitutional coverage provisions are enacted in light of the passage of restrictive voter legislation in nine states, including those recently passed in North Carolina and Texas; and

**Whereas**, The "voter suppression law" that has been passed in North Carolina following the Supreme Court ruling will implement strict voter I.D. requirements, eliminate same-day voter registration, and cut early voting by a full week; and

**Whereas**, According to the Advancement Project, 317,000 registered voters in North Carolina lack a DMV-issued I.D., of which 1 in 3 are African American, and 56% of North Carolina's registered voters used early voting opportunities in 2012, 70% of whom were African American; and

**Whereas**, Also according to the Advancement Project, in Texas 1 in 10 registered voters lack the necessary state-issued I.D.; and

**Whereas**, United States Supreme Court Justice Ruth Ginsburg, in her dissent in *Shelby*, noted the sad irony in the decision to strike down the key part of the Voting Rights Act because of its success at preventing racial discrimination; and

**Whereas**, Now in the absence of Section 4(b), no jurisdiction will be subject to Section 5 preclearance, and with the enactment of voter suppression laws in several states, it will make it harder for young adults, women, minorities, low-income individuals, as well as senior citizens to vote; and

**Whereas**, In a statement released by President Barack Obama and his attorney general, both stated that they were deeply disappointed by the Supreme Court's decision, dismantling a cornerstone of the civil rights movement which helped put an end to the discriminatory voting restrictions in the South, and called on Congress to pass legislation, based on current data, which will continue to ensure every American has equal access to the polls; and

**Whereas**, The preclearance provision itself was not struck down, but was rendered inoperable as configured, allowing Congress to pass a new constitutional coverage formula, that will aid in addressing the new restrictive voting legislations that disenfranchise voters, thereby helping to prevent history from repeating itself; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the United States Congress to pass legislation to ensure that coverage provisions are updated to ensure protections for Americans under the Voting Rights Act.

Referred to the Committee on Governmental Operations.

Int. No. 1189

By Council Members Dilan and Wills (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York and the New York city building code in relation to restaurants with flexible place of assembly seating zones.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-117.1 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, and as amended by a local law of the city of New York for the year 2013 amending 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, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. No. 1056, is amended to read as follows:

**§28-117.1 Place of assembly certificate of operation.** It shall be unlawful to use or occupy any building or space, including an outdoor space, as a place of assembly without a certificate of operation issued by the commissioner. An application for a certificate of operation shall be made to the department in such form and containing such information as the commissioner shall provide. The department shall inspect every place of assembly space prior to the issuance of a certificate of operation. The commissioner shall not issue a certificate of operation unless the department determines that the space conforms substantially to the approved construction documents and to this code or the 1968 building code as applicable and that the certificate of occupancy authorizes such use. A certificate of operation shall not be issued to a place of assembly providing seating or other moveable furnishings unless the commissioner approves a plan conforming to this code or the 1968 building code as applicable and the rules of the department. Seating and other moveable furnishings shall be maintained at all times during occupancy in accordance with the approved plan. Any amendment of such plan shall be subject to the prior approval of the commissioner.

**Exception:** *The commissioner may establish by rule standards for plans providing for seating or other moveable furnishings for restaurants with delineated flexible seating zones. Such rule shall establish standards for the location of seats within zones and standards for determining the maximum number of occupants in each zone and require that each zone be served by clearly defined, unobstructed aisles. Such plans shall be allowed for applications filed under this code or the 1968 Building Code. The approval of such a plan shall not be deemed to authorize placement of seats in a manner that would violate the technical provisions of the applicable code, including but not limited to, maximum travel distances, common path of egress travel, spacing between seats, minimum widths of aisle and cross aisle, and accessibility requirements.*

§2. Section 1028.1.3 of the New York city building code, as amended by a local law of the city of New York for the year 2013 amending 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, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in Intro. No. 1056, is amended to read as follows:

**1028.1.3 Approved plans.** In every place of assembly providing seating or other moveable furnishings, copies of approved plans and approved alternate plans shall be kept on the premises. The plans shall be readily available for inspection, and shall provide the following information:

1. For assembly spaces:
  - 1.1. The location of each seat of each tier of seating, along with the number of occupants of each seating section, *except for restaurants with plans that permit flexible seating zones in accordance with the exception to Section 28-117.1 of the Administrative Code. In such flexible seating zones, the location of seats and the number of occupants allowable in each seating zone shall be in accordance with department rules.*
  - 1.2. The location and number of standees for each standee area.
  - 1.3. The total number of occupants of each tier and of the assembly space.
  - 1.4. The location and classification of all exits.

2. For safe areas:

- 2.1. The furniture and equipment arrangement and location.
- 2.2. The number of occupants to be accommodated.

3. For stage areas:

- 3.1. The maximum number of occupants, including audience seating on the stage.
- 3.2. Any conditions limiting the use of the stage area.
- 3.3. The location of all exits.

These plans shall not be smaller in size than required for 1/8-inch scale plans.

§3. This local law shall take effect on the same date that a local law of the city of New York for the year 2013 amending 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, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in introduction number 1056, takes effect.

Referred to the Committee on Housing and Buildings.

Int. No. 1190

By Council Members Garodnick, Brewer, Chin, Dickens, Fidler, Gentile, James, Nelson, Richards and Wills.

**A Local Law to amend the New York city charter, in relation to requiring notice on former poll sites.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 46 of the New York city charter is amended by adding a new section 1057-c, to read as follows:

**§ 1057-c Notice at former poll sites.** *On the day of any primary, special, or general election, prior to the opening of the polls, the board of elections shall post a notice on or near the main entrance or entrances of each building that was used as a poll site in any primary, special, or general election in any of the four calendar years prior to such day, but which is not being used as a poll site for the election being held on such day. Such notice shall only be required at former poll sites that covered one or more election districts in which an election is being held on such day. Such notice shall include, but not be limited to: (i) a statement that the building is not in use as a poll site for such election, (ii) the address or addresses of the poll site or sites that are being used for such election, accompanied by a list of the election districts being served at each such poll site; (iii) the website for the board of elections' official poll site locator; and (iv) the board of elections phone number that may be called for poll site information.*

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

Referred to the Committee on Governmental Operations.

Int. No. 1191

By Council Members Gonzalez, Brewer, Chin, James, Koppell, Nelson and Reyna.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to providing business owners the ability to indicate a language preference for agency inspections.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision f of section 15 of the New York city charter, is amended to read as follows:

f. 1. The office of operations shall develop a business owner's bill of rights. The bill of rights shall be in the form of a written document, drafted in plain language, that advises business owners of their rights as they relate to agency inspections. The bill of rights shall include, but not be limited to, notice of every business owner's right to: i) consistent enforcement of agency rules; ii) compliment or complain about an inspector or inspectors, and information sufficient to allow a business owner to do so; iii) contest a notice of violation before the relevant local tribunal, if any; iv) an inspector who behaves in a professional and courteous manner; v) an inspector who can answer reasonable questions relating to the inspection, or promptly makes an appropriate referral; [and] vi) an inspector with a sound

knowledge of the applicable laws, rules and regulations; and vii) to request the language in which such owner would prefer that agency inspections of the business be conducted. Such bill of rights shall describe the methods by which such owner can indicate such language preference.

2. To the extent practicable, the office of operations shall develop and implement a plan to distribute the bill of rights to all relevant business owners, including via electronic publication on the internet, and to notify such business owners if the bill of rights is subsequently updated or revised. The office of operations shall also develop and implement a plan in cooperation with all relevant agencies to facilitate distribution of a physical copy of the bill of rights to business owners or managers at the time of an inspection, except that if the inspection is an undercover inspection or if the business owner or manager is not present at the time of the inspection, then a copy of the bill of rights shall be provided as soon as practicable.

3. To the extent practicable, the office of operations shall develop and implement a plan for each business owner to indicate the language in which such owner would prefer that agency inspections of the business be conducted. The office of operations shall also develop and implement a plan to inform all relevant agencies of such respective language preference.

[3]4. The bill of rights shall serve as an informational document only and nothing in this subdivision or in such document shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§ 2. Section 561 of the New York city charter is amended to read as follows:

§ 561. Permits. *a.* The board of health in its discretion may grant, suspend or revoke permits for businesses or other matters in respect to any subject dealt with in the health code and regulated by the department and may prescribe reasonable fees for the issuance of said permits. Whenever the board of health in the health code authorizes the issuance, suspension or revocation of a permit by the commissioner, his action shall be subject to review by the board of health upon an appeal by the party aggrieved under such rules as the board may provide. Such rules may provide in what cases an appeal may stay the action of the commissioner until final determination by the board of health, but notwithstanding any such rule the board of health shall have power to grant or refuse a stay in any particular case.

*b.* Every application for a permit or a renewal of an existing permit issued by the commissioner pursuant to this section shall provide an opportunity for the applicant to indicate the language in which such applicant would prefer that inspections in connection with such permit be conducted. Nothing in this subdivision nor any failure to comply with such preference shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§ 3. Chapter 3 of Title 17 of the administrative code of the city of New York is amended by adding a new subchapter 1 to read as follows:

*Subchapter 1 Administrative provisions*

§ 17-301. *Language preference for inspections.*

§ 17-301. *Language preference for inspections.* Every application for a license or a permit, or the renewal of an existing license or an existing permit to be issued by the commissioner pursuant to this chapter shall provide an opportunity for the applicant to indicate the language in which such applicant would prefer that inspections in connection with such license be conducted. Nothing in this subdivision nor any failure to comply with such preference shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§ 4. Section 20-107 of the administrative code of the city of New York is amended to read as follows:

§ 20-107 Application; filing fee; license fee. *a.* All applications for licenses shall be made to the commissioner or the commissioner's designee in such form and detail as shall be prescribed.

