

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
WEDNESDAY, MARCH 3, 2010

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**THE COUNCIL**

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*Minutes of the*  
**STATED MEETING**

*of*  
Wednesday, March 3, 2010, 3:15 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Member Foster.

***Editor's Note:*** *There is presently a vacancy in the Council pending the certified results of the Special Election to be held on Tuesday March 23, 2010 in the 44<sup>th</sup> Council District (Brooklyn).*

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 49 Council Members present at this Stated Meeting.*

**INVOCATION**

The Invocation was delivered by Rev. Patricia A. Singletary, Pastor, Elmendorf Reformed Church, 171 East 121<sup>st</sup> Street, New York, NY 10035.

Let us pray.

Bless the Lord, oh my soul,  
and all that is within me,  
bless His holy name.  
Bless the Lord, oh my soul,  
and forget not all His benefits  
and Who forgive all our transgressions.  
Lord, we come before You  
as humbly as we know how  
with thanks giving in our hearts for this day,  
this place and for those who serve our great city.  
As we celebrate the Month of March as Women's month,  
we thank You for those women pioneers  
who shattered the legislative glass ceiling  
and for those women serving today  
along with their male counterparts  
in their areas of deportment.  
I pray that you grant them wisdom  
in their deliberation, mediation and voting  
so that justice for our communities,  
the motherless, the homeless, the jobless,  
those facing the challenges of everyday living  
and those overwhelmed with feelings of hopelessness  
will find champions for their cause  
in these hallowed halls.  
Lord, please grant Your grace,  
compassion upon the members of this body  
that they may give to those in need of the same.  
Bless their hands and hearts  
that justice may be served,  
that the people of the city may prosper.  
These things I ask in the name of the Creator  
of Heaven and earth  
and in the name  
of the Redeemer and Savior of my soul.  
Amen.

Council Member Mark-Viverito moved to spread the Invocation in full upon the Record.

At a later point in the Meeting, the Speaker (Council Member Quinn) congratulated Council Member Dilan and his wife on the birth of their baby daughter, Lea. The Speaker (Council Member Quinn) also acknowledged the presence of former Council Member and former Chair of the Committee on Land Use, June Eisland.

**ADOPTION OF MINUTES**

Council Member Mendez moved that the Minutes of the Stated Council Meeting of December 21, 2009 be adopted as printed.

**MESSAGES & PAPERS FROM THE MAYOR**

M-23

**Communication from the Mayor – Submitting Preliminary Mayor's Management Report (PMMR) for Fiscal Year 2010.**

(For text, please refer to the City Hall Library at 31 Chambers Street, Site 112, New York, NY 10007).

Received, Ordered, Printed and Filed.

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

M-24

Communication from the Office of Management & Budget – Pursuant to Section 107(b) of the New York City Charter, transfer City funds between various agencies in fiscal year 2010 to implement changes to the City's expense budget. (MN -2)

February 25, 2010

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2010 to implement changes in the City's expense budget.

MN-2 implements expense transfers that were included in the November Financial Plan. In addition, MN-2 provides new funding of \$850,000 for the Public Advocate, \$90,000 for the Queens Borough President, and \$13.5 million for the Board of Elections. At the request of the City Council, MN-2 also reallocates appropriations to fund the Council's local initiatives.

Your approval of modification MN-2 is respectfully requested.

Yours truly,

Mark Page

(For text of the MN-2 numbers, please see the Attachment to Res No.63 printed in these Minutes following the Report of the Committee on Finance for M-24).

Referred to the Committee on Finance.

M-25

Communication from the Democratic Committee of Richmond County - Submitting for the Advice & Consent of the Council, the name of Michael J. Ryan, for appointment as the Richmond County Democratic Commissioner of Elections, pursuant to Section 3 – 204 (2) of the Election Law.

(For text, please refer to the City Hall Library at 31 Chambers Street, Site 112, New York, NY 10007).

Referred to the Committee on Rules, Privileges and Elections.

**LAND USE CALL UPS**

M-26

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the

Department of Consumer Affairs approving an unenclosed sidewalk café located at 216 8<sup>th</sup> Avenue, Community Board 4, Application 20095377 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-27

By Council Member Chin:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 136 West Broadway, Community Board 1, Application 20105319 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-28

By Council Member Chin:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 107 Rivington Street, Community Board 3, Application 20105293TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-29

By Council Member Mendez:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 33 Avenue B, Community Board 3, Application 20095496 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

**LAND USE CALL UP VOTE**

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

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

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

**REPORTS OF THE STANDING COMMITTEES**

**Reports of the Committee on Finance**

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

Report for Res. No. 58

**Report of the Committee on Finance in favor of approving a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2007, Fiscal 2008, Fiscal 2009 and Fiscal 2010 Expense Budgets.**

The Committee on Finance, to which the annexed resolution was referred on March 3, 2010 respectfully

**REPORTS:**

**Introduction.** The Council of the City of New York (the "Council") annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 19, 2009, the Council adopted the expense budget for fiscal year 2010 with various programs and initiatives (the "Fiscal 2010 Expense Budget"). On June 29, 2008, the Council adopted the expense budget for fiscal year 2009 with various programs and initiatives (the "Fiscal 2009 Expense Budget"). On June 15, 2007, the Council adopted the expense budget for fiscal year 2008 with various programs and initiatives (the "Fiscal 2008 Expense Budget"). On June 29, 2006, the Council adopted the expense budget for fiscal year 2007 with various programs and initiatives (the "Fiscal 2007 Expense Budget").

**Analysis.** This Resolution, dated March 3, 2010, approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2010 Expense Budget. Also, this Resolution approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2010 Expense Budget.

Also, this Resolution approves the new designation and changes in the designation of organizations receiving local and youth discretionary funding in accordance with the Fiscal 2009 Expense Budget.

Moreover, this Resolution approves the new designation and changes in the designation of organizations receiving youth discretionary funding in accordance with the Fiscal 2008 Expense Budget.

Additionally, this Resolution approves the new designation and changes in the designation of organizations receiving youth discretionary funding in accordance with the Fiscal 2007 Expense Budget.

Lastly, this Resolution also approves the changes in designation of an organization receiving funding pursuant to a certain initiative in the Fiscal 2009 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2007, Fiscal 2008, Fiscal 2009, and Fiscal 2010 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding, as described in Chart 1, attached hereto as Exhibit A; sets forth new designations and changes in the designation of aging discretionary funding, as described in Chart 2, attached hereto as Exhibit B; sets forth new designations and changes in the designation of youth discretionary funding, as described in Chart 3, attached hereto as Exhibit C; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2010 Expense Budget, as described in Charts 4-12, attached hereto as reflected in Exhibits D-L; sets forth new designations and changes in the designation of organizations that will receive funding pursuant to certain local and youth discretionary funding in the Fiscal 2009 Expense Budget, as set forth in Charts 13-14, as reflected in Exhibit M-N; sets forth new designations and changes in the designation of organizations that will receive funding pursuant to certain youth discretionary funding in the Fiscal 2008 Expense Budget, as set forth in Chart 15, as reflected in Exhibit O; sets forth new designations and changes in the designation of organizations that will receive funding pursuant to certain youth discretionary funding in the Fiscal 2007 Expense Budget, as set forth in Chart 16, as reflected in Exhibit P; and sets forth the changes in the designation of a certain organization receiving funding pursuant to a certain initiative in the Fiscal 2009 Expense Budget, as set forth described in Chart 17, as reflected in Exhibit Q.

