SUPPLEMENT TO
THE CITY RECORD
THE COUNCIL — STATED MEETING OF
THURSDAY, DECEMBER 19, 2013

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING of
Thursday, December 19, 2013, 2:47 p.m.

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

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo
Charles Barron
Gale A. Brewer
Fernando Cabrera
Margaret S. Chin
Leroy G. Comrie, Jr.
Elizabeth S. Crowley
Inez E. Dickens
Erik Martin Dilan
Daniel Dromm
Mathieu Eugene
Julissa Ferreras
Lewis A. Fidler
Daniel R. Garodnick
Vincent J. Gentile
Vanessa L. Gibson
Sara M. González
David G. Greenfield
Vincent M. Ignizio
Robert Jackson
Lettitia James
Andy L. King
Peter A. Koo
G. Oliver Koppell
Karen Koslowitz
Bradford S. Lander
Jessica S. Lappin
Stephen T. Levin
Melissa Mark-Viverito
Darlene Mealy
Rosie Mendez
Michael C. Nelson
James S. Oddo
Annabel Palma
Domenic M. Recchia, Jr.
Diana Reyna
Donovan J. Richards
Joel Rivera
Ydanis A. Rodriguez
Deborah L. Rose
Eric A. Ulrich
James Vacca
Peter F. Vallone, Jr.
Albert Vann
James G. Van Bramer
Mark S. Weprin
Jumaane D. Williams
Ruben Wills

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

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

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

INVOCATION

The Invocation was delivered by Rev. Joseph Tolton, Rivers at Rehoboth Church, 263 West 86th Street New York, NY 10024.

The peace of God be with you today.
God of grace and God of mercy

We recognize, acknowledge, and embrace your majesty.
God who is sovereign we salute your diverse manifestations and celebrate each of your majestic names.
Throughout this year these public servants have made a deep and wide investment of their total being in developing policies that would strengthen the lives of New Yorkers.
And on this day I pray God that you reward each of them personally.
In 2013[,] these public servants have fought for better more productive public schools that our children may be educated and prepared to thrive in our global village driven by innovation.
God I pray that in return you will impart onto each of them a new creative and inspired idea as they prepare for what their individual next chapter will be.
These public servants have fought for better wages for labor, opportunities for the middle class, and prosperity in our small and corporate business communities.
In return I pray God that there would be no lack in their lives.
May their cupboards be filled and may they be blessed with abundance for their service.
This year these public servants have fought for fair policing practices that uphold the civil rights of every New Yorker.
I pray God that in return you bless them with divine protection.
These public servants this year have maintained diligence in the need for gay, lesbian, bisexual, and transgender New Yorkers to be safe as we live our truth without shame.
In return I pray God that in the marriages, unions, relationships, and covenants of these public servants that there might be joy, peace, stability, and fulfillment.
Every individual within this body of organizers has said yes to the awesome call and challenge of public service.
For their courage and commitment I pray God that you promote each one of them and take them to the next level in every dimension of their lives.
This I pray in the name of all that is good.
Amen.

Council Member Brewer moved to spread the Invocation in full upon the Record.
At this point, the Speaker (Council Member Quinn) yielded the floor to Council Member Mendez who spoke in respectful memory of her friend, Angeline Theresa (“Terry”) DiFiore. Council Member Mendez noted that Ms. DiFiore broke glass ceilings by working in jobs once seen as non-traditional for women such as HPD code inspector and construction site safety consultant. A week before this Stated Meeting, Ms. DiFiore lost her life to a rare progressive brain disorder called Progressive Supranuclear Palsy (PSP). She leaves behind her wife Sandra Abramson. At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of Ms. Angeline Theresa (“Terry”) DiFiore.

A DOPATION OF MINUTES

Council Member Weprin moved that the Minutes of the Stated Meeting of November 26, 2013 be adopted as printed.

During the Communication from the Speaker segment of the Meeting, the Speaker (Council Member Quinn) recognized several Council family members in the Chambers: Council Member Nelson’s daughter and wife; and Council Member Gennaro’s wife Joan and daughter Christina.

Also at this point, the Speaker (Council Member Quinn) spoke briefly with praise and warmth of the following Members who were leaving the Council: Council Members Luprin, Brewer, Jackson, Koppell, Rivera, Halloran, Vann, Jr., Gennaro, Comrie, Reyna, James, Vann, Dilan, Gonzalez, Barron, Fidler, Nelson, Recchia and Oddo. Later during this segment of the Meeting, the Speaker (Council Quinn) noted that this was her last Council Meeting and she thanked her staff for making this City a better place to live in. The Speaker (Council Member Quinn) bid everyone goodbye, good luck, and asked God to bless all.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Civil Service and Labor

Report for Int. No. 1208-A

Report of the Committee on Civil Service and Labor 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 provision of sick time earned by employees.

The Committee on Civil Service and Labor, to which the annexed amended proposed local law was referred on December 10, 2013 (Minutes, page 5219), respectfully:

REPORTS:

I. Introduction

On December 17, 2013, the Committee on Civil Service and Labor, chaired by Council Member Michael Nelson, will conduct a second hearing on Proposed Int. No. 1208-A to a Local Law to amend the Administrative Code of the City of New York in relation to the provision of sick time earned by employees. The bill was amended after introduction. This bill makes technical amendments to Local Law 46 of 2013, the Earned Sick Time Act, which was passed by the Council on May 8, 2013, vetoed by Mayor Michael Bloomberg on June 6, 2013 and overridden by the Council on June 26, 2013. A hearing on this bill was held on December 12, 2013.

II. Proposed Int. No. 1208-A

Bill Text

Manufacturing Exception

The first two sections of the bill would amend subdivision g of section 20-912 and subdivision a of section 20-913 of Chapter 8 to Title 20 of the Administrative Code of the City of New York (the Code). The Earned Sick Time Act currently contains an exemption for manufacturers, which took manufacturers completely out from the definition of employer. This bill, however, would move the exemption for manufacturers to the requirement to provide paid sick time. Manufacturers would, therefore, still be required to provide unpaid sick time to their employees.

Carryover Hours

The bill’s third section would amend subdivision h of section 20-913 of chapter 8 of title 20 of the Code. This change was necessary to avoid employees from being able to carryover more hours into the following year than they are entitled to use in the following year.

Notice and Posting

The third section of this legislation would amend subdivision a of section 20-919 of the Code. This change would require that, in addition to informing future employees about the provisions of the Earned Sick Time Act, employers would also have to inform current employees of such sick time requirements when the law goes into effect.

Enactment

The final section of the bill contains the enactment clause, which specifies that this local law would take effect on the same date and in the same manner as Local Law 46 for the Year 2013 (the Earned Sick Time Act).

The following is the text of the Fiscal Impact Statement for Int. No. 1208-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: 1208-A

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the provision of sick time earned by employees.

SUMMARY OF LEGISLATION: Proposed Intro. 1208-A would amend the New York City Charter through technical amendments to Local Law 46 of 2013, the Earned Sick Time Act, which was passed by the Council on May 8, 2013, vetoed by Mayor Michael Bloomberg on June 6, 2013 and overridden by the Council on June 26, 2013.

The Act carved out manufacturing businesses completely from the bill. This bill requires manufacturing businesses that do not have to provide paid sick time under the law to provide unpaid sick time.

The Act currently allows workers to accrue and carryover more hours into the subsequent year than can be used in that year. This bill caps the carryover at 40 hours.

The Act requires future employees to be informed of their rights under the Earned Sick Time Act. This bill requires employers to also inform current employees of their rights under the law.

EFFECTIVE DATE: This local law would take effect on the same date and in the same manner as Local Law 46 for the Year 2013 (the Earned Sick Time Act).

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

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

IMPACT ON EXPENDITURES: The legislation would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Alyia Ali, Legislative Financial Analyst

ESTIMATED REVIEWED BY: Nathan Toth, Deputy Director Raymond Majewski, Deputy Director/Chief Economist

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on December 10, 2013 as Proposed Intro. 1208 and was referred to the Committee on Civil Service and Labor. A hearing was held by the Committee on December 12, 2013 and the bill was laid over. Proposed Intro. 1208-A, is scheduled to be considered by the Committee on December 17, 2013, and upon successful vote of the Committee, Proposed Intro. 1208-A will 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. 1208-A)

Int. No. 1208-A

By Council Members Brewer, Chin, Koppell, Mendez, Rose, Gennaro, Van Bramer, Dickens, Jackson and Lappin.

A Local Law to amend the administrative code of the city of New York, in relation to the provision of sick time earned by employees, be it enacted by the Council as follows:

Section 1. Subdivision g of section 20-912 of the administrative code of the city of New York, as added by local law 46 for the year 2013, is amended to read as follows:

"Employer" shall mean any "employer" as defined in section 190(3) of the labor law, but not including (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207[; or (iv) any employer that is a business establishment classified in section 31, 32 or 33 of the North American Industry Classification System].

In determining the number of employees performing work for an employer for compensation during a given week, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation per week during the preceding calendar year, and provided further that in determining the number of employees performing work for an employer that is a chain business, the total number of employees in that group of establishments shall be counted.

§ 2. Subdivision a of section 20-913 of the administrative code of the city of New York, as added by local law 46 for the year 2013, is amended to read as follows:

a. All employers that employ fifteen or more employees, except for any employer that is a business establishment classified in section 31, 32 or 33 of the North American Industry Classification System, and all employers of one or more domestic workers shall provide paid sick time to their employees in accordance with the provisions of this chapter and the schedule set forth in section 7 of the local law which enacted this section.

b. All employers not entitled to paid sick time pursuant to this chapter shall be entitled to unpaid sick time in accordance with the provisions of this chapter and the schedule set forth in section 7 of the local law which enacted this section.

§ 3. Subdivision b of section 20-913 of chapter 8 of title 20 of the administrative code of the city of New York, as added by local law 46 for the year 2013, is amended to read as follows:

h. Except for domestic workers, up to forty hours of unused sick time as provided pursuant to this chapter shall be carried over to the following calendar year, provided that no employer shall be required to (i) allow the use of more than forty hours of sick time in a calendar year or (ii) carry over unused paid sick time if the employee is paid for any unused sick time at the end of the calendar year in which such time is accrued and the employer provides the employee with an amount of paid sick time that meets or exceeds the requirements of this chapter for such employee for the immediately subsequent calendar year on the first day of [the immediately subsequent calendar] such year.

§ 4. Subdivision a of section 20-919 of the administrative code of the city of New York, as added by local law 46 for the year 2013, is amended to read as follows:

a. An employer shall provide an employee either at the commencement of employment or within thirty days of the effective date of this section, whichever is later, with written notice of such employee’s right to sick time pursuant to this chapter, including the accrual and use of sick time, the calendar year of the employer, and the right to be free from retaliation and to bring a complaint to the department. Such notice shall be in English and the primary language spoken by that employee, provided that the department has made available a translation of such notice in such language pursuant to subdivision b of this section. Such notice may also be conspicuously posted at an employer’s place of business in an area accessible to employees.

§ 5. This local law shall take effect on the same date and in the same manner as local law 46 for the year 2013.

Michael C. Nelson, Chairperson; James F. Gennaro, Melissa Mark-Viverito, Eric A. Ulrich; Committee on Civil Service and Labor, December 17, 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 Community Development

Report of Int. No. 891-A

Report of the Committee on Community Development in favor of approving and adopting, as amended, a Local Law to amend the New York City Charter, in relation to requiring the mayor to submit an annual report on poverty.

The Committee on Community Development, to which the amended amended proposed local law was referred on June 28, 2012 (Minutes, page 2613), respectfully reports:

INTRODUCTION

The Committee on Community Development, chaired by Council Member Albert Vann, conducted a hearing on December 11, 2013, concerning Proposed Int. No. 891-A, “a Local Law to amend the New York City Charter, in relation to requiring the mayor to submit an annual report on poverty.” The Committee, following this hearing and after due deliberation, now has an amended Proposed Int. No. 891-A before it for disposition.

BACKGROUND

Economists generally agree that the purpose of a poverty measure is “to inform the public and its political leadership of the extent, distribution, and depth of economic deprivation and to motivate and regulate the allocation of revenues to address it.” In 1964, the United States Census Bureau began to measure poverty, which was then indicated to be individuals or families with inadequate income for the consumption of necessary food and other goods and services. The Bureau’s statistical definition of poverty was developed by the United States Department of Agriculture (USDA), which constructed ‘food plans’ for families based on 1955 estimates of nutritional needs for adults and children. An earlier USDA food consumption survey revealed that approximately one-third of a family’s income was spent on food. This one-third ratio became the working standard for the original poverty threshold.

Official Poverty Measure
The Census Bureau currently measures poverty by using an income threshold below which an individual or family is deemed to live in poverty. The threshold varies according to the number of adults and related children in a family and (2) use of a 5-year (as opposed to 3-year) average of spending data to provide an update of the poverty threshold. See New York City Center for Economic Opportunity, The CEO Poverty Measure, March 2011, April 2013, available at http://www.nyc.gov/html/ceo/downloads/pdf/ceo_poverty_measure_2005_2011.pdf.


9 New York City Center for Economic Opportunity, its successor or by an analogous technical committee. Bill section one amends subdivision (a) and c both provisions as the predominant policies affecting poverty.


11 Center for Economic Opportunity, The CEO Poverty Measure, 2005-2008, A Working Paper by the Center for Economic Opportunity, Page 10. The CEO's efforts to reduce poverty as measured by a poverty threshold established by the New York City Center for Economic Opportunity, its successor or an analogous technical committee. Bill section one amends subdivision (a) and c both provisions as the predominant policies affecting poverty.

12 Id. at 12.

13 Id. at 13-14. The report also noted that the "insight" to recognize which programs and policy initiatives successfully prevented a material rise in New York City poverty during the Great Recession was dependent on utilization of a poverty measure such as the CEO poverty measure. 14 In March 2013, CEO released its latest report assessing the utility of the New York City poverty measure from 2005 through 2011. This report illustrated two primary findings discerned through the CEO poverty measure. The first primary finding reveals that the official poverty measure and the CEO poverty measure recorded nearly identical trends of increase and decrease in the City’s rate of poverty from 2005 to 2011. However, the CEO measure identifies a far more significant range of differences in poverty rates for each year during that span. The second primary finding of the report reveals the significant contextual differences of poverty within the City when employing the official poverty measure and the CEO poverty measure. For example, the City’s poverty rate for 2011 was 19.3%, utilizing the official poverty measure; the rate was 21.3% utilizing the CEO poverty measure. Under the official poverty measure, the percentage of the City’s population living in extreme poverty (recognised as 30 percent of the poverty threshold) in 2011 was 7.9 percent, the CEO poverty measure produced a rate of 5.6.

The CEO’s poverty measure has received national recognition, and is often considered a significant tool for policymakers. It provides a wealth of data for government and independent observers of the city’s economic circumstances. This measure of poverty is now viewed by many as an alternative form and established counter-measure to the “official” federal poverty measure which is continually derided by critics as outdated and ineffective. These policies for encouraging job growth and bolstering incomes.


11 Center for Economic Opportunity, The CEO Poverty Measure, 2005-2008, A Working Paper by the Center for Economic Opportunity, Page 10. The CEO's efforts to reduce poverty as measured by a poverty threshold established by the New York City Center for Economic Opportunity, its successor or an analogous technical committee. Bill section one amends subdivision (a) and c both provisions as the predominant policies affecting poverty.

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Contrasting the City’s own measure of poverty against the federal measure, New York City’s poverty rolls have grown by 160,000 people. The differences in poverty statistics between the Census Bureau’s reported numbers and the city’s numbers are based on the City’s different approach in measuring poverty and setting the corresponding threshold.

CEO’S Poverty Measure

The New York City Center for Economic Opportunity (CEO) is the first official administrative unit to track poverty in the City. In 2008, the CEO developed a more complex, contemporary and balanced poverty measure than the official measure used by the Census Bureau. CEO’s poverty measurement is based on a method proposed by the National Academy of Science (NAS) in 1995 and the Supplemental Poverty Measure (SPM) created by the Census Bureau and the U.S. Bureau of Labor Statistics.

The NAS’ method of measuring poverty establishes a poverty threshold by calculating the spending by a sub-group of families on items such as clothing, shelter, utilities and food, and also includes a multiplier for other necessities, such as personal care expenses, non-work transportation and household expenses. The NAS’ model accounts for post-tax income and the value of in-kind benefits received, such as food (SNAP benefits) and housing (such as Section 8 vouchers) benefits. The total value of these resources is applied against the poverty threshold to determine whether a measured group is categorized as living in poverty. The resulting threshold is adjusted yearly to account for improvements in living standards.

Like the NAS’ model, CEO’s income threshold is determined by “what families spend on basic necessities” including “food, clothing, shelter and utilities” and includes the multiplier for other necessities. CEO’s primary difference from the NAS’ model is that it provides a local adjustment for NYC housing market costs, which significantly affects the threshold for many New Yorkers.

When CEO first contrasted the official poverty measure’s poverty rate for New York City with its new measure, the City’s poverty rate increased significantly. The Census Bureau’s official poverty rate for New York City was 17.6%; CEO’s poverty rate was 22%. The CEO’s poverty measure “does not adequately gauge the needs and resources of American families.” The official poverty measure is now viewed by many as an alternative form and established counter-measure to the “official” federal poverty measure which is continually derided by critics as outdated and ineffective. These policies for encouraging job growth and bolstering incomes.


11 Center for Economic Opportunity, The CEO Poverty Measure, 2005-2008, A Working Paper by the Center for Economic Opportunity, Page 10. The CEO's efforts to reduce poverty as measured by a poverty threshold established by the New York City Center for Economic Opportunity, its successor or an analogous technical committee. Bill section one amends subdivision (a) and c both provisions as the predominant policies affecting poverty.

12 Id. at 12.

13 Id. at 13-14. The report also noted that the "insight" to recognize which programs and policy initiatives successfully prevented a material rise in New York City poverty during the Great Recession was dependent on utilization of a poverty measure such as the CEO poverty measure. 14 In March 2013, CEO released its latest report assessing the utility of the New York City poverty measure from 2005 through 2011. This report illustrated two primary findings discerned through the CEO poverty measure. The first primary finding reveals that the official poverty measure and the CEO poverty measure recorded nearly identical trends of increase and decrease in the City’s rate of poverty from 2005 to 2011. However, the CEO measure identifies a far more significant range of differences in poverty rates for each year during that span. The second primary finding of the report reveals the significant contextual differences of poverty within the City when employing the official poverty measure and the CEO poverty measure. For example, the City’s poverty rate for 2011 was 19.3%, utilizing the official poverty measure; the rate was 21.3% utilizing the CEO poverty measure. Under the official poverty measure, the percentage of the City’s population living in extreme poverty (recognized as 30 percent of the poverty threshold) in 2011 was 7.9 percent, the CEO poverty measure produced a rate of 5.6.
A Local Law To amend the New York City charter, in relation to require the mayor to submit an annual report on poverty.

SUMMARY OF LEGISLATION: Proposed Int. No. 891-A would amend the New York City Charter to require the Mayor to annually submit to the Council, Borough Presidents and Community Boards a report describing the City’s efforts to reduce poverty using its own poverty measure to determine the local poverty threshold.

The annual report must be submitted to the Council, Borough Presidents and Community Boards and must describe the City’s efforts to reduce poverty as measured by a poverty threshold established by the New York City Center for Economic Opportunity, including the number of city residents living in poverty and those determined to be near poverty, have such poverty data organized demographically, include budgetary and performance information and describe the city’s plans to reduce poverty.

The local law would take effect immediately upon enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2014

FISCAL IMPACT STATEMENT:

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

IMPACT ON EXPENDITURES: The New York City Center for Economic Opportunity, New York City Administration of Children Services, New York City Human Resources Administration and the New York City Department of Homeless Services can use existing resources to comply with this local law, and there will be no or minimal impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Kenneth W. Grace, Legislative Fiscal Analyst

ESTIMATED REVIEWED BY: Latonia McKinney, Deputy Director
Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: Introduced as Intro. 891 on June 28th, 2012 and referred to the City Council Development Committee. A hearing by the Community Development Committee was held on December 11th, 2013 and the bill was laid over; Intro. 891 has been amended, and the amended version, Proposed Int. 891-A was laid on December 11th, 2013 and will be considered by the Committee on December 17th, 2013, and upon successful vote by the Committee, will be submitted to the full Council for a vote.

DATE SUBMITTED TO COUNCIL: December 16th, 2013

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 891-A)

A Local Law to amend the New York city charter, in relation to requiring the mayor to submit an annual report on poverty.

Be it enacted by the Council as follows:

Section 1. Section 16 of the New York city charter, as added by the vote of the electors on November 7, 1989, is amended to read as follows:

§ 16. [Report] Reports on social indicators and poverty. a. The mayor shall submit an annual report to the council, borough presidents, and community boards analyzing the social, economic and environmental health of the city and proposing strategies for addressing the issues raised in such analysis. The report shall present and analyze data on the social, economic and environmental conditions which are significantly related to the jurisdiction of the agencies responsible for the services specified in section twenty seven hundred four, the health and hospitals corporation, and such other agencies as the mayor shall from time to time specify. The report shall include the generally accepted indices of unemployment, poverty, child welfare, housing quality, homelessness, health, physical environment, crime, and such other indices as the mayor shall require by executive order or the council shall require by local law. Such report shall be submitted no later than sixty days before the community boards are required to submit budget priorities pursuant to section two hundred thirty and shall contain: (1) the reasonably available statistical data, for the current and previous five years, on such conditions in the city and, where possible, in its subdivisions; and a comparison of this data with such relevant national, regional or other standards or averages as the mayor deems appropriate; (2) a narrative discussion of the differences in such conditions among the various subdivisions of the city and of the changes over time in such conditions; and (3) the mayor's short and long term plans, organized by agency or by issue, for responding to the significant problems evidenced by the data presented in the report.

b. No later than March thirty-first of each year, the mayor shall submit an annual report to the council, borough presidents and community boards that shall contain (1) a description of the city's efforts to reduce the rate of poverty in the city as determined by the poverty measure and poverty threshold established by the New York city center for economic opportunity or its successor or by an analogous measure based on the recommendations of the national academy of sciences; (2) information on the number and percentage of city residents living below the poverty threshold and the number and percentage of city residents living between one hundred percent and one hundred fifty percent of the poverty threshold; (3) poverty data disaggregated by generally accepted indices of family composition, ethnic and racial groups, age ranges, employment status, and educational background, and by borough for the most recent year for which data is available and by neighborhood for the most recent five year average for which data is available, along with a comparison of this data with such relevant national, regional or other standards or averages as deemed appropriate; (4) budgetary data, with a description of and outcomes on the programs and resources allocated to reduce the poverty rate in the city and estimates on the poverty reducing effects of major public benefit programs available throughout the city and how such programs serve key subgroups of the city’s population including, but not limited to, children under the age of eighteen, the working poor, young persons age sixteen to twenty-four, families with children, and residents age sixty-five or older; and (5) a description of the city’s short and long term plans to reduce poverty.

§ 2. This local law shall become effective immediately upon enactment.
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 Consumer Affairs

Report for Int. No. 876-A
Report of the Committee on Consumer Affairs 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 operation of a sidewalk cafe.

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on June 13, 2012 (Minutes, page 2023), respectfully

REPORTS:

I. INTRODUCTION

On Wednesday, December 18, 2013, the Committee on Consumer Affairs, chaired by Council Member Daniel R. Garodnick, will vote on Proposed Introductory Bill Number 876-A ("Intro. 876-A"), a Local Law to amend the Administrative Code of the City of New York, in relation to the operation of a sidewalk cafe, and Proposed Introductory Bill Number 1039-A ("Intro. 1039-A"), a Local Law to amend the Administrative Code of the city of New York, in relation to the review and approval of petitions for revocable consents to operate sidewalk cafes. The Committee previously held a hearing on both pieces of legislation on Tuesday, May 7, 2013.

II. BACKGROUND

Sidewalk cafes, which are licensed and regulated by the Department of Consumer Affairs ("DCA"), are a ubiquitous part of New York City’s urban landscape and popular draw for patrons of restaurants and bars throughout the five boroughs. According to DCA, there are currently 765 licensed sidewalk cafes in New York City. The Administrative Code defines a sidewalk cafe as a “portion of a restaurant operated under permit from the department of health and mental hygiene, located on a public sidewalk that is either an enclosed or unenclosed sidewalk cafe.” There are three different types of sidewalk cafes: an enclosed sidewalk cafe, an unenclosed sidewalk cafe, and a small unenclosed sidewalk cafe. An enclosed cafe is one that “is constructed predominantly of light materials such as glass, show-burning plastic or lightweight metal,” encompassing the seating area. An unenclosed sidewalk cafe has no such containing structure, though the seating area may be surrounded by a fence, railing or planters, and may be covered by an awning. A small unenclosed sidewalk cafe consists of a single row of tables and chairs extending no farther than 4.5 feet from the side of the street.

Because sidewalk cafes by their nature obstruct pedestrian traffic, they are subject to a number of regulations. According to DCA, sidewalk cafes must leave a path on the sidewalk that is at least eight feet wide, and in the event that the entire sidewalk is greater than 16 feet, more than half of the sidewalk must be kept clear for pedestrians. Furthermore, sidewalks must be free of anything that may cause a person to trip, such as a sandbag, and the sidewalk cafe must have a service aisle that is a minimum of three feet wide so that the server is not forced to deliver orders from person to trip, such as a sandbag, and the sidewalk cafe must have a service aisle that is a minimum of three feet wide so that the server is not forced to deliver orders from person to person.

There are also a number of fees associated with obtaining a sidewalk cafe license, including a two-year license fee of $550, a revocable consent fee of $445, and an annual revocable consent fee for the street space being used, which varies based on the location, square footage, and type of sidewalk cafe. Enclosed and small unenclosed sidewalk cafes are also subject to a local health department fee of $1,360 and a $1,500 security deposit. Enclosed sidewalk cafes applicants must submit a $4,000 security deposit and a City Planning Fee of $55 per seat with a minimum of $1,560. Businesses that modify their plans after they submit their license applications are subject to an additional $175 fee for modification of the revocable consent. Enclosed sidewalk cafe applicants that modify their plans after submission must pay the City Planning Fee. A business with a licensed sidewalk cafe must renew its license every two years and must not have any outstanding fines or consent fees prior to renewal.

The paperwork involved in renewing a sidewalk cafe license is similar to that of the initial application process. Applicants for renewal would also need to submit a letter detailing changes to sidewalk since the last application submission (including street furniture and sidewalk cafe area), and certified or registered mail receipts of the notification sent to residents. Applicants must pay a license renewal fee of $510 and a revocable consent renewal fee of $455. If the square footage of an unenclosed sidewalk cafe has changed since its last application or renewal, the applicant will be required to pay an additional $310 plan review fee. Enclosed sidewalk cafes are also required to pay the New York City Department of City Planning ("DCP") a renewal fee of $27.50 per seat (with a minimum of $680) or, if changes have been made, $55 per seat (with a minimum of $1,360). licenses continue to be responsible for paying the annual revocable consent fee.

Within five days of receiving an application, DCA will forward copies of the petition for revocable consent for any enclosed sidewalk cafe to the Landmarks Preservation Commission, DCP and the Department of Environmental Protection for review, each of which has 21 days to submit any objections in writing to DCA. If the agencies do not respond within the 21 days, the applications are subject to an additional $175 fee for modification of the revocable consent. DCA will also forward the petition for any type of sidewalk cafe, for the Lower Manhattan Small Business Development Committee.

7 Id. supra note 3.
8 Id.
9 Id.
10 Id.
11 Id.
12 Id.
13 Id.
14 Id.
15 Id.
16 Id.
17 Id.
18 Id.
19 Id.
20 Id.
21 Id.
22 Id.
23 Id.
24 Id.
25 Id.
26 Id.
27 Id.
28 Id.
29 Id.
30 Id.
31 Id.
32 Id.
33 Id.
34 Id.
35 Id.
36 Id.
37 Id.
38 Id.
39 Id.
40 Id.
41 Id.
42 Id.
43 Id.
44 Id.
45 Id.
46 Id.
47 Id.
48 Id.
49 Id.
50 Id.
51 Id.
52 Id.
53 Id.
54 Id.
55 Id.
would allow a petitioner to submit a written request to DCA for additional time to correct any deficiencies in the petition. Pursuant to Intro 1039-A, DCA could grant the petitioner up to 180 additional days.

Lastly, Intro 1039-A would allow the mayor to waive what is currently separate and necessary approval of the revocable consent.

(The following is the text of the Fiscal Impact Statement for Int. No. 876-A:)

THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR
FISCAL IMPACT STATEMENT
INTRO. NO: 876-A
COMMITTEE: Consumer Affairs

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the operation of a sidewalk cafe.

SUMMARY OF Legislation: Proposed Intro 876-A would amend the New York City Charter to improve the process for renewing a revocable consent required to construct and operate a sidewalk cafe in two ways. First, 876-A would extend the revocable consent term. Currently, a revocable consent must be renewed every two years. 876-A would amend the revocable consent term as follows: applicants applying for the first time would be eligible for a two year revocable consent; and applicants renewing an existing revocable consent would be eligible for a four year revocable consent.

Second, 876-A would prevent existing sidewalk cafes from being treated as unlicensed while an application to renew a revocable consent is pending. 876-A would prevent the issuance of a valid sidewalk cafe license at the time the application was submitted, and provides DCA with the authority to DCA that the applicant has cured any violations of sidewalk cafe regulations within ten days of being found guilty of such violations, or by the earliest practicable date if a cure within ten days is not possible.

EFFECTIVE DATE: This local law shall take effect one hundred and twenty days after its enactment, provided, however, that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

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

IMPACT ON EXPENDITURES: The legislation would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

Jeffrey Rodus
First Deputy Director
Finance Division

New York City Council

December 19, 2013

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informational purposes, to the Speaker of the City Council and the Council Member in whose district the cafe is situated, and the Community Board, which corresponds to the location of the business, for comments. The Community Board will then hold a public hearing and issue its opinion to DCA, recommending, either a denial, an approval, or an approval with modifications. The Community Board has 45 days within which to make this recommendation or waive its right to do so. Within the next 30 days, DCA will hold a public hearing and then make a recommendation to the City Council for disapproval, approval, or approval with modifications. If DCA does not make a determination within that time period than the petition will be considered denied. If the City Council does not call up the petition for a vote within 20 days of the date that the Council received a recommendation from DCA, than the petition is considered approved. If the City Council calls up the application for a vote, it has 30 additional days to approve, approve with modifications or disapprove the petition. DCA then sends the approved petition to the Mayor’s Office of Contract Services (“MOCs”) for approval for revocable consent, a process that may take up to ten days. Finally, upon approval of the revocable consent, DCA issues the license.

Sidewalk cafe operators must revisit this process again prior to the expiration of their license. Once DCA has received all the applications and fees, and has confirmed that the applicant’s license is in good standing, it will provide the applicant with a temporary operating letter, which allows sidewalk cafes to continue operating while the renewal for revocable consent is being reviewed. DCA will only renew the license once the revocable consent petition has been approved.

The penalty for operating a sidewalk cafe without the appropriate DCA license is a fine of no less than $200 and no more than $1,000 for the first violation and subsequent violations issued on the same day, and a fine of no less than $500 and no more than $2,000 for subsequent violations issued on separate days within two years of the first violation. Similar fines can be issued to licensed cafes operating in violation of any Administrative Code provisions, and DCA may seal a cafe upon repeated violations of the Code or of terms and conditions of the cafe’s license or revocable consent.

III. INTRODUCTORY BILLS

a. Intro. 876-A

Intro. 876-A would affect the process for renewing a license and revocable consent to operate a sidewalk cafe in two ways. First, Intro. 876-A would lengthen the term of the revocable consent. Currently, the Administrative Code sets the license term at two years and is silent on the term of the revocable consent. DCA rulemaking, however, set the revocable consent term to two years as well. As a result, the license and revocable consent generally expire at the same time every two years.

Intro. 876-A would lengthen the term of the revocable consent as follows: (i) if petitioning for the first time, the revocable consent term would be two years; and (ii) if petitioning to renew an existing revocable consent, the revocable consent term would be four years. Because Administrative Code sets the license term at two years, Intro. 876-A would refer to the revocable consent terms as either one license term (two years) or two license terms (four years).

Second, Intro. 876-A would prevent existing sidewalk cafes from being treated as unlicensed while a petition to renew a revocable consent is pending. 876-A would treat any petitioner renewing a revocable consent as licensed if such petitioner: (i) submitted a timely and complete petition to renew a revocable consent that has not yet been approved or denied; (ii) held a valid sidewalk cafe license at the time the petition was submitted; and (iii) provides DCA to DCA that the petition has not yet been approved or denied; held a valid sidewalk cafe license at the time the petition was submitted; and (iii) provides DCA with proof to DCA that the petitioner: (i) submitted a timely and complete petition to renew a revocable consent is pending. 876-A would extend the revocable consent term. Currently, a revocable consent must be renewed every two years. 876-A would amend the revocable consent term as follows: applicants applying for the first time would be eligible for a two year revocable consent; and applicants renewing an existing revocable consent would be eligible for a four year revocable consent.

b. Intro. 1039-A

Intro. 1039-A would streamline the application and renewal process for a revocable consent to operate a sidewalk cafe. First, Intro. 1039-A would clarify that a community board has 45 days to hold a public hearing and submit comments to DCA on an application. After 45 days, DCA would accept comments from a community board at the discretion of the DCA Commissioner.

Second, Intro. 1039-A would shorten the time period during which DCA must approve, approve with modifications or deny a revocable consent petition by permitting DCA to waive its public hearing on the petition. Further, if the hearing is waived, Intro. 1039-A would require DCA to submit all decisions to approve or approve with modifications to the Council within ten days of the expiration of the community board’s 45 day period to review the petition. Additionally, Intro. 1039-A

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67 Same note 18, at 5.
68 Id.
69 Id.
71 Supra note 18, at 6.
72 Id.
73 Supra note 26.
74 Id.
77 Supra note 47.
ESTIMATE PREPARED BY: Aliya Ali, Legislative Financial Analyst
ESTIMATED REVIEWED BY: Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on June 13, 2012 as Proposed Intro. 876 and was referred to the Committee on Consumer Affairs. A hearing was held by the Committee on May 7, 2013 and the bill was laid over and subsequently amended. An amended version of the legislation, Proposed Intro. 876-A, will be considered by the Committee on December 18, 2013, and upon successful vote of the Committee, Proposed Intro. 876-A will be submitted to the Full Council for a vote on December 19, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 876-A:)

Int. No. 876-A

By Council Members Garodnick, Brewer, Comrie, Gentile, James, Koo, Recchia, Williams, Wills, Gennaro and Van Bramer.

A Local Law to amend the administrative code of the city of New York, in relation to the operation of a sidewalk cafe.

Be it enacted by the Council as follows:

Section 1. Subdivision i of section 20-225 of the administrative code of the city of New York, as amended by local law number 8 for the year 2003, is amended to read as follows:

i. (1) The term of the revocable consent shall be one license period and shall be concurrent with such license period. The term of the renewal of such revocable consent shall be two consecutive license periods and shall be concurrent with such license periods.

(2) The consent shall be [for such term and] upon such conditions as may be provided in the approval of the petition by the department, as such approval may be modified by action of the council pursuant to subdivision h of this section, but shall be revocable at any time by the department. The separate and additional approval of the mayor shall be necessary to its validity.

§ 2. Subdivision g of section 20-226 of the administrative code of the city of New York, as amended by local law number 8 for the year 2003, is amended to read as follows:

g. (1) The term of the revocable consent shall be one license period and shall be concurrent with such license period. The term of the renewal of such revocable consent shall be two consecutive license periods and shall be concurrent with such license periods.

(2) The consent shall be [for such term and] upon such conditions as may be provided in the approval of the petition by the department, as such approval may be modified by action of the council pursuant to subdivision f of this section, but shall be revocable at any time by the department. The separate and additional approval of the mayor shall be necessary to its validity.

§ 3. Section 20-227.1 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. For purposes of this section, a person shall not be deemed to be operating an unlicensed sidewalk cafe if such person:

(1) submitted a timely and complete petition to renew a revocable consent issued pursuant to section 20-225 or 20-226 of this chapter or such petition has not yet been approved or denied by the department;

(2) held a valid license issued pursuant to section 20-224 of this chapter at the time such petition to renew a revocable consent was submitted; and

(3) provided proof to the department that such person has cured any violation of this chapter, or of the terms and conditions of such license or revocable consent within ten days after having been found guilty of such violation, or, where cure within ten days is not possible, at the earliest practicable date.

§ 4. This local law shall take effect one hundred and twenty days after its enactment, provided, however, that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

DANIEL R. GARODNICK, Chairperson; CHARLES BARRON, G. OLIVER KOPPELL, KAREN KOSLOWITZ, Committee on Consumer Affairs, December 18, 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).
FISCAL IMPACT STATEMENT:

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

IMPACT ON EXPENDITURES: The legislation would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

Consumer Affairs

Consumer Affairs

New York City Department of

Division

EFFECTIVE DATE: Effective as provided in the legislation

ESTIMATE PREPARED BY: Alyia Ali, Legislative Financial Analyst

ESTIMATED REVIEWED BY: Nathan Toth, Deputy Director

LEGISLATIVE HISTORY:

This legislation was introduced to the full Council on April 25, 2012 as Proposed Intro. 1039 and was referred to the Committee on Consumer Affairs. A hearing was held by the Committee on May 7, 2013 and the bill was laid over. An amended version of the legislation, Proposed Intro. 1039-A, will be considered by the Committee on December 18, 2013, and upon successful vote of the Committee, Proposed Intro. 1039-A will be submitted to the Full Council for a vote on December 19, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1039-A): Int. No. 1039-A

By Council Members Reyna, Koo, Gennaro, Vallone, Jr. and Van Bramer.

A Local Law to amend the administrative code of the city of New York, in relation to the review and approval of petitions for revocable consents to operate sidewalk cafes.

Be it enacted by the Council as follows:

Section 1. Section 20-225 of the administrative code of the city of New York, as amended by local law number 70 for the year 1990, subdivisions a, e, f, g, i, and j as amended by local law number 8 for the year 2003, subdivision b as amended by local law number 10 for the year 1991, and subdivision a as added by local law number 70 for the year 1990, is amended to read as follows:

§ 20-225 Review and approval of petitions for revocable consents to construct and operate enclosed sidewalk cafes which does not require a special permit modification pursuant to the zoning resolution shall be reviewed and approved in the following manner:

a. The petition shall be in such form as prescribed by the department. The petition shall be filed with the department which, within five days of the filing of such petition, shall forward copies thereof to the department of city planning, the department of environmental protection and the landmarks preservation commission for review pursuant to subdivision b of this section. The department shall forward copies of the petition, within five days of the filing of such petition, to the speaker of the council and to the council member in whose district the cafe is proposed to be located, for informational purposes.

b. The agencies to which the petition has been forwarded shall review the petition and shall indicate any objections to such petition, including any determination by the landmarks preservation commission that the petition requires a certificate of appropriateness, by filing written comments with the department of city planning within twenty-one days of the receipt thereof. The failure of an agency to indicate its objections within the prescribed time to the department of city planning shall be construed to mean that such agency has no objections.

c. If no objections to such petition are filed within the twenty-one day period prescribed in subdivision b of this section, the department of city planning shall forward the petition within five days after the close of such period to the president of the borough in which the cafe is proposed to be located, for information purposes, and to the community board for the community district in which the cafe is proposed to be located, and such board shall review such petition pursuant to subdivision e of this section.

d. If any objections exist, including any objections by the department of city planning, the department of city planning shall inform the petitioner that review of the petition has been stayed until the objections indicated are resolved. If the objections are not resolved within six months from the date the petitioner is informed that review of the petition has been stayed, such petition shall be deemed to have been withdrawn. If the objections are resolved within the prescribed time, the department of city planning shall forward the petition within five days of such resolution to the council member in whose district the cafe is proposed to be located and to the community board for the community district in which the cafe is proposed to be located, and such board shall review the petition pursuant to subdivision e of this section.

e. The community board shall, not later than forty-five days after receipt of such petition, either (i) notify the public of the petition in a manner specified by the city planning commission, conduct a public hearing thereon and submit a written recommendation on a petition to the department and to the council or (ii) waive by filing written comments with the department its public hearing and recommendation on such petition, and submit such statement to the department and to the council. If the community board submits a recommendation on a petition after the forty-five day time period, the objection to the public hearing may be accepted by the department at the sole discretion of the commissioner.

f. Within thirty days after the expiration of the forty-five day period allowed for the filing of a recommendation or waiver by the community board pursuant to paragraph two of subdivision e of this section, the department shall (i) hold a public hearing on the petition, (ii) approve the petition, disapprove it or approve it with modifications, and (iii) file with the council any such decision to approve or approve with modifications, together with the petition, within ten days after the expiration of the period allowed for the community board filing of a recommendation or waiver pursuant to subdivision e of this section. If within the time period provided by the council pursuant to subdivision f of this section, the council does not act or fails to act by the required vote on the petition, the council may resolve by the majority vote of all council members to review the petition. If the council does not so resolve, the approval of the petition by the department shall be forwarded to the mayor for approval pursuant to subdivision f of this section, unless, in accordance with that subdivision, the petition is on one for which the mayor has determined that separate and additional mayoral approval is not required.

g. If the council resolves to review a petition pursuant to subdivision g of this section, the council shall hold a public hearing, after giving public notice not less than five days in advance of such hearing. The council shall take final action on the petition and shall file with the mayor its resolution, if any, with respect to the petition, except that if, in accordance with subdivision i of this section, the petition is one for which the mayor has determined that separate and additional mayoral approval is not required, the council shall file its resolution with the department. Such filing of the resolution shall take place within sixty days of the filing of the petition with the council pursuant to subdivision f of this section. Such filing shall be submitted to the council members to review. If the council fails to act within the time period provided for in this subdivision, the council shall be deemed to have approved the petition.

h. If the council resolves to review a petition pursuant to subdivision h of this section, unless, in accordance with that subdivision, the petition is one for which the mayor has determined that separate and additional mayoral approval is not required.

i. The consent shall be for such term and upon such conditions as may be provided in the petition or by the department, and such approval may be modified by action of the council pursuant to subdivision h of this section, but shall be revocable at any time by the department. The separate and additional approval of the mayor shall be necessary to its validity, unless the mayor has determined that
such approval is not required for petitions reviewed and approved pursuant to subdivisions a through h of this section, or any category of such petitions.

j. Consents for sidewalk cafes shall provide for fees to be paid annually to the city, in the discretion of the mayor. Such fees shall be calculated pursuant to a formula established by rule or by local law, which shall apply uniformly to all consents for enclosed sidewalk cafes. The department shall file with the council a written recommendation for a formula to be used to calculate such fees.

§ 20-226. The community board shall, not later than forty-five days after receipt of such petition, either (i) notify the public of the petition, conduct a public hearing thereon and submit a written recommendation to the council; (ii) waive a written statement its public hearing and recommendation on such petition and submit such statement to the council; (iii) file with the department and council a written resolution to amend the petition if any such community board decision to waive by a written statement its public hearing and recommendation on such petition, either (i) notify the public of the petition, conduct a public hearing thereon and submit a written recommendation to the department; (ii) waive a written statement its public hearing and recommendation on such petition and submit such statement to the council; (iii) file with the department, the community board, and council a written resolution to amend the petition. If the petition is not amended, the petition shall be forwarded to the mayor. The separate and additional approval of the mayor shall be necessary to its validity, unless the mayor has determined that such approval is not required for petitions reviewed and approved pursuant to subdivisions a through h of this section, or any category of such petitions.

§ 20-227. The community board shall, not later than forty-five days after receipt of such petition, either (i) notify the public of the petition, conduct a public hearing thereon and submit a written recommendation to the council; (ii) waive a written statement its public hearing and recommendation on such petition and submit such statement to the council; (iii) file with the department, the community board, and council a written resolution to amend the petition. If the petition is not amended, the petition shall be forwarded to the mayor. The separate and additional approval of the mayor shall be necessary to its validity, unless the mayor has determined that such approval is not required for petitions reviewed and approved pursuant to subdivisions a through h of this section, or any category of such petitions.

§ 20-228. The community board shall, not later than forty-five days after receipt of such petition, either (i) notify the public of the petition, conduct a public hearing thereon and submit a written recommendation to the council; (ii) waive a written statement its public hearing and recommendation on such petition and submit such statement to the council; (iii) file with the department, the community board, and council a written resolution to amend the petition. If the petition is not amended, the petition shall be forwarded to the mayor. The separate and additional approval of the mayor shall be necessary to its validity, unless the mayor has determined that such approval is not required for petitions reviewed and approved pursuant to subdivisions a through h of this section, or any category of such petitions.

§ 20-229. The community board shall, not later than forty-five days after receipt of such petition, either (i) notify the public of the petition, conduct a public hearing thereon and submit a written recommendation to the council; (ii) waive a written statement its public hearing and recommendation on such petition and submit such statement to the council; (iii) file with the department, the community board, and council a written resolution to amend the petition. If the petition is not amended, the petition shall be forwarded to the mayor. The separate and additional approval of the mayor shall be necessary to its validity, unless the mayor has determined that such approval is not required for petitions reviewed and approved pursuant to subdivisions a through h of this section, or any category of such petitions.

§ 20-230. The community board shall, not later than forty-five days after receipt of such petition, either (i) notify the public of the petition, conduct a public hearing thereon and submit a written recommendation to the council; (ii) waive a written statement its public hearing and recommendation on such petition and submit such statement to the council; (iii) file with the department, the community board, and council a written resolution to amend the petition. If the petition is not amended, the petition shall be forwarded to the mayor. The separate and additional approval of the mayor shall be necessary to its validity, unless the mayor has determined that such approval is not required for petitions reviewed and approved pursuant to subdivisions a through h of this section, or any category of such petitions.

§ 20-231. The community board shall, not later than forty-five days after receipt of such petition, either (i) notify the public of the petition, conduct a public hearing thereon and submit a written recommendation to the council; (ii) waive a written statement its public hearing and recommendation on such petition and submit such statement to the council; (iii) file with the department, the community board, and council a written resolution to amend the petition. If the petition is not amended, the petition shall be forwarded to the mayor. The separate and additional approval of the mayor shall be necessary to its validity, unless the mayor has determined that such approval is not required for petitions reviewed and approved pursuant to subdivisions a through h of this section, or any category of such petitions.

§ 20-232. The community board shall, not later than forty-five days after receipt of such petition, either (i) notify the public of the petition, conduct a public hearing thereon and submit a written recommendation to the council; (ii) waive a written statement its public hearing and recommendation on such petition and submit such statement to the council; (iii) file with the department, the community board, and council a written resolution to amend the petition. If the petition is not amended, the petition shall be forwarded to the mayor. The separate and additional approval of the mayor shall be necessary to its validity, unless the mayor has determined that such approval is not required for petitions reviewed and approved pursuant to subdivisions a through h of this section, or any category of such petitions.

§ 20-233. The community board shall, not later than forty-five days after receipt of such petition, either (i) notify the public of the petition, conduct a public hearing thereon and submit a written recommendation to the council; (ii) waive a written statement its public hearing and recommendation on such petition and submit such statement to the council; (iii) file with the department, the community board, and council a written resolution to amend the petition. If the petition is not amended, the petition shall be forwarded to the mayor. The separate and additional approval of the mayor shall be necessary to its validity, unless the mayor has determined that such approval is not required for petitions reviewed and approved pursuant to subdivisions a through h of this section, or any category of such petitions.

§ 20-234. The community board shall, not later than forty-five days after receipt of such petition, either (i) notify the public of the petition, conduct a public hearing thereon and submit a written recommendation to the council; (ii) waive a written statement its public hearing and recommendation on such petition and submit such statement to the council; (iii) file with the department, the community board, and council a written resolution to amend the petition. If the petition is not amended, the petition shall be forwarded to the mayor. The separate and additional approval of the mayor shall be necessary to its validity, unless the mayor has determined that such approval is not required for petitions reviewed and approved pursuant to subdivisions a through h of this section, or any category of such petitions.

§ 20-235. The community board shall, not later than forty-five days after receipt of such petition, either (i) notify the public of the petition, conduct a public hearing thereon and submit a written recommendation to the council; (ii) waive a written statement its public hearing and recommendation on such petition and submit such statement to the council; (iii) file with the department, the community board, and council a written resolution to amend the petition. If the petition is not amended, the petition shall be forwarded to the mayor. The separate and additional approval of the mayor shall be necessary to its validity, unless the mayor has determined that such approval is not required for petitions reviewed and approved pursuant to subdivisions a through h of this section, or any category of such petitions.

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§ 20-238. The community board shall, not later than forty-five days after receipt of such petition, either (i) notify the public of the petition, conduct a public hearing thereon and submit a written recommendation to the council; (ii) waive a written statement its public hearing and recommendation on such petition and submit such statement to the council; (iii) file with the department, the community board, and council a written resolution to amend the petition. If the petition is not amended, the petition shall be forwarded to the mayor. The separate and additional approval of the mayor shall be necessary to its validity, unless the mayor has determined that such approval is not required for petitions reviewed and approved pursuant to subdivisions a through h of this section, or any category of such petitions.
II. BACKGROUND

The Department of Consumer Affairs (“DCA”) licenses all dealers in second-hand goods in New York City.1 Dealers in second-hand goods engage in the purchase and sale of second-hand, or used, items.2 In addition to the second-hand dealer license, a second or specialized license is required to: (i) purchase and sell automobiles, electronics, appliances, auto parts, or firearms; (ii) repair or service electronic equipment; or (iii) engage in pawn brokering.3 Pawn brokers, also known as collateral loan brokers, are businesses that loan money to consumers upon personal property, or purchase personal property from a consumer on the condition of selling the property back to the consumer at a stipulated price.4 According to DCA, as of November 7, 2013, there were 5,029 second-hand dealers, excluding used car dealers, and 464 pawn brokers in the City.

a. Record Keeping Requirements for Second-hand Dealers and Pawn Brokers

Dealers in second-hand goods and pawn brokers are subject to multiple City and State regulations. Specifically, among other things, both businesses are required to maintain records containing details about each item purchased, sold or pawned, including information related to the chain of custody of each item.5 These records are open to inspection by the Police Commissioner and have historically been used by law enforcement to track stolen items.

Dealers in second-hand goods are required to keep written records, which must be updated at the time of any purchase or sale.6 These written records must be made available for inspection, upon request, to “any police officer, to the commissioner or departmental inspector, or any judge of the criminal court.”7 The records contain a description of the item purchased or sold, including any identifying marks, such as monograms or inscriptions, and the “name, address and general description” of the customer who sold or purchased the item.8 If a dealer in second-hand goods purchases a pawnbroker “ticket,” or other “evidence of a pledged article or a redemption or sale of a pledged article,” then the dealer must specifically record the: (i) name and address of the person that issued the pawn ticket or other such evidence; (ii) pledge number listed on the pawn ticket or other such evidence; (iii) name and address of the pledge; (iv) amount loaned or advanced; (v) date and time of purchase, sale or redemption; (vi) name, residence and general description of the person from whom or to whom the redeemed article is purchased or sold; (vii) sum paid or received for the pawn ticket or other such evidence, or the sum paid or received for the redeemed article or pledge; and (viii) description of the pledged article as it is recorded on the pawn ticket or other such evidence.9

State law provides that all collateral loan brokers, which include those commonly known as pawn brokers,10 keep “books and records” containing certain specified information, including a description of the goods pawned or pledged, the amount of money loaned upon such pawn or pledge, the rate of interest associated with the loan, and the “name and residence of the person pawnning or pledging [goods].”11 This record must be kept in good condition for six years from the date of the transaction.12 Additionally, the City requires that pawn brokers record, in addition to other information, “[i]f notice from the police commissioner to prescribes . . . a general description as to sex, color and apparent age of every person depositing such pledges.”13 Finally, the Rules of the City of New York require that “[i]f shall be the duty of every collateral loan to verify the identity of every person from whom he accepts any article as a pledge for a loan and to make and keep a written record of the nature of the evidence submitted by such person to prove his identity.”14

b. Electronic Records and Data Sharing with Law Enforcement

Recently, a Texas based company known as “LeadOnline” developed a national database to assist in linking second-hand dealer and pawn brokerc records to police departments around the Country, allowing for the real-time sharing of information between business owners and law enforcement.15 According to local media reports, over 2,000 law enforcement agencies across the Country use the LeadOnline service.16 In New York City, second-hand dealers and pawn shops are not required to participate in LeadOnline. Nevertheless, the NYPD has encouraged local dealers “to use the service to create records in lieu of maintaining paper records. According to data sent to the Council by the NYPD earlier this year, over 700 second-hand dealers and pawnbrokers have signed up for the service.”17 The NYPD praises the system as a more efficient way to work with the nearly 6,000 second-hand dealer and pawn brokers across the five boroughs, and to increase collaboration with other law enforcement agencies across the country. During the first Committee hearing on Proposed Int. No. 1177-A, the NYPD testified that it is necessary to update the way these records are maintained and inspected. Although the Department continues to do in-person inspections of second-hand dealer and pawn broker businesses that use LeadOnline, the in-person inspections are substantially limited.18 The NYPD testified that LeadOnline is an important tool in making law enforcement in a more efficient manner. It appears that technology, such as LeadOnline, allows the NYPD easier access to the information kept by second-hand dealers and pawn brokers — information that could lead to the recovery of stolen items.

III. PROPOSED INT. NO. 1177

Proposed Int. No. 1177-A would require all pawn brokers to create an electronic record at the time of every transaction. Such electronic record would include the following information as it relates to every good, article or thing pawned, pledged, purchased or sold: (i) the date, time, location and type of transaction; (ii) an accurate description of each article pawned, pledged, purchased or sold, including the type of article, manufacturer, make, model or serial number, inscriptions or distinguishing marks; and (iii) at the discretion of the Police Commissioner, one or more digital photographs reasonably capturing the likeness of the article. The electronic record would be maintained for six years and open to inspection by the Attorney General, the Comptroller, any police officer, the DCA Commissioner, DCA inspectors, any criminal court judge, and any other government official authorized by State or Local Law.

Proposed Int. No. 1177-A would require second-hand dealers, licensed pursuant to section 20-265 of the Administrative Code, to create an electronic record at the time of each purchase or sale of any of the following used items: (i) gold, silver, platinum or other precious metals; (ii) electrical appliances or equipment; (iii) computers; or (iv) component parts of electronic appliances, equipment or computers. Such electronic record would be maintained for six years and include the following information as it relates to such transactions: (i) the date, time, and location of transaction; (ii) an accurate description of each article purchased or sold, including the type of article, manufacturer, make, model or serial number, inscriptions or distinguishing marks; and (iii) at the discretion of the Police Commissioner, one or more digital photographs reasonably capturing the likeness of the article. Such electronic record would be open to inspection by the DCA Commissioner or any police officer, DCA inspector, judge of the criminal court, or person duly authorized in writing for such purposes by the DCA Commissioner or by any judge of the criminal court, who shall exhibit such written authority to the second-hand dealer. Such records would also be open to the inspection of any official or other person identified in, or duly authorized in writing pursuant to, any other applicable State or Local Law.

For second-hand dealers, licensed pursuant to section 20-265 of the Administrative Code, that purchase or sell pawn broker tickets, Proposed Int. No. 1177-A would require that such electronic record include the: (i) name and address of the person that issued the pawn ticket or other such evidence; (ii) pledge number listed on the pawn ticket or other such evidence; (iii) amount loaned or advanced; (iv) date and time of purchase, sale or redemption; (v) sum paid or received for the pawn ticket or other such evidence, or the sum paid or received for the redeemed article or pledge; (vi) description of the pledged article as it is recorded on the pawn ticket or other such evidence; and (vii) at the discretion of the Police Commissioner, one or more digital photographs capturing the likeness of the pledged article. Proposed Int. No. 1177-A would require that such electronic record be kept for six years.

The format of the electronic records kept by pawn brokers and second-hand dealers pursuant to Proposed Int. No. 1177-A would be specified by rules of the Police Commissioner. Such format could include a function that enables real-time data sharing with NYPD through an internet website designated by the Police Commissioner. Proposed Int. No. 1177-A would require pawn brokers and second-hand dealers to maintain the electronic equipment necessary to keep such electronic records in good working order.

Finally, Proposed Int. No. 1177-A would expand the current written record requirements for used car dealers. In addition to their current record keeping requirements, used car dealers would be required to record the: (i) vehicle identification number (VIN); (ii) purchase’s date of birth, driver’s license number and expiration date, or proof of insurance of such driver’s license; and (iii) destination to which any vehicle is towed or removed from the dealer’s lot. Proposed Int. No. 1177-A would not require that these, or any other records maintained by used car dealers, be kept electronically.

7 N Y C. Admin. Code § 20-273(d).
8 Id.
9 N Y C. Admin. Code § 20-273(b).
10 N Y S. Gen. Bus. Law § 40 (“Nothing herein shall be construed to prohibit a collateral loan broker from employing the title pawnbroker in connection with the collateral loan business. The title pawnbroker shall be used exclusively by a collateral loan broker”).
11 N Y S. Gen. Bus. Law § 40.12 N Y S. Gen. Bus. Law § 40 (“Nothing herein shall be construed to prohibit a collateral loan broker from employing the title pawnbroker in connection with the collateral loan business. The title pawnbroker shall be used exclusively by a collateral loan broker.”).
14 Id.
15 http://www.leadonline.com/agent/index.php
17 N.Y.C. Police Dep’t, Email from Susan Petit, Assistant Deputy Director (April 26, 2013).
18 The following is the text of the Fiscal Impact Statement for Int. No. 1177-A:

COUNCIL MINUTES — STATED MEETING December 19, 2013 CC11

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(Proposed Int. No. 1177-A)
THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESIDENT NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR
FISCAL IMPACT STATEMENT

INTRO. NO: 1177-A
COMMITTEE: Consumer Affairs

TITLE: A local law to amend the administrative code of the city of New York, in relation to recordkeeping requirements for second-hand dealers and pawnbrokers.

SPONSOR(S): Garodnick, Chin, Koo, Koppe1, Gennaro and Halloran III (by request of the Mayor)

SUMMARY OF LEGISLATION: Proposed Intro. 1177-A will amend the New York City Charter to require all second-hand dealers and pawnbrokers to keep electronic records of transactions related to used: gold, silver, platinum or other precious metals; electrical appliances or equipment; and computers or computer parts.

Second-hand dealers sell used goods, including items such as jewelry, clothing and cars. Both second-hand dealers and pawn brokers are licensed by the Department of Consumer Affairs. Currently, all second-hand dealers and pawn brokers are required to maintain written records containing details about the items they buy, sell, or pawn including information related to the chain of custody of each item. These records are open to inspection by the Police Department.

The format of the electronic records would be specified by rules of the Police Commissioner and could include a method that provides the Police Department with real-time data sharing capabilities. 1177-A would require second-hand dealers and pawn brokers to record the following information in electronic format: a detailed description of the item sold, purchased or pawned, including make, serial or model number, and any inscriptions or identifying marks; the date of the transaction; and a digital photograph of any item sold, purchased or pawned.

EFFECTIVE DATE: This local law shall take effect one hundred and twenty days after its enactment into law provided that the commissioner of Consumer Affairs may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

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<th>Full Fiscal Impact FY15</th>
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IMPACT ON REVENUES: The legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: Because the Commission will use existing resources to implement this local law, it is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Police Department

ESTIMATE PREPARED BY: Aliya Ali, Legislative Financial Analyst

ESTIMATED REVIEWED BY: Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on October 30, 2013 as Proposed Intro. 1177 and was referred to the Committee on Consumer Affairs. A hearing was held by the Committee on November 18, 2013 and the bill was laid over. As proposed Intro. 1177-A, will be considered by the Committee on December 18, 2013, and upon successful vote of the Committee, Proposed Intro. 1177-A will be submitted to the Full Council for a vote on December 19, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1177-A):

Int. No. 1177-A
By Council Members Garodnick, Chin, Koo, Koppe1, Gennaro, Van Bramer, Greenfield 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 and pawnbrokers.

Be it enacted by the Council as follows:

Section 1. Section 20-267 of the administrative code of the city of New York is amended to read as follows:

§ 20-267. Report to the police commissioner. [Every] Subject to the provisions of section 20-273 of this subchapter, every dealer in second-hand articles, upon being served with a written notice to do so by a member of the police department, shall report to the police commissioner, on blank forms to be furnished by such department, a copy of any of the records required to be kept under section 20-273 of this subchapter, of all goods or articles or any part thereof, purchased, received or sold in the course of his or her business, during the days specified in such notice.

§ 2. Section 20-273 of the administrative code of the city of New York is amended to read as follows:

§ 20-273 Record of purchase and sale and a. [Every] Subject to the provisions of subdivisions b and c of this section, every dealer in second-hand articles shall keep a [book in which] written record of transactions that shall be [legible] legible and written in English. [at] At the time of every purchase and at the time of every sale, every dealer in second-hand articles shall enter in such written record a description of every article so purchased or sold, the number or numbers and any monograms, inscription or other marks of identification that may appear on such article, a description of the articles or pieces comprising old gold, silver, platinum, or other metals, and any monogram, inscription or marks of identification thereon, the name, residence and general description of the person from whom such purchase was made or to whom sold and the day and hour of the purchase or sale.

b. In addition to maintaining written records in accordance with subdivision a of this section, every dealer in second-hand articles that deals in the purchase or sale of any second-hand manufactured article composed wholly or in part of gold, silver, platinum, or other precious metals, or deals in the purchase or sale of any old gold, silver, platinum or other precious metals, or deals in the purchase of articles or things comprised of gold, silver, platinum or other precious metals for the purpose of melting or refining, or deals in the purchase or sale of used electrical appliances excluding kitchen appliances, or deals in the purchase or sale of any used electronic equipment, computers or component parts of electronic equipment or computers, shall with respect to such transactions create an electronic record in English, in a manner to be specified by the police commissioner by rule. Such electronic record may include real-time sharing or accessing of such records in an electronic format and/or through use of an internet website designated by the police commissioner. Such electronic record shall be retained for a minimum period of six years from the date of purchase or sale. Such electronic record shall be created by the dealer at the time of each transaction and shall include the following information: (i) date, time, and location of transaction; and (ii) an accurate description of each article purchased or sold, including the type of article, manufacturer, make, model or serial number, inscriptions or distinguishing marks. Such electronic record may include one or more digital photographs reasonably capturing the likeness of the article, provided in a format or in accordance with specifications as provided by rule of the police commissioner in furtherance of the purposes of this subchapter.

c. In the case of a dealer in second-hand articles that deals in the purchase or sale of [a] pawnbroker [ticket] tickets or other evidence of [a] pledged [article] articles or [a] redemption or sale of [a] pledged [article] articles, there shall be written in such book and who is not subject to the provisions of section 20-277 of this chapter.

1. Every dealer shall at the time of such purchase, sale or redemption, include the following information in the written record kept pursuant to subdivision a of this section:

   (1) [i] The name and address of the person who issued such ticket or other evidence;
   [2] [ii] The pledge number of such pawn ticket or other evidence;
§ 3. Section 20-277 of the administrative code of the city of New York is amended to read as follows: § 20-277. Reports. a. Every pawnbroker shall create an electronic record in English, in a manner to be specified by the police commissioner by rule. Such electronic record may include real-time sharing or accessing of such records in an electronic format and/or through use of an internet website designated by the police commissioner. Such electronic record shall be retained for a minimum period of six years from the date of purchase or sale. Such electronic record shall be created by the dealer at the time of purchase, sale or redemption and shall include the information specified in subparagraphs (i), (ii), (iv), (v), (vi) and (vii) of paragraph one of this subdivision and one or more digital photographs reasonably capturing the likeness of the article, provided in a format or in accordance with specifications as provided by rule of the police commissioner in furtherance of the purposes of this article.

b. A dealer in second-hand articles subject to the provisions of subdivisions b and c of this section shall acquire and maintain in good working order the electronic equipment necessary to create and maintain the electronic records required by this section, including but not limited to a computer with internet connection and a digital camera utilizing a file format designated by the police commissioner. Such electronic record may include a real-time sharing or accessing of such records in an electronic format and/or through use of an internet website designated by the police commissioner. Such electronic record shall be retained for a minimum period of six years from the date of such transaction. Such electronic record shall include the following information:

1. The date, time, location and type of transaction;
2. An accurate description of every article pawned or pledged, including type of article, manufacturer, make, model or serial number, inscriptions or distinguishing marks, and at the discretion of the police commissioner and in furtherance of the purposes of this subdivision, one or more digital photographs reasonably capturing the likeness of the article;
3. An accurate description of every article purchased or sold, including type of article, manufacturer, make, model or serial number, inscriptions or distinguishing marks, and at the discretion of the police commissioner and in furtherance of the purposes of this subdivision, one or more digital photographs reasonably capturing the likeness of the article.

b. The police commissioner, at such times as he or she may prescribe in a written notice served upon any pawnbroker by a member of the police department, may, in addition to the electronic record required by subdivision a of this section require such pawnbroker to report to such commissioner, upon blank forms to be furnished by the police department, a description of all goods, articles or things, or any part thereof, pawned or pledged in the course of business of such pawnbroker during the days specified in such notice, stating the numbers of the pawn tickets issued therefor, the amounts loaned thereon, and such identifying marks as may be on the goods pawned. If such notice from the police commissioner so prescribes, such pawnbroker, until he or she is notified to discontinue so doing, shall keep and furnish on such forms, [a general description as to sex, color and apparent age of every person depositing such pledges] identifying information regarding any pledges or persons redeeming any articles pledged or pawned, including name, address, phone number, date of birth, sex, and race or ethnicity.

c. Pawnbrokers shall acquire and maintain in good working order the electronic equipment necessary to create and maintain the electronic records required by subdivision a of this section, including but not limited to a computer with internet connection and a digital camera utilizing a file format designated by the police commissioner.

d. Records required to be kept by pawnbrokers pursuant to this section shall be open to the inspection of the state attorney general, the state comptroller, any police officer, the commissioner, any departmental inspector, any judge of the criminal court, any person duly authorized in writing for such purposes by the commissioner or by any judge of the criminal court, who shall exhibit such written authority to the pawnbroker, or any other governmental officer or employee authorized by the state or local law. Such records shall also be open to the inspection of any official or other person identified in, or duly authorized in writing pursuant to, section forty-five of the general business law or any other applicable state or local law.

e. Nothing in this section shall be construed to affect or supersede any recordkeeping requirement imposed by or pursuant to any other applicable federal, state or local law.

f. In addition to any other applicable penalty or sanction, any person who violates any of the provisions of this section or rules promulgated thereunder shall be subject to the penalties set forth in subdivision a of section 20-106 of this chapter.

§ 4. This local law shall take effect 120 days after it shall have been enacted into law; provided that the commissioner and the commissioner of the police department may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

Daniel R. Garodnick, Chairperson; Charles Barron, G. Oliver Koppell, Karen Koslowitz, Committee on Consumer Affairs, December 18, 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 Contracts

Report for Int. No. 193-A

Report of the Committee on Contracts in favor of approving and adopting, as amended, a Local Law to amend the New York city charter to require notification to the council of emergency procurements.

The Committee on Contracts, to which the annexed amended proposed local law was referred on April 29, 2010 (Minutes, page 1507), respectfully recommends:

REPORTS:

Introduction

On December 17, 2013, the Committee on Contracts (the Committee), chaired by Council Member Darlene Mealy, will meet to vote on Proposed Int. No. 193-A, a bill that would require the City to report to the Council regarding purchases made via emergency procurement. The Committee considered a prior version of the bill at a hearing on January 28, 2013.

Background

The New York City Charter permits emergency procurement “in the case of an unforeseen danger to life, safety, property or a necessary service.” Drawing on this provision, the Mayor’s Office of Contracts Services (MOCS) defines emergency procurement as the “method of procurement used to obtain goods and services very quickly, in many instances without competition, when an agency must address threats to public health or safety, or provide a necessary service on an emergency basis.”

Emergency procurements require prior approval from the City’s Corporation Counsel and Comptroller. Agencies that undertake emergency procurement must place a written determination of the basis for the emergency and the selection of the contractor in the agency contract file. Agencies must then include that written determination or a summary thereof when publishing the notice of contract award in the City Record.

Impact of Emergency Procurement
Speed is imperative when procuring emergency goods and services. Accordingly, emergency procurement is subject to a streamlined review process that excises many of the procedural requirements that fetter other methods of procurement. When the City Charter reserves emergency procurement to be made only when there is a genuine emergency, not merely a “rushed competition as is practicable under the circumstances,”2 as the MOCs definition suggests, emergency procurements often occur with little or no competition. Further, in addition to exemption from competitive bidding requirements, emergency procurements are largely exempt from the requirements of local laws. For example, emergency procurement has been explicitly carved out of recently enacted legislation pertaining to minority and women-owned business enterprises, outsourcing, local food, and packaging reduction.

Even with vastly increased spending on emergency procurement in FY2013 as a result of Hurricane Sandy—$690.6 million versus $59.2 million in FY2012—emergency procurement represents a relatively small fraction of the overall dollar value of Citywide contracts (4.2% of $16.5 billion).3 However, in light of the decreased competition and circumvention of local laws attending emergency procurement, the use of emergency procurement merits heightened scrutiny.