*b.* Every application for a license or the renewal of an existing license shall provide an opportunity for the applicant to indicate the language in which he or she would prefer that inspections in connection with such license be conducted. Nothing in this subdivision nor any failure to comply with such preference shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

*c.* Except as specifically provided in chapter two, every application shall include the license fee for the full license term. If the license is not issued, the lesser of fifty dollars or one-half of the amount of the annual license fee shall be retained by the department as a non-returnable filing fee. In the event a license is issued for less than the full license term, the applicable fee shall be decreased proportionately to the nearest half year, except that in no case shall the fee be less than the fee for one-half year. Where a two year license is surrendered for a reason other than suspension or revocation and less than one year of the license term has expired, the licensee may apply for a refund of an amount equal to one year's license fee. Except as otherwise specifically provided for in chapter two, reference to fees, license fees or any other word of similar import shall be deemed to be the license fee for one year. Notwithstanding any inconsistent provision of this section, whenever the commissioner increases or decreases the term of a type of license pursuant to section 20-108 of this chapter, the fee for such license shall be increased or decreased proportionately and the amount of refund due upon surrender of such license before the expiration of the term for a reason other than suspension or revocation shall be prorated to the unexpired term.

§ 5. This local law shall take effect one hundred and twenty days after its enactment into law.

Referred to the Committee on Small Business.

Int. No. 1192

By Council Members James, Dickens, Nelson and Vacca.

**A Local Law to amend the New York city charter, in relation to eliminating run-off elections for the offices of public advocate and comptroller.**

*Be it enacted by the Council as follows:*

§1. Chapter 46 of the New York city charter is amended by adding a new section 1057-c to read as follows:

§ 1057-c *No Runoff Elections for Public Advocate and Comptroller.*

*a.* Notwithstanding section 6-162 of the New York state election law, the board of elections of the city of New York shall not conduct a run-off election for the office of public advocate or comptroller, even if no candidate for one or both such offices receives forty percent or more of the votes cast by the members of the political party for such office in a citywide primary election. The winner of a primary election for public advocate and comptroller shall be the candidate in each such primary election who receives the greatest number of votes.

§2. 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.

Int. No. 1193

By Council Members Lander, Brewer, Chin and Koppell.

**A Local Law to amend the New York city charter, in relation to increasing independent expenditure disclosure requirements.**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph (b) of paragraph 15 of subdivision a of section 1052 of the New York city charter is amended to read as follows:

(b) Every individual and entity that makes independent expenditures aggregating one thousand dollars or more in support of or in opposition to any candidate in any covered election, or in support of or in opposition to any municipal ballot proposal or referendum, shall be required to disclose such expenditure to the board. In addition, every entity that, in the twelve months preceding a covered election, makes independent expenditures aggregating five thousand dollars or more in support of or in opposition to any candidate in any covered election shall disclose the identity of any entity and its owners, partners, board members, officers, or their equivalents that contributed to the entity reporting the expenditure, and any individual who, in the twelve months preceding the covered election, contributed one thousand dollars or more to the entity reporting the expenditure.

§2. Subparagraph (c) of paragraph 15 of subdivision a of section 1052 of the New York city charter is amended to read as follows:

(c) Any literature, advertisement or other communication in support of or in opposition to any candidate in any covered election that is paid for by an individual or entity making independent expenditures aggregating one thousand dollars or more shall disclose [the name of any individual or entity making the expenditure.] information as follows:

(i) on any written, typed, or printed communication, or on any internet text or graphical advertising, in a conspicuous size and style, the words "Paid for by" followed by the name of the entity, the name of its owner, chief executive officer or equivalent, its principal business address, the names of its officers, and, following the words "Top Five Donors", the five largest aggregate donors to such entity in the preceding twelve months, except that no donor who contributed one thousand dollars or less to the disclosing entity in the twelve months preceding the election shall be included in such disclosure. Such written disclosures shall further include, in a conspicuous size and style the following words: "This advertisement is funded by an independent expenditure, and is not subject to the contribution and expenditure limits of the NYC Campaign Finance Board's public campaign finance matching program for candidates. More information at nyccfb.info.";

(ii) on any paid television advertising or paid internet video advertising, clearly spoken, the words "paid for by" followed by the name of the organization, at the beginning or end of the advertisement, and, in a conspicuous size and style, simultaneous with such spoken disclosure, the written words "Paid for by" followed by the name of the entity, and the words "The top five donors to the organization responsible for this advertisement are" followed by a list of the five largest aggregate donors to such entity in the preceding twelve months, except that no donor who contributed one thousand dollars or less to the disclosing entity in the twelve months preceding the election shall be included in such disclosure. Such written disclosures shall further include, in a conspicuous size and style, the following words: "This advertisement is funded by an independent expenditure, and is not subject to the contribution and expenditure limits of the NYC Campaign Finance

Board's public campaign finance matching program for candidates. More information at [nyccfb.info](http://nyccfb.info)."; and

(iii) on any paid radio advertising, paid internet audio advertising, or automated telephone call, clearly spoken at the end of the advertisement or message, the words "paid for by" followed by the name of the organization, followed by the words "with funding provided by" followed by a list of the five largest aggregate donors to such entity in the preceding twelve months, except that no donor who contributed one thousand dollars or less to the disclosing entity in the twelve months preceding the election shall be included in such disclosure. In the case of radio or internet advertising covered by this clause that is 15 seconds in duration or shorter, the clearly spoken words "Donor information at [www.nyccfb.org](http://www.nyccfb.org)" may be included instead of the words "with funding provided by" followed by a list of the five largest aggregate donors in the preceding twelve months.

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

Referred to the Committee on Governmental Operations.

Res. No. 2025

**Resolution calling upon the New York City Department of Education to institute a moratorium on the opening of all new charter schools in New York City until the Department of Education produces a detailed report of how the funding levels for charter schools will grow over the next five years.**

By Council Members Levin, Brewer, Chin, Dickens, Fidler, Gentile, James, Koppell and Wills.

**Whereas**, At the close of the 2012-2013 school year there were 159 charter schools operating in New York City; and

**Whereas**, The number of charter schools will increase by 15 percent to 183 schools in Fiscal Year (FY) 2014; and

**Whereas**, In the City's Preliminary Budget, the Mayor proposed that expenditures for charter schools would grow by \$70.9 million for FY14, to a total of \$899.3 million; and

**Whereas**, The Mayor's Executive Budget, however, increased funding for charter schools by \$210 million - an increase of 200 percent from the preliminary budget; and

**Whereas**, Spending on charter schools in the city will now exceed \$1 billion in FY14; and

**Whereas**, Concerning the disparity between the January preliminary budget and the May Executive Budget, the City's Department of Education (DOE) officials have asserted that they did not know the full extent of charter schools that were phasing in at that earlier time frame; and

**Whereas**, Further, the DOE similarly underestimated charter school expenditure growth in FY13; and

**Whereas**, At the time, the City's Independent Budget Office (IBO) managed to make a more accurate projection; and

**Whereas**, In a March 2013 analysis, the IBO estimated that charter school payments would be significantly higher in FY14, totaling over \$1.0 billion; and

**Whereas**, The June 2013 Adopted Budget for Fiscal Year 2014 includes funding for charter schools in the amount of \$1.038 billion, an increase of more than 25 percent from the \$828.4 million allocated in FY13; and

**Whereas**, A 25 percent increase in charter school funding in a single year, at a time when fiscal constraints threaten other programs that New York City residents depend on, is significant; and

**Whereas**, An increase of 200 percent from the City's Preliminary to Executive Budget shows that the cost to taxpayers in order to finance charter schools is only going to continue to increase; and

**Whereas**, Before continuing the current pace of opening charter schools with inaccurate projections of the total costs involved, the DOE should be required to provide a detailed report of how the funding levels for charter schools will grow over the next five years; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to institute a moratorium on the opening of all new charter schools in New York City until the Department of Education produces a detailed report of how the funding levels for charter schools will grow over the next five years.

Referred to the Committee on Education.

Int. No. 1194

By Council Members Palma, Cabrera, Chin, James, Koppell, Brewer and Eugene.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to assessing food security.**

Be it enacted by the Council as follows:

Section 1. Section 20 of the New York city charter is amended by adding a new subdivision j to read as follows:

j. The director or the director's designee, in collaboration with the commissioner of the department of health and mental hygiene, the commissioner of the department of social services/human resources administration, or their respective designees, and such other individuals as the director shall designate, shall establish a set of indicators to assess and track the level of food security in the city, including but not limited to a survey of persons in the city regarding their level of food security, and shall prepare and present a report on such indicators to be included in the annual city food system metrics report required pursuant to section 3-120 of the code. Such report shall disaggregate such indicators by borough and community board.

§ 2. Subdivision a of section 3-120 of the administrative code of the city of New York is amended to read as follows:

§ 3-120 Annual city food system metrics report. a. No later than September first, two thousand twelve, and no later than every September first thereafter, the office of long-term planning and sustainability shall prepare and submit to the mayor and the speaker of the city council a report regarding the production, processing, distribution and consumption of food in and for the city of New York during the previous fiscal year. Such report shall include:

1. the number, size in acres, county and type of production of, and annual dollar amount of city financial support received by, farms participating in the watershed agricultural program;

2. the total dollar amount of expenditures by the department of education on milk and other food products that are subject to the United States department of agriculture country of origin labeling requirements, disaggregated and sorted by the product and country of origin in which the essential components of such food products were grown, agriculturally produced and harvested, to the extent such information is reported to the department of education. For any such product where there are multiple countries of origin, the total dollar amount of expenditures, disaggregated by product, shall be separately listed, to the extent such information is reported to the department of education. If the country of origin of milk or fresh whole produce is the United States, for the report due no later than September first, two thousand thirteen, and in every report thereafter, and to the extent such information is reported to the department of education, such report shall include the total dollar amount of expenditures on such milk or fresh whole produce that is local or regional. For purposes of this paragraph, milk or fresh whole produce shall be considered "local" if grown, agriculturally produced and harvested within New York state, and shall be considered "regional" if such food products were grown, agriculturally produced and harvested within the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia or West Virginia;

3. the location, sorted by community board and size in square feet, of each community garden located on city-owned property that is registered with and licensed by the department of parks and recreation, and whether each such garden engages in food production;

4. the number of food manufacturers receiving monetary benefits from the economic development corporation or industrial development agency and the annual dollar amount of such benefits per food manufacturer. For purposes of this paragraph, "food manufacturer" shall mean any natural person, partnership, corporation or other association that processes or fabricates food products from raw materials for commercial purposes, provided that it shall not include any establishment engaged solely in the warehousing, distribution or retail sale of products;