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 2010 Expense Budget, dated June 19, 2009, or the Adjustments Summary/Schedule C/ Fiscal 2009 Expense Budget, dated June 29, 2008, or the Adjustments Summary/Schedule C/ Fiscal 2008 Expense Budget, dated June 15, 2007, or the Adjustments

Summary/Schedule C/ Fiscal 2007 Expense Budget, dated June 29, 2006; name of the organization; organization's Employer Identification Number (EIN), if applicable; agency name; increase or decrease in funding; name of fiscal conduit, if applicable; and the EIN of the fiscal conduit, if applicable.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2010 Expense Budget.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2010 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 2010 Expense Budget.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative in accordance with the Fiscal 2010 Expense Budget. The Fiscal 2010 Expense Budget listed the "Reversing the Projections-Public School 270Q", EIN 75-3260289, as the name of an organization receiving funding pursuant to this initiative. The correct name for this organization is "Reversing the Projections-Intermediate School 231Q". This Resolution makes this change. Additionally, the Fiscal 2010 Expense Budget listed the "Man Up! Inc. - Intermediate School 66 George Gershwin JHS", EIN 03-0553092, as the name of an organization receiving funding pursuant to this initiative. The correct name for this organization is the "Man Up! Inc. - Junior High School 166/George Gershwin (K166)".

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2010 Expense Budget.

Chart 6 sets forth the new designation and changes in the designation of organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2010 Expense Budget.

Chart 7 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the MWBE Leadership Association Initiative in accordance with the Fiscal 2010 Expense Budget. Chart 7 indicates an EIN correction. The correct EIN for ACCION U.S.A., Inc., an organization receiving funding in the amount of \$75,000 pursuant to the MWBE Leadership Association Initiative, is 11-3317234.

Chart 8 sets forth the new designation and changes in the designation of an organization receiving funding pursuant to the Small Business and Job Development/Financial Literacy Initiative in accordance with the Fiscal 2010 Expense Budget. Chart 8 indicates an EIN correction. The correct EIN for ACCION U.S.A., Inc., an organization receiving funding in the amount of \$75,000 pursuant to the Small Business and Job Development/Financial Literacy Initiative, is 11-3317234.

Chart 9 sets forth the new designation of certain organizations receiving funding in various amounts, totaling \$640,000 in the aggregate, pursuant to the Discharge Planning Initiative in accordance with the Fiscal 2010 Expense Budget. Specifically, the Research Foundation of the City University of New York will receive \$228,000, and the Coalition for Hispanic Family Services, Inc. will receive \$412,000 pursuant to this Initiative.

Chart 10 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Legal Services/Anti-Eviction Initiative in accordance with the Fiscal 2010 Expense Budget. Chart 10 indicates EIN corrections to two organizations. The correct EIN for the Legal Aid Society/Civil Division-Bronx is 13-5562265. Also, the correct EIN for the Legal Services NYC-Bronx is 16-1759590.

Chart 11 sets forth the new designation of certain organizations receiving funding in various amounts, totaling \$2,000,000 in the aggregate, pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2010 Expense Budget.

Chart 12 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Primary Care Initiative in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 12, funding to James Monroe High School, School-Based Health Clinic in the amount of \$225,000 will be removed. At the request of DOHMH, this funding will be provided to Morris Heights Health Center, Inc – 228<sup>th</sup> Street Campus.

Chart 13 sets forth the new designation and changes in the designation of a certain organization to receive local discretionary funding in accordance with the Fiscal 2009 Expense Budget. Chart 12 indicates an EIN correction. The correct

EIN for the Greater Harlem Real Estate Board Developer's Fund Corp. is 22-2906265.

Chart 14 sets forth the new designation and changes in the designation of certain organizations to receive youth discretionary funding in accordance with the Fiscal 2009 Expense Budget.

Chart 15 sets forth the new designation and changes in the designation of certain organizations to receive youth discretionary funding in accordance with the Fiscal 2008 Expense Budget. Specifically, funding to the Children's Circle Planning Corp. in the amount of \$17,500 will be removed. This funding will be provided to 1332 Fulton Avenue Day Care Center, Inc.

Chart 16 sets forth the new designation and changes in the designation of certain organizations to receive youth discretionary funding in accordance with the Fiscal 2007 Expense Budget. Specifically, funding to the Samuel Field YM & YWHA, Inc. in the amount of \$17,000 will be removed. This funding will be provided to several organizations in varying amounts, with Samuel Field YM & YWHA serving as the fiscal conduit to these organizations.

Chart 17 sets forth the changes in the designation of the Discipleship Outreach Ministries, Inc. (d/b/a Turning Point) within the Shelter Beds for At-Risk/LGBT Youth Initiative in accordance with the Fiscal 2009 Expense Budget. On August 14, 2008, the Council passed a Transparency Resolution that provided \$620,620 to the Turning Point organization within the Shelter Beds for At-Risk/LGBT Youth Initiative. On December 18, 2008, the Council passed a Resolution that recognized the correct name of this organization, which is the Discipleship Outreach Ministries, Inc (d/b/a Turning Point). This Resolution decreases the funding designated to this organization on August 14, 2008 to \$248,248, a removal of \$372,372. This resolution also changes the purpose of these funds to cover non-residential and certification costs.

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

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2007, Fiscal 2008, Fiscal 2009, and Fiscal 2010 Expense Budgets. Such resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res. No. 58:)**

Res. No. 58

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2007, Fiscal 2008, Fiscal 2009 and Fiscal 2010 Expense Budgets.**

By Council Member Recchia.

**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 Adopted Fiscal 2010 Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas,** On June 29, 2008, the City Council adopted the expense budget for fiscal year 2009 with various programs and initiatives (the "Fiscal 2009 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2009 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding, and by approving the changes in the designation of an organization receiving funding pursuant to a certain initiative in accordance therewith; and

**Whereas,** On June 15, 2007, the City Council adopted the expense budget for fiscal year 2008 with various programs and initiatives (the "Fiscal 2008 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2008 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving youth discretionary funding; and

**Whereas,** On June 29, 2006, the City Council adopted the expense budget for fiscal year 2007 with various programs and initiatives (the "Fiscal 2007 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2007 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving youth discretionary funding; 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 as set forth in Chart 1, attached hereto as Exhibit A; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding as set forth in Chart 2, attached hereto as Exhibit B; 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 as set forth in Chart 3, attached hereto as Exhibit C; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative, as set forth in Chart 4, attached hereto as Exhibit D; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunity Initiative, as set forth in Chart 5, attached hereto as Exhibit E; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative, as set forth in Chart 6, attached hereto as Exhibit F; 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 MWBE Leadership Association Initiative, as set forth in Chart 7, attached hereto as Exhibit G; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Small Business and Job Development/Financial Literacy Initiative, as set forth in Chart 8, attached hereto as Exhibit H; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Discharge Planning Initiative, as set forth in Chart 9, attached hereto as Exhibit I; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Legal Services/Anti-Eviction Initiative, as set forth in Chart 10, attached hereto as Exhibit J; 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, as set forth in Chart 11, attached hereto as Exhibit K; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Primary Care Initiative, as set forth in Chart 12, attached hereto as Exhibit L; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of an organization receiving local discretionary funding in accordance with the Fiscal 2009 Expense Budget, as set forth in Chart 13, attached hereto as Exhibit M; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of organizations receiving youth discretionary funding in accordance with the Fiscal 2009 Expense Budget, as set forth in Chart 14, attached hereto as Exhibit N.