Oversight of Emergency Procurement

On January 28, 2013, the Committee held a hearing to both consider Int. No. 193 and explore the City’s use of emergency procurement (the January hearing). Specifically, the Committee sought to examine the processes by which the City implements emergency procurement and the steps, if any, the Administration takes to limit the utilization of this method.4 During this hearing, MOCs emphasized that it played no role in the approval of emergency contracts.5 When asked what, if any, guidance it provides agencies regarding the selection of an emergency, MOCs replied that it provided no such guidance, noting that the Comptroller and the Law Department make the decision to approve the contracts, and thus, ultimately the determination of what constitutes an “unforeseen danger to life, safety, property or a necessary service.”6 MOCs suggested that its role is to assist with the mechanics of executing a contracting plan, not to manage agencies’ needs.7

MOCs does not routinely review emergency contracts of agencies once they are registered.8 When asked if it could play a greater role in reviewing emergency procurements to determine if agencies might better plan for their contracting needs, MOCs noted only that it would participate if the City assembled a team to consider how to better plan for an emergency (such as Hurricane Sandy).9

On March 4, 2013, the Committee held a joint oversight hearing with the Committee on Finance on the preliminary budget for FY2014 (the March hearing). When asked whether the Office of Management and Budget (OMB) reviews agencies’ emergency contracts, OMB described its general review of contracts to ensure that funding is available, but made no distinction between emergency contracts and contracts awarded in the normal course.10 Further, the OMB director was not aware of whether emergency contracts were utilized by agencies under circumstances that were not “dire”11 and questioned whether emergency procurements (which, as noted above, do not require competition) generally cost more.12

OMB went on to assert the inefficiencies that might exist by planning for certain emergencies, citing as an example the potential for wasted money if the Department of Homeless Services (DHS) presented a plan for snow removal in the event that it did not snow.13 (Note, however, that agencies can plan for just such circumstances by entering into arrangements where contracts are competitively bid and prices and vendors are set and made only as the need for services arises. Indeed, this way of planning to stave off the additional costs and burdens of emergencies was expressly highlighted by the Administration during the oversight hearing following the release of its Advantage program.)

On October 31, 2013, the Committee held an oversight hearing to review the Department of Homeless Services’ (DHS) use of emergency procurement (the October hearing). During both the January and the March hearings, specific questions arose regarding DHS’ use of emergency procurement.14 Within the larger inquiry of whether City agencies were planning for their needs sufficiently so as to avoid resorting to emergency procurement, the question of DHS’ use of particular interest, as the problem of homelessness in New York City has seemed, unfortunately, persistently, increasing, and—perhaps most importantly in the context of contract management—foreseeable.

During the January hearing, the Comptroller submitted written testimony challenging DHS’ use of emergency procurement. Although the Comptroller approved DHS’ emergency requests to procure shelter beds, he questioned whether the emergency procurement method was being abused by DHS, given the number and approved DHS’ emergency requests to procure shelter beds, he questioned whether the emergency procurement method was being abused by DHS, given the number and range policies and strategies to allow for unforeseen emergencies, citation as an example the potential for wasted money if the Department of Homeless Services (DHS) presented a plan for snow removal in the event that it did not snow. (Note, however, that agencies can plan for just such circumstances by entering into arrangements where contracts are competitively bid and prices and vendors are set and made only as the need for services arises. Indeed, this way of planning to stave off the additional costs and burdens of emergencies was expressly highlighted by the Administration during the oversight hearing following the release of its Advantage program.)

In preparation for the October hearing, Committee staff obtained copies of DHS’ most recent with the Law Department for approval for emergency procurement.15 In these requests, DHS offered different justifications for seeking emergency relief, some of which could call into question the agency’s contingency planning.16 During the October hearing, Council members challenged DHS representatives as to whether procurements were truly emergency-related.

Through this series of oversight hearings, the Committee learned that emergency procurement may be vulnerable to misuse, as neither MOCs nor OMB systematically reviews agencies’ use of the method to ensure that it is utilized appropriately; that is, that agencies use the method only when there is a genuine emergency, not merely because they fail to adequately plan for their contract needs. In the absence of such review by the Administration, Proposed Int. No. 193-A would allow the Council to monitor emergency procurement and consider whether agencies might better anticipate, plan, and manage their contract needs.

Proposed Int. No. 193-A

Proposed Int. No. 193-A would amend the Charter to provide notification to the Council when agencies procure emergency goods and services. Agencies would be required to provide the Council with the full written determination of the basis for the emergency and the selected vendor within 15 days after contract award.

The bill includes no provisions for the Council to delay or obstruct the procurement; rather, with the detailed information concerning the basis for the emergency and vendor selection, the bill would improve the Council’s ability to exercise its oversight authority.

The bill would be effective 45 days after its enactment into law.

(Notes follow the text of the Fiscal Impact Statement for Int. No. 193-A:)

1 The term “emergency procurement” can refer both to the method of procurement and to the goods and services provided.

2 See New York City Charter §315.

3 See New York City Charter §315.325.

4 See Local Law 1 of 2013, Local Law 63 of 2011, Local Law 50 of 2011, and Local Law 51 of 2011, respectively.


7 Transcript, Oversight: Exploring the City’s Use of Emergency Procurement, Jan. 28, 2013, Committee on Contracts.

8 Id.

9 See Transcript, Oversight: Exploring the City’s Use of Emergency Procurement, Jan. 28, 2013, Committee on Contracts, at 21, 28-29.

10 Id. at 29-31.

11 Id. at 82.

12 Id. at 87-88.


14 Id. at 129-130.

15 Id. at 128-129.

16 Id. at 148-149.


19 Written Testimony of John C. Liu, New York City Comptroller, Oversight: Exploring the City’s Use of Emergency Procurement, Jan. 28, 2013, Committee on Contracts.

20 Id.

21 In justifying its use of emergency procurement, DHS has cited to the fact that demand for single adult shelters has repeatedly exceeded its projections, breaking historically cyclical patterns whereby demand rises in the fall and winter, and falls in the spring and summer, presumably because more people seek indoor shelter during the colder months. This reason was cited both in 2010, and more recently in the summer of 2012. Yet, DHS shelter census data shows that over the last six fiscal years, this trend has only occurred in FY2011, a year when overall demand shut up significantly compared to the year before. Even then, the difference between the peak winter months, which was February, and the trough in the summer, July, was only eight percent points. And the overwhelming trend since FY2009 has been for demand to grow every year over the year before. This seems unsurprising given that historically, homelessness appears closely tied to the long-term unemployment rate, which followed the 2008 recession, is still at a 30 year high. (Based on data compiled by Committee staff from the Department of Labor.) This draws DHS’ reasoning as to why it needed to use emergency procurement, namely because it expected demand to decrease when instead it increased into doubt. Questions also arise regarding its rationality in May 2012, when it cited the unreported decision in a court case which allowed the City to completely cease operation of its Advantage program—a rental assistance program for families transitioning out of shelters—following State court. Given that the case had been ongoing for approximately one year, it was not the City itself that was seeking to end the program for participants who were already enrolled, it would seem that DHS should have been aware of the case, and making contingency plans for any spillover effects should the City be successful in achieving its objectives.


(Following is the text of the Fiscal Impact Statement for Int. No. 193-A:—)
THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NILBACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO: 193-A
COMMITTEE: Contracts

TITLE: To amend the New York city charter to require notification to the council of emergency procurements.

SPONSORS: Council Members Chin, Comrie, Fidler, Recchia, Williams, Rodriguez, Nelson, and Mealy.

SUMMARY OF LEGISLATION: Proposed Intro. No. 193-A would require that when a city agency makes an emergency procurement the written determination of the basis for the emergency and the selection of the contractor be submitted to the council no later than fifteen days following contract award.

EFFECTIVE DATE: 45 days following enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FY 14

FISCAL IMPACT STATEMENT:

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IMPACT ON REVENUES: Intro. No. 193-A would not impact revenues.

IMPACT ON EXPENDITURES: Intro. No. 193-A would not impact expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Finance Division

ESTIMATE PREPARED BY: Regina Poreda Ryan, Deputy Director

LEGISLATIVE HISTORY: Intro. No. 193 was introduced by the Council on April 29, 2010 and assigned to the Committee on Contracts. The Committee held a hearing on January 28, 2013 during which testimony was received from the Department of Environmental Protection (DEP or Department), the Department of Health and Mental Hygiene (DOHMH), the Real Estate Board of New York, the Environmental Contractors Association, the Council of Cooperatives and Condominiums, the Mason Tenders and the New York City Department of Housing and Community Development.

DATE SUBMITTED TO THE COUNCIL: December 17, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(Click to read as of Int. No. 193-A)

By Council Members Chin, Comrie, Fidler, Recchia, Williams, Rodriguez, Nelson, Mealy, Gennaro, Jackson, Mark-Viverito, Koppell and Van Bramer.

A Local Law to amend the New York city charter to require notification to the council of emergency procurements.

Be it enacted by the Council as follows:

Section 1. Section 315 of the New York city charter, as amended by local law number 3 for the year 1997, is amended to read as follows: §315. Emergency Procurement. Notwithstanding the provisions of section three hundred twelve of this chapter, in the case of unforeseen danger to life, safety, property or a necessary service, an emergency procurement may be made with the prior approval of the comptroller and corporation counsel, provided that such procurement shall be made with such competition as is practicable under the circumstances, consistent with the provisions of section three hundred seventeen of this chapter. A written determination of the basis for the emergency and the selection of the contractor shall be placed in the agency contract file, and shall further be submitted to the council no later than fifteen days following contract award, and the determination or summary of such determination shall be included in the notice of the award of contract published pursuant to section three hundred twenty-five of this chapter.

§2. This local law shall take effect 45 days after its enactment into law.

DARLENE MEALY, Chairperson; MICHAEL C. NELSON, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, Committee on Contracts, December 17, 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 Environmental Protection

Report for Int. No. 867-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 the creation of a voluntary master environmental hazard remediation technician registration program.

The Committee on Environmental Protection, to which the annexed amended proposed local law was referred on May 31, 2012 (Minutes, page 1774), respectfully,

REPORTS:

Introduction

On December 17, 2013, the Environmental Protection Committee, chaired by Council Member James Gennaro, will consider on Proposed Int. No. 867-A which would amend the Administrative Code of the City of New York to create a voluntary master environmental hazard remediation technician registration program. Upon hearing on this item was held on December 9, 2013 during which testimony was received from the Department of Environmental Protection (DEP or Department), the Department of Health and Mental Hygiene (DOHMH), the Real Estate Board of New York, the Environmental Contractors Association, the Council of Cooperatives and Condominiums, the Mason Tenders and the New York State Association for Affordable Housing.

Background

Poor indoor air quality has been linked to an increased prevalence of a variety of respiratory diseases. Poor indoor air quality has been linked to an increased prevalence of a variety of respiratory diseases. For example, Americans spend up to 90 percent of their time indoors, and indoor allergens and irritants can play a significant role in triggering asthma attacks and other respiratory problems. In fact, nationwide asthma prevalence increased from 7.3 percent to 2001 to 8.4 percent in 2010.4 In 2009, 13 percent of New York City children 12 and under—about 177,000—had at some point in their lives been diagnosed with asthma, and more than one in eight of these children were exposed to asthma triggers in the home5 Other respiratory conditions, such as fungal infections, sinusitis and allergic rhinitis have also been linked to poor indoor air quality.6

Major adverse environmental events such as flooding or fires can significantly decrease indoor air quality and have negative health impacts on building occupants after waters have receded and fires have been extinguished.7 Water damage after floods may increase the likelihood of mold contamination8 and exposure to pathogens and hazardous non-biological contaminants such as pesticides and heavy metals.9 Likewise, residual fire damage can increase exposure to soot particles, which have been linked to heart attacks, strokes, bronchitis and asthma, among other conditions, due to their microscopic size and ability to penetrate deeply into the lungs.10

Ineffective remediation of such environmental hazards can lead to an increase in indoor pollutants by failing to properly address structural damage resulting from fire, flooding or other events. Thus, ineffective remediation may give victims of environmental hazards the false sense that the dangers arising from these hazards have been addressed, while failing to actually decrease those victims exposure to potentially harmful conditions. The proposed legislation seeks to create a voluntary registration program for master environmental hazard remediation technicians who would require applicants to complete a uniform course of training in various aspects of environmental hazard remediation.

Summary of Proposed Int. No. 867-A

Proposed Int. No. 867-A would create a voluntary registration program for master environmental hazard remediation technicians. To be eligible to register, an
The bill would require a person to hold himself or herself out as a master environmental hazard remediation technician without being registered by the Department. Subdivision (b) would provide that a master environmental hazard remediation technician registration program would expire four years from the date of issuance or a different date set by the Commissioner to distribute expiration dates evenly over the course of a year. Subdivision (c) would make it unlawful for a person to hold himself or herself out as a master environmental hazard remediation technician without being registered by the Department. Subdivision (d) would require all applications to be made in the form as well as include the information specified by the Commissioner and that all information in the application correct and current. Subdivision (e) would require that applications for renewal of registration be accompanied by the renewal fee and any additional information specified by the Commissioner by rule. Subdivision (f) would authorize the Commissioner to set the registration and renewal of registration fee.

Subdivision (g) would, after notice and opportunity to be heard, authorize the Commissioner to suspend or revoke any registration upon a finding for fraudulent dealings, negligence, incompetence or failure to comply with the Code or any order, rule or requirement lawfully made by the Commissioner.

Subdivision (h) would authorize the Department in consultation with the Department of Health and Mental Hygiene to periodically review the trainings listed in paragraph 2 of subdivision a of this section to determine if they have become outdated or superseded. Where new trainings in hazardous environmental remediation become available, the Department after consultation with DOHMH, is further authorized, by rule, to amend or supplement such list. Subdivision (i) would authorize the Commissioner to audit training programs offered by approved training providers to ensure that they meet Department standards.

Section 24-1003 of the proposed bill would provide that a person or entity that violates any provision of the proposed chapter or any related regulation or order would be subject to a fine of at least $1,000, returnable to the Environmental Control Board. Section two of Proposed Int. No. 867-A provides that the law would take effect 180 days after enactment, except that the Commissioner of Environmental Protection would be required to promulgate any rules and take any other measures necessary for its implementation before the effective date.

Changes to Proposed Int. No. 867-A from its initial hearing:

- Technical changes were made throughout the bill for the purposes of clarity and to reorganize text.
- The list of required trainings was revised to exclude training on the New York City Department of Health guidelines on assessment and remediation of fungi in indoor environments as mold remediation is covered in another required course.
- The bill was revised to include the Department of Health and Mental Hygiene as an agency authorized, with working with DEP, to review required training subjects referenced in the bill and to amend if necessary, by rule, the trainings required.

COUNCIL MINUTES — STATED MEETING
December 19, 2013
CC17

Environmental Hazard Remediation

§ 24-1000. Declaration of Policy. It is hereby declared that asthma and other respiratory conditions have increased significantly in the United States and that evidence suggests that indoor environments, where most people spend a majority of their time, play an important role in predisposing vulnerable populations to asthma conditions and the presence of asthma triggers, irritants, pathogens, fungi and mold, including suchbacteria, organisms that cause disease. Asthma can be exacerbated by mold, dust, and other irritants, making it difficult to control. Asthma is a serious health problem that affects millions of people of all ages, and can lead to hospitalization and even death in severe cases. The City of New York recognizes the importance of addressing the issue of indoor environmental hazards and the need to ensure the health and safety of all New Yorkers. It is therefore declared to be the policy of the City of New York to establish a program for the registration of environmental hazard remediation technicians to ensure the safe and effective remediation of such hazards.

§ 24-1001. Definitions. For purposes of this chapter, the following terms shall have the following meanings:

- "Environmental hazard remediation technician" means a person who is registered with the department pursuant to this chapter.
- "Master environmental hazard remediation technician" means a person who is registered as a master environmental hazard remediation technician.
- "Department approved training program" means a training program or course approved by the department.
- "Department approved training provider" means a training provider or course approved by the department.
- "Department approved training program" means a training program or course approved by the department.

§ 24-1002. Master Environmental Hazard Remediation Technician Registration Program

a. The department shall establish a program to provide for the voluntary registration of persons as master environmental hazard remediation technicians. An applicant for such registration shall meet the following qualifications:

1. Be eighteen years of age or older;
2. Have satisfactorily completed all of the following programs or courses through a department approved provider: occupational safety and health administration safety standards for the construction or general industry (minimum 10 hours); New York state asbestos handler (minimum 32 hours); environmental protection agency lead worker (minimum 48 hours) (lead remediation, repair and painting course shall not be sufficient); hazardous waste operations (minimum 40 hours); microbial remediation (minimum 24 hours); water damage restoration (minimum 20 hours) or institute of inspection cleaning and restoration certification in fire and smoke restoration technician certification (minimum 14 hours); polychlorinated biphenyls awareness (minimum 4 hours); bloodborne pathogens (minimum 4 hours) and infection control risk assessment (minimum 4 hours). All course lengths are inclusive of breaks with the exception of the occupational safety and health administration 10 hour course.
3. All licenses or certifications associated with asbestos handling and lead training must remain current. No master environmental hazard remediation technician registration will be considered valid if the holder does not possess all licenses and certifications at the time of application.
4. Present a valid photo identification; and
5. Present payment of the appropriate fees as provided by rule.

b. A master environmental hazard remediation technician registration shall expire four years from the date of issuance or such other date as determined by the commissioner by rule so as to distribute the expiration dates of the registrations evenly over the course of a year.

c. It shall be unlawful for any person to hold himself or herself out as a master environmental hazard remediation technician without being registered with the department pursuant to this chapter.

d. Each application for the master environmental hazard remediation technician registration program shall be made in such form and shall be accompanied by such information as the commissioner may prescribe by rule. It shall be a condition of the registration that the information in the application is kept correct and current by the applicant.

e. Applications for renewal of a master environmental hazard remediation technician registration shall be accompanied by the renewal fee and additional information as the commissioner may require by rule.

f. The commissioner may charge a fee for registration and renewal of registration as set forth in department rules.

g. The commissioner, after providing notice and an opportunity to be heard, may suspend or revoke any master environmental hazard remediation technician registration issued under this chapter upon a finding by the department or other governmental authority that the holder of the registration has failed to comply with this code or any order, rule, or requirement lawfully made by the commissioner.
h. The department and the department of health and mental hygiene shall periodically review the training listed in paragraph 2 of subdivision a of this section to determine if they have become outmoded or superseded. Should new trainings in hazardous environmental remediation become available, the department after consultation with the department of health and mental hygiene, may by rule amend or supplement such list.

i. The commissioner may audit training programs provided by approved training providers to ensure that such training programs meet the standards of the department.

§24-1003. Enforcement. Any person or other entity that violates any provision of this chapter or any regulation or order of the commissioner issued pursuant thereto shall be subject to a civil fine of not less than one thousand dollars per violation returnable to the environmental control board.

§2. This local law shall take effect one hundred eighty days after enactment, except that the commissioner of environmental protection shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

The Committee on Environmental Protection, to which the annexed amended proposed local law was referred on September 24, 2013 (Minutes, page 3631), respectfully.

REPORTS:

Introduction

On December 17, 2013, the Environmental Protection Committee, chaired by Council Member James Gennaro, will hear and vote on Proposed Int. No. 1060-A.

Background

The commercial refuse tracks in the License and CL2 fleets use heavy-duty diesel engines. Diesel exhaust includes substances that have been proven to be detrimental to both human health and the environment, including nitrogen oxides (NOx) and particulate matter (PM). NOx is a direct respiratory irritant and also combines in the atmosphere with sulfuric acid and water vapor to form particulate matter. Particulate matter consists of inorganic particles (such as sulfates, nitrates, chlorides) and organic matter, that can also be of biological origin. PM is harmful to human health when breathed into the lungs.

Diesel exhaust is composed of the following components: particulate matter, unburned hydrocarbons, nitrogen oxides, carbon monoxide, sulfur oxides, and water vapor. Particulate matter is a complex mixture of elemental, or “black”, carbon, unburned or partially combusted fuel, sulfuric acid, and lubricant products. Diesel PM includes more than 40 substances considered by the United States Environmental Protection Agency (EPA) to be air toxics. Most particles emitted by diesel engines are small enough to become embedded deep into the lungs; they also can enter the bloodstream. Based on numerous air-quality studies EPA has determined that exposure to high levels of diesel PM causes cardiovascular harm and premature death, is likely to cause respiratory harm, and may cause cancer.

New York City’s air quality consistently violates the federal Environmental Protection Agency’s (EPA) National Ambient Air Quality Standards for criteria pollutants, and the city is designated a nonattainment area for ozone (O3), sulfur dioxide (SO2), and particulate matter (PM2.5) pursuant to the Clean Air Act.1 Other pollutants such as nitrogen oxides (NOx), sulfur dioxides (SO2), and sulfuric acid remain at unsafe concentrations in our air.2 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.3 Long-term exposure to fine particulate matter has been linked to reduced lung function (SO2), chronic bronchitis, cardiovascular disease, and premature death.4 Diesel PM also contributes to global warming. Approximately 80% of the mass of particulate pollution emitted by diesel engines is black carbon – also known as soot. Black carbon in the air warms the atmosphere directly by absorbing sunlight and radiating heat. Black carbon deposited on ice and snow reduces their reflectivity and accelerates melting, which indirectly contributes to further warming.

In the short term (20 years) black carbon is estimated to be as much as 2,000 times more potent as a warming agent than an equivalent amount of the greenhouse gas carbon dioxide (CO2). Black carbon is therefore a significant contributor to the global warming that is resulting in climate change. Some scientists estimate that over the last 150 years the climate warming resulting from black carbon in the atmosphere has contributed 25-50 percent of the percent of the warming resulting from CO2 emissions.

Summary of Proposed Int. No. 1160-A

Section 1 of Proposed Int. No 1160-A amends Section 16-509 of the Administrative Code of the City of New York to add a new subdivision e which would authorize the Business Integrity Commission (BIC) to refuse to issue a license or registration to an applicant that has failed to demonstrate the satisfaction of BIC that the applicant will meet the requirements of this local law, or any rule promulgated pursuant thereto, in the performance of such license or registration, unless such applicant has been issued a waiver for financial hardship, or has submitted an application for such waiver.

Section 2 of the bill amends subdivision a of section 16-513 of the Administrative Code of the City of New York to allow the suspension or revocation of a license or registration whenever the licensee or registrant has been found by BIC or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of this local law, or any rule promulgated pursuant thereto.

Section 3 of this bill creates a new section 24-163.11 in the Administrative Code of the City of New York, which mandates the use of an EPA certified 2007 or later engine, or the best available retrofit technology, as determined by the Commissioner of Environmental Protection, in heavy duty trade waste hauling vehicles by January 1, 2020. It also provides for waivers where such retrofit would create financial hardship in the licensee or registrant. However all waivers issued pursuant to this subdivision would expire by January 1, 2025. Violation of this section carries a civil penalty of $10,000 per vehicle. An order to correct is issued at the same time as the violation which allows these violations to be corrected without penalty within 60 days from the date of the order. Where such penalty is not corrected within 60 days a separate additional penalty may be imposed of not more than five hundred dollars for each day that the violation is not corrected beyond 60 days from such order.

This local law takes effect immediately upon its enactment.

Changes to Proposed Int. No. 1160-A

• Int. No. 1160 originally amended the entirety of Chapter 1 of Title 24 of the Administrative Code of the City of New York. All provisions of the original bill that were not related to the regulation of emissions from heavy duty trade waste hauling vehicles has been removed.

• Procedure for the designation of best available retrofit technology has been clarified.

• Waiver application deadlines have been changed, for existing trade waste operators, from July 1, 2010 to January 1, 2020 and, for new trade waste operators, from 180 days before licensure to the date that an application for a license or registration is filed.

• The requirement for an EPA certified 2007 or later engine, or the best available retrofit technology, shall now not apply to any operator during the pendency of an application for a waiver, or for 90 days following the denial of a waiver.

• The penalty for violation of this section has been set to $10,000, and is now correctable for the first 60 days following a notice of violation and an order to correct. Violations that are not corrected can now accrue an additional penalty of not more than $500 per day after the first 60 days following the order to correct.

2 Id.
3 Id.

(1) The following is the text of the Fiscal Impact Statement for Int. No. 1160-A:

December 19, 2013
**SUMMARY OF LEGISLATION:** Proposed Int. No. 1160-A would require that, by 2020, all heavy duty trade waste hauling diesel vehicles have either an engine certified to 2007 Environmental Protection Agency (EPA) standards, or to retrofit their engines with an emissions control strategy that has been approved by the Commissioner of Environmental Protection. Trade waste haulers that would suffer undue financial hardship because of this requirement would be eligible to receive a two-year waiver from the Business Integrity Commission. All such waivers, however, shall end on January 1, 2025.

The penalty for violating this section is ten thousand dollars, or not more than five hundred dollars per day until correction is certified. If violations are correctable with no penalty within 60 days of a Notice of Violation, a penalty of not more than five hundred dollars per day until correction is certified.

Beginning in 2019, the Business Integrity Commission will have the authority to deny a license and registration to applicants that fail to demonstrate to the Commission’s satisfaction that they will comply with these requirements.

**SUMMARY OF PROVISIONS:**

The proposed legislation would amend, in relevant part, chapter one of title twenty-four of the Administrative Code of the City of New York ("the code"), referred to as the New York City Air Pollution Control Code ("Air Code"), and make related amendments to the New York City Charter, title one, 16-A and 28 of the Administrative Code, the New York City Building Code, and the New York City Mechanical Code.

Section five of the bill amends subchapter one of the Air Code to remove outdated definitions, update existing language to reflect developments in technology and federal, state and local regulation of air contaminants, and add new definitions addressing sources of emissions that will be newly regulated under this revision to the Air Code.

Section six of the bill amends subchapter two of the Air Code to clarify the general powers of the Commissioner of the Department of Environmental Protection ("DEP") and to make other necessary changes, including affirmatively permitting the use of beneficial technologies. The amendments to subchapter two also modify the provisions governing registration of equipment with DEP, including increasing the threshold for registration of equipment from 2.8 mBtu to 4.2 mBtu.

Sections seven through ten of the bill amend subchapter three of the Air Code, which regulates refuse burning equipment, incinerators and crematoriums. Section 24-117, relating to refuse burning equipment, is being repealed because refuse burning is no longer permitted in the City, except in circumstances addressed elsewhere in the Air Code. Section 24-118 of subchapter three is being amended to update the limited exceptions to the Air Code’s prohibition on installation of equipment designed to burn solid waste in the City, and to expressly allow equipment for energy generation by DEP and resource recovery by the Department of Sanitation ("DSNY"). Section 24-119, relating to waste compactors, is being repealed from the Air Code. Sections two of the bill move the substantive provisions of the former section 24-119 related to waste compactors to a new section 16-120.2 in title sixteen, which will be enforced by DSNY.

Section eleven of the bill amends subchapter four of the Air Code, which establishes the criteria for issuing work permits and certificates of operation. The amendments in this section remove provisions relating to required work permits for equipment that has become obsolete, and update the list of activities exempted from the requirement to obtain a work permits. In some cases, equipment that would have been required to obtain a certificate of operation under the existing code, will now be required to be registered with DEP.

Section twelve of the bill repeals subchapter five of the Air Code, relating to fee schedules. Pursuant to the amendments to section 24-105 of the code in section six of the bill, fee schedules, including fees for asbestos projects, will now be established by DEP rule.

Sections thirteen and fourteen of the bill create a new heading for subchapter five and move the existing sections related to asbestos from subchapter six to subchapter five. The amendments to the asbestos provisions in sections fifteen through seventeen of the bill are largely intended as clean-up amendments to remove outdated terminology and conform the Air Code provisions to the City’s existing asbestos control program. The amendments also clarify the procedures for stop work orders issued by DEP and make clear that the City’s asbestos program is intended to protect the public, health, safety and the environment. Employer safety requirements remain at the federal level by the Occupational Safety and Health Administration (OSHA).

Sections forty-seven through fifty of the bill amend Title 28 of the Administrative Code to correct cross-references to provisions relating to asbestos that have been renumbered as a result of the amendments to the Air Code.
Sections eighteen through thirty-six of the bill amend subchapter six of the Air Code, relating to emission standards. As noted above, the provisions within subchapter six of the existing code related to asbestos are being deleted from subchapter six and moved to subchapter five. The amendments to the remaining sections within subchapter six update emission standards for various sources of emissions within the City and conform these standards to the most recent state and federal emissions standards. The amendments to section 24-146 clarify that the precautions related to dust are intended to protect the public health, safety and the environment. Employee safety is regulated at the federal level by OSHA.

Subchapter six is also being amended to add new sections regulating certain sources of emissions not previously regulated by the Air Code, including emissions from motorcycles, outdoor wood boilers, fireplaces, wood burning heaters, commercial char boilers, cook stoves, and stationary generators.

Sections 24-144, relating to a sulfur compounds, is being repealed because it is no longer necessary, given developments in state and local regulation of sulfur content. Section 24-150, relating to smoking in elevators, is being repealed, because it has become redundant by the Smoke Free Air Act, found in Title 17 of the code and enforced by the Department of Health and Mental Hygiene. Section 24-154, relating to environmental ratings, is being repealed because it is no longer necessary, now that the Air Code will directly incorporate the most current state standards for environmental ratings.

Sections fifty-one through fifty-four of the bill make technical amendments to provisions of the New York City Building Code and the New York City Mechanical Code relating to fireplaces and solid fuel-burning appliances to conform to the new provisions in subchapter six of the Air Code establishing requirements for the type of fuel used in such appliances. The bill would also make technical amendments to chapter 33 of the New York City Building Code to conform the chapter to the amended provisions in subchapter six of the Air Code related to precautions to prevent dust from being airborne.

Section thirty-seven of the bill amends subchapter seven of the Air Code, which establishes standards for the use and maintenance of equipment and apparatus and establishes regulations governing emissions from the City’s fleet and certain other vehicles regulated by the City. The bill adds two new sections to this subchapter targeting emissions from mobile food trucks, and from heavy duty trade waste vehicles regulated by the Business Integrity Commission (BIC). Sections three and four of the bill amend provisions in title 16-A of the code, authorizing BIC to deny, revoke or suspend licenses and registrations for failure to comply with the new requirements for heavy duty trade waste hauling vehicles added by section thirty-seven of the bill.

Section thirty-eight of the bill amends subchapter eight of the Air Code, relating to fuel standards. The amendments to this subchapter remove outdated language and update existing provisions. These amendments also increase restrictions on the burning of coal and permit the use of renewable fuel.

Sections thirty-nine through forty-six of the bill amend subchapter nine of the Air Code, relating to enforcement procedures. The changes to this subchapter, including the repeal of several provisions within this subchapter, amend the description of the powers and procedures of the Environmental Control Board (ECB) to reflect the current organizational structure of the ECB within the Office of Administrative Trials & Hearings (OATH) and to eliminate provisions that are duplicative of section 1049-a of the New York City Charter and associated rules relating to the powers and procedures of ECB. In a companion amendment, section one of the bill would amend subdivision (a) of section 1049-a of the New York city charter to include provisions that have been removed from the Air Code, relating to the procedures for establishing a quorum at ECB board meetings.

REASONS FOR SUPPORT:

The New York City Air Pollution Control Code was first enacted in the 1970s and has not been significantly amended since its enactment. In order to support the City’s goal to improve air quality in the City, as set forth in PlanNYC, this bill will update the Air Code to strengthen existing air quality initiatives and to regulate new sources of air pollution to further improve the City’s overall air quality.

Specifically, this bill will make necessary amendments to the Air Code in the following ways: eliminate obsolete and outdated provisions and conform the Air Code to developments in state and federal law and regulation; preserve greater flexibility for DEP to use rulemaking authority to update requirements and standards to account for on-going developments in technology and fuels; and introduce new requirements to limit emissions from certain unregulated sectors, while promoting the adoption of cost-effective air pollution controls.

In order to incorporate developments in United States Environmental Protection Agency (“EPA”) and New York State Department of Environmental Conservation (“DEC”) standards and improve the overall air quality within the City by promoting a multi-sector approach to emissions reductions, this bill will target emissions from certain previously unregulated sources in the following areas:

Commercial char boilers and cook stoves that use wood or coal are significant sources of particulate matter emissions, which can lead to health-related impacts, including an increase in asthma and lower respiratory symptoms. In order to reduce such effects, this bill would require controls designed to significantly curtail the smoke and emissions that emanate from these sources. To account for the increase in costs associated with retrofitting existing char boilers and cook stoves, the bill would provide additional time for regulated entities to obtain necessary financing to achieve compliance, while promoting the development of more efficient and cost effective technologies.

Fireplaces that burn wood produce higher levels of particulate matter than fireplaces that burn natural gas or renewable fuels. This bill would require fireplaces to use only natural gas or renewable fuels in order to reduce the amount of pollutants that are emitted from fireplaces in the City. Existing fireplaces would be required to use treated firewood with a low moisture content that is designed to burn more cleanly and efficiently. The bill would also separately require that fireplaces be compliant with the EPA’s performance standards for particulate matter.

Wood smoke from outdoor wood boilers contains fine particulate matter that can cause short-term health effects such as eye, nose, throat and lung irritation. To improve air quality, the bill would ban the use of any fuel in outdoor wood boilers other than clean wood. The bill would also separately require compliance with certain DEC standards for outdoor wood boilers. Outdoor wood boilers would also be subject to the general prohibitions in sections 24-141 and 24-142 of the Air Code, prohibiting the release of odorous air contaminants or of smoke with a relatively greater opacity.

Mobile food trucks must idle in order to prevent food from spoiling. However, the auxiliary engines that power these trucks can be dirty and inefficient and can generate odors and fumes. This bill would provide an incentive for mobile food vendors to bring their auxiliary engines up to the latest EPA standards for controlling emissions by waiving the registration fee for these engines for six years.

Entities authorized by BIC to provide trade waste removal services to commercial businesses maintain a large and ubiquitous heavy duty diesel truck fleet. These trucks are found across every city neighborhood and routinely expose residents to particulate matter and nitrogen oxide emissions at the street level. These pollutants are known contributors to health related impacts, including asthma, respiratory and cardiovascular harm. It is an important public health and service quality goal to ensure that this fleet is brought up to the current EPA requirements for emissions mitigation and modernization. This bill would require heavy duty diesel trucks that exceed a weight of 16,000 lbs and which are used in New York City for collection and/or removal of trade waste are equipped with engines that meet 2007 EPA engine standards or are appropriately retrofitted to match the air quality gains achieved by those standards by January 1, 2020. The proposed provision establishes a compliance date for impacted providers that is reflective of business needs and costs and that takes into account historic replacement and truck purchasing behavior in the industry.

In summary, the bill would amend the Air Code to address previously unregulated sources of air pollution, remove outdated provisions, and make necessary revisions where existing standards are not sufficiently protective or must be updated to conform to federal or state law.

Accordingly, the Mayor urges the earliest possible favorable consideration of this legislation.

Respectfully submitted,

Patrick A. Wehle

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1160-A):

Int. No. 1160-A

By Council Members Gennaro, Fidler, Koo, Richards, Rodriguez, Vallone, Koppell, Van Bramer, Greenfield and Jackson (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to reducing the emissions of pollutants from heavy duty trade waste hauling vehicles.
to which this section applies. Such rules shall be reviewed on a regular basis, but in no event less often than once every six months, and shall be revised, as needed.

c. Waivers; financial hardship. The chairperson of the business integrity commission may issue a waiver of the requirements of paragraph one of subdivision b of this section if the chairperson finds that the applicant for such waiver has demonstrated that compliance with such requirements would cause undue financial hardship to the applicant.

(2) Any owner or operator of a heavy duty trade waste hauling vehicle that violates any provision of this section shall be liable for a civil penalty of ten thousand dollars per vehicle that is in violation. Each notice of violation shall contain an order of the commissioner or of the chairperson of the business integrity commission ordering the respondent to correct the condition constituting the violation and to file with the department or the business integrity commission electronically, or in such other manner as the department or the business integrity commission shall authorize, respectively, a certification that the condition has been corrected within sixty days from the date of the order. In any proceeding before the board, no civil penalty shall be imposed for a violation of this section if the respondent complies with the order of the commissioner or chairperson to correct and to certify correction of the violation within sixty days. In addition to such civil penalty, a separate additional penalty may be imposed of not more than five hundred dollars for each day that the violation is not corrected beyond sixty days from such order.

(3) For the purposes of this section, if the board finds that a certification of correction constitutes false statements relating to the correction of a violation, such certification of correction shall be null and void and the penalties set forth in this section for the violation may be imposed as if such false certification had not been filed with and accepted by the department or the business integrity commission. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.

(4) Nothing in this section shall be construed to limit the authority of the business integrity commission to deny, suspend or revoke any license or registration in accordance with chapter one of title 16-A of the code or otherwise enforce the provisions of such chapter.

(5) The business integrity commission shall have the authority to promulgate any necessary rules to enforce the provisions of this section, including but not limited to establishing criteria for the issuance of waivers pursuant to subdivision c of this section and establishing procedures for owners and operators of heavy duty trade waste hauling vehicles to demonstrate compliance with the requirements of this section.

§ 4. This local law shall take effect immediately.

JAMES F. GENNARO, Chairperson; G. OLIVER KOPPEL, BRADFORD S. LANDER, STEPHEN T. LEVIN; DONOVAN J. RICHARDS; Committee on Environmental Protection, December 17, 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 item had been approved by the Committee on Environmental Protection and had been favorably reported for adoption.

Report for Res. No. 2084 Report of the Committee on Environmental Protection in favor of approving a Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental view connected for Proposed Land Purchase at 1160-
The Committee on Environmental Protection, to which the annexed resolution was referred on December 19, 2013, respectfully

REPORTS:

(For text of report, please see related Report of the Committee on Environmental Protection for Int No. 1160-A printed in these Minutes)

Accordingly, this Committee recommended the adoption of Res No. 2082.

(The following is the text of Res. No. 2084:)

Res. No. 2084

Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 1160-A.

By Council Members Gennaro, James, Koo and Mendez.

Whereas, The enactment of Proposed Int. No. 1160-A is an “action” as defined in section 617.6(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

Whereas, An Environmental Assessment Statement for this bill was prepared by the Department of Environmental Protection, the lead agency designated pursuant to section 5.03(d) of the Rules of Procedure for City Environmental Quality Review; and

Whereas, The Environmental Assessment Statement for this bill was prepared pursuant to Article 8 of the New York State Environmental Conservation Law, section 617.7 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review; and

Whereas, The Council, as an involved agency, has considered the relevant environmental issues as documented in the Environmental Assessment Statement attendant to such enactment and in making its findings and determinations under the Rules of Procedure for City Environmental Quality Review and the State Environmental Quality Review Act, the Council has relied on that Environmental Assessment Statement; and

Whereas, After such consideration and examination, the Council has determined that a Negative Declaration should be issued; and

Whereas, The Council has examined, considered and endorsed the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

(1) the requirements of The State Environmental Quality Review Act, Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review have been met; and

(2) as documented in the annexed Environmental Assessment Statement, the proposed action is one which will not result in any significant adverse environmental impacts; and

(3) the annexed Negative Declaration constitutes the written statement of facts and conclusions that form the basis of this determination.

ATTACHMENT: Negative Declaration
Prior to the enactment of Local Law 41, ALL not for profit organizations (501(c) 3 organizations with a religious, charitable or educational purpose) were exempt from paying the FDNY fees for inspections, permits, and witnessing of required performance tests for equipment.

Local Law 41 was proposed by the Administration to enable the Fire Department to meet its budget targets, and thereby prevent or minimize reduction of essential Fire Department operations. According to the Administration, the average inspection results in a fee of approximately $325, and the Administration estimated the fiscal impact of Local Law 41 to be approximately $3 million for Fiscal 2010. To date, that estimate was accurate, and for FY 13, the fiscal impact of the bill was approximately $3.1 million.

**IMPACT OF LOCAL LAW 41**

After the passage of Local Law 41, several constituents in the not for profit sector raised concerns about the law, particularly the equity of application of the law. Under Local Law 41, certain not for profit organizations were exempt, but not others. For instance, educational institutions accredited by New York State are exempt from the fees, while non-accredited schools, or schools accredited by entities other than New York State, are not.

**PROPOSED INT. 172-A**

As a result of these considerations, Proposed Int. 172-A seeks to repeal Local Law 41. Proposed Int. 172-A, if enacted, would reverse the provisions of Local Law 41, allowing once again for ALL charitable organizations to be exempt from Fire Department inspection fees. The bill would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 172-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.: 172-A**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to exemptions from the payment of fees for fire department permits, inspections and performance tests.


**SUMMARY OF LEGISLATION:** Proposed Intro. 172-A would reverse the provisions of Local Law 41 of 2009 to exempt all not-for-profit churches, charitable and educational organizations from payment of Fire Department permit, inspection and performance test fees. Local Law 41 limited the exemption from fees to organizations that operate predominantly as a religious institution, provide housing to the institution’s clergy, or educational institutions accredited by New York State that provide kindergarten through 12th grade education.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FY 2015**

**FISCAL IMPACT STATEMENT:**

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<th>Effective FY14</th>
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<td>Net</td>
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<td>-$3,000,000</td>
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**IMPACT ON REVENUES:** Proposed Intro. 172-A would reduce Fire Department revenue by approximately $3 million each year. Fees collected pursuant to Local Law 41 have been approximately $3 million each year since its adoption.

**IMPACT ON EXPENDITURES:** None.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** City tax levy.
The Committee on Finance, to which the annexed amended proposed local law was referred on April 25, 2013 (Minutes, page 1175), respectfully

REPORTS:

I. Background

On November 15, 2013, the Committee on Finance, chaired by Council Member Domenic M. Recchia, Jr held a hearing on Proposed Intro 1040-A, but only a representative from the Mayor’s Office of Housing Recovery testified. We also heard from many people from the public who were severely impacted by Sandy, and were enthusiastic about a database that would track Sandy dollars to see how and where the money was going.

On December 2, 2013, the Committee on Finance, held another hearing on this legislation. At such hearing, Deputy Mayor of Operations, Caswell Holloway, representatives from the Mayor’s Office of Data Analytics, and the Office of Management and Budget presented testimony and answered the Committee’s questions regarding Sandy funding and questions relating to the database that the Administration is currently implementing to see how it can accommodate the provisions in our bill.

At such hearing, the Administration also unveiled their Sandy Tracker database, which contained many, but not all of the provisions of Proposed Int. 1040-A. For more details of this hearing, see the December 2, 2013 Committee Report for this legislation, on file with the Committee.

After reviewing the on-line database, and considering public testimony, Proposed Int. 1040-A has been amended, and the amended version will be considered by the Committee on December 19, 2013, and upon successful vote, will be submitted to a vote by the Full Council.

II. Proposed Int. 1040-A

Proposed Int. 1040-A seeks to deliver public-sector value by focusing on transparency, accessibility of information, and accountability of the way in which Sandy funds are used to ensure the integrity of each contract recipient, and the ability to track key performance measurements, such as jobs created and maintained.

Legislative Provisions of Proposed Int. 1040-A

A. Requires the City to establish a searchable, interactive online database that would include summaries of the administration of Hurricane Sandy funds (defined as local, state, or federal funds in excess of $100,000 provided to a recipient to recover or rebuild from Hurricane Sandy). The data included in such database will be available in a format that permits automated processing and shall be available without any registration requirement, license requirement or restrictions on their use, provided that the city may require a third party providing access to the public any data from such database, or any application utilizing such data, to explicitly identify the source and version of the data, and a description of any modifications made to such data. The bill also requires the database to include the following information:

1. For each Hurricane Sandy funded project (defined as any construction, service, or program, paid for, in whole or in part, with any Hurricane Sandy funds):
   a. the name of the contractor, and subcontractor if known;
   b. a detailed description of the Hurricane Sandy funded project, including, but not limited to, the physical address, block and lot numbers, estimated dates of start and completion;
   c. purpose of the project in relation to the City’s recovery and rebuilding efforts; the value and type of funding provided, including but not limited to grants, loans, contracts, or other such forms of financial assistance, the total number of jobs at the time of award of Hurricane Sandy funds; and the total number of additional jobs to be created and retained over the life of the Hurricane Sandy funded project;
   d. the total number of additional jobs to be created and retained over the life of the Hurricane Sandy funded project;

2. For each executed city procurement contract associated with Hurricane Sandy funding, including, but not limited to:

3. The provisions of this code as to the payment of fees for permits, inspections or witnessing of required system performance tests shall not apply to premises used and owned or operated by a religious institution or educational institution, and "member of the clergy" shall mean a clergyman or minister, as defined in the religious corporations law, who officiates at or presides over such religious observances for such religious institution, corporation or association and who does not derive his or her principal income from any other occupation or profession.

4. A house of worship, or dwelling units for members of the clergy of such religious institution, corporation or association situated on or adjacent to the same premises as such house of worship. For purposes of this section, "house of worship" shall mean that part of a premises classified in Occupancy Group A-3 that is used by members of a religious institution, corporation or association principally as a meeting place for divine worship or other religious observances, and "member of the clergy" shall mean a clergyman or minister, as defined in the religious corporations law, who officiates at or presides over such religious observances for such religious institution, corporation or association, and who does not derive his or her principal income from any other occupation or profession.

5. A school accredited by the state of New York providing kindergarten through twelfth grade education for religious, charitable or educational purposes.

6. The provisions of this code as to the payment of fees for permits, inspections or witnessing of required system performance tests shall not apply to premises used and owned or operated by a religious institution or educational institution, and "member of the clergy" shall mean a clergyman or minister, as defined in the religious corporations law, who officiates at or presides over such religious observances for such religious institution, corporation or association and who does not derive his or her principal income from any other occupation or profession.

7. This local law shall take effect immediately.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPEL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNZIO, JAMES S. ODDO; Committee on Finance, December 19, 2013.

CC24 COUNCIL MINUTES — STATED MEETING December 19, 2013

Report of the Committee on Finance 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 creation of a database to track the expenditure of funds in connection with recovery efforts in the wake of Hurricane Sandy.
a. the name of the contract vendor;
b. contract identification number;
c. the purpose of the contract;
d. original contract value in dollars;
e. revised contract value in dollars, if applicable;
f. whether the bid was subject to public bidding;
g. original contract start and end date;
h. revised contract and end date, if applicable;
i. contract status;
j. information on the contract recipient’s qualification for receipt of Hurricane Sandy funds for a Hurricane Sandy funded project; and
k. the total number and type of jobs to be expected to be created and retained over the life of the Hurricane Sandy funded project.

For city procurement contracts related to the rebuilding or repairing of four or fewer residential units, data shall not include information on the contract recipient’s qualification for receipt of Hurricane Sandy funds for a Hurricane Sandy funded project if the recipient is a homeowner, tenant or resident of the affected units.

3. For each grant issuance associated with Hurricane Sandy funding, including, but not limited to:
   a. vendor name;
   b. the purpose of the grant;
   c. the grant award amount;
   d. whether the grant was subject to a selective award process and the nature of that process;
   e. grant name;
   f. award status;
   g. information on the grant recipient’s qualification for receipt of Hurricane Sandy funds for a Hurricane Sandy funded project; and
   h. the total number and type of jobs to be expected to be created and retained over the life of the Hurricane Sandy funded project.

For grants or loans related to the rebuilding or repairing of four or fewer residential units, data shall not include the grant or loan recipient’s name or information on the recipient’s qualification for receipt of Hurricane Sandy funds for a Hurricane Sandy funded project if the recipient is a homeowner, tenant or resident of the affected unit.

3. For each grant issuance associated with Hurricane Sandy funding, including, but not limited to:
   a. vendor name;
   b. the purpose of the grant;
   c. the grant award amount;
   d. whether the grant was subject to a selective award process and the nature of that process;
   e. grant name;
   f. award status;
   g. information on the grant recipient’s qualification for receipt of Hurricane Sandy funds for a Hurricane Sandy funded project; and
   h. the total number and type of jobs to be expected to be created and retained over the life of the Hurricane Sandy funded project.

B. The bill also requires the database to provide extensive information relating to job creation and retention. The bill requires the database to include:
   1. the total number of jobs at the time of award of Hurricane Sandy funds and the total number of additional jobs to be created and retained in each Hurricane Sandy funding program (in the case of Community Development Block Grant assistance) or for each agency (in the case of Federal Emergency Management Agency), aggregated by zip code, based upon the best practicable methodology for calculating such number over the life of the Hurricane Sandy funded project, including the number of permanent full-time employees, the number of temporary full-time employees, the number of permanent part-time employees, the number of temporary part-time employees, and the total number of contract employees.
   2. the percentage of employees on Hurricane Sandy funded projects earning up to twenty thousand dollars per year, the percentage of employees on Hurricane Sandy funded projects earning more than twenty thousand dollars per year up to thirty-five thousand dollars per year; the percentage of employees on Hurricane Sandy funded projects earning more than thirty-five thousand dollars per year up to fifty thousand dollars per year; the percentage of employees on Hurricane Sandy funded projects earning more than fifty thousand dollars per year;
   3. the percentage of full-time employees on Hurricane Sandy funded projects and the percentage of part-time employees on Hurricane Sandy funded projects to whom their employers offer health benefits;
   4. the zip code of residence of employees on Hurricane Sandy funded projects and the zip code of the Hurricane Sandy funded project location on which the employee is employed, except that where the number of employees from one zip code is between one and five, the number of employees shall be replaced with a symbol;
   5. where the information is available, whether the recipient has ever been found by a court or a government agency to have violated federal, state or local laws relating to occupational safety and health, unemployment, workers compensation, employee misclassification, employment discrimination, employment disability, or other labor laws;
   6. whether the recipient participates in a union construction apprenticeship program and/or other local workforce development program, and, if any, the names of such programs.

7. whether the recipient of Hurricane Sandy funds executed any legal documents subjecting any of the work to be done using such funds to the requirements of one or more prevailing wage laws;
8. whether the Hurricane Sandy funded project is subject to and in compliance with Section 3 of the Housing & Urban Development Act of 1968; and
9. a list of all contractors, and subcontractors performing work on the Hurricane Sandy funded project.

The above provisions shall not apply to projects, grants or loans related to the rebuilding or repairing of four or fewer residential units if the recipient is a homeowner, tenant or resident of an affected unit.

C. The bill also requires the database to be updated on monthly basis.

D. The bill also prohibits any information contained on the website to be used to distribute or publish information which, if disclosed, would jeopardize compliance with local, state or federal law, threaten public health, welfare, or safety, or harm the competitive economic position of a party.

E. The bill clarifies that this local law does not create a private right of action to enforce its provisions, and the city will not be liable in case of its failure to comply with this section. The bill also clarifies that the City does not warrant the completeness, accuracy, content or fitness for any particular purpose or use of any information provided by the city pursuant to this section, including but not limited to information provided to the city by a third party or information provided by the city that is based upon information provided by a third party.

F. The bill clarifies that the provisions of this local law apply only to contracts entered into by the City after the effective date of the local law.

G. The bill includes a severability clause to allow the remaining portions of the bill to remain in effect in any portion of the bill is to be adjudged by any court to be invalid or unconstitutional.

H. Specifies that the reporting requirements of this bill, where applicable, are subject to the Open Data Law.

I. The bill will take effect 90 days after enactment.
Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1040-A):

Int. No. 1040-A

By Council Members Richards, Lander, Wills, Brewer, Chin, Dromm, Fidler, James, Mealy, Mendez, Rose, Vacca, Weprin, Williams, and Viverito.

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.

Be it enacted by the Council as follows:

Section 1. Title 6 of the administrative code of the city of New York is amended by adding a new section 6-138 to read as follows:

"Hurricane Sandy funds" means any federal funds, or local or state funds derived from federal funds, appropriated by Federal Public Law 113-2, an act making supplemental appropriations for the fiscal year September 30, 2013, to improve and streamline disaster assistance for Hurricane Sandy, that are administered or disbursed by the city and provided to a recipient in an amount exceeding one hundred thousand dollars to recover or rebuild from Hurricane Sandy.

"Hurricane Sandy funded projects" means any construction, services, or programs, paid for, in whole or in part, with any Hurricane Sandy fund.

"Recipient" means any person or entity, including any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded Hurricane Sandy funds.

"Hurricane Sandy funded projects" means any construction, services, or programs, paid for, in whole or in part, with any Hurricane Sandy fund.

"Recipient" means any person or entity, including any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded Hurricane Sandy funds.

"Recipient" means any person or entity, including any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded Hurricane Sandy funds.

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

(1) "Hurricane Sandy funds" means any federal funds, or local or state funds derived from federal funds, appropriated by Federal Public Law 113-2, an act making supplemental appropriations for the fiscal year September 30, 2013, to improve and streamline disaster assistance for Hurricane Sandy, that are administered or disbursed by the city and provided to a recipient in an amount exceeding one hundred thousand dollars to recover or rebuild from Hurricane Sandy.

(2) "Hurricane Sandy funded projects" means any construction, services, or programs, paid for, in whole or in part, with any Hurricane Sandy fund.

(3) "Recipient" means any person or entity, including any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded Hurricane Sandy funds.

"Hurricane Sandy funded projects" means any construction, services, or programs, paid for, in whole or in part, with any Hurricane Sandy fund.

"Recipient" means any person or entity, including any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded Hurricane Sandy funds.

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

(1) "Hurricane Sandy funds" means any federal funds, or local or state funds derived from federal funds, appropriated by Federal Public Law 113-2, an act making supplemental appropriations for the fiscal year September 30, 2013, to improve and streamline disaster assistance for Hurricane Sandy, that are administered or disbursed by the city and provided to a recipient in an amount exceeding one hundred thousand dollars to recover or rebuild from Hurricane Sandy.

(2) "Hurricane Sandy funded projects" means any construction, services, or programs, paid for, in whole or in part, with any Hurricane Sandy fund.

(3) "Recipient" means any person or entity, including any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded Hurricane Sandy funds.

"Hurricane Sandy funded projects" means any construction, services, or programs, paid for, in whole or in part, with any Hurricane Sandy fund.

"Recipient" means any person or entity, including any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded Hurricane Sandy funds.

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

(1) "Hurricane Sandy funds" means any federal funds, or local or state funds derived from federal funds, appropriated by Federal Public Law 113-2, an act making supplemental appropriations for the fiscal year September 30, 2013, to improve and streamline disaster assistance for Hurricane Sandy, that are administered or disbursed by the city and provided to a recipient in an amount exceeding one hundred thousand dollars to recover or rebuild from Hurricane Sandy.

(2) "Hurricane Sandy funded projects" means any construction, services, or programs, paid for, in whole or in part, with any Hurricane Sandy fund.

(3) "Recipient" means any person or entity, including any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded Hurricane Sandy funds.

"Hurricane Sandy funded projects" means any construction, services, or programs, paid for, in whole or in part, with any Hurricane Sandy fund.

"Recipient" means any person or entity, including any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded Hurricane Sandy funds.

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

(1) "Hurricane Sandy funds" means any federal funds, or local or state funds derived from federal funds, appropriated by Federal Public Law 113-2, an act making supplemental appropriations for the fiscal year September 30, 2013, to improve and streamline disaster assistance for Hurricane Sandy, that are administered or disbursed by the city and provided to a recipient in an amount exceeding one hundred thousand dollars to recover or rebuild from Hurricane Sandy.

(2) "Hurricane Sandy funded projects" means any construction, services, or programs, paid for, in whole or in part, with any Hurricane Sandy fund.

(3) "Recipient" means any person or entity, including any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded Hurricane Sandy funds.

"Hurricane Sandy funded projects" means any construction, services, or programs, paid for, in whole or in part, with any Hurricane Sandy fund.

"Recipient" means any person or entity, including any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded Hurricane Sandy funds.

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

(1) "Hurricane Sandy funds" means any federal funds, or local or state funds derived from federal funds, appropriated by Federal Public Law 113-2, an act making supplemental appropriations for the fiscal year September 30, 2013, to improve and streamline disaster assistance for Hurricane Sandy, that are administered or disbursed by the city and provided to a recipient in an amount exceeding one hundred thousand dollars to recover or rebuild from Hurricane Sandy.

(2) "Hurricane Sandy funded projects" means any construction, services, or programs, paid for, in whole or in part, with any Hurricane Sandy fund.

(3) "Recipient" means any person or entity, including any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded Hurricane Sandy funds.
of the affected unit, and other grant or loan data provided for grants or loans related to the rebuilding or repairing of four or fewer residential units shall be aggregated by zip code.

In addition to the provisions of subdivision b of this section, the website shall also include:

1. the total number of jobs at the time of award of Hurricane Sandy funds and the total number of additional jobs to be created and retained in each Hurricane Sandy funded project (in the case of Con- dant/Other Block Grant assistance) or for each agency (in the case of Federal Emergency Management Agency), aggregated by zip code, based upon the best practicable methodology for calculating such number over the life of the Hurricane Sandy funded project including the number of permanent full-time employees, the number of temporary full-time employees, the number of permanent part-time employees, the number of temporary part-time employees, and the total number of contract employees;

2. the percentage of employees on Hurricane Sandy funded projects earning more than twenty thousand dollars per year, the percentage of employees on Hurricane Sandy funded projects earning more than twenty thousand dollars per year up to thirty-five thousand dollars per year, the percentage of employees on Hurricane Sandy funded projects earning more than thirty-five thousand dollars per year up to fifty thousand dollars per year, the percentage of employees on Hurricane Sandy funded projects earning more than fifty thousand dollars per year;

3. the percentage of part-time employees on Hurricane Sandy funded projects and the percentage of part-time employees on Hurricane Sandy funded projects to whom their employers offer health benefits;

4. the zip code of residence of employees on Hurricane Sandy funded projects and the zip code of the Hurricane Sandy funded project location on which the employee is employed, except that where the number of employees from one zip code is less than one and one half, the number of employees shall be replaced with a symbol;

5. where the information is available, whether the recipient has, within the past ten years, been criminally convicted of any crime related to truthfulness or business conduct and the record of all sanctions imposed within the prior five years as a result of judicial or administrative disciplinary proceedings with respect to any professional licenses held by the recipient;

6. where the information is available, whether the recipient participates in a union construction apprenticeship program or other local workforce development program, and, if any, the names of such programs;

7. whether the recipient of Hurricane Sandy funds executed any legal documents subjecting any of the work to be done using such funds to the requirements of one or more prevailing wage laws;

8. whether the Hurricane Sandy funded project is subject to and in compliance with Section 3 of the Housing & Urban Development Act of 1968; and

9. a list of all contractors, and subcontractors performing work on the Hurricane Sandy funded project.

The provisions of this subdivision shall not apply to projects, grants or loans related to the rebuilding or repairing of four or fewer residential units if the recipient is a homeowner, tenant or resident of an affected unit.

d. The provisions of this section shall not be construed to require the disclosure of information concerning contractors selected by recipients of Hurricane Sandy funds in relation to the rebuilding or repairing of four or fewer residential units where such recipients are homeowners, tenants or residents of affected units.

e. Notwithstanding the provisions of this section, the website required pursuant to this section shall not be used to distribute information which, if disclosed, would jeopardize the security of or the availability of the lien sale process. The Trust packages liens of homeowners, tenants, or residents of affected units in their entirety, such that the Trust is the owner of the lien, and sales are sold to private investors on the open market. At the time dollar sale date, and adds a 10 day mailing, in addition to the publication at 90 and 10 days prior to the lien sale date. The Trust employs private collection agents or servicers to collect the debts from the owners and to handle foreclosure proceedings and property auctions.

On March 2, 2013, the City Council voted to adopt Local Law 15 of 2013.1 This Local Law Made extensive reforms to the City’s Lien Sale process to, inter alia, include a host of protections to property owners whose home was subject to the lien sale. Notable protections include:

- Raising the threshold for properties to be included in the tax lien sale would increase for water and sewer liens to 1 year and $2,000 for and 3-family homes from $1,000.
- Codifying DOF’s practice of first-class mail notification to property owners at 90, 60, and 30 days prior to the lien sale date, and adds a 10 day mailing, in addition to the publication at 90 and 10 days before lien sale.
- Require bi-annual (October and January) statements and all lien sale notifications are to include: 1) qualifying exemption information; 2) payment plan availability; 3) ombudsperson contact information; and 4) a lien sale process description.
- Require statements and notices must be in Chinese, English, Korean, Russian, or Spanish if requested by owner, or if DOF has reason to believe that is the property owners’ primary language. Post-sale notifications are to include contact information for the Department of Environmental Protection (“DEP”) and DOF ombudsperson.
- Reduced the interest rate that lien services charged after a lien is sold to 9% (from 18%) on properties with an assessed value up to $250,000.
- Require servicers to provide an itemization of taxes, interest, and fees on service bills and make all fees reasonable and bona fide, and in the case of attorney fees, customary.
- Require servicers to include language in all communications regarding: 1) availability of forbearance agreement, 2) explanation of the role of the lien servicer, and 3) servicer and City ombudsperson contact information.
- Require DOF to provide an exemption eligibility checklist to help make homeowners aware of qualifying exemptions that would exclude them from the lien sale. The checklist would be included in any mailing to a delinquent taxpayer, and with all notices to homeowners whose properties have been included in a lien sale notification list. Upon receipt of an eligibility

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GABRIELA A. BROWER, LEROY E. LEWIS, K. FIEDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, December 19, 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 Committee on Finance, to which the annexed amended proposed local law was referred on October 9, 2013 (Minutes, page 4180), respectfully

REPORTS:

On Thursday, December 19, 2013, the Committee on Finance and the Committee on Community Development will consider Proposed Int. 1171-A, a local law to amend the Administrative Code in relation to the sale of tax liens.

BACKGROUND/ LIEN SALE HISTORY

A lien is a legal claim against real property for unpaid property taxes, water, sewer or other property charges, as well as the interest due on these taxes and charges. When outstanding amounts have been delinquent for a legally specified period of time, and the City has mailed notice to the property owner, the City of New York, via the Department of Finance (“DOF”) commissioner is allowed to sell the lien(s) to an authorized third party, who becomes the “tax lien purchaser” (Trust). The Trust packages the liens into security-backed assets, which are sold to investors on the private placement market. The Trust pays the City a certain portion of the value of the liens upfront, usually around 90 percent of the lien value. At this point, the City no longer “owns” the liens and has no role in the post-lien sale process. The Trust hires private collection agents or servicers to collect the debt from the owners and to handle foreclosure proceedings and property auctions.

BACKGROUND/ LIEN SALE HISTORY

Notable protections include:

- Raising the threshold for properties to be included in the tax lien sale would increase for water and sewer liens to 1 year and $2,000 for and 3-family homes from $1,000.
- Codifying DOF’s practice of first-class mail notification to property owners at 90, 60, and 30 days prior to the lien sale date, and adds a 10 day mailing, in addition to the publication at 90 and 10 days before lien sale.
- Require bi-annual (October and January) statements and all lien sale notifications are to include: 1) qualifying exemption information; 2) payment plan availability; 3) ombudsperson contact information; and 4) a lien sale process description.
- Require statements and notices must be in Chinese, English, Korean, Russian, or Spanish if requested by owner, or if DOF has reason to believe that is the property owners’ primary language. Post-sale notifications are to include contact information for the Department of Environmental Protection (“DEP”) and DOF ombudsperson.
- Reduced the interest rate that lien services charged after a lien is sold to 9% (from 18%) on properties with an assessed value up to $250,000.
- Require servicers to provide an itemization of taxes, interest, and fees on service bills and make all fees reasonable and bona fide, and in the case of attorney fees, customary.
- Require servicers to include language in all communications regarding: 1) availability of forbearance agreement, 2) explanation of the role of the lien servicer, and 3) servicer and City ombudsperson contact information.
- Require DOF to provide an exemption eligibility checklist to help make homeowners aware of qualifying exemptions that would exclude them from the lien sale. The checklist would be included in any mailing to a delinquent taxpayer, and with all notices to homeowners whose properties have been included in a lien sale notification list. Upon receipt of an eligibility
checklist, or other communication indicating possible exemption eligibility of a property owner, DOF must follow prescribed steps to provide the homeowner with application forms for the appropriate exemption. DOF is to provide a list to the Council of property owners who returned an exemption eligibility checklist but not a completed application 30 days prior to the lien sale, and again 30 days after the lien sale. Property owners who have communicated to DOF their possible eligibility prior to the lien sale have 90 days from the lien sale date to submit an exemption application.

- Require DOF and DEP to allow homeowners to enter into a payment agreement plan with no down payment (unless the property owner specifies otherwise).

Problems with Local Law 15

Since the passage of Local Law 15, the Committees have heard from dozens of constituents and advocacy groups about the provision in the law that requires only property owners to enter installation agreements.

As mentioned above, Local Law 15 allows property owners who are eligible for the lien sale to enter into a payment agreement with DOF or DEP. With the acceptance into a payment agreement, the property subject to the lien sale will be removed from that year’s lien sale. An individual, however, who is not the property owner or listed on the deed to the property cannot enter into a payment agreement, even though such individual is, or has been, maintaining payments on the property. The Committees learned that this is particularly a problem with children of deceased parents who died without a will, or intestate, and have not yet added their name to the deed. In these cases, the children of the deceased continue to maintain the property (payments for property taxes, water, mortgage, etc.), however, they are prevented from entering into a payment agreement with DOF or DEP to avoid the lien sale, if they fall short on such payments.

Another problem with Local Law 15 that was brought to the attention of the Committees relates to the accessibility of the exemption eligibility checklist. As mentioned, Local law 15 requires DOF to provide an exemption eligibility checklist to help make homeowners aware of qualifying exemptions that would exclude them from the lien sale. The checklist is included in any mailing to a delinquent taxpayer, and with all notices to homeowners whose properties have been included in a lien sale notification list. Upon receipt of an eligibility checklist, or other communication indicating possible exemption eligibility of a property owner, DOF must follow prescribed steps to provide the homeowner with application forms for the particular exemption. Property owners who have communicated to DOF their possible eligibility prior to the lien sale have 90 days from the lien sale date to submit an exemption application, regardless of whether the statutory exemption application deadline of March 15th has passed. Local law 15 also requires DOF to provide prompt assistance to any homeowner in completing their exemption application.

Since the passage of Local Law 15, the Committees have learned that many individuals do not have adequate or consistent access to their mail for a myriad of reasons (vacation, post office box, etc.). Since the exemption eligibility checklist is not included on DOF’s website, many individuals do not get the opportunity to take advantage of the benefits of the exemption eligibility checklist.

Proposed Int. 1171-A

To address these problems, Proposed Int. 1171-A would amend the tax lien law to include additional protections for individuals subject to the lien sale law. Specifically, the legislation requires the Department of Finance to post the exemption eligibility checklist on-line on the first business day after the statutory exemption application deadline of March 15th and requires “eligible persons” other than the property owner (as defined by DOF and DEP) to enter into a payment agreement to prevent the property’s inclusion into the lien sale.

Specifically, Proposed Int. 1171-A would amend Local Law 15 by:

- requiring the Department of Finance to post the exemption eligibility checklist on-line on the first business day after the statutory exemption application deadline of March 15th until the 10 days before the lien sale;

- requiring individuals other than the property owner “other eligible persons” (which shall include beneficiaries and fiduciaries (as defined by DOF and DEP rule) to enter into a payment agreement under the same terms as a property owner to prevent the property’s inclusion into the lien sale. Criteria to meet the definition of other eligible person shall be established by rule;

- specifying that the criteria to meet to be determined as an “other eligible person” shall be proven by the furnishing of any death certificates, or other relevant documents that substantiate the claim of a beneficiary that they are the legal owner of the property.

- specifying that only one payment agreement with each respective agency may be in effect for a property at any one time; and

- requiring DOF and DEP to promulgate rules no later than June 1, 2014 regarding the eligibility of owners or other eligible persons acting on behalf of owners to enter into installation agreements.

Proposed Int. 1171-A would take effect immediately.

1 See generally, NYC Administrative Code, Title 11, Chapter 3.
2 See NYC Administrative Code § 11-332; see also id. at 11-339.
4 See NYC Administrative Code § 11-3300b(2).
5 See id.
6 See id.

The following is the text of the Fiscal Impact Statement for Int. No. 1171-A:

THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR
FISCAL IMPACT STATEMENT
INTRO. NO: 1171-A

SUMMARY OF LEGISLATION: Proposed Int. 1171-A would amend the tax lien law to include additional protections for individuals subject to the lien sale law. Specifically, the legislation requires the Department of Finance to post the exemption eligibility checklist on-line on the first business day after the statutory exemption application deadline of March 15th, and requires “eligible persons” other than the property owner (as defined by DOF and DEP) to enter into a payment agreement to prevent the property’s inclusion into the lien sale. The legislation would also specify that only payment agreement with each respective agency may be in effect for a property at any one time. The legislation would also allow individuals who are a fiduciary or beneficiary of a property to be eligible to settle the outstanding lien or enter into the payment agreement plans as described in Local Law 15 of 2011 as long as they provide a copy of a death certificate or other relevant documents that substantiate the claim of a beneficiary that they are the legal owner of the property.

EFFECTIVE DATE: Prop. Intro. 1171-A would take effect immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

<table>
<thead>
<tr>
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<th>Effective FY14</th>
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<th>Full Fiscal Impact FY15</th>
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<td>De minimis</td>
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</table>

IMPACT ON REVENUES: DOF and DEP each estimate that in an average year about 7 to 10 properties would fall under the expanded eligibility to enter into a payment agreement plan as provided by this law. These properties tend to be small residential properties, so the debts tend to be relatively modest. Since the properties will be entering into a payment agreement plan and will be required to maintain payment on the plan, it is expected the loss of revenue from having the additional lien sale 14 to 20 properties will be mostly offset by the income stream from the payment plans (which the City can capitalize due to its low borrowing rates). For that reason, and due to the low number of properties impacted by this legislation, the revenue impact is expected to be de minimis.

IMPACT ON EXPENDITURES: None
SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Department of Finance, Department of Environmental Protection, City Council Finance Division

ESTIMATE PREPARED BY: Enrie Edev, Senior Financial Legislative Analyst

ESTIMATED REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist

Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on October 9, 2013 as Intro. 1171, and referred to the Committee on Finance. On November 19, a joint hearing with the Committee on Community Development was held, and the bill was laid over. An amended version of the legislation, Proposed Intro. 1171-A, will be considered by the Committee on Finance on December 19, 2013, and upon successful vote, the bill will be immediately submitted to the full Council for a vote at the next meeting.

DATE SUBMITTED TO COUNCIL: See legislative history

DATE PREPARED: December 18, 2013

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1171-A):

Int. No. 1171-A

By Council Members Vann, Recchia, Barron, Conrie, Jackson, James, Koo, Levin, Reyna, Richards, Rodriguez, Rose, Koppell and Fieltler.

A Local Law to amend the administrative code of the city of New York, in relation to the sale of tax liens.