5. the daily number of truck and rail trips to or through Hunts Point Market for the purpose of delivering food to Hunts Point Market, to the extent such information is available. For purposes of this paragraph, "Hunts Point Market" shall mean the food distribution center located in Hunts Point in the borough of the Bronx, and shall include the meat, fish and produce markets operating at such location;

6. for the report due no later than September first, two thousand thirteen, and in every fifth report thereafter, the amount of grocery store space per capita, sorted by community board, and the number of grocery stores that opened during the past five calendar years, sorted by community board, to the extent such information is available. The office of long-term planning and sustainability shall request such information, as necessary, from the New York state department of agriculture and markets;

7. the number, community board, and number of employees, of grocery stores receiving financial benefits under the food retail expansion to support health program;

8. the number of establishments participating in the healthy bodega initiative administered by the department of health and mental hygiene, sorted by borough;

9. the number of job training programs administered by the department of small businesses services or the workforce investment board to aid individuals seeking work in food manufacturing, food supply, food service or related industries, sorted by borough;

10. the total number of meals served by city agencies or their contractors, including but not limited to meals served in public schools, hospitals, senior centers, correctional facilities, and homeless shelters, and not including food sold in vending machines or by a concessionaire, sorted by agency;

11. for each required city agency food standard developed pursuant to executive order number one hundred twenty-two, dated September nineteenth, two thousand eight, the total number of programs or other relevant entities that purchase, prepare or serve meals, not including food sold in vending machines or by a concessionaire, that are in full compliance with each such standard and the total number that are not in full compliance with each such standard, sorted by agency;

12. the number of and amount of annual revenue earned from vending machines located in facilities operated by the department of education;
  13. the number of persons sixty-five years or older receiving benefits through the supplemental nutritional assistance program ("SNAP") administered by the United States department of agriculture;
  14. the number and description of, and dollar amount spent by, the human resources administration on SNAP outreach programs;
  15. the number and description of, and dollar amount spent on, nutrition education programs administered by the human resources administration and department of health and mental hygiene;
  16. the number of salad bars in public schools and in hospitals operated by the health and hospitals corporation, respectively, sorted by borough;
  17. the total amount expended by the department of citywide administrative services to purchase water other than tap water;
  18. information concerning the green cart initiative administered by the department of health and mental hygiene, including the number of applications for permits, the number of permits issued, the number of persons on the waiting list, the number of violations issued to green carts, the location of such carts when such violations were issued and, to the extent such information is available, the number of permit holders who accept electronic benefit transfer, sorted by borough; [and]
  19. the number of vendors at greenmarkets, farmers' markets and similar markets operated by the council on the environment of New York city or any successor entity, and the average number of vendors at such markets, sorted by borough[.]; and
  20. for the report due no later than September first, two thousand fourteen, and in every report thereafter, contents of the report on food security as required by section 20 of the charter of the city of New York.
- § 3. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Preconsidered Res. No. 2026

**RESOLUTION AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING ADJUSTED BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2014 TO THE STATE BOARD OF REAL PROPERTY TAX SERVICES PURSUANT TO SECTION 1803-a, REAL PROPERTY TAX LAW.**

By Council Member Recchia.

**Whereas**, On June 17, 2013, pursuant to Section 1514 of the Charter of the City of New York, the Commissioner of the Department of Finance delivered to the Council the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for the fiscal year beginning on July 1, 2013 and ending on June 30, 2014 ("Fiscal 2014"), a certified copy of which is in the Office of the Clerk of the City pursuant to Section 516, Real Property Tax Law (the "Fiscal 2014 Assessment Rolls"); and

**Whereas**, Section 1803-a (5), Real Property Tax Law, requires the Council subsequent to the filing of the final Fiscal 2014 Assessment Rolls, to adjust current base proportions computed pursuant to the Current Base Proportion Resolution to reflect additions to and removals from the Fiscal 2014 Assessment Rolls as described therein (each such current base proportion so adjusted to be known as an "Adjusted Base Proportion"); and

**Whereas**, Within five (5) days upon determination of the Adjusted Base Proportions, Section 1803-a (6), Real Property Tax Law, requires the Council to certify, to the State Board of Real Property Tax Services ("SBRPTS"), the Adjusted Base Proportion for each class of real property applicable to the City, the assessed value of all property in each class of real property, the net change in assessed value for each class on the Fiscal 2014 Assessment Rolls resulting from the additions to or removals from the Fiscal 2014 Assessment Rolls as described above, and the net change in assessed value for each class on the Fiscal 2014 Assessment Rolls resulting from changes other than those referred to above; and

**Whereas**, On June 26, 2013, the Council adopted a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2014 pursuant to Section 1803-a (1), Real Property Tax Law (the "Current Base Proportion Resolution"); and

**Whereas**, After the June 26<sup>th</sup> adoption of the Current Base Proportion Resolution, Section 1803-a, Real Property Tax Law, was amended by Chapter 134 of the Laws of New York 2013 to lower the percent of increase in the current base proportion as compared with the previous year's adjusted base proportion to 1 percent; and

**Whereas**, Pursuant to the amendment to Section 1803-a, Real Property Tax Law, on November 14, 2013, the Council adopted a resolution computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2014 to the SBRPTS pursuant to Section 1803-

a, Real Property Tax Law;

**NOW, THEREFORE**, be it resolved by The Council of The City of New York as follows:

**Section 1. Computation and Certification of Adjusted Base Proportions and Related Information for Fiscal 2014.** (a) The Council hereby computes and certifies the Adjusted Base Proportion for each class of real property applicable to the City, the assessed value of all property in each class of real property, the net change in assessed value for each class on the Fiscal 2014 Assessment Rolls resulting from the additions to or removals from the Fiscal 2014 Assessment Rolls as described in Section 1803-a (5), Real Property Tax Law, and the net change in assessed value for each class on the Fiscal 2014 Assessment Rolls resulting from changes other than those described in Section 1803-a (5), Real Property Tax Law, as shown on SBRPTS Form RP-6702, attached hereto as Exhibit A and incorporated herein by reference (the "ABP Certificate").

(b) The Clerk of the Council is hereby authorized and directed to execute the ABP Certificate and to file it with the SBRPTS no later than five (5) days after the date hereof.

**Section 2. Effective Date.** This resolution shall take effect immediately.

**ATTACHMENT: The ABP Certificate**

**EXHIBIT A**

STATE BOARD OF REAL PROPERTY TAX SERVICES  
(Formerly State Board of Equalization and Assessment)  
16 Sheridan Avenue, Albany, NY 12210-2714

Certificate of Adjusted Base Proportions Pursuant to Article 18, RPTL,  
for the 2013 Assessment Roll

RP-6702(1/9/5)(Formerly EA6702)

Special Assessing Unit \_\_\_\_\_; Village \_\_\_\_\_; Town \_\_\_\_\_; School District \_\_\_\_\_; Special District \_\_\_\_\_

Name of Portion \_\_\_\_\_; Levy Roll \_\_\_\_\_ 2013

Reference Roll \_\_\_\_\_ 2012 \_\_\_\_\_; Levy Roll \_\_\_\_\_ 2013

SECTION I Determination of Portion Class Net Change in Assessed Value due to Physical and Quantity Changes, Equalization Changes and Computation of Class Change in Level of Assessment Factor

Class	(A) Total Assessed Value on the Reference Roll	(B) Total Assessed Value of Physical and Quantity Increases Between Reference Roll and Levy Roll	(C) Total Assessed Value of Physical and Quantity Decreases Between Reference Roll and Levy Roll	(D) Net Assessed Value of Physical and Quantity Changes (B-C)	(E) Surviving Total Assessed Value on the Reference Roll (A-C)
1	\$17,791,402,226	\$85,251,834	\$75,575,055	\$9,676,779	\$17,715,827,171
2	69,267,724,167	1,209,239,844	606,343,423	602,896,421	68,661,380,744
3	2,851,015,995	144,646,560	133,591,230	11,055,330	2,717,424,765
4	87,131,814,853	1,998,844,991	1,338,196,028	660,648,963	85,793,618,825
	(F) Total Assessed Value of Equalization Increases Between Reference Roll and Levy Roll	(G) Total Assessed Value of Equalization Decreases Between Reference Roll and Levy Roll	(H) Net Equalization Changes (F-G)	(I) Change in Level of Assessment Factor (H/E)-1	
1	\$579,005,664	\$203,341,755	\$375,663,909	1.021205	
2	3,598,237,692	619,011,770	2,979,225,922	1.043390	
3	81,947,115	10,176,840	71,770,275	1.026411	
4	5,386,389,695	988,619,138	4,397,770,557	1.051260	



**EXHIBIT A**

RP-6702(1/95)(Formerly EA6702)

SECTION II		Computation of Portion Class Adjustment Factor				SECTION III	
Class	(J) Taxable Assessed Value on the Levy Roll	(K) Taxable Assessed Value on Levy Roll at Reference Roll Level of Assessment	(L) Assessed Value of Special Franchise on the Levy Roll at Reference Roll Level of Assessment	(M) Total Taxable Assessed Value on Levy Roll at Reference Roll Level of Assessment (K+L)	(N) Taxable Assessed Value on the Reference Roll	(O) Class Adjustment Factor (M/N)	
1	\$17,073,914,572	\$16,719,380,117	\$0	\$16,719,380,117	\$16,652,535,635	1.00401	
2	29,419,390,925	26,946,399,855	0	26,946,399,855	26,371,281,707	1.01024	
3	2,273,831,459	2,213,522,255	9,677,492,566	11,892,815,123	11,349,039,306	1.04731	
4	84,534,108,135	80,240,936,695	0	80,240,936,695	79,352,064,939	1.01145	
<b>Total</b>	<b>100,000,000</b>	<b>100,000,000</b>	<b>101,2255</b>	<b>101,2255</b>	<b>100,000,000</b>		

SECTION III		Computation of Adjusted Base Proportions	
Class	(P) Current Base Proportions	(Q) Current Base Proportions Adjusted for Physical and Quantity Changes #1 (P*Q)	(R) Adjusted Base Proportions (Q/SUM of Q)*100
1	15.6165	15.6792	15.4894
2	36.8257	37.2027	36.7523
3	6.6138	6.9307	6.8468
4	40.9440	41.4129	40.9115
<b>Total</b>	<b>100.0000</b>	<b>101.2255</b>	<b>100.0000</b>

I, the Clerk of the Legislative Body of the special assessing unit identified above, hereby certify that the legislative body determined on November 14, 2013 the adjusted base proportions and the data, procedures and computations used to determine the adjusted base proportions as set forth herein for the assessment roll and portion identified above.