**Resolved,** That the City Council approves the new designation and changes in the designation of organizations receiving youth discretionary funding in accordance with the Fiscal 2008 Expense Budget, as set forth in Chart 15, attached hereto as Exhibit O.



CHART 1: Local Initiatives (continued)

Member	Organization	EIN Number	Agency	Amount	Agcy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Levin	Public School 355K - Williamsburg Collegiate Charter School**	13-6400434	DOE	(\$5,000.00)	040	402		
Levin	Public School 355K - Williamsburg Collegiate Charter School**	13-6400434	DYCD	\$5,000.00	260	312		
Chin	Chinatown Community Emergency Response Team	84-1718656	OEM	(\$1,500.00)	017	002	Battery Park City Community Emergency Response Team, Inc.	56-2473707
Chin	Tribeca Community Emergency Response Team	26-0260476	OEM	(\$1,500.00)	017	002	Battery Park City Community Emergency Response Team, Inc.	56-2473707
Chin	Tribeca Community Emergency Response Team	84-1718656	OEM	\$1,500.00	017	002	Battery Park City Community Emergency Response Team, Inc.	56-2473707
Chin	Jewish Community Council of Kew Gardens and Richmond Hill, Inc.	26-0260476	OEM	\$1,500.00	017	002		
Koslowitz	Jewish Community Council of Kew Gardens and Richmond Hill, Inc.	13-3944621	DYCD	(\$17,750.00)	260	005	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Koslowitz	Hill, Inc.	13-3944621	DYCD	\$17,750.00	260	005		
Ignizio	Service Corps of Retired Executives (SCORE)	52-1067290	DSBS	(\$3,000.00)	801	002		
Ignizio	Service Corps of Retired Executives (SCORE)	52-1067290	DSBS	(\$3,000.00)	801	002		
Ignizio	Service Corps of Retired Executives (SCORE)	13-3541647	DSBS	(\$3,000.00)	801	002		
Ignizio	Service Corps of Retired Executives (SCORE)	13-3541647	DSBS	(\$3,000.00)	801	002		
Jackson	34th Precinct Community Council, Inc.	35-2346567	DYCD	(\$2,000.00)	260	312		
Jackson	Washington Heights-Inwood Coalition	13-2989768	DYCD	\$2,000.00	260	005		
Rosa	Utopia Outreach, Inc.	31-1720015	DYCD	(\$3,000.00)	260	312	United Activities Unlimited, Inc.	13-2921483
Rosa	Immaculate Conception School	13-2687296	DYCD	(\$3,000.00)	260	312	United Activities Unlimited, Inc.	13-2921483
Rosa	Our Lady of Mount Carmel - St. Benedicta School	13-3594429	DYCD	(\$3,000.00)	260	312		
Rosa	St. Mary's Parochial Elementary School	13-2688405	DYCD	(\$1,000.00)	260	312		
Rosa	Choice Not Chance Determines Our Destiny, Inc.	58-2637688	DYCD	\$2,000.00	260	312	United Activities Unlimited, Inc.	13-2921483
Rosa	New York Center for Interpersonal Development	23-7085239	DYCD	\$4,000.00	260	312		
Rosa	Port Richmond High School - Football Program	13-6643607	DYCD	\$2,000.00	260	312	United Activities Unlimited, Inc.	13-2921483
Rosa	Port Richmond High School - Track Program	13-6643607	DYCD	\$4,000.00	260	312	United Activities Unlimited, Inc.	13-2921483

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

EXHIBIT B

CHART 2: Aging Discretionary

Member	Organization	EIN Number	Agency	Amount	Agcy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
James	Emmanuel Baptist Church	11-3622203	DFTA	(\$5,000.00)	125	003		
James	Emmanuel Baptist Church	11-1666232	DFTA	\$6,000.00	125	003		
Comrie	MBU Community Bridge Home, Inc.	11-3192295	DFTA	(\$5,000.00)	125	003		
Comrie	Community Bridge Home, Inc.	11-3192295	DFTA	\$5,000.00	125	003		
Gentile	Redeemer St. John Senior Citizens - Lutheran Church	32-0263464	DFTA	(\$1,000.00)	125	003	St. Rosalia-Regina Pacts Neighborhood Improvement Association, Inc.	11-2697931
Gentile	Brooklyn Elder Korean-American Foundation, Inc. Senior Center, The	11-3561195	DFTA	(\$1,000.00)	125	003	St. Rosalia-Regina Pacts Neighborhood Improvement Association, Inc.	11-2697931
Gentile	St. Rosalia-Regina Pacts Neighborhood Improvement Association, Inc.	11-2697931	DFTA	\$2,000.00	125	003		
Mendez	Urban Arts Partnership Ilika Working Playground, Inc., The	13-3354734	DFTA	(\$3,500.00)	125	003		
Mendez	Urban Arts Partnership Ilika Working Playground, Inc., The	13-3554734	DFTA	\$3,500.00	125	003		
Nelson	Young Israel Senior Services, Inc.	13-4136312	DFTA	(\$5,000.00)	125	003		
Nelson	Young Israel Senior Services, Inc.	03-0381957	DFTA	\$5,000.00	125	003		

\* Indicates pending completion of pre-qualification review.

EXHIBIT C



CHART 5: Immigrant Opportunities Initiative (IOI)

Borough	Organization	EIN Number	Agency	Amount	Agr #	U/A *
Brooklyn	Caribbean Women's Health Association, Inc.	11-3323168	DYCD	\$25,833.00	260	005
Brooklyn	Caribbean Women's Health Association, Inc.	13-3323168	DYCD	\$25,833.00	260	005
Queens	St. Stanislaus Koska Church	13-5684133	DYCD	\$40,000.00	260	005
Queens	Polonians Organized to Minister Our Community (POMOC), Inc.	11-2594500	DYCD	\$40,000.00	260	005
Staten Island	American-Italian Coalition of Organizations, Inc. (AMICO)	11-2488439	DYCD	\$35,000.00	260	005
Staten Island	American-Italian Coalition of Organizations, Inc. (AMICO)	11-2488439	DYCD	\$35,000.00	260	005
Manhattan	MFY Legal Services, Inc.	13-2622748	DYCD	\$110,000.00	260	005
Manhattan	MFY Legal Services, Inc.	13-2622748	DYCD	\$110,000.00	260	005
Brooklyn	New York State Defenders Association - Immigrant Defense Project	11-2461900	DYCD	\$25,000.00	260	005
Brooklyn	New York State Defenders Association - Immigrant Defense Project	13-2612524	DYCD	\$25,000.00	260	005
Brooklyn	Research Foundation of the City University of New York - CUNY Citizenship and Immigration Project**		DYCD	\$50,000.00	260	005
Brooklyn	Research Foundation of the City University of New York - CUNY Citizenship and Immigration Project**		DYCD	\$50,000.00	260	005
Manhattan	Research Foundation of the City University of New York - CUNY Citizenship and Immigration Project**		DYCD	\$65,000.00	042	001
Manhattan	Research Foundation of the City University of New York - CUNY Citizenship and Immigration Project**		DYCD	\$65,000.00	042	001
				\$90.00		