Be it enacted by the Council as follows:

Section 1. Paragraph (i) of subdivision b of section 11-320 of the administrative code of the city of New York, as added by local law number 15 for the year 2011, is amended to read as follows:

(i) Such notices shall also include, with respect to any property owner in class one or class two, as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, an exemption eligibility checklist. The exemption eligibility checklist shall also be posted on the website of the department no later than the first business day after March fifteenth of every year prior to the date of sale, and shall continue to be posted on such website until ten days prior to the date of sale. Within ten business days of receipt of a completed exemption eligibility checklist from such property owner, provided that such receipt occurs prior to the date of sale of any tax lien or tax liens on his or her property, the department of finance shall review such checklist to determine, based on the information provided by the property owner, whether such property owner could be eligible for any exemption, credit or other benefit that would entitle them to be excluded from a tax lien sale and, if the department determines that such property owner could be eligible for any such exemption, credit or other benefit, shall mail such property owner an application for the appropriate exemption, credit or other benefit. If, within twenty business days of the date the department mailed such application, the department has not received a completed application from such property owner, the department shall mail such property owner a second application, and shall telephone the property owner, if the property owner has included his or her telephone number on the exemption eligibility checklist.

§ 2. Subdivision b of section 11-322 of the administrative code of the city of New York, as added by local law number 15 for the year 2011, is amended to read as follows:

b. In accordance with rules promulgated by the commissioners of finance and environmental protection, a property owner, or other eligible person, as defined by rule, acting on behalf of an owner, may enter into agreements with the departments of finance and environmental protection for the payment in installments of any delinquent real property taxes, assessments, sewer rents, sewer surcharges, water rents, or any other charges that are made a lien subject to the provisions of this chapter. The proposed sale of a tax lien or tax liens on property shall be cancelled when a property owner, or other eligible person acting on behalf of an owner, enters into an agreement with the respective agency for the payment of any such lien. Such rules shall also provide that such property owners or such other eligible persons be given information regarding eligibility for real property tax exemption programs prior to entering into such agreements. As used in this subdivision, the term “other eligible person” shall include in such definition the means by which a beneficiary of real property of the estate of a decedent who owned real property as to which an agreement under this subdivision is sought meets the definition of “other eligible person.” Such means shall include the furnishing of any death certificates or other relevant documents that substantiate the claim of a beneficiary that they are the legal owner of the property. Notwithstanding any other provision of this section, no more than one such agreement with each respective agency may be in effect for a property at any one time.

1. If payments required from a property owner, or other eligible person acting on behalf of an owner, pursuant to such an agreement are not made for a period of six months, such property owner, or such other eligible person, shall be in default of such agreement, and the tax lien or tax liens on the subject property may be sold, provided, however, that such default may be cured upon such property owner’s, or such other eligible person’s, bringing all installment payments and all current charges that are outstanding at the time of the default to a current status, which shall include, but not be limited to, any outstanding interest and fees, prior to the date of sale. If such default is not cured prior to the date of sale, such property owner, and any other eligible person acting on behalf of an owner, shall not be eligible to enter into an installment agreement for the subject property for five years, unless there is a finding of extenuating circumstances by the department that entered into the installment agreement with the property owner or such other eligible person.

2. An installment agreement shall provide for payments by the property owner, or other eligible person acting on behalf of an owner, on a quarterly or monthly basis, in the discretion of the appropriate commissioner, for a period not less than eight years and not more than ten years, provided that a property owner, or other eligible person acting on behalf of an owner, may elect a period less than eight years. There shall be no down payment required upon the property owner’s, or such other eligible person’s, entering into the installment agreement with the respective department, but the property owner, or other eligible person acting on behalf of an owner, may elect to make a down payment.

3. Beginning January first, two thousand twelve, any property owner who has entered into an installment agreement with the commissioner of environmental protection pursuant to this subdivision and who has automated meter reading shall receive a consolidated monthly bill for current sewer rents, sewer surcharges and water rents and any payment due under such installment agreement.

4. No later than September first, two thousand eleven, the commissioners of finance and environmental protection shall promulgate rules governing installment agreements, including but not limited to, the terms and conditions of such agreements, the payment schedules, and the definition and consequences of default; no later than June first, two thousand fourteen, the commissioners of finance and environmental protection shall promulgate rules governing eligibility of owners or other eligible persons acting on behalf of owners to enter into installment agreements.

§ 3. This local law shall take effect immediately.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPEL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, December 19, 2013.

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

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the sale of tax liens.

Given under my hand and seal this 19th day of December, 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).
REPORTS:

BACKGROUND

The proposed Hudson Yards Business Improvement District (hereinafter the “District”) is located in the borough of Manhattan and is generally bounded by West 42nd street to the north, eleventh avenue to the west, and West 30th street to the south. The District is largely within the Hudson Yards Special District, which was created in 2005 to foster a mix of uses and densities, provide new publicly accessible open space, extend the Midtown central business district by providing opportunities for substantial new office and hotel development, reinforce existing residential neighborhoods and encourage new housing on Manhattan’s Far West Side.

The District represents portions of 26 blocks and has 1,164 tax lots. The District is located in Community Board 4. There are approximately 150 ground level retail tenants, approximately 300 upper floor commercial tenants, and 6,336 residential units of which 836 are individual residential condos. The District also contains 5 buildings with 975 hotel rooms.

The District will be managed by the Hudson Yards District Management Association, Inc. Services to be provided in the District include: maintenance for Hudson Park (as agreed upon with the Parks Department) for public safety, traffic safety, creation of more open green space, marketing and promotion, administrative expenses, and a reserve ($1.8 million).

BID Assessment

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<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Maintenance for Hudson Park (as agreed upon with Parks department) for public safety</td>
<td>$445,000</td>
</tr>
<tr>
<td>District Wide services (traffic safety, creation of more green space, Ads and informational docs about local businesses)</td>
<td>$430,000</td>
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<tr>
<td>Administration</td>
<td>$325,000</td>
</tr>
<tr>
<td>Future Year Reserves</td>
<td>$1.8 M</td>
</tr>
</tbody>
</table>

The budget for the first year of operation is $1.2 million; with the maximum annual thereafter to operate the BID is $3 million. The maximum cost for capital improvements for the entire existence of the proposed District shall be $7 million.

Not for profits and residents pay $1.00, government buildings located within the proposed District are exempt, 226 tax lots of the 1,164 (19%) will pay the maximum of $178,000 for an assessed value of $28,000.

The lone property that sold is located at 5 buildings with 975 hotel rooms.

ANALYSIS OF INT. 1186:

Under Local Law 82 of 1990, the City Council assumed responsibility for adopting the legislation that would establish individual business improvement districts.

Business Improvement Districts (BIDs) are specifically defined areas of designated properties. They use the City’s real property tax collection mechanism to collect a special tax assessment that the BID District Management Association uses to pay for additional services beyond those that the City provides. The additional services would be designed to enhance the area and to improve local business. Normally, a BIDs additional services would be in the areas of security, sanitatia physical/capital improvements (lighting, landscaping, sidewalks etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising).

Under the process established by Chapter 4 of Title 25 of the Administrative Code, the City Council has already adopted Resolution 1993, which set the hearing date for the BID Plan and its enacting legislation for Thursday, November 14, 2013.

Prior to the Council’s action, the Community Board for the district in which the proposed BID is located -- Community Board 4 of Manhattan -- voted to approve the Plan on July 31, 2013. The City Planning Commission (“CPC”) reviewed the Plan and held a public hearing on the Plan on September 11, 2013. The CPC approved a resolution on September 30, 2013 (Calendar No. 4), which certified the CPC’s unqualified approval of the Plan.

Resolution 1993, approved by the Finance Committee and adopted by the Council on October 31, 2013, set the date for this hearing and directed that all notices contained in the law be complied with. Therefore, the Department of Small Business Services was directed to publish the Resolution or its summary in the City Record not less than ten nor more than thirty days before this Public Hearing and the Hudson Yards Business Improvement District Steering Committee was directed to mail the Resolution or its summary to each owner of real property within the BID, to such other persons as are registered with the City to receive tax bills for property within the BID and to occupants of each building within the BID, also not less than ten nor more than thirty days before this Public Hearing.

The Public Hearing to consider both the Plan itself and the enacting legislation, according to the provisions of the law, is to be closed without a vote. The Committee then must wait at least 30 days before it can again consider and possibly vote to approve this legislation. The 30-day period immediately after this Public Hearing serves as an objection period. Any property owner may, during this time period, formally object to the Plan by filing such objection in the Office of the City Clerk, on forms provided by the City Clerk. In the event that either at least 51 percent of the total number of property owners or owners with at least 51 percent of the assessed valuation of all the benefited real property within the district object to the plan, then the City Council is prohibited, by law, from approving such plan.

When the Committee considers this legislation after the conclusion of the objection period, it must answer the following questions:

1. Were all notices of hearing for all hearings required to be held published and mailed as so required?
2. Did all owners of real property within the district’s boundaries benefit from the establishment of the district, except as otherwise provided by the law?
3. Is all real property benefited by the district included within the district?
4. Is the establishment of the district in the best interests of the public?

If the Committee finds in the affirmative on these four questions and the number of objections required to prevent the creation of such district are not filed, then the legislation can be adopted.

This local law takes effect after all requirements contained in chapter four of title 25 are complied with.

NOVEMBER 14, 2013 PUBLIC HEARING ON INT. 1186

On November 14, 2013, the Finance Committee met to consider Int. 1186, legislation that would establish the Hudson Yards BID.

As required by the BID law, set forth in Article 19-a of the State’s General Municipal Law and Title 25 of the Administrative Code, the Finance Committee had to wait at least 30 days after the hearing to allow property owners that are negatively affected by the establishment of the BID to formally file objections with the City Clerk. Copies of such objection forms were made available at the City Clerk’s office at 1 Centre street.

The Public Hearing to consider both the BID plan itself and the enacting legislation, according to the provisions of the law, was closed without a vote. The 30-day period began immediately after the November 14th Public Hearing.

During that time, any property owner was able to formally object to the Plan by filing such objection in the Office of the City Clerk, on forms provided by the City Clerk.

In the event that either at least 51 percent of the total number of property owners (1,160) or owners with at least 51 percent of the assessed valuation of all the benefited real property within the district ($854,988,037) object to the BID plan, then the City Council is prohibited by law from approving such plan.

UPDATE: DECEMBER 19, 2013 HEARING

After the November 14, 2013 Public Hearing, the Finance Committee adjourned the hearing without a vote, and the objection period began the day after such Public Hearing. The objection period for the creation of this BID ended on December 14, 2013 at 3 p.m. According to the City Clerk, out of the 854 property owners located in the proposed BID, one owner filed a valid objection.1 The lone objection represents 0.01% of the assessed valuation in the district, and 0.12% of the owners benefited by the BID.

Since the number of objections required to prevent the creation of the BID have not been filed with the City Clerk, if the Committee finds in the affirmative on the four questions noted on page 4 of this report, then the legislation can be adopted, and the BID will be established.

1 The property owner opposed paying an additional fee for supplemental services provided by the BID. Objection on file with the Committee.
Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1186:)

(Int. No. 1186)

By Council Members Recchia and Koo (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Hudson Yards business improvement district.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-407 to establish a business improvement district in the borough of Manhattan to be known as the Hudson Yards Business Improvement District (the “District”).

EFFECTIVE DATE: This local law shall take effect upon compliance with section 25-407 of chapter 4 of title 25 of the administrative code of the city of New York, which requires review of the BID legislation by the State Comptroller.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPEL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, December 19, 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).

Domenic M. Recchia, Jr., Chairperson; Joel Rivera, Diana Reyna, Gale A. Brewer, Leroy G. Comrie, Jr., Lewis A. Filler, Robert Jackson, G. Oliver Koppell, Albert Vann, Darlene Mealy, Julissa Ferreras, Fernando Cabrera, Karen Koslowitz, James G. Van Bramer, Vincent M. Ignizio, James S. Oddo; Committee on Finance, December 19, 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. 1204-A

Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to extending the rate of the additional tax on the occupancy of hotel rooms.

The Committee on Finance, to which the annexed amended proposed local law was referred on November 26, 2013 (Minutes, page 4917), respectfully

REPORTS:

BACKGROUND

The New York City Hotel Room Occupancy Tax (the “Hotel Tax”), is a tax imposed on the occupancy- or the right to occupancy- of a room or rooms in a hotel. 1 The term “hotel” includes an apartment hotel, motel, boardinghouse, bed-and-breakfast, bungalow, club, or similar establishment that provides sleeping accommodations to the public. The Tax applies to the rental of hotel rooms and the taxable portion of hotel meals. The Tax is levied in addition to the combined City, State, and MCTD sales tax (at 4.5 percent, 4.0 percent, 0.375 percent, respectively), bringing the aggregate hotel occupancy tax and sales tax on a hotel rental in the City to 14.75 percent. 2

The Mayor’s 2013 November Financial Plan for Fiscal Years 2014-2017, the hotel room
occupancy tax is expected to generate $520 million in revenue for Fiscal Year 2014. For Fiscal Year 2013, the tax generated $505 million.

LEGISLATIVE HISTORY

Chapter 161 of 1970 authorizes New York City to adopt and amend local laws imposing a hotel tax. The rates of the hotel tax are set by State legislation, which dictates the fee based on the daily rental value of the hotel room occupied.1 As authorized by State legislation, section 11-2502 of the administrative code imposes a graduated tax upon the occupancy of hotel rooms in the city of New York at a rate of $5.00 per day if the daily rent for the room is $10 or more, but less than $20; $1.00 per day if the daily rent is $20 or more, but less than $30; $1.50 per day of the daily rent is $30 or more, but less than $40; and $2.00 per day of the daily rent is $40 or more. The State legislation also allows the City to impose an additional tax on persons occupying hotel rooms in New York City. The State legislation provides the City with discretion in setting the rate for the additional tax, allowing the City to set the rate up to 6 percent.2 Under State law, if the additional tax is imposed at the rate of 6 percent or above, then 4 1/6 percent of the total amount of the tax, including interest and penalties, must be dedicated for the sole purpose of promoting tourism and conventions in New York City and deposited in a special tourism and convention fund established by the New York Convention and Visitors Bureau, pursuant to an annual contract with the City.3 The remaining one-eighth of the dedicated fund is required to be expended on the supplemental promotion of tourism and conventions throughout the City.4 The City Council can effectively increase the rate to slightly under 6 percent, thereby allowing all of the revenue generated by the increase to further the causes of the City and be placed in the City’s general fund.5

Until 1986, the tax only imposed a flat fee based on the daily rental value of the hotel room occupied. In 1986, an additional tax at the rate of 5 percent on the total amount of the tax, including interest and penalties, must be dedicated for the sole purpose of promoting tourism and conventions in New York City and deposited in a special tourism and convention fund established by the New York Convention and Visitors Bureau, pursuant to an annual contract with the City.6 The remaining one-eighth of the dedicated fund is required to be expended on the supplemental promotion of tourism and conventions throughout the City.7 The City Council can effectively increase the rate to slightly under 6 percent, thereby allowing all of the revenue generated by the increase to further the causes of the City and be placed in the City’s general fund.8

Beginning on December 1, 2013 and ending before December 20, 2013, the hotel tax was to revert back to 5 percent, unless the City would lose over $30 million in revenue in FY2014 and over $70 million in FY2015.

RECENT INCREASE TO HOTEL TAX

Similar to 1990 when the City increased the tax to 6 percent, in 2008, the City faced tough economic times. In order to maintain core services that are vital to our City, the Council had to make difficult choices in deciding where and how to generate additional revenue to close the budget gap for Fiscal 2009, 2010 and the out-years. One option was to raise the hotel tax rate. A main concern with this option was whether increasing the tax might impact industry sales and prices. However, hotel occupancy and room rates are determined by a variety of factors, including domestic personal income and wealth, the level of safety and amenities of the locality, and the exchange rate and economic growth overseas. The hotel tax is a relatively small part of overall costs of business or vacation travel.

In 2008, the City Council passed legislation to increase the tax imposed upon the occupancy of hotel rooms from a rate of 5 percent of the daily rent of each room to 5.875 percent.10 This rate went into effect on March 1, 2009.11 Beginning on, and after, December 1, 2012, the hotel tax was to revert back to 5 percent, unless the Council extended the rate of 5.875 percent to November 30, 2013.12

According to the Mayor’s Memorandum of Support for the legislation authorizing the 2011 increase, during the years of the rate increase, the City actually experienced a roughly 17 percent increase in room nights sold over such period. From September 2009 through September 2011, hotel revenues per room have grown by about 20 percent, further evidence that visitors to New York City are not deterred by the current rate of hotel room occupancy tax. According to the Memorandum of Support for the legislation authorizing the 2013 increase, from January 2013 through June 2013, hotel revenues have grown approximately 6% compared to the same period in 2012, and approximately 14% compared to the same period in 2011. Visitors to New York City have not been deterred by the current rate of hotel room occupancy tax. New York City tourism hit an all time high in 2012 with 52 million visitors, and is continuing to grow with similar momentum in 2013. According to the Administration, without the extension of the current rate, the City would lose over $30 million in revenue in FY2014 and over $70 million in FY2015.13

PROPOSED INT. 1204-A

Proposed Int. 1204-A would amend Chapter 25 of Title 11 of the Administrative Code to extend the 5.875 percent rate of the tax from December 20, 2013 until November 30, 2015. Beginning on December 1, 2013 and ending before December 20, 2013, and starting again on December 1, 2015, the hotel tax would revert back to 5 percent.

Proposed Int. 1204-A would take effect immediately and, if it shall become a law after December 20, 2013, it shall be retroactive to, and deemed to have been in full force and effect as of, December 20, 2013.
COUNCIL MINUTES — STATED MEETING

December 19, 2013

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1204-A:)

Int. No. 1204-A

By Council Members Fidler, Brewer, James and Jackson (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to extending the rate of the additional tax on the occupancy of hotel rooms.

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision a of section 11-2502 of the administrative code of the city of New York, as amended by local law number 67 for the year 2011, is amended to read as follows:

(3) In addition to the tax imposed by paragraph two of this subdivision, there is hereby imposed and there shall be paid a tax for every occupancy of each room in a hotel in the city of New York (A) at the rate of five percent of the rent or charge per day for each such room up to and including August thirty-first, nineteen hundred ninety, (B) at the rate of six percent of the rent or charge per day for each such room on and after September first, nineteen hundred ninety and before December first, nineteen hundred ninety-four, (C) at the rate of five percent of the rent or charge per day for each such room on and after December first, nineteen hundred ninety-four and before March first, two thousand nine, (D) at the rate of five and seven-eighths percent of the rent or charge per day for each such room on and after March first, two thousand nine and before December first, two thousand thirteen and (E) at the rate of five percent of the rent or charge per day for each such room on and after December first, two thousand thirteen and before December twentieth, two thousand thirteen, (F) at the rate of five percent of the rent or charge per day for each such room on and after December twentieth, two thousand thirteen and before December first, two thousand fifteen, and (G) at the rate of five percent of the rent or charge per day for each such room on and after December first, two thousand fifteen.

§ 2. This local law shall take effect immediately and, if it shall have become a law after December 20, 2013, shall be retroactive to and deemed to have been in full force and effect as of December 20, 2013.

JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER; Committee on Finance, December 19, 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 Int. No. 1227

Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving family members of certain deceased employees of the police department.

The Committee on Finance, to which the annexed proposed local law was referred on December 19, 2013, respectfully

REPORTS:

STATUTORY BACKGROUND:

Currently, section 12-126(b)(2)(i) of the Administrative Code of the City of New York provides health insurance benefits to a surviving spouse or domestic partner, and dependent children of police officers, firefighters, uniformed members of the correction or sanitation department, emergency medical technician, advanced emergency medical technician and employees whose duties required the direct supervision of employees whose duties are those of an emergency medical technician.
CC34  COUNCIL MINUTES — STATED MEETING  December 19, 2013

or advanced emergency medical technician of the fire department of the city of New York while in performance of duty on or after September 11, 2001. Benefits are provided if the employee was killed as the natural and proximate result of an accident or injury sustained while in the performance of duty. The health insurance benefits are provided to a surviving spouse or domestic partner until he or she dies, and are provided to dependent children until age 19, or, if enrolled full-time as an undergraduate at an accredited degree-granting institution of higher education, until the completion of the educational program, or age 23, whichever occurs first.

The section also provides that the Mayor has the discretion to extend such benefits to surviving spouses, domestic partners and eligible dependent children of employees of the fleet services division of the Police Department who died in the line of duty on or after September 1, 2005 and before September 28, 2005; and the surviving spouses, domestic partners and children of employees of deceased employees of the transportation bureau who died on or after January 8, 2009 and prior to January 10, 2009. The cause of death would still be required to be a natural and proximate result of an accident or injury sustained while in the performance of duty.

In addition, this section provides that any individual in active service covered by section 126(b)(2)(i) shall be deemed to have died in the line of duty if such death occurs while the individual was ordered to active duty, other than for training purposes, pursuant to Title 10 of the United States Code, with the United States armed forces.

APPLICATION OF LAW

On November 30, 2013, Kalyanarat Ranasinghe, a member of the Traffic Enforcement District of the Transportation Bureau of the New York City Police Department, died in duty while struck by a truck.

The inclusion of survivors of the Traffic Enforcement District of the Transportation Bureau of the New York City Police Department would be within 12-126(b)(2)(i) of the Code that grants authority to the Mayor to use his or her discretion to extend benefits to the spouses, domestic partners and eligible dependent children of employees of the specified agencies who died during the course of their employment.

This pre-considered intro. would extend health insurance coverage to Kalyanarat Ranasinghe’s widow and any eligible children, thus helping to ease the financial burdens of his family and demonstrating the City’s appreciation of this employee’s dedicated service to the people of this City.

PRECONSIDERED INT. (*"the legislation")

Section 1 of the legislation would amend section 126(b)(2)(i) to include the surviving spouses, domestic partners and children of employees of deceased employees of the Traffic Enforcement District of the Transportation Bureau of the New York City Police Department who died on or before November 1, 2013 and prior to December 1, 2013. The cause of death would still be required to be a natural and proximate result of an accident or injury sustained while in the performance of duty.

Section 2 of the legislation would provide that this proposed local law wouldtake effect immediately, and would be retroactive to and deemed to have in full force and effect on and after November 30, 2013.

(Efffective date: November 30, 2013)

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FY 2014

FISCAL IMPACT STATEMENT:

<table>
<thead>
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<th></th>
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<th>Full Fiscal Impact FY14</th>
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<td>Expenditures</td>
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</tr>
<tr>
<td>Net</td>
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</tr>
</tbody>
</table>

IMPACT ON REVENUES: None.
IMPACT ON EXPENDITURES: None.
SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A
SOURCE OF INFORMATION: Finance Division

ESTIMATE PREPARED BY: Regina Porela Ryan, Deputy Director

LEGISLATIVE HISTORY: This legislation will be considered by the Committee on Finance as a Pre-considered Intro on December 19, 2013 and upon a successful vote, the bill would be submitted to the full Council for a vote.

DATE SUBMITTED TO COUNCIL: December 19, 2013

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1227:)

Int. No. 1227
By Council Members Recchia, Chin and Dickens (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving family members of certain deceased employees of the police department.

Be it enacted by the Council as follows:

Section 1. Subparagraph (i) of paragraph 2 of subdivision b of the administrative code of the city of New York, as amended by local law number 9 for the year 2009, is amended to read as follows:

(i) Where the death of a member of the uniformed forces of the police or fire departments is or was the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-three years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of a uniformed member of the correction or sanitation departments has occurred while such employee was in active service as the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the child of such employee who is under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-three years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of an employee of the fire department of the city of New York who was serving in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or whose duties required the direct supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law) in or was the natural and proximate result of an accident or injury sustained while in the performance of duty on or after September eleventh, two thousand one, the surviving employee's dedicated service to the people of this City.

THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR
FISCAL IMPACT STATEMENT
PRE-CONSIDERED INTRO.
COMMITTEE: Finance

THE SPEAKER (Council Member Quinn) and Council Members
Mack-Viverito, Dromm, Brewer, Chin, Comrie, Engersen, Ferreras, Jackson, James, Lander, Mendez, Palma, Reyna, Williams, Wills, Lappin and Rodriguez

SUMMARY OF LEGISLATION: This pre-considered Intro. would extend health insurance coverage to Kalyanarat Ranasinghe’s widow and any eligible children. Mr. Ranasinghe died while at work as a New York City Police Department traffic enforcement agent on November 30, 2013 after being struck by a truck.

TITLE: To amend the administrative code of the city of New York, in relation to health insurance coverage for surviving family members of certain deceased employees of the police department.

SPONSORS(S): The Speaker (Council Member Quinn) and Council Members Mack-Viverito, Dromm, Brewer, Chin, Comrie, Engersen, Ferreras, Jackson, James, Lander, Mendez, Palma, Reyna, Williams, Wills, Lappin and Rodriguez

None.

None.

Financial impact:

The following is the text of the Fiscal Impact Statement for Int. No. 1227:
spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-three years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. The mayor may, in his or her discretion, authorize the provision of such health insurance coverage for the surviving spouses, domestic partners and children of employees of the fleet services division of the police department who died on or after October first, nineteen hundred ninety-eight and before April thirtieth, nineteen hundred ninety-nine, and; the surviving spouses, domestic partners and children of employees of the traffic enforcement division of the transportation bureau of the police department who died on or after November first, two thousand thirteen and before December first, two thousand thirteen as a natural and proximate result of an accident or injury sustained while in the performance of duty, subject to the same terms, conditions and limitations set forth in the section. Provided, however, and notwithstanding any other provision of law to the contrary, and solely for the purposes of this subparagraph, a member otherwise covered by this subparagraph shall be deemed to have died as the natural and proximate result of an accident or injury sustained while in the performance of duty upon which his or her membership is based, provided that such member was in active service upon which his or her membership is based, at the time that such member was ordered to active duty pursuant to Title 10 of the United States Code, with the armed forces of the United States or to service in the uniformed services pursuant to Chapter 43 of Title 38 of the United States Code, and such member died while on active duty or service in the uniformed services on or after June fourteenth, two thousand five while serving on active military duty or in the uniformed services.

§ 2. This local law shall take effect immediately, and shall be retroactive to and deemed to have been in full force and effect on and after November 30, 2013.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, JR., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNZIO, JAMES S. ODDO; Committee on Finance, December 19, 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 Int. No. 1228

Report of the Committee on Finance in favor of approving and adopting, a Local Law in relation to the date of submission by the mayor of a preliminary management report and the date by which the council shall conduct public hearings and the date by which the council shall submit a report or reports pertaining thereto, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the council of estimates of the financial needs of the council, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand fifteen.

The Committee on Finance, to which the annexed proposed local law was referred on December 19, 2013, respectfully

REPORTS:

ANALYSIS:

Various provisions in chapter ten of the New York City Charter (the “Charter”) prescribe the actions that need to be taken as part of the annual budget submission process for the following fiscal year’s budget. The Charter specifies certain dates on which the Mayor must submit its preliminary budget, as well as the Mayor’s Preliminary Management Report (“PMMR”). The Charter also prescribes the dates for preliminary budget actions taken by other agencies, such as the Independent Budget Office, the Department of Finance, as well as city officials, such as the Borough Presidents.

This Intro would provide for an extension of the date for the submission of fiscal year 2015 budget-related documents by the Mayor and other agencies, and also extends the date by which the Council must conduct its hearings and submit its recommendations on the preliminary budget and the PMMR.

The extended dates are noted below, and dates of greater importance to the Council and/or require Council action are highlighted. Generally, most dates were pushed back approximately 26 days, the same length of the extension of time provided for the release of the preliminary budget.

<table>
<thead>
<tr>
<th>Mayor's submission of preliminary management report (Chapter 12)</th>
<th>Charter Date</th>
<th>Far FY 2015</th>
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</thead>
<tbody>
<tr>
<td>Mayor's submission of preliminary budget (sec.236)</td>
<td>not later than January 16</td>
<td>not later than February 12</td>
</tr>
<tr>
<td>Mayor's preliminary certificate on maximum capital debt and obligations (sec.235)</td>
<td>not later than January 16</td>
<td>not later than February 12</td>
</tr>
<tr>
<td>Mayor's submission of preliminary budget (sec.205)</td>
<td>not later than January 16</td>
<td>not later than February 12</td>
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<tr>
<td>IBO revenue report (sec.207)</td>
<td>not later than February 15</td>
<td>March 14</td>
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<tr>
<td>Community boards submittal of an assessment of preliminary budget (sec.206)</td>
<td>not later than February 15</td>
<td>March 14</td>
</tr>
<tr>
<td>Finance Commissioner's submission of estimate of amount due and uncollected (sec.235)</td>
<td>not later than February 15</td>
<td>March 14</td>
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<tr>
<td>Mayor's submission of tax benefit report (sec.245)</td>
<td>not later than February 15</td>
<td>March 14</td>
</tr>
<tr>
<td>Borough board's statement on borough priorities (sec.245)</td>
<td>not later than February 15</td>
<td>March 14</td>
</tr>
</tbody>
</table>
The following is the text of the Fiscal Impact Statement for Int. No. 1228:

SUMMARY OF LEGISLATION: This legislation would change the charterspecified deadline dates for the following:
1. Mayor's submission of the preliminary management report so late as February 23, 2014.
2. Completion of the City Council's public hearings on the preliminary management report and submission of recommendations so late as May 9, 2014.
3. Mayor's submission of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects so late as February 12, 2014.
5. Independent Budget Office's submission of report on revenues and expenditures so late as February 26, 2014.
6. Community Board's submission of endorsement of the preliminary budget so late as March 14, 2014.
7. Commissioner of Finance's submission of estimate of the mandated valuation of real property and a certified statement of all proposed taxes due as earlier as March 11, 2014.
8. Final submission of the preliminary budget so late as April 21, 2014.
10. City Council's submission of its operating budget so late as April 10, 2014.
11. Through President's submission of any proposed modifications to the preliminary budget no later as April 7, 2014.
12. Independent Budget Office's submission of report analyzing the preliminary budget no later as April 11, 2014.
13. Completion of City Council's preliminary budget hearings and submission of recommendations so late as April 21, 2014.
14. Campaign Finance Board's submission of the financial needs of the campaign finance board so late as April 2, 2014.

EFFECTIVE DATE:
This legislation would take effect immediately, except that if it shall have become a law after January 16, 2014, it shall be inoperative and deemed to have been in force and effect as of January 16, 2014.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT STATEMENT ISSUED: Fiscal 2014

FISCAL IMPACT STATEMENT:

<table>
<thead>
<tr>
<th>Receipts</th>
<th>Expenditures</th>
<th>Full-Year Disparity</th>
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</thead>
<tbody>
<tr>
<td>$100,000</td>
<td>$99,900</td>
<td>$100</td>
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</table>

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

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

SOURCE OF FUNDS: The City estimates costs: Not applicable

SOURCE OF DEDICATIONS: City Council Finance Division

ESTIMATE PREPARED BY: Tamara Roberts, Chief Counsel City Council Finance Division

ESTIMATE PREPARED ON: December 12, 2013

DISCLAIMER: To be considered by Committee on December 17, 2013
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 28, 2012, the Council adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 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 28, 2012, the Council adopted the expense budget for fiscal year 2013 with various programs and initiatives (the "Fiscal 2013 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").

Analysis. This Resolution, dated December 19, 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 2010 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. This resolution also designates $550,000 to Common Cents New York, Inc., included in MN-1 on October 9, 2013.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and 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 2010 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 youth discretionary funding pursuant to the Fiscal 2014 Expense Budget, as described in Chart 2; sets forth 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
Whereas, the 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
funding in accordance with the Fiscal 2014 Expense Budget.

Whereas, the 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 in accordance with the Fiscal 2014
Expense Budget.

Whereas, the 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 in accordance with the Fiscal 2014
Expense Budget.

COUNCIL MINUTES

In the above-captioned Resolution, the Council will approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2014 Expense Budget.

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.

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 certain organizations receiving youth 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 certain organizations receiving funding pursuant to the Social Adult Day Care Programs 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 Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 6 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to YMCA After-School 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 Out of School Time 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 Asthma Control Program 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 HIV/AIDS Faith Based 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 Design Week 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 Senior Center and Programs Restoration 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 youth discretionary funding in accordance with the Fiscal 2014 Expense Budget.

Chart 14 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 15 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Social Adult Day Care Programs Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 16 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 17 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 18 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 19 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Design Week Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 20 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to Senior Center and Programs Restoration Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 21 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 22 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 23 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 24 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Social Adult Day Care Programs Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 25 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 26 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 27 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 28 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Design Week Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 29 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to Senior Center and Programs Restoration Initiative in accordance with the Fiscal 2014 Expense Budget.

Chart 30 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 31 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.
School Time Restoration 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 Asthma Control Program 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 HIV/AIDS Faith Based 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 Design Week 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 Senior Centers and Programs Restoration 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 of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2010 Expense Budget, as set forth in Chart 13; 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 14;

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 15; and be it further

Resolved, That the City Council approves the funding allocated to Common Cents within the budget of the Department of Youth and Community Development.

ATTACHMENT:
### CHART 1: Local Initiatives - Fiscal 2014 Contracted

<table>
<thead>
<tr>
<th>Member</th>
<th>Organization</th>
<th>BHA Number</th>
<th>Agency</th>
<th>Amount</th>
<th>AppState</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staten</td>
<td>Lutheran Family Health Centers’ Family Support Center</td>
<td>11-1698967</td>
<td>CFTA</td>
<td>$80,000,000</td>
<td>125</td>
</tr>
<tr>
<td>Staten</td>
<td>Lutheran Family Health Centers’ Family Support Center</td>
<td>11-1696897</td>
<td>CFTA</td>
<td>$80,000,000</td>
<td>125</td>
</tr>
</tbody>
</table>

* Indicates pending completion of pre-qualification review.

### CHART 2: Youth Initiatives - Fiscal 2014 Contracted

<table>
<thead>
<tr>
<th>Member</th>
<th>Organization</th>
<th>BHA Number</th>
<th>Agency</th>
<th>Amount</th>
<th>AppState</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staten</td>
<td>Lexington Boulevard School</td>
<td>11-3471525</td>
<td>CFTA</td>
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<td>300</td>
</tr>
<tr>
<td>Staten</td>
<td>Lexington Boulevard School</td>
<td>11-3471525</td>
<td>CFTA</td>
<td>$2,000,000</td>
<td>300</td>
</tr>
</tbody>
</table>

* Indicates pending completion of pre-qualification review.

### CHART 4: Social Adult Day Care Program - Fiscal 2014

<table>
<thead>
<tr>
<th>Organization</th>
<th>BHA Number</th>
<th>Agency</th>
<th>Amount</th>
<th>AppState</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lutheran Family Health Center’s Family Support Center</td>
<td>11-1698967</td>
<td>CFTA</td>
<td>$80,000,000</td>
<td>125</td>
</tr>
</tbody>
</table>

* Indicates pending completion of pre-qualification review.
CHART 9: YMCA After-School Program - Fiscal 2014

<table>
<thead>
<tr>
<th>Organization</th>
<th>F/R Number</th>
<th>Agency</th>
<th>Amount (000)</th>
<th>Ag &amp; UA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Young Men's Christian Association of Greater New York</td>
<td>13-0392173</td>
<td>YMCA</td>
<td>$286,000</td>
<td>006</td>
</tr>
<tr>
<td>Young Men's Christian Association of Greater New York</td>
<td>13-0543596</td>
<td>YMCA</td>
<td>$330,000</td>
<td>006</td>
</tr>
</tbody>
</table>

* Indicates pending completion of pre-qualification review.

CHART 10: Domestic Violence and Empowerment (DoVE) Initiative - Fiscal 2014

<table>
<thead>
<tr>
<th>Organization</th>
<th>F/R Number</th>
<th>Agency</th>
<th>Amount (000)</th>
<th>Ag &amp; UA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lutheran Family Health Centers - Family Support Center</td>
<td>11-1839859</td>
<td>OGLC</td>
<td>$87,876</td>
<td>086</td>
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<tr>
<td>Lutheran Family Health Centers</td>
<td>11-1839867</td>
<td>OGLC</td>
<td>$87,876</td>
<td>086</td>
</tr>
</tbody>
</table>

* Indicates pending completion of pre-qualification review.

CHART 11: Athletics Control Program - Fiscal 2014

<table>
<thead>
<tr>
<th>Organization</th>
<th>F/R Number</th>
<th>Agency</th>
<th>Amount (000)</th>
<th>Ag &amp; UA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Health and Mental Hygiene</td>
<td>03-S484040</td>
<td>DCHM</td>
<td>$1,600,000</td>
<td>016</td>
</tr>
<tr>
<td>Department of Health and Mental Hygiene</td>
<td>03-S541064</td>
<td>DCHM</td>
<td>$2,600,000</td>
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<tr>
<td>Department of Health and Mental Hygiene - RMHC</td>
<td>East of Rest</td>
<td>03-S484040</td>
<td>$50,000</td>
<td>016</td>
</tr>
<tr>
<td>Department of Health and Mental Hygiene - RMHC</td>
<td>Hospital</td>
<td>03-S484040</td>
<td>$50,000</td>
<td>016</td>
</tr>
<tr>
<td>Department of Health and Mental Hygiene - RMHC</td>
<td>Lincoln</td>
<td>03-S484040</td>
<td>$95,000</td>
<td>016</td>
</tr>
<tr>
<td>Department of Health and Mental Hygiene - RMHC</td>
<td>Manhattan</td>
<td>03-S484040</td>
<td>$85,000</td>
<td>016</td>
</tr>
<tr>
<td>Long Island College Hospital</td>
<td>15-1001860</td>
<td>DCHM</td>
<td>$500,000</td>
<td>016</td>
</tr>
<tr>
<td>New York Foundation for the Arts</td>
<td>14-0392010</td>
<td>DCHM</td>
<td>$500,000</td>
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<tr>
<td>Department of Health and Mental Hygiene - American Legion Association</td>
<td>03-S484040</td>
<td>DCHM</td>
<td>$750,000</td>
<td>016</td>
</tr>
</tbody>
</table>

* Indicates pending completion of pre-qualification review.

CHART 12: Out of School Time Restoration - Fiscal 2014

<table>
<thead>
<tr>
<th>Organization</th>
<th>F/R Number</th>
<th>Agency</th>
<th>Amount (000)</th>
<th>Ag &amp; UA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brooklyn Community Services - P.S. 806/Etta Allen School (GRE)</td>
<td>11-1820780</td>
<td>ISTED</td>
<td>$265,000</td>
<td>098</td>
</tr>
<tr>
<td>Brooklyn Community Services - PS 626/CRIPS/ATTIUS (PETI)</td>
<td>11-1820781</td>
<td>ISTED</td>
<td>$265,000</td>
<td>098</td>
</tr>
<tr>
<td>Brooklyn Community Services - Public School 79B</td>
<td>11-1820782</td>
<td>ISTED</td>
<td>$254,000</td>
<td>098</td>
</tr>
<tr>
<td>Brooklyn Community Services - IS 292</td>
<td>11-1820781</td>
<td>ISTED</td>
<td>$265,000</td>
<td>098</td>
</tr>
<tr>
<td>Department of Youth and Community Development</td>
<td>15-4560254</td>
<td>ISTED</td>
<td>$1,700,000</td>
<td>098</td>
</tr>
</tbody>
</table>

* Indicates pending completion of pre-qualification review.
### CHART 10: Design Week Initiative - Fiscal 2014

<table>
<thead>
<tr>
<th>Organization</th>
<th>EIN Number</th>
<th>Agency</th>
<th>Amount</th>
<th>Age &amp; LA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Cultural Affairs</td>
<td>13-3603009</td>
<td>SOLA</td>
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<td>$100,000.00</td>
</tr>
<tr>
<td>Enterprise Institute of Graphic Arts - NY Chapter, Inc.</td>
<td>13-3636287</td>
<td>SOLA</td>
<td>$500,000.00</td>
<td>$500,000.00</td>
</tr>
</tbody>
</table>

* Indicates pending completion of pre-qualification review.

### CHART 9: HIV/AIDS Faith Based Initiative - Fiscal 2014

<table>
<thead>
<tr>
<th>Organization</th>
<th>EIN Number</th>
<th>Agency</th>
<th>Amount</th>
<th>Age &amp; LA</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Galaxy Baptist Church</td>
<td>13-3635109</td>
<td>DAVH</td>
<td>$6,000.00</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>St. Matthew's Baptist Church</td>
<td>13-3118552</td>
<td>DAVH</td>
<td>$5,400.00</td>
<td>$5,400.00</td>
</tr>
</tbody>
</table>

* Indicates pending completion of pre-qualification review.

### CHART 12: Initiative Funding Changes - Fiscal 2014

<table>
<thead>
<tr>
<th>Source Organization</th>
<th>EIN Number</th>
<th>Agency</th>
<th>Amount</th>
<th>Age &amp; LA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Care Initiative - Department of Health and Mental Hygiene</td>
<td>13-6435486</td>
<td>DAVH</td>
<td>$1,000,000.00</td>
<td>$1,000,000.00</td>
</tr>
<tr>
<td>School Based Health - PSIS</td>
<td>13-6435486</td>
<td>DAVH</td>
<td>$500,000.00</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Department of Health and Mental Hygiene</td>
<td>13-6435486</td>
<td>DAVH</td>
<td>$500,000.00</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Secondary Education</td>
<td>13-6435486</td>
<td>DAVH</td>
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<td>$1,000,000.00</td>
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<tr>
<td>Demonstration Project</td>
<td>13-6435486</td>
<td>DAVH</td>
<td>$500,000.00</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Termination Clauses</td>
<td>13-6435486</td>
<td>DAVH</td>
<td>$500,000.00</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>United States of Columbia University</td>
<td>13-6435486</td>
<td>DAVH</td>
<td>$500,000.00</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Urban Institute of Young Latinas and Urban Women's Health Association</td>
<td>13-6435486</td>
<td>DAVH</td>
<td>$500,000.00</td>
<td>$500,000.00</td>
</tr>
</tbody>
</table>

* Indicates pending completion of pre-qualification review.

### CHART 11: Senior Centers and Program Restoration - Fiscal 2014

<table>
<thead>
<tr>
<th>Organization</th>
<th>EIN Number</th>
<th>Agency</th>
<th>Amount</th>
<th>Age &amp; LA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presbyterian Senior Center</td>
<td>13-3161800</td>
<td>DAVH</td>
<td>$50,000.00</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>Presbyterian Senior Center</td>
<td>13-3161800</td>
<td>DAVH</td>
<td>$50,000.00</td>
<td>$50,000.00</td>
</tr>
</tbody>
</table>

* Indicates pending completion of pre-qualification review.
COUNCIL MINUTES
—
STATED MEETING                       December 19, 2013

CHART 14: Purpose of Funds Changes - Fiscal 2014

<table>
<thead>
<tr>
<th>Source</th>
<th>Member</th>
<th>Organization</th>
<th>Old Number</th>
<th>New Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local</td>
<td>Junior</td>
<td>Boys Scouts</td>
<td>918845</td>
<td>918845</td>
<td>$66,645</td>
</tr>
</tbody>
</table>

Note: The purpose of the Boys Scouts organization is to provide a structured program for youth development and education, fostering leadership skills, teamwork, and community service.

CHART 13: Youth initiatives - Fiscal 2014

<table>
<thead>
<tr>
<th>Member</th>
<th>Organization</th>
<th>Old Number</th>
<th>New Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Junior</td>
<td>Boys Scouts</td>
<td>918845</td>
<td>918845</td>
<td>$66,645</td>
</tr>
</tbody>
</table>

Note: Funds will be used for youth development and education, fostering leadership skills, teamwork, and community service.

* Indicates pending completion of an evaluation review.

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

<table>
<thead>
<tr>
<th>Source</th>
<th>Member</th>
<th>Organization</th>
<th>Old Number</th>
<th>New Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local</td>
<td>Junior</td>
<td>Boys Scouts</td>
<td>918845</td>
<td>918845</td>
<td>$66,645</td>
</tr>
</tbody>
</table>

Note: The purpose of the Boys Scouts organization is to provide a structured program for youth development and education, fostering leadership skills, teamwork, and community service.

CHART 16: Purpose of Funds Changes - Fiscal 2014 (Continued)

<table>
<thead>
<tr>
<th>Source</th>
<th>Member</th>
<th>Organization</th>
<th>Old Number</th>
<th>New Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local</td>
<td>Junior</td>
<td>Boys Scouts</td>
<td>918845</td>
<td>918845</td>
<td>$66,645</td>
</tr>
</tbody>
</table>

Note: Funds will be used for youth development and education, fostering leadership skills, teamwork, and community service.

* Indicates pending completion of an evaluation review.
### CHART 14 - Purpose of Funds Changes - Fiscal 2014 (Continued)

<table>
<thead>
<tr>
<th>Source</th>
<th>Member</th>
<th>Organization</th>
<th>F/R #</th>
<th>Agency</th>
<th>Amount</th>
<th>Reason for Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local</td>
<td>Civilian</td>
<td>Civilian Community Room #1</td>
<td>12-00949</td>
<td>SSD 2</td>
<td>$6,000.00</td>
<td>Increase due to increased usage of facility.</td>
</tr>
<tr>
<td>Local</td>
<td>Civilian</td>
<td>Civilian Community Room #1</td>
<td>12-00949</td>
<td>SSD 2</td>
<td>$6,000.00</td>
<td>Increase due to increased usage of facility.</td>
</tr>
<tr>
<td>Local</td>
<td>Youth</td>
<td>Youth Recreation and Development Inc.</td>
<td>12-00170</td>
<td>SSD 2</td>
<td>$6,000.00</td>
<td>Increase due to increased usage of facility.</td>
</tr>
<tr>
<td>Local</td>
<td>Youth</td>
<td>Youth Recreation and Development Inc.</td>
<td>12-00170</td>
<td>SSD 2</td>
<td>$6,000.00</td>
<td>Increase due to increased usage of facility.</td>
</tr>
</tbody>
</table>

*Indicates pending completion of pre-qualification review.*
DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, December 19, 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 L.U. No. 1003

Report of the Committee on Finance in favor of approving Mixed Income Program, Building 1A Compass Residence, 1512 Boone Avenue Bronx, Community District No. 3 Council District No. 17.

The Committee on Finance, to which the annexed resolution was referred on December 19, 2013, respectfully

RECOMMENDS:

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

December 19, 2013

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

FROM: Nathan Toth, Finance Division

RE: Finance Committee Agenda of December 19, 2013 - Resolution approving tax exemptions for one Preconsidered Land Use Item (Council District 17)

Building 1A Compass Residence (Block 3013, Lot 29) consists of 1 building and 110 units of rental housing for low income families. The Exemption Area will be owned by MBD Compass One A Housing Development Fund Company, Inc. (the “HDFC”) as legal and nominee owner and Compass One A, LLC (the “LLC”) as beneficial owner. Under the project, the LLC will construct on the Exemption Area a multiple dwelling containing approximately 109 rental dwelling units for low income families plus one unit for a superintendent, and approximately 1,758 square feet of commercial space.

The referenced property (“Exemption Area”) is the proposed site for the development of an affordable housing project under HPD’s Mixed Income Program.

Under HPD’s Mixed Income Program, sponsors construct or rehabilitate multifamily buildings in order to create affordable rental housing units with a range of affordability. Construction and permanent financing is provided through loans from private institutional lenders and from public sources including HPD, the New York City Housing Development Corporation, the State of New York, and the federal government. Additional funding may also be provided from the syndication of low-income housing tax credits. The newly constructed or rehabilitated buildings provide rental housing to families with a mix of incomes.

This project has the approval of Councilmember Arroyo.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 2096:)

Res. No. 2096
Resolution approving an exemption from real property taxes for property located at (Block 3013, Lot p/o 29) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No 1003).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 28, 2013 that the Council take the following action regarding a housing project to be located at (Block 3013, p/o Lot 29) the Bronx (“Exemption Area”):

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

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

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

RESOLVED:

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

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

(a) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD, HDC, and the Owner enter into the Regulatory Agreement in their respective sole discretion.

(b) “Exemption” shall mean the exemption from real property taxation provided hereunder.
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).

I. BACKGROUND

On December 19, 2013, the Committee on Fire and Criminal Justice Services ("the Committee"), chaired by Council Member Elizabeth S. Crowley, will vote on Proposed Int. No. 1174-A, "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.

The Committee on Fire and Criminal Justice Services, to which the annexed amended proposed local law was referred on October 30, 2013 (Minutes, page 4482), respectfully

REPORTS:

I. HIGHLIGHTS OF PROPOSED INT. NO. 1174-A

According to the legislative intent section of Proposed Int. No. 1174-A, "This local law amends the New York city fire code to incorporate new fire safety standards and technologies adopted or reflected in the international fire code since the 2003 edition that was the basis for the 2008 New York city fire code. The fire code amendments enacted by this local law also reflect an evolution in thinking about the implementation of emergency preparedness requirements in a wide range of business, commercial and institutional occupancies. New emergency preparedness requirements address non-fire emergencies and coordinate plans, staffing and voice communication capabilities. These amendments will fulfill the goal of local law 26 of keeping the New York city fire code current and relevant to the fire safety challenges facing New York city."

III. HIGHLIGHTS OF PROPOSED INT. NO. 1174-A

The Administration listed several significant highlights of the proposed Fire Code in their Memorandum in Support that they reiterated at the November 21st hearing, including some rationale for their implementation: Those highlights, which are still pertinent, include the following:

- The bill comprehensively amends the emergency preparedness and planning requirements of the 2008 Fire Code by repealing provisions that required a single type of fire safety plan for all buildings and occupancies, and adding more tailored requirements for fire safety plans based on building type, use, size, complexity, risk vulnerability, presence of building staff and building occupants capable of implementing an emergency preparedness plan and
voice communication capability. The bill would also require emergency preparedness and planning for non-fire emergencies, including power outages and medical emergencies, currently required only for high-rise office buildings. The office building fire safety and evacuation plan currently required for all occupancies would be retained only for the largest occupancies. A simplified fire and emergency preparedness plan would be required for most large occupancies, and fire and emergency preparedness guide and notices would be required for apartment buildings and dormitories. Emergency preparedness requirements would be eliminated for those occupancies, such as small, single-level stores and businesses, that are least equipped to undertake the required planning and staffing and would least benefit from such requirements.

- The bill clarifies requirements for rooftop access and obstructions. The requirements will enable the Fire Department to safely conduct firefighting and rescue operations and protect installers, maintenance personnel and other members of the public who have occasion to be present on a roof. The bill also addresses rooftop access issues arising from rooftop gardens and photovoltaic solar panel rooftop installations in a manner that promotes such rooftop use consistent with the needs of firefighting operations and important public safety purposes served by rooftop access and clear paths.

- The bill clarifies the requirements for fire apparatus access roads in private developments consistent with the interpretations and guidelines the Fire Department has adopted to address issues that have arisen since the enactment of the 2008 Fire Code. These include modifying fire apparatus access requirements for residences set back from the street; clarifying when an alteration to a building on a substandard width public street requires sprinkler protection of the building; and clarifying roadway design and parking requirements.

- The bill reduces the roadway width of a fire apparatus access road from 38 feet to 34 feet to parallel the roadway standards for newly-constructed public streets, but increases the diameter of dead-end turnarounds from 70 feet to 76 feet, while allowing an alternating turnaround of 90 feet which would allow for a 15-foot diameter island.

- To facilitate firefighting and other emergency response operations, the bill requires that entrances to apartment building dwelling units and guest rooms in hotels be identified with a room number. For multi-floor units and on unsprinklered building floors that have more than eight units, the bill requires fire emergency markings that identify the room to be displayed at the bottom of the entrance door jamb.

- The bill facilitates the use of portable liquid oxygen for medical purposes in residential and residential health care settings by allowing the storage, handling and use of oxygen containers in such occupancies without the need to obtain a permit or a certificate of fitness. The bill imposes a requirement that the person supplying oxygen to the premises provide fire safety information to the person using the oxygen.

- The bill clarifies the requirements for notification of the Fire Department and the number of fire guards required when fire protection systems are out of service.

- The bill adopts various measures designed to promote fire safety and fire safety compliance on construction sites, by clarifying fire guard, no smoking and oxygen and acetylene storage requirements, and requiring a separate fire safety manager for a building under construction when the building reaches a height of twenty stories or more than 250 feet, or has a lot coverage of 200,000 square feet or greater.

- The bill clarifies which individuals are authorized to possess a citywide standard key, which is the key required to be used to operate elevators in the fireman service mode.

- Consistent with requirements in neighboring jurisdictions, the bill promotes emergency responder safety by prohibiting the transportation of propane containers in the trunk of a passenger motor vehicle or other area of such vehicle not readily visible to emergency responders.

- The bill addresses the design, installation, operation and maintenance of battery systems to address the new technologies used to provide standby power and uninterruptable power supply in buildings.

- The bill promotes the use of clean burning renewable energy by allowing the use of hydrogen fuels in motor vehicles and fixed fuel tanks.

- The bill adopts National Fire Protection Association standards for the design, installation, operation and maintenance of elevator fixed guideway transit and passenger rail systems; road tunnels, bridges and other limited access highways, and fire protection systems and other fire safety measures at wastewater treatment and collection facilities and electric generating plants.

- The bill adopts updated editions of sixty National Fire Protection Association (NFPA) Referenced Standards, thereby promoting compliance with the most modern nationally-accepted industry standards.

IV. MODEL CODES

A model code is a document that a State or municipality may adopt in its entirety, or adopt with such modifications as it deems to be suitable. Model codes are often viewed as being advantageous because they offer contemporary and technical information from a reputable source and are kept current through review by the nationally recognized model code organization that issued the particular code. Most model codes are updated on a regular basis and developed through a review process that encourages sound practices and use of acceptable state-of-the-art technology. Even when a model code has not been adopted in a jurisdiction, architects and engineers often utilize model code parameters in their building designs, so long as they do not conflict with the applicable local code.

V. INTERNATIONAL CODE COUNCIL

The ICC was established in 1994 as a non-profit organization dedicated to developing a single set of comprehensive and coordinated national model construction codes. Due to the evolving nature of engineering and technology, local governments rely on model codes promulgated by independent organizations, such as the ICC, to form the basis of their codes. Most model codes are updated on a regular basis by the code organization that issued the respective code and are usually developed through a review process that encourages sound practices and the use of acceptable state-of-the-art technology. The ICC’s mission is to provide the highest quality codes, standards, products, and services for all concerned with the safety and performance of the built environment. The ICC has developed an inventory of I-Codes that include the following:

- International Fire Code
- International Building Code
- International Energy Conservation Code
- International Existing Building Code
- International Fuel Gas Code
- International Green Construction Code
- International Mechanical Code
- ICC Performance Code
- International Plumbing Code
- International Private Sewage Disposal Code
- International Property Maintenance Code
- International Residential Code
- International Swimming Pool and Spa Code
- International Wildland Urban Interface Code
- International Zoning Code

The ICC offers technical, educational and informational products and services in support of the I-Codes that it produces. These services include code application assistance, educational programs and certification programs. The ICC was formed to produce a single set of codes so that code enforcement officials, architects, engineers, designers and contractors can work with a more consistent set of requirements throughout the United States. The ICC’s website states “The mission of the ICC is to provide the highest quality codes, standards, products, and services for all concerned with the safety and performance of the built environment.”

VI. PROPOSED INT. NO. 1174-A

Bill section 1 sets forth the legislative intent underlying enactment of the law.

Bill section 2 amends paragraphs l, m, n and o of subdivision 2 of Charter §1301, which relates to the powers of the Department of Small Business Services (“DSBS”). In conjunction with Section 3, this provision amends and clarifies the respective roles of the Fire Department and DSBS with respect to the regulation of seaplane bases and heliports.

Bill section 3 amends subdivision g of Charter §487, which relates to the powers of the Fire Department. In conjunction with Section 2, this provision amends...
and clarifies the respective roles of the Fire Department and DSBS with respect to the regulations of seaplane bases and heliports.

Bill section 4 amends Chapter 4 of the Plumbing Code to add a new Section 429 that, consistent with amended Fire Code Section FC318.5, requires a rooftop hose connection to ensure that there is a water supply for rooftop gardens or landscaping.

Bill section 5 amends Section 507.16 of the Mechanical Code to eliminate the requirement that the performance test of the ventilation system for commercial cooking appliances be witnessed by a Fire Department representative to conform to it with the amendment of Fire Code Section FC904.11.4, and to require instead that the test be witnessed by the owner or an authorized agent.

Bill section 6 sets forth the full text of the Fire Code (as codified in Chapter 2 of Title 29 of the Administrative Code, consisting of Chapters 1 through 45 and Appendices A and B), as amended by this local law. Deletions are shown in brackets; new text is shown in bold.

Bill section 7 provides that all actions and proceedings, civil or criminal, commenced prior to the effective date of this local law in accordance with any provision repealed or relocated by this local law and pending immediately prior to the taking effect of such repeal or relocation may be prosecuted and defended to final effect in the same manner as they might if those provisions had not been repealed or relocated.

Bill section 8 provides that rules promulgated by the Fire Commissioner in accordance with the law in effect prior to the effective date of this local law shall remain in effect for the matters covered to the extent that such rules are not inconsistent with the Fire Code, as amended by this local law, unless and until such rules are amended or repealed by the Fire Commissioner. This section serves to ensure continuity of enforcement of existing rule requirements until such time as new rules or rule amendments are adopted.

Bill section 9 of the local law provides for the local law to take effect 90 days after enactment and authorizes the Fire Commissioner to take, prior to such effective date, any actions necessary to the timely implementation of the local law, including the promulgation of rules.

VI. AMENDMENTS TO INT. NO. 1174

Section 507.16 of the New York City Mechanical Code was amended to require performance testing of commercial cooking exhaust systems by a special inspector rather than a representative of the Fire Department. Special inspectors are licensed professional authorized to certify the results of inspections and tests required by the New York City Building Code and Mechanical Code.

Section FC 105.4(5) is amended to renumber subdivisions 6.1 and 6.2 to 5.1 and 5.2 respectively, as such subdivisions were erroneously numbered.

Section FC 2202 is renumbered as FC 2202.1 to correct the cross-reference to the definition for alcohol-blended motor fuel.

Section FC 402.1 is added to reference the definition of covered mall added to FC Chapter 4.

Section FC 307.6 is amended by changing the term “Coked” to “Coke” to correct a typographical error.

Section FC 401.3.4 is amended to clarify the meaning of this subdivision by making separate reference to building information cards and floor plans.

Section FC 401.3.6 is amended by requiring preparation and submission of a comprehensive fire safety and emergency action (Level 1) plan within 24 months (after promulgation of rules). Originally, the submission timeframe was 18 months. This amendment provides an additional six months for the preparation and submission of a comprehensive fire safety and emergency action (Level 1) plan.

Section 401.3.8 is amended by including lessees of tenant spaces and similar occupant spaces in order to clarify that employers of building occupants includes lessees of tenant spaces and that cooperation in the development and coordination of an emergency preparedness plan includes designation of building occupants to assist in the implementation of the plan.

Section FC 401.7.3 and FC 401.7.4 are amended to clarify that emergency preparedness drills are to be conducted in a manner that ensures participation of regular building occupants in the drills and educational activities, and that owners and employers of building occupants are to require participation of building occupants in such drills and education.

Section FC 402.1 is amended by adding the definition of “Covered Mall” and how that term is used in connection with emergency planning and preparedness provisions in FC Chapter 4, and to clarify the meaning of the term anchor store/anchor building as used in that context.

Section FC 405.2.1 is amended to reflect that references to Group R-1 residential buildings also includes Group R-1 occupants.

Section FC 407.2.2 is amended to delete reference to specific FLS staffing and instead authorize the fire department to determine and establish the appropriate staffing for assembly occupancies through rulemaking. Additionally, FC 407.2.2 is amended to clarify that the duties of the certificate of fitness for certain FLS staff in assembly occupancies are not limited to crowd control by adopting a more suitable form for such certificate of fitness.

Section FC 407.5.1 relating to Group A occupancies is amended to eliminate the requirement for a rope or tape for lawful standee areas where there is a single row of stands and the locations are marked in an approved manner (such that the rope or tape are rendered unnecessary).

Section FC 413.4 is amended by requiring an FEP coordinator, rather than a FLS director, in hospitals by deleting FC 413.4 and amending FC 413.4 (now renumbered FC 413.4). Additionally, FC 413 is amended by renumbering FC 413.4 and 413.5 as well to correct a typographical error in FC 413.4.

Section FC 414.1 is amended by eliminating the reference, “accessory thereto,” inadvertently included in the provision, which erroneously indicates that covered malls subject to the section are accessory to other Group M buildings.

Section FC 414.2.1 is amended by requiring a comprehensive fire safety/emergency action (Level 1) plan for a covered mall of more than 300,000 square feet or a building with one or more Group M occupancies with an aggregate area of that size. Furthermore, FC 414.2 is amended by eliminating the reference to exclusion of anchor buildings from the calculation of the area of the occupancy, an issue addressed in the newly-added definition of covered mall.

Section FC 414.2.2 is amended by deleting reference to specific FLS staffing and instead authorizes the Fire Department to determine and establish the appropriate staffing for mercantile occupancies through rulemaking.

Section FC 414.3 is amended by eliminating reference to exclusion of anchor buildings from the calculation of the area of the occupancy, an issue addressed in the newly-added definition of covered mall.

Section FC 414.4 is amended and authorized to the Fire Department to establish and distribute rule different emergency plan or staffing requirements for any Group M building or covered mall when warranted by the configuration of the building or mall.

Section FC 501.4.3.1 is amended by retitling the subdivision by adding “public streets” to more accurately reflect the contents of the subdivision.

Section FC 501.1 and FC 501.1.1 was amended to clarify the signage requirements of the section apply to all developments including outdoor shopping malls, office parks and housing complexes and to authorize the Fire Department to require special signage where the individual buildings or tenant spaces do not have separate street addresses, so as to ensure that firefighting and other emergency response personnel can expeditiously locate such buildings or tenant spaces.

Section FC 501.4.2 is amended by specifying the location of the fire emergency marking, previously included in other subdivisions in the section but inadvertently omitted from this subdivision.

Section FC 510.2 is amended by conforming the terminology used in this section to standard Fire Code terminology. Section FC 803.2.2 is amended to correct a typographical error by deleting a hyphen in the title to now read “Heat release rate”.

Section FC 2209 is amended by making an editorial and grammatical correction by substituting “generating” for “generation.”

Section FC 2904.1 is amended by correcting the formatting of the local law by deleting a strikethrough.

Section FC 4006.6 is amended by adding language “public side of the door” for clarifying the location of the signage required by the subdivision.

1 Administration’s Memorandum In Support to Int. No. 1174, On file with the Committee.
4 International Code Council, About ICC. Available at: http://www.iccsafe.org/AboutICC/Pages/default.aspx
5 Id.
6 Id.
7国际大会法规委员会的网站：http://www.iccsafe.org/news/about/
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.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1174-A would amend New York City’s fire code based on the 2006 and 2009 editions of the International Fire Code (IFC), the model fire code published by the International Code Council, certain portions of the 2012 IFC, and local characteristics and standards. The current fire code contains a requirement for New York City’s Fire Commissioner, no later than the third year after the effective date of the new Fire Code and every third year thereafter, review the latest edition of the IFC and submit proposed amendments to the City Council. Proposed Intro. No. 1174-A presents the Department’s recommended changes.

The significant changes included in the proposed bill include the following:

- Proposed Intro. 1174-A would comprehensively revise emergency planning and preparedness requirements for all buildings and occupancies so that it is tailored to the size, usage and staffing of each type of building or occupancy. The bill would replace the current, single emergency plan with a requirement for one of three types of plans, which would also require emergency preparedness and planning for non-fire emergencies, including power outages and medical emergencies, currently required only for high-rise office buildings. The building type fire safety and evacuation plan currently required for all occupancies would be retained only for the largest occupancies. A simplified fire and emergency preparedness plan would be required for most large occupancies, and a fire and emergency preparedness guide and notices would be required for apartment buildings and dormitories. Emergency preparedness requirements would be eliminated for those occupancies, such as small, street-level storefront businesses that are least equipped to undertake the required planning and staffing and would least benefit from such requirements.

- Proposed Intro. 1174-A would clarify requirements for rooftop access and obstructions to enable the Fire Department to safely conduct firefighting and rescue operations and protect installers, maintenance personnel and other members of the public who have occasion to be present on a roof. The bill also would address rooftop access issues arising from rooftop gardens and photovoltaic solar panel installations in a manner that promotes such rooftop use consistent with the needs of firefighting operations and important public safety purposes served by rooftop access and clear paths.

- Proposed Intro. 1174-A would require a minimum roadway width of 34 feet for fire apparatus access roads, down from 38 feet, to match the standards for newly-constructed public streets. The bill also would allow an alternative turnaround of 70 feet to 76 feet, while allowing an alternative turnaround of 90 feet with a 15-foot diameter island.

- To facilitate firefighting and other emergency response operations, the bill would require that entrances to apartment building dwelling units and guest rooms in hotels be identified with a room number. For multi-floor units and unskirted building floors that have more than eight units, fire emergency markings that identify the room must be displayed at the bottom of the entrance door jamb.

- Proposed Intro. 1174-A would eliminate the requirement for a permit or certificate of fitness for the storage, handling and use of portable liquid oxygen for medical purposes in residential and residential health care settings. The bill would impose a requirement that the person supplying oxygen to the premises provide fire safety information to the person using the oxygen.

- The bill would clarify the requirements for notification of the Fire Department and the number of fire guards required when fire protection systems are out of service.

- The bill would adopt various measures designed to promote fire safety and fire safety compliance on construction sites, by clarifying fire guard, no smoking and oxygen and acetylene storage requirements, and requiring a separate fire safety manager for a building under construction when the building reaches a height of twenty stories or more than 250 feet, or has a lot coverage of 200,000 square feet or greater.

- Proposed Intro. 1174-A would clarify which individuals are authorized to possess a citywide standard key, which is the key required to be used to operate elevators in the firemen service mode.

- Proposed Intro. 1174-A would prohibit transportation of propane containers in the trunk of a passenger motor vehicle or other area of such vehicle not readily visible to emergency responders, consistent with requirements in neighboring jurisdictions.

Proposed Intro. 1174-A would allow the use of hydrogen fuels in motor vehicles and industrial trucks (hi-low). The bill would adopt National Fire Protection Association standards for the design, installation, operation and maintenance of elevated fixed guideway transit and passenger rail systems; road tunnels, bridges and other limited access highways, and fire protection systems and other fire safety measures at wastewater treatment and collection facilities and electric generating plants.

Proposed Intro. 1174-A would allow the use of hydrogen fuels in motor vehicles and industrial trucks (hi-low).

- The bill would adopt National Fire Protection Association standards for the design, installation, operation and maintenance of elevated fixed guideway transit and passenger rail systems; road tunnels, bridges and other limited access highways, and fire protection systems and other fire safety measures at wastewater treatment and collection facilities and electric generating plants.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FY 16

IMPACT ON REVENUES: The newly revised chapter “Emergency Planning and Preparedness” in the proposed revision to the Fire Code would lead to an increase in Fire Department revenue generated from fees for certificates of fitness for fire drill conductor, certificates of fitness for fire and life safety (FLS) directors, and for review of new and updated combined fire safety and evacuation plan and emergency action plans. According to the Fire Department approximately 800 buildings would require certification for three emergency preparedness staff and another 400 buildings would require certification for one fire drill conductor. FDNY charges $25 for each certificate, and certificates last for 3 years. Over three years certificate fees would total about $90,000. Certification of approximately 10 new FLS directors in 270 buildings, and about 1,000 upgrades of Fire Safety Director certificates to FLS certificates could generate $1.6 million every three years. The fee for an upgraded certificate is $305 and for a new FLS certificate it is $775. The estimate assumes a 43 percent failure rate. The FLS certificate also lasts for three years.

Review of combined fire safety and evacuation plans and emergency action plans will generate approximately $453,000 from 720 Level 1 plans and $147,000 from 700 Level 2 plans. The review fee for a Level 1 plan is $630 and for a Level 2 plan it is $210. Additional plan review revenue would be associated only with the initial filing of the newly require Level 1 and Level 2 plans.

The fees generated by Proposed Intro. 1174-A would be paid to the FDNY over the next two or more fiscal years. The Department must establish new rules following passage of Proposed Intro. 1147-A and building owners would have two years following rulemaking to come into compliance. For the purposes of this estimate, one third of the new revenue is shown in Fiscal 2015 and two-thirds is shown in Fiscal 2016.

IMPACT ON EXPENDITURES: The Fire Department is likely to need additional staff to fully implement the provisions of the revised fire code. Additional staffing required might include the following: two uniformed staff for plan review; two staff in the certification unit; two inspectors; one attorney; and one clerical employee. Compensation costs combined would total approximately $850,000 each year including salary and fringe benefits. The FDNY would also have a one-time cost of $100,000 to purchase new fire and construction codes for FDNY personnel.

In addition to the impact on the Fire Department, the requirements for emergency planning and preparedness would impose costs on the Department of Education (DOE). The DOE operates schools in 60 high-rise buildings that would require a Level 2 plan. Developing plans for these schools would not require a design professional but might cost approximately $700 per building according to the Fire Department, for a total cost of $42,000. DOE would also be required to have at least one staff member certified as Fire Life Safety director who will serve as the fire and emergency preparedness director in each building. DOE could use existing staff to meet the requirements for emergency planning and preparedness. The costs associated with staff certification and developing plans could be met using existing budgetary resources.
SOURCE OF FUNDS TO COVER ESTIMATED COSTS: The Fire Prevention work of the FDNY is a fee based operation, and fees collected for permits, inspections, certificates and other services are expected to cover any additional costs associated with implementing the revised fire code.

SOURCE OF INFORMATION: Fire Department

ESTIMATE PREPARED BY: Regina Poreda Ryan, Deputy Director

LEGISLATIVE HISTORY: Intro. 1174 was introduced by the Council and assigned to the Committee on Fire and Criminal Justice Services. The Committee held a hearing on October 30, 2013 and laid the bill over. The Committee will consider Proposed Intro 1174-A on December 19, 2013. Following a successful vote by the Committee the Council will consider the legislation on December 19, 2013.

DATE PREPARED: December 19, 2013

Accordingly, this Committee recommends its adoption, as amended.