Signature \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

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

Preconsidered Res. No. 2027

**RESOLUTION AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING BASE PERCENTAGE, CURRENT PERCENTAGE AND CURRENT BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2014 TO THE STATE BOARD OF REAL PROPERTY TAX SERVICES PURSUANT TO SECTION 1803-a, REAL PROPERTY TAX LAW.**

By Council Member Recchia.

**Whereas**, On January 14, 2013, the State Board of Real Property Tax Services (the "SBRPTS") certified the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2014 assessment rolls, required by Article 18, Real Property Tax Law; and

**Whereas**, Section 1803-a (1), Real Property Tax Law, requires the Council to compute and certify, to the SBRPTS, for each tax levy, the base percentage, the current percentage and the current base proportion of each class of real property in the City subsequent to the date on which the SBRPTS files with the Clerk of the Council a certification setting forth the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2014 assessment rolls, pursuant to Section 1212, Real Property Tax Law; and

**Whereas**, On June 26, 2013, the Council adopted a resolution computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2014 to the State Board of Real Property Tax Services pursuant to Section 1803-a, Real Property Tax Law (the "June 26<sup>th</sup> Resolution"); and

**Whereas**, The June 26<sup>th</sup> Resolution reflects a 5.0 percent cap on any increase in the current base proportion for any class of real property, as compared with the previous year's adjusted base proportion; and

**Whereas**, After the adoption of the June 26<sup>th</sup> Resolution, Section 1803-a, Real Property Tax Law, was amended by Chapter 134 Laws of New York 2013 to lower the percent of increase in the current base proportion as compared with the

previous year's adjusted base proportion to 1 percent;

**NOW, THEREFORE**, be it resolved by the Council of the City of New York as follows:

**Section 1. Computation and Certification of Base Percentages, Current Base Percentages and Current Base Proportions for Fiscal 2014.** (a) The Council hereby computes and certifies the base percentage, the current percentage and the current base percentage for the City's Fiscal 2014 assessment rolls as shown on SBRPTS Form RP-6700, attached hereto as Exhibit A and incorporated herein by reference (the "CBP Certificate").

(b) The Clerk of the Council is hereby authorized and directed to execute the CBP Certificate and to file it with the SBRPTS after the date on which the SBRPTS filed with the Clerk of the Council a certification setting forth the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2014 assessment rolls, pursuant to Section 1212, Real Property Tax Law.

**Section 2. Effective Date.** This resolution shall take effect immediately.

**ATTACHMENT: The CBP Certificate**

**EXHIBIT A**

**STATE BOARD OF REAL PROPERTY TAX SERVICES**  
(Formerly State Board of Equalization and Assessment)  
16 Sheridan Avenue, Albany, NY 12210-2714

**Certificate of Base Percentages, Current Percentages and Current Base Proportions Pursuant to Article 18, RP/TL, for the Levy of Taxes on the 2013 Assessment Roll**

Special Assessing Unit: \_\_\_\_\_  
Check One to Identify Portion: County \_\_\_\_, City \_\_\_\_, Town \_\_\_\_, Village \_\_\_\_, School District \_\_\_\_, Special District \_\_\_\_,  
Name of Portion: \_\_\_\_\_

Determination of Estimated Market Values

SECTION I	Class	(A) 1989 Taxable Assessed Value	(B) 1989 Class Equalization Rate	(C) Estimated Market Value A/(B/100)	Determination of Base Percentages					
					(D)	(E)	(F)	(G)	(H)	(I)
	1	\$7,995,107,684	9.10	\$87,858,326,198	1.0257224246	\$228,360,245	1.0149	1.0257224246	\$90,118,255,366	37.5640
	2	19,169,173,444	45.84	41,817,568,595	1.0033042596	329,398,302	1.0932	1.0033042596	41,955,744,698	17.4884
	3	7,366,591,774	37.98	19,395,976,235	0.8142562562	0	0.9738	0.8142562562	15,793,294,995	6.5831
	4	35,523,026,877	39.69	89,501,201,504	1.0283531598	1,581,850,826	1.1086	1.0283531598	92,038,843,371	38.3645
	<b>Total</b>	<b>\$70,053,899,779</b>		<b>\$238,573,072,532</b>					<b>\$239,906,138,430</b>	

Determination of Base Percentages

SECTION II	Class	(D)	(E)	(F)	(G)	(H)	(I)
	1	\$19,354,077	\$228,360,245	1.0149	1.0257224246	\$90,118,255,366	37.5640
	2	237,975,755	329,398,302	1.0932	1.0033042596	41,955,744,698	17.4884
	3	1,368,298,335	0	0.9738	0.8142562562	15,793,294,995	6.5831
	4	419,700,459	1,581,850,826	1.1086	1.0283531598	92,038,843,371	38.3645
	<b>Total</b>					<b>\$239,906,138,430</b>	

EXHIBIT A

SECTION III

Determination of Current Percentages

Class	(J) 2012 Taxable Assessed Value	(K) 2012 Class Equalization Rate	(L) Estimated Market Value J/(K/100)	(M) Current Percentages (L/Sum of L)*100
1	\$16,652,535,635	4.44	\$375,057,108,896	48.5965
2	56,371,281,707	33.60	167,771,671,747	21.7383
3	11,349,039,506	45.00	25,220,087,791	3.2678
4	79,332,364,939	38.94	203,729,750,742	26.3974
Total	\$163,705,221,787		\$771,778,619,176	

SECTION IV

Determination of Current Base Proportions

Class	(N) Local Base Proportion	(O) Updated Local Base Proportion N*(M)	(P) Prospective Current Base Proportion Column (O) Prorated to 100.00	(Q) Adjusted Base Proportion Used for Prior Tax Levy	(R) Percent Difference Between Prior Year Adjusted Base Proportion and Prospective Current Base Proportion ((P/Q)-1)*100	(S) Maximum Current Base Proportion (Q * 1.01)	(T) Current Base Proportions for 2013 Roll
1	10.9181	14.1247	16.0996	15.4619	4.12433	15.6165	15.6165
2	25.7608	32.0210	36.4981	36.9663	-1.26656	37.3360	36.8257
3	10.3385	5.1319	5.8494	7.0332	-16.83160	7.1035	6.6138
4	52.9826	36.4557	41.5529	40.5386	2.50206	40.9440	40.9440
Total	100.0000	87.7233	100.0000	100.0000		100.0000	100.0000

I, the Clerk of the Legislative Body of the special assessing unit identified above, hereby certify that the legislative body determined on November 14, 2013 base percentages, current percentages and current base proportions as set forth herein for the assessment roll and portion identified above.

Signature  
Title  
Date

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

Preconsidered Res. No. 2028

**Resolution amending and restating the resolution to provide the amounts necessary for the support of the government of the City of New York and the counties therein and for the payment of indebtedness thereof, for the fiscal year beginning on July 1, 2013 and ending on June 30, 2014, by the levy of taxes on the real property in the City of New York, in accordance with the provisions of the Constitution of the State of New York, the Real Property Tax Law and the Charter of the City of New York.**

By Council Member Recchia.

**Whereas**, on May 2, 2013, pursuant to the Section 249 of the Charter of the City of New York ("the Charter"), the Mayor of the City of New York (the "Mayor") submitted to the Council of the City of New York (the "Council"), the executive budget for the support of the government of the City of New York and the counties therein (collectively, the "City") for the fiscal year beginning on July 1, 2013 and ending on June 30, 2014 ("Fiscal 2014"); and

**Whereas**, on June 17, 2013, pursuant to Section 1514 of the Charter, the Commissioner of the Department of Finance (the "Commissioner") delivered to the Council, the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for Fiscal 2014, a certified copy of which is in the Office of the Clerk of the City pursuant to Section 516, Real Property Tax Law (the "Fiscal 2014 Assessment Rolls"); and

**Whereas**, on June 26, 2013, the Council adopted a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2014 pursuant to Section 1803-a(1), Real Property Tax Law (the "Current Base Proportion Resolution"); and

**Whereas**, on June 26, 2013, pursuant to Section 1803-a, Real Property Tax Law, the Council adopted a resolution in which the Council adjusted the current

base proportion of each class of real property in the City for Fiscal 2014, to reflect the additions to, and full or partial removal from, the Fiscal 2014 Assessment Rolls (the "Adjusted Base Proportion Resolution"); and

**Whereas**, on June 26, 2013, pursuant to Section 254 of the Charter, the Council adopted the budget for the support of the government of the City and for the payment of indebtedness thereof for Fiscal 2014 (the "Fiscal 2014 Budget"); and

**Whereas**, on June 26, 2013, pursuant to Section 1515(a) of the Charter, the Mayor prepared and submitted to the Council, a statement setting forth the amount of the Fiscal 2014 Budget as approved by the Council (the "Fiscal 2014 Budget Statement") and an estimate of the probable amount of receipts into the City treasury during Fiscal 2014 from all the sources of revenue of the general fund and all receipts other than those of the general fund and taxes on real property, a copy of which is attached hereto as Exhibit A (the "Fiscal 2014 Revenue Estimate"); and

**Whereas**, on June 26, 2013, pursuant to Section 1516 of the Charter, the Council adopted a resolution to provide the amounts necessary for the support of the government of the City, among other things, by the levy of taxes on real property in the City (the "Tax Fixing Resolution"); and

**Whereas**, after the adoption of the Current Base Proportion Resolution, the Adjusted Base Proportion Resolution, the Fiscal 2014 Budget and the Tax Fixing Resolution, Section 1803-a, Real Property Tax Law, was amended to lower the allowable percent increase in the current base proportion as compared with the previous year's adjusted base proportion from 5.0 percent to 1 percent; and

**Whereas**, the amendment to Section 1803-a, Real Property Tax Law, requires the amending and restating of the Tax Fixing Resolution;