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

EXHIBIT F

CHART 6: Food Pantries (continued)

Borough	Organization	EIN Number	Agency	Amount	Agr #	U/A *
Manhattan	Broadway Community, Inc.	13-3652817	DYCD	\$5,000.00	260	005
Manhattan	Broadway Temple		DYCD	\$5,000.00	260	005
Manhattan	Children's Aid Society, The	13-5682191	DYCD	\$5,000.00	260	005
Manhattan	Convent Avenue Baptist Church	13-2780116	DYCD	\$5,778.00	260	005
Manhattan	Evangelical Lutheran Church of the Advent	13-1635284	DYCD	\$5,000.00	260	005
Manhattan	Mariners' Temple Baptist Church	11-2694650	DYCD	\$8,889.00	260	005
Manhattan	Our Lady of Lourdes		DYCD	\$5,000.00	260	005
Manhattan	Our Lady of Sorrows		DYCD	\$4,888.00	260	005
Manhattan	Stratford Arms Meal Program	90-0140023	DYCD	\$3,869.00	260	005
Manhattan	Yorkville Common Pantry, Inc.	13-3127972	DYCD	\$12,778.00	260	005
Queens	Bethlehem Seventh Day Adventist Church	11-3548121	DYCD	\$5,000.00	260	005
Queens	Brooks Memorial United Methodist Church	11-1832668	DYCD	\$5,000.00	260	005
Queens	Community Bible Evangelical Free Church	11-6027212	DYCD	\$5,000.00	260	005
Queens	First Baptist Church		DYCD	\$5,000.00	260	005
Queens	Hollis Avenue Congregational Church	11-2913310	DYCD	\$5,000.00	260	005
Queens	Jackson Heights-Elmhurst Keilish, Inc.	86-1109569	DYCD	\$5,000.00	260	005
Queens	Macedonia Child Development Center	11-2663410	DYCD	\$5,000.00	260	005
Queens	Mount Calvary Church of God in Christ	23-7006639	DYCD	\$5,000.00	260	005
Queens	Mount Herab Baptist Church		DYCD	\$5,000.00	260	005
Queens	National Society of Phi Delta Kappa Beta	11-2074467	DYCD	\$5,000.00	260	005
Queens	New Day Christian Fellowship Church of Apostolic Faith	11-2501577	DYCD	\$5,000.00	260	005
Queens	Northwestern Conference of Seventh Day Adventists, Inc.	11-2383972	DYCD	\$5,000.00	260	005
Queens	Philippine Forum, Inc.	13-1865986	DYCD	\$5,000.00	260	005
Queens	Prize Memorial Baptist Church	31-1762555	DYCD	\$5,000.00	260	005
Queens	Queens Jewish Community Council, Inc.	05-0607283	DYCD	\$5,000.00	260	005
Queens	Ridgewood Older Adult Center and Services, Inc.	23-7172152	DYCD	\$5,000.00	260	005
Queens	Samanitans Outreach Ministries, Inc.	11-3397859	DYCD	\$10,000.00	260	005
Queens	Solid Rock Baptist Church	11-2989373	DYCD	\$5,000.00	260	005
Queens	St. Albans Baptist Church		DYCD	\$5,000.00	260	005
Staten Island	St. Paul the Apostle Church	11-3519422	DYCD	\$5,000.00	260	005
Staten Island	Council of Jewish Organizations of Staten Island, Inc.	13-3525474	DYCD	\$5,000.00	260	005
Staten Island	Our Lady of Good Counsel Parish	13-5608403	DYCD	\$5,000.00	260	005
Staten Island	Tomchei Shabbos of Staten Island, Inc.	22-3901876	DYCD	\$5,000.00	260	005
Bronx	City Harvest, Inc. - 1600 Sedgwick Avenue Tenant Association	13-3170676	DYCD	\$5,000.00	260	005
Bronx	City Harvest, Inc. - Aging in America Community Services, Inc.		DYCD	\$5,000.00	260	005
Bronx	City Harvest, Inc. - Ark of Safety Fellowship Church, Inc.		DYCD	\$5,000.00	260	005
Bronx	City Harvest, Inc. - Heavenly Vision Christian Center		DYCD	\$5,000.00	260	005
Bronx	City Harvest, Inc. - Jewish Community Council of Pelham Parkway, Inc.		DYCD	\$5,000.00	260	005

\* Indicates pending completion of pre-qualification review.