(MEMORANDUM IN SUPPORT [EDITED]

TITLE

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.

SUMMARY OF PROVISIONS

This local law proposes to amend the New York City Fire Code. The local law also amends certain provisions of the New York City Charter, the New York City Mechanical Code and the New York City Plumbing Code to conform them to the requirements of the Fire Code.

BACKGROUND

Local Law No. 26 of 2008 enacted a new Fire Code for New York City effective July 1, 2008. The new Fire Code was based on the 2003 edition of the International Fire Code (IFC), the model fire code published by the International Code Council, amended to reflect New York City’s unique character and existing fire safety standards and requirements. The new Fire Code was codified as Title 29 of the New York City Administrative Code.

Administrative Code §29-104, enacted as part of Local Law 26 of 2008, requires that no later than the third year after the effective date of the new fire code and every third year thereafter, the Fire Commissioner shall review the latest edition of the International Fire Code and submit to the City Council such proposed amendments as he or she may determine should be made to the fire code based upon such model code.

In accordance with Administrative Code §29-104, the Fire Department undertook a three-year code review process in consultation with representatives of the City Council, New York City Department of Buildings and industry, professional, trade and union organizations. This local law reflects proposed amendments to the Fire Code based on the 2006 and 2009 editions of the International Fire Code, and certain portions of the 2012 International Fire Code, and local initiatives.

REASONS FOR SUPPORT

Enactment of this local law will serve to promote and enhance fire safety in New York City and fulfill the purposes underlying Local Law 26’s adoption of a model code. Periodic amendment of the Fire Code to incorporate emerging national fire safety standards and technologies keeps it current and promotes transparency and economic development. It also affords the opportunity to address fire safety issues that have arisen since the adoption of the earlier editions of the model code and the enactment of the New York City Fire Code.

The Fire Code will enhance the safety of the general public, as well as of firefighters and other emergency response personnel. The Fire Code amendments that this local law would enact include the following significant provisions:

1. The local law comprehensively amends the emergency preparedness and planning requirements of the 2008 Fire Code by repealing provisions that required a single type of fire safety plan for all buildings and occupancies, and adding more tailored requirements for fire safety plans based on building type, use, size, complexity, risk vulnerability, presence of building staff and building occupants capable of implementing an emergency preparedness plan and voice communication capability. The local law would also require emergency preparedness and planning for non-fire emergencies, including power outages and medical emergencies, currently required only for high-rise office buildings. The office building-type fire safety and evacuation plan currently required for all occupancies would be retained only for the largest occupancies. A simplified fire and emergency preparedness plan would be required for most large occupancies, and fire and emergency preparedness guide and notices would be required for apartment buildings and dormitories. Emergency preparedness requirements would be eliminated for those occupancies, such as small, street-level storefront businesses, that are least equipped to undertake the required planning and staffing and would least benefit from such requirements.

2. The local law clarifies requirements for rooftop access and obstructions. The requirements will enable the Fire Department to safely conduct firefighting and rescue operations and protect installers, maintenance personnel and other members of the public who have occasion to be present on a roof. The local law also addresses rooftop access issues arising from rooftop gardens and photovoltaic solar panel rooftop installations in a manner that promotes such rooftop use consistent with the needs of firefighting operations and important public safety purposes served by rooftop access and clear paths.

3. The local law clarifies the requirements for fire apparatus access roads in private developments consistent with the interpretations and guidelines the Fire Department has adopted to address issues that have arisen since the enactment of the 2008 Fire Code. These include modifying fire apparatus access requirements for residences set back from the street; clarifying when an alteration to a building on a substandard width public street requires sprinkler protection of the building; and clarifying roadway design and parking requirements.

4. The local law reduces the roadway width of a fire apparatus access road from 38 feet to 34 feet to parallel the roadway standards for newly-constructed public streets, but increases the diameter of dead-end turnarounds from 70 feet to 76 feet, while allowing an alternative turnaround of 90 feet which would allow for a 15-foot diameter island.

5. To facilitate firefighting and other emergency response operations, the local law requires that entrances to apartment building dwelling units and guest rooms in hotels be identified with a room number. For multi-floor units and on unskirted building floors that have more than eight units, it requires fire emergency markings that identify the room to be displayed at the bottom of the entrance door jamb.

6. The local law facilitates the use of portable liquid oxygen for medical purposes in residential and residential health care settings by allowing the storage, handling and use of oxygen containers in such occupancies without the need to obtain a permit or a certificate of fitness. The local law imposes a requirement that the person supplying oxygen to the premises provide fire safety information to the person using the oxygen.

7. The local law clarifies the requirements for notification of the Fire Department and the number of fire guards required when fire protection systems are out of service.

8. The local law adopts various measures designed to promote fire safety and fire safety compliance on construction sites, by clarifying fire guard, no smoking and oxygen and acetylene storage requirements, and requiring a separate fire safety manager for large building under construction whose building reaches a height of twenty stories or more than 250 feet, or has a lot coverage of 200,000 square feet or greater.

9. The local law clarifies those persons authorized to possess a citywide standard key, which is the key required to be used to operate elevators in the fireman service mode.

10. Consistent with requirements in neighboring jurisdictions, the local law promotes emergency responder safety by prohibiting the transportation of propane containers in the trunk of a passenger motor vehicle or other area of such vehicle not readily visible to emergency responders.

11. The local law addresses the design, installation, operation and maintenance of battery systems to address the new technologies used to provide standby power and uninterruptible power supply in buildings.
12. The local law promotes the use of clean burning renewable energy by allowing the use of hydrogen fuels in motor vehicles and industrial trucks (hi- lows).

13. The local law adopts National Fire Protection Association standards for the design, installation, operation and maintenance of elevated fixed guideway transit and passenger rail systems; road tunnels, bridges and other limited access highways, and fire protection systems and other fire safety measures at wastewater treatment and collection facilities and electric generating plants.

14. The local law adopts updated editions of sixty National Fire Protection Association (NFPA) Referenced Standards, thereby promoting compliance with the most modern nationally-accepted industry standards.

SUMMARY OF LOCAL LAW:

- The local law contains nine sections. Section 1 of the local law sets forth the legislative intent underlying enactment of the law.

- Section 2 of the local law amends paragraphs 1, m. n and o of subdivision 2 of Charter §1301, which relates to the powers of the Department of Small Business Services (DSBS). In conjunction with Section 3, this provision amends and clarifies the respective roles of the Fire Department and DSBS with respect to the regulation of seaplane bases and heliports.

- Section 3 of the local law amends subdivision g of Charter §487, which relates to the powers of the Fire Department. In conjunction with Section 2, this provision amends and clarifies the respective roles of the Fire Department and DSBS with respect to the regulation of seaplane bases and heliports.

- Section 4 of the local law amends Chapter 4 of the Plumbing Code to add a new Section 429 that, consistent with amended Fire Code Section FC318.5, requires a rooftop hose connection to ensure that there is a water supply for rooftop gardens or landscaping.

- Section 5 of the local law amends Section 507.16 of the Mechanical Code to eliminate the requirement that the performance test of the ventilation system for commercial cooking appliances be witnessed by a Fire Department representative to conform it with the amendment of Fire Code Section FC904.11.4.

- Section 6 of the local law sets forth the full text of the Fire Code (as codified in Chapter 2 of Title 29 of the Administrative Code, consisting of Chapters 1 through 45 and Appendices A and B), as amended by this local law. Deletions are shown in [brackets]; new text is underlined. Most of the new text represents existing Fire Code requirements that have been reorganized, relocated and/or renumbered, and editorial corrections, not substantive changes. Renumbered sections and substantive amendments to the Fire Code are summarized in this memorandum of support.

- Section 7 of the local law provides that all actions and proceedings, civil or criminal, commenced prior to the effective date of this local law in accordance with any provision repealed or relocated by this local law and pending immediately prior to the taking effect of this local law shall be declared and deemed to be in force and effect at the same manner as they might if those provisions had not been repealed or relocated.

- Section 8 of the local law provides that rules promulgated by the Fire Commissioner in accordance with the law in effect prior to the effective date of this local law shall remain in effect for the matters covered to the extent that such rules are not inconsistent with the Fire Code, as amended by this local law, unless and until such rules are amended or repealed by the Fire Commissioner. This section serves to ensure continuity of enforcement of existing rule requirements until such time as new rules or rule amendments are adopted.

- Section 9 of the local law provides for the local law to take effect 90 days after enactment, and authorizes the Fire Commissioner to take, prior to such effective date, any actions necessary to the timely implementation of the local law, including the promulgation of rules.

SUMMARY OF FIRE CODE AMENDMENTS:

Editor’s Int No. 1174-A: Note: Due to the sheer length of this bill, an edited version is printed below for the purposes of these Minutes. For the full text of this bill, please refer to the New York City Council website at http://council.nyc.gov.

The edited version below contains the first paragraphs of Section 6 and the entire sections 1, 2, 3, 4, 5, 7, 8, and 9 of the bill. Chapters 1 to 45 as well as Appendices A and B presented in the remainder of Section 6 have not been printed in these Minutes- this unprinted material contains enhancements to 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, as well as amendments to certain provisions of the New York city charter that was the basis for the 2008 New York city fire code. The fire code amendments enacted by this local law also reflect an evolution in thinking about the implementation of emergency preparedness requirements in a wide range of business, commercial and institutional occupancies. New emergency preparedness requirements address non-fire emergencies and coordinate plan, staffing and voice communication capabilities. These amendments will fulfill the goal of local law 26 of keeping the New York City fire code current and relevant to the fire safety challenges facing New York City.

Section 1. Legislative intent. This local law arises from the mandate of section 29-104 of the administrative code, which requires the fire commissioner to review the latest edition of the international fire code and submit to the city council such proposed amendments to the New York city fire code as the fire commissioner determines should be made. Section 29-104 was enacted by local law 26 of 2008, which adopted a new fire code for New York city based on the international fire code with amendments to reflect the unique New York City environment. This local law amends the New York city fire code to incorporate new fire safety standards and technologies adopted or reflected in the international fire code since the 2003 edition that was the basis for the 2008 New York City fire code. The fire code amendments enacted by this local law also reflect an evolution in thinking about the implementation of emergency preparedness requirements in a wide range of business, commercial and institutional occupancies. New emergency preparedness requirements address non-fire emergencies and coordinate plan, staffing and voice communication capabilities. These amendments will fulfill the goal of local law 26 of keeping the New York City fire code current and relevant to the fire safety challenges facing New York City.

Paragraphs 1, m, n and o of subdivision 2 of section 101 of the New York city charter, as amended by local law number 61 for the year 1993 and amended by local law number 26 for the year 2008, are amended as follows:

1. to manage and promote the economic development of all airports, airline landing sites, seaplane bases, [and] heliports and heliports owned by the city, and to lease such property, subject to review and approval pursuant to sections one hundred ninety-seven and one hundred ninety-seven-d, or both;

2. No such lease may be authorized by the commissioner until a public hearing has been held with respect thereto after the publication of notice in the City Record at least thirty days in advance of such hearing; or

3. except as provided in section 487, to have charge and control of the regulation for the health and safety of the general public of all airports, airline landing sites, seaplane bases, [and] heliports, [helipad] marginal streets and parking facilities appurtenant thereto owned by the city;

4. except as provided in section 487, to establish, amend and enforce rules for the proper care and use of all public markets, wharf property, water front property and all airports, airline landing sites, seaplane bases, [and] heliports and heliports owned by the city and placed in his or her charge or over which he or she shall have power of regulation, and to issue such orders as may be necessary for such enforcement. The violation of or the failure to comply with any such order or rule shall be triable in criminal court and punishable, upon conviction, by not more than thirty days imprisonment or by a fine of not less than one hundred dollars nor more than five thousand dollars, or both;

5. except as provided in section 487, to have the exclusive power to regulate all privately owned airports, airline landing sites, seaplane bases, [and] heliports and heliports owned by the city, and the city shall be the exclusive owner of such property;

6. to lease such property, subject to review and approval pursuant to sections one hundred ninety-seven-c and one hundred ninety-seven-d.

§2. Paragraphs 1, m, n and o of subdivision 2 of section 101 of the New York city charter, as amended by local law number 61 for the year 1993 and amended by local law number 26 for the year 2008, are amended to read as follows:

1. to manage and promote the economic development of all airports, airline landing sites, seaplane bases, [and] heliports and heliports owned by the city, and to lease such property, subject to review and approval pursuant to sections one hundred ninety-seven-c and one hundred ninety-seven-d. No such lease may be authorized by the commissioner until a public hearing has been held with respect thereto after the publication of notice in the City Record at least thirty days in advance of such hearing;

2. except as provided in section 487, to have charge and control of the regulation for the health and safety of the general public of all airports, airline landing sites, seaplane bases, [and] heliports, [helipad] marginal streets and parking facilities appurtenant thereto owned by the city;

3. except as provided in section 487, to establish, amend and enforce rules for the proper care and use of all public markets, wharf property, water front property and all airports, airline landing sites, seaplane bases, [and] heliports and heliports owned by the city, and the city shall be the exclusive owner of such property;

4. to lease such property, subject to review and approval pursuant to sections one hundred ninety-seven-c and one hundred ninety-seven-d.

§3. Subdivision g of section 487 of the New York city charter, as changed by local law number 26 for the year 2008, is amended to read as follows:

1. The department shall have the power and authority to regulate helicopter landings and takeoffs at or from locations other than airports, heliports, heliports, seaplane bases or other facilities approved by the commissioner of small business services, helicopter external load lift operations, [seaplane landings and takeoffs at or from seaplane bases approved by the commissioner of small business services,] and hot air balloon operations. This subdivision shall not be construed to limit or impair the powers of any other agency established pursuant to this charter, except to the
extent that the aforementioned powers granted to the department were previously exercised by the commissioner of small business services.

§4. Chapter 4 of the New York city plumbing code of chapter 6 of title 28 of the administrative code of the city of New York, as added by local law number 99 for the year 2005, amended by local law numbers 54 and 55 for the year 2010, and amended by local law number 41 for the year 2012, is amended by adding a new section 429 to read as follows:

SECTION PC 429

ROOFTOP GARDENS AND LANDSCAPING

429.1 Water supply. Where a connection to an approved water supply is required by Section 185.3 of the New York City Fire Code for rooftop gardens or landscaping exceeding 250 square feet (23 m²), an approved fixture shall be provided for connection to such water supply in accordance with this code.

§5. Section 507.16 of the New York city mechanical code of chapter 8 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

507.16 Performance test. A performance test shall be conducted upon completion of and [witnessed by a representative of the Fire Department] before final approval of the installation of a ventilation system serving commercial cooking appliances. The test shall verify the rate of exhaust airflow required by Section 507.13, make up airflow required by Section 508, and proper operation as specified in this chapter. The permit holder shall furnish the necessary test equipment and devices required to perform the tests. The performance test shall be witnessed by a special inspector.

§6. The New York city fire code, chapter 2 of title 29 of the administrative code of the city of New York, as added by local law number 26 for the year 2008, amended by local law numbers 37, 39, 41 and 64 for the year 2009, and amended by local law 2 for the year 2013, is amended to read as follows:

[Editor's Note: Chapters 1 to 45 as well as Appendices A and B presented in Section 6 of this bill are not printed in these Minutes; please see Editor's Int No. 1174-A. Note printed immediately above the text of this bill for further explanation]

§7. All actions and proceedings, civil or criminal, commenced prior to the effective date of the New York City Fire Code for rooftop gardens or landscaping exceeding 250 square feet (23 m²), any provisions had not been repealed.

§8. Rules promulgated by the fire commissioner in accordance with the law in effect prior to the effective date of this local law shall remain in effect for the matters covered to the extent that such rules are not inconsistent with the New York city fire code, as added by this local law, and pending immediately prior to the taking effect of such repeal may be prosecuted and defended to final effect in the same manner as they might if those provisions had not been repealed.

§9. This local law shall take effect 90 days after the date of enactment, except that the provisions of this local law shall remain in effect for the matters covered to the extent that such rules are not inconsistent with the New York city fire code, as added by this local law, unless and until such rules are amended or repealed by the fire commissioner.

ELIZABETH S. CROWLEY, Chairperson; PETER F. VALLONE, Jr., ROSIE MENDEZ, MATHIEU EUGENE, YDANIS A. RODRIGUEZ; Committee on Fire and Criminal Justice Services, December 19, 2013.

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 1174-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 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;

Given under my hand and seal this 19th day of December, 2013 at City Hall in the City of New York.

Michael R. Bloomberg

Mayor

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

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

Report for Res. No. 2081

Report of the Committee on Fire and Criminal Justice Services in favor of approving a Resolution finding that the enactment of Proposed Int. No. 1174-A does not have a significant adverse impact on the environment and is consistent with the state environmental quality review act.

The Committee on Fire and Criminal Justice Services, to which the annexed resolution was referred on December 19, 2013, respectfully

REPORTS:

BACKGROUND AND INTENT:

The Committee on Fire and Criminal Justice Services, chaired by Council Member Elizabeth S. Crowley, has been convened to consider this Preconsidered Resolution. The Committee is expected to vote on Proposed Int. No. 1174-A, which would create 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. The enactment of local legislation is considered to be an “action” subject to the New York State Environmental Quality Review Act (Environmental Conservation Law, Article 8) and the City Environmental Quality Review Procedure (CEQR), which require an analysis of the environmental impacts of taking that action. One possible outcome of the environmental analysis is a determination that the proposed action will not have a “significant adverse environmental impact,” warranting the issuance of a Negative Declaration. Such an environmental analysis was performed regarding the enactment of Proposed Int. No. 1174-A and it was determined that the issuance of a Negative Declaration was, in fact, the appropriate outcome. This Preconsidered Resolution is the mechanism by which the Council adopts that Negative Declaration.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 2081)

Res. No. 2081

Resolution finding that the enactment of Proposed Int. No. 1174-A does not have a significant adverse impact on the environment and is consistent with the state environmental quality review act.

By Council Members Crowley and James.

Whereas, The enactment of Proposed Int. No. 1174-A is an “action” as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

Whereas, In accordance with section 5-03(d) of the City Environmental Quality Review (“CEQR”) Rules of Procedure, the City Council delegated its lead agency status to the Office of the Mayor, which in accordance with CEQR Rules of Procedure section 5-03(c), transferred its lead agency status to the New York City Fire Department, which considered the relevant environmental issues attendant to the enactment of Proposed Int. No. 1174-A; and

Whereas, After such consideration and examination of an Environmental Assessment Statement, the New York City Fire Department determined that a Negative Declaration should be issued; and
Whereas, The Council examined and considered the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

1. the requirements of The State Environmental Quality Review Act and Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York were met;

2. consistent with environmental, social, economic and other essential considerations, the proposed action is one that will not result in any significant adverse environmental impacts; and

3. the annexed Negative Declaration constitutes the written statement of facts and conclusions, and of environmental, social, economic and other facts and standards that form the basis of this determination.

ELIZABETH S. CROWLEY, Chairperson; PETER F. VALLONE, Jr.; ROSIE MENDEZ; MATHIEU EUGENE; YDANES A. RODRIGUEZ; Committee on Fire and Criminal Justice Services, December 19, 2013.

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

REPORTS:

The Committee will also vote today on Proposed Res. No. 1988-A.

The Committee on Governmental Operations, chaired by Council Member Gale Brewer, will vote on a bill and a resolution. The bill, Int. 951-A, was approved by this Committee on October 29, 2013 and approved by the full Council the following day. It was vetoed by the Mayor, notice of which was received by the Council at the Stated Meeting of December 10, 2013. The question before the Committee with respect to Int. 951-A is whether to accept and file the Mayor’s veto message, M1338, and whether the bill should be re-passed notwithstanding the objections of the Mayor.

The Committee will also vote today on Proposed Res. No. 1988-A. This resolution was heard by this Committee on November 9, 2013.

BACKGROUND FOR INT. 951-A

Under the City Administrative Procedure Act (CAPA), certain notice requirements exist prior to a public hearing on a proposed rule.1 In contrast, adoption of a final rule does not require that notice be given, though notice must be given prior to a rule going into effect; CAPA does not require that commissioners or board members, for those agencies that have them, be given a copy of a final rule prior to voting on it. In other words, the commissioners of the Taxi and Limousine Commission, for example, could be unaware of the content of a complex final rule which was the subject of intense negotiation until moments before they are required to cast a vote supporting or opposing the rule.

The intent of Int. No. 951-A is to ensure that commissioners and board members have sufficient time to review the contents of a rule prior to voting on it.

ANALYSIS OF INT. NO. 951-A

Section 1

Section 1 of the bill requires that all final rules initiated by agencies that are boards or commissions, and which go through the CAPA process, be posted on the agency’s website and e-mailed to all members of such board or commission at least three days, not counting Sundays, before such rule is voted on. An exception exists in

the bill for changes made to a rule within the window after such notice has been properly given but before a final vote on the rule, if such change or changes are approved by all of the members of the applicable board or commission by unanimous consent. The requirements of this section will not create a private right of action to enforce its provisions, and the inadvertent failure of an agency to comply with its provisions will not be grounds for invalidating any rule.

Among the agencies anticipated to be covered by this law are, at a minimum, the Board of Standards and Appeals, the Procurement Policy Board, the Environmental Control Board, the Loft Board, the Rent Guidelines Board, the Civilian Complaint Review Board, the Board of Correction, the Campaign Finance Board, the Conflicts of Interest Board, the Business Integrity Control Commission, the Taxi and Limousine Commission, the Commission on Human Rights, the Design Commission, the City Planning Commission, and Landmarks Preservation Commission.

Section 2

Section 2 of the bill requires pilot programs that are approved by the Taxi and Limousine Commission to be posted on the agency’s website and e-mailed to all members of the commission at least three days, not counting Sundays, before such pilot program is voted on. Pilot programs by the Taxi and Limousine Commission are required by rules to be voted on by a resolution of approval, and these requirements would tie into that process.

This law goes into effect thirty days after its enactment.

BACKGROUND FOR PROPOSED RES. NO. 1988-A

The New York City Lobbying Commission (the Commission) was appointed by Speaker Quinn and Mayor Bloomberg in February of 2011.2 The Commission spent two years reviewing the City’s lobbying laws and their implementation by the City Clerk. This review included seven public meetings or hearings from March through September of 2011. The Commission’s Final Report was released on March 13, 2013.

The Commission was created pursuant to the 2006 revisions to the City’s lobbying laws.3 These reforms were “designed to strengthen the integrity, transparency and accessibility of City government and to reassure New Yorkers that their elected representatives were acting in the City’s interests and not on behalf of special interests.”4 To accomplish these objectives, the 2006 legislation “strengthen[ed] enforcement and penalties,” “create[d] a mandatory electronic filing system for lobbyists,” “prevent[ed] lobbyists’ campaign contributions from being matched with public funds” and “ban[ned] all gifts from lobbyists to public officials.”5 It also called for the formation of a joint mayoral-council commission to recommend improvements to the laws, evaluate whether the dollar thresholds triggering registration should be increased, and review the performance of the Clerk, which led to the creation of the Commission in 2011.

Since the 2006 amendments to the lobbying laws, the number of registered lobbyists has increased by approximately 50%; the Clerk has, for the first time, levied penalties and fines against lobbyists who do not comply with the lobbying laws; the Clerk has audited over 100 lobbyists; and the E-Lobbyist electronic filing system has been established.6

Many of the Commission’s recommendations were passed legislatively by the Council on December 10 of this year, as Int. 1722-A. One of the recommendations of the Commission’s Final Report that was not included in that legislation, however, was its recommendation “calling on the State to accept the City filings for lobbyists who register under the State Lobbying Act solely by virtue of their lobbying activity in New York City.”7 This is the purpose of Proposed Res. No. 1988-A.

ANALYSIS OF PROPOSED RES. NO. 1988-A

Proposed Res. No. 1988-A calls on the New York State Assembly and Senate to pass, and the Governor to sign, legislation requiring the Joint Committee on Public Ethics, the state body charged with enforcing the state’s lobbying laws, to accept and post online filings submitted to the City Clerk by lobbyists who are required to file with the state solely due to their lobbying of New York City officials. The state has similar, though in certain ways less stringent, filing requirements to the City, but does not accept lobbyist filings with the City for its own filings. The only change since Proposed Res. No. 1988-A was heard previously in this Committee was the addition of language asking that the filings that the State receives to be posted online.

1. See §1043(h) of the New York City Charter. These requirements include publication in the City Record and posting online.
2. §1043(i) of the New York City Charter.
3. The members of the Commission were Herbert E. Berman, the chair of the Commission, and Jamila Ponston Bram, Leslie C. Horton, Margaret Sey Morton, and Elisa Velasquez.
4. Local Laws 15, 16, and 17 of 2006.

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

PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 951-A
COMMITTEE: Governmental Operations

The following is the text of the Fiscal Impact Statement for Int. No. 951-A:

TITLS: Local Law to amend the New York city charter, in relation to public notice of final rules.

SPONSORS: By Council Members Vacca, James, Koo, Koslowitz, Palma, Rose, Cin, Genuaro and Halloran

SUMMARY OF LEGISLATION: The bill requires that all final rules requiring a public vote initiated by agencies that are boards or commissions must be posted on the agency's website and emailed to the members of the board or commission at least three days before the vote. The bill also requires that the Taxi and Limousine Commission follow similar notice procedures when approving pilot programs.

EFFECTIVE DATE: This law would go into effect thirty days following its enactment.

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

FISCAL IMPACT STATEMENT:

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

IMPACT ON EXPENDITURES: This legislation would have no impact on expenditures since existing resources would be used to comply with this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on October 11, 2012 as Int. 951 and referred to the Committee on Governmental Operations. On April 3, 2013, the Committee held a hearing regarding this legislation, an amendment was proposed and the bill was laid over. The Committee on Governmental Operations passed the amended bill, Proposed Int. 951-A, on October 29, 2013, and the Full Council passed this amended version on October 30, 2013. On November 27, 2013, the Mayor issued a message of disapproval, vetoing the legislation. That veto message was formally accepted by the Council at its Stated meeting held on December 10, 2013. The Committee will repass the legislation notwithstanding the objections of the Mayor as Int. 951-A on December 18, 2013 and will file the veto message of Mayor Michael Bloomberg. M 1338. The Full council will vote to repass the bill on December 19, 2013 and will file the veto message of Mayor Michael Bloomberg, M 1338.

Notwithstanding the objection of the Mayor, this Committee recommends the re-adoption of Int No. 951-A.

The following is the text of Int. No. 951-A:

Int. No. 951-A
By Council Member Vacca, James, Koo, Koslowitz, Palma, Rose, Cin, Genuaro, Brewer, Van Bramer, Rodriguez, Barron, Gentile, Jackson, Halloran and Greenfield.

A Local Law to amend the New York city charter, in relation to public notice of final rules.

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 1043 of chapter 45 of the New York city charter is amended to read as follows:

e. Opportunity for and consideration of agency and public comment. The agency shall provide the public an opportunity to comment on the proposed rule (i) through outreach to the discrete regulated community or communities, if one exists, provided that this clause shall not be construed to create a private right of action to enforce this requirement; (ii) through submission of written data, views, or arguments, and (iii) at a public hearing unless it is determined by the agency in writing, which shall be published in the notice of proposed rulemaking in the City Record, that such a public hearing on a proposed rule would serve no public purpose. All written comments and a summary of oral comments concerning a proposed rule received from the public or any agency shall be placed in a public record and be made readily available to the public as soon as practicable and in any event within a reasonable time, not to be delayed because of the continued pendency of consideration of the proposed rule. After consideration of the relevant comments presented, the agency may adopt a final rule pursuant to subdivision f of this section; except that, other than a rule adopted pursuant to subdivision i of this section, no final rule shall be adopted by such board or commission unless its final language is posted in a prominent location on such agency's website and electronically transmitted to each member of such board or commission at least three calendar days, exclusive of Sundays, prior to such rule's adoption; provided, however, that revisions may be made to a final rule posted online and sent electronically in conformity with this subdivision at any time prior to the vote on such rule if such revisions are approved by all members of such board or commission by unanimous consent. Such final rule may include revisions of the proposed rule, and such adoption of revisions based on the consideration of relevant agency or public comments shall not require further notice and comment pursuant to this section. This paragraph shall not be construed to create a private right of action to enforce its provisions. Inadvertent failure to comply with this paragraph shall not result in the invalidation of any rule.

§ 2. Section 2303 of the New York city charter is amended by adding a new subdivision d to read as follows:

d. No resolution of approval of a pilot program shall be approved by the commission unless such resolution is posted in a prominent location on the commission's website and electronically transmitted to each member of the commission at least three calendar days, exclusive of Sundays, prior to the commission's vote to approve or reject such resolution of approval; provided, however, that revisions may be made to a resolution of approval for a pilot program posted online and sent electronically in conformity with this subdivision at any time prior to a vote on such resolution if such revisions are approved by all members of the commission by unanimous consent.

§ 3. This local law shall take effect thirty days after enactment.

GALE A. BREWER, Chairperson; ERICK MARTIN DILAN, PETER F. VALLONE, Jr., INEZ E. DICKENS, Committee on Governmental Operations, December 18, 2013.

Coupled to be Overridden.

Report for M-1338


The Committee on Governmental Operations, to which the annexed communication was referred on December 10, 2013 (Minutes, page 4936), respectfully

REPORTS:

Since the veto for Int No. 951-A is to be overridden by the Council, this Committee recommends the filing of M-1338 (Veto and Disapproval Message for Int No. 951-A).
Accordingly, this Committee recommends filing and removal from the Council’s legislative calendar of M-1338.

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, PETER F. VALLONE, Jr., INEZ E. DICKENS; Committee on Governmental Operations, December 18, 2013.

Coupled to be Filed.

Reports of the Committee on Health

Report for Int. No. 933-A

Report of the Committee on Health 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 creating an animal abuse registry.

The Committee on Health, to which the annexed amended proposed local law was referred on September 12, 2012 (Minutes, page 3496), respectfully

REPORTS:

1. INTRODUCTION

On December 18th, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will hold a hearing on Proposed Int. No. 933-A, a local law to amend the administrative code of the city of New York, in relation to creating an animal abuse registry to ensure that persons convicted of animal abuse crimes are not able to acquire animals. On June 7th, 2013, the Committee held its first hearing on Proposed Int. No. 933-A. The Committee heard and received testimony from the Department of Health and Mental Hygiene, Animal Care & Control, representatives of the Brooklyn District Attorney, as well as advocates and other stakeholders. Following that hearing, the bill was amended.

2. ANALYSIS OF LEGISLATION

PROPOSED INT. NO. 933-A

Bill section 1 would contain legislative findings that animal cruelty is a serious problem in New York City.

Bill section 2 would amend Title 17 of the Administrative Code by adding a new Chapter 16 entitled “Animal Abuse Registration Act” that would contain the sections described herein.

New section 17-1601 would provide definitions for use in the chapter.

Section 17-1602 would provide for the creation of an animal abuse registry. Subdivision a of such section would require the mayor or his designee to designate an agency to implement the provisions of the chapter and to report to the speaker of the council the designated agency. Subdivision b of such section would require such agency to create, manage, and maintain an electronic registry containing the names and addresses of individuals living in the city of New York who have been convicted of an animal abuse crime who have registered with the agency pursuant to this chapter. Subdivision c of section 17-1602 would require the agency designated to maintain the registry to keep confidential the information maintained in it, except to provide authorized entities, including law enforcement and entities that sell and adopt animals, their owners or officers with the password protected ability to electronically query the registry to find out if a specific person is on it.

Section 17-1603 would provide for animal abuse registration requirements. Subdivision a of section 17-1603 would require any person 18 years of age or older who resides in the city of New York and is convicted of an animal abuse crime on or after the effective date of the local law to appear in person to register, provided however, no person shall be required to register pending the resolution of an appeal of such conviction. Paragraph 1 of such subdivision further provides that a person required to so register shall do so within five days following such person’s release from incarceration, or if such person was not incarcerated, within five days from the date of such person’s sentencing. Paragraph 2 of such subdivision a provides that a person convicted of an animal abuse crime who establishes residency in New York City following such person’s release from incarceration, or if not incarcerated, following such person’s sentencing, must register within five days of establishing such residency.

Subdivision b of section 17-603 would require the agency maintaining the registry to photograph the registrant at the time of registration.

Subdivision c of section 17-603 would require the registrant to provide such agency with specific identification information and any other information deemed pertinent by the department.

Subdivision d of section 17-603 would require each registrant to personally appear within twenty days of each one year anniversary of the registrant’s initial registration for the purpose of verifying that such registrant is not a violation of subdivision c of such section of the Code. Subdivision d would also require the agency maintaining the registry to photograph the registrant at such time.

Subdivision e of section 17-603 of the Code would require each registrant to personally appear before the department to update the department within five days of a change in any of the information required pursuant to subdivision c of such section of the Code.

Subdivision f of section 17-603 would require each registrant to remain on the animal abuse registry for five years following his or her release from incarceration or the date judgment was rendered, whichever is later. Registrants convicted of subsequent animal abuse crimes would be required to remain on the animal abuse registry for ten years following the date of the last conviction.

Section 17-604 would prohibit a person registered or required to be registered with the animal abuse registry from owning, possessing, residing with, having custody of, or intentionally engaging in any physical contact with any animal.

Section 17-605 would prohibit any animal shelter, pet shop, veterinarian, animal rescue, humane society, animal control officer, or society for the prevention of cruelty to animals located in New York City from exchanging or transferring ownership of a companion animal to any person listed on the animal abuse registry.

Section 17-606 would authorize the commissioner of the agency designated to implement the provisions such chapter to promulgate the rules necessary for the implementation of the law.

Section 17-607 of the Code would provide that a violation of section 17-603 or 17-604 of the Code or any rules promulgated thereunder shall be a misdemeanor punishable by up to one year imprisonment, a fine of up to one thousand dollars, or both.

Section 17-608 would provide that the law shall apply to persons convicted of an animal abuse crime on or after the effective date of the law.

Bill section 3 would provide that the local law take effect 240 days after enactment provided, however, that the mayor or his designee shall designate an agency to implement its provisions within 90 days of its enactment and the commissioner of such agency shall take all necessary actions, including promulgation of rules, prior to the effective date.

(The following is the text of the Fiscal Impact Statement for Int. No. 933-A)

THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

DIRECTOR

JEFFREY RODUS

FIRST DEPUTY DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 933-A

COUNCIL OF THE CITY OF NEW YORK

COMMITTEE: Health

TITLE: To amend the administrative code of the city of New York, in relation to creating an animal abuse registry.

SPONSOR(S): Vallone, Gentile, Crowley, Arroyo, Brewer, Fidler, James, Koo, Mark-Viverito, Nelson, Rose, Vacca, Williams, Rodriguez, Gonzalez, Koppell, Mendez, Lander, Gennaro, Halloran and Ulrich

SUMMARY OF LEGISLATION:

Proposed Int. No. 933-A would require the mayor to designate an agency to establish a registry of New York City residents who are convicted of animal abuse crimes under New York State law or the laws of another state after the effective date of the law. Entities that sell or adopt out pets, as such animal shelters, pet shops, veterinarians, and duly incorporated animal rescues would be required to consult the registry before transferring ownership of any animal in its care and would be prohibited from transferring ownership to anyone listed on the registry.

Residents convicted of animal abuse crimes would be required to register upon release from incarceration, or if not incarcerated, within five days of sentencing. Non-residents who establish residency following incarceration or sentencing would be required to register within five days of establishing residency. A person registered to register who fails to register would be guilty of a misdemeanor punishable by up to a year of imprisonment, a fine of up to one thousand dollars, or both. A person registered or required to register would be prohibited from owning, possessing, residing with, having custody of, or intentionally engaging in any physical contact with any animal. A person required to comply with these prohibitions concerning
contact with an animal would be guilty of a misdemeanor punishable by up to a year of imprisonment, a fine of up to one thousand dollars, or both.

EFFECTIVE DATE: This legislation would take effect 240 days after its enactment provided, however, that the mayor or his designee shall designate an agency to implement its provisions within 90 days of its enactment and the commissioner of such agency shall take all necessary actions, including promulgation of rules, prior to the effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2016

FISCAL IMPACT STATEMENT:

<table>
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<th>Effective FY15</th>
<th>FY Succeeding Effective FY 16</th>
<th>Full Fiscal Impact FY16</th>
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</tbody>
</table>

IMPACT ON REVENUES: There would be no impact on revenues resulting from this legislation. Any fine revenues resulting from this legislation would be de animals, as the rationale for the inclusion of potential fines is to foster compliance with the law.

IMPACT ON EXPENDITURES: There would be no impact on expenditures resulting from this legislation as its enforcement can be accomplished using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council

Finance Division

Estimate Prepared by: Crilhien R. Francisco, Legislative Financial Analyst

Estimated Reviewed by: Latonia McKinney, Deputy Director, Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on September 12, 2012 as Int. 933 and referred to the Committee on Health. On June 7, 2013, the Committee on Health held a hearing on this legislation and the bill was laid over. An amended version of the legislation, Intro 933-C, was considered by the Committee on Health on December 18, 2013 and upon successful vote, the bill will be submitted to the full Council for a vote at the Stated meeting held on December 19, 2013.

DATE SUBMITTED TO COUNCIL: September 12, 2012

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 933-A:)

Int. No. 933-A

By Council Members Vallone, Jr., Gentile, Crowley, Arroyo, Brewer, Fidler, James, Koo, Mark-Viverito, Nelson, Rose, Vacca, Williams, Rodriguez, Gonzalez, Koppell, Mendez, Lander, Gennaro, Halloran, Ulrich and Lappin.

A Local Law to amend the administrative code of the city of New York, in relation to creating an animal abuse registry.

Be it enacted by the Council as follows:

Section 1. Legislative Findings. The Council finds that animal cruelty is a serious problem in New York City. Although New York State criminalizes cruelty to animals, animals in New York City continue to be subject to abusive behavior. In recent years, several states and municipalities have considered creating animal abuse registries to track people convicted of animal cruelty. As of 2013, four New York State counties had created animal abuse registries. The Council finds that creating a registry of those convicted of animal cruelty will aid those involved in the sale or adoption of animals to ensure that an animal will not be placed with a person with a record of animal abuse.

§ 2. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 16 to read as follows:

Chapter 16
Animal Abuse Registration Act

§17-1601 Definitions.

§17-1602 Creation of an animal abuse registry.

§17-1603 Animal abuse registration requirements.

§17-1604 Prohibition on ownership of animals.

§17-1605 Requirements of animal shelters.

§17-1606 Rules and Regulations.

§17-1607 Penalties.

§17-1608 Applicability.

§17-1601 Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

a. “Animal abuse crime” shall mean any of the following:
1. animal fighting, as defined in section three hundred fifty-one of the agriculture and markets law;
2. overdriving, torturing or injuring animals; failure to provide proper sustenance, as defined in section three hundred fifty-three of the agriculture and markets law;
3. aggravated cruelty to animals, as defined in section three hundred fifty-three-a of the agriculture and markets law;
4. electrocution of fur bearing animals, as defined in section three hundred fifty-three-c of the agriculture and markets law;
5. abandonment of animals, as defined in section three hundred fifty-five of the agriculture and markets law;
6. failure to provide proper food and drink to an impounded animal, as defined in section three hundred fifty-six of the agriculture and markets law;
7. poisoning or attempting to poison animals, as defined in section three hundred sixty of the agriculture and markets law;
8. interference with or injury to certain domestic animals, as defined in section three hundred sixty-one of the agriculture and markets law;
9. harming a service animal in the first degree, as defined in section 242.15 of the penal code; or
10. any offense in any other jurisdiction which includes all of the essential elements of any such crime provided for in paragraph one, two, three, four, five, six, seven, eight, or nine of this subdivision.

b. “Animal shelter” shall mean any full service shelter, as defined in subdivision d of section 17-802 of this code, or other facility that makes dogs and cats available for adoption whether or not a fee for such adoption is charged.

c. “Animal rescue” shall mean a not-for-profit organization duly incorporated in the state of New York that accepts unwanted dogs or cats from an animal shelter or other place and attempts to find homes for, and promote adoption of, such animals by the general public.

d. “Authorized entity” shall mean any of the following: a humane society duly incorporated in the state of New York, a society for the prevention of cruelty to animals duly incorporated in the state of New York, a dog or cat protective associations duly incorporated in the state of New York, an animal control officer, a pet shop, a veterinarian, an animal rescue, or an animal shelter operating in the city of New York.

e. “Commissioner” shall mean the commissioner of the agency designated to implement the provisions of this chapter pursuant to subdivision a of section 17-1602 of this chapter.

§17-1602 Creation of an animal abuse registry.

a. The mayor or his designee shall designate an agency to implement the provisions of this chapter and shall report such designation to the speaker of the council.

b. The department shall create, manage and maintain an electronic registry of individuals living in the city of New York who have been convicted of an animal abuse crime and who have registered with the department pursuant to this chapter.

c. The information maintained in the registry created pursuant to this section shall only be made available to law enforcement agencies, district attorneys or when otherwise required by law, and shall otherwise be kept confidential, provided, however, that the department shall grant authorized entities the password-protected ability to electronically query the registry using a person’s name, driver’s license or non-driver photo ID card number, or other identifying information determined by the commissioner, and to receive in response to such query electronic notice of whether such person is prohibited from owning an animal under section 17-1604 of this chapter.

§17-1603 Animal abuse registration requirements.

§17-1604 Prohibition on ownership of animals.

§17-1605 Requirements of animal shelters.

§17-1606 Rules and Regulations.

§17-1607 Penalties.

§17-1608 Applicability.
Electronic cigarettes are electronic devices that deliver nicotine, flavor, and other chemicals through vaporization or aerosolization. Electronic cigarettes were developed near the end of this century and were first patented in the European Union before being introduced to the United States (U.S.) in 2006. The use of electronic cigarettes in the U.S., commonly referred to as “vaping,” has grown at a rapid pace, with sales for 2013 projected to be $1.7 billion. Manufacturers and proponents of electronic cigarettes claim the devices offer users a safer alternative to smoking cigarettes, as electronic cigarettes can deliver nicotine without combusting tobacco and producing smoke. However, some public health advocates argue that electronic cigarettes may serve as a gateway to smoking and that by offering flavored versions of the product, electronic cigarettes may hold a particular appeal to youth. Other proponents of regulation cite the lack of rigorous, peer-reviewed studies that affirm the safety of the products or whether they reduce alternative to smoking. As the cigarettes, both those inhaled by users and emitted as a byproduct of use. The U.S. Food and Drug Administration (FDA) and the U.S. Centers for Disease Control and Prevention (CDC) both have also expressed concern about electronic cigarettes, as they have 40 State attorneys general. Recently, citing concern that youth use of electronic cigarettes could lead to a lifetime of addiction to nicotine, the New York City Council passed and Mayor Michael Bloomberg signed into law Local Law 94 of 2013, which raised the minimum sales age for electronic cigarettes and tobacco products from 18 to 21.

Regulation of Electronic Cigarettes in New York and at the Federal Level

The novel nature of electronic cigarettes has led many governments to wrestle with regulation of these products and whether to restrict their use. The federal government regulates and monitors tobacco products through the FDA, while allowing state and local governments to enact measures regarding tobacco products that are more stringent than federal requirements. In 2008, the FDA moved to assert control over electronic cigarettes by detaining two shipments of the devices, preventing them from entering the U.S. on the grounds that they were not approved for sale by the agency. The manufacturers challenged the FDA’s seizure, while the FDA claimed it could regulate electronic cigarettes under the Federal Food, Drug, and Cosmetic Act. The United States Court of Appeals for the District of Columbia Circuit affirmed the ruling, holding that the Tobacco Act allows the FDA to regulate electronic cigarettes as “tobacco products.” The FDA also issued a proposed rule that would expand the definition of tobacco products, possibly resulting in new federal oversight authority of electronic cigarettes; as of December 18, 2013, a draft of the proposed rule has not been made public.

The Committee on Health, to which the annexed amended proposed local law was referred on December 10, 2013 (Minutes, page 5226), respectfully

REPORTS:

I. INTRODUCTION

On December 18, 2013, the New York City Council Committee on Health, chaired by Councilmember Maria del Carmen Arroyo, considered Proposed Int. No. 1210-A, a Local Law to amend the administrative code of the city of New York, in relation to the regulation of electronic cigarettes. The first hearing on this legislation was held on December 4, 2013. Those who testified at the first hearing included New York City Health Commissioner Thomas Farley, public health advocates, representatives of electronic cigarette manufacturers and retail stores, representatives of small businesses and the hospitality industry, and members of the public. Technical amendments were made to the bill following the first hearing. At the second hearing, the bill passed by a vote of 9-0.

II. BACKGROUND

Electronic cigarettes are electronic devices that deliver nicotine, flavor, and other chemicals through vaporization or aerosolization. Electronic cigarettes were developed near the end of this century and were first patented in the European Union before being introduced to the United States (U.S.) in 2006. The use of electronic cigarettes in the U.S., commonly referred to as “vaping,” has grown at a rapid pace, with sales for 2013 projected to be $1.7 billion. Manufacturers and proponents of electronic cigarettes claim the devices offer users a safer alternative to smoking cigarettes, as electronic cigarettes can deliver nicotine without combusting tobacco and producing smoke. However, some public health advocates argue that electronic cigarettes may serve as a gateway to smoking and that by offering flavored versions of the product, electronic cigarettes may hold a particular appeal to youth. Other proponents of regulation cite the lack of rigorous, peer-reviewed studies that affirm the safety of the products or whether they reduce alternative to smoking. As the cigarettes, both those inhaled by users and emitted as a byproduct of use. The U.S. Food and Drug Administration (FDA) and the U.S. Centers for Disease Control and Prevention (CDC) both have also expressed concern about electronic cigarettes, as they have 40 State attorneys general. Recently, citing concern that youth use of electronic cigarettes could lead to a lifetime of addiction to nicotine, the New York City Council passed and Mayor Michael Bloomberg signed into law Local Law 94 of 2013, which raised the minimum sales age for electronic cigarettes and tobacco products from 18 to 21.

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The novel nature of electronic cigarettes has led many governments to wrestle with regulation of these products and whether to restrict their use. The federal government regulates and monitors tobacco products through the FDA, while allowing state and local governments to enact measures regarding tobacco products that are more stringent than federal requirements.

In 2008, the FDA moved to assert control over electronic cigarettes by detaining two shipments of the devices, preventing them from entering the U.S. on the grounds that they were not approved for sale by the agency. The manufacturers challenged the FDA’s seizure, while the FDA claimed it could regulate electronic cigarettes under the Federal Food, Drug, and Cosmetic Act. The United States Court of Appeals for the District of Columbia Circuit affirmed the ruling, holding that the Tobacco Act allows the FDA to regulate electronic cigarettes as “tobacco products.” The FDA also issued a proposed rule that would expand the definition of tobacco products, possibly resulting in new federal oversight authority of electronic cigarettes; as of December 18, 2013, a draft of the proposed rule has not been made public.

Beyond the federal level, New York State and City have enacted laws in relation to the sale of electronic cigarettes, but not their use. New York State Public Health Law regulates smoking in public places, but defines “smoking” in a manner that does not include the use of electronic cigarettes in the law. In 2012, the New York State Legislature set the minimum legal sales age for electronic cigarettes at 18, however, as noted above, in November 2013, Mayor Bloomberg signed a law establishing a minimum sales age of 21 for electronic cigarettes sold in New York City.

Scientific Studies of Electronic Cigarettes

Much of the debate surrounding electronic cigarettes concerns the products’ safety and effectiveness as a potential harm reduction alternative to smoking. As the products have enjoyed mainstream success for a relatively short period of time, less than a decade, it is not clear that definitive scientific conclusions regarding electronic cigarettes have been reached.

Report for Int. No. 1210-A
Report of the Committee on Health 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 regulation of electronic cigarettes.
In 2009, the FDA’s Division of Pharmaceutical Analysis analyzed the ingredients in a sample of electronic cigarettes from two major brands. The FDA’s analysis found tobacco-specific impurities suspected of being harmful to humans in a majority of the samples; detectable levels of known carcinogens in half of samples tested; and diethylene glycol, a toxic chemical used in antifreeze, in one cigarette. The FDA cautioned that the results “should not be used to draw conclusions about what substances are or are not present in particular electronic cigarette or brand.” Nonetheless, the FDA has been forced early to declare that electronic cigarettes are unsafe, others urge precautionary regulation until more is known about the product.

Following the FDA’s analysis of a sample of electronic cigarettes, the agency has continued to express concern about their safety, contending that due to the lack of a comprehensive study of electronic cigarettes, there is no way to know whether the physical properties are such that it is not innocuous for youth to smoke may influence their use, what nicotine levels are present in the product, and if there are any health benefits associated with their use. The agency also noted that flavored electronic cigarettes may appeal to young people, and could eventually lead them to try smoking.

Proponents of electronic cigarettes point to studies focusing upon the potential for electronic cigarettes to serve as a harm-reduction tool, often noting that rather than setting out to normalize the act of smoking. Studies indicate that youth are more susceptible to the addictive properties of nicotine. Evidence suggests that youth manifest symptoms of nicotine addiction following even minimal exposure to exposure. Far less than is generally required for addiction symptoms to appear in adults. Additionally, while it is not yet evident whether exposure to electronic cigarettes in public places will necessarily result in an increase in the likelihood of youth smoking tobacco or electronic cigarette use, a 2012 study published by a British medical journal found that use of electronic cigarettes helped a small sample of smokers achieve levels of abstinence similar to those resulting from use of nicotine patches. A 2011 study found that a large percentage of a sample of smokers who purchased electronic cigarettes reduced their cigarette smoking.

Normalization and Impact on Youth

Studies indicate that youth are more susceptible to the addictive properties of nicotine. Evidence suggests that youth manifest symptoms of nicotine addiction following even minimal exposure. Far less than is generally required for addiction symptoms to appear in adults. Additionally, while it is not yet evident whether exposure to electronic cigarettes in public places will necessarily result in an increase in the likelihood of youth smoking tobacco or electronic cigarette use, a 2012 study published by a British medical journal found that use of electronic cigarettes helped a small sample of smokers achieve levels of abstinence similar to those resulting from use of nicotine patches. A 2011 study found that a large percentage of a sample of smokers who purchased electronic cigarettes reduced their cigarette smoking.

Regulation of the Use of Electronic Cigarettes in Smoke-Free Air Laws in Other Jurisdictions

As electronic cigarettes have grown in popularity, a number of jurisdictions have moved to restrict the use of such products in public places. In 2009, New Jersey passed legislation including electronic cigarettes in the State’s Smoke Free Air Act, which encompasses all enclosed indoor places of public access and workplaces, by amending the definition of “smoking” to include the use of electronic cigarettes. The State Legislature cited as reasons for amending the Act the lack of federal regulation of electronic cigarettes and potential health risks that could result from exposure to electronic cigarette vapor. In 2012, Utah amended its Indoor Clean Air Act to prohibit the use of both electronic cigarettes and hookahs in all enclosed indoor places of public access and in publicly owned buildings and offices. The same year, North Dakota’s Smoke-Free Act was updated to bar the use of electronic cigarettes in restaurants, bars, workplaces, hotels and motels, retail tobacco stores, gambling facilities, child and adult day cares, and within 20 feet of entrances to areas where smoking is prohibited.

A number of local governments have also moved to restrict the use of electronic cigarettes. In 2009, Suffolk County became one of the first local governments in the U.S. to bar the use of electronic cigarettes in certain public places. The law was challenged by the owner of an electronic cigarette store, but was upheld by a New York Supreme Court that found the legislature had acted properly in its attempt to address a public health concern. Cattaraugus County in New York also banned the use of electronic cigarettes in public places and workplaces in 2012. Other local governments that have restricted the use of electronic cigarettes include Concord City and Petaluma in California; Chatham County in Georgia; Burdstown, Madison County, and Bullitt County in Kentucky. Great Barrington, Lee, Lenox, Stockbridge, North Attleborough, Somerset, and South Hadley in Massachusetts; Duluth in Minnesota; and King and Tacoma-Pierce Counties in Washington.

Enforcement Concerns

There is no standard design for electronic cigarettes, which are available in a wide variety of models, from small to cylindrical ones that resemble large pens or rectangular boxes. However, some electronic cigarettes are designed to mimic the look and feel of cigarettes, featuring similar shapes, sizes, and even LED-lighted tips. These products, sometimes referred to as “cigalikes,” have the potential to create confusion among those responsible for enforcing New York City’s Smoke-Free Air Act due to their similar appearance to cigarettes. In enacting its restrictions on the use of electronic cigarettes in 2009, Suffolk County pointed to FDA reports concerning the presence of carcinogens in electronic cigarettes and the need for research providing a conclusion on the safety of such products, as well as concerns that the use of electronic cigarettes “seriously compromise the City’s current public health efforts to reduce tobacco use. The City’s Smoke-Free Air Act and to protect youth from observing behaviors that could encourage smoking.

Section one of Int. No. 1210-A would amend section 17-502 of the Code to add definitions for “electronic cigarette” and “electronic cigarette store.” “Electronic cigarette” would be defined as an electronic device that delivers vapor for inhalation, including any refills, cartridges, or any other component of an electronic cigarette. The definition of electronic cigarette would not include products approved by the FDA for sale as a drug or medical device. “Retail electronic cigarette store” would be defined as a retail store devoted primarily to selling electronic cigarettes, where the sale of other products is merely incidental, which means such sales generate less than fifty percent of the store’s total annual gross sales.

Section three would amend section 17-503 of the Code by prohibiting the use of electronic cigarettes in enclosed areas within public places, as enumerated in subdivision a of section 17-503. Subdivision a would also be amended to permit the use of electronic cigarettes as part of a theatrical production. Subdivision b would be amended to prohibit the use of electronic cigarettes in service line and waiting areas, whether located indoors or outdoors, where the public is permitted or invited, unless the use of electronic cigarettes is not regulated in these locations pursuant to section 17 of this bill. Subdivision c would be amended to prohibit the use of electronic cigarettes in outdoor areas of public places, as enumerated in the subdivision.

Section four would amend section 17-504 of the Code to prohibit the use of electronic cigarettes in indoor areas of places of employment, provided however that the use of electronic cigarettes would not be prohibited in any area where the use of electronic cigarettes is not regulated pursuant to section 17-505. Subdivision c would be amended to prohibit the use of electronic cigarettes in company cars, company vehicles occupied by more than one person and in all vehicles owned by the City. Subdivision e would be amended to require every employer to comply with the provisions of chapter five of title 10 of the New York City Code to adopt a written electronic cigarette use policy. Subdivision f would be amended to prohibit employers to post prominent signs to publicize their electronic cigarette use policy in the workplace and to disseminate it within three weeks to its employees; subdivision g would be amended to require employers to supply written copies of such policy to employees and prospective employees; subdivision h would be amended to require employers to provide their use policy to the Department of Health and Mental Hygiene (DOHMH), the Department of Buildings, the Department of Consumer Affairs, the Department of Environmental Protection, the Fire Department, and the Department of Sanitation, upon request. Subdivision i would be amended to make clear that section 17-504 should not be construed to prohibit the use of electronic cigarettes in a public place where smoking is prohibited or restricted under section 17-503 and to make clear that use of electronic cigarettes is prohibited in places of employment that are also public places regulated under section 17-503 which are not exempt under chapter five of title 17 of the New York City Code.

Section five would amend section 17-505 of the Code to allow the use of electronic cigarettes in certain areas enumerated in such section, including private residences, except those in which a day care center or health care facility operates; hospitals and mental health facilities; fueling stations; tobacco smoke and indoor rooms at approved facilities held for the purpose of promoting and selling electronic cigarettes. Section five would add a new subdivision i to add retail electronic cigarette stores to the list of places where smoking is prohibited or regulated by chapter five of title 17 of the Code.
17, provided however, that only the use of electronic cigarettes would be permitted in such stores.

Section six would amend section 17-506 of the Code to require signage regarding the use of electronic cigarettes. Subdivision a would be amended to require “electronic cigarette use permitted” or “electronic cigarette use prohibited” signs to be prominently and conspicuously displayed when required to comply with chapter five of title 17. Subdivision b would be amended to require movie theaters to show on their screens information for at least five seconds indicating that use of electronic cigarettes is prohibited. Subdivision c would be amended to require hotels and motels that choose to develop and implement an electronic cigarette use policy for rooms to post notice regarding the use of electronic cigarette-free rooms.

Section seven would amend section 17-507 of the Code in regard to enforcement of the Smoke-Free Air Act. Subdivision c of section 17-507 would be amended to require that operators of public places and employers inform individuals using electronic cigarettes in restricted areas that they are in violation of the law, with the same exceptions as currently set forth in the subdivision. Subdivision d would be amended to require owners or building managers of public places where the use of electronic cigarettes is prohibited, who do not operate such places, to designate an agent to inform individuals using electronic cigarettes in restricted common areas that they are in violation of the law. Subdivision e would be amended to require owners or managers of places of employment that are required to prohibit the use of electronic cigarettes, who do not operate such places, to designate an agent to inform individuals using electronic cigarettes in restricted common areas that they are in violation of the law.

Section eight would amend section 17-508 of the Code in regard to violations of the Smoke-Free Air Act and penalties. Subdivision a would be amended to prohibit those who own or possess a place where electronic cigarettes are prohibited from providing a room for use of such products, failing to post signs or remove ashtrays, or make a good faith effort to comply with subdivisions c, d, and e of the same section. The subdivision also allows the Attorney General to bring a civil action for violations of subdivision a. Subdivision b would be amended to make it unlawful for an employer subject to the requirements of section 17-504 to fail to comply with the provisions of such section, including but not limited to the adoption of a written policy on the use of electronic cigarettes, and to create an affirmative defense for such violations. Subdivision d would be amended to make it unlawful for anyone to use an electronic cigarette in any area where the use of such products is not permitted, and subdivision e would be amended to provide that every person who violates subdivision d by using an electronic cigarette in a pedestrian plaza or park would be liable for a civil penalty of $50.

Section nine would amend section 17-510 of the Code to require DOHMH to provide assistance to those who want to stop using electronic cigarettes.

Section ten would amend section 17-512 of the Code in regard to general provisions of the Smoke-Free Air Act. Subdivision a would be amended to provide that nothing in the Act should be construed to prohibit business owners or employers from adopting an electronic-cigarette-free policy that completely prohibits the use of such products. Subdivision d would be amended to provide that nothing in the Act should be construed to prohibit business owners or employers from complying with the use of electronic cigarettes to a greater extent than provided for in the Act.

Section eleven would amend section 17-513.2 of the Code to specify that nothing in the Smoke-Free Air Act should be interpreted to permit the use of electronic cigarettes where it is prohibited or restricted by any other law, rule, or regulation.

Section twelve would amend chapter five of title 17 of the Code by adding a new section 17-513.3. New section 17-513.3 would prohibit retail tobacco stores and retail electronic cigarette stores from operating without having full rule, or regulation.


Id.


Ibid.

Id.

Ibid.

Id.

Ibid.

Id.

Id.

Id.

Id.

Id.

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Id.

Id.

Id.

Id.

Id.

Id.
The COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 1210-A
COMMITTEE: Health

TITLE: To amend the administrative code of the city of New York, in relation to the regulation of electronic cigarettes.

SUMMARY OF LEGISLATION:
Proposed Intro. 1210-A would prohibit the use of electronic cigarette devices in public places and places of employment in order to facilitate enforcement of the Smoke-Free Air Act, and protect youth from observing behaviors that could encourage them to smoke. The bill would amend the Smoke-Free Air Act to prohibit the use of electronic cigarettes in all areas where smoking is prohibited, including public places, such as restaurants and bars; libraries and museums; parks and beaches; and places of employment. The use of electronic cigarettes would be permitted in all areas where smoking is not regulated, including private residences, hotel and motel rooms, private automobiles, City streets and sidewalks, and in retail electronic cigarette stores.

The exception for retail electronic cigarette stores would mirror an exception for retail tobacco stores, which allows smoking in stores where sales of tobacco constitute at least 50% of annual gross sales. Both retail electronic cigarette and tobacco retail stores would have to register with DOHMH in order to verify that they fit into smoking and electronic cigarette use exceptions for generating sales mostly from electronic cigarettes or tobacco products, respectively. The enforcement and penalties provisions related to the use of electronic cigarettes are identical to those related to smoking.

EFFECTIVE DATE: This legislation would take effect 120 days after its enactment, with signage requirements taking effect in 180 days.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2015

FISCAL IMPACT STATEMENT:

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IMPACT ON REVENUES: There would be no impact on revenues resulting from this legislation. Any fine revenues resulting from this legislation would be de minimis as the rationale for the inclusion of potential fines is to foster compliance with the law.

IMPACT ON EXPENDITURES: There would be no impact on expenditures resulting from this legislation as its enforcement can be accomplished using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Department of Health and Mental Hygiene

ESTIMATE PREPARED BY: Creighan R. Francisco, Legislative Financial Analyst

ESTIMATED REVIEWED BY: Latonia McKinney, Deputy Director Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on December 10, 2013 as Int.1210 and referred to the Committee on Health. On December 4, 2013, the Committee on Health held a hearing on this legislation and

the bill was laid over. An amended version of the legislation, Intro 1210-A, will be considered by the Committee on Health on December 18, 2013 and upon successful vote, the bill will be submitted to the full Council for a vote at the Stated meeting held on December 19, 2013.

DATE SUBMITTED TO COUNCIL: December 10, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of the Fiscal Impact Statement for Int. No. 1210-A):

Int. No. 1210-A

By Council Members Gennaro, The Speaker (Council Member Quinn), Arroyo, Greenfield, Vacca, Koo, Koppell, Richards and Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to the regulation of electronic cigarettes.

Be it enacted by the Council as follows:

Section 1. Legislative findings. Electronic cigarette devices have not been approved by the Food and Drug Administration (FDA) for smoking cessation and are currently unregulated by the FDA. Most devices contain nicotine, a highly addictive substance. Although the long-term effects of electronic cigarette devices require further study, the FDA has found that some devices contain toxins and carcinogens and has expressed concerns about their safety. Use of electronic cigarette devices, particularly in places where smoking is prohibited, may interfere with smokers’ attempts to quit by making it easier for them to maintain their nicotine addiction. Children and youth who experiment with electronic cigarettes may become addicted to nicotine and ultimately switch to smoking cigarettes. If the use of electronic cigarette devices may be visually similar to the smoking of cigarettes, and has already been observed in locations where smoking is prohibited, creating concern and confusion that threatens to interfere with enforcement of the Smoke-Free Air Act. The use of electronic cigarette devices in places where smoking is prohibited may increase the social acceptability and appeal of smoking, particularly for youth, potentially undermining the enormous progress that has been made over the years in discouraging smoking.

The Council therefore finds that prohibiting the use of electronic cigarette devices in public places and places of employment will protect the health of the citizens of New York City, facilitate enforcement of the Smoke-Free Air Act, and protect youth from observing behaviors that could encourage them to smoke.

§ 2. Section 17-502 of the administrative code of the city of New York is amended by adding new subdivisions qq and rr to read as follows:

qq. “Electronic cigarette” means an electronic device that delivers vapor for inhalation. Electronic cigarette shall include any refill, cartridge, and any other component of an electronic cigarette. Electronic cigarette shall not include any product approved by the food and drug administration for sale as a drug or medical device.

rr. “Retail electronic cigarette store” means a retail store devoted primarily to the sale of electronic cigarettes, and in which the sale of other products is merely incidental. The sale of such other products shall be considered incidental if such sales generate less than fifty percent of the total annual gross sales.

§ 3. Section 17-503 of the administrative code of the city of New York, as amended by local law number 5 for the year 2009, paragraph 1 of subdivision a as added by local law number 50 for the year 2009, paragraph 2 of subdivision c as added by local law number 51 for the year 2010, paragraph 2 of subdivision a as added by local law number 50 for the year 2009, paragraph 4 of subdivision a as added by local law number 51 for the year 2010, subdivision d as added by local law number 5 for the year 1995, and paragraph 3 of subdivision d as added by local law number 51 for the year 2011, is amended to read as follows:

§ 17-503 Prohibition of smoking and use of electronic cigarettes

1. Smoking [is], and using electronic cigarettes, are prohibited in all enclosed areas within public places except as otherwise restricted in accordance with the provisions below. Such public places include, but are not limited to, the following:

a. Public transportation facilities, including, but not limited to, ticketing, boarding and waiting areas of public transit depots.

b. Public means of mass transportation, including, but not limited to, subway cars and all underground areas of a subway station, buses, vans, taxicabs and all for-hire vehicles, including but not limited to limousines, required to be licensed or franchised by the city of New York.

2. Public restrooms.

3. Retail stores (other than retail tobacco stores).

4. Restaurants.

5. Business establishments (other than retail tobacco stores) including, but not limited to, banks and other financial institutions, catering halls, offices where trade or
vocational activity occurs or professional or consumer services are rendered and non-profit entities, including religious institutions; provided however, that this paragraph shall not apply to membership associations.


8. Motion picture theaters, concert halls, buildings or areas or buildings primarily used for or designed for the primary purpose of exhibiting movies or presenting other performances, including, but not limited to, stage, musical, dance, literary, dramatic, lecture or other similar performances, except that smoking, and using electronic cigarettes, may be part of a theatrical production.


11. Sports arenas and recreational areas.

12. Gymnasiums, health clubs and enclosed areas containing a swimming pool.

Plots of meeting or public assembly during such time as a meeting open to the public is being conducted for educational, religious, recreational, or political purposes, but not including meetings conducted in private residences, unless such meetings are conducted in an area where a child day care center or health care facility is operated during the times of operation or in an area which constitutes a common area of a multiple dwelling containing ten or more dwelling units.

14. Health care facilities including, but not limited to, hospitals, clinics, psychiatric facilities, residential health care facilities, physical therapy facilities, convalescent homes, and homes for the aged; provided however, that this paragraph shall not prohibit smoking, or the use of electronic cigarettes, by patients in separate enclosed rooms of residential health care facilities or facilities where day treatment programs are provided, which are designated as smoking rooms for patients of such facilities or programs, provided, however, that prior written approval is received from the fire commissioner pursuant to section 27-4276. 310.2 of the fire code.

15. All schools other than public and private pre-kindergarten, primary, and secondary schools providing instruction for students at or below the twelfth grade level, and any other similar open air concert, stage, dance, lecture or recital presentations or performances or when seating or standing room is assigned by issuance of tickets.

22. Membership associations; provided however, that smoking shall be permitted in: [a] tobacco bars; [b] owner operated bars; and [c] Tobacco business designated by such business for the purpose of testing or development of tobacco or tobacco products; provided, however, that such areas must be located on no more than two floors of the building where such business is located.

22. Membership associations; provided however, that smoking only shall be allowed in the following areas: [a] in an area designated for smoking, or using electronic cigarettes, on any service line, waiting area, or portion thereof, whether located indoor or outdoor during the times in which the public is invited or permitted, notwithstanding the fact that the service line, waiting area upon which smoking is permitted, is not an area designated for smoking, or using electronic cigarettes, pursuant to subdivision a of this section; provided, however, that this subdivision shall not be construed to prohibit smoking, or using electronic cigarettes, in any area where smoking, or using electronic cigarettes, is prohibited.

23. Smoking [is], and using electronic cigarettes, are prohibited in the following outdoor areas of public places, except as otherwise restricted in accordance with the provisions below:

1. Outdoor dining areas of restaurants with no roof or other ceiling enclosure; provided, however, that smoking, or using electronic cigarettes, may be permitted in a contiguous outdoor area designated for smoking, or using electronic cigarettes, so long as such area: (i) constitutes no more than twenty-five percent of the outdoor seating capacity of such restaurant; (ii) is at least three feet away from the outdoor area of such restaurant not designated for smoking, or using electronic cigarettes; and (iii) is clearly designated with written signage as a smoking area or an area for using electronic cigarettes.

2. Outdoor seating or viewing areas of outdoor motion picture presentations or outdoor concert, stage, dance, lecture or recital presentations or performances or other similar open-air presentations or performances, when seating or standing room is assigned by issuance of tickets.

3. Outdoor seating or viewing areas of sports arenas and recreational areas, when seating or standing room is assigned by issuance of tickets.

4. Outdoor areas of all children's institutions.

5. Playgrounds.

6. Hospital grounds, within fifteen feet of any hospital entrance or exit and within fifteen feet of the entrance to or exit from any hospital grounds.

7. Pedestrian plazas.

8. Smoking [is], and using electronic cigarettes, are prohibited in all indoor and outdoor areas of the following public places at all times: [a] All public and private pre-primary, primary, and secondary schools providing instruction for students at or below the twelfth-grade level, and any vehicles owned, operated or leased by such schools which are used to transport such students or the personnel of such schools.

2. All child day care centers; provided, however, that with respect to child day care centers operated in private residences, this paragraph shall apply only to those areas of such private residences where the child day care centers are operated during the times of operation or during the time the employees are working in such child day care centers.

3. Any park or other property under the jurisdiction of the department of parks and recreation; provided, however, that this paragraph shall not apply to the sidewalks immediately adjoining parks, squares and public places; [b] any pedestrian route through any park strip, median or mall that is adjacent to vehicular traffic; [c] parking lots; and [d] botanical gardens.

4. Section 17-504 of the administrative code of the city of New York, as amended by local law number 5 for the year 1995, subdivisions a, c, d, e, and i as amended by local law number 47 for the year 2002, is amended to read as follows:

§ 17-504 Regulation of smoking and use of electronic cigarettes, in places of employment. a. Smoking [is], and using electronic cigarettes, are prohibited in those indoor areas of places of employment to which the general public does not generally have access. This section shall not prohibit smoking, or using electronic cigarettes, in any area where smoking, or using electronic cigarettes, is not regulated pursuant to section 17-505.

b. Smoking [is], and using electronic cigarettes, are prohibited in company vehicles occupied by more than one person. Smoking [is], and using electronic cigarettes, are prohibited in all vehicles owned by the city of New York.

c. No employer shall take any retaliatory adverse personnel action against any employee or applicant for employment on the basis of such person's exercise, or attempt to exercise, his or her rights under this chapter with respect to the place of employment. Such adverse personnel action includes, but is not limited to, dismissal, demotion, suspension, disciplinary action, negative performance evaluation, any action resulting in loss of staff, compensation or other benefit, failure to hire, failure to promote, refusal to transfer, or failure to assign against the wishes of the affected employee. The employer shall establish a procedure to provide for the adequate redress of any such adverse personnel action taken against an employee in retaliation for that employee's attempt to exercise or his or her rights under this chapter with respect to the place of employment.

d. Employers shall prominently post the smoking and electronic cigarette use policy in the workplace, and shall, within three weeks of its adoption and any modification, disseminate the policy to all employees, and to new employees when hired.

e. Employers shall supply a written copy of the smoking and electronic cigarette use policy to all employees, at the time of their hiring, and at any time thereafter as may be reasonably necessary.

f. A copy of the smoking and electronic cigarette use policy shall be provided to the department, the department of buildings, the department of consumer affairs, the department of environmental protection, the fire department and the department of sanitation upon request.