NOW, THEREFORE, be it resolved by The Council of The City of New York as follows:

**Section 1. Fixing of Real Property Tax Rates for Fiscal 2014.**

**a. Determining the Amount of the Real Property Tax Levy.**

- (i) The total amount of the Fiscal 2014 Budget as set forth in the Fiscal 2013 Budget Statement is \$69,916,832,926.
- (ii) The estimate of the probable amount of receipts into the City treasury during Fiscal 2014 from all the sources of revenue of the general fund and all receipts other than those of the general fund and taxes on real property as set forth in the Fiscal 2014 Revenue Estimate is \$50,346,345,926.
- (iii) Pursuant to Section 1516 of the Charter, the Council hereby determines that the amount required to be raised by tax on real property shall be \$19,570,487,000, which is derived from deducting the amount set forth in the Fiscal 2014 Revenue Estimate from the amount of the Fiscal 2014 Budget.
- (iv) In order to achieve a real property tax yield of \$19,570,487,000 due to provision for uncollectible taxes and refunds and collection of levies from prior years, the Council hereby determines that a real property tax levy of \$21,285,240,681 will be required, calculated as follows:

Not Subject to the 2 ½ percent Tax Limitation:

For Debt Service:	
Funded Debt	\$1,320,119,581

Amount Required for Debt Service and Financing as:

Provision for Uncollectible Taxes	\$110,136,764	
Provision for Refunds	\$25,632,752	
Collection of Prior Years' Levies	(\$20,101,474)	\$1,435,787,623

Subject to the 2 ½ percent Tax Limitation:

For Debt Service:	
Temporary Debt	
Interest on Temporary Debt	\$74,623,611
For General Operating Expenses:	
Funds Required	\$18,175,743,808

Amount Required for Debt Service and Operating Expenses as:

Provision for Uncollectible Taxes	\$1,522,616,917	
Provision for Refunds	\$354,367,248	
Collection of Prior Years' Levies	(\$277,898,526)	<u>19,849,453,058</u>

TOTAL REAL PROPERTY TAX LEVY \$21,285,240,681

The Council hereby determines that such amount, levied at such rates on the classes of real property pursuant to paragraph (iv) of subsection b below will produce a balanced budget within generally accepted accounting principles for municipalities.

(v) The real property tax levy, net of provision for uncollectible taxes and refunds and the collection of levies from prior years, determined pursuant to clause (iv) above shall be applied as follows:

(A) For payment of debt service not subject to the 2 ½ percent tax limitation: \$1,320,119,581

(B) For debt service on short-term debt subject to the 2 ½ percent tax limitation: \$74,623,611

(C) To provide for conducting the public business of the City and to pay the appropriated expenditures for the counties therein as set forth in the Fiscal 2014 Budget in excess of the amount of revenues estimated in the Fiscal 2014 Revenue Estimate: \$18,175,743,808

**b. Authorizing and Fixing the Real Property Tax Rates.**

(i) Assessed Valuation Calculations of Taxable Real Property in the City. The Fiscal 2014 Assessment Rolls set forth the following valuations by class within each borough of the City.

(A) The assessed valuation by class of real property for the purpose of taxation in each borough of the City, exclusive of the assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes is set forth below:

Assessment by Class of Property Subject to Taxation for All Purposes					
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property	Assessment of Property Subject to Taxation for All Purposes
Manhattan	\$819,370,191	\$42,424,988,060	\$4,777,242,958	\$63,231,774,314	\$111,253,375,523
The Bronx	1,415,699,762	3,150,745,262	1,523,681,400	3,247,658,181	9,337,784,605
Brooklyn	5,085,587,825	7,094,221,464	2,628,239,187	6,933,800,002	21,741,848,478
Queens	7,168,023,411	6,468,867,426	1,602,573,548	9,234,476,643	25,473,941,028
Staten Island	2,585,233,383	280,568,713	712,768,503	1,706,398,995	5,284,969,594
TOTAL	\$17,073,914,572	\$59,419,390,925	\$12,244,505,596	\$84,354,108,135	\$173,091,919,228

(B) The assessed valuation by class of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes in each borough of the City is set forth below:

Assessment by Class of Veterans' Property Exempted under State Law from Tax for General Purposes but Subject to Tax for School Purposes					
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property	Total Assessment of Veterans' Property Exempted under State Law from Tax for General Purposes but Subject to Tax for School Purposes
Manhattan	\$883,504	\$102,967,912	\$0	\$41,049	\$103,892,465
The Bronx	14,117,871	4,010,326	0	18,873	18,147,070
Brooklyn	40,936,827	12,370,867	0	23,235	53,330,929
Queens	76,524,535	36,303,432	0	38,090	112,866,057
Staten Island	47,831,139	1,034,508	0	11,163	48,876,810
TOTAL	\$180,293,876	\$156,687,045	\$0	\$132,410	\$337,113,331

\*Includes condominiums of three stories or fewer which have always been condominiums.

(ii) Chapter 389 of the Laws of 1997 established a new real property tax exemption providing school tax relief (Section 425, Real Property Tax Law). Pursuant to subdivision 8 of Section 425, the assessment by tax class of property subject to taxation for all purposes and the assessment by tax class of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes has been increased by the amounts shown below for purposes of: (a) determining the City's tax and debt limits pursuant to law; (b) determining the amount of taxes to be levied; (c) calculating tax rates by tax class; and (d) apportioning taxes among classes in a special assessing unit under Article 18, Real Property Tax Law.

(A) The assessed valuation by class of real property for the purpose of taxation in each borough of the City exempted under Section 425, Real Property Tax Law, exclusive of the assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes is set forth below:

Assessment by Class of Property Exempted under Section 425, Real Property Tax Law, for All Purposes				
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property**	All Other Real Property	Exempted under Section 425, Real Property Tax Law, for All Purposes
Manhattan	\$4,080,727	\$195,249,497	\$309,385	\$199,639,609
The Bronx	79,008,795	34,073,728	73,072	113,155,595
Brooklyn	244,958,258	93,444,517	455,626	338,858,401
Queens	363,069,878	168,946,395	594,953	532,611,226
Staten Island	153,754,485	6,203,604	109,458	160,067,547
TOTAL	\$844,872,143	\$497,917,741	\$1,542,494	\$1,344,332,378

(B) The assessed valuation by class of veterans' real property exempt under state law from tax for general purposes and exempt under Section 425, Real Property Tax Law, for school purposes in each borough of the city is set forth below:

Assessment by Class of Veterans' Property Exempted under Section 425, Real Property Tax Law, For School Purposes				
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property**	All Other Real Property	Total Assessment of Veterans' Property Exempted under Section 425, Real Property Tax Law, for School Purposes
Manhattan	\$0	\$11,462	\$275	\$11,737
The Bronx	29,275	38,531	0	67,806
Brooklyn	42,209	34,932	1,125	78,266
Queens	58,421	89,665	538	148,624
Staten Island	42,525	17,884	0	60,409
TOTAL	\$172,430	\$192,474	\$1,938	\$366,842

\*Includes condominiums of three stories or fewer which have always been condominiums.

\*\* Only residential real property held in the cooperative or condominium form of ownership qualifies for the real property tax exemption providing school tax relief.

(iii) Operating Limit Provisions. The Council hereby determines that the amount to be raised by tax on real property for the Fiscal 2014 Budget pursuant to clause (iii) of subsection (a) of Section 1 hereof does not exceed the limit imposed by Section 10, Article VIII of the Constitution of the State of New York, as amended, and Article 12-A, Real Property Tax Law (the "Operating Limit Provisions").\*

(A) The Operating Limit Provisions require that the City not levy taxes on real property in any fiscal year in excess of an amount equal to a combined total of two and one-half percent (2 1/2 %) of the average full valuation of taxable real property, less (i) the amount to be raised by tax on real property in such year for the payment of the interest on and the redemption of certificates or other evidence of indebtedness described therein and (ii) the aggregate amount of district charges, exclusive of debt service, imposed in such year by business improvement districts pursuant to Article 19-A, General Municipal Law.

(B) The Operating Limit Provisions require that average full valuations of taxable real property be determined by taking the assessed valuations of taxable real property on the last completed assessment roll and the four (4) preceding assessment rolls of the City and applying thereto the special equalization ratios which



**EXHIBIT A**

EXHIBIT A



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

June 26, 2013

To The HONORABLE COUNCIL of THE CITY OF NEW YORK

For the Expense Budget of the City of New York as adopted by the Council pursuant to Section 254 of the Charter for the Fiscal Year beginning July 1, 2013 and ending June 30, 2014 (Fiscal Year 2014) the amount of appropriation is:

Amounts Appropriated \$69,916,832,926

The probable amounts and sources of revenues (other than Real Property Taxes) for Fiscal Year 2014, as estimated by me pursuant to Section 1515 of the Charter, are as set forth below:

Taxes (excluding Real Property Taxes)		\$25,034,270,000
Miscellaneous Revenues	\$4,990,697,859	
Grants:		
Federal	6,495,337,486	
State	11,756,156,394	
Provision for Disallowances	(15,000,000)	
Other Categorical Aid	839,933,658	
Transfer from Capital Funds	535,550,529	
Tax Audit Revenue	<u>709,400,000</u>	\$25,312,075,926

Making the total amount of the Expense Budget for the Fiscal Year 2014 to be financed by Real Property Taxes (after provision for uncollectibles, refunds and collection of prior years' levies): \$19,570,487,000

In order to achieve the required Real Property Tax yield of \$19,570,487,000, a Real Property Tax levy of \$21,285,240,681 will be required:

The amount of taxes on real estate to be levied subject to the 2-1/2 percent tax limitation as authorized by Article VIII Section 10 of the State Constitution including a provision for uncollectible taxes \$19,849,453,058

The amount of taxes on real estate to be levied not subject to the 2-1/2 percent tax limitation as authorized by Article VIII Sections 10 and 11(a) of the State Constitution including a provision for uncollectible taxes \$1,435,787,623

Total amount of Real Property Taxes to be levied for the Fiscal Year 2014 is \$21,285,240,681

Very truly yours,

Michael R. Bloomberg  
Mayor

**EXHIBIT B**

FORM OF WARRANT

WARRANT

To Beth E. Goldman, Commissioner of Finance of the City of New York:

You are hereby authorized and required, in accordance with the provisions of the Real Property Tax Law and the Charter of the City of New York, to collect the real property tax on the properties named and described in the real property assessment roll in accordance with the assessments thereon and the tax rates fixed by the City Council for the fiscal year beginning on July 1, 2013.