CHART 6: Food Pantries

Borough	Organization	EIN Number	Agency	Amount	Agr #	U/A *
Bronx	1600 Sedgwick Avenue Tenant Association		DYCD	\$5,000.00	260	005
Bronx	Aging in America Community Services, Inc.	13-4069045	DYCD	\$5,000.00	260	005
Bronx	Ark of Safety Fellowship Church, Inc.	13-4088427	DYCD	\$5,000.00	260	005
Bronx	Heavenly Vision Christian Center		DYCD	\$5,000.00	260	005
Bronx	Jewish Community Council of Pelham Parkway, Inc.	13-3069520	DYCD	\$5,000.00	260	005
Bronx	Love Gospel Assembly - Promise Land Community, Inc.	13-3062521	DYCD	\$5,000.00	260	005
Bronx	Momentum Project, Inc. The	13-3656768	DYCD	\$5,000.00	260	005
Bronx	Muslim Women's Institute for Research and Development (MWIRD)	80-0010627	DYCD	\$5,000.00	260	005
Bronx	New Era Veterans, Inc.	13-3656481	DYCD	\$5,000.00	260	005
Bronx	Part of the Solution	13-3425071	DYCD	\$5,000.00	260	005
Bronx	St. Edmunds Episcopal Church	13-4136007	DYCD	\$5,000.00	260	005
Bronx	St. Luke's Senior Community Program	13-2747442	DYCD	\$5,000.00	260	005
Bronx	St. Margaret's Episcopal Church		DYCD	\$5,000.00	260	005
Bronx	World of Life International, Inc.		DYCD	\$5,000.00	260	005
Brooklyn	ACTS Community Development Corporation	01-0679652	DYCD	\$5,000.00	260	005
Brooklyn	Blessed Sacrament Church	11-1667600	DYCD	\$5,000.00	260	005
Brooklyn	Center for Family Life		DYCD	\$10,000.00	260	005
Brooklyn	Coney Island Gospel Assembly	51-0142296	DYCD	\$5,000.00	260	005
Brooklyn	End Times Pentecostal Church		DYCD	\$9,500.00	260	005
Brooklyn	Family Life Development Center, Inc.	31-1741545	DYCD	\$5,000.00	260	005
Brooklyn	Flatbush Reformed Church		DYCD	\$5,000.00	260	005
Brooklyn	Grace International, Inc.	20-0934854	DYCD	\$10,000.00	260	005
Brooklyn	Greenpoint Reformed Church	11-2100335	DYCD	\$5,000.00	260	005
Brooklyn	Hanson Place Seventh Day Adventist Church		DYCD	\$5,000.00	260	005
Brooklyn	Holy Cross Church Food Pantry	11-3260387	DYCD	\$5,000.00	260	005
Brooklyn	Karen Zachron Yisroel Meier, Inc.	36-4578309	DYCD	\$5,000.00	260	005
Brooklyn	Love Peace and Joy Helping Hand		DYCD	\$5,000.00	260	005
Brooklyn	Mary Queen of Heaven		DYCD	\$5,000.00	260	005
Brooklyn	Msasia	11-1952301	DYCD	\$5,000.00	260	005
Brooklyn	Miller Avenue Block Association, Inc.	20-1925921	DYCD	\$5,000.00	260	005
Brooklyn	Newman Memorial United Methodist Church Community Development Corporation	11-2757689	DYCD	\$5,000.00	260	005
Brooklyn	Our Lady of Angels Human Services Center	14-1895742	DYCD	\$5,000.00	260	005
Brooklyn	Rugby Family Services		DYCD	\$5,000.00	260	005
Brooklyn	Sheepshead Bay Faith Based Initiative, Inc.	11-3223904	DYCD	\$5,000.00	260	005
Brooklyn	St. Matthias Church	41-2130932	DYCD	\$5,000.00	260	005
Brooklyn	St. Stephen Outreach, Inc.	11-1686926	DYCD	\$5,000.00	260	005
Brooklyn	Stuyvesant Heights Christian Church		DYCD	\$5,000.00	260	005
Brooklyn	Trinity Human Services Corporation	13-3171439	DYCD	\$10,000.00	260	005
Brooklyn	Trinity Human Services Corporation	13-3072967	DYCD	\$10,000.00	260	005
Citywide	Coalition for the Homeless		DYCD	\$5,000.00	260	005
Manhattan	Bohemian Brethren Presbyterian Church a.k.a. Jan Hus Presbyterian Church	13-1636255	DYCD	\$8,889.00	260	005

\* Indicates pending completion of pre-qualification review.

EXHIBIT G

CHART 6: Food Pantries (continued)

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Brooklyn	City Harvest, Inc. - Love Gospel Assembly - Promise Land Community, Inc.	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - Momentum Project, Inc., The	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - Muslim Women's Institute for Research and Development (MWIRD)	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - New Era Veterans, Inc.	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - Part of the Solution	13-3170676	DYCD	\$15,000.00	260	005
Brooklyn	City Harvest, Inc. - St. Edmunds Episcopal Church	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - St. Luke's Senior Community Program	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - St. Margaret's Episcopal Church	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - World of Life International, Inc.	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - ACTS Community Development Corporation	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - Blessed Sacrament Church	13-3170676	DYCD	\$9,500.00	260	005
Brooklyn	City Harvest, Inc. - Center for Family Life	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - Consey Island Gospel Assembly	13-3170676	DYCD	\$9,500.00	260	005
Brooklyn	City Harvest, Inc. - End Times Pentecostal Church	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - Family Life Development Center, Inc.	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - Fallbush Reformed Church	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - Grace International, Inc.	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - Hanson Place Seventh Day Adventist Church	13-3170676	DYCD	\$10,000.00	260	005
Brooklyn	City Harvest, Inc. - Greenpoint Reformed Church	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - Holy Cross Church Food Pantry	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - Keren Zichron Yisroel Meier, Inc.	13-3170676	DYCD	\$10,000.00	260	005
Brooklyn	City Harvest, Inc. - Love Peace and Joy Helping Hand	13-3170676	DYCD	\$9,000.00	260	005
Brooklyn	City Harvest, Inc. - Mary Queen of Heaven	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - Masbia	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - Miller Avenue Block Association, Inc.	13-3170676	DYCD	\$10,000.00	260	005
Brooklyn	City Harvest, Inc. - Newman Memorial United Methodist Church Community Development Corporation	13-3170676	DYCD	\$7,000.00	260	005
Brooklyn	City Harvest, Inc. - Reaching-Out Community Services, Inc.	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - Rugby Family Services	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - Sheepshead Bay Faith Based Initiative, Inc.	13-3170676	DYCD	\$5,000.00	260	005
Brooklyn	City Harvest, Inc. - St. Matthias Church	13-3170676	DYCD	\$9,000.00	260	005
Brooklyn	City Harvest, Inc. - St. Stephen Outreach, Inc.	13-3170676	DYCD	\$9,000.00	260	005
Brooklyn	City Harvest, Inc. - Stuyvesant Heights Christian Church	13-3170676	DYCD	\$6,000.00	260	005
Brooklyn	City Harvest, Inc. - Trinity Human Services Corporation	13-3170676	DYCD	\$6,000.00	260	005
Citywide	City Harvest, Inc. - Coalition for the Homeless	13-3170676	DYCD	\$10,000.00	260	005
Manhattan	City Harvest, Inc. - Bohemian Brethren Presbyterian Church a.k.a. Jan Hus Presbyterian Church	13-3170676	DYCD	\$8,888.00	260	005
Manhattan	City Harvest, Inc. - Broadway Community, Inc.	13-3170676	DYCD	\$6,000.00	260	005
Manhattan	City Harvest, Inc. - Broadway Temple	13-3170676	DYCD	\$8,888.00	260	005

\* Indicates pending completion of pre-qualification review.

CHART 7: MWBE Leadership Association

Organization	EIN Number	Agency	Amount	Agy #	U/A *
ACCION U.S.A., Inc.	04-3219159	DSBS	(\$75,000.00)	801	005
ACCION U.S.A., Inc.	11-3317234	DSBS	\$75,000.00	801	005
					\$0.00

\* Indicates pending completion of pre-qualification review.