§ 17-505 Areas where smoking, and using electronic cigarettes, are prohibited or restricted pursuant to section 17-504. Where a place of employment is also a public place where smoking, and using electronic cigarettes, are prohibited or restricted pursuant to section 17-503, and is not exempt from regulation under section 17-505, smoking, and using electronic cigarettes, shall be prohibited.

Financial Services Authority. a. Smoking [is], and using electronic cigarettes, in any area in which smoking, and using electronic cigarettes, are prohibited or restricted pursuant to section 17-504, is prohibited.

j. Nothing in this section shall be construed to impair, diminish, or otherwise affect any collectively bargained procedure or remedy available to an employee, consisting of, but not limited to, the procedures which the regulations of the federal department of transportation, the department of the interior, and the department of health and human services set forth in Government Code, section 7200 et seq. c. Smoking [is], and using electronic cigarettes, are otherwise prohibited or restricted by any other law or rule.

b. Private residences, except any area of a private residence where a child day care center or health care facility is operated (i) during the times of operation or (ii) during the times when employees are working in such child day care center or health care facility areas; provided, however, that a common area of a multiple dwelling
containing ten or more dwelling units shall be subject to smoking and electronic cigarette restrictions.

c. Hotel and motel rooms occupied by, or available for, occupancy by guests.

d. Private residences.

e. Retail tobacco stores.

b. Enclosed rooms in restaurants, bars, catering halls, convention halls, hotel and motel conference rooms, and other similar facilities during the time these enclosed areas or rooms are being used exclusively for functions where the public is invited for the primary purpose of promoting and sampling tobacco products or electronic cigarettes, or where the service of food and drink is incidental to such purpose, provided that the operator of such function shall have provided notice to the department of health and mental hygiene in a form satisfactory to such department at least two weeks before such a function begins, and such notice has identified the dates on which such function shall occur. No such facility may permit smoking, or using electronic cigarettes, under this subdivision for more than five days in any calendar year.

c. Retail electronic cigarette stores; provided however, that such stores may only permit the use of electronic cigarettes.

§ 6. Subdivisions a, b and c of section 17-506 of the administrative code of the city of New York, subdivision a as amended by local law number 5 for the year 1995, subdivision b as amended by local law number 47 for the year 2002, and subdivision c as added by local law number 5 for the year 1995, are amended to read as follows:

Except as may otherwise be provided by rules promulgated by the commissioner, “Smoking” or “No Smoking” signs, or the international symbols indicating the same, “Electronic Cigarette Use Permitted” or “Electronic Cigarette Use Prohibited” signs, and any other signs necessary to comply with the provisions of this chapter shall be prominently and conspicuously posted where smoking [is] or using electronic cigarettes, are prohibited pursuant to subdivision e of section 17-503 is not the operator of such public place but has an agent on duty in such place, and (ii) designating such agent to be responsible for informing individuals smoking, or using electronic cigarettes, in restricted common indoor areas, and that the respondent has, where applicable, mailed the notice required pursuant to subdivision e of section 17-503.

(a) Every person who violates subdivision d of this section shall be liable for a civil penalty of not less than five hundred dollars nor more than one thousand dollars; and for a third or subsequent violation, all of which were committed within a period of twelve months, be liable for a civil penalty of not less than two hundred dollars nor more than five hundred dollars.

§ 7. Subdivisions c, d, and e of section 17-507 of the administrative code of the city of New York, subdivision c as amended and subdivisions d and e as added by local law number 5 for the year 1995, are amended to read as follows:

(c) Where an owner or building manager of a building in which a place of employment is located where smoking [is], and using electronic cigarettes, are prohibited or restricted pursuant to this chapter, or the designated agent thereof, to provide a room designated for smoking, or using electronic cigarettes, in restricted common indoor areas (i) where such agent is on duty and (ii) during the times when such agent is on duty, that such individuals are in violation of this local law.

d. Where an owner or building manager of a public place where smoking [is], and using electronic cigarettes, are prohibited or restricted pursuant to this chapter, or the designated agent thereof, to provide a room designated for smoking, or using electronic cigarettes, in restricted common indoor areas (i) where such agent is on duty and (ii) during the times when such agent is on duty, that such individuals are in violation of this local law.

e. Where an owner or building manager of a building in which a place of employment is located where smoking [is], and using electronic cigarettes, are prohibited or restricted pursuant to this chapter, or the designated agent thereof, to provide a room designated for smoking, or using electronic cigarettes, in restricted common indoor areas (i) where such agent is on duty and (ii) during the times when such agent is on duty, that such individuals are in violation of this local law.

§ 8. Subdivisions a, b, d, and f of section 17-508 of the administrative code of the city of New York, subdivision a as amended by local law number 47 for the year 2002, subdivision b as amended by local law number 5 for the year 1995, subdivision d as added by local law number 2 for the year 1988, and subdivisions e and f as amended by local law number 11 for the year 2011, are amended to read as follows:

(a) A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision d of this section shall be commenced by the service of a notice of violation which shall be returnable to the environmental control board. The board of health’s administrative tribunal established by the board of health, except that a proceeding to recover a civil penalty authorized pursuant to the provisions of this chapter during the relevant time period; provided, however, that after receiving notice of violation, the respondent submits to the department within five business days, by certified mail, a sworn affidavit and other such proof as may be necessary, indicating that he or she has not exercised actual control during the relevant time period; (iii) that a person smoking, or using an electronic cigarette, in any area where smoking [is], and using electronic cigarettes, are prohibited pursuant to section 17-503 was informed by a person who owns, manages, operates or otherwise controls the use of such premises, or the designated agent thereof, that such person smoking, or using an electronic cigarette, is in violation of this local law and that such person who owns, manages, operates or otherwise controls the use of such premises, or the designated agent thereof, that such person smoking, or using an electronic cigarette, is in violation of this local law, because the respondent did not have a designated agent on duty when such person was smoking, or using an electronic cigarette, and that such owner or building manager has, where applicable, mailed the notice required pursuant to subdivision e of section 17-503. However, that after receiving notice of violation, the respondent submits to the department within five business days, by certified mail, a sworn affidavit and other such proof as may be necessary, indicating that he or she has not exercised actual control during the relevant time period; (iv) that a person smoking, or using an electronic cigarette, is in violation of this local law and that the respondent has, where applicable, mailed the notice required pursuant to subdivision e of section 17-503.
tribunal and the environmental control board shall have the power to impose the civil penalties prescribed by subdivision e of this section.

§ 9. Section 17-510 of the administrative code of the city of New York, as added by local law number 2 for the year 1998, is amended to read as follows:

§ 17-510 Public education. The department shall engage in a continuing program to explain and clarify the provisions and purposes of this chapter and shall provide assistance to those persons who seek to comply, and to those who want to stop smoking, or using electronic cigarettes.

§ 10. Subdivisions a, b, and d of section 17-512 of the administrative code of the city of New York, subdivision a as added by local law number 2 for the year 1998, subdivision b as added by local law number 5 for the year 1995, and subdivision d as added by local law number 2 for the year 1988 and relettered by local law number 5 for the year 1995, are amended to read as follows:

a. Nothing in this chapter shall be construed to prohibit smoking, or using electronic cigarettes, where it is otherwise prohibited by law or regulation.

b. Nothing in this chapter shall be construed to prohibit owners, operators, managers, employers or other persons having control of any establishment subject to this chapter from adopting a smoke-free and electronic cigarette-free policy which completely prohibits smoking, and using electronic cigarettes, on the premises of such establishment at all times.

c. Nothing in this chapter shall be construed to preclude owners, operators, managers, employers or other persons having control of any establishment covered by this act from prohibiting smoking, and using electronic cigarettes, in such establishment to a greater extent than is provided by this chapter, in accordance with applicable law.

§ 11. Section 17-513.2 of the administrative code of the city of New York, as added by local law number 47 for the year 2002, is amended to read as follows:

§ 17-513.2 Construction. The provisions of this chapter shall not be interpreted or construed to permit smoking, or using electronic cigarettes, where it is prohibited or otherwise restricted by other applicable laws, rules or regulations.

§ 12. Chapter 5 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-513.3 to read as follows:

§ 17-513.3 Retail tobacco store and retail electronic cigarette store registration.

It shall be unlawful for any individual to operate a retail tobacco store or a retail electronic cigarette store without having registered with the department in accordance with the rules of the department.

§ 13. Chapter 5 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-513.4 to read as follows:

§ 17-513.4 Retail tobacco store and retail electronic cigarette store verification.

The department shall promulgate rules and regulations necessary to establish a system for review and verification of total annual gross sales of retail tobacco stores and retail electronic cigarette stores to ensure that such stores are in compliance with the requirements of chapter 5 of title 17 of the administrative code of the city of New York.

§ 15. This local law shall take effect one hundred eighty days after it shall have become a law, except that subdivisions (a) and (b) of section 17-506 of the administrative code of the city of New York, as amended by section six of this local law, shall take effect one hundred eighty days after this local law takes effect, provided however, that the commissioner shall take such actions, including the promulgation of rules, as are necessary for timely implementation of this local law.

MARIÁ DEL CARMEN ARROYO, Chairperson; JOEL RIVERA, PETER F. VALLONE, Jr., ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATTHIEU EUGENE, DEBORAH L. ROSE, JAMES G. VAN BRAMER, Committee on Health, December 18, 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. 1056-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, the New York City plumbing code, the New York City building code, the New York City mechanical code, and the New York City fuel gas code in relation to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, with differences that reflect the unique character of the city and clarifying and updating administration and enforcement of such codes and the 1968 code, and repealing section 27-123.1 of the administrative code of the city of New York, subsection 2 of article 2 of chapter 4 of chapter 4 of title 27 of the administrative code of the city of New York, articles 8, 9 and 10 of subsection 4 of chapter 4 of chapter 27 of the administrative code of the city of New York and reference standard RS 4 of the building code.

Reference Standards set forth in the appendix to chapter 4 of title 27 of the administrative code of the city of New York.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on June 12, 2013 (Minutes, page 1922), respectfully

REPORTS:

Introduction and Procedural History

On December 19, 2013, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 1056-A. (Due to the size of the bill, a copy of the full text of the bill is available online at legistar.council.gov and by accessing the portable storage device containing an electronic copy of the bill attached to this report.)

On June 25, 2013, the Committee heard Int. No. 1056 and received testimony from the Department of Buildings (DOB) and interested members of the public.

Background

For background information, please refer to the Report of the Infrastructure Division concerning the Committee’s June 25, 2013 hearing on Int. No. 1056, which is available online at legistar.council.gov.

Amendments to Int. No. 1056

The following portions of Int. No. 1056 have been substantively amended:

- Administrative Code: Chapters 1 (Administration), 2 (Enforcement), 3 (Maintenance of Buildings) and 4 (Licensing and Registration of Business Trades and Occupations Engaged in Buildings Work) of title 28.

- Plumbing Code: Chapter 1 (Administration), 2 (Definitions), 3 (General Regulations), 6 (Water Supply and Distribution) and 13 (Reference Standards).

- Building Code: Chapter 3 (Use and Occupancy Classification), 4 (Special Detailed Requirements Based on Use and Occupancy), 5 (General Building Heights and Areas; Separation of Occupancies), 6 (Types of Construction), 9 (Fire Protection Systems), 10 (Means of Egress), 11 (Accessibility), 16 (Structural Design), 18 (Soils and Foundations), 24 (Glass and Glazing), 30 (Elevators and Conveying Systems), 31 (Special Construction), 33 (Safeguards During Construction), 35 (Reference Standards) and appendix G (Fire-Resistant Construction), P (BR-2 Occupancy Toilet and Bathing Facilities Requirements) and S (Supplementary Figures for Luminous Egress Path Markings).

- Mechanical Code: Chapter 9 (Specific Appliances, Fireplaces and Solid Fuel-Burning Equipment) and 13 (Fuel-Oil Piping and Storage).

- Fuel Gas Code: Chapter 4 (Gas Piping Installations).

- The effective date of the bill has been changed to October 1, 2014, with certain exceptions, and other already previously enacted local laws whose effective date was linked to Proposed Int. No. 1056-A have been amended to reflect such date.

Update

On Thursday, December 19, 2013, the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

(The following is the text of the Fiscal Impact Statement for Int. No. 1056-A:)

On December 19, 2013, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 1056-A. (Due to the size of the bill, a copy of the full text of the bill is available online at legistar.council.gov and by accessing the portable storage device containing an electronic copy of the bill attached to this report.)

By other applicable laws, rules or regulations.

The bill also amends the city's Administrative Code.
Sponsor(s): By Council Members Dilan, Comrie, Dickens, Koo, Richards and Rose (by request of the Mayor).

The legislation would have no impact on revenues. The legislation would have no impact on expenditures. Source of funds to cover estimated costs: N/A

Source of Information: New York City Department of Buildings

Estimate Prepared By: Nathan Toth, Deputy Director

**ESTIMATED REVIEWED BY:** Tanisha Edwards, Finance Counsel

**Legislative History:** This legislation was introduced to the full Council on June 12, 2013 as Proposed Intro. 1056 and was referred to the Committees on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on June 25, 2013 and the bill was laid over. The legislation was amended, and the amended version, Proposed Intro. 1056-A will be heard by the Committee on Housing and Buildings on December 19, 2013. Following a successful Committee vote, the Full Council will vote on Proposed Intro. 1056-A on December 19, 2013. Accordingly, this Committee recommends its adoption, as amended.

The following is the edited text of Int. No. 1056-A:

Editor’s Int No. 1056-A Note: The full text of Int No. 1056-A is over 2,470 pages long. Due to the sheer length of this bill, an edited version is printed below for the purposes of these Minutes. For the full text of this bill, please refer to the New York City Council website at http://council.nyc.gov. The edited version below contains the first paragraph of Section 1 and the entire sections 2, 3, 4 and 6 of the bill. Parts A, B, C, D and E of Section 1 have not been printed in these Minutes. These Parts contain the amendments bringing the New York City Plumbing Code, the New York City Building Code, the New York City Mechanical Code, and the New York Fuel Gas Code up to date with the 2009 editions of the International Plumbing, Building, Mechanical, and Fuel Gas Codes published by the International Code Council with differences to accommodate the unique nature of construction in New York City (see Section 1, Legislative Intent below).


A Local Law to amend the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code in relation to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, with differences that reflect the unique character of the city and clarifying and updating administration and enforcement of such codes and the 1968 code.

**SUMMARY OF LEGISLATION:** Proposed Intro. 1056-A updates the City’s construction codes. This includes the Building Code, the Plumbing Code, the Mechanical Code, and the Fuel Gas Code.

In 2007, the Council passed Local Law 33, which overhauled the City’s 40-year old construction codes and brought them in line with international codes. To ensure that the City’s codes were regularly reviewed, Local Law 33 also required periodic updates based on changes to the international codes. Intro 1056-A represents the first such update.

The update process began in 2011. The Department of Buildings brought together a group of over 325 professionals from every corner of the industry, including architects, engineers, contractors, and representatives of labor, real estate, and government. These experts were formed into committees and, collectively, put in over 48,500 hours reviewing every line of the City’s construction codes. That process took a little over 2 and 1/2 years, and culminated in the initial draft of Intro 1056, which was introduced and heard in June.

Since June, the Housing and Buildings Committee has been working closely with the Department of Buildings, the code revision committees, and other stakeholders to review the approximately 2,500-page bill in its entirety.

The result is a bill that would improve standards for the construction of new buildings and the alteration of existing buildings.

**Effective Date:** This bill would generally take effect on October 1, 2014.

**Fiscal Year in which full Fiscal Impact Anticipated:** Fiscal 2014

**Fiscal Impact Statement:**

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**Impact on Revenues:** The legislation would have no impact on revenues.

**Impact on Expenditures:** The legislation would have no impact on expenditures.

**Source of Funds to Cover Estimated Costs:** N/A

**Source of Information:** New York City Department of Buildings

**Estimate Prepared By:** Nathan Toth, Deputy Director
added shall not affect the validity of new tables, figures or equations in PDF or other electronic format to be added to the New York city construction codes or amended pursuant to this local law.

Section 3. Section 3 of local law number 41 for the year 2012 is amended to read as follows:

§3. This local law shall take effect [on the same date as the effective date of a local law amending the administrative code of the city of New York in relation to bringing the New York city building code up to date with the 2009 edition of the International Building Code published by the International Code Council] on October 1, 2014 except that this local law shall not apply to work related to applications for construction document approval filed prior to such effective date.

Section 4. Section 3 of local law number 79 for the year 2013 is amended to read as follows:

§3. 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] on October 1, 2014 except that this local law shall not apply to work related to applications for construction document approval filed prior to such effective date.

Section 5. Section 6 of local law number 108 for the year 2013 is amended to read as follows:

§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 Intro. 1056, takes effect] on October 1, 2014 except that this local law shall not apply to work related to applications for construction document approval filed prior to such effective date.

Section 6. Section 4 of local law number 110 for the year 2013 is amended to read as follows:

§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 introduction number 1056, takes effect] on October 1, 2014 except that this local law shall not apply to work related to applications for construction document approval filed prior to such effective date.

Section 7. Section 16 of local law number 100 for the year 2013 is amended to read as follows:

§16. 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 Intro. 1056, takes effect] on October 1, 2014 except that this local law shall not apply to work related to applications for construction document approval filed prior to such effective date.

Section 8. Section 6 of local law number 101 for the year 2013 is amended to read as follows:

§6. 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] on October 1, 2014 except that this local law shall not apply to work related to applications for construction document approval filed prior to such effective date.

Section 9. Section 4 of local law number 130 for the year 2013 is amended to read as follows:

§4. 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 Intro. 1056 takes effect] October 1, 2014 except that this local law shall not apply to work related to applications for construction document approval filed prior to such effective date.
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. 1102-A
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to improving hazardous materials storage pursuant to the New York city community right-to-know law.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on June 24, 2013 (Minutes, page 2109), respectfully recommends:

REPORTS:

Introduction and Procedural History

On December 19, 2013, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 1102-A.

On June 27, 2013, the Committee held a joint hearing with the Committees on Environmental Protection, Parks and Recreation, Transportation and Waterfronts on Proposed Int. No. 1102-A and twenty-two other legislative items as well as an oversight hearing titled, “Rebuilding after Sandy and Improving the Resiliency of the City’s Infrastructure.” The Committee received testimony from the New York City Special Initiative for Rebuilding and Resiliency (“SIRIC”), the Mayor’s Office of Long Term Planning and Sustainability, and interested members of the public at a joint hearing. For additional information regarding said hearing, please refer to the Committee’s June 27th Committee Report, available online at legislat.nycouncil.nyc.gov.

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.3 Forty-three New Yorkers lost their lives; many more were injured; and tens of thousands were temporarily or permanently displaced.3 In addition, Sandy caused roughly $19 billion in “infrastructure and property damage and economic loss” to the city.2

In November 2012, Mayor Bloomberg and Council Speaker Christine Quinn announced the formation of the Building Resiliency Task Force (“BRTF”). BRTF, overseen by the Urban Green Council, 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.”1 In June 2013, BRTF issued a report with 33 proposals for improving building resiliency in the city for both new and existing buildings.6 One of those BRTF proposals formed the basis for the bill now under consideration.

Flood-Prone Areas and Flood Construction Requirements

Generally, new or substantially improved buildings located in flood-prone areas within the city must comply with special flood construction requirements – for example, such buildings typically must have their lowest floors and utilities elevated above expected flood levels or be otherwise protected from floodwaters. The city’s flood-prone areas are delineated on “flood insurance rate maps” (“FIRMs”) that are issued by the Federal Emergency Management Agency ("FEMA”). The last substantial update to the city’s FIRMs was in 1983 – 30 years ago.6

FEMA is currently in the process of updating the city’s FIRMs.6 The agency released “preliminary work maps” in June 2013 and plans to release “preliminary FIRMs” sometime in the fall of 2013.7 After a period of public comment and an appeal period, the City will adopt “final” FIRMs, which would become the city’s flood map and the official basis for identifying flood-prone areas.12 The City and FEMA expect final FIRMs to take effect in early 2015.13

Safeguarding Hazardous Substances Stored in Flood Zones

The reality of climate change and sea-level rise is that the city is going to be increasingly vulnerable to coastal flooding and other extreme weather events. Facilities that store large quantities of hazardous substances are a growing area of concern. The accidental discharge of hazardous substances poses a serious risk to human life and wellbeing, and to the environment.

Currently, the NYC Department of Environmental Protection (“DEP” or “Department”) requires facilities that store hazardous substances to file a risk management plan, but it does not require special protection for substances stored in flood zones. Proposed Int. No. 1102-A would require that facilities that store hazardous substances notify the city if such substances are located in a special flood hazard area or a hurricane evacuation zone. Facilities will also be required to certify that the storage of such hazardous substances complies with DEP storage rules, and all other federal, state and local laws, rules and regulations.

Proposed Int. No. 1102-A

Bill section one amends paragraphs 6 and 7 of subdivision (a) of section 24-705 of the Administrative Code of the City of New York (Ad. Code) to require certain buildings subject to the New York City Right-to-Know Act to prepare a facilities certification related to the DEP hazardous substances management plan, but it does not require special protection for substances stored in flood zones. Proposed Int. No. 1102-A would require that facilities that store hazardous substances notify the city if such substances are located in a special flood hazard area or a hurricane evacuation zone. Facilities will also be required to certify that the storage of such hazardous substances complies with DEP storage rules, and all other federal, state and local laws, rules and regulations.

Bill section two amends section 24-713 of the Ad. Code by adding a new subdivision (d) which would require that any person who violates any rule promulgated by DEP related to the proper siting and storage of hazardous substances, be subject to a civil penalty, returnable to the Environmental Control Board, in an amount not to exceed $10,000. Furthermore, each notice of violation must contain an order of the Commissioner directing such person, within 30 days from the date of the order, to correct any condition constituting the violation and to file with the Department, a certification that the condition has been corrected. In any proceeding before the Environmental Control Board, no civil penalty shall be imposed for a violation pursuant to this subdivision if such person complies with the Commissioner’s order to correct and to certify correction of the violation within 30 days.

Bill section three amends section 24-716 of the Ad. Code to require that the Commissioner on or before January 1, 2015, in consultation with the emergency response agencies, promulgate rules for the proper siting and storage of hazardous substances, taking into consideration all safety issues, including, but not limited to, spillage, fire, flooding, hurricane evacuation zones, earthquake, power outages and high winds. Furthermore, such rules may regulate hazardous substances individually or in groups, and may require that additional or alternative precautions be taken in advance of an anticipated extreme weather event.

Bill section four amends subdivision (c) of section 24-718 of the Ad. Code to require buildings subject to the New York City Right-to-Know Act that are located in a special flood hazard area, to include in the risk management plan that they file with DEP, a plan that takes into account extreme weather events, including potential flooding that may occur due to the location of a facility within a special flood hazard area, as established by appendix G of the New York City Building Code, or within a New York City Office of Emergency Management coastal storm and hurricane evaluation zone.

Bill section five contains the enactment clause and provides that this local law shall take effect 90 days after its enactment, except that the Commissioner of Environmental Protection shall take such measures as are necessary for its implementation prior to its effective date.

Amendments to Int. No. 1102

Technical changes were made throughout the bill for the purposes of clarity and to revise organization of the text.

Bill section one was amended to require that facilities that store hazardous substances now notify the city if such substances are located in a special flood hazard area or a hurricane evacuation zone. This section was also amended to require that facilities certify that the storage of such hazardous substances complies with DEP storage rules, and all other federal, state and local laws, rules and regulations.

Bill section two was amended to require that any person who violates any rule promulgated by DEP related to the proper siting and storage of hazardous substances be subject to a penalty for violating such siting rules of not more than $10,000; however, if such violations are corrected within 30 days of a Notice of Violation no penalty will be issued.

Bill section three was added to require that the Commissioner of Environmental Protection, in consultation with the emergency response agencies, by January 1, 2015, promulgate rules related to the proper siting and storage of hazardous substances, taking into consideration all safety issues, including, fire, flood and storm surge. The Commissioner may also require that additional or alternative precautions be taken in advance of an anticipated extreme weather event.

Bill section four was added to require that buildings subject to the New York City Right-to-Know Act located in a special flood hazard area, include in the risk management plan that they file with DEP, a plan that takes into account extreme weather events, including potential flooding that may occur due to the location of a facility within a special flood hazard area, as established by appendix G of the New York City Building Code, or within a New York City Office of Emergency Management coastal storm and hurricane evaluation zone.

The provision that required extremely hazardous and regulated toxic substances to be located in areas that have been dry flood proofed in accordance with ASCE 24 or located on a story that is entirely above the design flood elevation was removed from the bill.
Update

On Thursday, December 19, 2013, the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

2 SIRR report, pg. 34.
4 BRTF report, pg. 4, available online at http://www.urbanenvironmentcouncil.org/BuildingsResiliency
5 ID.
6 See BC § G102.1 and G304.
7 SIRR report, pg. 34.
8 SIRR report, pg. 34; After Action Plan, pg. 1.
9 After Action Plan, pg. 1.
11 Id.
12 Id.

(The following is the text of the Fiscal Impact Statement for Int. No. 1102-A)

THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
JEFREY RODUS, FIRST DEPUTY DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1102-A

COMMITTEE: Housing and Buildings

SPONSOR(S): By Council Members Van Bramer, Chin, Ferreras, James, Koo, Lander, Mendez, Palma, Rose, Mark-Viverito and Ulrich.

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to improving hazardous materials storage pursuant to the New York city community right-to-know law.

SUMMARY OF LEGISLATION: Proposed Intro. 1102-A strengthens the New York City Community Right-to-Know Act in a number of ways. It requires that facilities that store hazardous substances now notify the City if such substances are located in a special flood hazard area or a hurricane evacuation zone. Facilities will also be required to certify that the storage of such hazardous materials complies with DEP storage rules, and all other federal, State and local laws, rules and regulations.

The Commissioner of Environmental Protection shall promulgate such storage rules, in consultation with the emergency response agencies, by January 1, 2015, taking into consideration all safety issues, including fire, flood and storm surge. The Commissioner may require additional or alternative precautions be taken in advance of an anticipated extreme weather event. The penalty for violating these siting rules is not more than ten thousand dollars, however, such violations are correctable with no penalty within 30 days of a Notice of Violation.

Facilities that store extremely hazardous materials and regulated toxic materials, as determined by the federal Environmental Protection Agency, shall consider flooding and other extreme weather events in their emergency response and risk assessment programs.

EFFECTIVE DATE: This local law would go into effect 90 days after enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

FISCAL IMPACT STATEMENT:

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

IMPACT ON EXPENDITURES: The legislation would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Deputy Director

ESTIMATED REVIEWED BY: Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on June 24, 2013 as Proposed Intro. 1102 and was referred to the Committees on Housing and Buildings, Environmental Protection, Parks, Transportation and Waterfronts. 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. 1102-A was be heard by the Committee on Housing and Buildings on December 19, 2013. Following a successful Committee vote, the Full Council will vote on Proposed Int. 1102-A on December 19, 2013.

Accordingly, this Committee recommends its adoption, as amended.

The following is the text of Int. No. 1102-A:

By Council Members Van Bramer, Chin, Ferreras, James, Koo, Lander, Mendez, Palma, Rose, Mark-Viverito, Gennaro, Koppell and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to improving hazardous materials storage pursuant to the New York city community right-to-know law.

Be it enacted by the Council as follows:

Section 1. Paragraphs 6 and 7 of subdivision a of section 24-705 of the administrative code of the city of New York, as added by local law number 26 for the year 1988, are amended to read as follows:

(6) an estimate, in ranges of the maximum amount and average daily amount, of
the number of days located at the facility, and the specific location of each hazardous substance present at the facility at any time during the preceding calendar year, and, for each such specific location, the applicable special flood hazard area zone, as established by section G102.2 of appendix G of the New York city building code, if any, and the applicable New York city office of emergency management coastal storm and hurricane evacuation zone, if any;

(7) a brief description of the manner of storage of each hazardous substance present at the facility, a certification that such storage is in compliance with department rules promulgated pursuant to this chapter and all other applicable federal, state, and local laws, rules, and regulations, and a description of how such storage takes into account potential flooding and other extreme weather events; and

§ 3. Section 24-713 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

(d) Any person who violates any rule promulgated pursuant to subdivision b of section 24-716 of this chapter shall be subject to a civil penalty, returnable before the environmental control board, in an amount not to exceed ten thousand dollars. Each notice of violation shall contain an order of the commissioner directing each person, within thirty days from the date of the order, to correct the condition constituting the violation and to file with the department electronically, or in such other manner as the department shall authorize, a certification that the condition has been corrected. In any proceeding before the board, no civil penalty shall be imposed for a violation pursuant to this subdivision if such person complies with the commissioner’s order to correct and to certify correction of the violation within thirty days.

§ 3. Section 24-716 of the administrative code of the city of New York, as added by local law number 26 for the year 1988, is amended to read as follows:

§24-716 Regulations. (a) The commissioner shall have the power to promulgate such rules and regulations as may be necessary to carry out the purposes of this chapter.

{COUNCIL MINUTES — STATED MEETING December 19, 2013 CC67

Revenues $0 $0 $0
Expenditures $0 $0 $0
Net $0 $0 $0
COUNCIL MINUTES — STATED MEETING

December 19, 2013

(b) On or before January first, two thousand fifteen, the commissioner shall, in consultation with the emergency response agencies, promulgate rules for the proper siting and storage of hazardous substances, taking into consideration all safety issues, including, but not limited to, spillage, fire, flooding, storm surge, earthquakes, power outages, and high winds. Such rules may regulate hazardous substances individually or in groups, and may require that additional or alternative precautions be taken in advance of an anticipated extreme weather event.

§ 4. Subdivision c of section 24-718 of the administrative code of the city of New York, as added by local law number 92 for the year 1993, is amended to read as follows:

(c) [On or before July first, nineteen hundred ninety-four, the] The commissioner, in consultation with the emergency response agencies, shall by rule establish the contents of a risk management plan, which shall be designed to prevent the accidental release and to minimize the consequences of any such release of any extremely hazardous or regulated toxic substance. Such plan shall take into account extreme weather events, including potential flooding that may occur due to the location of a facility within a special flood hazard area, as established by section G102.2 of appendix G of the New York city building code, or within a New York city office of emergency management coastal storm and hurricane evacuation zone. The plan shall include but need not be limited to: (1) a site plan; (2) a safety review of design for new and existing equipment and processes; (3) an emergency response program, including which shall consider flooding and other extreme weather events and shall include an emergency response plan, emergency response training, and emergency response exercises; (4) standard operating procedures; (5) a preventive maintenance program for equipment; (6) a training program for equipment operators, including duration and type of training, and retraining; (7) accident investigation procedures; and (8) a risk assessment program, including a hazard analysis, and a consideration of the use of alternate equipment and alternate substances, and the risk of an accidental release caused by an extreme weather event.

§ 5. This local law shall take effect ninety days after enactment, except that the commissioner of environmental protection shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ERIK MARTIN DILAN Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, JAMES F. GENNARO, ROBERT JACKSON, LETITIA JAMES, ROSSIE MENDEZ, ELIZABETH S. CROWLEY, JUSNAE D. WILLIAMS, ERIC A. ULRICH, Committee on Housing and Buildings, December 19, 2013.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was ordered 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. 961

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

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 14, 2013 (Minutes, page 4796), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1 C 140047 ZSK

City Planning Commission decision approving an application 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.

This grant of a special permit in conjunction with the other related actions would facilitate the construction of an approximately 647,851 square foot mixed-use development, including 720 units of housing (including 200 affordable units), 25,000 square feet of ground floor retail, community facility space and public open space along the Newtown Creek in Greenpoint, Community District 1, Brooklyn.

PUBLIC HEARING

DATE: December 5, 2013

Witnesses in Favor: Four

Witnesses Against: Eighteen

SUBCOMMITTEE RECOMMENDATION

DATE: December 19, 2013

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

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

Against: None

Abstain: None

COMMITTEE ACTION

DATE: December 19, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Gonzalez, Palma, Arroyo, Dickens, Garodnick, Lappin, Koo, Lander, Levin, Weprin, Williams, Ignizio

Against: Barron

Abstain: None

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

Res. No. 2097

Resolution approving the decision of the City Planning Commission on ULURP No. C 140047 ZSK (L.U. No. 961), for the grant of a special permit pursuant to Sections 62-836 of the Zoning Resolution of the City of New York 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, Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on November 8, 2013 its decision dated November 6, 2013 (the "Decision"), on the application 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 (ULURP No. C 140047 ZSK), Community District 1, Borough of Brooklyn (the "Application");

WHEREAS, the application is related to Applications N 140046 ZRK (L.U. No. 962), with the Department of City Planning as co-applicant, an amendment to the Zoning Resolution modifying Sections 11-13 and 63-351 to permit future adjacent parkland to continue to generate development rights on Parcel 4 within the Waterfront Access Plan BK 1 and N 140048 ZAK (L.U. No. 963), an Authorization by the City Planning Commission pursuant to Section 62-822(a) to modify the location, area, and dimension requirements of Section 62-50 for waterfront public access areas and visual corridors;

WHEREAS, the decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 62-836 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 5, 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 revised negative declaration (CEQR No. 14DCP010K), issued on November 6, 2013 (the "Revised Negative Declaration").

RESOLVED

Having considered the Decision and Application, the Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised Negative Declaration.

Pursuant to Sections 197-d and 200 of the Zoning Resolution of the City of New York and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 140047 ZSK, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The properties that are the subject of the related application (N 140047 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by Cetara/ARCH Architecture PLLC and MPFP LLP, filed with this application and incorporated in this resolution:

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2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application.

3. Such development shall conform to all applicable laws and regulations relating to its construction and maintenance.

4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

5. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached to the City Planning Commission Report C 140047 ZSK, with such administrative and technical changes as are acceptable to Counsel to the City Planning Commission, and subject to the approval of the New York City Corporation Counsel for the insurance provisions and the indemnification provisions, has been executed and recorded in the Office of the City Register, Kings County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the authorization hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said authorization. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the authorization.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

LIBBY G. COMBIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, RUBEN WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, December 19, 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. 962

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

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 14, 2013 (Minutes, page 4796), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1 N 140046 ZRK

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 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.

INTENT

This zoning text amendment in conjunction with the other related actions would facilitate the construction of an approximately 647,851 square foot mixed-use development, including 720 units of housing (including 200 affordable units), 25,000 square feet of ground floor retail, community facility space and public open space along the Newtown Creek in Greenpoint, Community District 1, Brooklyn.

PUBLIC HEARING

DATE: December 5, 2013

Witnesses in Favor: Four

Witnesses Against: Eighteen

SUBCOMMITTEE RECOMMENDATION

DATE: December 19, 2013

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

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

Against: None

Abstain: None

COMMITTEE ACTION

DATE: December 19, 2013
The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Gonzalez, Palma, Arroyo, Dickens, Garodnick, Lappin, Koo, Lander, Levin, Weprin, Williams, Ignizio

Against: Barron

Abstain: None

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

Res. No. 2098
Resolution approving the decision of the City Planning Commission on Application No. N 140046 ZRK, for an amendment of the Zoning Resolution of the City of New York, 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 Community District 1, Borough of Brooklyn (L.U. No. 962).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on November 8, 2013 its decision dated November 6, 2013 (the “Decision”), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, to facilitate the construction of an approximately 647,851 square foot mixed-use development with public waterfront esplanade along the Newtown Creek in Greenpoint at 77 Commercial Street, (Application No. N 140046 ZRK), Community District 1, Borough of Brooklyn (the “Application”);

WHEREAS, the application is related to Applications C 140047 ZSK (L.U. No. 961), a Special Permit by the City Planning Commission pursuant to Section 62-836 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) and N 140048 ZAK (L.U. No. 963), an Authorization by the City Planning Commission pursuant to Section 62-822(a) to modify the location, area, and dimension requirements of Section 62-50 for waterfront public access areas and visual corridors;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-4(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 5, 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 revised negative declaration/CEQR No. 14DCP010K, issued on November 6, 2013 (the “Revised Negative Declaration”);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 140046 ZRK, incorporated by reference herein, the Council approves the Decision.

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

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

Article 1
Chapter 1
Title, Establishment of Controls and Interpretation of Regulations

** * *
COUNCIL MINUTES — STATED MEETING
December 19, 2013
CC71

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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 14, 2013 (Minutes, page 4579), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

N 140048 ZAK

City Planning Commission decision approving an application 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).

INTENT

This authorization in conjunction with the other related actions would facilitate the construction of an approximately 647,851 square foot mixed-use development including 720 units of housing (including 200 affordable units), 25,000 square feet of ground floor retail, community facility space and public open space along the Newtown Creek in Greenpoint, Community District 1, Brooklyn.

PUBLIC HEARING

DATE: December 5, 2013

Witnesses in Favor: Four

Witnesses Against: Eighteen

SUBCOMMITTEE RECOMMENDATION

DATE: December 19, 2013

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

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

Against: None

Abstain: None

COMMITTEE ACTION

DATE: December 19, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie, Rivera, Reyna, Jackson, Vann, Gonzalez, Palma, Arroyo, Dickens, Garodnick, Lappin, Koo, Lander, Levin , Weprin, Williams, Ignizio

Against: Baron

Abstain: None

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

Res. No. 2099

Resolution approving the decision of the City Planning Commission 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), Borough of Brooklyn (Non-ULURP No. N 140048 ZAK; L.U. No. 963).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on November 8, 2013 its decision dated November 6, 2013 (the “Decision”), on the application 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), Community District 1, Borough of Brooklyn (Non-ULURP No. N 140048 ZAK) (the “Application”);

WHEREAS, the application is related to Applications C 140047 ZSK (L.U. No. 961), a Special Permit by the City Planning Commission pursuant to Section 62-836 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) and N 140046 ZRK, (L.U. No. 962), with the Department of City Planning as co-applicant, an amendment to the Zoning Resolution modifying Sections 11-13 and 62-351 to permit future adjacent parkland to continue to generate development rights on Parcel 4 within the Waterfront Access Plan BK-1;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 62-822(a) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 5, 2013;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 62-822(a)(1) of the Zoning Resolution of the City of New York;

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 revised negative declaration (CEQR No. 14D01010K), issued on November 6, 2013 (the “Revised Negative Declaration”).

RESOLVED:

Having considered the Decision and Application, the Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised Negative Declaration.

Pursuant to Section 62-822(a) of the Zoning Resolution of the City of New York and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 140048 ZAK, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The properties that are the subject of this application (N 140048 ZAK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by Cetra/CRI Architecture PLLC and MFPP PLLC, filed with this application and incorporated in this resolution:

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<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Last Date Revised</th>
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<tbody>
<tr>
<td>L-01</td>
<td>Survey</td>
<td>08/05/2013</td>
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<tr>
<td>L-02</td>
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<td>L-03</td>
<td>Zoning Calculations</td>
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<td>L-04</td>
<td>Zoning Calculations</td>
<td>08/05/2013</td>
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<tr>
<td>L-100</td>
<td>Open Space Key &amp; Dimension Plan</td>
<td>08/05/2013</td>
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<td>L-101</td>
<td>Enlargement Plans</td>
<td>08/05/2013</td>
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<td>L-102</td>
<td>Seating Plan</td>
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<td>L-200</td>
<td>Grading Plan</td>
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<td>L-300</td>
<td>Planting Plan</td>
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<tr>
<td>L-400</td>
<td>Material Plan</td>
<td>08/05/2013</td>
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<tr>
<td>L-604</td>
<td>Site Section through Upland Connection</td>
<td>08/05/2013</td>
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<tr>
<td>L-604A</td>
<td>Upland Connection Enlarged Section</td>
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</table>
L-700 Details 08/05/2013
L-701 Details 08/05/2013
L-702 Bench & Seating Details 08/05/2013
L-702A Bench & Seating Details 08/05/2013
L-703 Planning Details 08/05/2013
L-704 Trellis Plan & Details 08/05/2013
L-705 Guardrail Details 08/05/2013
L-800 Lighting Plan 08/05/2013
L-801 Lighting Photometric Plan 08/05/2013
L-900 Signage Plan & Details 08/05/2013

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application.

3. Such development shall conform to all applicable laws and regulations relating to its construction and maintenance.

4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached to the City Planning Commission Report C 140047 ZSK, with such administrative changes as are acceptable to Counsel to the City Planning Commission, has been executed and recorded in the Office of the Register, Kings County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the authorization hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said authorization. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the authorization.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city’s or such employee’s or agent’s failure to act in accordance with the provisions of this authorization.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, ROBERT JACKSON, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, RUBEN WILLIS, VINCENT M. IGNIZIO; Committee on Land Use, December 19, 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. 987

Report of the Committee on Land Use in favor of approving Application no. 20145201 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Madison Global LLC, d/b/a Nello’s, for a revocable consent to continue to maintain and operate a small unenclosed sidewalk café located at 696 Madison Avenue.

Subject

MANHATTAN CB - 8 20145201 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Madison Global LLC, d/b/a Nello’s, for a revocable consent to continue to maintain and operate a small unenclosed sidewalk café located at 696 Madison Avenue.

INTENT

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

PUBLIC HEARING

DATE: December 5, 2013

Witnesses in Favor: Three
Witnesses Against: None

SURCOMMITTEE RECOMMENDATION

DATE: December 17, 2013

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

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

COMMITTEE ACTION

DATE: December 18, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Rivera, Reyna, Barron, Jackson, Vann, Arroyo, Dickens, Garodnick, Lappin, Menendez, Koo, Levin, Weprin, Williams, Ignizio
Against: None
Abstain: None

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

Res. No. 2100

Resolution approving the petition for a revocable consent for a small unenclosed sidewalk café located at 696 Madison Avenue, Borough of Manhattan (20145201 TCM; L.U. No. 987).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on November 12, 2013 its approval dated November 8, 2013 of the petition of Madison Global LLC, d/b/a Nello’s, for a revocable consent to continue to maintain and operate a small unenclosed sidewalk café located at 696 Madison Avenue, Community District 8, Borough of Manhattan (the “Petition”), pursuant to Section 20-226 of the New York City Administrative Code (the “Administrative Code”);

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on December 5, 2013; and

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

RESOLVED:
Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.
Resolution approving the decision of the City Planning Commission on ULURP No. C 130040 MMK, an amendment to the City Map (L.U. No. 989).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on November 22, 2013 its decision dated November 20, 2013 (the "Decision"), on the application submitted by Long Island University, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map involving:

- the narrowing by elimination, discontinuance and closing of Willoughby Street between Fleet Place and Ashland Place;
- the narrowing by elimination, discontinuance and closing of Ashland Place between Willoughby Street and DeKalb Avenue;
- the elimination of Public Place between Willoughby Street, Fleet Street, and Fleet Place; the delineation of public access easements in Willoughby Street and Ashland Place; the adjustment of grades necessitated thereby; including authorization for any acquisition or disposition of real property related thereto, in the Borough of Brooklyn, Community District 2, in accordance with Map 2737 and X 2738 dated June 26, 2013, signed by the Borough President.

Res. No. 2101

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

Res. No. 2101

Resolution approving the decision of the City Planning Commission on ULURP No. C 130040 MMK, an amendment to the City Map (L.U. No. 989).

Whereas, the City Planning Commission filed with the Council on November 22, 2013 its decision dated November 20, 2013 (the "Decision"), on the application submitted by Long Island University, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map involving:

- the narrowing by elimination, discontinuance and closing of Willoughby Street between Fleet Place and Ashland Place;
- the narrowing by elimination, discontinuance and closing of Ashland Place between Willoughby Street and DeKalb Avenue;
- the elimination of Public Place between Willoughby Street, Fleet Street, and Fleet Place;
- the delineation of public access easements in Willoughby Street and Ashland Place;
- the adjustment of grades necessitated thereby; including authorization for any acquisition or disposition of real property related thereto, in the Borough of Brooklyn, Community District 2, in accordance with Map 2737 and X 2738 dated June 26, 2013, signed by the Borough President.

Whereas, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

Whereas, upon due notice, the Council held a public hearing on the Decision and Application on December 5, 2013;

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

Whereas, the Council has considered the relevant environmental issues including the conditional negative declaration (CEQR No. 13DCP018K) issued November 20, 2013 (the "Conditional Negative Declaration");

Resolved:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Conditional Negative Declaration, subject to the following condition:

The applicant, LIU agrees via the mapping agreement to submit a Remedial Action Plan (RAP) and associated Construction Health and Safety Plan (CHASP) to DEP for review and approval prior to construction, for implementation during construction.

Pursuant to Sections 197-d and 199 of the City Charter and Section 5-430 et seq. of the New York City Administrative Code, and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 130040 MMK, incorporated by reference herein, the Council approves the Decision for an amendment to the City Map as set forth in Map Nos. X 2737 and X 2738 dated June 26, 2013, including the authorization for any acquisition or disposition of real property related thereto, being more particularly described as follows:

Discontinuing and closing a portion of Willoughby Street between Fleet Street and Ashland Place.
DISCONTINUING AND CLOSING A PORTION OF ASHLAND PLACE BETWEEN WILLOUGHBY STREET AND DEKALB AVENUE

Starting at a Point of Beginning located at the intersection of the northerly street line of DeKalb Avenue and the former westerly street line of Ashland Place, as those streets were hereinbefore laid out on the City Map;

1) Running thence easterly, along the newly established northerly street line of DeKalb Avenue, 14.18 feet to its intersection with the newly established westerly street line of Ashland Place;

2) Running thence northerly, along the newly established westerly street line of Ashland Place, said course forming a deflection angle to the left with the last mentioned course of 99 degrees 04 minutes 06 seconds, 20.25 feet to its intersection with the newly established southerly street line of Willoughby Street;

3) Running thence westerly, along the newly established southerly street line of Willoughby Street, said course forming a deflection angle to the left with the last mentioned course of 80 degrees 55 minutes 54 seconds, 669.99 feet to the newly established easterly street line of Fleet Street; and

4) Running thence southerly, along the newly established easterly street line of Fleet Street, said course forming a deflection angle to the left with the last mentioned course of 99 degrees 04 minutes 06 seconds, 22.88 feet to its intersection with the former southerly street line of Willoughby Street, discontinued and closed, the point or place of beginning.

The area described above consists of 13,542.88 square feet, more or less.

DISCONTINUING AND CLOSING PUBLIC PLACE BETWEEN WILLOUGHBY STREET, FLEET PLACE AND FLEET STREET

Starting at a Point of Beginning located at the intersection of the former southerly street line of Willoughby Street and the former westerly street line of Fleet Street, as those streets were hereinbefore laid out on the City Map;

1) Running thence westerly, along said former southerly street line of Willoughby Street, discontinued and closed, 684.30 feet to its intersection with the newly established westerly street line of Ashland Place;

2) Running thence northerly, along said newly established westerly street line of Ashland Place, said course forming a deflection angle to the left with the last mentioned course of 99 degrees 04 minutes 06 seconds, 20.25 feet to its intersection with the newly established southerly street line of Willoughby Street;

3) Running thence westerly, along said newly established southerly street line of Willoughby Street, said course forming a deflection angle to the left with the last mentioned course of 80 degrees 55 minutes 54 seconds, 669.99 feet to the newly established easterly street line of Fleet Street; and

4) Running thence southerly, along said newly established easterly street line of Fleet Street, said course forming a deflection angle to the left with the last mentioned course of 99 degrees 04 minutes 06 seconds, 22.88 feet to its intersection with the newly established southerly street line of Willoughby Street, discontinued and closed, the point or place of beginning.

The area described above consists of 9,518.78 square feet, more or less.

DISCONTINUING AND CLOSING PUBLIC PLACE BETWEEN WILLOUGHBY STREET, FLEET PLACE AND FLEET STREET

Starting at a Point of Beginning located at the intersection of the former southerly street line of Willoughby Street and the former westerly street line of Fleet Street, as those streets were hereinbefore laid out on the City Map;

1) Running thence westerly, along said former southerly street line of Willoughby Street, discontinued and closed, 15.33 feet to its intersection with the former easterly street line of Fleet Place;

2) Running thence southerly, along said former easterly street line of Fleet Place, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 55 minutes 54 seconds, 14.18 feet to its intersection with the newly established southerly street line of DeKalb Avenue; and

3) Running thence northeasterly, along said former northeasterly street line of Fleet Street, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 150 degrees 14 minutes 27 seconds, 30.89 feet to its intersection with the former southerly street line of Willoughby Street, the point or place of beginning.

The area described above consists of 207.00 square feet, more or less.

All such approvals being subject to the following conditions:

a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map Nos. X-2727 and X-2738 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;

b. The subject street to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law;

c. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition “a” above until the applicant shall have executed a mapping agreement protecting the city’s interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the “Mapping Agreement”). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission; and

d. The Mapping Agreement shall contain provisions governing, in connection with development of the former street, the testing for and remediation of hazardous materials in accordance with DEP requirements, as such environmental requirements are specified in the Conditional Negative Declaration dated November 20, 2013. The applicant or its successor shall submit proof of recording of the restrictive declaration to counsel for the Department of City Planning and DEP.

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. 994

Report of the Committee on Land Use in favor of approving Application No. C-140663 ZSK submitted by Coney Island Holdings LLC and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 131-60 of the Zoning Resolution to allow an open-air auditorium with a maximum of 5,099 seats for a term no greater than ten (10) years, on property located at 3052-3078 West 21st Street (Block 7071, Lots 27, 28, 30, 32, 34, 36, 79, 81, 130, 226, 231, and p/o Lot 142, in the Borough of Brooklyn, Community District 13, Council District 47. 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.

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:

For text of updated report, please see the Report of the Committee on Land Use for LU No. 994 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 995
Report of the Committee on Land Use in favor of approving Application No. N 140064 ZRK submitted by Coney Island Holdings LLC and New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Section 113-60 (Special Coney Island District), 131-60 (Special Permit for Auditoriums), Appendix A (Coney Island District Plan) relating to the development of auditorium use, in the Borough of Brooklyn, Community District 13, Council District 47.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on December 10, 2013 (Minutes, page 5251), respectfully

REPORTS:
(For text of updated report, please see the Report of the Committee on Land Use for LU No. 995 printed in the General Order Calendar section of these Minutes)
Accordingly, this Committee recommends its adoption.

JOEL RIVERA, Acting Chairperson; DIANA REYNA, ROBERT JACKSON, ALBERT VANN, MARÍA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO; Committee on Land Use, December 18, 2013.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 996
Report of the Committee on Land Use in favor of approving Application No. C 140065 ZMK submitted by Coney Island Holdings, LLC and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 28d, establishing a Special Coney Island District (CI) bounded by a line perpendicular to the easterly street line of West 23rd Street distant 245 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of West 23rd Street and northerly boundary line of Riegelmann Boardwalk, a line 110 feet easterly of West 23rd Street, a line 156 feet northerly of former Highland View Avenue and its easterly prolongation, the easterly street line of former West 22nd Street, the northerly boundary line of Riegelmann Boardwalk, and West 23rd Street, in the Borough of Brooklyn, Community District 13, Council District 47.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on December 10, 2013 (Minutes, page 5251), respectfully

REPORTS:
(For text of updated report, please see the Report of the Committee on Land Use for LU No. 996 printed in the General Order Calendar section of these Minutes)
Accordingly, this Committee recommends its adoption.

JOEL RIVERA, Acting Chairperson; DIANA REYNA, ROBERT JACKSON, ALBERT VANN, MARÍA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO; Committee on Land Use, December 18, 2013.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 997
Report of the Committee on Land Use in favor of approving Application No. C 140066 PPK submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for disposition, by lease agreement, to the New York City Land Development Corporation (NYCLDC) of city-owned property located on Block 7971, Lots 27, 28, 30, 32, 34, 76, 130, 142 and 226, restricted to the conditions pursuant to NYC Zoning Resolution (ZR) Section 131-60 (Special Permit for Auditoriums), in the Borough of Brooklyn, Community District 13, Council District 47.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on December 10, 2013 (Minutes, page 5252), respectfully

REPORTS:
(For text of updated report, please see the Report of the Committee on Land Use for LU No. 997 printed in the General Order Calendar section of these Minutes)
Accordingly, this Committee recommends its adoption.

JOEL RIVERA, Acting Chairperson; DIANA REYNA, ROBERT JACKSON, ALBERT VANN, MARÍA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO; Committee on Land Use, December 18, 2013.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 998
Report of the Committee on Land Use in favor of approving Application No. C 140067 PPK submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property generally bounded by West 21st Street, West 22nd Street and the Riegelmann Boardwalk (Block 7971, Lots 27, 28, 30, 32, 34, 76, 130, 226, and 231), in the Borough of Brooklyn, Community District 13, Council District 47.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on December 10, 2013 (Minutes, page 5252), respectfully

REPORTS:
(For text of updated report, please see the Report of the Committee on Land Use for LU No. 998 printed in the General Order Calendar section of these Minutes)
Accordingly, this Committee recommends its adoption.

JOEL RIVERA, Acting Chairperson; DIANA REYNA, ROBERT JACKSON, ALBERT VANN, MARÍA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO; Committee on Land Use, December 18, 2013.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 999
Report of the Committee on Land Use in favor of approving Application No. M 091017(B) MMK submitted by the New York City Economic Development for a modification of the resolution adopted by the City Planning Commission on June 17, 2009 (Calendar No. 14) approving an application (C 090107 MMK) for an amendment to the City Map involving, inter alia, the elimination of streets within an area bounded by West 22nd Street,

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on December 10, 2013 (Minutes, page 5252), respectfully

REPORTS:

(For text of updated report, please see the Report of the Committee on Land Use for LU No. 999 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption.

JOEL RIVERA, Acting Chairperson. DIANA REYNA, ROBERT JACKSON, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO; Committee on Land Use, December 18, 2013.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197(d) of the New York City Charter.

Report for LU No. 1000

Report of the Committee on Land Use in favor of approving Application No. 20145224 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of a new exemption from real property taxation, the termination of the existing tax exemption and voluntary dissolution of the current owner for the property located on Block 247, Lot 1, in the Borough of the Manhattan, Community Board 3, Council District 1. 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 December 10, 2013 (Minutes, page 5253), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 3 20145224 HAM

Application submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of a new exemption from real property taxation, the termination of the existing tax exemption and voluntary dissolution of the current owner for the property located on Block 247, Lot 1, in the Borough of the Manhattan, Community Board 3, Council District 1. This matter is subject to Council review and action at the request of HPD and pursuant to Sections 123(4), 125 and 577 of the Private Housing Finance Law.

INTENT

To approve a partial tax exemption pursuant to Section 577 of the Private Housing Finance Law for two multiple-dwellings, known as Lands End II aka Cherry Street, which provide rental housing for low-income families.

PUBLIC HEARING

DATE: December 16, 2013

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: December 16, 2013

The Subcommittee recommends that the Land Use Committee approve the requests made by HPD.

In Favor: Levin, Dickens, Koo

Against: None

Abstain: None

COMMITTEE ACTION

DATE: December 18, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Rivera, Reyna, Barron, Jackson, Vann, Arroyo, Garodnick, Lappin, Mendez, Koo, Levin, Weprin, Williams, Ignizio

Against: None

Abstain: None

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

Res. No. 2102

Resolution to approve a real property partial tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), terminate a prior exemption under PHFL Section 125 and consent to the voluntary dissolution of the prior owner under PHFL 123(4) for the Exemption Area located on Block 247, Lot 1, in Community District 3, Borough of Manhattan (L.U. No. 1000; 20145224 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on December 2, 2013 its requests dated November 27, 2013 (the “Project”) that the Council take the following actions regarding the real property located on Block 247, Lot 1, Community District 3, Borough of Manhattan (the “Exemption Area”):

Approve a partial 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; 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 December 16, 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 tax exemption of the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

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

(1) “Company” shall mean 265-275 Cherry St. (NY) Owner LP.

(2) “Current Owner” shall mean Two Bridges Associates Limited Partnership.

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

(4) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, known as Block 247, Lot 1 on the Tax Map of the City of New York.

(1) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the HPD Regulatory Agreement, (iii) the date upon which the Exemption Area ceases to be owned by either a housing
The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.

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

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

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

4. If (i) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur within one day following the termination of the Prior Exemption, or (ii) the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

JOEL RIVERA, Acting Chairperson; DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL E. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, December 18, 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. 1001
Report of the Committee on Land Use in favor of approving Application No. 20145225 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) for approval of a tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL) for the property located on Block 1749, Lots 60 and 66; Block 1750, Lots 65 and 104; Block 1751, Lots 14, 57, 63 and 156; Block 1752, Lots 10 and 70; Block 1755, Lot 22; and Block 1756, Lot 8, in the Borough of the Manhattan, Community Board 11, Council District 9. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on December 10, 2013 (Minutes, page 5253), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11 20145225 HAM
The Council approves the Tax Exemption for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
   (a) “Company” shall mean Finite Homes LLC.
   (b) “Effective Date” shall mean July 1, 2017.
   (c) “Exemption” shall mean the exemption from real property taxation provided hereunder.
   (d) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1749, Lots 60 and 66; Block 1750, Lots 65 and 104; Block 1751, Lots 14, 57, 63 and 156; Block 1752, Lots 10 and 70; Block 1755, Lot 22; and Block 1756, Lot 8 on the Tax Map of the City of New York.
   (e) “Expiration Date” shall mean the earlier to occur of (i) June 7, 2046, or (ii) 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.
   (f) “HDFC” shall mean Finite Homes Housing Development Fund Company, Inc. or any future owner of the Exemption Area that is a housing development fund company.
   (g) “HPD” shall mean the City of New York Department of Housing Preservation and Development.
   (h) “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
   (i) “Owner” shall mean, collectively, the HDFC and the Company.
   (j) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner dated October 9, 2013 establishing certain controls on the Exemption Area during the term of the Exemption.

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

3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments as follows:
   (a) For tax year 2017/2018, the real property tax payment shall be $119,947; and
   (b) Commencing in tax year 2018/2019 and continuing until the Expiration Date, the annual real property tax payment shall be equal to 1.03 times the real property tax payment due in the prior tax year.

Such payments shall not be reduced or offset by reason of any J-51 Benefits. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.

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

5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation, other than the J-51 Benefits, which may be authorized under any existing or future local, state or federal law, rule or regulation.

JOEL RIVERA, Acting Chairperson; DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO; Committee on Land Use, December 18, 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 Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on December 10, 2013 (Minutes, page 5254), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2 20145155 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Cherry Lane, Inc. d/b/a The Randolph at Broome, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 349 Broome Street.

INTENT

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

PUBLIC HEARING

DATE: December 17, 2013

Witnesses in Favor: One  Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: December 17, 2013

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

Comment:
On December 18, 2013, the Committee on Parks and Recreation will hold a hearing to consider a bill co-naming seven (7) thoroughfares and public places. The Council acts upon the authority granted in subdivision (b) of section 25-102.1 of the New York City Administrative Code which states

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

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

Section 1. Hermena Rowe Street
Introduced by Council Member Dickens
Hermena Rowe (1929 – 2005), was a resident of Harlem for 62 years. She was born December 29, 1929 in Bamberg, South Carolina and moved to New York City at the age of 14 and began attending public schools, where she graduated from Washington Irving High School. In 1946, she married the late Clarence Rowe and had a family of nine children. As a concerned parent, Ms. Rowe became engaged as a community activist in order to bring about much needed improvements in conditions in her children’s schools. In the late 1950’s and early 1960’s Ms. Rowe served as Secretary of the PS 144 Parent–Teacher Association (PTA) and became an active member of the Wadleigh Junior High School PTA where she was integral in planning and implementing innovative programs, as well as in selecting qualified educators and administrators. Through her work as a community activist, Ms. Rowe collaborated withørine Rice, Aaron Flavor, Brian Waller, Noreen Clark and Percy Sutton and helped to bring about positive changes to the social and political climate of the community. Ms. Rowe also worked for a time at the Center for Employment Advocacy and the City University Scholarship Program, where she was instrumental in awarding scholarships to many deserving minority college students. Ms. Rowe also served as a member of several Harlem Community organizations, including Harlem Youth Opportunities Unlimited (HARYOU-ACT), Neighborhood Board #4, Planning Board #10, The Board of Family Planning and Addicts Rehabilitation Center (ARC). Ms. Rowe was also a devoted and active member of Christian Parish for Spiritual Renewal since 1955.

Section 2. Captain Dennis Morales Way
Introduced by Council Member Gonzalez
Captain Dennis Morales joined the New York City Police Department in January 1992, where he began his career on patrol in the 73rd Precinct. He was promoted to Sergeant in 1997, Lieutenant in August 2000 and Captain in March 2004. His career spanned 18 years during which time, he graduated from St. Joseph’s College, made 93 arrests, was recognized six times for Excellence in Police Duty and two times for Meritorious Police Duty. As part of the Emergency Service Unit, he participated in rescue and recovery efforts following the 9/11 terrorist attacks. He retired on July 30, 2010 and died on July 2012 at the age of 59 from illnesses contracted from rescue and recovery work performed at the World Trade Center site.

Section 3. Subhi Widdi Way
Introduced by Council Member Gonzalez
Subhi Widdi was born in Jerusalem on January 5, 1933. Though he dropped out of school due to poverty, he began working in construction at age 16. Through his construction work, he learned the skills necessary to becoming an architect. He then started his own company and built many buildings in Jerusalem and nearby towns. He immigrated to the United States in 1960 where he went into the food business, eventually establishing Widdi Catering Hall in Sunset Park. He provided use of the hall, free of charge, to non-profit organizations such as local churches, synagogues, mosques and schools and oftentimes forgave the debts of those who could not afford to pay the entire price for events at the Hall. Subhi Widdi earned a reputation in his community for being extremely charitable and helpful to anyone who was in need. He helped fund the construction of the Saint Nicholas Home for the Aged, where he sat as a board member and also founded the New York Chapter of The Red Crescent and was one of the founders of the Arab American Association of New York. He received numerous accolades throughout his life, including the “Merchant of the Year” award from White Rose Food, and being honored numerous times by the 73rd Precinct Community Council for his contributions to the community and being honored by the Tri State Arab American Association of Architects and Engineers in 2010.

Section 4. Alexey Murzhenko Plaza
Introduced by Council Member Jackson
Alexey Murzhenko was a human rights defender who became involved in the struggle for human rights and democratic change in the former Soviet Union. At age 20, he was sentenced to six years in jail for founding and leading a student group that advocated for civil liberties. He was also one of two Christians in a 16 member refusenik dissident group who were activists for the right to emigrate from the Soviet Union. In 1979, he and other members of this group were incarcerated when they attempted to commandeer a plane with the hope of flying to Sweden and subsequently emigrating to Israel to escape Soviet persecution to call attention to the injurious suffering of Soviet Jews and others who were denied the freedom to emigrate from the Soviet Union. He was released in 1984, however after his release, police charged him with parole violations and again imprisoned him. He helped established the Day of Political Prisoners which was marked on October 30th throughout the Soviet Gulag by hunger strike against violations of the human rights of political prisoners. In 1991, the Russian parliament officially recognized it as a Day of Remembrance of Victims of Political Repression. On September 30, 1982, the United States House of Representatives unanimously passed a resolution calling for the release of Alexey Murzhenko and Yuri Fiodorov (another member of the refusenik group) from prison. In 1988, he left the Soviet Union and settled in New York City where his home became a center for the Russian speaking community and a gathering place for veterans of the human rights struggle in former Soviet Union.

Section 5. Pat Jones Way
Introduced by Council Member Jackson
Pat Jones joined Community Board 9 in 2001 and served as chair for two terms from 2008 to 2010. She co-authored the Community Benefits Agreement, a legal document outlining $76 million in funding and benefits for the neighborhood from Columbia University, and chaired the board committee whose work led to the plan. She advocated for an alternative to the University’s plan, which included more affordable housing, landmark preservation, and increased accessibility to University facilities. She was recognized on the board of the West Harlem Development Corporation. After serving as CB9 chair, she served as co-chair of the board’s land use and zoning committee. Throughout her tenure as board and committee chair, she had an instrumental role in several local rezoning efforts, including the Manhattanville and West Harlem rezonings.

Section 6. Ariel Russo Place (4 Years Old)
Introduced by Council Member Mark-Viverito
Ariel Russo was 4 years-old when she was killed on a sidewalk in June 2013 when an unlicensed teen driver in an SUV jumped the curb while fleeing from the police and struck her. Records indicated that there was a four-minute delay between the time EMS received the 9-1-1 call and the time an ambulance was dispatched. In response to her death, the City Council passed the Ariel Russo Emergency 9-1-1 Response Time Reporting Act, which requires the Fire Department to report complete response times starting from the moment a 911 call is taken, rather than when a vehicle is dispatched in order to help best determine how to best deploy limited resources and facilitate swift emergency response.

Section 7. John E. Nikas Way
Introduced by Council Member Nelson
John Nikas worked for New York State for a number of years. He was very involved with the Three Hierarchs Greek Orthodox Church where he helped set up a youth program under the auspices of HANAC, a Hellenic Greek organization which oversees its operations. He helped found the 61st Precinct Youth Council, which helped to bring troubled youth into programs working with the NYPD. The Youth Council flourished and eventually became self-sustaining operation under the name Youth Dares which helped young kids. He later represented the 61st Precinct in new program called The Citizens’ Police Academy. He was a graduate of the programs first class. He was a member of the Board of Directors of Community Hospital no known as New York Community Hospital. He was also the chairperson of Planning Board No. 15 for many years.

Accordingly, this Committee recommends its adoption.

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

MELISSA MARK-VIVERITO, Chairperson. JAMES VACCA, ELIZABETH S. CROWLEY, DANIEL DROMM, JAMES G. VAN BRAMER; Committee on Parks and Recreation, December 18, 2013.

Re-referred to the Committee on Parks and Recreation.

At this point the Speaker (Council Member Quinn) announced that the following items had been preconsidered by the Committee on Parks and Recreation and had been favorably reported for adoption.
Report of the Committee on Parks and Recreation in favor of approving and adopting a Local Law in relation to the naming of six thoroughfares and public places, Hermena Rowe Street, Borough of Manhattan, Captain Dennis Morales Way, Borough of Brooklyn, Subhi Widdi Way, Borough of Brooklyn, Pat Jones Way, Borough of Manhattan, Ariel Russo Place (4 Years Old), Borough of Manhattan and John E. Nikas Way, Borough of Brooklyn.

The Committee on Parks and Recreation, to which the annexed proposed local law was referred on December 19, 2013, respectfully

REPORTS:

Comment:

On December 19, 2013, the Committee on Parks and Recreation held a hearing to consider a bill co-naming six (6) thoroughfares and public places. At this hearing the Committee voted 6 in favor, 0 opposed and 0 abstentions on the bill. The Council acts upon the authority granted in subdivision (b) of section 25-102.1 of the New York City Administrative Code which states:

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

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

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Section 2. Captain Dennis Morales Way
Introduced by Council Member Gonzalez
Captain Dennis Morales joined the New York City Police Department in January 1992, where he began his career on patrol in the 7th Precinct. He was promoted to Sergeant in 1997, Lieutenant in August 2000 and Captain in March 2004. His career spanned 18 years during which time, he graduated from St. Joseph’s College, made 93 arrests, was recognized six times for Excellent Police Duty and two times for Meritorious Police Duty. As part of the Emergency Service Unit, he participated in rescue and recovery efforts following the 9/11 terrorist attacks. He retired on July 30, 2010 and died on July 12 at the age of 50 from illnesses contracted from rescue and recovery work performed at the World Trade Center site.

Section 3. Subhi Widdi Way
Introduced by Council Member Gonzalez
Subhi Widdi was born in Jerusalem on January 5, 1933. Though he dropped out of school due to poverty, he began working in construction at age 16. Through his construction work, he learned the skills necessary to becoming an architect. He then started his own company and built many buildings in Jerusalem and nearby towns. He immigrated to the United States in 1960 where he went into the food business, eventually establishing Widdi Catering Hall in Sunset Park. He provided use of the hall, free of charge, to non-profit organizations such as local churches, synagogues, mosques and schools and oftimes forgave the debts of those who could not afford to pay the entire cost for events at the Hall. Subhi Widdi earned a reputation in his community for being extremely charitable and helpful to anyone who was in need. He helped fund the construction of the Saint Nicholas Home for the Aged, where he sat as a board member and also founded the New York Chapter of The Red Crescent and was one of the founders of the Arab American Association of New York. He received numerous accolades throughout his life, including the “Merchant of the Year” award from White Rose Food, and being honored numerous times by the 77th Precinct Community Council for his contributions to the community and being honored by the Tri State Arab American Association of Architects and Engineers in 2010.

Section 4. Pat Jones Way
Introduced by Council Member Jackson
Pat Jones joined Community Board 9 in 2001 and served as chair for two terms from 2008 to 2010. She co-authored the Community Benefits Agreement, a legal document outlining $76 million in funding and benefits for the neighborhood from Columbia University, and chaired the board committee whose work led to the plan. She advocated for an alternative to the University’s plan, which included more affordable housing, landmark preservation, and increased accessibility to University facilities. She also served on the board of the West Harlem Development Corporation. After serving as CB9 chair, she served as co-chair of the board’s land use and zoning committee. Throughout her tenure as board and committee chair, she had an instrumental role in several local rezoning efforts, including the Manhattanville and West Harlem rezonings.