Public Advocate of the  
City of New York

Clerk of the City of  
New York

(SEAL)

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

Preconsidered Res. No. 2029

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

By Council Member Recchia.

**Whereas,** On June 27, 2013 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2014 with various programs and initiatives (the "Fiscal 2014 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2014 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

**Whereas,** On June 28, 2012 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local discretionary funding; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2013 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

**Whereas,** On June 29, 2011 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2013 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and therefore be it

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in



accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Job Training and Placement for Day Care Workers Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to Out of School Time Restoration Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Asthma Control Program Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Discretionary Child Care Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to Immigrant Opportunities Initiative in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to Initiative Funding Changes in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding in accordance with the Fiscal 2013 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for certain organizations receiving local, aging, youth, and initiative discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 17.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res No. 2029 printed in these Minutes).

Int. No. 1195

By Council Member Ulrich.

**A Local Law to amend the New York city charter, in relation to conflicts of interest and the board of elections.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 2604 of the New York city charter is amended by adding a new paragraph 16 to read as follows:

*16. No regular employee of the board of elections of the city of New York shall receive compensation for any work performed on behalf of the campaign of any candidate for an elective office of the city or any elected official who is a candidate for any elective office of the city.*

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

Referred to the Committee on Governmental Operations.

Int. No. 1196

By Council Members Van Bramer, Koslowitz and Wills.

**A Local Law in relation to renaming two thoroughfares and public places in the Borough of Queens, Court Square East and Court Square West, and to amend the official map of the city of New York accordingly.**

*Be it enacted by the Council as follows:*

Section 1. The following street name, in the Borough of Queens, is hereby renamed as hereafter indicated.

New Name	Present Name	Limits
Court Square East	Court Square	Between Thomson Avenue and the Sunnyside Rail Yards

§2. The following street name, in the Borough of Queens, is hereby renamed as hereafter indicated.

New Name	Present Name	Limits
Court Square West	Court Square	Between Jackson Avenue and the Sunnyside Rail Yards

§3. The official map of the city of New York shall be amended in accordance with

the provisions of sections one and two of this local law.

§4. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Res. No. 2030

**Resolution calling on the Congress of the United States to pass, and the President to sign into law, H.R. 3122, the Successful, Safe and Healthy Students Act of 2013.**

By Council Members Williams, Koppell and Wills.

**Whereas,** Students deserve to learn in a safe space that promotes a positive, healthy and creative learning environment; and

**Whereas,** Studies show that healthy students have an improved capacity to focus and learn, feel better, experience improved self-image and perform better in school; and

**Whereas,** Bullying prevention, physical wellness, and student mental health have received increasing focus from educators and policymakers in recent years, as

evidenced by annual bullying prevention summits hosted by the U.S. Department of Education and similar events held in individual states; and

**Whereas**, H.R. 3122, *The Successful, Safe and Healthy Students Act* (“the Act”) introduced by Congressman Bruce Braley in September 2013, seeks to bolster these efforts by creating grant programs so local schools can develop and implement programs that encourage positive learning conditions and increase academic achievement for all students; and

**Whereas**, The Successful, Safe and Healthy Student State Grant program, will provide funding to states to implement programs to support positive conditions for learning; and

**Whereas**, States receiving funding under this program will distribute grants to local school districts to improve learning conditions, giving priority to those with the highest poverty and greatest needs; and

**Whereas**, By awarding grant funding to efforts that seek to increase opportunities for physical activity, good nutrition, healthy living, substance abuse prevention and the prevention of bullying, harassment and violence, schools will be better able to foster supportive learning environments; and

**Whereas**, The Act will also allow states to award subgrants to give local districts the resources they need to develop and improve data systems to improve conditions for learning in schools and communities; and

**Whereas**, Specifically, H.R. 3122 amends the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to award grants to states to: (1) develop, improve, and implement state reporting and information systems that measure conditions for learning, based on surveys of school students and staff; and (2) award competitive subgrants to local educational agencies (LEAs) or nonprofit organizations that use such measurement systems to make comprehensive improvements to school-level conditions for learning; and

**Whereas**, The Act also conditions a state's grant eligibility on the state: (1) having a statewide physical education requirement that is consistent with widely recognized standards; and (2) requiring its LEAs to establish policies that prevent and prohibit harassment in schools, to notify students, parents, and educational professionals of prohibited conduct each year, and to provide students and parents with grievance procedures that target such conduct; and

**Whereas**, Further, the Act directs the Secretary of Education to evaluate the programs this Act funds and provide technical assistance to program applicants, grantees, and subgrantees; and

**Whereas**, H.R. 3122 seeks to advance student achievement by promoting student health and wellness, preventing bullying, violence and drug use, and fostering a positive school climate; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Congress of the United States to pass, and the President to sign into law, H.R. 3122, the Successful, Safe and Healthy Students Act of 2013.

Referred to the Committee on Education.

Int. No. 1197

By Council Members Wills, Cabrera, Chin, Gentile and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to require parental consent prior to releasing personally identifiable student data.**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new title 21-A to read as follows:

**Title 21-A. Education.**

**Chapter 1. Definitions.**

**Chapter 2. Release of Personally Identifiable Student Data.**

*Chapter 1. Definitions.*

§21-950 *Definitions. Whenever used in this title, the following terms shall have the following meanings:*

a. “Chancellor” shall mean the chancellor of the New York city department of education.

b. “Department” shall mean the New York city department of education.

c. “Parent” shall mean a parent of a student and includes a natural parent, a guardian and an individual acting as a parent in the absence of a parent or guardian.

d. “Student” shall mean any pupil under the age of twenty-one under the jurisdiction of the

*New York city department of education.*

*Chapter 2. Release of Personally Identifiable Student Data.*

§21-951 *Release of Personally Identifiable Student Data a. For the purposes of this section the following terms shall have the following meanings:*

1. “Eligible Student” shall mean any student enrolled in a school under the jurisdiction of the department who is 18 years of age or older.

2. “General Permission” shall mean granting the department the perpetual right to release

*personally identifiable student data for any purpose they deem necessary and appropriate.*

3. “Personally Identifiable Student Data” shall mean specific information regarding a

*student maintained by the department or any public or private agency or institution acting on behalf of the department or in accordance with the department, including but not limited to, information pertaining to race, gender, economic status, immigration status and disciplinary infractions.*

b. *The department shall require and obtain the written consent of a parent or in the case*

*of an eligible student, the consent of such eligible student shall be required, prior to releasing personally identifiable student data of the respective student for any purpose, to any individual or entity including, but not limited to, any such individual or entity authorized under federal law to collect such information.*

c. *The department shall provide all parents and eligible students with the following information; the nature and purpose for releasing the personally identifiable student data, the individual or entity that will receive and use the data, the length of time for which the data will be used, information regarding how the data will be stored, information regarding how the data will be kept secure, and any known consequences that may result from supplying the data. The department shall also notify parents and eligible students in a clear and conspicuous manner that any such parent or eligible student has the legal right to refuse to sign any such release granting the department or any individual or entity the right to release or access any such personally identifiable student data.*

d. *For any parent or eligible student who grants permission to the department to release*

*personally identifiable student data, such permission shall be construed as permission granted only for the specific use requested. For the purposes of this subdivision, the department shall not construe such permission as general permission.*

e. *Any information required by this section shall be construed in accordance with any*

*applicable provision of federal, state or local law relating to the privacy of student information and shall not interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.*

§2. *Effect of invalidity; severability. If any section, subdivision, paragraph, 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 local law, which remaining portions shall continue in full force and effect.*

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

Referred to the Committee on Education.

L.U. No. 961

By Council Member Comrie:

**Application No. C 140047 ZSK submitted by Waterview at Greenpoint LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-836 of the Zoning Resolution to modify the height and setback requirements of Section 62-341 (Developments on land and platforms) and Section 62-354 (Special height and setback regulations) in connection with a proposed mixed-use development on property located at 77 Commercial Street (Block 2472, Lot 410), in R6 and R6/C2-4 Districts, in the Borough of Brooklyn, Community District 1, Council District 33. 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 Zoning and Franchises.

L.U. No. 962

By Council Member Comrie:

**Application No. N 140046 ZRK submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution, concerning Section 11-13 (Public Parks) and Section 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn), relating to the development of parkland, in the Borough of Brooklyn, Community District 1, Council District 33.**

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

L.U. No. 963

By Council Member Comrie:

**Application No. N 140048 ZAK** submitted by Waterview at Greenpoint LLC for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), and in conjunction therewith the requirements of Section 62-332 (Rear yards and waterfront yards), in connection with a proposed mixed-use development on property located at 77 Commercial Street (Block 2472, Lot 410), in R6 and R6/C2-4 Districts, within the Greenpoint-Williamsburg Waterfront Access Plan (Parcel 3), in the Borough of Brooklyn, Community District 1, Council District 33. This application is subject to review of the Council only if called up by a vote of the Council pursuant to 62-822(a) of the NYC Zoning Resolution.

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

L.U. No. 964

By Council Member Comrie:

**Application No. C 140035 ZSX** submitted by KNIC Partners, LLC 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(b) of the Zoning Resolution to allow an indoor arena with a maximum seating capacity of 5,800 seats located within 200 feet of a Residence District, and to allow the modifications of the sign provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-655 (Height of Signs in all other Commercial Districts), and the loading provisions of Section 36-62 (Required Off-Street Loading Berths), in connection with the conversion of an existing building (Kingsbridge Armory), on property located at 29 West Kingsbridge Road (Block 3247, Lot 10 and p/o Lot 2), in the Borough of the Bronx, Community District 7, Council District 14. 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 Zoning and Franchises.

L.U. No. 965

By Council Member Comrie:

**Application No. C 140033 ZMX** submitted by KNIC Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the amendment of the Zoning Map, Section No. 3c, changing from an R6 District to a C4-4 District property bounded by West 195th Street, Jerome Avenue, West Kingsbridge Road, and Reservoir Avenue, in the Borough of the Bronx, Community District 7, Council District 14.