EXHIBIT H

CHART 6: Food Pantries (continued)

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Manhattan	City Harvest, Inc. - Children's Aid Society, The	13-3170676	DYCD	\$5,000.00	260	005
Manhattan	City Harvest, Inc. - Convent Avenue Baptist Church	13-3170676	DYCD	\$5,778.00	260	005
Manhattan	City Harvest, Inc. - Evangelical Lutheran Church of the Advent	13-3170676	DYCD	\$5,000.00	260	005
Manhattan	City Harvest, Inc. - Mariners' Temple Baptist Church	13-3170676	DYCD	\$8,888.00	260	005
Manhattan	City Harvest, Inc. - Our Lady of Lourdes	13-3170676	DYCD	\$6,000.00	260	005
Manhattan	City Harvest, Inc. - Our Lady of Sorrows	13-3170676	DYCD	\$8,888.00	260	005
Manhattan	City Harvest, Inc. - Stratford Arms Meal Program	13-3170676	DYCD	\$3,888.00	260	005
Manhattan	City Harvest, Inc. - Yorkville Common Pantry, Inc.	13-3170676	DYCD	\$12,778.00	260	005
Queens	City Harvest, Inc. - Battalion Pentecostal Assembly, Inc.	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - Bethlehem Seventh Day Adventist French Church	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - Brooks Memorial United Methodist Church	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - Community Bible Evangelical Free Church	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - First Baptist Church	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - First Church of God Golden Vessels	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - Hollis Avenue Congregational Church	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - Jackson Heights-Elmhurst Kehillah, Inc.	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - Macedonia Child Development Center	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - Mount Calvary Church of God in Christ	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - Mount Horeb Baptist Church	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - National Sorority of Phi Delta Kappa Beta	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - New Day Christian Fellowship Church of Apostolic Faith	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - Northeastern Conference of Seventh Day Adventists, Inc.	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - Philippine Forum, Inc.	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - Price Memorial Baptist Church	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - Queens Jewish Community Council, Inc.	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - Ridgewood Older Adult Center and Services, Inc.	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - Samaritans Outreach Ministries, Inc.	13-3170676	DYCD	\$10,000.00	260	005
Queens	City Harvest, Inc. - Solid Rock Baptist Church	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - St. Albans Baptist Church	13-3170676	DYCD	\$5,000.00	260	005
Queens	City Harvest, Inc. - St. Paul the Apostle Church	13-3170676	DYCD	\$5,000.00	260	005
Staten Island	City Harvest, Inc. - Council of Jewish Organizations of Staten Island, Inc.	13-3170676	DYCD	\$5,000.00	260	005
Staten Island	City Harvest, Inc. - Our Lady of Good Counsel Parish	13-3170676	DYCD	\$5,000.00	260	005
Staten Island	City Harvest, Inc. - Tomchei Shabbos of Staten Island, Inc.	13-3170676	DYCD	\$5,000.00	260	005

\* Indicates pending completion of pre-qualification review.

CHART 8: Small Business and Job Development / Financial Literacy

Organization	EIN Number	Agency	Amount	Agy #	UJA *
ACCION U.S.A., Inc.	04-3719159	DSBS	(\$75,000.00)	801	002
ACCION U.S.A., Inc.	11-3317234	DSBS	\$75,000.00	801	002
			<b>\$0.00</b>		

\* Indicates pending completion of pre-qualification review.

# EXHIBIT I

CHART 9: Discharge Planning

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Research Foundation of the City University of New York	13-1988190	DJJ	\$228,000.00	130	002
Coalition for Hispanic Family Services, Inc.	13-3546023	DJJ	\$412,000.00	130	002
			<b>\$640,000.00</b>		

\* Indicates pending completion of pre-qualification review.

# EXHIBIT J

CHART 10: Legal Services/Anti-Eviction

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Legal Aid Society / Civil Division- Bronx	16-1759590	HPD	\$144,643.00	806	011
Legal Aid Society / Civil Division- Bronx	13-562265	HPD	\$144,643.00	806	011
Legal Services NYC - Bronx	13-2600199	HPD	\$87,500.00	806	011
Legal Services NYC - Bronx	16-1759590	HPD	\$87,500.00	806	011
			\$0.00		

\* Indicates pending completion of pre-qualification review.

# EXHIBIT K

CHART 11: HIV/AIDS Faith Based Initiative

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Bedford Stuyvesant Family Health Center, Inc.	11-2412205	DOHMH	\$194,160.00	816	112
Latino Commission on AIDS, Inc. - A New Beginning International Ministry, Inc.	11-3036645	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Center for Peace	13-4188067	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Church of Christ the King RC	13-1740159	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Church of God, The	62-0484177	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Church of the Holy Spirit RC	13-2666725	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Church of the Mediator	13-1623885	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Episcopal Church of Saint Edward the Martyr	11-2342068	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - First United Methodist Church of the Village	13-3327445	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Friendly Hands Ministry	13-4126975	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Iglesia Bautista Missionera	52-1200265	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Iglesia Cristiana "Veneciendo al Gigante"	58-3081893	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Iglesia De Dios "Roca de Salvacion"	11-3405933	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Iglesia El Calvario	11-3110455	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Iglesia Hispana AME "Saint Luke"	32-0204695	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Iglesia Metodista 4th Avenue	51-0590963	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Iglesia Metodista Unida de Jamaica	31-1652426	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Iglesia Pentecostal "La Cruzada Evangelica"	13-3602333	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Iglesia Pentecostal "El Eden"	51-0152961	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Iglesia Pentecostal Jehova Shalom	11-3274479	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Metropolitan Community Church of New York	11-3274479	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Middle Collegiate Church	13-3556171	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Ministerio Rescate, Inc.	26-1825332	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Mission San Juan Bautista	80-0010627	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Muslim Women's Institute for Research and Development (MWRID)	13-1740181	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Our Lady of Victory RC	11-3572515	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Reaching Across the World Ministries	13-1740181	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Roman Catholic Church of the Annunciation, The	13-1740181	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - St. Agustin RC	13-1740181	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - St. Jerome's Church RC	13-1740181	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - St. Mark's Episcopal Church	11-3274479	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - St. Simon Stock Roman Catholic	11-2306447	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - Transfiguration Church Roman Catholic	13-1656659	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - United Methodist Church "Broadway Temple"	13-5662281	DOHMH	\$6,400.00	816	112
Latino Commission on AIDS, Inc. - United Methodist Church of the Village, The	13-3629466	DOHMH	\$254,592.00	816	112

\* Indicates pending completion of pre-qualification review.

CHART 11: HIV/AIDS Faith Based Initiative (continued)

Organization	EIN Number	Agency	Amount	Agy #	U/A *
National Black Leadership Commission on AIDS, Inc. - Greater Allen AME Cathedral of New York Church	11-2527706	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Greater Emmanuel Church	51-0179206	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Kelly Temple Church of God in Christ	13-1740181	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Masjid Al-Ham Dullah	13-2574792	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Memorial Baptist Church	11-2457198	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Mosque of Islamic Brotherhood	11-3598975	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Mount Carmel AME Church	13-3966902	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Mount Moriah AME	20-8427029	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Mount Paran Baptist Church	11-3099533	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Mount Sinai Baptist Church	11-2222518	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - New Hope for the World Ministries	11-3186619	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - New Life Tabernacle	13-3976695	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - New Mt. Zion Baptist Church	13-3706218	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - New St. John the Baptist Church	11-1172480	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Paradise Baptist Church	11-2716044	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Pleasant Grove Full Gospel Tabernacle	04-3670076	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Powerful Praise Tabernacle	06-1530040	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Raising Star Baptist Church	13-3706218	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Redemption Outreach International	73-1649155	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Rehoboth Church International	11-2716044	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - River of Living Water Fellowship Church	11-2798119	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Sileam Presbyterian Church	11-2077268	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - St. Albans Congregational Church	11-1821131	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - St. Georges Episcopal Church	13-3539498	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - St. Johns Baptist Church	13-3438047	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - St. Lukes AME Church	13-2747442	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - St. Lukes Episcopal Church	53-0204966	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - St. Marks AME Church - Haggard HIV/AIDS Ministry	11-2453951	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - St. Matthews AME Church	11-3116768	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - St. Pauls Community Baptist Church	33-1110319	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - St. Stephens Outreach	11-3279860	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Staten Island Deliverance Temple	11-3279860	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - United Community Baptist Church	11-3279860	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - World Mission Foundation	11-3279860	DOHMH	\$6,400.00	816	112

\* Indicates pending completion of pre-qualification review.