Section 5. Ariel Russo Place (4 Years Old)
Introduced by Council Member Mark-Viverito
Ariel Russo was 4 years-old when she was killed on a sidewalk in June 2013 when an unlicensed teen driver in an SUV jumped the curb while fleeing from the police and struck her. Records indicated that there was a four-minute delay between the EMS call and 9-1-1 call and an ambulance was dispatched. In response to her death, the City Council passed the Ariel Russo Emergency 9-1-1 Response Time Reporting Act, which requires the Fire Department to count and report complete response times starting from the moment a 911 call is taken, rather than when a vehicle is dispatched in order to help best determine how to best deploy limited resources and facilitate swift emergency response.

Section 6. John E. Nikas Way
Introduced by Council Member Nelson
John Nikas worked for New York State for a number of years. He was very involved with the Three Hierarchs Greek Orthodox Church where he helped set up a youth program under the auspices of HANAC, a Hellenic Greek organization which oversaw its operations. He helped found the 61st Precinct Youth Council, which helped to bring troubled youth into programs working with the NYPD. The Youth Council flourished and eventually became self-sustaining under the name Youth Dares which helped young kids. He later represented the 61st Precincts new program called The Citizens’ Police Academy. He was a graduate of the programs first class. He was a member of the Board of Directors of Community Hospital no known as New York Community Hospital. He was also the chairperson of Planning Board No. 15 for many years.

(The following is the text of the Fiscal Impact Statement for Int. No. 1217:)

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

PRE-CONSIDERED INTRO. NO.: COMMITTEE: Parks

TITLE: A Local Law in relation to the naming of six thoroughfares and public places.

SPONSOR(S): By Council Members Dickens, Gonzalez, Jackson, Mark-Viverito and Nelson

In relation to the naming of six thoroughfares and public places, Hermena Rowe Street, Borough of Manhattan, Captain Dennis Morales Way, Borough of Brooklyn, Subhi Widdi Way, Borough of Brooklyn, Pat Jones Way, Borough of Manhattan, Ariel Russo Place (4 Years Old), Borough of Manhattan and John E. Nikas Way, Borough of Brooklyn.

SUMMARY OF LEGISLATION: The proposed law would add, through the posting of additional signs, the following names:
The Committee on Public Safety, to which the annexed amended proposed local law was referred on May 15, 2012 (Minutes, page 1584), respectfully recommends the adoption of 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 in the City that are greater than one acre in size. On November 22, 2013, the Committee on Public Safety held a hearing to consider Introduction No. 859. At that time the Committee heard testimony from union representatives and advocacy groups in support of the legislation.

Accordingly, this Committee recommends its adoption.

(FOR text of the preconsidered bill, please see the Introduction and Reading of Bills section printed in these Minutes)

MELISSA MARK-VIVERITO, Chairperson; VINCENT J. GENTILE, JAMES VACCA, ELIZABETH S. CROWLEY, JULISSA FERRERAS, DANIEL DROMM, JAMES G. VAN BRAMER; Committee on Parks and Recreation, December 19, 2013.

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 1217)

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 Act and by section thirty-seven of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law, entitled:

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the naming of six thoroughfares and public places, Hermena Rowe Street, Borough of Manhattan, Captain Dennis Morales Way, Borough of Brooklyn, Subhi Widdi Way, Borough of Manhattan, Ariel Russo Place (4 Years Old), Borough of Manhattan and John E. Nikas Way, Borough of Brooklyn.

Given under my hand and seal this 19th day of December, 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 of the Committee on Public Safety

Report for Int. No. 859-A

Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring 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.

The Committee on Public Safety, to which the annexed amended proposed local law was referred on May 15, 2012 (Minutes, page 1584), respectfully

REPORTS:

I. INTRODUCTION

On December 16, 2013, the Committee on Public Safety, chaired by Council Member Peter F. Vallone, Jr. will hold a hearing to vote on Proposed Int. No. 859-A, which would 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. On November 22, 2013, the Committee on Public Safety held a hearing to consider Introduction No. 859. At that time the Committee heard testimony from union representatives and advocacy groups in support of the legislation.
II. BACKGROUND

The New York City Police Department’s (“NYPD”) computerized crime-tracking system, COMSTAT, is used to analyze crime patterns by precinct. This by itself, however, is an imperfect method for tracking crimes in parks due to the fact that many of the city-run parks fall within the geographic regions encompassed by more than one NYPD precinct — under this system, the only park-specific data available is for Central Park, which has its own police precinct.\(^1\) To address this issue, the Committee on Public Safety held numerous hearings in 2005 to discuss proposed legislation that sought to mandate that the NYPD issue quarterly reports to the Council that include the total number of major felony crime complaints for the 20 largest parks, as determined by acreage, under the jurisdiction of the Department of Parks and Recreation. The Council passed the proposed legislation and it was signed into law by the Mayor on December 29, 2005, becoming Local Law 114 of 2005. The Council explained in its legislative intent that city parks “provide an oasis for residents and visitors, and it is vitally important that just as precinct crime information is sent to the council on a quarterly basis, data about the safety of parks should also be provided to the council.”\(^2\)

Local Law 114 went into effect on February 1, 2006, and at that time the 20 parks initially covered were as follows:

1. Alley Pond Park
2. Bronx Park
3. Central Park
4. Cuban Park
5. Dyker Beach
6. FDR/Midtown
11. Great Kills Park
16. Pelham Bay
17. Prospect Park
18. Randall’s Island
19. Riverside Park
20. Van Cortland Park

Local Law 114 also required the NYPD to submit to the Council the total number of major felony crime complaints for all parks, one acre or greater in size, under the jurisdiction of the Department of Parks and Recreation pursuant to the following timetable:

1. By one year after enactment, the one hundred largest parks, as determined by acreage;
2. By two years after enactment, the two hundred largest parks, as determined by acreage; and
3. By three years after enactment, all parks one acre or greater in size.\(^3\)

At the hearings held in 2005, the NYPD informed the Committee on Public Safety that there are some resource and technology issues impeding its ability to report this additional park-specific data. Accordingly, to avoid imposing undue hardship on the NYPD, Local Law 114 specifically provided that the NYPD would report additional park data “subject to the availability of resources and the introduction of the necessary technology.”\(^4\)

Therefore, it was the intention of Local Law 114 that the NYPD report major felony crime complaint data for all City parks one acre or greater in size — a total of 870 parks — by the year 2008, if the resources and technology allowed. Unfortunately, between 2006 and 2009 the NYPD alleged that it did not have the requisite resources to report data on all parks one acre or greater in size. As a result, the City Council was not provided with the data for all 870 parks by 2008. Instead, in 2008, the NYPD expanded its reporting of crime data from 20 parks to 30 of the largest city-run parks, and included the major felonies happening in Central Park’s 22nd Precinct. Specifically, in addition to the initial 20 parks listed above, the NYPD began reporting on the following 10 parks in 2008:

1. Blue Haven Park
2. Canarsie Park
3. Crotona Park
4. Highbridge Park
5. Joseph T. McGroarty Park
6. Kissena Park
7. Rockaway Community/Edgemere Park
8. Soundview Park
9. Watts Island Park
10. Wolfe's Pond Park

Since 2008, the NYPD has not increased the number of parks on which it reports. On April 12, 2011, Council Member Peter Vallone, Jr., Chair of the Committee on Public Safety, sent a letter to Police Commissioner Raymond Kelly requesting a detailed explanation as to why the NYPD has failed to provide the City Council with crime reports data for more than 31 city parks.\(^5\) In a response letter dated May 30, 2011, Police Commissioner Kelly stated that the NYPD’s “current technological configuration still does not permit the type of reporting” required by Local Law 114. Police Commissioner Kelly also explained that he “instructed his staff to begin an in-depth cost analysis as to the feasibility of re-configuring [NYPD’s] existing infrastructure to accommodate [Local Law 114].”\(^6\)

Thereafter, on January 30, 2012 the Committee on Public Safety and the Committee on Parks and Recreation held a joint oversight hearing entitled “A walk in the park...or is it? Examining Safety in NYC Parks” to discuss certain increases in crime in parks. At that hearing, the issue of the NYPD’s failure to comply with the intention of Local Law 114 was raised by multiple Council Members. In response, the NYPD stated the following:

"In 2005, when we negotiated the terms of the law it was very clear to both the administration and the council that — and we put language in the law to the effect — it was not technologically feasible to do anything but a stick count at that point. And because the fundamental way in which [the NYPD] capture[s] crime data is by street address and/or cross streets, that information cannot be plotted and it cannot be entered in what you would have hoped to be a GPS type system or something that would be able to place a crime within a park as opposed to outside the park. So the technological limitations of our database and the way in which we report crime is still so limited."\(^7\)

As of the last quarterly report received by the Council on November 18, 2013, which covered the third quarter of 2013, the NYPD continues to report only on the above-referenced 30 city parks, plus Central Park.\(^8\) While the NYPD is not technically in violation of the language of Local Law 114, it is the Committee on Public Safety’s concern that the NYPD is in violation of the spirit of the law, which was passed over 7 years ago with a gradual phase-in approach. While the law took into consideration the NYPD’s technological concerns, it was for the safety of all New Yorkers who use city parks on a daily basis that the Council intended for the NYPD to provide this information within a reasonable timeframe.

For this reason, the Committee on Public Safety heard testimony on Int. No. 859, which would amend Local Law 114 to create a new timetable for NYPD compliance in order to ensure adequate reporting. As a result of that hearing, Int. No. 859 was amended to modify the timetable so that it provides NYPD with enough time to prepare for the increased reporting and also to ensure that major felony crime complaint data for all public pools, basketball courts, recreation centers, and playgrounds that are not located within parks one acre or greater in size will also be reported to the Council in the future.

\(^1\) The Central Park Precinct is the 22nd Police Precinct.
\(^2\) Letter on file with the Committee on Public Safety.
\(^3\) Letter on file with the Committee on Public Safety.
\(^4\) Letter on file with the Committee on Public Safety.
\(^5\) Data available on file with the Committee on Public Safety.
\(^6\) Letter on file with the Committee on Public Safety.
\(^7\) Letter on file with the Committee on Public Safety.
\(^8\) Data on file with the Committee on Public Safety.

III. PROPOSED INT. NO. 859-A

In order to achieve the original objectives of Local Law 114, today the
Committee will be voting on Proposed Int. No. 859-A.

Section 1 of Proposed Int. No. 859-A amends paragraph 4 of subdivision a of section 14-150 of the Administrative Code of the City of New York. Specifically, the bill requires the NYPD to report the crime complaint data for all properties under the jurisdiction of the Department of Parks and Recreation, pursuant to the following timetable: (1) beginning January 1, 2014, the NYPD must report the data for the thirty largest parks, as determined by acreage; (2) beginning June 1, 2014, the NYPD must report data for the one hundred largest parks, as determined by acreage; (3) beginning January 1, 2015, the NYPD must report the data for the two hundred largest parks, as determined by acreage; (4) beginning January 1, 2016, the NYPD must report the data for the three hundred largest parks, as determined by acreage; (5) beginning January 1, 2017, the NYPD must report data for all parks one acre or greater in size; and (6) beginning January 1, 2018, the NYPD must report data for all public pools, basketball courts, recreation centers, and playgrounds that are not located within parks one acre or greater in size. In order to ensure compliance with this timetable and with the Council’s intention to receive data for all reportable parks, this bill removes the language that makes compliance “subject to the availability of resources and the introduction of the necessary technology.”

Additionally, the bill requires the NYPD to conspicuously post all quarterly reports of major felony crime complaints for parks online via the department’s website within 5 business days of the department’s submission of such reports to the Council.

Section 2 of the bill provides that this law will take effect immediately after its enactment into law.

(The following is the text of the Fiscal Impact Statement for Int. No. 859-A:)

**THE COUNCIL OF THE CITY OF NEW YORK**

**FINANCE DIVISION**

PRESTON NIBLACK, DIRECTOR

JEFFREY ROBUS, FIRST DEPUTY DIRECTOR

**FISCAL IMPACT STATEMENT**

**INTRO. NO:** 859-A

**COMMITTEE:**

Public Safety

**TITLE:** 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.

**SUMMARY OF LEGISLATION:** This legislation would require the Police Department to supply a crime report that includes total number of major felony crime complaints for properties under the jurisdiction of the Department of Parks and Recreation to the City Council that are one acre or greater in size each quarter. Additionally, this legislation would require the Police Department to post all quarterly reports online via the Police Department’s website within five business days of submitting the crime status report to City Council. This legislation includes the following timetable to begin reporting crime complaints for parks: (1) by January 1, 2014, the thirty largest parks; (2) by June 1, 2014, one hundred largest parks; (3) by January 1, 2015, two hundred largest parks; (4) by January 1, 2016, three hundred largest parks; (5) by January 1, 2017, all public pools, basketball courts, recreation centers, and playgrounds that are not located within parks one acre or greater in size.

**EFFECTIVE DATE:** This bill will take effect immediately.

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

**FISCAL IMPACT STATEMENT:**

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

**IMPACT ON EXPENDITURES:** Since the Police Department already reviews crime complaints and reports on crime in certain parks, the Department could comply with the requirements of this proposed legislation using existing resources. There would be no impact on expenditures as a result from the enactment of this legislation.

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

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

**ESTIMATE PREPARED BY:** Ellen Eng, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director

**LEGISLATIVE HISTORY:** Int. No. 859 was introduced on May 15, 2012 and referred to the Committee on Public Safety. A hearing was held and the legislation was laid over on November 22, 2013 by the Committee. The Committee will reconsider an amended version of the legislation, Proposed Int. No. 859-A, on December 16, 2013 and upon successful vote, the bill would be submitted to the full Council for a vote.

**DATE SUBMITTED TO COUNCIL:** December 16, 2013

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 859-A:)

Int. No. 859-A

By Council Members Vallone, Jr., Comrie, Eugene, Ferreras, Figler, Gentile, Jackson, Koppell, Lander, Mendez, Recchia, Rose, Williams, Wills, Rodriguez, Garodnick, Genuario, Crowley, Van Bramer, Greenfield, Lappin, 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.

Be it enacted by the Council as follows:

Section 1. Paragraph 4 of subdivision a of section 14-150 of the administrative code of the city of New York, as amended by local law number 114 for the year 2005, is amended to read as follows:

4. A crime status report. Such report shall include the number of major crime complaints (categorized by class of crime, indicating whether the arrest is for a misdemeanor or felony) for each patrol precinct, including a subset of housing bureau and transit bureau complaints within each precinct; arrests (categorized by class of crime, indicating whether the arrest is for a misdemeanor or felony) for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; summons activity (categorized by type of summons, indicating whether the summons is a parking violation, moving violation, environmental control board notice of violation, or criminal court summons) for each patrol precinct; housing police service area and transit district; domestic violence radio runs for each patrol precinct; average response time for critical and serious crimes in progress for each patrol precinct; overtime statistics for each patrol borough and operational bureau performing an enforcement function within the police department, including, but not limited to, each patrol precinct, housing police service area, transit district and patrol borough street crime unit, as well as the narcotics division, fugitive enforcement division and the special operations division, including its subdivisions, but shall not include internal investigative commands and shall not include undercover officers assigned to any command. Such report shall also include the total number of major felony crime complaints for the twenty largest parks, as determined by acreage[,] properties under the jurisdiction of the department of parks and recreation. [. In addition, the department shall submit to the council, subject to the availability of resources and the introduction of the necessary technology, the total number of major felony crime complaints[,] pursuant to the following timetable[, for parks under the jurisdiction of the department of parks and recreation:]
3. [By three years after enactment of this law, all parks one acre or greater in size.] Beginning January first, two thousand fifteen, the two hundred largest parks, as determined by acreage;

4. Beginning January first, two thousand sixteen, the three hundred largest parks, as determined by acreage;

5. Beginning January first, two thousand seventeen, all parks one acre or greater in size; and

6. Beginning January first, two thousand eighteen, all public pools, basketball courts, recreation centers, and playgrounds that are not located within parks one acre or greater in size.

The department shall conspicuously post all quarterly reports of major felony crime complaints for properties under the jurisdiction of the department of parks and recreation online via the department’s website within five business days of the department’s submission of such reports to the council.

§2. This local law shall become effective immediately.

PETER F. VALLONE, Jr. Chairperson; ERIK MARTIN DILAN, DANIEL R. GARODNICK, DAVID G. GREENFIELD; Committee on Public Safety, December 16, 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 Sanitation and Solid Waste Management

Report for Int. No. 1060-A

Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the Sanitation Code of the City of New York to require all public parks having an area of one acre or greater to recycle expanded polystyrene.

The Committee on Sanitation and Solid Waste Management, to which the annexed amended proposed local law was referred on June 12, 2013 (Minutes, page 1928), respectfully

REPORTS:

Introduction

On Thursday, December 19, 2013, the Committee on Sanitation and Solid Waste Management (the “Committee”), chaired by Council Member Letitia James, will conduct a second hearing on Proposed Int. No. 1060-A, in relation to restrictions on the sale or use of certain expanded polystyrene items.

The Committee’s proposed bill sets out to require all New York City parks and playgrounds one acre or greater in size to utilize recycling finishing to prevent the consumption of polystyrene.

Changes to Proposed Int. No. 1060-A

The Committee has made several notable changes to Proposed Int. No. 1060-A since the bill was originally heard on November 25 including the following:

- A six-month grace period was added to the enforcement section.

- The Committee defined the terms “economically feasible” and “safe for employees” and altered and defined the term “environmentally effective.”

- The Committee added language calling on the DSNY commissioner to consult with the City’s recycling contractor, recyclers and recyclers and any other person or group having expertise on expanded polystyrene before making the recyclability determination.

- The recyclability determination is to be based on recyclability at the Sims recycling facility at the South Brooklyn Marine Terminal and is to apply to single service articles, as that term is defined in the bill.

- The commissioner must report his or her recyclability determination.

- A hardship exemption was added for non-profits and small food service establishments.

Proposed Int. No. 1162-A

Proposed Int. No. 1162-A would require restaurants, grocery stores, caterers and other food service establishments of a certain size or number within the City that generate significant food waste to source-separate organic waste beginning July 1, 2015 for composting, aerobic or anaerobic digestion or any other method approved by the DSNY commissioner. At such time, and regularly thereafter, the DSNY commissioner would be required to evaluate the capacity of facilities within 100 miles of the City that compost, digest or otherwise process organic waste in a manner approved by the DSNY commissioner. If the commissioner determines that there is sufficient capacity at a cost that is competitive with that of regular waste collection and landfilling or incinerating, the commissioner must designate covered establishments that generate an amount of organic waste estimated to be commensurate with the commissioner’s evaluated capacity.

New York City’s commercial waste stream is comprised of roughly 35,000 tons of waste per day, approximately 30% of which is made up of organic waste such as food scraps. Although organic waste can be composted, currently almost all commercial organic waste generated in New York City is either landfilled or incinerated.

The greatest impediment to composting more of the City’s organic waste appears to be a lack of sufficient composting capacity in and around the City. At this time, there are no known facilities that accept source-separated commercial organic waste for composting located in the City and composting capacity around the city is very limited. In addition, few, if any, City transfer stations accept source-separated organic waste and deliver the material to composting facilities outside of the City.

In order to spur development of additional composting capacity, it is likely that potential composting operations would need assurances that a steady and reliable stream of organic material is available from commercial establishments in New York. Although some restaurants and other food service entities have begun to compost their organic waste independently, that number is relatively small and, as noted above, there is little or no opportunity for commercial establishments to compost in
the first place. This lack of participation appears to have a cyclical effect, thereby limiting the establishment of a reliable stream of material. One possible way to address this disconnect is to establish a requirement ensuring that there will be a steady and reliable stream of source-separated organics in the future, which is part of the objective of Proposed Int. No. 1162-A.

Changes to Proposed Int. No. 1162-A

The Committee has made several notable changes to Proposed Int. No. 1162-A including the following:

- The commissioner’s determination is based on a range of 100, not 125 miles.
- Rather than providing three one-year delays for the law’s implementation, the revised version calls on the commissioner to make capacity determinations immediately and regularly upon the bills effective date and to require composting commensurate with that amount.
- Aerobic digestion is included as an appropriate processing method.
- A waiver was added for persons owning two or fewer food service establishments.
- The Committee added a grace period.

1 NYC Dep’t of Sanitation 2004-05 Waste Characterization Study, Section 2, Detailed Residential Results, Table 1-24, page 2.
2 http://www.epa.gov/ttnatw01/hlthef/styrene.html
5 Anecdotally, several transfer station operators have signaled an interest in accepting source-separated organics from commercial carters for composting, but at this time none appear to be accepting such material.

(The following is the text of the Fiscal Impact Statement for Int. No. 1060-A)

THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

PRESTON N. BLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1060-A
COMMITTEE: Committee on Sanitation and Solid Waste Management

TITLE: 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.


SUMMARY OF LEGISLATION: Proposed Int. No. 1060-A would amend New York City’s Administrative Code in relation to restrictions on the sale or use of certain polystyrene items and expand the service provision of the recycling enforcement provision to include circumstances where service of a notice of violation is to a food service establishment, mobile food commissary, store, or manufacturer.

The legislation adds a new subdivision that states that any person who violates this amendment would be liable for a civil penalty in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months.

The legislation calls on the DSNY commissioner, no later than January first, two thousand fifteen, to determine whether expanded polystyrene can be recycled in a manner that is environmentally responsible, economically practical, safe for employees involved in such recycling and without a significant amount of expanded polystyrene accepted for recycling being delivered to landfills or incinerators. If the commissioner makes such a determination, he or she would be required to adopt and implement rules designating expanded polystyrene as a recyclable material and require the source separation of such expanded polystyrene for department-managed recycling.

If expanded polystyrene is not designated as a recyclable material, beginning July first, two thousand fifteen, the legislation would prohibit food service establishments, mobile food commissaries, or stores from selling or providing single service articles that consist of expanded polystyrene. This subdivision would not apply to expanded polystyrene containers used for prepackaged food that have been filled and sealed prior to receipt by the food service establishment or store and expanded polystyrene containers used to store raw, butchered meats, fish or poultry sold from a butcher case or similar retail appliance.

In addition, if expanded polystyrene is not designated as a recyclable material, then beginning July first, two thousand fifteen, no manufacturer or store would be allowed to sell or offer for sale polystyrene loose fill packaging in the city of New York.

This legislation authorizes the DSNY, the Police Department, the Department of Health and Mental Hygiene and the Department of Consumer Affairs to enforce the provisions of this subchapter.

This local law shall take effect immediately.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

FISCAL IMPACT STATEMENT:

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IMPACT ON REVENUES: No impact on revenues is expected.

IMPACT ON EXPENDITURES: No impact on expenditures is expected.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Mayor’s Office of Legislative Affairs Department of Sanitation (DSNY)

ESTIMATE PREPARED BY: Nathan Toth, Deputy Director

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

LEGISLATIVE HISTORY: On June 12, 2013, Intro. 1060 was introduced by the Council and referred to the Committee on Sanitation and Solid Waste Management. On November 25, 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. 1060-A, on December 19, 2013. Following a successful Committee vote, the Full Council will vote on Proposed Int. 1060-A on December 19, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of the Int. No. 1060-A)
§ 310.1 of this chapter or any rule promulgated pursuant thereto, shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board, as follows:

§ 3. Section 16-324 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

“Food service establishment” means a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises of such establishment. A food service establishment shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts and cafeterias.

“Manufacturer” means every person, firm or corporation that:

1. produces expanded polystyrene or polystyrene loose fill packaging that is sold or distributed in the city;

2. imports expanded polystyrene or polystyrene loose fill packaging that is sold or distributed in the city.

“Mobile food commissary” means any facility that:

1. produces expanded polystyrene single service articles that are sold for use at a food service establishment located in or as a pushcart, stand or vehicle;

2. supplies potable water and food, whether pre-packaged or prepared at the mobile food commissary and supplies food to mobile food commissaries.

“Polystyrene loose fill packaging,” commonly known as packing peanuts, means a void-filling packaging product made of expanded polystyrene that is used as a packing material.

“Safe for employees” means that, among other factors, the collection and sorting of any source separated material does not pose a greater risk to the health and safety of persons involved in such collection and sorting than the risk associated with the collection and sorting of any other source separated recyclable material in the metal, glass and plastic recycling stream.

“Single service articles” means cups, containers, lids, closures, trays, plates, knives, spoons, stoppers, paddles, straws, place mats, napkins, doilies, wrapping materials, toothpicks and similar articles that are intended by the manufacturer to be used once for eating or drinking or that are generally recognized by the public as items to be discarded after one use.

“Store” means a retail or wholesale establishment other than a food service establishment.

b. No later than January first, two thousand fifteen, the commissioner shall determine, after consulting with the department’s designated recycling contractor for metal, glass and plastic materials, manufacturers and recyclers of expanded polystyrene, and, in the commissioner’s discretion, any other person or group having expertise on expanded polystyrene, whether expanded polystyrene single service articles can be recycled at the designated recycling processing facility at the South Brooklyn Marine Terminal in a manner that is environmentally effective, economically feasible, and safe for employees.

c. If expanded polystyrene single service articles are not designated as a recyclable material pursuant to subdivision b of this section, then, on and after July first, two thousand fifteen, no food service establishment, mobile food commissary, or store that has a gross income under five hundred thousand dollars per location on their annual income tax filing for the most recent tax year and is not part of a chain food service establishment or a chain store may request from the commissioner of small business services, in a manner and form established by such commissioner, a financial hardship waiver for the requirements of this section. Such waiver request may apply to one or more source separated single service articles, or sold, or offered for sale in a manner, such as, but not limited to, a non-profit corporation, food service establishment, mobile food commissary, or store. The commissioner of small business services shall, after consultation with the commissioner, grant such waiver if such not-for-profit corporation, food service establishment, mobile food commissary, or store proves:

1. that there is no comparable alternative product not composed of expanded polystyrene that would cost the same or less than the single service article composed of expanded polystyrene, and

2. that the purchase or use of an alternative product not composed of expanded polystyrene would create an undue financial hardship. Such financial hardship waiver shall be valid for twelve months and shall be renewable upon application to the commissioner of small business services. A pending application for such financial hardship waiver shall be a defense to any notice of violation issued pursuant to this section to which such pending application relates and such notice of violation shall be dismissed.

f. Any not-for-profit corporation, regardless of its income, and any food service establishment, mobile food commissary, or store that has a gross income under five hundred thousand dollars per location on their annual income tax filing for the most recent tax year and is part of a chain food service establishment or a chain store may request from the commissioner of small business services, in a manner and form established by such commissioner, a financial hardship waiver for the requirements of this section. Such waiver request may apply to one or more source separated single service articles, or sold, or offered for sale in a manner, such as, but not limited to, a non-profit corporation, food service establishment, mobile food commissary, or store. The commissioner shall determine, after consulting with the department’s designated recycling contractor for metal, glass and plastic materials, manufacturers and recyclers of expanded polystyrene, and, in the commissioner’s discretion, any other person or group having expertise on expanded polystyrene, whether expanded polystyrene single service articles can be recycled in such manner, the commissioner shall adopt and implement rules designating expanded polystyrene single service articles and, as appropriate, other expanded polystyrene products, as a recyclable material and require the source separation of such expanded polystyrene for department-managed recycling.

d. If expanded polystyrene single service articles are not designated as a recyclable material pursuant to subdivision b of this section, then, on and after January first, two thousand fifteen, no food service establishment, mobile food commissary, or store shall possess, sell, or offer for use single service articles that consist of expanded polystyrene including, but not limited to, providing food in single service articles that consist of expanded polystyrene. This subdivision shall not apply to: (1) single service articles that consist of expanded polystyrene that have been filled and sealed prior to receipt by the food service establishment, mobile food commissary, or store or (2) expanded polystyrene containers used to store raw meat, pork, fish, seafood or poultry sold from a butcher case or similar retail appliance.
(1) if expanded polystyrene single service articles are not designated as a recyclable material pursuant to subdivision b of this section, the department, in consultation with the department of health and mental hygiene and the department of consumer affairs, shall conduct outreach and education to food service establishments, mobile food commissaries, and stores to inform them of the provisions of this section and provide assistance with identifying replacement material, and such outreach and education shall be offered in multiple languages; and

(2) if expanded polystyrene single service articles are designated as a recyclable material pursuant to subdivision b of this section, the department shall provide instruction and materials for residential building owners, net lessees or persons in charge of such buildings, and their employees and residents, for the purpose of improving compliance with such new recycling designation.

g. The department, the department of health and mental hygiene and the department of consumer affairs shall have the authority to enforce the provisions of this section.

§ 5. This local law shall take effect immediately.

LETITIA JAMES, Chairperson; MICHAEL C. NELSON, ROBERT JACKSON, MARIA del CARMEN ARROYO; Committee on Sanitation and Solid Waste Management; December 19, 2013.

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 1060-A)

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

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

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to restrictions on the sale or use of certain expanded polystyrene items.

Given under my hand and seal this 19th day of December, 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 Res. No. 2058-A

Report of the Committee on Sanitation and Solid Waste Management in favor of approving, as amended, a Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 1060-A.

The Committee on Sanitation and Solid Waste Management, to which the annexed amended proposed local law was referred on December 10, 2013 (Minutes, page 5225), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Environmental Protection for Int No. 1160-A printed in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 2058-A)

Res. No. 2058-A
Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 1060-A.

By Council Member Fidler.

Whereas, The enactment of Proposed Int. No. 1060-A is an “action” as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

Whereas, An Environmental Assessment Statement for this bill was prepared on behalf of the Office of the Mayor and the Council, which are co-lead agencies pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review; and

Whereas, The Environmental Assessment Statement for this bill was prepared pursuant to Article 8 of the New York State Environmental Conservation Law, section 617.7 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review; and

Whereas, The Council, as a co-lead agency, has considered the relevant environmental issues as documented in the Environmental Assessment Statement attendant to such enactment and in making its findings and determinations under the Rules of Procedure for City Environmental Quality Review and the State Environmental Quality Review Act, the Council has relied on that Environmental Assessment Statement; and

Whereas, After such consideration and examination, the Council has determined that a Negative Declaration should be issued: and

Whereas, The Council has examined, considered and endorsed the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

(1) the requirements of The State Environmental Quality Review Act, Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review have been met; and

(2) as documented in the annexed Environmental Assessment Statement, the proposed action is one which will not result in any significant adverse environmental impacts; and

(3) the annexed Negative Declaration constitutes the written statement of facts and conclusions that form the basis of this determination.

LETITIA JAMES, Chairperson; MICHAEL C. NELSON, ROBERT JACKSON, MARIA del CARMEN ARROYO; Committee on Sanitation and Solid Waste Management; December 19, 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. 1162-A

Report of the Committee on Sanitation and Solid Waste Management 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 commercial organic waste.

The Committee on Sanitation and Solid Waste Management, to which the annexed amended proposed local law was referred on September 24, 2013 (Minutes, page 3742), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Environmental Protection for Int No. 1160-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. 1162-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.: 1162-A  
COMMITTEE:  
Sanitation and Solid Waste Management

TITLE:  A Local Law to amend the administrative code of the city of New York, in relation to commercial organic waste.

SPONSORS:  Council Members James, Brewer, Chin, Fidler, Gentile, Koo, Rodriguez, Van Bramer, Mark-Viverito, Gennaro, Koppell, and Ulrich (by request of the Mayor)

SUMMARY OF LEGISLATION: Proposed Int. No. 1162-A would establish a commercial composting program aimed at large commercial generators of food and other organic waste such as large restaurants, grocery stores and catering companies. The bill is likely to impact roughly 5% of restaurants, but would capture more than 30% of the organic waste generated by restaurants in the city.

The composting requirement would go into effect beginning in July 1, 2015 but the bill allows the commissioner to delay implementation for up to five years, until such time that there are at least three composting facilities in operation within a 95-mile radius of the City that have sufficient capacity at reasonable cost.

Once the composting requirements are in effect, the impacted food service establishments would be required to compost their food waste by either (i) contracting with a private carter, (ii) transporting its own organic waste, or (iii) providing for on-site in-vessel composting. In addition, the impacted food service establishments would be required to provide separate bins for the disposal of organic waste in areas where such waste is disposed of and post instructions on proper separation of organic waste. Finally, the impacted food service establishments would be required to post a sign on or near its front door with information indicating how the location composts its organic waste.

The bill also includes a six-month grace period when DSNY and other enforcing agencies can only issue warnings, and not tickets.

EFFECTIVE DATE: Bill section 4 states that this local law would take effect immediately, except that subdivision e of section 16-324 of the Administrative Code would take effect six months after the implementation of section 16-306.1

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2014

FISCAL IMPACT STATEMENT:

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<tr>
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IMPACT ON REVENUES: No impact on revenues is expected.

IMPACT ON EXPENDITURES: No impact on expenditures is expected.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Mayor’s Office of Legislative Affairs  
Department of Sanitation (DSNY)

ESTIMATE PREPARED BY: Nathan Toth, Deputy Director

ESTIMATED REVIEWED BY: Tanisha Edwards, Finance Counsel

LEGISLATIVE HISTORY: On September 24, 2013, Intro. 1162 was introduced by the Council and referred to the Committee on Sanitation and Solid Waste Management. On November 22, 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. 1162-A, on December 19, 2013. Following a successful Committee vote, the Full Council will vote on Proposed Int. 1170-A on December 19, 2013.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1162-A):

Int. No. 1162-A  
By Council Members James, Brewer, Chin, Fidler, Gentile, Koo, Rodriguez, Van Bramer, Mark-Viverito, Gennaro, Koppell, Lappin and Ulrich (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.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-306.1 to read as follows:

§ 16-306.1 Organic waste. a. When used in this section or section 16-324 of this chapter:

“Arena” means an establishment or facility that hosts live sporting or entertainment events.

“Capacity” means the combined capacity of facilities that are capable of accepting and processing, consistent with the terms of this section and exceeding a nominal amount, organic waste expected to be generated by and collected from designated covered establishments.

“Catering establishment” shall have the same meaning as set forth in section 20-359 of this code.

“Covered establishment” means:
1. any location at which a food manufacturer has a floor area of at least twenty-five thousand square feet;
2. any location at which a food wholesaler has a floor area of at least twenty thousand square feet;
3. any location at which a retail food store has a floor area of at least ten thousand square feet, or any retail food store that is part of a chain of three or more retail food stores that have a combined floor area space of at least ten thousand square feet and that operate under a common ownership or control and receive waste collection from the same private carter;
4. arenas or stadiums having a seating capacity of at least fifteen thousand persons.
5. any food service establishment that is part of a chain of two or more food service establishments that have a combined floor area of at least eight thousand square feet and that: (i) operate under common ownership or control; (ii) are individually franchised outlets of a parent business; or (iii) do business under the same corporate name, provided that the requirements of subparagraph (i) of paragraph 3 of subdivision c of this section shall not apply to any such food service establishment when the building or premises in which such food service establishment is located is in compliance with such requirement pursuant to paragraph seven of this definition;
6. any location at which a food service establishment has a floor area of at least seven thousand square feet, provided that the requirements of subparagraph (i) of paragraph 1 of subdivision c of this section shall not apply to any such location when the building or premises containing such location is in compliance with such requirement pursuant to paragraph seven of this definition;
7. any building or premises where food service establishments having a total combined floor area of at least eight thousand square feet are located and where the owner of the building or premises, or its agent, arranges or contracts with a private carter for the removal of waste from food service establishments having no less than eight thousand square feet of such building or premises, provided that any such food service establishments shall comply with the requirements of subparagraphs (ii), (iii) and (iv) of paragraph 1 of subdivision c of this section, but such requirements shall not apply to the owner or agent of any such building or premises;
8. any location at which a food preparation establishment has a floor area of at least six thousand square feet;
9. any catering establishment that is required to provide for the removal of waste pursuant to section 16-116 of this code whenever the anticipated attendance for any particular event is greater than one hundred persons;
10. any food service establishments located within and providing food to one or more hotels totaling at least one hundred sleeping rooms; and
11. sponsors of a temporary public event.

“Designated area” means within a one hundred mile radius of the city.
"Food manufacturer" means any establishment 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 product.

"Food preparation establishment" means a business that is primarily engaged in providing food or food services for a temporary, fixed time, or based on contractual arrangements for a specified period of time at locations other than such establishment’s permanent place of business.

"Food service establishment" means any premises or part of a premises that is required to provide for the removal of food waste, as such term is defined in section 16-301 of this code where food is provided directly to the consumer, whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises. Food service establishment shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, and business, institutional or government agency cafeterias, but shall not include retail food stores, convenience stores, pharmacies, and mobile food vending units, as such term is defined in section 89-63 of the health code. Food service establishment shall also not include any premises or place of business where the sole or primary source of food is a refreshment counter where the available food is limited to items such as beverages, prepackaged items, and snacks.

"Food wholesaler" means any establishment primarily engaged in the wholesale distribution of groceries and related products including, but not limited to, packaged frozen food, dairy products, poultry products, confectioneries, fish and seafood, meat products, and fresh fruits and vegetables but shall not apply to establishments that handle only prepackaged, non-perishable foods.

"Food service establishment" shall have the same meaning as set forth in section 27-2004 of the housing maintenance code.

"In vessel composting" means a process in which organic waste is enclosed in a drum, silo, bin, tunnel, reactor, or other container for the purpose of producing compost, maintaining composting conditions of temperature and moisture and where air-borne emissions are controlled.

"Organic waste" shall have the same meaning as set forth in section 16-303 of this title, except that for purposes of this section, organic waste shall not include food that is donated to a third party, food that is sold for farmers' feedstock, and meat-by-products that are sold to a rendering company.

"Private carter" means a business licensed by the business integrity commission pursuant to title 16-A of this code.

"Retail food store" means any establishment or section of an establishment where food and food products offered to the consumer are intended for off-premises consumption, but shall exclude convenience stores, pharmacies, greenmarkets or farmers' markets and food service establishments.

"Sponsor of a temporary public event" means the applicant for a street permit pursuant to chapter 1 of title 50 of the rules of the city of New York, or any successor provision, for any activity on a public street, street curb lane, sidewalk or pedestrian island or place with an anticipated attendance of greater than five hundred persons per day where the activity will interfere with or obstruct the regular use of the location by pedestrian or vehicular traffic. Such term shall not include activities conducted pursuant to a valid film permit, demonstrations, parades or block parties.

"Stadium" means an establishment or facility that hosts live sporting or entertainment events.

b. The commissioner shall, on a regular basis and not less than annually, evaluate the capacity of all facilities within the designated area and the cost of processing organic waste by composting, aerobic or anaerobic digestion, or any other method of processing organic waste that the department approves by rule. If the commissioner determines that the capacity of the processing facilities that the commissioner determines to be sufficient, or that the processing of organic waste consistent with this section is competitive with the cost of disposing organic waste by landfill or incineration, he or she shall designate by rule such covered establishments as processing facilities, and shall publish such criteria, among such covered establishments, that generate a quantity of organic waste that would not exceed the evaluated capacity. All such designated covered establishments shall comply with the requirements of subdivision c of this section beginning no later than six months following such designation. In addition, the commissioner shall include in his or her evaluation the capacity of any facilities outside of the designated area that have arrangements or contracts with transfer stations or private carters to accept and process organic waste generated by and collected from covered establishments.

c. 1. A covered establishment shall:

i. either (A) ensure collection by a private carter of all organic waste generated by such establishment for purposes of composting, aerobic or anaerobic digestion, or any other method of processing organic waste that the department approves by rule, (B) transport its own organic waste to a facility that provides for composting, aerobic or anaerobic digestion, or any other method of processing organic waste that the department approves by rule, or (C) provide for on-site composting, aerobic or anaerobic digestion, or any other method of processing organic waste that the department approves by rule, such processing to occur within the building or on the property of the establishment.

ii. if a covered establishment is a restaurant, the establishment first obtains a registration issued by the business integrity commission pursuant to subdivision b of section 16-305 of this code, or (C) provide for on-site composting, aerobic or anaerobic digestion, or any other method of processing organic waste that the department approves by rule for some or all of the organic waste it generates on its premises, provided that it arranges for the collection or transport of the remainder of such organic waste, if any, in accordance with clause (A) or (B) of this paragraph.

ii. post a sign, which shall be in addition to any other sign required to be posted pursuant to this code, that states clearly and legibly the trade or business name, address, hours of operation, and the day and time of pickup by the private carter that collects the covered establishment's organic waste, that such covered establishment transports its own organic waste, or that such covered establishment provides for on-site processing for all of the organic waste it generates on its premises, provided that:

A. such sign shall be prominently displayed by affixing it to a window near the principal entrance to the covered establishment so as to be easily visible from outside the building or, if this is not possible, prominently displayed inside the covered establishment near the principal entrance.

B. catering establishments shall not be required to display on such sign the day and time of the pickup by the private carter that collects the establishment’s organic waste; and

C. this paragraph shall not apply to sponsors of temporary public events;

ii. provide separate bins for the disposal of organic waste in any area where such organic waste is generated and disposed of; and

iv. post instructions on the proper separation of organic waste where such instructions will be visible to persons who are disposing of organic waste, provided that this subparagraph shall not apply to sponsors of temporary public events.

f. The department, the business integrity commission, the department of health and mental hygiene, and the department of consumer affairs may promulgate any rules necessary to implement this section, including, but not limited to, rules establishing reporting requirements sufficient to demonstrate compliance with this chapter.

g. Any person who owns or operates two or fewer food service establishments may request, and the commissioner shall grant, a waiver of the requirements of this section if:

1. no single food service establishment has a floor area of at least seven thousand square feet; (2) the food service establishment or establishments are individually franchised outlets of a parent business covered by paragraph five of the definition of “covered establishment” set forth in subdivision a of this section; and (3) the owner or operator establishes that such food service establishment or establishments do not receive private carting services through a general carting agreement between a parent business and a private carter of its organic waste pursuant to this subdivision shall not be required to display on such sign the name, address, and telephone number of, and the day and time of pickup by, the private carter of all organic waste generated on its premises, provided that it arranges for the collection or transport of the remainder of such organic waste, if any, in accordance with clause (A) or (B) of this paragraph.

h. (1) Any covered establishment that violates section 16-306.1 of this chapter, or rules promulgated pursuant thereto, shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding before the administrative tribunal of the department of consumer affairs, in the amount of two hundred fifty dollars for the first violation committed by such covered establishment, and two hundred dollars for each subsequent violation committed within a twelve month period following such first violation committed.

§ 2. The opening paragraph of subdivision a of section 16-324 of the administrative code of the city of New York, as amended by local law number 77 for the year 2013, is amended to read as follows:

§ 16-324. Covered establishments means any premises or part of a premises where such organic waste is generated and disposed of; and

§ 2. The opening paragraph of subdivision a of section 16-324 of the administrative code of the city of New York, as amended by local law number 77 for the year 2013, is amended to read as follows:

a. Subject to the provisions of subdivision b of this section, any person who violates this chapter, except section 16-306.1 of this chapter, subdivision g of section 16-308 of this chapter or section 16-310.1 of this chapter, or any rule promulgated pursuant thereto, shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board, as follows:

§ 3. Section 16-324 of the administrative code of the city of New York is amended by adding a new subdivision b to read as follows:

b. Any covered establishment that violates section 16-306.1 of this chapter, or rules promulgated pursuant thereto, shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board, the health tribunal at the office of administrative trials and hearings, or the administrative tribunal of the department of consumer affairs, in the amount of two hundred fifty dollars for the first violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months. The department of health and mental hygiene, and the department of consumer affairs shall not issue a notice of violation, but shall issue a warrant, for any violation by a designated covered establishment that occurs during the first twelve months after the
commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.

(2) Any transfer station that violates section 16-306.1 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding returnable before the environmental control board in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.

(3) Any private carter that violates section 16-306.1 of this chapter or rules of the business integrity commission promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the chair of the business integrity commission, or in a proceeding brought by the chair of the business integrity commission held in accordance with title 16-A of this code, except that the chair of the business integrity commission shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.

§ 4. This local law shall take effect July 1, 2015.

LETITIA JAMES, Chairperson; MICHAEL C. NELSON, ROBERT JACKSON, MARIA del CARMEN ARROYO; Committee on Sanitation and Solid Waste Management, December 19, 2013.

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 1162-A)

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

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

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to commercial organic waste.

Given under my hand and seal this 19th day of December, 2013 at City Hall in the City of New York.

______________________________
Michael R. Bloomberg
Mayor

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

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

Report for Res. No. 2087

Report of the Committee on Sanitation and Solid Waste Management in favor of approving, a Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 1162-A.

The Committee on Sanitation and Solid Waste Management, to which the annexed resolution was referred on December 19, 2013, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Environmental Protection for Int No. 1160-A printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

LETITIA JAMES, Chairperson; MICHAEL C. NELSON, ROBERT JACKSON, MARIA del CARMEN ARROYO; Committee on Sanitation and Solid Waste Management, December 19, 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 Small Business

Report for Int. No. 1213-A

Report of the Committee on Small Business 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 replacing certain fines with opportunities to cure.

The Committee on Small Business, to which the annexed amended proposed local law was referred on December 10, 2013 (Minutes, page 5226), respectfully

REPORTS:

INTRODUCTION

Today, the Committee on Small Business, chaired by Council Member Diana Reyna, will vote on Proposed Int. No. 1213-A. This bill would codify the recommendations of the Mayor’s Office of Operations’ report entitled “Cure Period Review,” which was prepared pursuant to Local Law 35 of 2013.

BACKGROUND

Burdensome regulations and high regulatory compliance costs are commonly cited as among the biggest difficulties facing small businesses. According to the National Federation of Independent Businesses’ most recent survey, 21% of small businesses list “government requirements and red tape” as their single most important problem – a larger proportion than list any other difficulty, including sales.¹ The Council has been working to address this problem. Local Law 45 of 2009 created the Regulatory Review Panel (“the Panel”) to review the City’s regulatory environment for small businesses and to recommend improvements that would make it easier to open and run a business in New York City by minimizing costs and regulatory burdens. The Panel was tasked with making recommendations to improve the efficiency of the City’s laws and procedures.

The Panel engaged in outreach in all five boroughs, and received input from dozens of regulated entities and other stakeholders. The Panel issued its report in December 2009.² Since that time, many of its recommendations have been implemented successfully.³ These initiatives share a common purpose with the Panel: ensuring that the City is regulating in a smart, effective way that minimizes unnecessary burdens and maximizes constructive participation by regulated entities. Among the Panel’s recommendations was ensuring compliance with agency rules through means other than issuing a fine for a first violation for those violations that do not pose an immediate threat to public health, safety, or welfare. Adopting this strategy was anticipated to “save[] businesses time and money, allowing them to focus on business rather than deal with government. It [would] also foster[[] productivity of small business owners and City agencies….⁴” The Council acted on this recommendation by passing Local Law 35 of 2013, which required seven agencies to report which of their violations offer no cure period or other opportunity for ameliorative action, and to recommend to the Council and the Mayor whether such an opportunity should be provided for any such violations. The Mayor’s Office of Operations led the effort to put together the report required by Local Law 35. After its review of 2,986 infractions issued by the seven applicable agencies, the Mayor’s Office of Operations issued the Cure Period Report on September 23, 2013. The Report identified 83 infractions, which were cited 166,769 times in Fiscal Year 2013, which were good candidates for a cure period for a first offense. The bill being considered today would codify these recommendations.
ANALYSIS OF PROPOSED INT. NO. 1213-A

The legislation would make first violations of certain infractions curable prior to being fined. The bill covers a number of violations that are enforced by the Departments of Consumer Affairs, Environmental Protection, and Sanitation. Violations that will not require payment of a fine for a first offense, if the violating individual shows that the violations have been cured are primarily signage violations enforced by the Department of Consumer Affairs. Cures of these violations would be permitted to be submitted to the Department electronically or in person within thirty days of the notice of violation being given out, or prior to the tribunal hearing date on such notice, whichever is earlier. A small number of air and noise code provisions enforced by the Department of Environmental Protection, are given cure periods for first violations as well. The bill includes a correction of an error in a law enforced by the Department of Environmental Protection that does not currently allow for no fine to be given if the violation was cured. The final violation included in the bill is a signage violation enforced by the Department of Sanitation. The Department of Consumer Affairs violations that would receive a cure period are: failing to display signage providing equal prices for equal services regardless of the gender of the customer; failing to post refund policies; failing to post contact information for the Department of Consumer Affairs if a customer has a complaint; failing to display signage differentiating between second hand goods; failing to adequately disclose parking rates, or a parking garage failing to disclose that it is full, state its maximum capacity or business hours, have separate entrances and exis with illuminated signs, or ensure that all signs have equally sized letters and numbers; failing to post an adequate description of a rain check policy; a sidewalk cafe failing to post the number of tables and chairs licensed; failing to post the departure time and destination on certain private buses; failing to make certain disclosure relating to the identity, qualifications, fees and services provided by an income tax preparer; failing to post a list of limitations on credit card usage in certain places; stores with weights and measures for customer use failing to note that customers may reweigh items; failing to display signage outlining the rights of beverage container redeemers; failing to include English in a label required by the Department of Consumer Affairs; a laundry failing to distinguish in its advertising between services offered at different prices, or to post certain notices in its premises; failing to display signage in electronic or home appliance service dealers; failing to display signage giving disclaimers relating to individuals who provide tenant credit reports; illegally displaying signage disappointing liability; an amusement arcade failing to post a sign on age restrictions during school hours; a seller of products for the disabled failing to display certain information about the New York City products for the disabled law; and failing to post a list of qualifications, fees and services provided by an income tax preparer. For example, Local Law 33 of 2013 required standardized customer service training for agency inspectors, Local Law 34 of 2013 created agency liaisons to communicate regularly with chambers of commerce and other industry representatives, Local Law 18 of 2010 required the creation of the Business Owner’s Bill of Rights, Local Law 46 of 2010 required review of all rules by the Mayor’s Office of Operations to ensure that the proposed rule is easy to understand and is drafted in a way that minimizes compliance costs, and the NYC Rules website was created by Executive Order 133 of 2010.

The bill would take effect six months after its enactment. The rules that the Department of Consumer Affairs will be required to promulgate would be required to be completed by June 30, 2014.

CHANGES TO PROPOSED INT. NO. 1213-A SINCE PRIOR HEARING

The changes made to Proposed Int. No. 1213-A since it was previously heard on December 12 include:

- The deletion of the changes to the Department of Sanitation’s recycling enforcement program
- The addition of the violation for businesses posting a sign stating the identity of their trade waste removal business as a violation that may be cured to avoid the imposition of a fine
- The clarification that determinations of the Department of Consumer Affairs with respect to whether a violation has been cured may be appealed to the Department’s tribunal, but that a violation being cured may not be brought up at a tribunal hearing if it has not previously been raised to the Department or a settlement officer of the Department
- The deletion of a cure period for signage violations relating to immigration service providers
- The deletion of a cure period for any provisions relating to water meters
- The modification of the fine structure of certain air circulator noise code provisions from one in which the initial violation fine is zero to one in which the violation payment is reduced to zero if the violation is cured
- The correction of a statutory error in an existing section enforced by the Department of Environmental Protection that prohibited to imposition of no fine if the violation was cured, in which a cure period program is already in place
- Various technical changes

(For the following is the text of the Fiscal Impact Statement for Int. No. 1213-A)

THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

PRESTON NIBLACK, DIRECTOR
JEFFREY RODUS, FIRST DEPUTY DIRECTOR

FISCAL IMPACT STATEMENT

INTRO. NO: 1213-A

COMMITTEE: Small Business

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to replacing certain fines with warnings or opportunities to cure.

SUMMARY OF LEGISLATION: Proposed Intro. 1213-A will amend the New York City Charter to make first violations of certain infractions curable prior to being fined. The bill covers a number of violations that are enforced by the Departments of Consumer Affairs, Environmental Protection, and Sanitation.

Violations that will not require payment of a fine for a first offense, if the violating individual shows that the violations have been cured are primarily signage violations enforced by the Department of Consumer Affairs. A small number of air and noise code provisions enforced by the Department of Environmental Protection, are included as well, as is the correction of an existing error in a law enforced by the Department of Environmental Protection that does not currently allow for no fine to be given if the violation was cured. The final violation included in the bill is a signage violation enforced by the Department of Sanitation.

Department of Consumer Affairs violations that would receive a cure period are: failing to display signage providing equal prices for equal services regardless of the gender of the customer; failing to post refund policies; failing to post contact information for the Department of Consumer Affairs if a customer has a complaint; failing to display signage differentiating between second hand goods; failing to adequately disclose parking rates, or a parking garage failing to disclose that it is full, state its maximum capacity or business hours, have separate entrances and exits with illuminated signs, or ensure that all signs have equally sized letters and numbers; failing to post an adequate description of a rain check policy; a sidewalk cafe failing to post the number of tables and chairs licensed; failing to post the departure time and destination on certain private buses; failing to make certain disclosure relating to the identity, qualifications, fees and services provided by an income tax preparer; failing to post a list of limitations on credit card usage in certain places; stores with weights and measures for customer use failing to note that customers may reweigh items; failing to display signage outlining the rights of beverage container redeemers; failing to include English in a label required by the Department of Consumer Affairs; a laundry failing to distinguish in its advertising between services offered at different prices, or to post certain notices in its premises; failing to display signage in electronic or home appliance service dealers; failing to display signage giving disclaimers relating to individuals who provide tenant credit reports; illegally displaying signage disappointing liability; an amusement arcade failing to post a sign on age restrictions during school hours; a seller of products for the disabled failing to display certain information about the New York City products for the disabled law; and failing to post a list of qualifications, fees and services provided by an income tax preparer. For example, Local Law 33 of 2013 required standardized customer service training for agency inspectors, Local Law 34 of 2013 created agency liaisons to communicate regularly with chambers of commerce and other industry representatives, Local Law 18 of 2010 required the creation of the Business Owner’s Bill of Rights, Local Law 46 of 2010 required review of all rules by the Mayor’s Office of Operations to ensure that the proposed rule is easy to understand and is drafted in a way that minimizes compliance costs, and the NYC Rules website was created by Executive Order 133 of 2010.

DEPARTMENT OF SANITATION

CITY OF NEW YORK

EXECUTIVE OFFICE OF THE MAYOR

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICPATED: Fiscal 2015
COUNCIL MINUTES — STATED MEETING

December 19, 2013

CC93

FISCAL IMPACT STATEMENT:

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</table>

IMPACT ON REVENUES: Proposed Intro. 1213-A would reduce combined total revenue of Department of Sanitation, Department of Consumer Affairs and Department of Environmental Protection by approximately $1,532,600.

IMPACT ON EXPENDITURES: The legislation would have no impact on expenditures. Handhelds could be a good idea but not necessary for this bill.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Aliya Ali, Legislative Financial Analyst

ESTIMATED REVIEWED BY: Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on December 10, 2013 as Proposed Intro. 1213 and was referred to the Committee on Small Business. A hearing was held by the Committee on December 12, 2013 and the bill was laid over. An amended version of the legislation, Proposed Intro. 1213-A, will be considered by the Committee on December 19, 2013, and upon successful vote of the Committee, Proposed Intro. 1213-A will 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. 1213-A):

Int. No. 1213-A

By Council Members Reyna, Brewer, Chin, Dickens, Eugene, King, Koo, Mendez, Rose, Wills, Gennaro, Vallone, Jr., Van Braamer, Greenfield and Jackson.

A Local Law to amend the administrative code of the city of New York, in relation to replacing certain fines with opportunities to cure.

Be it enacted by the Council as follows:

§ 1. Paragraph (i) of subdivision d of section 16-116 of the administrative code of the city of New York, as amended by law number 42 for the year 1996, is amended to read as follows:

(i) Except as provided in paragraph (ii) of this subdivision, violation of any of the provisions of this subdivision or any rules promulgated pursuant thereto shall be punishable by a civil penalty of not less than fifty nor more than one hundred dollars, provided that a first-time violation of subdivision (b) of this section or any rules promulgated thereto by any owner, lessee or person in control of a commercial establishment shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such owner, lessee or person submits proof of having cured the violation at the hearing of such notice of violation. Any notice of violation, appearance ticket or summons issued for a violation of this section shall be returnable before the environmental control board which shall impose the penalty herein provided.

§ 2. Section 20-275 of the administrative code of the city of New York is amended to read as follows:

§ 20-275. Violation. a. Any person who shall violate any of the provisions of this subdivision or any rule or regulation promulgated thereunder shall be guilty of a class A misdemeanor and upon the first conviction be subject to a fine of at least five hundred dollars and upon any subsequent convictions be subject to a fine or one thousand dollars and/or imprisonment of at least fifteen days.

b. Any person who violates any of the provisions of this subdivision or any rule or regulation issued thereunder shall be subject to a civil penalty of not more than five hundred dollars for each violation; except that a person shall not be subject to such civil penalty for a first-time violation of section 20-270 of this subdivision or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-270 or section 20-271 of this subdivision or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department’s administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 3. Subchapter 17 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-332 to read as follows:

§ 20-332. Violation. Any person who violates any of the provisions of this subdivision or any rule or regulation issued thereunder shall be subject to a civil penalty of not more than five hundred dollars for each violation; except that a person shall not be subject to such civil penalty for a first-time violation of subdivision b of section 20-324 of this subdivision and any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-324 of this subdivision or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department’s administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 4. Subdivision d of section 20-240.1 of the administrative code of the city of New York is amended to read as follows:

d. Any person who violates the provisions of this section or section 20-237 shall be considered to be an unlicensed general vendor or an unlicensed food vendor and shall be subject to the penalty and enforcement provisions of either subdivision twenty-five of chapter two of this title or subdivision two of chapter three of title seven of the code, whichever is applicable; except that a person shall not be subject to the civil penalty described above for a first-time violation of subdivision b of section 20-237 and any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof of compliance shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-327 or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted to the department electronically or in person. A person may seek review, in the department’s administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 5. Section 20-728 of the administrative code of the city of New York is amended to read as follows:

§ 20-728. Penalties. Violation of this subdivision or any rule or regulation promulgated thereunder, shall be punishable by payment of a civil penalty in the sum of not less than twenty-five nor more than one hundred dollars for each violation; except that a person shall not be subject to the civil penalty described above for a first-time violation of any provision of this subdivision or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of any provision of this subdivision or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department’s administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 6. Section 20-743 of the administrative code of the city of New York, as added by local law number 31 for the year 2003, is amended to read as follows:

§ 20-743. Penalties. Any person, partnership, corporation or other business entity who violates any provision of this subdivision or any of the regulations promulgated hereunder shall be liable for a civil penalty or not less than two hundred fifty dollars nor more than five hundred dollars for the first violation and for each succeeding violation a civil penalty of not less than five hundred dollars nor more than seven hundred fifty dollars; except that a person, partnership, corporation or other business entity shall not be subject to the civil penalty described above for a first-time violation of subdivision (a) of section 20-740 of this subdivision or any rule
or regulation promulgated thereunder, if such person, partnership, corporation or other business entity proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, notice of violation of section 20-746 of this chapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, notice of violation of section 20-746 of this chapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes.

§ 7. Section 20-748 of the administrative code of the city of New York is amended to read as follows:

§ 20-748. Penalties. Violation of this subchapter, or any regulation promulgated pursuant to it, shall be punishable by payment of a civil penalty not to exceed two hundred fifty dollars; except that a person shall not be subject to a civil penalty described above for a first-time violation of section 20-746 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, notice of violation of section 20-746 of this chapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes.

§ 8. Section 20-753 of the administrative code of the city of New York, as added by local law number 32 for the year 1998, is amended to read as follows:

§ 20-753. Penalties. Any person who shall violate the provisions of this subchapter or the regulations promulgated pursuant to this subchapter shall, upon conviction thereof, pay a civil penalty or not less than fifty dollars and not more than two hundred fifty dollars for the first offense and for each succeeding offense a penalty of not less than one hundred dollars nor more than five hundred dollars for each such violation; except that a person shall not be subject to the civil penalty described above for a first-time violation of subdivision c of section 20-750 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, notice of violation of subdivision c of section 20-750 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes.

§ 9. Section 20-810 of the administrative code of the city of New York, as added by local law number 2 for the year 2010, is amended to read as follows:

§ 20-810. Violations. A person violating sections 20-808 or 20-809 of this subchapter shall be subject to a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation, except that a person shall not be subject to the civil penalty described above for a first-time violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, notice of violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department’s administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 10. Section 24-165 of the administrative code of the city of New York is amended by adding a new subdivision (c) to read as follows:

(g) The commissioner may recommend to the board that there shall be no civil penalty imposed for a first violation of this section if, within forty five days of the return date set forth by the notice of violation, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department’s rules that the work has been performed to permanently correct the violation. If the commissioner accepts such certification of compliance, he or she shall recommend to the board that no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section.

§ 11. Section 24-166 of the administrative code of the city of New York is amended by adding a new subdivision (c) to read as follows:

(c) The commissioner may recommend to the board that there shall be no civil penalty imposed for a first violation of this section if, within forty five days of the return date set forth by the notice of violation, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department’s rules that the work has been performed to permanently correct the violation. If the commissioner accepts such certification of compliance, he or she shall recommend to the board that no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section.

§ 12. The row in the table of civil penalties following subparagraph (i) of paragraph 5 of subdivision (b) of section 24-178 of the administrative code of the city of New York that begins 24-165 is amended, and a new row immediately following such row is added, to read as follows:

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<tr>
<th>§ 24-165</th>
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<td>875 0 0 0</td>
</tr>
</tbody>
</table>

§ 13. Section 24-227 of the administrative code of the city of New York is amended by adding a new subdivision (d) to read as follows:

(d) The commissioner may recommend to the board that there shall be no civil penalty imposed for a first violation of this section if, within forty five days of the return date set forth by the notice of violation, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department’s rules that (i) permanent improvements or modifications have been made to the establishment, including but not limited to the installation of appropriate sound insulation devices and materials; and (ii) appropriate sound measurements taken in accordance with the department’s rules substantiate that the establishment is in full compliance with the sound levels set forth in this section. If the commissioner accepts such certification of compliance, he or she shall recommend to the board that no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section.

§ 14. The row in table I following paragraph (5) of section 24-257 of the administrative code of the city of New York that begins 24-227 is amended to read as follows:

| 24-227 | 875 1750 440 2625 660 |

§ 15. The row in table I following paragraph (5) of section 24-257 of the administrative code of the city of New York that begins 24-231(a) is amended to read as follows:

| 24-231(a) | 8000 2000 16000 4000 24000 6000 |

§ 16. By June 30, 2014, the department of consumer affairs shall promulgate rules establishing opportunities to cure the first violation of the following signage mandates:

1) requiring the posting of refund policies;
2) requiring the posting of a sign stating that individuals may complain to the department of consumer affairs about a business licensed by such department;
3) prohibiting signs stating that a business is not liable for such business’s negligence if such a statement is invalid under law;
4) requiring that parking lots and garages post a sign stating:
   a) the business hours of such lot or garage;
   b) the licensed capacity of such lot or garage;
   c) such lot or garage is at full capacity for car or bicycle parking; and
   d) minimum number of bicycle parking spaces;
5) requiring that parking lots and garages have separate entrances and exits, with the main entrance and exit clearly marked with illuminated signs marked “entrance” and “exit”;
6) requiring that all required signage is illuminated, clearly visible, and readable;
7) requiring that those lots and garages with waivers under section 20-327.1 of the administrative code post a sign with respect to bike parking;
8) requiring that auxiliary signs of parking lots and garages contain equally sized letters and numbers;
9) requiring that businesses that accept credit cards post a list of limitations that such business put on credit card usage at or near the entrance of each such business, and in all advertising indicating that credit cards are accepted;
10) requiring that such businesses make available to customers a notice in the department or area where electronic and home appliances are accepted
for repair stating that customers are entitled to written estimates for repairs and other customer rights, and that the regulations of the department of consumer affairs relating to television, radio and audio servicing are available for review from the service dealer upon request;  
11) requiring a tax preparer to display a sign:  
a) identifying him or herself, including his or her address, telephone number, and qualifications;  
b) stating that only the preparer and taxpayer must sign every tax return;  
c) stating how his or her fees are calculated;  
d) stating that he or she or his or her agency will not represent the taxpayer in an audit, if true; and  
e) stating that he or she is not licensed by the state board of public accountability or the New York state bar, or both, if true;  
12) requiring dealers of products for the disabled to post a sign summarizing any provisions of the New York city products for the disabled law;  
13) requiring any bus to include a posted sign on the windshield and near the entrance door of such bus that designates the departure time and destination of such bus;  
14) requiring laundries:  
a) to distinguish in their advertising between services being offered at different prices;  
b) to post an out-of-order sign on non-functioning machines on such laundry's premises;  
c) to post a notice that complaints and claims for refunds may be made to a certain person or persons; and  
d) to post any sign in both English and Spanish, if applicable;  
15) requiring sidewalk cafes to post a sign stating the maximum number of tables and chairs licensed for such sidewalk café, and prohibiting other signage at a sidewalk café except for signage meeting certain specifications;  
16) requiring motor vehicle rental businesses to post a notice of the department of consumer protection’s consumer protection law;  
17) requiring any labeling declaration to be written in the English language;  
18) requiring that amusement arcades and gaming cafes post a sign describing age restrictions during certain hours of operation; and  
19) requiring signage at businesses that sell beverages for off-premises consumption in beverage containers that are covered by title ten or article twenty-seven of the environmental conservation law of the state of New York to be placed within a certain distance of cash registers or to be visible to consumers from any specific vantage point; and  
20) requiring stores with weighing and measuring devices for customer use to post a sign informing customers that they may reweigh products using such weighing or measuring device or devices.  
   
The rules promulgated pursuant to this section shall include language to the effect that a person shall not be subject to a civil penalty for the first-time violation of any sign mandate described in this section if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation h

Given under my hand and seal this 19th day of December, 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 of the Committee on Transportation  

Report for Int. No. 1055-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 requiring the New York City Police Department to report information concerning vehicle collisions in which a driver left the scene of the collision.  

The Committee on Transportation, to which the annexed amended proposed local law was referred on June 12, 2013 (Minutes, page 1916), respectfully 

REPORTS:  

INTRODUCTION  

On December 18, 2013, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 1055-A, a Local Law to amend the Administrative Code of the City of New York, in relation to requiring the New York City Police Department to report information concerning vehicle collisions in which a driver left the scene of the collision. This will be the second hearing on this bill. The first hearing was held on December 4, 2013 at which the Committee heard testimony from traffic safety advocates.  

BACKGROUND  

After years of decreasing traffic fatalities, New York City has witnessed an increase in the past two years. According to City data, in FY 2012 and FY 2013, there have been 176 and 168 traffic fatalities respectively involving pedestrians and cyclists, an increase from 158 fatalities in FY 2011.1 When it comes to fatalities involving motorists and passengers, there were 115 in FY 2012 and 93 in FY 2013, up from 78 in FY 2011.1  

In 2011, the Council enacted Local Law 12 (LL 12) which required the New York City Police Department (“NYPD”) to post information on its website related to traffic collisions. The passage of LL 12 was intended to increase transparency about vehicular collisions, and help government agencies, safety advocates, and communities identify areas of the city that are dangerous for pedestrians. As a result of LL 12, the NYPD currently posts monthly citywide and borough-specific information regarding collisions and collision-related fatalities.  

Despite efforts to reduce traffic fatalities, “hit and run” collisions continue to kill and injure New Yorkers. According to statistics provided by NYPD, the Collision Investigation Squad investigated 58 “hit and run” cases in 2012, of which 15 resulted in an arrest.2 Numerous media reports and stories have documented instances of “hit and run” crashes across the city. In August 2013, a 5-year-old boy, Kyrillos Gendy, was killed in a hit and run in Staten Island. Kyrillos’s mother and sister were also injured in the incident.4 In October 2013, a teenager in Woodside, Queens was killed in a “hit and run” collision.5 And in September 2013, a 59 year old grand-mother was killed in a “hit and run” crash in the Bronx.6  

The bill being considered today would require the NYPD to regularly report to the Council on hit and run incidents in the City.  

AMENDMENTS  

Since the first hearing, several changes have been made to the bill, including requiring the hit-and-run report to be submitted to the Council quarterly instead of biannually, requiring hit-and-run data to be posted on the NYPD’s website, and requiring information about the number of hit-and-run cases closed with or without an arrest to be included in the report.  

ANALYSIS  

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

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

A LOCAL LAW  

To amend the administrative code of the city of New York, in relation to replacing certain fines with warnings or opportunities to cure:
Section one of Proposed Int. No. 1055-A amends section 14-153 of title 14 of the Administrative Code of the City of New York by amending subdivision b and adding a new subdivision c. Subdivision b would be amended by adding language making it clear that the provisions of the subdivision apply to the data submittal required by subdivision a of section 14-153. The new subdivision c of section 14-153 would state that for the quarter beginning July 1, 2015, and quarterly thereafter, the NYPD must provide a report, in writing, to the Speaker of the Council regarding the number of traffic-related incidents during the prior quarter that involved at least one vehicle and resulted in critical injury and where the driver of a vehicle involved in such incident left the scene of such incident without reporting, in violation of section sixty-four of the Vehicle and Traffic Law. The report would also have to include the number of such incidents the NYPD closed during the prior quarter resulting in an arrest being made for violation of that section of the Vehicle and Traffic Law and the number of such incidents the NYPD closed during the prior quarter without an arrest being made for violation of that provision of the Vehicle and Traffic Law. The data in the report would have to be disaggregated by precinct and the cross streets of the incident and the NYPD would also have to publish the data on its website. Additionally, the NYPD would have to provide to the Speaker of the Council in writing a brief description of what steps were taken to investigate each incident, noting the cross streets of the incident. The new subdivision would also define, for purposes of the subdivision, “critical injury” as any injury determined to be critical by the emergency medical service personnel responding to the incident.

Section two states that Proposed Int. No. 1055-A would take effect immediately upon its enactment into law.

2 Id.
3 Testimony of Inspector Paul Correa at City Council Committees on Public Safety and Transportation hearing, September 30, 2013.

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

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1055-A**
**COMMITTEE: Transportation**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to report information concerning vehicle collisions in which a driver left the scene of the collision.