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

L.U. No. 966

By Council Member Comrie:

**Application No. N 140034 ZRX** submitted by KNIC partners, LLC pursuant to Section 201 of the New York City Charter, for an amendment of Zoning Resolution Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) to allow by a special permit an indoor arena with a rated capacity in excess of 2,500 persons, but not greater than 6,000 persons, to be located within 200 feet of a residential district, and modifications of certain signage and loading berth requirements, in the Borough of the Bronx, Community District 7, Council District 14.

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

L.U. No. 967

By Council Member Comrie:

**Application No. C 140036 PPX** submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 29 West Kingsbridge Road (Block 3247, Lots 10 and p/o Lot 2), in the Borough of the Bronx, Community District 7, Council District 14. 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 Zoning and Franchises.

L.U. No. 968

By Council Member Comrie:

**Application No. 200145123 HKK** (N 140116 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of Long Island Business College, 143 South 8th Street (Designation List 468/LP-2544), in the Borough of Brooklyn, Community District 1, Council District 34, as a historic Landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitting and Maritime Uses.

L.U. No. 969

By Council Member Comrie:

**Application No. 20145106 HKM** (N 140103 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Steinway & Sons Reception Room and Hallway, First Floor Interior, 109-113 West 57<sup>th</sup> Street, (Designation List 467/LP-2551), in the Borough of Manhattan, Community District 5, Council District 4, as a historic Landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitting and Maritime Uses.

L.U. No. 970

By Council Member Comrie:

**Application No. 20145124 HKM** (N 140117 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Holland Plaza Building, 431 Canal Street, (Designation List 466/LP-2537), in the Borough of Manhattan, Community District 2, Council District 3, as a historic Landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitting and Maritime Uses.

L.U. No. 971

By Council Member Comrie:

**Application No. C 140019 HAK** submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of an Urban Development Action Area and Project for properties located at 16 DuPont Street and 219 West Street in the Borough of Brooklyn, and approval of the disposition of such properties, Community District 1, Council District 33. 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 197-c of the New York City Charter.

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

L.U. No. 972

By Council Member Comrie:

Application No. N 140028 ZRK submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution, concerning section 11-13 (Public Parks), Section 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn), and 62-931 (Waterfront Access Plan BK-1: Greenpoint-Williamsburg) relating to the development of parkland and schools, in the Borough of Brooklyn, Community District 1, Council District 33.

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

L.U. No. 973

By Council Member Comrie:

Application No. N 140022 ZAK submitted by Greenpoint Landing Associates LLC for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), and in conjunction therewith the requirements of Section 62-332 (Rear yards and 7 waterfront yards), in connection with a proposed mixed-use development on property located at 219 West Street (Zoning Lot 5b-1, Block 2472, p/o of Lot 32), in R6/C2-4 and R8 Districts, within the Greenpoint-Williamsburg Waterfront Access Plan (Parcel 5b), in the Borough of Brooklyn, Community District 1, Council District 33. This application is subject to review of the Council only if called up by a vote of the Council pursuant to 62-822(a) of the NYC Zoning Resolution.

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

L.U. No. 974

By Council Member Comrie:

Application No. N 140020 ZAK submitted by Greenpoint Landing Associates LLC for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the location, area and minimum dimensions requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), and in conjunction therewith the requirements of Section 62-332 (Rear yards and waterfront yards), and Section 62-931 (Waterfront Access Plan BK-1: Greenpoint-Williamsburg), in connection with a proposed mixed-use development on property located at 37 Commercial Street (Zoning Lot 5a, Block 2472, Lot 100), in R6/C2-4 and R8 Districts, within the Greenpoint-Williamsburg Waterfront Access Plan (Parcel 5a), in the Borough of Brooklyn, Community District 1, Council District 33. This application is subject to review of the Council only if called up by a vote of the Council pursuant to 62-822(a) of the NYC Zoning Resolution.

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

L.U. No. 975

By Council Member Comrie:

Application no. 20145095 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of PQ 550 Hudson Inc, d/b/a Le Pain Quotidien, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 550 Hudson 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.

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

Preconsidered L.U. No. 976

By Council Member Comrie:

Application No. 20145162 SCQ pursuant to Section 1732 of the New York City School Construction Authority Act, concerning the proposed site selection

for a new, approximately 456-seat primary school facility, located on the north side of 48<sup>th</sup> Avenue between 210<sup>th</sup> and 211<sup>th</sup> Streets in Bayside (Block 7327, Lots 28, 38, 39, and 49), Borough of Queens, Community 11, Council District 19.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses).

Preconsidered L.U. No. 977

By Council Member Comrie:

Application No. 20135772 SCX pursuant to Section 1732 of the New York City School Construction Authority Act, concerning the proposed site selection for a new, approximately 379-seat primary school 1024-1036 White Plains Road (Block 3733, Lots 5, 7 and 9), Borough of Bronx, Community Board 9, Council District 18.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses).

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

ANNOUNCEMENTS:

Friday, November 15, 2013

★Note Location Change

Committee on IMMIGRATION jointly with the

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

Res. 1536 - By Council Members Eugene, Williams, Brewer, Chin, Comrie, Fidler, Gonzalez, James, Koppell, Lander, Mendez, Nelson, Palma, Rose, Vann, Wills, Rodriguez and Ulrich - Resolution calling on the United States Department of Homeland Security to expedite the adjustment of immigration status of immigrants serving in the United States Armed Forces and to halt deportations of immigrants who are active duty service members or who have been honorably discharged from the United States Armed Forces.

Res. 1923 - By Council Members Eugene, Barron, Brewer, Chin, Dromm, Jackson, James, Koo, Koppell, Mendez, Williams and Rodriguez - Resolution urging the federal government to pass legislation that will establish a pathway to citizenship for Temporary Protected Status beneficiaries.

Committee Room— 250 Broadway, ★16<sup>th</sup> Floor.....Daniel Dromm, Chairperson  
..... Mathieu Eugene, Chairperson

★Note Location Change

Committee on Finance ..... 10:00 a.m.

Proposed Int. 1040-A - By Council Members Richards, Lander, Wills, Brewer, Chin, Dromm, Fidler, James, Mealy, Mendez, Rose, Vacca, Weprin, Williams, Recchia, Levin, Reyna, Van Bramer, Mark-Viverito, Gonzalez, Nelson, Eugene, Garodnick, Dickens, Palma, Barron, Rodriguez, Ulrich and Oddo - A Local Law to amend the administrative code of the city of New York, in relation to the creation of a database to track the expenditure of funds in connection with recovery efforts in the wake of Hurricane Sandy.

★Council Chambers – City Hall.....Domenic M. Recchia, Chairperson

★Deferred

Committee on YOUTH SERVICES.....1:00 P.M.

Agenda to be announced

Committee Room— 250 Broadway, 14<sup>th</sup> Floor ..... Lewis Fidler, Chairperson

Monday, November 18, 2013

★Deferred

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

Agenda to be announced

Committee Room— 250 Broadway, 14<sup>th</sup> Floor ..... Mathieu Eugene, Chairperson

★Deferred

Committee on FIRE AND CRIMINAL JUSTICE SERVICES.....10:00 A.M.

Agenda to be announced

Committee Room— 250 Broadway, 14<sup>th</sup> Floor

Elizabeth Crowley, Chairperson

★ Note Topic Addition

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

**Proposed Int. 1009-A** - By Council Members Koppell, Foster, Mealy, Lander, Brewer, Chin, Fidler, James, Mendez, Williams, Wills, Lappin, Rodriguez and Halloran – **A Local Law** to amend the administrative code of the city of New York, in relation to an annual report on preferred source contract awards.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Darlene Mealy, Chairperson

★ Note Location Change

Committee on **CONSUMER AFFAIRS**..... 1:00 P.M.

**Int. 1177** - By Council Members Garodnick, Chin, Koo, Koppell and Halloran (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to recordkeeping requirements for second-hand dealers, scrap processors and pawnbrokers.

**Oversight** - Theft of Electronic Goods: How can Second-hand Dealers, Pawn Brokers and Scrap Processors Better Assist Law Enforcement in Tracking down Stolen Items?

★ Committee Room – 16<sup>th</sup> Floor ..... Daniel Garodnick, Chairperson

★ Note Location Change

Committee on **FINANCE** jointly with the

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

**Proposed Int. 1171-A** - By Council Members Vann and Recchia – **A Local Law** to amend the administrative code of the city of New York, in relation to the sale of tax liens.

★ Committee Room – City Hall ..... Domenic M. Recchia, Chairperson

Albert Vann, Chairperson

★ Deferred

Committee on **HIGHER EDUCATION** .....1:00 P.M.

Agenda to be announced

Hearing Room— 250 Broadway, 16<sup>th</sup> Floor .....Ydanis Rodriguez, Chairperson

Tuesday, November 19, 2013

★ Note Location Change

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

**Oversight** - Examining the Implementation of Parks Capital Projects

Committee Room – 250 Broadway, ★16<sup>th</sup> Floor

..... Melissa Mark-Viverito, Chairperson

★ Deferred

Committee on **PUBLIC SAFETY** .....10:00 A.M.

Agenda to be announced

Committee Room— 250 Broadway, 16<sup>th</sup> Floor .....Peter Vallone, Chairperson

★ Note Location Change

Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS** ..... 1:00 P.M.

**Int. 1136** - By Council Members Levin, Van Bramer, Comrie, Dickens, Eugene, James, Koo, Mendez, Palma, Rodriguez, Arroyo, Lander, Mark-Viverito, Brewer and Barron - **A Local Law** to amend the New York city charter, in relation to a comprehensive cultural plan.

Committee Room – 250 Broadway, ★16<sup>th</sup> Floor

..... James Van Bramer, Chairperson

★ Deferred

Committee on **EDUCATION** .....1:00 P.M.

Agenda to be announced

Committee Room— 250 Broadway, 16<sup>th</sup> Floor .....Robert Jackson, Chairperson

Wednesday, November 20, 2013

★ Note Topic and Committee Addition

Committee on **CIVIL RIGHTS** jointly with the

★Committee on **OVERSIGHT AND INVESTIGATIONS** .....10:00 A.M.