CHART 11: HIV/AIDS Faith Based Initiative (continued)

Organization	EIN Number	Agency	Amount	Agy #	U/A *
National Black Leadership Commission on AIDS, Inc. - Abyssinian Baptist Church, Inc.	13-1639290	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Antioch Baptist Church - Brooklyn	11-2836775	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Antioch Baptist Church - Manhattan	13-3065449	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Bedford Central Presbyterian Church	11-2870465	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Berean Baptist Church	11-1660857	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Bethel of Praise Ministries, Inc.	11-3473341	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Bethesda Missionary Baptist Church of Jamaica	11-2673958	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Brown Memorial Baptist Church	11-1962041	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Canaan Baptist Church	13-6013037	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Cathedral of God's International Lighthouse of Power	04-3634085	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Christ Church	13-3076051	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Christ the Rock World Restoration Church International, Inc.	62-1823291	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Church Alive Community Church	11-1666833	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Concord Baptist Church	11-2744627	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Convent Avenue Baptist Church	13-1948828	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Convent Avenue Baptist Church	13-2780116	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - East Ward Missionary Baptist Church	11-1666232	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Emmanuel Baptist Church (Brooklyn) - Healing Touch Ministry	13-3421183	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Emmanuel Baptist Church (Bronx)	11-2529459	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Evangelical Christian Church	13-2865551	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Faith at Work Christian Church	13-1948828	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Fellowship Baptist Church	11-2033068	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - First AME Bethel Church	11-2033068	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - First Baptist Church of Crown Heights	13-2945425	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - First Baptist Church of Far Rockaway	13-2945425	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - First Central Baptist Church	13-2945425	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - First Central Baptist Church	13-3421183	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - First Corinthian Baptist Church (Church)	13-3869600	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Friendship Baptist Church	11-3167224	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Goodspring Christian Church	03-0670727	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Grace Baptist Church	03-0670727	DOHMH	\$6,400.00	816	112

\* Indicates pending completion of pre-qualification review.

CHART 11: HIV/AIDS Faith Based Initiative (continued)

Organization	EIN Number	Agency	Amount	Agy #	UJA *
National Black Leadership Commission on AIDS, Inc. - Abyssinian Development Corporation	13-3552154	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - AIDS Center of Queens County	11-2837894	DOHMH	\$22,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Amelyst Women's Project, Inc.	13-3505513	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Bedford Stuyvesant Family Health Center, Inc.	11-2412205	DOHMH	\$9,600.00	816	112
National Black Leadership Commission on AIDS, Inc. - Bronx AIDS Services	13-3599721	DOHMH	\$41,600.00	816	112
National Black Leadership Commission on AIDS, Inc. - Brooklyn AIDS Task Force	11-3031208	DOHMH	\$16,000.00	816	112
National Black Leadership Commission on AIDS, Inc. - Caribbean Women's Health Association, Inc.	13-3323188	DOHMH	\$12,800.00	816	112
National Black Leadership Commission on AIDS, Inc. - Clergy United for Community Empowerment, Inc.	11-3030795	DOHMH	\$38,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Community Health & Awareness Ministry (formerly St AIDS Taskforce)	27-0043612	DOHMH	\$12,800.00	816	112
National Black Leadership Commission on AIDS, Inc. - Community Health Action of Staten Island	13-3556132	DOHMH	\$28,800.00	816	112
National Black Leadership Commission on AIDS, Inc. - Gay Men of African Descent (GMAD)	13-3597820	DOHMH	\$16,000.00	816	112
National Black Leadership Commission on AIDS, Inc. - Harlem Congregations for Community Improvement, Inc.	13-3516282	DOHMH	\$9,600.00	816	112
National Black Leadership Commission on AIDS, Inc. - Harlem Dowling West Side Center	13-3030378	DOHMH	\$18,000.00	816	112
National Black Leadership Commission on AIDS, Inc. - House of Peace, Inc.	13-3555754	DOHMH	\$9,600.00	816	112
National Black Leadership Commission on AIDS, Inc. - Iris House, A Center for Women Living with HIV, Inc.	13-3699201	DOHMH	\$41,600.00	816	112
National Black Leadership Commission on AIDS, Inc. - Jamaica Service Program For Older Adults	51-0204121	DOHMH	\$25,600.00	816	112
National Black Leadership Commission on AIDS, Inc. - Judah International Christian Center, Inc.	11-3352075	DOHMH	\$19,200.00	816	112
National Black Leadership Commission on AIDS, Inc. - Just a Friend Away of Staten Island (JAFASI)	27-0028154	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Life Force: Women Fighting AIDS, Inc.	11-3060772	DOHMH	\$28,800.00	816	112
National Black Leadership Commission on AIDS, Inc. - Mind Builders Creative Arts Center	13-2988157	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Muslim Women's Institute for Research and Development (MWIRD)	80-0010637	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - National AIDS Education & Services for Minorities, Inc. - NAESM	58-1986941	DOHMH	\$9,600.00	816	112
National Black Leadership Commission on AIDS, Inc. - Staten Island HIV Care Network	11-3030795	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Steinyway Child and Family Services, Inc.	11-2326974	DOHMH	\$41,600.00	816	112

\* Indicates pending completion of pre-qualification review.

EXHIBIT L

CHART 12: Primary Care Initiative

Organization	EIN Number	Agency	Amount	Agy #	UJA *
James Monroe High School School-Based Health Clinic	13-6400434	DOHMH	\$225,000.00	816	117
Morris Heights Health Center, Inc. - 228th Street Campus	06-1081232	DOHMH	\$225,000.00	816	117
			\$0.00		

\* Indicates pending completion of pre-qualification review.

EXHIBIT M

CHART 11: HIV/AIDS Faith Based Initiative (continued)

Organization	EIN Number	Agency	Amount	Agy #	UJA *
National Black Leadership Commission on AIDS, Inc. - Survivors Fountain of Hope Wellness Initiative	02-0675428	DOHMH	\$12,800.00	816	112
National Black Leadership Commission on AIDS, Inc. - Tolentine-Zeiser Community Life Center, Inc.	13-3131888	DOHMH	\$9,600.00	816	112
National Black Leadership Commission on AIDS, Inc. - Unity Fellowship Church Breaking Ground	13-3703707	DOHMH	\$9,600.00	816	112
National Black Leadership Commission on AIDS, Inc. - Vanguard Urban Improvement Association, Inc.	11-2442042	DOHMH	\$12,800.00	816	112
National Black Leadership Commission on AIDS, Inc. - Village Care of New York, Inc. - Red Hook Community Service Center	13-2911059	DOHMH	\$9,600.00	816	112
National Black Leadership Commission on AIDS, Inc. - YET, Inc. (You're Eligible To/Too)	13-3848582	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc. - Young Women of Color HIV/AIDS Coalition Programs, Inc.	11-2872641	DOHMH	\$16,000.00	816	112
National Black Leadership Commission on AIDS, Inc. - Zeta Zeta Lambda Alpha Phi Alpha Youth	13-3530740	DOHMH	\$9,600.00	816	112
Womens HIV Collaborative of New York	20-3115379	DOHMH	\$321,944.00	816	112
			\$45,304.00	816	112
			\$2,000,000.00		

\* Indicates pending completion of pre-qualification review.