**SUMMARY OF LEGISLATION:** This legislation would amend subdivision b of section 14-153 of the administrative code of the City of New York, as added by local law number 12 for the year 2011, and add a new subdivision c to require the New York City Police Department (“NYPD”) to submit to the City Council and post online a quarterly report on hit-and-run data, specifically the number of hit-and-run incidents where critical injury occurred and where the driver of a vehicle left the scene without reporting, in violation of section sixty-four of the Vehicle and Traffic Law. In addition, this report would include the number of such cases closed in the previous quarter, disaggregated by whether an arrest was made or not. The legislation would require that the above described data be disaggregated by police precinct and by cross street with the first report submitted on or before the quarter beginning July 1, 2015. Lastly, the legislation would require the NYPD to make it to the City Council a brief description of what steps were taken to investigate all hit-and-run incidents where critical injury occurred.

**EFFECTIVE DATE:** This local law would take effect immediately upon its enactment into law.

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

<table>
<thead>
<tr>
<th>Revenues (+)</th>
<th>Effective FY14</th>
<th>FY Succeeding Effective FY15</th>
<th>Full Fiscal Impact FY14</th>
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</table>

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

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

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

**SOURCE OF INFORMATION:** NYC Council Finance Division

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

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director

**Tanisha Edwards, Finance Counsel**

**HISTORY:** Introduced as Intro. 1055 by the Council on June 12, 2013 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on December 4, 2013. Intro. 1055 has been amended, and the amended version, Proposed Int. 1055-A, will be considered by the Committee on Transportation on December 18, 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.

(For the following is the text of Int. No. 1055-A)

Int. No. 1055-A

By Council Members Comrie, Koo, Mendez, Barron, Brewer, Cabrera, Chin, Dromm, Eugene, James, Koppell, Klosowitz, Lander, Palma, Rose, Vann, Vacca, Garodnick, Van Bramer, Weprin, Gennaro, Vallone, Jr., Crowley, Greenfield, Jackson and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to report information concerning vehicle collisions in which a driver left the scene of the collision.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 14-153 of the administrative code of the city of New York, as added by local law number 12 for the year 2011, is amended and a new subdivision c is added to read as follows:

b. The data required pursuant to subdivision a of this section shall be published on the department’s website for the whole city and disaggregated by borough and police precinct, and shall be searchable by intersection, except for the data required under paragraph one of subdivision a which shall be disaggregated by borough and police precinct only. Such data shall be updated at least once every month.

c. For the quarter beginning July first, two thousand fifteen and quarterly thereafter, the department shall provide a report, in writing, to the speaker of the council regarding: (1) the number of traffic-related incidents during the prior quarter that involved at least one vehicle and resulted in critical injury and where the driver of a vehicle involved in such incident left the scene of such incident without reporting, in violation of section six hundred of the vehicle and traffic law; (2) the number of such incidents the department closed during the prior quarter resulting in an arrest being made for violation of such section of the vehicle and traffic law; and (3) the number of such incidents the department closed during the prior quarter without an arrest being made for violation of such provision of the vehicle and traffic law. The data in such report shall be disaggregated by precinct and the cross streets of the incident and the department shall also publish such data on the department’s website. Additionally, the department shall provide to the speaker of the council in writing a brief description of what steps were taken to investigate each such incident, noting the cross streets of the incident. For purposes of this subdivision, “critical injury” shall mean any injury determined to be critical by the emergency medical service personnel responding to any such incident.

§ 2. This local law shall take effect immediately upon enactment.
COUNCIL MINUTES — STATED MEETING
December 19, 2013
CC97

JAMES VACCIA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, DARLENE MEALY, YDANIS A. RODRIGUEZ, PETER A. KOO, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO; Committee on Transportation, December 18, 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 Veterans

Report for Int. No. 1159-A

Report of the Committee on Veterans 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 opportunities for veteran-owned business enterprises in city procurement.

The Committee on Veterans, to which the annexed amended proposed local law was referred on September 12, 2013 (Minutes, page 3461), respectfully

REPORTS:

INTRODUCTION

On December 16, 2013, the Committee on Veterans, chaired by Council Member Mathieu Eugene, held hearing on Proposed Int. No. 1159-A, a Local Law to amend the administrative code of the city of New York, in relation to opportunities for veteran-owned business enterprises in city procurement. The first hearing was held on December 6, 2013. Amendments were made to this legislation following that hearing. At the second hearing, the Committee voted 6-0 in favor of the legislation.

BACKGROUND

Veterans who have served our country since September 2001 are experiencing higher rates of unemployment than previously seen either among older veterans or the general population, even as the economy has improved following the recent recession.1 Between January 2012 and October 2013, the unemployment rate for recent veterans rose from 9.1 to 10 percent.2 During the same period, the general civilian unemployment rate fell from 8.3 to 7.3 percent.3

Entrepreneurship offers veterans a path to take charge of their career and economic future by harnessing leadership skills and discipline learned in the military to help build their own business. In fact, studies indicate veteran start-ups have a higher rate of success than businesses launched by those in the general civilian population.4 Nearly one in ten businesses in the United States (U.S.) are owned by veterans.5 These 2.4 million veteran-owned businesses employ almost six million Americans and generate over $1.2 trillion in receipts annually.6 New York State is home to 127,156 veteran-owned businesses, which employ 315,148 workers and generate receipts of more than $70 billion.7 By 2016, more than one million service members will have left the U.S. military, creating a new generation of veterans that may wish to pursue careers as small business owners.

When compared to businesses owned by members of the general public, governments more often serve as essential customers and clients for veteran-owned businesses. While the federal government is a “major customer” — defined by the U.S. Small Business Administration as one accounting for ten percent or more in sales — for 1.7 percent of non-veteran owned businesses in the U.S., it is a major customer for 2.9 percent of veteran-owned businesses.8 Further, nearly six percent of veteran-owned firms have state or local governments as major customers.9

The federal government requires that at least three percent of all contracting dollars spent by each federal agency go to service-disabled veteran-owned small businesses (SDVOSBs).10 In 2010, federal contracts to SDVOSBs totaled $10.8 billion.11 The U.S. General Services Administration’s Office of Small Business Utilization provides SDVOSBs with training, assistance with navigating the federal procurement process, and conducts outreach to educate SDVOSBs on procurement opportunities.12

Seventeen states currently have procurement preference programs for veteran-owned businesses in place.13 Five states require at least three percent of contract spending to go to veteran-owned businesses.14 Arkansas requires all state agencies to attempt to spend at least five percent of construction program spending as well as the purchase of goods and services with firms owned by veterans that at least thirty percent disabled.15 In California, state departments must attempt to award three percent of the total value of contracts to firms with at least 51 percent ownership by a veteran or veterans with at least a ten percent disability rating.16 Illinois law sets a goal that no less than three percent of the total dollar amount of state contracts must go to businesses owned and controlled by veterans.17 In April 2013, Indiana enacted a requirement that the state increase contracting opportunities for veteran-owned businesses, with a goal of awarding at least three percent of state contracts to such

 businesses.18 Maryland awards businesses owned by veterans or disabled veterans preference points when bidding on contracts, in addition to requiring state agencies to attempt to award at least 5 percent of the value of procurement contracts to veteran-owned small businesses.19 The remaining twelve states with veteran procurement programs — Alaska, Louisiana, Minnesota, Michigan, Missouri, Nevada, New Mexico, Pennsylvania, Texas, Washington, West Virginia, and Wisconsin — offer some lesser form of procurement preference to veteran-owned business in awarding contracts.20

Propositions of procurement programs for veterans argue that offering veteran-owned businesses better opportunities for securing government contracts can help decrease the veteran unemployment rate, in addition to allowing governments to show appreciation for veterans’ service.21 Veterans’ advocates note that procurement opportunities at the state and local level may be more effective than the federal veteran procurement preference program as this would allow more veterans to focus on pursuing business opportunities in their home states.22

ANALYSIS

Int. No. 1159-A

Section one of Int. No. 1159-A amends title six of the Administrative Code by adding a new section 6-138. New section 6-138 would relate to opportunities for veteran-owned business enterprises in City procurement. Such section 6-138 would require the Commissioner of Small Business Services, in conjunction with the City’s chief procurement officer, to analyze veteran-owned businesses and their opportunities in City procurement, and determine if there is a need for a citywide program to promote procurement opportunities for such businesses. By December 1, 2014, the Commissioner would be required to submit a report to the Council on such analysis, including their basis for determining the need for a program to promote procurement opportunities for veteran-owned businesses. The new section would require that, if the Commissioner determines a need for such a program, that the report to the Council also contain recommendations on measures to enhance procurement opportunities for veterans, including but not limited to, outreach and notification of contract opportunities; certification; recommendations regarding the establishment of procurement participation goals; and the tracking of and reporting on the utilization of veteran-owned businesses.

Section two of the bill provides that the local law would take effect immediately.

3 Id.
5 12 USCS § 6757 (5)(A).
6 Id.
7 In 2010, federal contracts to SDVOSBs totaled $10.8 billion.11
8 12 USCS § 6757 (5)(A).
9 Further, nearly six percent of veteran-owned firms have state or local governments as major customers.9
16 Illinois Compiled Statutes § 500/45-57.
17 Indiana Code § 25-14-11-1.
18 Maryland Code §§ 14-206 and 14-602.
20 Id.
The following is the text of the Fiscal Impact Statement for Int. No. 1159-A:

### Fiscal Impact Statement:

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<tr>
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<th>Effective FY 14</th>
<th>FY Succeeding FY 15</th>
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### Impact on Revenues:

There would be no impact on revenues resulting from the enactment of this legislation.

### Impact on Expenditures:

This legislation would have no impact on expenditures since existing resources would be used to determine the need for a citywide program to promote opportunities in city procurement for veterans.

### Source of Funds to Cover Estimated Costs:

N/A

### Source of Information:

New York City Finance Division

**Int. No. 1159-A**

By Council Members Reyna, Brewer, Chin, Dickens, Eugene, Gentile, Jackson, James, King, Koo, Koppell, Mendez, Palma, Richards, Vann, Wills, Rodriguez, Greenfield, Gennaro and Van Bramer.

A Local Law to amend the administrative code of the city of New York, in relation to opportunities for veteran-owned business enterprises in city procurement.

Be it enacted by the Council as follows:

Section 1. Title 6 of the administrative code of the city of New York is amended by adding a new section 6-138 to read as follows:

§ 6-138. Participation by veteran owned business enterprises in city procurement.

The commissioner of the department of small business services, in consultation with the city chief procurement officer, shall analyze veteran owned business enterprises and opportunities for such business enterprises in city procurements and shall, by December 1, 2014, determine the need for a citywide program to promote opportunities in city procurement for veterans. At such time, the commissioner shall submit to the council a report on such analysis including the basis for such determination. If the commissioner determines that there is a need for such a citywide program, such report shall also contain recommendations concerning measures to enhance the opportunities of such businesses with respect to city procurement, which shall include but need not be limited to, outreach and notification of contract opportunities, certification of veteran owned business enterprises, recommendations regarding the establishment of participation goals, and tracking and reporting the utilization of such business enterprises.

§2. This local law shall take effect immediately.

MATHIEU EUGENE, Chairperson; LEWIS A. FIDLER, FERNANDO CARRERA, DANIEL DROMM, DAVID G. GREENFIELD; DONOVAN J. RICHARDS; Committee on Veterans, December 16, 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

General Order No. 635-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 requiring online publication of commuter van information.

The Committee on Transportation, to which the amended proposed local law was referred on July 28, 2011 (Minutes, page 3799), and originally before the Council on December 10, 2013, (Minutes, page 5184) respectfully reports:

**Reports:**

### Introduction

On December 9, 2013, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 635-A, a Local Law to amend the Administrative Code of the City of New York, in relation to requiring online publication of commuter van information. This will be the second hearing on this bill. The first hearing was held on October 31, 2013 at which the Committee heard testimony from representatives of the New York City Taxi and Limousine Commission (TLC) as well as other interested stakeholders and community members.

### Background

Commuter vans serve the transportation needs of many communities, particularly those underserved by other mass transportation options. The vans are also one of the City’s most flexible transportation services, able to adapt to serve customers during emergencies such as hurricanes and transit strikes. However, some community groups have complained about various commuter van-related issues, including passengers littering while waiting to be picked up, traffic congestion, and double parking. Community leaders have also claimed that the City insufficiently consults with community boards regarding commuter van service applications. 
The Administrative Code defines a commuter van as “having a seating capacity of at least nine passengers but not more than twenty passengers” and “carrying passengers for hire in the City duly licensed as a commuter van by [TLC] and permitted to accept hails from prospective passengers in the street.” It defines a commuter van service as an entity that “provides a transportation service through the use of one or more commuter vans on a prearranged regular daily basis, over non-specified or irregular routes, between a zone in a residential neighborhood and a location which shall be a work related central location, a mass transit or mass transportation facility, a shopping center, recreational facility or airport.”

The Code requires commuter van services to gain approval from TLC in order to operate legally in the City. Before TLC can approve an application to operate a commuter van service, the Department of Transportation (DOT) must determine that the service proposed “will be required by the present or future public convenience and necessity” and must “specify the geographic area where service is authorized and the number of commuter vans authorized to be used in providing such service.” DOT must notify all affected Council Members and community boards of the application for the purposes of obtaining their comment.

TLC displays on its website a map of approved commuter van services and their authorized geographic service areas, updated as of August 2, 2010. It lists 42 approved commuter van services. The Title 635-A would make the information more complete by requiring TLC’s website to be updated with any new commuter van service’s designated geographic service area and the approved number of commuter vans the service may use each time a new service is approved.

AMENDMENTS

Since the first hearing on Proposed Int. No. 635-A, several amendments to the bill have been made, including the removal of language that would have added affected community boards as recipients of determinations of approval for applications for authorization to operate a commuter van service from TLC, dropping the removal of language relating to the ability of the Council to “call up” such determinations for review, and the removal of language that would have required the Department of City Planning (DCP) to submit reports reflecting the results of any future commuter van service policy studies. Language was added that would require TLC to post on its website links to all New York City laws and rules governing the operation of commuter vans.

ANALYSIS

Section one of Proposed Int. No. 635-A would amend Section 19-504.2 of the Administrative Code by adding a new subdivision 1. New subdivision 1 would require TLC to post on its website links to all New York City laws and rules governing the operation of commuter vans. It would also require that, not more than three days after issuing an authorization to operate a commuter van service, TLC post on its website the geographic area where such service is authorized and the number of commuter vans authorized to be used in providing such service.

Section two of Proposed Int. No. 635-A states that the local law would take effect ninety days after its enactment.

PROPOSED INTRO. NO. 635-A COMMITTEE: Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring online publication of commuter van information.

Sponsor: By Council Members Crowley, Fidler, Gentile, James, Koppell, Koslowitz, Mealy, Rose, Rivera, Vallone, Gonzalez, Nelson, Mark-Viverito, Rodriguez, Ulrich and Greenfield

SUMMARY OF LEGISLATION: This legislation would amend section 19-504.2 of the Administrative Code of the city of New York by adding a new subdivision 1 to require greater transparency as it relates to commuter vans. The bill would require the Taxi and Limousine Commission (“TLC”) to post on its website links to all New York City laws and rules that relate to the operation of commuter vans; within three days after authorizing a commuter van service, the geographic area where such commuter van service is authorized; and the number of commuter vans so authorized to provide the service.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2014

FISCAL IMPACT STATEMENT:

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<tr>
<th>Revenues ($)</th>
<th>Effective FY14</th>
<th>FY Succeeding FY15</th>
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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 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

ESTIMATE PREPARED BY: Chima Obichere, Unit Head

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director

Taniah Edwards, Finance Counsel

HISTORY: Introduced as Intro. 635 by the Council on July 28, 2011 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on October 31, 2013. Intro. 635 has been amended, and the amended version, Proposed Int. 635-A, will be considered by the Committee on Transportation on December 9, 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. 635-A.)

1. The commission shall post on its website links to all New York city laws and rules governing the operation of commuter vans. Not more than three days after
issuing an authorization to operate a communter van service, the commission shall post on its website the geographic area where such service is authorized and the number of commuter vans authorized to be used in providing such service.

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

JAMES VACCA, Chairperson; GALE A. BREWER, G. OLIVER KOPPEL, DARLENE MEALY, YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH; Committee on Transportation, December 9 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. 994 & Res. No. 2105
Report of the Committee on Land Use in favor of approving Application No. C 140063 ZSK submitted by Coney Island Holdings LLC and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 131-60 of the Zoning Resolution to allow an open-air auditorium with a maximum of 5,099 seats for a term no greater than ten (10) years, on property located at 3052-3078 West 21st Street (Block 7071, Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 226, 231, and p/o Lot 142), in the Borough of Brooklyn, Community District 13, Council District 47.

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 resolution was referred on December 10, 2013 (Minutes, page 5250), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13 C 140063 ZSK

City Planning Commission decision approving an application submitted by Coney Island Holdings LLC and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 131-60 of the Zoning Resolution to allow an open-air auditorium with a maximum of 5,099 seats for a term no greater than ten (10) years, on property located at 3052-3078 West 21st Street (Block 7071, Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 226, 231, and p/o Lot 142; the bed of former Highland View Avenue; and a portion of the bed of former West 22nd Street), in R5 and RTDc2-4 Districts, within the Special Coney Island District (Coney West Subdistrict, Parcels B and G).

INTENT

This special permit, along with its related actions, would facilitate the development of limited term amphitheater, public open space, and restoration of a historic restaurant, in the Coney Island neighborhood of Brooklyn Community District 13.

PUBLIC HEARING

DATE: December 17, 2013

Witnesses in Favor: Seventeen
Witnesses Against: Seven

SUBCOMMITTEE RECOMMENDATION

DATE: December 18, 2013

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

In Favor: Weprin, Rivera, Jackson, Vann, Garodnick, Lappin, Ignizio
Against: None

COMMITTEE ACTION

DATE: December 18, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Rivera, Reyna, Jackson, Vann, Arroyo, Dickens, Garodnick, Lappin, Kos, Levin, Weprin, Ignizio
Against: Barron

FILEING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on December 18, 2013. The City Planning Commission filed a letter dated December 18, 2013, with the Council on December 18, 2013, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

RES. NO. 2105
Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 140063 ZSK (L.U. No. 994), for the grant of a special permit pursuant to Section 131-60 of the Zoning Resolution to allow an open-air auditorium with a maximum of 5,099 seats for a term no greater than ten (10) years, on property located at 3052-3078 West 21st Street (Block 7071, Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 226, 231, and p/o Lot 142; the bed of former Highland View Avenue; and a portion of the bed of former West 22nd Street), in R5 and RTDc2-4 Districts, within the Special Coney Island District (Coney West Subdistrict, Parcels B and G), Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on December 5, 2013 its decision dated December 4, 2013 (the “Decision”), on the application submitted by Coney Island Holdings LLC and the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit, as modified, pursuant to Section 131-60 of the Zoning Resolution to allow an open-air auditorium with a maximum of 5,099 seats for a term no greater than ten (10) years, on property located at 3052-3078 West 21st Street (Block 7071, Lots 27, 28, 30, 32, 34, 76, 79, 81, 130, 226, 231, and p/o Lot 142; the bed of former Highland View Avenue; and a portion of the bed of former West 22nd Street), in R5 and RTDc2-4 Districts, within the Special Coney Island District (Coney West Subdistrict, Parcels B and G), Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to applications N 140064 ZRK (L.U. No. 995), a proposed amendment to the Zoning Resolution, modifying Sections 131-00 to create 113-60 (Special Permit for Auditorium Use) and 131-00 Appendix A (Coney Island Special District Plan) to create Parcel G, enlarge the Special Coney Island District, and enlarge the Coney West Subdistrict; C 140065 ZMK (L.U. No. 996), a proposed amendment to the Zoning Map, Section No. 28d, establishing a Special Coney Island District (CI) generally bounded by West 22nd Street, Riegelmann Boardwalk, West 23rd Street and a line 245 feet northerly of the boardwalk; C 140066 PPK (L.U. No. 997), a proposed Disposition of City Owned property to the Economic Development Corporation of the following lots on Block 7071: 27, 28, 30, 32, 34, 76, 79, 81, 130, 226, 231, and M 09107(B) MMK (L.U. No. 998), a proposed administrative modification to City Map Amendments approved by the City Planning Commission on December 3, 2010.

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 131-60 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 17, 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 Final Environmental Impact Statement (“FEIS”) for which a Notice of Completion was issued on October 25, 2013 (CEQR No. 13DME014K) and the CEQR Technical Memorandum dated December 18, 2013 (the “CEQR Technical Memorandum”).
RESOLVED:

Having considered the FEIS and the CEQR Technical Memorandum, with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein, as modified, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts disclosed in the FEIS and the CEQR Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to this approval, as modified, in accordance with environmental commitment letters, dated December 3, 2013, from the Deputy Mayor for Economic Development and November 26, 2013, from Coney Island Holdings, LLC, those, those project components related to the environment and mitigation measures that were identified as practicable; and

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 140063 ZSM, incorporated by reference herein, the Council approves the Decision with the following modifications, and subject to the following conditions:

1. The development that is the subject of this application (C 140063 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Gerner Kronich + Valcarcel, PC and Michael Van Valkenburgh Associates, Inc., filed with this application and incorporated in this resolution.

<table>
<thead>
<tr>
<th>Dwg.</th>
<th>Title</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Z-300</td>
<td>Overall Open Space Plan: In-Season Event</td>
<td>11/27/13</td>
</tr>
<tr>
<td>Z-301</td>
<td>Zoning Computations</td>
<td>11/27/13</td>
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<tr>
<td>Z-302</td>
<td>Operations Site Plan: In-Season Event</td>
<td>11/27/13</td>
</tr>
<tr>
<td>Z-303</td>
<td>Site Sections and Elevations: In-Season Event</td>
<td>11/27/13</td>
</tr>
<tr>
<td>Z-304</td>
<td>Event Screen Details</td>
<td>09/03/13</td>
</tr>
<tr>
<td>Z-305</td>
<td>Event Seating Details</td>
<td>11/27/13</td>
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<tr>
<td>Z-306</td>
<td>Section Stage House</td>
<td>09/03/13</td>
</tr>
<tr>
<td>Z-311</td>
<td>Site Plan: In Season Non-Event</td>
<td>11/27/13</td>
</tr>
<tr>
<td>Z-312</td>
<td>Site Sections and Elevations: In Season Non-Event</td>
<td>11/27/13</td>
</tr>
<tr>
<td>Z-320</td>
<td>Overall Open Space Plan: Off-Season</td>
<td>11/27/13</td>
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<tr>
<td>Z-321</td>
<td>Site Plan: Off-Season</td>
<td>11/27/13</td>
</tr>
<tr>
<td>Z-322</td>
<td>Site Sections and Elevations: Off-Season</td>
<td>11/27/13</td>
</tr>
<tr>
<td>Z-331</td>
<td>Site Grading Plan: Year-Round</td>
<td>11/27/13</td>
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<tr>
<td>Z-332</td>
<td>Site Planting Plan: Year-Round</td>
<td>11/27/13</td>
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<tr>
<td>Z-333</td>
<td>Fixed Site Furnishings Plan Year-Round</td>
<td>11/27/13</td>
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<tr>
<td>Z-340</td>
<td>Plaza/Park Paths Lighting: In-Season</td>
<td>11/27/13</td>
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<tr>
<td>Z-341</td>
<td>Plaza/Park Paths Lighting: Off-Season</td>
<td>11/27/13</td>
</tr>
<tr>
<td>Z-342</td>
<td>Plaza/Park Paths Lighting – Luminarie</td>
<td>09/03/13</td>
</tr>
<tr>
<td>Z-350</td>
<td>Stair Sections</td>
<td>11/27/13</td>
</tr>
</tbody>
</table>

2. The development which is the subject of this application shall conform to all applicable laws and regulations relating to their construction, operation and maintenance.

3. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

4. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms, or conditions of this resolution and the restrictive declarations whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation, or amendment of the special permit hereby granted or of the restrictive declarations.

5. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

Z-360 Pavement Details 11/27/13
Z-361 Planting Details 09/03/13
Z-362 Bench Details 09/03/13
Z-363 Plant Rail Details 09/03/13
Z-364 Fencing Details 09/03/13
Z-365 Handrail Details 09/03/13
Z-366 Site Furnishings: Year-Round 11/20/13
Z-367 Play Equipment Details 11/27/13
Z-368 Comfort Station Details 11/27/13
Z-370 Signage Plan 11/27/13
Z-371 Signage Childs Building 11/27/13
Z-372 Signage Childs Building 2 09/03/13
Z-401 Zoning Section Diagrams 1 11/27/13
Z-402 Zoning Section Diagrams 2 11/27/13
Z-600 Grade Level 11/27/13
Z-601 Main Floor Plan – In Season/Event 11/27/13
Z-602 Main Floor Plan – In Season/Non Event 11/27/13
Z-603 Main Floor Plan – Off Season 11/27/13
Z-604 Memorandum Floor Plan 11/27/13
Z-400 Roof Plan 11/27/13

JOEL RIVERA, Acting Chairperson; DIANA REYNA, ROBERT JACKSON, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO; Committee on Land Use, December 18, 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. 995 & Res. No. 2106
Report of the Committee on Land Use in favor of approving Application No. N 140064 ZRK submitted by Coney Island Holdings LLC and New York City
Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Section 113-00 (Special Coney Island District), 131-60 (Special Permit for Auditoriums), Appendix A (Coney Island District Plan) relating to the development of auditorium use, in the Borough of Brooklyn, Community District 13, Council District 47.

The Committee on Land Use, to which the annexed resolution was referred on December 10, 2013 (Minutes, page 5251), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13 N 140064 ZRK

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 Section 113-00 (Special Coney Island District), 131-60 (Special Permit for Auditoriums), Appendix A (Coney Island District Plan) relating to the development of auditorium use.

INTENT

This zoning text amendment, along with its related actions, would facilitate the development of limited term amphitheater, public open space, and restoration of a historic restaurant, in the Coney Island neighborhood of Brooklyn Community District 13.

PUBLIC HEARING

DATE: December 17, 2013

Witnesses in Favor: Seventeen Witnesses Against: Seven

SUBCOMMITTEE RECOMMENDATION

DATE: December 18, 2013

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

In Favor: Weprin, Rivera, Jackson, Vann, Garodnick, Lappin, Ignizio
Against: None Abstain: None

COMMITTEE ACTION

DATE: December 18, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Rivera, Reyna, Jackson, Vann, Arroyo, Garodnick, Lappin, Koo, Levin, Weprin, Ignizio
Against: Barron Abstain: Mender, and Williams

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

Res. No. 2106

Resolution approving the decision of the City Planning Commission on Application No. N 140064 ZRK, for an amendment of the Zoning Resolution of the City of New York, concerning Section 113-00 (Special Coney Island District), 131-60 (Special Permit for Auditoriums), Appendix A (Coney Island District Plan) relating to the development of auditorium use in Community District 13, Borough of Brooklyn (L.U. No. 995).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on December 5, 2013 its decision dated December 4, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning for an amendment of the text of the Zoning Resolution of the City of New York, concerning Section 113-00 (Special Coney Island District), 131-60 (Special Permit for Auditoriums), Appendix A (Coney Island District Plan) relating to the development of auditorium use, (Application No. N 140064 ZRK), Community District 13, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to applications C 140063 ZSK (L.U. No. 994), a special permit pursuant to Section 131-60 to allow an open-air auditorium with a maximum of 5,099 seats for a term no greater than ten (10) years; C 140065 ZMK (L.U. No. 996), a proposed amendment to the Zoning Map, Section No. 28d, establishing a Special Coney Island District (C1) generally bounded by West 22nd Street, Riegelmann Boardwalk, West 23rd Street and a line 245 feet northerly of the boardwalk; C 140066 PPK (L.U. No. 997), a proposed Disposition of City Owned property to the Economic Development Corporation of the following lots on Block 7071: 27, 28, 30, 32, 34 76 79 81 130, 142, 226, and 231; C 140067 PQK (L.U. No. 998), a proposed acquisition of property by the City to allow the City to purchase the following lots on Block 7071, Lots 27, 28, 30, 32, 34 76 79 81 130, 226, and 231; and M 090307(B) MMK (L.U. No. 999), a proposed administrative modification to City Map Amendments approved by the City Planning Commission on December 3, 2010;

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 City Planning Commission has made the findings required pursuant to Section 131-60 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 17, 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 Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on October 25, 2013 (CEQR No. 13DE0014K) and the CEQR Technical Memorandum dated December 18, 2013, (the "CEQR Technical Memorandum");

RESOLVED:

Having considered the FEIS and the CEQR Technical Memorandum, with respect to the Decision and Application, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
(2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein, as modified, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
(3) The adverse environmental impacts disclosed in the FEIS and the CEQR Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to this approval, as modified, in accordance with environmental commitment letters, dated December 3, 2013, from the Deputy Mayor for Economic Development and November 26, 2013, from Coney Island Holdings, LLC, those, those project components related to the environment and mitigation measures that were identified as practicable; and
(4) The Decision together with the FEIS and the CEQR Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 140064 ZRK, incorporated by reference herein, the Council approves the Decision.

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

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

Article XIII: Special Purpose Districts

* * *
Chapter 1
Special Coney Island District

131-60
Special Permit for Auditoriums

The special permit set forth in this Section is established to allow outdoor entertainment *use* on a limited-term basis in a unique beachfront location within the #Special Coney Island District#. The development of such a #use# on a temporary basis pursuant to this special permit provides for the opportunity for a valuable public amenity to exist within an area that, while approved for future #residential# development pursuant to the #Special Coney Island District# plan, is currently underutilized and does not exhibit the characteristics of a well-developed #residential# neighborhood. Any special permit granted under this Section shall be subject to a term of years, so as to ensure that such #use# is consistent with and does not impede the goal of long-term revitalization of the surrounding area, pursuant to the #Special Coney Island District# plan.

In the Coney West Subdistrict, for Parcels B and G, the City Planning Commission may approve, by special permit, open-air auditoriums with greater than 2,000 seats, for a term no greater than ten years from the date a certificate of occupancy, including a temporary certificate of occupancy, has been issued, provided that the proposed auditorium meets the conditions of paragraph (a) and the findings of paragraph (b) of this Section, in addition to the #sign# and parking provisions of paragraphs (c) and (d) of this Section, respectively.

For any application for such special permit, the applicant shall provide plans to the Commission including but not limited to a site plan, signage plan, parking and loading plan, lighting plan and operations plan (the "Proposed Plans").

(a) The Commission may permit open-air auditoriums with a maximum of 5,100 seats, provided the Proposed Plans demonstrate that:

1. at all times when the Riegelmann Boardwalk is open to the public, all publically accessible space, as shown on the proposed plans, will remain accessible to the public, except that access may be restricted as necessary during scheduled events, for the setup and takedown for such events, and in connection with maintenance activities; any barriers erected for the purpose of restricting access or visibility during such events shall be completely removed at all other times;

2. the height of all structures, temporary or fixed, does not exceed 70 feet in height, as measured from the level of the Riegelmann Boardwalk;

3. any roof or structural canopy above the open-air auditorium seating area will be removed prior to the month of November and shall remain removed during the entire off-season period between November through April, as well as in advance of severe weather events;

4. the signage plan and parking and loading plan comply with the provisions of paragraphs (c) and (d) of this Section, respectively, and

5. the City and applicant will enter into an agreement under which Parcel G will be returned to the City as of the expiration of the term of the special permit in a condition set forth in such agreement appropriate for #zoning# as a #public park#.

(b) In granting such permit, the Commission shall find that:

1. such open-air auditorium will not unduly impair the essential character or the unique character of the surrounding area, pursuant to the goals and objectives of the #Special Coney Island District# plan;

2. the outdoor lighting for such open-air auditorium is located and arranged so as to minimize any negative effects on nearby #residences# and #community facilities#, and that Proposed Plans include noise attenuation features and measures which serve to reduce the effect of noise from the open-air auditorium on the surrounding area, including nearby #residences# and #community facilities#;

3. the construction of a stage as part of any #building# on Parcel B, for the purpose of accommodating an open-air auditorium #use#, will:

(ii) enable the stage area to be closed to the outdoor portion of the open-air auditorium during the off-season when the open-air auditorium is not in use, so as to be operated for indoor entertainment #use# with an eating and drinking establishment or other #use# permitted on Parcel B, and

(iii) allow for such #buildings# to be operated subsequent to the expiration of the special permit for #use# permitted on Parcel B, such as eating or drinking establishments with entertainment.

4. appropriate visual and pedestrian connections are maintained in the general area of the former street bed from the termination of West 22nd Street to the Riegelmann Boardwalk;

5. the portions of the site not dedicated to stage area or event seating are so designed to serve as a full-time park-like resource for the public, and the portions of the site designed for open-air auditorium #use# serve as a high-quality open space resource when not in auditorium use;

6. any roof or structural canopy above the open-air auditorium seating area will be visually unobtrusive, and maximize openness and visibility between the site and the Riegelmann Boardwalk;

7. the operations plan, which shall include a protocol for queuing for concert-goers, demonstrates that there would be no interference with the public use and enjoyment of adjacent public facilities; and

8. the site plan, signage plan and lighting plan incorporate good design, effectively integrate the site with surrounding streets and the Riegelmann Boardwalk, and are consistent with the purposes of the #Special Coney Island District#.

(c) The Commission may, through approval of the Proposed Plans, permit #signs# notwithstanding the applicable #sign# regulations, except that #flashing signs# shall not be permitted and only #advertising signs# that are oriented toward the interior of the open-air amphitheater and not visible from the Riegelmann Boardwalk or other public area shall be permitted.

In order to permit such #signs#, the Commission shall find that such sign is appropriate in connection with the permitted open-air auditorium #use#, is not unduly concentrated within one portion of the site, and will not negatively affect the surrounding area.

(d) The Commission may, through approval of the Proposed Plans, reduce or waive required parking or loading requirements, provided the Commission finds that the open-air auditorium will be adequately served by a combination of surrounding public parking facilities and mass transit. In addition, the Commission shall find that the proposed loading facilities on the site are located so as not to adversely affect the movement of pedestrians or vehicles on the streets# surrounding the auditorium.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. Such conditions and safeguards may include, but are not limited to restrictions on signage or requirements for soundproofing of auditoriums, shielding of floodlights or screening of open #uses#.

Upon the first issuance of this permit for an open-air auditorium, the effective period of the permit shall be ten years from the date a certificate of occupancy, including a temporary certificate of occupancy, has been issued. To establish the term of years for subsequent applications for this special permit, the Commission shall, in determining whether the finding of paragraph (b)(1) of this Section is met, take into account the existing character of the surrounding area, as well as #residential# and #community facility# development# proposed or under construction on surrounding #blocks#, and shall also consider whether continuation of such auditorium #use# within a proposed term of years would be compatible with or may hinder achievement of the goals and objectives of the #Special Coney Island District# plan. Subsequent applications for this special permit shall be filed no later than one year prior to expiration of the term of the permit then in effect.

Appendix A
Coney Island District Plan

Map 1 - Special Coney Island District and Subdistricts
Map 2 - Mandatory Ground Floor Use Requirements

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EXISTING MAP TO BE UPDATED WITH REVISED DISTRICT BOUNDARY
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Map 4 - Street Wall Location

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EXISTING MAP TO BE UPDATED WITH REVISED DISTRICT BOUNDARY
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Map 5 - Minimum and Maximum Base Heights

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EXISTING MAP TO BE UPDATED WITH REVISED DISTRICT BOUNDARY
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Map 6 - Coney West Subdistrict Transition Heights

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MAP TO BE DELETED
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报告了听证会

日期：2013年12月17日

支持者：Weprin, Rivera, Jackson, Vann, Garodnick, Lappin, Ignizio, Against: None

委员会行动

日期：2013年12月18日

委员会建议批准城市规划委员会的决定。

在支持者：Rivera, Reyna, Jackson, Vann, Arroyo, Dickens, Garodnick, Lappin, Koo, Levin, Weprin, Ignizio

反对者：Barron, Abstain: Mendez, Williams

在连接此处，委员会成员Comrie和Weprin提供了以下决议：

决议

日期：2013年12月17日

与之相关的决议

日期：2013年12月17日
Appendix A (Coney Island Special District Plan) to create Parcel G. enlarge the Special Coney Island District, and enlarge the Coney West Sub-district. C 140066 PPK (L.U. No. 997), a proposed Disposition of City Owned property to the Economic Development Corporation of the following lots on Block 7071: 27, 28, 30, 32, 34 76 79 81 130, 142, 226, and 231; C 140067 PQK (L.U. No. 998), a proposed acquisition of property by the City to allow the City to purchase the following lots on Block 7071, Lots 27, 28, 30, 32, 34 76 79 81 130, 226, and 231; and M 090107(B) MMK (L.U. No. 999), a proposed administrative modification to City Map Amendments approved by the City Planning Commission on December 3, 2010;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 131-60 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 17, 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 Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on October 25, 2013 (CEQR No. 13DME014K) and the CEQR Technical Memorandum dated December 18, 2013 (the "CEQR Technical Memorandum");

RESOLVED: Having considered the FEIS and the CEQR Technical Memorandum, with respect to the Decision and Application, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein, as modified, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

(3) The adverse environmental impacts disclosed in the FEIS and the CEQR Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to this approval, as modified, in accordance with environmental commitment letters, dated December 3, 2013, from the Deputy Mayor for Economic Development and November 26, 2013, from Coney Island Holdings, LLC, those, those project components related to the environment and mitigation measures that were identified as practicable; and

(4) The Decision together with the FEIS and the CEQR Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 140065 ZMK, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, as effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 28d, establishing a Special Coney Island District (CI) bounded by a line perpendicular to the easterly street line of West 23rd Street distant 245 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of West 23rd Street and northerly boundary line of Riegelmann Boardwalk, a line 110 feet easterly of West 23rd Street, a line 150 feet northerly of former Highland View Avenue and its easterly prolongation, the easterly street line of former West 22nd Street., the northerly boundary line of Riegelmann Boardwalk, and West 23rd Street, as shown on a diagram (for illustrative purposes only), dated September 9, 2013, Community District 13, Borough of Brooklyn.

JOEL RIVERA. Acting Chairperson. DIANA REYNA, ROBERT JACKSON, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNEZIO; Committee on Land Use, December 18, 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).

Res. No. 2108

Resolution approving the decision of the City Planning Commission on ULURP No. C 140066 PPK, for disposition, by lease agreement, to the New York City Land Development Corporation (NYC/LDC) of city-owned property located on Block 7071, Lots 27, 28, 30, 32, 34, 76, 130, 142 and 226, restricted to the conditions pursuant to NYC Zoning Resolution (ZR) Section 131-60 (Special Permit for Auditoriums), in the Borough of Brooklyn, Community District 13, Council District 47.

The Committee on Land Use, to which the annexed resolution was referred on December 10, 2013 (Minutes, page 5252), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13 C 140066 PPK

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for disposition, by lease agreement, to the New York City Land Development Corporation (NYC/LDC) of city-owned property located on Block 7071, Lots 27, 28, 30, 32, 34, 76, 130, 142 and 226, restricted to the conditions pursuant to NYC Zoning Resolution (ZR) Section 131-60 (Special Permit for Auditoriums).

INTENT

This disposition action, along with its related actions, would facilitate the development of limited term amphitheater, public open space, and restoration of a historic restaurant, in the Coney Island neighborhood of Brooklyn Community District 13.

PUBLIC HEARING

DATE: December 17, 2013

Witnesses in Favor: Seventeen

Witnesses Against: Seven

SUBCOMMITTEE RECOMMENDATION

DATE: December 18, 2013

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

In Favor: Weprin, Rivera, Jackson, Vann, Garodnick, Lappin, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: December 18, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Rivera, Reyna, Jackson, Vann, Arroyo, Dickens, Garodnick, Lappin, Koo, Levin, Weprin, Ignizio

Against: Barron

Abstain: Mendez, and Williams

In connection herewith, Council Members Comrie and Weprin offered the following resolution:
RESTRICTED TO THE CONDITIONS PURSUANT TO NYC ZONING RESOLUTION (ZR) SECTION 131-60 (SPECIAL PERMIT FOR AUDITORIUMS), BOROUGH OF BROOKLYN (L.U. NO. 997).

BY COUNCIL MEMBERS COMITEE AND WEPRIN.

WHEREAS, the City Planning Commission filed with the Council on December 5, 2013 its decision dated December 4, 2013 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by Coney Island Holdings, LLC and the Department of Citywide Administrative Services (DCAS), for the disposition, by lease agreement, to the New York City Land Development Corporation (NYCLDC) of city-owned property located on Block 7071, Lots 27, 28, 30, 32, 34, 76, 130, 142 and 226, restricted to the conditions pursuant to NYC Zoning Resolution (ZR) Section 131-60 (Special Permit for Auditoriums), Community District 13, Borough of Brooklyn.

JOEL RIVERA, Acting Chairperson; DIANA REYNA, ROBERT JACKSON, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO; Committee on Land Use, December 18, 2013.

ON MOTION OF THE SPEAKER (COUNCIL MEMBER QUINN), AND ADOPTED, THE FOLLOWING MATERIALIZED AS A GENERAL ORDER FOR THE COUNCIL, AS MODIFIED.

Oral Presentation: City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property generally bounded by West 21st Street, West 22nd Street and the Riegelmann Boardwalk (Block 7071, Lots 27, 28, 30, 32, 34, 76, 130, 126, and 231), in the Borough of Brooklyn, Community District 13, Council District 47.

The Committee on Land Use, to which the annexed resolution was referred on December 10, 2013 (Minutes, page 5252), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13 C 140067 PKQ

CITY PLANNING COMMISSION DECISION APPROVING AN APPLICATION SUBMITTED BY THE DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES, PURSUANT TO SECTION 197-C OF THE NEW YORK CITY CHARTER, FOR THE ACQUISITION OF PROPERTY GENERALLY BOUNDED BY WEST 21ST STREET, WEST 22ND STREET AND THE RIEGELMANN BOARDWALK (BLOCK 7071, LOTS 27, 28, 30, 32, 34, 76, 130, 126, AND 231), IN THE BOROUGH OF BROOKLYN, COMMUNITY DISTRICT 13, COUNCIL DISTRICT 47.

PUBLIC HEARING

DATE: December 17, 2013

Witnesses in Favor: Seventeen

Witnesses Against: Seven

SUBCOMMITTEE RECOMMENDATION

DATE: December 18, 2013

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

In Favor: Weprin, Rivera, Jackson, Vann, Garodnick, Lappin, Ignizio

Against: None

Abstain: None

COMMITTEE ACTION

DATE: December 18, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Rivera, Reyna, Jackson, Vann, Arroyo, Dickens, Garodnick, Lappin, Koo, Levin, Weprin, Ignizio

Against: Barron

Abstain: Mendez, and Williams

COUNCIL MINUTES — STATED MEETING

December 19, 2013

CC107

RESOLVED

Having considered the FEIS and the CEQR Technical Memorandum, with respect to the Decision and Application, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C. R.R. Part 617;

(2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein, as modified, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

(3) The adverse environmental impacts disclosed in the FEIS and the CEQR Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating conditions to this approval, as modified, in accordance with environmental commitment letters, dated December 3, 2013, from the Deputy Mayor for Economic Development and November 26, 2013, from Coney Island Holdings, LLC, those, those project components related to the environment and mitigation measures that were identified as practicable; and

(4) The Decision together with the FEIS and the CEQR Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C. R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 140066 PPK, incorporated by reference herein, the Council approves the Decision for disposition, by lease agreement, to the
In connection herewith, Council Members Comrie and Weprin offered the following resolution:

RESOLUTION

WHEREAS, the City Planning Commission filed with the Council on December 5, 2013 its decision dated December 4, 2013 (the “Decision”) on the application submitted pursuant to Section 197 of the New York City Charter by the Department of Citywide Administrative Services (DCAS), for the acquisition of property generally bounded by West 21st Street, West 22nd Street and the Riegelmann Boardwalk (Block 7071, Lots 27, 28, 30, 32, 34, 76, 130, 226, and 231), in Community District 13, Borough of Brooklyn.

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 131-60 of the Zoning Resolution of the City of New York; and

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 131-60 of the Zoning Resolution of the City of New York; and

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 17, 2013; and

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 Final Environmental Impact Statement (“FEIS”) for which a Notice of Completion was issued on October 25, 2013 (CEQR No. 13DME014K) and the CEQR Technical Memorandum dated December 18, 2013 (the “CEQR Technical Memorandum”).

RESOLVED:

Having considered the FEIS and the CEQR Technical Memorandum, with respect to the Decision and Application, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617; and

(2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein, as modified, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

(3) The adverse environmental impacts disclosed in the FEIS and the CEQR Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to this approval, as modified, in accordance with environmental commitment letters, dated December 3, 2013, from the Deputy Mayor for Economic Development and November 26, 2013, from Coney Island Holdings, LLC, those project components related to the environment and mitigation measures that were identified as practicable; and

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 140067 PQK, incorporated by reference herein, the Council approves the Decision for the acquisition of property bounded by West 21st Street, West 22nd Street and the Riegelmann Boardwalk (Block 7071, Lots 27, 28, 30, 32, 34, 76, 130 226, and 231)

JOEL RIVERA, Acting Chairperson; DIANA REYNA, ROBERT JACKSON, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. EICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, PETER A. KOO, STEPHEN T. LEVIN, MARK S. WEPRIN, VINCENT M. IGNIZIO; Committee on Land Use, December 18, 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. 999 & Res. No. 2103

Report of the Committee on Land Use in favor of approving Application No. M 090107(B) MMK submitted by the New York City Economic Development for a modification of the resolution adopted by the City Planning Commission on June 17, 2009 (Calendar No. 14) approving an application (C 090107 MMK) for an amendment to the City Map involving, inter alia, the elimination of streets within an area bounded by West 22nd Street, West 23rd Street, and Public Beach in accordance with Map Nos. X-2711 dated January 14, 2009, revised June 17, 2009 and August 16, 2013, and X-2739 dated August 16, 2013 and signed by the Borough President, in the Borough of Brooklyn, Community District 13, Council District 47.

The Committee on Land Use, to which the annexed resolution was referred on December 10, 2013 (Minutes page 5252), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 13

M 090107(B) MMK

City Planning Commission decision approving an application submitted by the New York City Economic Development for a modification of the resolution adopted by the City Planning Commission on June 17, 2009 (Calendar No. 14) approving an application (C 090107 MMK) for an amendment to the City Map involving, inter alia, the elimination of streets within an area bounded by West 22nd Street, West 23rd Street, and Public Beach in accordance with Map Nos. X-2711 dated January 14, 2009, revised June 17, 2009 and August 16, 2013, and X-2739 dated August 16, 2013 and signed by the Borough President.

INTENT

This modification of a previously approved City Map amendment, along with its related actions, would facilitate the development of limited term amphitheater, public open space, and restoration of a historic restaurant, in the Coney Island neighborhood of Brooklyn Community District 13.

PUBLIC HEARING

DATE: December 17, 2013

Witnesses in Favor: Seventeen

Witnesses Against: Seven

SUBCOMMITTEE RECOMMENDATION

DATE: December 18, 2013

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

In Favor: Weprin, Rivera, Jackson, Vann, Garodnick, Lappin, Ignizio

Against: None

Abstain: None
COMMITTEE ACTION

DATE: December 19, 2013

The Committee recommends that the Council approve the attached resolution.

In Favor: Rivera, Reyna, Jackson, Vann, Arroyo, Dickens, Garodnick, Lappin, Kos, Levin, Weprin, Ignizio

Against: Baron

Abstain: Mendez, and Williams

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

Res. No. 2110
Resolution approving the decision of the City Planning Commission on ULURP No. M 090107(B) MMK, an amendment to the City Map (L.U. No. 999).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on December 5, 2013 its decision dated December 4, 2013 (the "Decision"), on the resolution adopted by the City Planning Commission for an amendment to the City Map involving, inter alia, the elimination of streets and the establishment of streets and parks within an area bounded by Surf Avenue, West 23rd Street, the Public Beach and West 24th Street in accordance with Map Nos. X-2711 dated January 14, 2009, revised June 17, 2009 and August 16, 2013 and X-2739 dated August 16, 2013 and signed by the Borough President, in the Coney Island neighborhood, (ULURP No. M 090107(B) MMK), Community District 13, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to applications C 140063 ZSK (L.U. No. 994), a special permit pursuant to Section 131-60 to open an air-open permit with a maximum of 5,099 seats for a term no greater than ten (10) years; N 140064 ZSK (L.U. No. 995), a proposed amendment to the Zoning Resolution, modifying Sections 131-00 to create 113-60 (Special Permit for Auditorium Use) and 131-00 Appendix A (Coney Island Special District Plan) to create Parcel G, enlarge the Special Coney Island District, and enlarge the Coney West Sub-district, C 140065 ZMK (L.U. No. 996), a proposed amendment to the Zoning Map, Section No. 28d, establishing a Special Coney Island District (CI) generally bounded by West 22nd Street, Riegelmann Boardwalk, West 23rd Street and a line 245 feet northerly of the boardwalk; C 140066 PPK (L.U. No. 997), a proposed Disposition of City-Owned property to the Economic Development Corporation of the following lots on Block 7071: 27, 28, 30, 32, 34 76 79 81 130, 226, and 231; and C 140067 PQK (L.U. No. 998), a proposed acquisition of property by the City to allow the City to purchase the following lots on Block 7071: Lots 27, 28, 30, 32, 34 76 79 81 130, 226, and 231;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197(d)(3) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 17, 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 Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on October 25, 2013 (CEQR No. 13DE0014K) and the CEQR Technical Memorandum dated December 18, 2013 (the "CEQR Technical Memorandum");

RESOLVED:

Having considered the FEIS and the CEQR Technical Memorandum, with respect to the Decision and Application, the Council finds that:

1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein, as modified, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

3) The adverse environmental impacts disclosed in the FEIS and the CEQR Technical Memorandum will be minimized or avoided to the maximum extent practicable by incorporating as conditions to this approval, as modified, in accordance with environmental commitment letters, dated December 3, 2013, from the Deputy Mayor for Economic Development and November 26, 2013, from Coney Island Holdings, LLC, those, those project components related to the environment and mitigation measures that were identified as practicable; and

4) The Decision together with the FEIS and the CEQR Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and Section 5-433 of the New York City Administrative Code and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, M 090107(B) MMK, incorporated by reference herein, the Council approves the Decision, for an amendment to the City Map described as follows:

STREETS TO BE DISCONTINUED AND CLOSED AS SHOWN ON ALTERATION MAP NO. X-2711, DATED JANUARY 14, 2009, REVISED JUNE 17, 2009 AND AUGUST 16, 2013

PARCEL 1

Starting at a Point of Beginning located at the intersection of the easterly street line of West 22nd Street and the newly established southerly street terminus line of West 22nd Street, said point being distant 46.96 feet southerly along said easterly street line of West 22nd Street from its intersection with the newly established southerly street line of Ocean Way, as those streets and public beach were hereinafter laid out on the City Map;

1) Running thence southerly, along the former easterly street line of West 22nd Street, discontinued and closed, in the projection of the existing easterly street line of West 22nd Street, 216.71 feet to its intersection with the northerly line of Public Beach;

2) Running thence westerly, along said northerly line of Public Beach, which is coterminous with the former southerly street terminus line of West 22nd Street, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 79 degrees 54 minutes 12 seconds, 60.94 feet to its intersection with the former westerly street line of West 22nd Street, discontinued and closed;

3) Running thence northerly, along said former westerly street line of West 22nd Street, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 100 degrees 05 minutes 24 seconds, 46.88 feet to its intersection with the former southerly street line of Highland View Avenue, discontinued and closed;

4) Running thence westerly, along said former southerly street line of Highland View Avenue, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 28 minutes 49 seconds, 217.02 feet to its intersection with the easterly street line of West 23rd Street;

5) Running thence northerly, along the newly established easterly street line of West 23rd Street, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 60.00 feet to its intersection with the former northerly street line of Highland View Avenue, discontinued and closed;

6) Running thence easterly, along said former northerly street line of Highland View Avenue, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minutes 00 seconds, 218.80 feet to its intersection with the former westerly street line of West 22nd Street, discontinued and closed;

7) Running thence northerly, along said former westerly street line of West 22nd Street, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minutes 00 seconds, 54.19 feet to an angle point;

8) Continuing thence northerly, along said former westerly street line of West 22nd Street, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 0 degrees 31 minutes 31 seconds, 45.81 feet to an angle point;
9) Continuing thence northerly, along said former westerly street line of West 22nd Street, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 1 degree 00 minutes 44 seconds, 20.00 feet to its intersection with the newly established southerly street terminus line of West 22nd Street.

10) Running thence easterly, along said newly established southerly street terminus line of West 22nd Street, said course forming a deflection angle to the right with the last mentioned course of 89 degrees 31 minutes 08 seconds, 60.00 feet to the Point or Place of Beginning.

Said street land to be discontinued and closed contains an area of 26,270.16 square feet, more or less.

All such approvals being subject to the following conditions:

a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map Nos. X-2711 and X-2739 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;

b. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

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 Applicants and Reapplicants

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>District #</th>
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<tbody>
<tr>
<td>Elba Feliciano</td>
<td>55 Rutgers Street #7B</td>
<td>1</td>
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<tr>
<td>Joseph Guidetti</td>
<td>90 Beekman Street #6K</td>
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<td>Joan Guidetti</td>
<td>90 Beekman Street #6K</td>
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<tr>
<td>Ellen T. Pine</td>
<td>245 East 25th Street #7L</td>
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<td>Veer A. Gulati</td>
<td>45 East 45th Street #8</td>
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<td>Kelly Francis Callahan</td>
<td>315 East 70th Street #33</td>
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<td>Calvin C. Bass</td>
<td>788 Riverside Drive #7A</td>
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<tr>
<td>Jewel Caldwell</td>
<td>67 Lenox Avenue #2A</td>
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<tr>
<td>Rosa G. Diaz</td>
<td>1951 Park Avenue #N607</td>
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<td>Sherry Johnson</td>
<td>2494 8th Avenue #5B</td>
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<td>Helena Lemptt</td>
<td>2121 Paasdiing Avenue #8T</td>
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<td>Margaritzen Mendez</td>
<td>901 Neil Avenue</td>
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<td>Rosemarie Mercado</td>
<td>2074 Wallace Avenue #303</td>
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<td>Julia Robles</td>
<td>1312 Balcom Avenue #1</td>
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<td>Jean Michelle Rodriguez</td>
<td>11 West 172nd Street #1E</td>
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<td>Esther Scott</td>
<td>1368 Webster Avenue #17A</td>
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<td>Donna Taylor-Sanders</td>
<td>814 Ritter Place</td>
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<tr>
<td>Pamela M. Gilbert</td>
<td>331 East 132nd Street #2F</td>
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<tr>
<td>Giuliana Garcia</td>
<td>13-08 123rd Street</td>
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<td>Athena Kiamos</td>
<td>67-21 Springfield Blvd</td>
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<td>Kunta Rawat</td>
<td>51-01 39th Avenue #N42</td>
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<td>Edgar Hurley</td>
<td>2166-113th Drive</td>
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<td>Debbie C. Hyles</td>
<td>185-01 Galway Avenue #2</td>
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<tr>
<td>Xiangmou Huang</td>
<td>67-66 108th Street #B65</td>
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<td>Russell Pecunies</td>
<td>156-23 78th Street</td>
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<td>Kristi Petho</td>
<td>132-26 88th Street</td>
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<td>Marguerite Connelly</td>
<td>60 Sackett Street</td>
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<td>Francis Tavers</td>
<td>390 Central Avenue</td>
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<tr>
<td>Joyce Washington</td>
<td>212 South Oxford Street #44</td>
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<tr>
<td>Vivolyn Ford</td>
<td>131 Lincoln Road #6A</td>
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<tr>
<td>Terril Lesane</td>
<td>145 Lincoln Road #5G</td>
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<td>James Lewis Jr.</td>
<td>177 Lenox Road #2C</td>
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<tr>
<td>Shanda Swain</td>
<td>675 Lincoln Avenue #16F</td>
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Approved New Applicant’s Report

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<thead>
<tr>
<th>Name</th>
<th>Address</th>
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</thead>
<tbody>
<tr>
<td>Nicholas Miliadis</td>
<td>133 Pitt Street #902</td>
<td>1</td>
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<tr>
<td>Shanicaqua Spruell</td>
<td>1105 Tinton Avenue</td>
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<td>Denise Turner</td>
<td>779 Concourse Village East #7D</td>
<td>16</td>
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<tr>
<td>Crystal Rivera</td>
<td>50 East 168th Street #510</td>
<td>16</td>
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<tr>
<td>Yassed Mike Baez</td>
<td>42-29 202nd Street</td>
<td>19</td>
</tr>
<tr>
<td>Kathy Elmaghrabi</td>
<td>115 Oak Street</td>
<td>33</td>
</tr>
<tr>
<td>Christabel Okator</td>
<td>1632 Prospect Place #1</td>
<td>41</td>
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<tr>
<td>Stacey Williams</td>
<td>1019 East 88th Street #2</td>
<td>46</td>
</tr>
<tr>
<td>Babalu Baskanova</td>
<td>1375 Ocean Avenue #5E</td>
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<tr>
<td>Michael A. Marcivilano</td>
<td>111 East Broadway</td>
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</tr>
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New York, N.Y. 1002
Bronx, N.Y. 10451
Bronx, N.Y. 10451
Bronx, N.Y. 10452
Bronx, N.Y. 10454
Bronx, N.Y. 10454
Brooklyn, N.Y. 11222
Brooklyn, N.Y. 11233
Brooklyn, N.Y. 11233
Brooklyn, N.Y. 11233
Brooklyn, N.Y. 11220
Staten Island, N.Y. 10306

December 19, 2013
COUNCIL MINUTES — STATED MEETING
December 19, 2013

James H. Marsh
Gail E. Brennan
Rayna Rosenberg
Marilyn E. Thomas

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

(1) M 1338 - Mayor’s veto and disapproval message of Int No. 951-A (Coupled to be Filed).
(2) Int 172-A - Exemptions from the payment of fees for fire department permits, inspections and performance tests.
(3) Int 193-A - Require notification to the council of emergency procurements.
(4) Int 635-A - Requiring online publication of commuter van information.
(5) Int 859-A - Requiring the police department to submit to the council reports of crime in all parks and playgrounds.
(6) Int 867-A - Creation of a voluntary master environmental hazard remediation technician registration program.
(7) Int 876-A - Operation of a sidewalk cafe.
(8) Int 891-A - Requiring the mayor to submit an annual report on poverty.
(9) Int 933-A - Creating an animal abuse registry.
(10) Int 951-A - Public notice of final rules (Coupled for an Override vote requiring an affirmative vote of at least two-thirds of the Council for passage).
(11) Int 1039-A - Review and approval of petitions for revocable consents to operate sidewalk cafes.
(12) Int 1040-A - Creation of a database to track the expenditure of funds in connection with recovery efforts in the wake of Hurricane Sandy.
(13) Int 1055-A - Requiring the New York City Police Department to report information concerning vehicle collisions in which a driver left the scene of the collision.
(14) Int 1056-A - Amending the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code in relation to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, with differences that reflect the unique character of the city and clarifying and updating administration and enforcement of such codes (with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage).
(15) Int 1159-A - Opportunities for veteran-owned business enterprises in city procurement.

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).

On motion of [Speaker’s Name], and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

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).

Sale of tax liens (with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage).

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 (with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage).

Recordkeeping requirements for second-hand dealers and pawnbrokers.

Establishment of the Hudson Yards business improvement district.

Extending the rate of the additional tax on the occupancy of hotel rooms.

Provision of sick time earned by employees.

Regulation of electronic cigarettes.

Replacing certain fines with opportunities to cure (with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage).

Naming of six throughflares and public places (with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage).

Health insurance coverage for surviving family members of certain deceased employees of the police department.

Date of submission by the mayor of a preliminary management report and the date prior to which the council shall conduct public hearings.

Setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 1060-A.

Finding that the enactment of Proposed Int. No. 1174-A does not have a significant adverse impact on the environment.

Environmental review conducted for Proposed Int. No. 1160-A.

Setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 1162-A.

Approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.


App. N 140048 ZSK submitted by the Department of City Planning
Brooklyn, Community District 1, Council District 33.

The following was the vote recorded for Int No. 1162-A:


Negative – Halloran, Ignizio and Oddo – 3.

The following was the vote recorded for Int No. 1204-A:


The following was the vote recorded for Int No. 1208-A:


Negative – Halloran, Ignizio, Vallone, Jr., and Oddo – 4.

The following was the vote recorded for Int No. 1210-A:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Filner, Garodnick, Gennaro, Gibson, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, King, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Palma, Recchia, Reyna, Richards, Rodriguez, Rose, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Williams, Rivera, and the Speaker (Council Member Quinn) – 43.


The following was the vote recorded for Int No. 1217:


Abstention – Lappin – 1.
The following was the vote recorded for LU No. 994 & Res No. 2105, LU No. 995 & Res No. 2106, LU No. 996 & Res No. 2107, LU No. 997 & Res No. 2108, LU No. 998 & Res No. 2109, and LU No. 999 & Res No. 2110:


Negative – Barron – 1.


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. 1649
Report of the Committee on Youth Services in favor of approving Resolution recognizing October 11 as the “Day of the Girl Child” in New York City.

The Committee on Youth Services, to which the annexed resolution was referred on February 6, 2013 (Minutes, page 252), respectfully

REPORTS:

INTRODUCTION
On December 12, 2013, the Committee on Youth Services, chaired by Council Member Lewis A. Fidler, will hold a vote on Res. No. 1649, a resolution recognizing October 11 as the “Day of the Girl Child” in New York City.

RES. NO. 1649

Res. No. 1649 would explain that equality and universal access to education for every girl and boy are among the United Nations’ Millennium Development Goals supported by 189 countries, including the United States. The Resolution would also state that according to the United Nations, many children in developing countries start life without adequate means of nutrition, learning, and protection, but girls face particular challenges. Res. No. 1649 would also note that the United Nations Secretary General, Ban Ki-moon, has stated that “girls face discrimination, violence and abuse every day across the world;” and

Whereas, Equality and universal access to education for every girl and boy are among the United Nations’ Millennium Development Goals supported by 189 countries, including the United States; and

Whereas, According to the United Nations, many children in developing countries start life without adequate means of nutrition, learning, and protection, but girls face particular challenges; and

Whereas, The United Nations Secretary General, Ban Ki-moon, has stated that “girls face discrimination, violence and abuse every day across the world;” and

Whereas, On December 19, 2011, the United Nations General Assembly adopted Resolution 66/170 to declare October 11, 2012 as the first International Day of the Girl Child, to recognize girls’ rights and the unique challenges girls face around the world; and

Whereas, The term “girl child” is commonly used to distinguish those under age 18 from other young women; and

Whereas, The first International Day of the Girl Child focused on child marriage by highlighting that every year, 10 million girls under the age of 18 become child brides, many of whom are under the age of 16, which increases their risk of being abused and having an early or unwanted pregnancy; and

Whereas, Studies show that education can delay and even prevent child marriage and increase girls’ chance of success; and

Whereas, Worldwide, girls face more barriers to education and often complete less schooling than male counterparts; and

Whereas, According to the National Women’s Law Center, one in four girls in America does not finish high school, and the dropout rate is even higher for girls of color.

Resolved, That the Council of the City of New York recognizes October 11 as the “Day of the Girl Child” in New York City.

LEWIS A. FIDLER Chairperson: MELISSA MARK-VIVERITO, DARLENE MEALY, YDANIS A. RODRIGUEZ PETER A. KOO, JUMAAE D. WILLIAMS, ANDY L. KING; DONOVAN J. RICHARDS; Committee on Youth Services, December 12, 2013.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote Res. No. 1741
Report of the Committee on Civil Service and Labor in favor of approving a Resolution calling upon the United States Department of Labor to assume the cost of all Hurricane Sandy related unemployment claims through the Federal Disaster Unemployment Assistance Program and on the New York State Department of Labor to exempt businesses from paying unemployment claims due to Hurricane Sandy and all future disasters.

The Committee on Civil Service and Labor, to which the annexed resolution was referred on April 25, 2013 (Minutes, page 1173), respectfully
INTRODUCTION

On December 17, 2017, the Committee on Civil Service and Labor, chaired by Council Member Michael Nelson, will conduct a second hearing on Res. No. 1741, a resolution calling upon the United States Department of Labor to assume the cost of all Hurricane Sandy related unemployment claims through the Federal Disaster Unemployment Assistance Program and on the New York State Department of Labor to exempt businesses from paying unemployment claims due to Hurricane Sandy and all future disasters. The Committee held a hearing on this resolution on December 12, 2013.

BACKGROUND

On October 29, 2013, the storm commonly known as Hurricane Sandy made landfall in New York City. Many businesses in low-lying areas and flood zones were physically damaged by the storm. Additionally, public transportation was suspended, causing many businesses to shut down for days. As such, employees of businesses across the City were left without work, some indefinitely if the business did not reopen.

In the weeks following Hurricane Sandy, business owners were encouraged by the New York State Department of Labor (DOL) to have any employees that were laid off on account of the storm, sign up for the federal Disaster Unemployment Assistance (“DUA”) program. Unlike normal state unemployment benefits, which are ultimately counted against an employer’s insurance account and increase an employer’s tax rate, DUA is paid for entirely by the Federal Emergency Management Administration (“FEMA”) and has no effect on an employer’s finances or tax rates.2

According to the DOL, those eligible for DUA include those who were injured during Hurricane Sandy and unable to work, those whose places of work were destroyed or damaged during the storm, those unable to get to their workplace on account of the storm, those about to begin a job before the storm, but who have been unable to do so since, those among the primary breadwinners for their family due to the storm-induced death of the former head of household, and those whose place of work was taken over or shut down by the federal government in the aftermath of the storm. However, federal rules require that states must show that an unemployed person would be ineligible for normal state unemployment insurance before enrolling them in DUA.3 The DOL currently notes in its DUA fact sheet that the majority of applicants will likely be eligible for normal unemployment insurance.4

According to news reports, business owners were not made aware of this stipulation in the aftermath of the storm, and encouraged employees laid off on account of Hurricane Sandy to apply for federal unemployment benefits anyway.5 However, according to articles published in Crain’s New York, business owners later found out that any worker that would qualify for regular unemployment insurance benefits is filed it counts against an employer’s insurance account and increases the employer’s insurance tax rate; and any unemployment claims due to Hurricane Sandy and all future disasters.6

Whereas, On October 29, 2012, the storm known as Hurricane Sandy devastated many communities in New York City and the surrounding areas; and

Whereas, As the storm approached, public transportation service was suspended and many businesses were forced to close their doors and send their workers home early; and

Whereas, In addition to causing loss of life, halting public transportation, forcing school closures, and damaging infrastructure and houses of worship, the storm damaged and in some instances completely destroyed businesses located throughout the City; and

Whereas, Many of the businesses impacted by the storm remained closed for weeks which left their employees unemployed without the normal safety net to fall back on; and

Whereas, In the days after the storm, the New York State (“N.Y.S.”) Department of Labor provided several informational handouts at community forums and gatherings regarding Disaster Unemployment Assistance (“DUA”); and

Whereas, DUA is a federal program funded by the United States Department of Labor, that provides payments to people who live or work in a federally declared disaster area and who have lost work or income due to the disaster; and

Whereas, Although the federal government funds DUA, the N.Y.S. Department of Labor makes payments to those who qualify; and

Whereas, Employers were led to believe that their workers would be covered by this federal assistance program and were encouraged to have their workers apply; and

Whereas, However, according to articles published in Crain’s New York, business owners later found out that any worker that would qualify for regular unemployment insurance benefits would not qualify for DUA; and

Whereas, According to the N.Y.S. Department of Labor, whenever any claim for unemployment is filed it counts against an employer’s insurance account and increases the employer’s insurance tax rate; and

Whereas, It is safe to say that the majority of claims submitted in the days immediately following the storm were directly related to the disaster; and

Whereas, Businesses impacted by the storm have had many obstacles to surmount and should not be penalized as if they intentionally terminated workers; and

Whereas, The strength of the business community and the workers it employs is critical to New York City’s recovery from Hurricane Sandy as it has been to other devastating events; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Department of Labor to assume the cost of all Hurricane Sandy related unemployment claims through the Federal Disaster Unemployment Assistance Program and on the New York State Department of Labor to exempt businesses from paying unemployment claims due to Hurricane Sandy and all future disasters.

Michael C. Nelson, Chairperson; James F. Gennaro, Melissa Mark-Viverito, Eric A. Ulrich; Committee on Civil Service and Labor, December 17, 2013.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Riveria) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote Res. No. 1954

Report of the Committee on Technology in favor of approving a Resolution calling upon the United States Department of Labor to amend its contract with Using Wireless, Inc. in order to provide free Internet access at its three major airports.

The Committee on Technology, to which the annexed resolution was referred on October 9, 2013 (Minutes, page 4156), respectfully

REPORTS:

1. INTRODUCTION

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1741.)

CC114  COUNCIL MINUTES  STATED MEETING  December 19, 2013

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2 Id.


5 Id.

6 Id.
On Wednesday, December 18, 2013, the Committee on Technology, chaired by Council Member Fernando Cabrera, will consider and vote on proposed Resolution No. 1954, which calls upon the Port Authority of New York and New Jersey to amend its contract with Boingo Wireless, Inc. in order to provide free Internet access at its three major airports.

2. BACKGROUND

Since the advent of the wireless Internet, commonly referred to as "Wi-Fi," system in 1999,1 Internet providers have found numerous ways to adapt and implement Wi-Fi for travelers and mobile customers. Founded in 2001, Boingo Wireless, Inc. has been a key player in Wi-Fi for travelers at hotspots around the world, offering a range of services, from unlimited monthly data plans, to tiered pay-as-you-go usage plans, to plans that are absolutely free.

3. PORT AUTHORITY CONTRACT WITH BOINGO WIRELESS

The current 15-year contract between Boingo and the Port Authority of New York and New Jersey charges a fee for Wi-Fi usage at all three major New York area airports. Boingo offers the same tiered pricing structure at all three airports, charging one of $4.95 per hour, $7.95 for 24 hours, or $9.95 for a month of Wi-Fi connectivity. No free option is offered, despite the prevalence of free Wi-Fi at airports throughout the United States and overseas.