★**Oversight** - Recent Allegations of Racial Bias in Department Stores

Committee Room— 250 Broadway, 16<sup>th</sup> Floor .....Deborah Rose, Chairperson

..... Jumaane D. Williams, Chairperson

★ Deferred

Committee on **JUVENILE JUSTICE** .....10:00 A.M.

Agenda to be announced

Committee Room— 250 Broadway, 14<sup>th</sup> Floor ..... Sara Gonzalez, Chairperson

★ Note Topic Addition

Committee on **TECHNOLOGY** ..... 1:00 P.M.

**Oversight** - DoITT’s administration of the New York City Open Data Law.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Fernando Cabrera, Chairperson

★ Note Topic and Committee Addition

Committee on **GENERAL WELFARE** jointly with the

Committee on **AGING**..... 1:00 P.M.

**Oversight** - Kinship Care

Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Annabel Palma, Chairperson

..... Jessica Lappin, Chairperson

★ Note Location Change

Committee on **PUBLIC HOUSING** ..... 1:30 P.M.

**Oversight** – NYCHA’s Efforts to Repair, Rebuild and Recover in the Wake of Sandy and Other Disasters

Committee Room – City Hall.....Rosie Mendez, Chairperson

Thursday, November 21, 2013

★ Note Location Change

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES**.....9:30 A.M.

**Int. 1174** - By Council Member Crowley (by request of the Mayor) - **A Local Law** to amend the New York city fire code, in relation to the enhancement of emergency preparedness in New York city and the adoption of current fire safety standards as incorporated in the 2009 edition of the international fire code, and to amend certain provisions of the New York city charter, the New York city mechanical code and the New York city plumbing code consistent with amendments to the New York city fire code

Hearing Room – 250 Broadway, ★16<sup>th</sup> Floor..... Elizabeth Crowley, Chairperson

Subcommittee on **ZONING & FRANCHISES** .....9:30 A.M.

**See Land Use Calendar** Available Monday, November 18, 2013

Committee Room – 250 Broadway, 16<sup>th</sup> Floor .....Mark Weprin, Chairperson

★ Deferred

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

Agenda to be announced

Committee Room— 250 Broadway, 14<sup>th</sup> Floor ..... Jessica Lappin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING**

**& MARITIME USES** .....11:00 A.M.

**See Land Use Calendar** Available Monday, November 18, 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 Monday, November 18, 2013

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Stephen Levin, Chairperson

★ Note Topic Addition

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

**Int. 1160** - By Council Members Gennaro, Fidler, Koo, Richards and Rodriguez (by request of the Mayor) - **A Local Law** to amend the New York city charter, the administrative code of the city of New York, the New York city building code, and the New York city mechanical code, in relation to the New York city air pollution control code, and to repeal section 24-117 of the administrative code of the city of New York, relating to refuse burning equipment, section 24-119 of such code, relating to refuse compacting systems, subchapter 5 of chapter 1 of title 24 of such code, relating to fee schedules, section 24-144 of such code, relating to sulfur compounds, section 24-150 of such code, relating to smoking in passenger elevators, section 24-154 of such code, relating to environmental ratings, sections 24-179, 24-181, 24-182, 24-184, 24-185, 24-186, 24-187 and 24-188 of such code, relating to the powers and procedures of the environmental control board, including procedures for filing answers, citizens complaints, default proceedings, hearing officer decisions, board decisions, and compliance with board decisions, and subdivision (f) of section 24-190 of such code, relating to failure to pay civil penalties.



Hearing Room – 250 Broadway, 16<sup>th</sup> Floor  
..... James Gennaro, Chairperson

★ Note Topic Additions

Committee on GOVERNMENTAL OPERATIONS..... 2:00 P.M.

Int. 488 - By Council Members Brewer, Cabrera, Chin, Dromm, Fidler, Gentile, Koppell, Lander, Lappin, Mealy, Mendez, Reyna, Rose, Van Bramer, Williams, Nelson, Mark-Viverito, Koo, Halloran and Ulrich - **A Local Law** to amend the New York city charter, in relation to requiring the New York City Board of Elections to post sample ballots on its website prior to elections.

Int. 1066 - By Council Members Lander and Brewer – **A Local Law** to amend the New York city charter, in relation to instant run-off voting.

Int. 1108 - By Council Member Brewer – **A Local Law** to amend the New York city charter, in relation to absentee and military voters utilizing ranked choice voting.

Int. 1192 - By Council Member James - **A Local Law** to amend the New York city charter, in relation to eliminating run-off elections for the offices of public advocate and comptroller.

Res. 4-A - By Council Members Garodnick and Brewer - **Resolution** calling on the New York State Legislature to pass and the Governor to sign A.7013, which would require instant run-off voting in New York City primary elections for the office of Mayor, Comptroller and Public Advocate.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Gale Brewer, Chairperson

Friday, November 22, 2013

★ Deferred

~~Committee on MENTAL HEALTH, DEVELOPMENTAL DISABILITY, ALCOHOLISM,~~

~~DRUG ABUSE AND DISABILITY SERVICES ..... 10:00 A.M.~~

~~Agenda to be announced~~

~~Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Oliver Koppell, Chairperson~~

★ Note Topic Addition

Committee on SANITATION AND SOLID WASTE MANAGEMENT.... 10:00 A.M.

Int. 1162 - By Council Members James, Brewer, Chin, Fidler, Gentile, Koo and Rodriguez (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to commercial organic waste.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Letitia James, Chairperson

★ Note Location Change

Committee on PUBLIC SAFETY ..... 1:00 P.M.

Int. 859 - By Council Members Vallone, Comrie, Eugene, Ferreras, Fidler, Gentile, Jackson, James, Koppell, Lander, Mendez, Recchia, Rose, Williams, Wills, Rodriguez, Halloran, Oddo and Ulrich – **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the police department to submit to the council reports of crime in all parks and playgrounds within the City that are greater than one acre in size.

Hearing Room – 250 Broadway, ★16<sup>th</sup> Floor..... Peter Vallone, Chairperson

★ Deferred

Committee on JUVENILE JUSTICE ..... 1:00 P.M.

~~Oversight – Examination of NeONs and Their Impact on Youth on Probation~~

~~Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Sara Gonzalez, Chairperson~~

★ Note Time Change and Topic Addition

Committee on SMALL BUSINESS..... ★1:00 P.M.

Int. 1191 - By Council Member Gonzalez – **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to providing business owners the ability to indicate a language preference for agency inspections.

★**Oversight** - Restoring New York City’s Small Businesses One Year After Hurricane Sandy

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Diana Reyna, Chairperson

Monday, November 25, 2013

★ Note Location Change

Committee on EDUCATION..... 10:00 A.M.

Int. 1091 - By Council Members King, Arroyo, Cabrera, Chin, Comrie, Dickens, Ferreras, Fidler, Garodnick, James, Koo, Koppell, Lander, Mark-Viverito, Mendez, Reyna, Richards, Rivera, Rose, Van Bramer, Palma, Rodriguez, Wills, Brewer and Barron - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of education to distribute information on college savings plans to all students.

Int. 925 - By Council Members Jackson, Arroyo, Brewer, Chin, Dromm, Eugene, Fidler, Gentile, James, Koo, Lander, Recchia, Rose, Williams, Lappin and Rodriguez - **A Local Law** to amend the New York city charter, in relation to requiring the department of education to provide data regarding the provision of arts instructional requirements.

Res. 1394 - By Council Members Jackson, Brewer, Chin, Comrie, Dickens, Dromm, Fidler, Gonzalez, James, Lander, Mendez, Rose, Vann, Williams and Wills - **Resolution** calling upon the New York State Education Department, the New York State Legislature, and the Governor to re-examine public school accountability systems and to develop a system based on multiple forms of assessment which do not require extensive standardized testing.

**Oversight** - The Impact of Standardized testing on DOE Students

Committee Room – City Hall ..... Robert Jackson, Chairperson

★ Deferred

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 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

★ Note Committee Addition

Committee on GENERAL WELFARE jointly with the  
Committee on WOMEN’S ISSUES and the

★Committee on HEALTH ..... 1:00 P.M.

Int. 1194 - By Council Member Palma – **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to assessing food security. **Oversight** - Hunger in NYC

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Annabel Palma, Chairperson

..... Julissa Ferreras, Chairperson

..... Maria del Carmen Arroyo, Chairperson

★ Note Topic Additions and Location Change

Committee on SANITATION AND

SOLID WASTE MANAGEMENT..... 1:00 P.M.

Int. 380 - By Council Members Vallone, Comrie, Fidler, James, Koppell, Lander, Rose, Williams, Levin and Crowley - **A Local Law** to amend the administrative code of the city of New York, in relation to a pilot for the recycling of expanded polystyrene.

Int. 369 - By Council Members Lappin, Brewer, Comrie, Fidler, Koppell, Lander, Palma, Williams, Rodriguez, Mendez, Nelson and Van Bramer - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring containers for foods packaged on premises to be made of recyclable material.

Int. 1060 - By Council Members Fidler, James, Gentile, Brewer, Comrie, Dickens, King, Koslowitz, Lander, Levin, Vann, Dromm, Ferreras, Gonzalez, Mendez, Richards, Rivera, Van Bramer and Chin (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.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall ..... Letitia James, Chairperson

Tuesday, November 26, 2013

Committee on FINANCE..... 10:00 A.M.

Agenda to be announced

Committee Room – City Hall..... Domenic M. Recchia, Chairperson

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.

..... Agenda – 1:30 p.m.

Location ..... ~ Council Chambers ~ City Hall

*Editor's Local Law Note: Int No. 1049-A, 1129-A, 1132-A, 1134-A, 1141-A, 1146-A, all adopted at the October 9, 2013 Stated Council Meeting, were returned unsigned by the Mayor on November 8, 2013. These bills became local laws on November 9, 2013 pursuant to the City Charter due to Mayoral inaction within the Charter-prescribed thirty day time period and were assigned, respectively, as Local Laws 88, 89, 90, 91, 92, and 93 of 2013.*

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Comrie) adjourned these proceedings to meet again for the Stated Meeting on Tuesday, November 26, 2013.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council