4. BOINGO’S INTERNET SERVICES AT OTHER AIRPORTS

Fifteen of the 20 busiest airports in the United States offer some form of free Wi-Fi connectivity.2 Boingo offers domestic free Wi-Fi services at Boston’s Logan International Airport, Denver International Airport, Nashville International Airport, and Raleigh-Durham International Airport.3 These are either limited by time or quality of connection, and are all supplemented by a premium plan that customers can opt to use in lieu of the free Wi-Fi offered.4 Additionally, Boingo offers similar free programs alongside their premium products at overseas airports including London Heathrow Airport, Rome’s Leonardo da Vinci-Fiumicino Airport, Sydney International Airport, and Calgary International Airport.5 Thus it is evident that Boingo’s business model can support a form of free Wi-Fi being offered at airports.

5. REASONS FOR HAVING FREE WI-FI ACCESS

New York City is particularly suited to free Wi-Fi access. Over 50 of the city’s parks and 36 subway stations currently offer free Wi-Fi, countless coffee shops, hotels and libraries in the City offer free Wi-Fi to patrons and customers, and entire neighborhoods in all five boroughs either have or are in the process of having free Wi-Fi coverage installed.6 Additionally, as the country’s largest transit hub, the New York area airports service more international passengers than any other city in the United States.7 Many of these international passengers travel with digital devices from their home countries that offer limited or no data connectivity in the United States.8 These passengers are currently forced to sign up for one of Boingo’s plans if they want to find directions to their final destination or to check in with friends and relatives at home. The lack of a free Wi-Fi option does these travelers a disservice by essentially requiring them to pay for a foreign Wi-Fi internet product immediately upon arriving in the United States.

6. CONCLUSION

The Port Authority of New York and New Jersey should renegotiate its contract with Boingo Wireless to include a wireless option to be more in line with the international hub for urban hub for international travel.

5. See supra note 2.
6. See supra note 2.
8. See THE CITY OF NEW YORK, NEW YORK CITY’S DIGITAL LEADERSHIP 2013 ROADMAP 2-6 (2013).
(The following is the text of Res. No. 1988-A): Resolution calling on the New York State Assembly and New York State Senate to introduce and pass, and the Governor to sign, legislation requiring the Joint Committee on Public Ethics (JCOPE) to accept filings pursuant to the City’s lobbyist registration laws from lobbyists who are required to file by the State Lobbying Act with JCOPE solely due to their lobbying of New York City officials.

Whereas, A lobbyist who lobbies in New York City is required to register under the City’s lobbyist registration law (Lobbying Law) with the City Clerk and under the State Lobbying Act with the Joint Committee on Public Ethics; and

Whereas, Under the City’s Lobbying Law, the lobbyist is generally required to file one statement of registration, six periodic reports and an annual report; and

Whereas, Under the City’s Lobbying Law, clients are required to file a Client Annual Report; and

Whereas, Under the State Lobbying Act, lobbyists are required to file biennial registration statements and six bimonthly reports; and

Whereas, Under the State Lobbying Act, clients are required to file two semi-annual reports; and

Whereas, The 2006 amendments to the City’s Lobbying Law specifically authorized the Clerk to confirm the reporting periods of the City’s periodic reports to the periods covered by the State’s bi-monthly reports; and

Whereas, The City’s Lobbying Law contain a more comprehensive list of activities which must be reported, including attempts to influence land use decisions which are not covered by the State Lobbying Act; and

Whereas, The State Lobbying Act requires lobbyists to register even if their lobbying is solely directed at municipal officials; and

Whereas, Testimony received by the joint Mayoral-Council New York City Lobbying Commission (Lobbying Commission), created pursuant to the 2006 reforms to the City’s Lobbying Laws to review and make recommendations on strengthening the laws, indicates widespread agreement that a single system for lobbyist registration at both the City and State level would simplify the registration process; and

Whereas, The Lobbying Commission in its final report urged the State to consider accepting City lobbyist filings from those lobbyists who are covered by the State Lobbying Act solely due to their lobbying of New York City officials; now, therefore, be it

Resolved. That the Council of the City of New York calls on the New York State Assembly and New York State Senate to introduce and pass, and the Governor to sign, legislation requiring the Joint Committee to work with the City’s lobby registration system in order to accept filings from lobbyists who are required to file by the State Lobbying Act with JCOPE solely due to their lobbying of New York City officials.

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, PETER F. VALLONE, Jr., INEZ E. DICKENS; Committee on Governmental Operations, December 18, 2013.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

Report for voice-vote Res. No. 2057 Report of the Committee on Immigration in favor of approving a Resolution calling upon the Secretary of the Department of Homeland Security to grant Temporary Protected Status designation of the Philippines and eligible Filipino nationals.

The Committee on Immigration, to which the annexed resolution was referred on December 10, 2013 (Minutes, page 5224), respectfully

REPORTS:

I. Background

On Tuesday, December 17, 2013, the Committee on Immigration, chaired by Council Member Daniel Dromm will hold a hearing on Resolution Number 1515 ("Res. No. 1515"), a resolution calling upon the United States Congress to pass and the President to sign S.1336, also known as the "Immigration Fraud Prevention Act of 2011," which would impose criminal penalties on any person who falsely represents himself or herself as an immigration attorney or as an accredited immigration representation; Resolution Number 2059 ("Res. No. 2059"), a Resolution calling on the New York State Legislature to increase the criminal penalties for unscrupulous immigration service providers who violate state law; and Resolution Number 2057 ("Res. No. 2057"), a Resolution calling upon the Secretary of the Department of Homeland Security, to grant Temporary Protected Status designation of the Philippines and eligible Filipino nationals. The Committee will also vote on Res. No. 2057. Those invited to testify include immigration law practitioners, community based organizations, and immigrant advocates.

II. Immigration Fraud

Immigrant New Yorkers account for three million immigrants living in the United States. Many immigrants attempt to legalize their status so that they can work, support their families and become U.S. citizens. As they pursue these goals, immigration fraud is prevalent. Dishonest immigration service providers use false advertising to attract immigrant clients and charge sigificant amounts for services that they never provide. Victims of these practices may be irreparably harmed because of the failure to provide services and legal protection.

Immigration fraud occurs when individuals falsely hold themselves out as being qualified to provide legal advice or services regarding immigration. In New York City, where over 40 percent of the population is foreign born, immigration fraud is prevalent. Dishonest immigrant service providers use false advertising to attract immigrant clients and charge significant amounts for services that they never provide. Victims of these practices may be irreparably harmed because of the failure to provide services and legal protection.

Under the Immigration Fraud Prevention Act of 2011 (S.1336) or similar legislation, any person who falsely represents himself or herself as an immigration attorney or as an accredited immigration representation would be subject to criminal penalties. The passage of the "Immigration Fraud Prevention Act" or similar legislation could curb immigration fraud and provide justice for the victims of unscrupulous immigration service providers.

A Resolution calling on the New York State Legislature to increase the criminal penalties for unscrupulous immigration service providers who violate state law from a class A misdemeanor to a felony in order to deter bad actors from engaging in immigration fraud.

III. Temporary Protected Status

Under federal law, the Department of Homeland Security ("DHS") may designate a foreign country for Temporary Protected Status ("TPS") under the following circumstances: (i) ongoing armed conflict; (ii) temporary effects of an environmental disaster; or (iii) other extraordinary and temporary conditions that prevent the country’s nationals living in the United States from safely returning to their home country. 8 An immigrant is only eligible for TPS benefits if he or she (i) is a citizen of one of the designated countries; (ii) establishes a continuous physical presence and continuous residence in the U.S.; (iii) is not subject to one of the criminal, security related, or other bars to TPS; and (iv) applies for TPS benefits in a timely manner. ""TPS beneficiaries are not removable from the United States on the basis of their immigration status.8 Additionally, TPS beneficiaries may obtain work authorization, and may be granted travel authorization. Although TPS beneficiaries may apply for nonimmigrant status or other forms of immigration relief, they will not be eligible for lawful permanent resident status or U.S. citizenship.9 The following countries are currently designated for TPS: El Salvador, Haiti, Honduras, Nicaragua, Somalia, Sudan, South Sudan, and Syria.10 DHS has granted TPS to nearly 300,000 immigrants from these countries.

On November 8, 2013, the Philippines was struck by a Category 5 typhoon, which led to the deaths of more than 5,000 people; displaced 700,000 Filipinos from their homes; and left 11 million people without basic necessities, such as food and shelter.11 It is estimated that it will cost nearly 14 billion dollars for the Philippines to recover from the damage caused by the typhoon.12 The Philippines is not prepared to care for its citizens as there is a fear of the spread of diseases, violence, and looting occurring in the country. If DHS grants TPS to the Philippines, eligible Filipino nationals would be allowed to legally work and live in the United States without fear of deportation, affording them the opportunity to provide financial contributions to the Philippines. In light of the severity of the current living conditions in the Philippines and the danger that is posed on civilians, Res. No. 2057 calls for the Secretary of the Department of Homeland Security to grant Temporary Protected Status designation of the Philippines and eligible Filipino nationals.


3 U.S. Immigration and Naturalization Service, 8 C. F. R. § 212.11(b) (2004).


6draft of Immigration Appuals ("IAPA") adminsiters the accreditation process that allows non-lawyers to provide legal services. The purpose of this accreditation is to make it clear to the public that the provider is trustworthy and that the provider can practice immigration law before the

28. The term “intern” shall mean an individual who performs work for an employer for the purpose of training if:

(a) the individual is enrolled or has been enrolled in a program of education or training leading to a degree, certificate, or other recognized post-secondary credential awarded by an education, business, or other institution of higher education;

(b) the work performed is part of the program of education or training leading to the degree, certificate, or other recognized post-secondary credential awarded by the educational or training institution;

(c) the employer pays the individual not less than the minimum wage provided for in section 6 of the Fair Labor Standards Act of 1938; and

(d) the program of education or training is not advertised for the benefit of the employer or others in the field or discipline of the education or training.

Therefore, it is resolved that the Council of the City of New York calls upon the Secretary of the Department of Homeland Security to grant Temporary Protected Status designation of the Philippines and eligible Filipino nationals.

Resolved. That the Council of the City of New York calls upon the Secretary of the Department of Homeland Security to grant Temporary Protected Status designation of the Philippines and eligible Filipino nationals. DANIEL DROMM, Chairperson; MATHIEU EUGENE, YDANIS A. RODRIGUEZ, JUMAANNE D. WILLIAMS; Committee on Immigration, December 17, 2013.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following 2 Council Members formally voted against this item: Council Member Ignizio and Oddo.

The following Council Member formally abstained to vote on this item: Council Member Vallone, Jr. Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Section 1. Section 8-102 of chapter one of title eight of the administrative code of the city of New York, as amended by local law number 14 for the year 2013, is amended by adding a new subdivision 28 to read as follows:

28. The term “intern” shall mean an individual who performs work for an employer for the purpose of training if:

(a) the individual is enrolled or has been enrolled in a program of education or training leading to a degree, certificate, or other recognized post-secondary credential awarded by an educational or training institution;

(b) the work performed is part of the program of education or training leading to the degree, certificate, or other recognized post-secondary credential awarded by the educational or training institution;

(c) the employer pays the individual not less than the minimum wage provided for in section 6 of the Fair Labor Standards Act of 1938; and

(d) the program of education or training is not advertised for the benefit of the employer or others in the field or discipline of the education or training.
By Council Members Dickens, Gonzalez, Jackson, Mark

Whereas, The enactment of Proposed Int. No. 1174-A is an “action” as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

Whereas, In accordance with section 5-03(d) of the City Environmental Quality Review (“CEQR”) Rules of Procedure, the City Council delegated its lead agency status to the Office of the Mayor, which in accordance with CEQR Rules of Procedure section 5-03(c), transferred its lead agency status to the New York City Fire Department, which considered the relevant environmental issues attendant to the enactment of Proposed Int. No. 1174-A; and

Whereas, After such consideration and examination of an Environmental Assessment Statement, the New York City Fire Department determined that a Negative Declaration should be issued; and

Whereas, The Council examined and considered the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

(1) the requirements of The State Environmental Quality Review Act and Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York were met;

(2) consistent with environmental, social, economic and other essential considerations, the proposed action is one that will not result in any significant adverse environmental impacts; and

(3) the annexed Negative Declaration constitutes the written statement of facts and conclusions, and of environmental, social, economic and other facts and standards that form the basis of this determination.

Adopted by the Council (preconsidered by the Committee on Fire and Criminal Justice Services).

Preconsidered Int. No. 1216
By Council Members Dickens, Gonzalez, Jackson, Mark-Viverito, Nelson and King.

A Local Law in relation to the naming of seven thoroughfares and public places, Hermena Rowe Street, Borough of Manhattan, Captain Dennis Morales Way, Borough of Brooklyn, Subhi Widdi Way, Borough of Brooklyn, Hermena Rowe Street, Borough of Manhattan, Captain Dennis Morales Plaza, Borough of Manhattan, Pat Jones Way, Borough of Manhattan, Ariel Russo Place (4 Years Old), Borough of Manhattan and John E. Nikas Way, Borough of Brooklyn.

Be it enacted by the Council as follows:

Section 1. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<table>
<thead>
<tr>
<th>New Name</th>
<th>Present Name</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hermena Rowe Street</td>
<td>None</td>
<td>At the southwest corner of Adam Clayton Powell, Jr. Boulevard and 122nd Street</td>
</tr>
</tbody>
</table>

§2. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<table>
<thead>
<tr>
<th>New Name</th>
<th>Present Name</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Captain Dennis Morales Way</td>
<td>None</td>
<td>At the intersection of 4th Avenue and 36th Street</td>
</tr>
</tbody>
</table>

§3. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<table>
<thead>
<tr>
<th>New Name</th>
<th>Present Name</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subhi Widdi Way</td>
<td>None</td>
<td>At the intersection of 6th Avenue and 36th Street</td>
</tr>
</tbody>
</table>

§4. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<table>
<thead>
<tr>
<th>New Name</th>
<th>Present Name</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexey Murzhenko Plaza</td>
<td>None</td>
<td>At the northwest corner of Bennett Avenue and 181st Street</td>
</tr>
</tbody>
</table>

§5. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<table>
<thead>
<tr>
<th>New Name</th>
<th>Present Name</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pat Jones Way</td>
<td>144th Street</td>
<td>Between Hamilton Terrace and Convent Avenue</td>
</tr>
</tbody>
</table>

§6. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<table>
<thead>
<tr>
<th>New Name</th>
<th>Present Name</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ariel Russo Place (4 Years Old)</td>
<td>West 97th Street</td>
<td>Between Amsterdam Avenue and Broadway</td>
</tr>
</tbody>
</table>

§7. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<table>
<thead>
<tr>
<th>New Name</th>
<th>Present Name</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>John E. Nikas Way</td>
<td>None</td>
<td>At the intersection of East 12th Street and Gravesend Neck Road</td>
</tr>
</tbody>
</table>

§8. This local law shall take effect immediately.

Re-referred back to the Committee on Parks and Recreation by the Council (preconsidered and approved by the Committee on Parks and Recreation).

Preconsidered Int. No. 1217
By Council Members Dickens, Gonzalez, Jackson, Mark-Viverito, Nelson and King.

A Local Law in relation to the naming of six thoroughfares and public places, Hermena Rowe Street, Borough of Manhattan, Captain Dennis Morales Way, Borough of Brooklyn, Subhi Widdi Way, Borough of Brooklyn, Pat Jones Way, Borough of Manhattan, Ariel Russo Place (4 Years Old), Borough of Manhattan and John E. Nikas Way, Borough of Brooklyn.

Be it enacted by the Council as follows:

Section 1. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<table>
<thead>
<tr>
<th>New Name</th>
<th>Present Name</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hermena Rowe Street</td>
<td>None</td>
<td>At the southwest corner of Adam Clayton Powell, Jr. Boulevard and 122nd Street</td>
</tr>
</tbody>
</table>
§2. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<table>
<thead>
<tr>
<th>New Name</th>
<th>Present Name</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Captain Morales Way</td>
<td>Dennis</td>
<td>At the intersection of 4th Avenue and 36th Street</td>
</tr>
</tbody>
</table>

§3. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<table>
<thead>
<tr>
<th>New Name</th>
<th>Present Name</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subhi Widhi Way</td>
<td>None</td>
<td>At the intersection of 6th Avenue and 56th Street</td>
</tr>
</tbody>
</table>

§4. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<table>
<thead>
<tr>
<th>New Name</th>
<th>Present Name</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pat Jones Way</td>
<td>144th Street</td>
<td>Between Hamilton Terrace and Convent Avenue</td>
</tr>
</tbody>
</table>

§5. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

<table>
<thead>
<tr>
<th>New Name</th>
<th>Present Name</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ariel Russo Place</td>
<td>West 97th Street</td>
<td>Between Amsterdam Avenue and Broadway</td>
</tr>
</tbody>
</table>

§6. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

<table>
<thead>
<tr>
<th>New Name</th>
<th>Present Name</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>John E. Nikas Way</td>
<td>None</td>
<td>At the intersection of 12th Street and Gravesend Neck Road</td>
</tr>
</tbody>
</table>

§7. This local law shall take effect immediately.

Adopted by the Council (preconsidered by the Committee on Parks and Recreation)

Int. No. 1218
By Council Members Eugene, James, Richards and Rose:

A Local Law to amend the administrative code of the city of New York, in relation to providing additional time to answer or pay any outstanding summonses, fines, or penalties for food and general vendor violations if such outstanding summonses, fines, or penalties are preventing renewal of a food or general vendor license or permit.

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision a of section 17-317 of title 17 of the administrative code of the city of New York is amended to read as follows:

2. the applicant, licensee, permittee, its officers, directors, shareholders, members, managers or employees have been found guilty of four or more violations of this subchapter or any rules promulgated pursuant thereto within a two-year period or have been found guilty of a violation of the provisions of part fourteen of the state sanitary code or of the New York city health code, or the applicant, licensee, permittee, its officers, directors, shareholders, members, managers, or employees have pending any unanswered summonses or unsatisfied fines or penalties for violation of this subchapter or any rules promulgated pursuant thereto. Notwithstanding the aforementioned, the commissioner may renew a food vendor license or permit if, before such license or permit expires, a licensee or permittee answers any unanswered summonses for violation of this subchapter or the regulations promulgated thereto, or to pay the total dollar amount of any unsatisfied fine or penalty for violation of this subchapter or any rules promulgated pursuant thereto and: (i) answers any unanswered summonses for violation of this subchapter or any rules promulgated pursuant thereto within thirty days of the expiration date of the license or permit; or (ii) pays the total dollar amount of any unsatisfied fine or penalty for violation of this subchapter or any rules promulgated pursuant thereto within one hundred twenty days of the expiration date of the license or permit.

§ 2. Subdivision b of section 20-456 of title 20 of the administrative code of the city of New York is amended to read as follows:

b. The commissioner may refuse to issue or renew a license if the applicant has been found to have violated chapter one or subchapter one of chapter five of this title or the rules or regulations thereto, provided, however, that in the event of a conflict between the provisions of such chapter and subchapter and the provisions of this subchapter, the provisions of this subchapter shall prevail; has pending any unanswered summonses or unsatisfied fines or penalties for violation of this subchapter or the regulations promulgated thereto; or for any cause set forth in any other section of this chapter as a ground for suspension or revocation. Notwithstanding the aforementioned, the commissioner may renew a general vendor license if before such license expires, the general vendor submits a request in writing to the commissioner for additional time to answer any unanswered summonses for violation of this subchapter or the regulations promulgated thereto, or to pay the total dollar amount of any unsatisfied fine or penalty for violation of this subchapter or any rules promulgated pursuant thereto and: (i) within thirty days of the expiration date of the license, a licensee answers any unanswered summonses for violation of this subchapter or the regulations promulgated thereto; or (ii) within one hundred twenty days of the expiration date of the license, a licensee pays the total dollar amount of any unsatisfied fine or penalty.

§ 3. This local law shall take effect 120 days after it shall have been enacted into law; provided that the commissioner and the commissioner of the police department may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

Res. No. 2082
Resolution calling upon the Rent Guidelines Board to hold, annually, at least one public hearing in each of New York City’s five boroughs to allow for public testimony from tenants in these communities before determining the annual adjustment of rents.

By Council Members Eugene, Brewer, Chin, James, Koppell, Richards and Rose:

Whereas, According to the 2011 Housing and Vacancy Survey (HVS), 74.9 percent of New York City’s total housing units are located in the Bronx, Brooklyn, Queens and Staten Island; and

Whereas, According to the 2011 HVS, approximately 45.4 percent of New York City’s total rental stock is rent-stabilized; and

Whereas, The RGB is required to hold one or more public hearings for the purpose of taking testimony and collecting information before determining the annual adjustment of rents; and

Whereas, Since 2005 the RGB has traditionally held one public hearing in Manhattan and a second public hearing in the Bronx, Brooklyn or Queens before determining the annual adjustment of rents; and

Whereas, The RGB recently eliminated the second, outer-borough public hearing and held only one public hearing, in Manhattan, before deciding the adjustment of rents for the period of October 1, 2013, through September 30, 2014; and

Whereas, The voices of tenants of rent-stabilized apartments are critical to the RGB’s annual rent-adjustment decision because any rent increase has a direct impact on their lives by affecting their housing cost and spending allocations; and

Whereas, Holding a public hearing in each of New York City’s five boroughs would help ensure that tenants of rent-stabilized apartments in all boroughs are heard by the RGB before it decides the annual adjustment of rents; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Rent Guidelines Board to hold, annually, at least one public hearing in each of New York City’s five boroughs to allow for public testimony from tenants in these communities before determining the annual adjustment of rents.

Referred to the Committee on Housing and Buildings.

Res. No. 2083
Resolution calling upon the United States Congress to direct the Federal Railroad Administration to conduct a comprehensive passenger rail safety study and pass legislation implementing any safety recommendations resulting from the study.

End
By Council Members Eugene, Chin, James, Koo, Koppell, Richards and Rose.

Whereas, On December 1, 2013, a Metro-North Railroad train derailed near the Spuyten Duyvil station in the Bronx, killing 4 passengers and injuring more than 60 others; and

Whereas, Preliminary reports indicate that excessive speed entering a curve was the likely cause of the incident; and

Whereas, The train involved was a push-pull train being operated in push mode, meaning the locomotive was pushing the train from the rear and the engineer was operating the train from a cab in the front of the first passenger car, a common configuration on Metro-North and other commuter railroads; and

Whereas, Concerns about the safety of push trains in light of a deadly 2005 train crash in California led Congress to direct the Federal Railroad Administration (FRA) to conduct a study of the issue; and

Whereas, The resulting FRA report found no “statistically significant difference” between the derailment histories of push and pull trains; and

Whereas, Although the report did find a higher fatality rate in push trains compared to pull trains, it did not recommend the discontinuation of push trains in commuter service, noting that pull trains have the potential to be more dangerous in certain types of incidents; and

Whereas, The findings of the report should be updated to reflect incidents that have occurred since it was published and with a wider focus on all train incidents, not just highway-rail grade crossing collisions; and

Whereas, Like many trains, the Metro-North train that crashed did not have seatbelts; and

Whereas, The FRA should study the potential effectiveness of seatbelts in preventing injuries and deaths during train collisions and derailments; and

Whereas, A comprehensive passenger rail safety study which examines every aspect of the safety of passenger trains, including the use of push trains and the potential effectiveness of seatbelts, should be conducted by the FRA; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to direct the Federal Railroad Administration to conduct a comprehensive passenger rail safety study and to pass legislation implementing any safety recommendations resulting from the study.

Referred to the Committee on Transportation.

Preconsidered Res. No. 2084
Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 1160-A.

By Council Members Gennaro, James and Koo.

Whereas, The enactment of Proposed Int. No. 1160-A is an “action” as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

Whereas, An Environmental Assessment Statement for this bill was prepared by the Department of Environmental Protection, the lead agency designated pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review; and

Whereas, The Environmental Assessment Statement for this bill was prepared pursuant to Article 8 of the New York State Environmental Conservation Law, section 617.7 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review; and

Whereas, The Council, as an involved agency, has considered the relevant environmental issues as documented in the Environmental Assessment Statement attendant to such enactment and in making its findings and determinations under the Rules of Procedure for City Environmental Quality Review and the State Environmental Quality Review Act, the Council has relied on that Environmental Assessment Statement; and

Whereas, After such consideration and examination, the Council has determined that a Negative Declaration should be issued; and

Whereas, The Council has examined, considered and endorsed the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

(1) the requirements of The State Environmental Quality Review Act, Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review have been met; and

(2) as documented in the annexed Environmental Assessment Statement, the proposed action is one which will not result in any significant adverse environmental impacts; and

(3) the annexed Negative Declaration constitutes the written statement of facts and conclusions that form the basis of this determination.

Adopted by the Council (preconsidered by the Committee on Environmental Protection).

Res. No. 2085
Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation revising the standard of proof used by the New York City Housing Authority to determine eligibility for housing based upon remaining family member status.

By Council Members Jackson, Brewer, Chin, James, Mendez and Rose.

Whereas, The New York City Housing Authority (“NYCHA”) is a public housing authority with 334 developments, 2,596 buildings, and 178,914 public housing units, making it the largest public housing provider in North America; and

Whereas, In some instances, an individual can continue to legally reside in (succeed to) a NYCHA apartment when the leaseholder permanently leaves the apartment or passes away; and

Whereas, The enactment of Proposed Int. No. 2084 (the “Resolution”) would require that the NYCHA apartment be re-leased to another party; and

Whereas, Under existing rules, the individual seeking such status must have the legal capacity to sign a lease, pass a criminal background check, and have a verifiable income on which to calculate rent; and

Whereas, An individual is considered a RFM if they were authorized to reside in the apartment at the time the leaseholder moved in, were added through family growth, or received the development housing manager’s written permission to permanently join the household; and

Whereas, An individual requesting permission to permanently join the household must be either the tenant’s spouse or registered domestic partner, parent, grandparent, grandchild, child, or sibling; and

Whereas, If permission to permanently reside in an apartment is granted, the RFM claimant must reside in the apartment for one year immediately prior to the date the leaseholder permanently leaves the apartment or passes away in order to be eligible to succeed a lease; and

Whereas, Many individuals are unsuccessful in claiming RFM status because they are either unaware of the extensive requirements which must be met including NYCHA’s definition of family and are consequently evicted and forced to vacate the apartment, oftentimes leaving them with nowhere else to go; and

Whereas, Under New York State law, for rent stabilized and rent controlled apartments, a family member has the right to succession if they resided with the leaseholder as a primary resident in the apartment for two years immediately prior to the date the leaseholder permanently leaves the apartment or passes away; and

Whereas, State law defines a family member as either a tenant’s spouse or registered domestic partner, parent, grandparent, grandchild, child, sibling, or any other person residing with the tenant in the housing accommodation as a primary resident, who can prove emotional and financial commitment and interdependence between such person and the tenant; and

Whereas, On January 25, 2013, Assembly Member Keith Wright (D-Manhattan) introduced A.3445, legislation that would amend the public housing law to allow a remaining family member to prove succession to a NYCHA apartment under the same standards of proof provided for under state law relating to rent stabilized and rent controlled apartments; and

Whereas, This legislation would alleviate the difficulty encountered by individuals seeking to establish succession rights to a NYCHA apartment by aligning NYCHA’s eligibility requirements with current state law for rent stabilized and rent controlled apartments; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation revising the standard of proof used by the New York City Housing Authority to determine eligibility for housing based upon remaining family member status.

Adopted by the Council (preconsidered by the Committee on Environmental Protection; for text of the Negative Declaration, please see the attachment to the resolution following the Report of the Committee on Environmental Protection for Res. No. 2084 printed in these Minutes).

Res. No. 2086
Resolution calling upon the New York City Department of Education to establish a comprehensive college preparation program, based on the college readiness model proposed by the Urban Youth Collaborative, to improve and expand college access for all students.

By Council Members Jackson, Brewer, James, Koo, Mendez and Rose.

Whereas, The New York State Educational Quality Review Act is a public housing authority with 334 developments, 2,596 buildings, and 178,914 public housing units, making it the largest public housing provider in North America; and

Whereas, The enactment of Proposed Int. No. 2084 (the “Resolution”) would require that the NYCHA apartment be re-leased to another party; and

Whereas, Under existing rules, the individual seeking such status must have the legal capacity to sign a lease, pass a criminal background check, and have a verifiable income on which to calculate rent; and

Whereas, An individual is considered a RFM if they were authorized to reside in the apartment at the time the leaseholder moved in, were added through family growth, or received the development housing manager’s written permission to permanently join the household; and

Whereas, An individual requesting permission to permanently join the household must be either the tenant’s spouse or registered domestic partner, parent, grandparent, grandchild, child, or sibling; and

Whereas, If permission to permanently reside in an apartment is granted, the RFM claimant must reside in the apartment for one year immediately prior to the date the leaseholder permanently leaves the apartment or passes away in order to be eligible to succeed a lease; and

Whereas, Many individuals are unsuccessful in claiming RFM status because they are either unaware of the extensive requirements which must be met including NYCHA’s definition of family and are consequently evicted and forced to vacate the apartment, oftentimes leaving them with nowhere else to go; and

Whereas, Under New York State law, for rent stabilized and rent controlled apartments, a family member has the right to succession if they resided with the leaseholder as a primary resident in the apartment for two years immediately prior to the date the leaseholder permanently leaves the apartment or passes away; and

Whereas, State law defines a family member as either a tenant’s spouse or registered domestic partner, parent, grandparent, grandchild, child, sibling, or any other person residing with the tenant in the housing accommodation as a primary resident, who can prove emotional and financial commitment and interdependence between such person and the tenant; and

Whereas, On January 25, 2013, Assembly Member Keith Wright (D-Manhattan) introduced A.3445, legislation that would amend the public housing law to allow a remaining family member to prove succession to a NYCHA apartment under the same standards of proof provided for under state law relating to rent stabilized and rent controlled apartments; and

Whereas, This legislation would alleviate the difficulty encountered by individuals seeking to establish succession rights to a NYCHA apartment by aligning NYCHA’s eligibility requirements with current state law for rent stabilized and rent controlled apartments; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation revising the standard of proof used by the New York City Housing Authority to determine eligibility for housing based upon remaining family member status.

Adopted by the Council (preconsidered by the Committee on Environmental Protection; for text of the Negative Declaration, please see the attachment to the resolution following the Report of the Committee on Environmental Protection for Res. No. 2084 printed in these Minutes).

Res. No. 2086
Resolution calling upon the New York City Department of Education to establish a comprehensive college preparation program, based on the college readiness model proposed by the Urban Youth Collaborative, to improve and expand college access for all students.

By Council Members Jackson, Brewer, James, Koo, Mendez and Rose.
Whereas, The connection between a college degree and economic stability has been exhaustively documented, making college access and preparation a racial and economic justice issue; and

Whereas, Across the United States there is a growing emphasis on schools preparing students for college and career readiness; and

Whereas, Forty-five states, including New York, have adopted the Common Core State Standards, which are designed to reflect the knowledge and skills that young people need for success in college and careers; and

Whereas, The New York City Department of Education (DOE) already includes college readiness metrics as part of the Progress Reports used to evaluate schools; and

Whereas, Since 2011-12, Progress Reports also include postsecondary enrollment rate data, which is the percentage of students who graduate and have enrolled in a two- or four-year college, vocational program, or public service program such as the military or AmeriCorps; and

Whereas, According to DOE data released in November 2013, only 49.7 percent of the class of 2012 enrolled in a two- or four-year college, vocational program, or public service program after graduation; and

Whereas, The DOE should do more to help schools improve their college readiness and college enrollment rates; and

Whereas, The Urban Youth Collaborative (UYC), NYC’s largest youth-led organization, has created a set of proposals to ensure that high schools serving low-income youth adopt the new DOE postsecondary enrollment standards for college enrollment; and

Whereas, UYC’s “Get Us To College” platform proposes that the DOE launch a systemwide assessment of what schools are currently doing to support students through the college process and make that assessment public; and

Whereas, UYC also recommends that the DOE create an early warning system so that all high school students know how many credits they have, what classes they should be taking to prepare for college, and whether they are on track for graduation and college; and

Whereas, Further, UYC proposes that school guidance counselors should have a maximum of 250 students on their caseload and, in addition, that every school should have one well-trained college counselor for every 100 seniors, who starts working with students as early as 9th grade; and

Whereas, Student Success Centers (SSCs), which are located in several City high schools, train high school students to help other students navigate every step of the college process, and have significantly improved college acceptances and financial aid packages, played a critical role in creating school-wide “college-going cultures” and have effectively served undocumented students; and

Whereas, UYC calls on the DOE to maintain support for the existing SSCs and to launch additional ones at low-performing multi-campus high schools; and

Whereas, According to the Institute for Student Achievement, Distributive Guidance is a proven model of teachers supporting students through the college process in advisories; and

Whereas, UYC also calls on the DOE to ensure that schools using the Distributive Guidance model provide teachers with ongoing training, adequate time to fulfill their college support role, and the necessary resources for the program; and

Whereas, The Summer Bridge to College program, as well as similar programs, train college students to return to their high schools to assist new and prospective high school graduates with completing financial aid documents, registering for classes, filling out paperwork, and staying on track to start college in the fall; and

Whereas, UYC also proposes that the DOE provide funding and support to high schools to implement similar “bridge to college” programs at all NYC high schools; and

Whereas, Students in New York City’s public schools would benefit from implementation of UYC’s “Get Us To College” proposals to support students through the college application process and prepare them to enroll in college; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to establish a comprehensive college preparation program, based on the college readiness model proposed by the Urban Youth Collaborative, to improve and expand college access for all students.

Referred to the Committee on Education.

Preconsidered Res. No. 2087
Resolution pursuant to the New York State Environmental Quality Review Act setting forth findings of the Council concerning the environmental review conducted for Proposed Int. No. 1162-A.

By Council Members James, Mendez and Rose.

Whereas, The enactment of Proposed Int. No. 1162-A is an “action” as defined in section 617.2(b) of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York; and

Whereas, An Environmental Assessment Statement for this bill was prepared on behalf of the Office of the Mayor and the Council, which are co-lead agencies pursuant to section 5-03(d) of the Rules of Procedure for City Environmental Quality Review; and

Whereas, The Environmental Assessment Statement for this bill was prepared pursuant to Article 6 of the New York State Environmental Conservation Law, section 617.7 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review; and

Whereas, The Council, as a co-lead agency, has considered the relevant environmental issues as documented in the Environmental Assessment Statement submitted to such enactment and in making its findings and determinations under the Rules of Procedure for City Environmental Quality Review and the State Environmental Quality Review Act, the Council has relied on that Environmental Assessment Statement; and

Whereas, After such consideration and examination, the Council has determined that a Negative Declaration should be issued: and

Whereas, The Council has examined, considered and endorsed the Negative Declaration that was prepared; now, therefore, be it

Resolved, That the Council of the City of New York, having considered the Negative Declaration, hereby finds that:

(1) the requirements of The State Environmental Quality Review Act, Part 617 of Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York, and the Rules of Procedure for City Environmental Quality Review have been met; and

(2) as documented in the annexed Environmental Assessment Statement, the proposed action is one which will not result in any significant adverse environmental impacts; and

(3) the annexed Negative Declaration constitutes the written statement of facts and conclusions that form the basis of this determination.

Adopted by the Council (preconsidered by the Committee on Sanitation and Solid Waste Management).

Int. No. 1219

By Council Members Koslowitz and Cabrera.

A Local Law to amend the administrative code of the city of New York, in relation to exempting licensed plumbers from registering with the business integrity commission.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 16-505 of chapter one of title sixteen-a of the administrative code of the city of New York is amended to read as follows:

"(6) shall be unlawful for any person to remove, collect or dispose of trade waste that is generated in the course of operation of such person's business, or to operate as a trade waste broker, without first having registered with the commission. Nothing in this subdivision shall be construed to require registration with the commission of (i) a commercial establishment required to provide for the removal of waste pursuant to section 16-116 of this code in order for such establishment to remove recyclable materials generated in the course of its own business to a location owned or leased by such establishment for the purpose of collecting or storing such materials for sale or further distribution; (ii) an owner or managing agent of a building in order to remove recyclable materials generated by commercial tenants within such building to a central location within such building for the purpose of collecting or storing such materials for sale or further distribution; [or (iii) an owner of an establishment required to provide for the removal of waste pursuant to section 16-116 of this code in order to transport beverage containers, as such term is defined in section 27-1003 of such law, or to any other place where payment will be received by the commercial establishment for such materials; or (iv) a master plumber licensed pursuant to section 28-408.1 of this code that is engaged in the removal or opening of the pavement of a public street pursuant to a permit issued by the commissioner of the department of transportation in accordance with section 19-102 of this code. Notwithstanding any other provision of this subdivision, a business granted an exemption from the requirement for a license pursuant to subdivision a of this section shall be thereupon issued a registration pursuant to this subdivision."

§ 2. This local law shall take effect immediately.

Referred to the Committee on Consumer Affairs.
January 31 of each year, a report for the prior fiscal year in the form prescribed hereunder with regard to projected and actual jobs created and retained in connection with any project undertaken by such local development corporation or not-for-profit corporation for the purpose of the creation or retention of jobs, or whether or not such project involves the expenditure of city capital appropriations, if in connection with such project assistance to a business entity was provided by such local development corporation or not-for-profit corporation in the form of a loan, grant or tax benefit in excess of one hundred fifty thousand dollars, or a sale or lease of city-owned land where the project is estimated to retain or create five or more job opportunities. The report shall be for the year commencing on the date that the project agreement and any other documents applicable to such project have been executed through the final year that such entity receives assistance for such project, except that, as to projects consisting of a lease or sale of city-owned land, each annual report shall include (i) a list of each existing lease, regardless of when such lease commenced, and a list of each sale of city-owned land that closed on or after January 1, 2005, and (ii) for such leases or sales, any terms or restrictions on the use of the property, including the rent received for such leased property in the prior fiscal year, and for sales, the price for which the property was sold and any terms or restrictions on the resale of the property, and need not include any other information with regard to such lease or sale of a type required for reports for other projects hereunder. Information on any such lease shall be included until the lease terminates and information on sales of city-owned land shall be included for fifteen years following closing. The report, other than for leases or sales of city-owned land, shall contain, for the prior fiscal year, the following information with respect thereto: (i) the project’s name; (ii) its location; (iii) the time span over which the project is to receive any such assistance; (iv) the type of such assistance provided, including the name of the program or programs through which assistance is provided; (v) for projects that involve a maximum amount of assistance, a statement of the maximum amount of assistance available to those projects over the duration of the project agreement, and for those projects that do not have a maximum amount, the current estimated amount of assistance over the duration of the project agreement, the amount of tax exempt bonds issued during the current reporting year and the range of potential cost of those bonds; project assistance to be reported shall include, but shall not be limited to, PILOT savings, which shall be defined for the purposes of this paragraph as the difference between the PILOT payments made and the property tax that would have been paid in the absence of a PILOT agreement, the amount of mortgage recording fees waived, related property tax abatements, sales tax abatements, the dollar value of energy benefits and an estimated range of costs to the city of foregone income tax revenues due to the issuance of tax exempt bonds; (vi) the total number of employees at all sites covered by the project at the time of the project agreement, including the number of permanent full time jobs, the number of permanent part time jobs, the number of full-time equivalents, and the number of contract employee where contract employees may be included for the purpose of determining compliance with job creation or retention requirements; (vii) the number of jobs that the entity receiving benefits is contractually obligated to retain and create over the life of the project, except that such information shall be reported on an annual basis for project agreements containing annual job retention or creation requirements and, for each reporting year, the base employment level the entity receiving benefits agrees to retain over the life of the project agreement, any job creation scheduled to take place as a result of the project, and where applicable, the number of permanent full time jobs, the number of full-time equivalents, and the number of contract jobs, and, for entities receiving benefits that employ two hundred fifty or more persons, the percentage of total employees within the "exempt" and "non-exempt" categories, respectively, as those terms are defined under the United States fair labor standards act, and for employees within the "non-exempt" category, the percentage of employees earning up to twenty-five thousand dollars per year, the percentage of employees earning more than twenty-five thousand per year up to forty-thousand dollars per year and the percentage of employees earning more than forty thousand dollars per year up to fifty thousand dollars per year; (viii) the percentage of employees maintaining annual job retention or creation targets for the current reporting year; (ix) the estimated amount, for that year and cumulatively to date, of retained or additional tax revenue derived from the projects exclusion benefits, the tax revenue other than revenue generated by property tax improvements; (x) the amount of assistance received during the year covered by the report, the amount of assistance received since the beginning of the project period, and the present value of the future assistance estimated to be given for the duration of the project period; (xi) for the current reporting year, the actual total number of employees at all sites covered by the project, including the number of permanent full-time jobs, the number of permanent part-time jobs, the number of contract jobs, and, for entities receiving benefits that employ two hundred fifty or more persons, the percentage of total employees within the "exempt" and "non-exempt" categories, respectively, as those terms are defined under the United States fair labor standards act, and for employees within the "non-exempt" category, the percentage of employees earning up to twenty-five thousand dollars per year, the percentage of employees earning more than twenty-five thousand per year up to forty-thousand dollars per year and the percentage of employees earning more than forty thousand dollars per year up to fifty thousand dollars per year; (xii) whether the employer offers health benefits to all full-time employees and all part-time employees; (xiii) for the current reporting year, for employees at each site covered by the project in the categories of industrial jobs, restaurant jobs, retail jobs, and other jobs, including all permanent and temporary full-time employees, permanent and temporary part-time employees, and contract employees, the number and percentage of employees earning less than a living wage, as that term is defined in section 134 of title 6 of the administrative code of the city of New York. The reports with regard to projects for which assistance was received prior to July 1, 2012 need only contain such information required by this paragraph as is available to the city, can be reasonably derived from available sources, and can be reasonably obtained from the business entity to which assistance was granted, for the purposes of this subparagraph, "affiliates" shall mean (i) a business entity in which more than fifty percent is owned by, or is subject to a power or right of control of, or is managed by, an entity which is a party to an active project agreement, or (ii) a business entity that owns more than fifty percent
of an entity that is party to an active project agreement or that exercises a power or right of control of such entity; (xiv) a projection of the retained or additional tax revenue to be derived from the project for the remainder of the project period; (xv) a list of all commercial, expansion or program benefits, including any cost, financial and commercial incentive program benefits received through the project agreement and relocation and employment assistance program benefits received and the estimated total value of each for the current reporting year; (xvi) a statement of compliance indicating whether, during the current reporting year, the local development corporation or not-for-profit corporation has reduced, cancelled or recaptured benefits for any company, and, if so, the total amount of the reduction, cancellation or recapture, and any penalty assessed and the reasons therefore; (xvii) for business entities for which project assistance was provided by such local development corporation or not-for-profit corporation in the form of a loan, grant or tax benefit of one hundred fifty thousand dollars or less, the data included in the report submitted in 2012 in the commonly available non-proprietary database format, the local development corporation or not-for-profit corporation shall include, in such format, the data included in the reports for the period from July 1, 2005 to June 30, 2010. Reports with regard to projects for which assistance was rendered prior to July 1, 2005, need only contain such information required by this subdivision as is available to the local development corporation and can be reasonably derived from available sources, and can be reasonably obtained from the business entity to which assistance was provided. (2) develop a targeted hiring and workforce development program customized for each local development corporation or not-for-profit corporation for each project to submit a written plan that includes goals for the hiring, retention, advancement and training of persons living within the community district or districts in which the projects will be located who have an annual income below 200% of the poverty level as determined by the New York city center for economic opportunity poverty measure or another similar measurement. The hiring and workforce development program shall require the entity receiving benefits for the project to collaborate with any city agency and local employment programs chosen by the local development corporation or not-for-profit corporation related to the implementation of the program. The plan shall also contain programmatic details including when various aspects of such plan shall be implemented along with record keeping and monitoring requirements and any other information deemed relevant by the local development or not-for-profit corporation to the goals of the program. All agreements with an entity receiving benefits for a project shall require such entity to exercise its best efforts at achieving the goals of the hiring and workforce development program and its accompanying plan.

2. By March 1, 2007, and by March 1 every two years thereafter, the local development corporation or not-for-profit corporation, in consultation with the speaker of the city council and other persons selected jointly by the mayor and the speaker of the city council, who have extensive experience and knowledge in the fields of finance, economics, and public policy analysis, shall evaluate the methodology employed for making the determinations required for this report and generate recommendations, where appropriate, on the methodology by which projects receiving economic development subsidies are evaluated. The department shall present to the [mayor] and the speaker no later than October 1 of every year in which such evaluation is required, a report containing such recommendations as are presented.

§2 This local law shall take effect immediately upon enactment.

Referred to the Committee on Economic Development.

December 19, 2013

CC123

Section 1. There shall be a food policy council to develop comprehensive food policies and to advise city agencies on issues that affect municipal food policies in New York city.

b. Such food policy council shall consist of fifteen members as follows:

i. Eight members shall be appointed by the mayor, provided that appointees will have backgrounds in the following areas: anti-hunger; public health; environmental sustainability; community gardening; labor; food manufacturing; food delivery; and food justice.

ii. Seven members shall be appointed by the speaker of the council, provided that appointees will have backgrounds in the following areas: finance; education; child welfare; health promotion; urban agriculture; food justice; and public assistance advocacy.

iii. At its first meeting, the food policy council shall select a chairperson from among its members by a majority vote of the food policy council.

c. Each member shall serve for a term of four years to commence after the final member of the food policy council is appointed. Any vacancies in the membership of the food policy council shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.

d. No member of the food policy council shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.

e. Members of the food policy council shall serve without compensation and shall meet as necessary.

f. The food policy council shall issue a report to the mayor and the speaker of the council no later than twelve months after the final member of the food policy council is appointed. Such report shall include recommendations on the following areas including, but not limited to:

i. Reducing hunger;

ii. Improving nutrition and reducing obesity;

iii. Increasing the local procurement of food;

iv. Reducing food desert areas;

v. Improving work conditions and job quality of food workers;

vi. Reducing food and food packaging waste;

vii. Increasing healthy diets of New York city residents and school children.

g. The food policy council shall meet quarterly following the publication of the report to review progress on the recommendations of the report. The food policy council shall issue annual updates of the status of recommendations to the mayor, city council and public.

h. The food policy council shall be empowered to issue reports on municipal food policies in addition to the report described in subdivision f of this local law.

§2. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1224

By Council Members Lander, Brewer, Chin, James and Mendez.

A Local Law to amend the administrative code of the City of New York, in relation to information required to be provided to tenants of certain interim multiple dwellings by owners.

Be it enacted by the Council as follows:

Section 1. Title 27 of the administrative code of the city of New York is amended by adding a new chapter 4 to read as follows:

CHAPTER 4

INFORMATION REQUIRED TO BE PROVIDED TO TENANTS OF CERTAIN INTERIM MULTIPLE DWELLINGS

$27-4000. Written notice to tenants of certain interim multiple dwellings. Owners of interim multiple dwellings registered with the New York city loft board in accordance with article 7-C of the multiple dwelling law and located in the districts listed below must provide written notice to all tenants informing them that they live in a non-conforming building and that manufacturing businesses in such districts are allowed to operate as-of-right. Such written notice must be immediately mailed to all current tenants and provided in the form of a lease rider upon the offering of a lease to any current or new tenant.

C8, M1-1, M1-2, M1-3, M1-4, M1-5, M1-6, M2, M3, M1D

Special Garment Center

College Point Special District

Coney Island Mixed Use Special District

Long Island City Mixed Use Special District

Hunts Point Special District

§2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.
be enacted by the Council as follows:

Section 1. Section 16-523 of the administrative code of the city of New York is amended to read as follows:

§16-523 Special trade waste removal districts; designation; agreement. a. [The] On or before July first, two thousand fourteen, the commission shall by rule designate [no more than] at least two areas of the city in commercial areas within different boroughs to participate in a pilot program as special trade waste removal districts.

b. The commission shall provide to establishments within such area for the removal of trade waste generated by such establishments:

1. the number and types of commercial establishments within the proposed district;
2. the amount and types of waste generated by commercial establishments within the proposed district;
3. existing service patterns within the proposed district;
4. the types and estimated amounts of recyclable and compostable organic materials generated by commercial establishments within the proposed district that are required to be recycled, reused or sold for reuse pursuant to section 16-306 of this code and any rules promulgated pursuant thereto;
5. the rates being charged by persons licensed pursuant to this subchapter to commercial establishments within the proposed district; and
6. the history of complaints from commercial establishments within the district regarding overcharging for the removal of trade waste or the inability to change providers of trade waste removal services.

c. The commission shall issue requests for proposals to conduct trade waste removal in a special trade waste removal district and, based upon the review and evaluation of responses thereto, may negotiate and enter into such agreement(s) pursuant to subdivision a of this section, the commission shall be authorized to enter into agreements with one or more specified licensee(s) permitting such licensee(s) to provide the removal of trade waste within such district. The term of any such agreement, inclusive of any period by which the original term is extended at the option of the commission, shall not exceed two years. No such agreement(s) shall be entered into until a public hearing has been held with respect thereto after publication in the City Record at least thirty days in advance of such hearing and the record has solicited as part of the record of such hearing whether there is support for the establishment of such special trade waste removal district from local business organizations or business improvement districts.

d. The commission shall issue requests for proposals to conduct trade waste removal in a special trade waste removal district from local business organizations or business improvement districts.

e. The commission shall issue requests for proposals to conduct trade waste in

f. the collection and disposal of regulated medical waste pursuant to section 16-303 of this code; and

(2) the collection and disposal of regulated medical waste pursuant to section 16-303 of this code;

(3) the collection and disposal of medical waste containing asbestos pursuant to section 16-117.1 of this code;

(4) the collection and disposal of demolition and construction debris or waste;

(5) the removal of hazardous waste pursuant to section 27-0901 of the environmental conservation law, including material containing hazardous waste;

(6) the removal and disposal of waste by the owner, lessee or person in control of a commercial establishment;

(7) the removal and disposal of trade waste from a building with a floor area of two hundred thousand square feet or more, when the owner or managing agent of such building elects to arrange for the removal and disposal of all trade waste from such building by a licensee other than a licensee with whom the commission has entered into agreement pursuant to subdivision b of this section; and

(8) the collection and disposal of regulated medical waste pursuant to section 16-303 of this code.

2. On or before July first, two thousand fourteen, the commission shall promulgate rules for labor standards and working conditions for workers employed by licensee(s) pursuant to this section.

Reflected to the Committee on Consumer Affairs.
Whereas, Currently members of the military and their dependents are prohibited from receiving abortion services at military hospitals except in cases where a woman’s life is endangered or pregnancy is the result of rape, even where no public funds have been used; and

Whereas, According to the National Women’s Law Center, the current ban can create overwhelming barriers for servicewomen seeking access to safe reproductive healthcare; and

Whereas, In addition, the National Women’s Law Center states that for a woman serving where abortion is illegal, unsafe, or unavailable, she may be left with no options and may delay treatment; and

Whereas, According to the Guttmacher Institute, the ban on privately funded abortions contributes to the health and safety of U.S. servicewomen on bases overseas, as well as their families and impede equal access and rights to U.S. military personnel; and

Whereas, In 2013, S.777HR.1389, also known as the Military Access to Reproductive Care and Health (MARCH) Act, was introduced by Senator Kirsten Gillibrand and Representative Louise Slaughter; and

Whereas, The MARCH Act would repeal the current statutory restriction that prohibits use of Department of Defense funds and facilities for abortions; and

Whereas, The legislation would not intrude upon the “conscience clauses” that the armed services has enacted to accommodate medical personnel who object to the performance of abortions for reasons of religion or conscience; and

Whereas, The Act would restore provisions of law in which servicewomen had the option to “pre-pay” for abortions in military facilities using their own funds; and

Whereas, The MARCH Act is supported by numerous advocacy groups and also has the support of the DoD; and

Whereas, The MARCH Act would repeal current law prohibiting military facilities from providing abortion except in very limited circumstances and enable servicewomen and family members to use their own money to get procedures as needed; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign the Military Access to Reproductive Care and Health (MARCH) Act of 2013, which would allow women in the military to use their own money to pay for abortions in military medical facilities.

Referred to the Committee on Veterans.

Res. No. 2089
Resolution calling upon the School Construction Authority (SCA) to immediately cease using and procuring any polyvinyl chloride (PVC) laden products, especially vinyl flooring, for any use in New York City (NYC) public schools; and set a timetable for the removal of all PVC laden vinyl flooring from all NYC public schools within a time frame of five years.

By Council Members Levin, Brewer, Chin, James, Koppell, Mendez and Rose.

Whereas, Polyvinyl chloride (PVC), commonly known as vinyl, is one of the most widely used plastics; and

Whereas, Over 14 billion pounds of PVC are produced every year in North America for products such as packaging, cling film, bottles, credit cards, audio recorders, imitation leather, window frames, cable and wire insulation, window blinds, shower curtains, cables, pipes, panelling, flooring, pipes, gutters, furniture, binders, folders, pens, wallpaper, toys, car interiors, and medical disposables; and

Whereas, PVC can only be used once it has been plasticized and stabilized with the addition of other toxic chemicals including lead, cadmium, organotins, and phthalate plasticizers; and

Whereas, These additives can constitute approximately 40 to 60 percent of finished PVC products; and

Whereas, Such additives are capable of leaching, fleeing or outgassing over time, thus increasing the risks of causing asthma, poisoning, learning and developmental disabilities, reproductive disorders, altered liver function, altered kidney function, respiratory complications, renal and commercial problems, central nervous system complications, immune system complications, skin complications, cancer, and more; and

Whereas, Ethylene dichloride (dioxin) and vinyl chloride are byproducts in the creation of PVC and can cause severe health problems; and

Whereas, According to the Centers for Disease Control and Prevention, severe health problems caused by byproducts of PVC include liver damage, lung damage, kidney damage, heart damage, nerve damage, blood clotting disorders, development of immune reaction, circulation complications, skin damage, sperm and testes damage, irregular menstrual periods, high blood pressure, liver cancer, brain cancer, lung cancer, variety of blood cancers, mammary gland cancer, birth defects, delayed development in fetuses, decreases weight in fetuses, miscarriages, and negatively affected growth and development; and

Whereas, Alternatives to PVC, including linoleum, polystyrene, synthetic rubber, and cork, are readily available, considerably safer, more cost effective, and have higher life-cycles; and

Whereas, New York City and State governments have already instituted several policies in order to promote “green” city and state schools, including PlaNYC, the...
A Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving family members of certain deceased employees of the police department.

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

Preconsidered Int. No. 1228
By Council Members Recchia, Chin and Dickens (by request of the Mayor).

A Local Law in relation to the date of submission by the mayor of a preliminary management report and the date prior to which the council shall hold hearings on such report or reports pertaining thereto, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report analyzing the preliminary budget, the date by which the council shall hold hearings and submit recommendations in regard to the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand fifteen.

Be enacted by the Council as follows:

Section 1. During the calendar year 2014 and in relation to the 2015 fiscal year:

1. Notwithstanding any inconsistent provisions of section 12 of the New York city charter, as amended by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a preliminary management report as therein described not later than February 26, 2014, and the council shall conduct public hearings on such report prior to May 5, 2014 and submit to the mayor and make public not later than May 5, 2014, a report or reports of findings and recommendations.

2. Notwithstanding any inconsistent provisions of section 235 of the New York city charter, as amended by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a preliminary budget as therein described not later than February 12, 2014.

3. Notwithstanding any inconsistent provisions of section 236 of the New York city charter, as amended by vote of the electors on November 7, 1989, each community board shall pursuant to such section submit a statement and recommendations in regard to the preliminary budget as therein described not later than March 14, 2014.

4. Notwithstanding any inconsistent provisions of section 237 of the New York city charter, as amended by vote of the electors on November 7, 1989, the director of the independent budget office shall publish a report on revenues and expenditures as therein described on or before February 28, 2014.

5. Notwithstanding any inconsistent provisions of section 238 of the New York city charter, as amended by vote of the electors on November 7, 1989, the commissioner of fiscal affairs shall pursuant to such section submit an estimate of the assessed valuation of real property and a certified statement of all real property taxes due as therein described not later than March 14, 2014.
7. Notwithstanding any inconsistent provisions of section 240 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a tax benefit report as therein described not later than March 14, 2014.

8. Notwithstanding any inconsistent provisions of section 241 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough board shall pursuant to such section submit a statement of budget priorities as therein described not later than March 24, 2014.

9. Notwithstanding any inconsistent provisions of section 243 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section approve and submit estimates of the financial needs of the council as therein described not later than April 7, 2014.

10. Notwithstanding any inconsistent provisions of section 245 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit any proposed modifications of the preliminary budget as therein described not later than April 7, 2014.

11. Notwithstanding any inconsistent provisions of section 246 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the preliminary budget as therein described on or before April 11, 2014.

12. Notwithstanding any inconsistent provisions of section 247 of the New York city charter, as added by vote of the electors on November 7, 1989, the council shall pursuant to such section hold hearings and submit recommendations as therein described not later than April 21, 2014.

13. Notwithstanding any inconsistent provisions of subdivision c of section 1052 of the New York city charter, as added by vote of the electors on November 5, 1998, the campaign finance board shall pursuant to such subdivision submit estimates of the financial needs of the campaign finance board as therein described not later than April 7, 2014.

§ 2. This local law shall take effect immediately, except that if it shall have become a law after January 16, 2014, it shall be retroactive to and deemed to have been in full force and effect as of January 16, 2014.

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

Preconsidered Res. No. 2009

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

By Council Members Recchia, Koo, and Rose.

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

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 new Description/Scope of Services for certain organizations receiving local, aging, and youth discretionary funding; and

Whereas, On June 19, 2009 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2010 with various programs and initiatives (the “Fiscal 2010 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving youth discretionary funding; and

Whereas, On October 19, 2013, the Council of the City of New York (the “City Council”) adopted Resolution 1959, titled “Resolution approving the modification (MN-1) of Units of Appropriation and the Transfer of City Funds Between Agencies Proposed by The Mayor Pursuant to Section 107 (b) of the New York City Charter (MN-1”), which provided funding in the amount of $550,000 from the general reserve to Comman Cents New York, Inc. (EIN 13-3631329) within the budget of the Department of Youth and Community Development: and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in Resolution 1959 by approving the funding allocated to Comman Cents New York, Inc. within the budget of the Department of Youth and Community Development, now 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 a certain organization receiving aging 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 Domestic Violence and Empowerment (DoVE) 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 Social Adult Day Care Programs 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 YMCA After-School Program 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 a certain organization receiving funding pursuant to the Out of School Time Restoration 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 Design Week 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 Senior Centers and Programs Restoration 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 the HIV/AIDS Faith Based 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 youth discretionary funding in accordance with the Fiscal 2014 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to 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 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 2014 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 2014 Expense Budget, as set forth in Chart 17; 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 18; 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 19; 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 20; 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 21; 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 22; and be it further
§20-545 Hearing authority.

a. Notwithstanding any other provision of law, the department shall be authorized upon due notice and hearing, to impose civil penalties for the violation of any provision of this subchapter and any rules promulgated thereunder. The department shall have the power to render decisions and orders and to impose civil penalties not to exceed the amounts specified in section 20-544 of this subchapter for each such violation. All proceedings authorized pursuant to this section shall be conducted in accordance with rules promulgated by the commissioner. The penalties provided for in section 20-544 of this subchapter shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

b. All such proceedings shall be commenced by the service of a notice of violation returnable to the administrative tribunal of the department. The commissioner shall prescribe the form and wording of notices of violation. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein.

§2. This local law shall become effective 120 days after its enactment into law.

Referred to the Committee on Consumer Affairs.

WHEREAS, The Metropolitan Transportation Authority (MTA) is North America’s largest network for transportation that serves a population of 15.1 million people in a 5,000 square mile area including New York City, Long Island, southeastern New York State, and Connecticut; and

WHEREAS, MTA subways, buses, and railroads provide over 2.62 billion rides annually according to the MTA 2013 Annual Report; and

WHEREAS, The MTA public transportation network allows New York City to maintain its status as a world hub of finance, commerce, culture, entertainment, and business; and

WHEREAS, This public mass transit system optimizes the New York City economy by facilitating access to job opportunities for numerous people across a broad region; and

WHEREAS, According to the recent American Community Survey by the United States Census Bureau, the City’s labor force consists of 4.11 million people; and

WHEREAS, The 2013 unemployment rate in the City is 8.9 percent compared to a national rate of 7.0 percent, according to the United States Department of Labor; and

WHEREAS, The Community Service Society conducted a survey of low-income New Yorkers in 2013, finding that 21.2 percent of the City’s population are below the poverty level, which is statistically unchanged from 2011 at 20.9 percent; and

WHEREAS, According to the MTA, four out of every five rush-hour commuters travelling to New York City’s central business districts commute by public transit services; and

WHEREAS, According to MTA figures in 2012, the average weekday subway ridership was 5.4 million passengers and the annual ridership was 1.7 billion people; and

WHEREAS, In 2012, the average weekday bus ridership was 2.2 million passengers and the annual ridership was 6.7 million people, as reported by the MTA; and

WHEREAS, In 1990, the base fare for a single ride was $1.15, increasing by $0.25 in 1995, and continued to increase in 2005 to $2.00 and by another $0.25 in 2009 to $2.25, where the base fare rate stands today; and

WHEREAS, Over 1.98 million people in the City’s labor force depend on commuting to work by public transportation and bus and subway fares have been increasing more rapidly in recent years, when viewed from the system’s inception in 1904; and

WHEREAS, Economic conditions and unemployment rates put a strain on the City’s population, especially upon those New Yorkers with limited financial means; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Metropolitan Transportation Authority (MTAs) to establish a Metrocard discount fare program through which eligible non-profit organizations can receive and distribute discounted Metrcards to their clients.

By Council Members Van Bramer, Mendez and Rose.
By Council Members Van Bramer, Cabrera, Koo, Mendez and Rose.

Whereas, The Metropolitan Transportation Authority (“MTA”) has over 600 miles of subway tracks, and operates 6,000 subway cars that serve 468 subway stations; and

Whereas, A large portion of the MTA’s track infrastructure is above ground, running through many business and residential areas; and

Whereas, While New York City arguably has one of the largest and most efficient subway systems in the world, the largely above ground system poses many problems to City residents; and

Whereas, In particular, subway noise has become a concern to many school parents; and

Whereas, According to one media report, a public school in Queens, that is located near an elevated train, registered decibel levels in the high 90s; and

Whereas, According to the National Institutes of Health prolonged exposure to noise levels of 85 decibels or higher may lead to hearing loss; and

Whereas, New York City Department of Health recently launched a campaign to educate City residents about the negative effects of headphone use; and

Whereas, In Seattle, Washington, the local transit authority began work in 2013 to soundproof a portion of its light rail system that runs close to a residential neighborhood due to concerns about noise levels; and

Whereas, The MTA in conjunction with other relevant City and State agencies should begin studying ways to soundproof subway tracks located near public schools; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to install soundproofing systems near schools where subway and train noise reach disruptive decibel levels.

Referred to the Committee on Transportation.

By Council Members Weprin, Brewer, Koo, Mendez and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to allowing residential cooperatives to consolidate required energy efficiency reports.  

Be it enacted by the Council as follows:

Section 1. Section 28-308.1 of the administrative code of the city of New York as added by Local Law number 87 for the year 2009, is amended by adding the following definition in appropriate alphabetical order to read as follows:

Cooperative Corporation. A corporation governed by the requirements of the state cooperative corporation law or general business law that, among other things, grants persons the right to reside in a cooperative apartment, that right existing by such person’s ownership of certificates of stock, proprietary lease, or other evidence of ownership of an interest in such entity.

§ 2. Section 28-308.1 of the administrative code of the city of New York is amended to read as follows:

Due dates. The first due dates for city buildings shall be in accordance with a schedule to be determined by the department with respect to city buildings that are not submitted by December 31, 2011. A city building constructed after the effective date of this article shall be added to such schedule within 10 years after the issuance of the first certificate of occupancy for such building. Copies of energy efficiency reports submitted to the department with respect to city buildings that are not submitted by the department of citywide administrative services shall also be submitted to the department of citywide administrative services.

2. A cooperative corporation, that owns multiple covered buildings located on different tax block numbers, that is required to file an energy efficiency report for more than one covered building in the same calendar year may consolidate all such energy efficiency reports into one report which shall be accepted by the department in satisfaction of the requirements of this section for each covered building included in such consolidated report.

§ 3. This local law shall take effect one hundred eighty days after its enactment into law, except that the Department of Buildings shall take all measures for its implementation including the promulgation of rules prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 2093

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation increasing the civil penalty for driving on the sidewalk.

By Council Members Weprin and Koo.

Whereas, Section 1225-a of the New York State Vehicle and Traffic Law prohibits any individual from driving “a motor vehicle on or across a sidewalk” with minor exceptions, such as to gain access to adjacent buildings or driveways; and

Whereas, A violation of §1225-a is a traffic infraction, resulting in an escalating range of penalties, including a fine of up to $150 for a first offense; and

Whereas, Driving on the sidewalk presents a grave risk to pedestrians; and

Whereas, During a 30-day period in February and March 2013 there were five instances of a motorist hitting a pedestrian on a sidewalk, resulting in three deaths and two serious injuries; and

Whereas, On September 12, 2013 five children were injured in Maspeth, Queens when an SUV hit them while they were walking on the sidewalk; and

Whereas, In light of the inexcusable and serious nature of driving on the sidewalk and the dangerous conditions it creates, the fine for violation of §1225-a of the Vehicle and Traffic Law should be tripled and the infraction should also result in three points being added to the driver’s license; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation increasing the civil penalty for driving on the sidewalk.

Referred to the Committee on Transportation.

Res. No. 2094

Resolution to designate the month of January as “Higher Education for All Month.”

By Council Members Williams, James, Koo and Rose.

Whereas, Education transforms lives, reduces poverty, and strengthens communities; and

Whereas, Education is particularly important to those who are currently or formerly involved in the criminal justice system; and

Whereas, According to the National Center for Education Statistics (NCES), among federal and state inmates, about 37 percent of inmates do not have a high school diploma or a GED, compared to 19 percent of the general population; and

Whereas, According to a recent report from the Education from the Inside Out coalition, an advocacy organization, giving incarcerated persons access to high education reduces recidivism; and

Whereas, Education from the Inside Out added that while nationwide 43.3 percent of formerly incarcerated individuals are likely to return to prison within three
years of release, the likelihood drops to 5.6 percent for Bachelor’s degree recipients and less than 1 percent for Master’s degree recipients; and

Whereas, Education From the Inside Out also indicated that access to higher education for the incarcerated also reduces the related costs of crime and imprisonment, and increases opportunities for employment after release; and

Whereas, According to the Institute for Higher Education Policy, offering higher education to prisoners may be especially valuable in a society where postsecondary credentials are increasingly necessary to gain access to living-wage jobs; and

Whereas, However, formerly incarcerated individuals often experience difficulties in gaining employment after release from prison, because they often lack marketable skills and may face discrimination due to their criminal background; and

Whereas, Furthermore, a provision in the Violent Crime Control and Law Enforcement Act of 1994 has prevented those incarcerated in a state or federal correctional facility from receiving Pell Grants; and

Whereas, The loss of Pell Grant funding had an immediate adverse impact on postsecondary educational correctional education; and

Whereas, In New York State, the recidivism rate within three years of release is approximately 40 percent, according to The New York Times, and as statistics show, higher education is a highly effective approach to reducing the number of individuals returning to prison; and

Whereas, In collaboration with Education From the Inside Out, advocates hope to highlight the importance of ensuring that currently and formerly incarcerated individuals have access to high quality higher education by designating the month of January as “Higher Education for All Month”; now, therefore, be it

Resolved. That the Council of the City of New York designates the month of January as “Higher Education for All Month.”

Resolved. That the City of New York designates June 20th of each year as President Nelson Mandela Day in the City of New York.

Resolved. That in recognition of Dr. Maya Angelou’s contribution to world literature and the American literary canon, the City of New York designates the month of April as Dr. Maya Angelou Month.

Resolved. That the Council of the City of New York designates the month of April as Women’s History Month.

Resolved. That the Council of the City of New York designates the month of June as the Black History Month.

Resolved. That the Council of the City of New York designates the month of September as Hispanic Heritage Month.

Resolved. That the Council of the City of New York designates the month of October as Young Women’s History Month.

Resolved. That the Council of the City of New York designates the month of November as Native American Heritage Month.

Resolved. That the Council of the City of New York designates the month of December as the City of New Yorkxmas Month.

Resolved. That the Council of the City of New York designates June 20th of each year as President Nelson Mandela Day in the City of New York.

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

**ANNOUNCEMENTS:**

The Next Stated Council Meeting

will be

The Charter Meeting

On Wednesday, January 8, 2014  
12:00 Noon

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, January 8, 2014.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

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**Editor’s Local Law Note:** Int Nos. 488, 732-A, 764-A, 1071, and 1185, all adopted by the Council at the November 26, 2013 Stated Meeting, were signed into law by the Mayor on December 12, 2013 as, respectively, Local Laws Nos. 114 to 118 of 2013.


Int No. 951-A, originally adopted by the Council at the October 30, 2013 Stated Meeting, was re-adopted by the Council at this December 19, 2013 Stated Meeting and was, thereby, enacted into law by the Council’s override of the Mayor’s November 27, 2013 veto. Int No. 951-A was subsequently assigned as, respectively, Local Law No. 134 of 2013.


On December 27, 2013, the Mayor vetoed the following bills adopted by the Council at this December 19, 2013 Stated Meeting: Int Nos. 172-A, 856-A, 867-A, 933-A, 1053-A, and 1208-A. These 6 vetoed bills will roll over into the new Council session with the respective veto and disapproval messages to be introduced as Mayor’s Messages at the January 8, 2014 Charter Meeting.

**Editor’s Note:** This Stated Meeting is the final scheduled proceeding of the Council’s 2010-2013 legislative session – all items that are still in committee as of December 31, 2013 are deemed to have died at the end of the session and are considered Filed (Sine Die – End of Session) – M.D.