CHART 13: Local Initiatives-FY 2009

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Dickens	Greater Harlem Real Estate Board Developer's Fund Corp.	13-4055449	HPD	(\$10,000.00)	806	008		
Dickens	Greater Harlem Real Estate Board Developer's Fund Corp.	22-2962685	HPD	\$10,000.00	806	009		
				\$0.00				

\* Indicates pending completion of pre-qualification review.

# EXHIBIT N

CHART 14: Youth Discretionary-FY 2009

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Foster	Children's Circle Planning Corp.	13-3004655	DYCD	(\$17,500.00)	260	312		
Foster	1332 Fulton Avenue Day Care Center, Inc.	13-2690309	DYCD	\$17,500.00	260	312		
James	Urban Word NYC	13-3859496	DYCD	(\$4,214.00)	260	312		
James	Urban Word NYC	32-0260944	DYCD	\$4,214.00	260	312		
				\$0.00				

\* Indicates pending completion of pre-qualification review.

# EXHIBIT O

CHART 15: Youth Discretionary-FY 2008

Member	Organization	EIN Number	Agency	Amount	Agcy #	UJA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Foster	Children's Circle Planning Corp.	13-302655	DYCD	\$17,500.00	260	312		
Foster	11332 Fulton Avenue Day Care Center, Inc.	13-2690308	DYCD	\$0.00	260	312		

\* Indicates pending completion of pre-qualification review.

# EXHIBIT P

CHART 16: Youth Discretionary-FY 2007

Member	Organization	EIN Number	Agency	Amount	Agcy #	UJA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Gennaro	Samuel Field YM & YWHA, Inc.	11-3071518	DYCD	\$37,500.00	260	312		
Gennaro	Samuel Field YM & YWHA, Inc.	11-3071518	DYCD	\$36,500.00	260	312		
Gennaro	75th Avenue Playgroup Volunteer Group, Inc.	11-3243551	DYCD	\$5,000.00	260	312	Samuel Field YM & YWHA, Inc.	11-3071518
Gennaro	Knights of Congregation Shol, Israel	41-7163151	DYCD	\$5,000.00	260	312	Samuel Field YM & YWHA, Inc.	11-3071518
Gennaro	Kvetches Niss Community Foundation	21-3526272	DYCD	\$5,000.00	260	312	Samuel Field YM & YWHA, Inc.	11-3071518
Gennaro	NAAAP - Nereis Queens Branch	41-1666262	DYCD	\$5,000.00	260	312	Samuel Field YM & YWHA, Inc.	11-3071518
Gennaro	Congregation Etz Chaim	11-2895955	DYCD	\$5,000.00	260	312	Samuel Field YM & YWHA, Inc.	11-3071518

\* Indicates pending completion of pre-qualification review.  
 \*\* This line represents the initial allocation for Samuel Field its sub-recipients

# EXHIBIT Q

CHART 17: Shelter Beds for At-Risk/LGBT Youth-FY 2009

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Discipleship Outreach Ministries, Inc. (d/b/a Turning Point)**	11-2838138	DYCD	(\$372,372.00)	260	312

\* Indicates pending completion of pre-qualification review.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, March 3, 2010.

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 M-24

**Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget pursuant to Section 107(b) of the New York City Charter, transferring City funds between various agencies in fiscal year 2010 to implement changes to the City's expense budget (MN-2).**

The Committee on Finance, to which the annexed communication was referred on March 3, 2010, respectfully

**REPORTS:**

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York on March 3, 2010, the Committee on Finance received a communication, dated February 25, 2010, from the Office of Management and Budget of The City of New York, of a proposed request, (the "Modification"), to modify units of appropriation and transfer city funds between units of appropriation in the Fiscal 2010 Expense Budget (as defined below) pursuant to Section 107(b) of the Charter of the City of New York (the "Charter").

Analysis. 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 19, 2009, the Council adopted the expense budget for fiscal year 2010 (the "Fiscal 2010 Expense Budget"). This Modification reallocates appropriations that were reflected in the Fiscal 2010 Expense Budget. This Modification re-allocates appropriations to fund City Council local initiatives, and implements expense transfers that were included in the November Financial Plan, released on November 16, 2009. The net effect of this Modification is zero.

Some of the notable new needs outlined in the November Financial Plan that are funded by this Modification include:

- BOE: \$13.5 million will be added to the budget of the Board of Elections to cover the 2009 run-off elections.
- CUNY: \$64 million will be added to CUNY to cover tuition and fees revenues.
- DHS: \$21 million will be added to the budget of the Department of Homeless Services. This is a technical adjustment that removes the tax levy from a defunct intra-city agreement between HRA and DHS, and puts the funds directly into the budget of DHS.
- DOC: \$10 million will be added to the Department of Correction. \$7.4 million will be restored to DOC's budget to reflect the non-implementation of two previously proposed savings initiatives: the move from a seven-day to a five-day recreation schedule, and the creation of a compressed visitation schedule. \$2.6 million will be added to cover overtime costs.
- FDNY: \$15 million will be added to the FDNY to cover overtime costs.
- Legal Aid Society –\$2 million will be added to the indigent defense budget to cover a variety of Legal Aid Society costs not funded in the Adopted Budget.
- NYPD: \$120 million will provided to the NYPD to cover lower than expected attrition projections.
- Public Advocate: \$850,000 Personal Service Adjustment will be added to the budget of the Public Advocate.

These new needs will be funded by Debt service savings, and a draw down of the General Reserve.

Procedure. If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another or such that the transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, Section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of adoption.

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

TO: Honorable Christine Quinn  
Speaker

Honorable Domenic M. Recchia, Jr.  
Chairman, Finance Committee

FROM: Preston Niblack  
Director, Finance Division

DATE: March 3, 2010

SUBJECT: A budget modification (MN-2) for Fiscal Year 2010 to reallocate appropriations in the FY 2010 Adopted Budget.

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**INITIATION:** By letter dated February 25, 2010, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to transfer funds totaling \$253,842,387, between various agencies in Fiscal Year 2010 to implement changes in the City's expense budget.

**BACKGROUND:** MN-2 reallocates appropriations that were reflected in the FY 2010 Adopted Budget to fund City Council initiatives.

**FISCAL IMPACT:** MN-2 represents the reallocation of appropriations. The net effect of this modification is zero.

Accordingly, this Committee recommends its adoption.

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

Res. No. 63

**Resolution approving the modification (MN-2) of units of appropriation and the transfer of city funds between agencies proposed by the Mayor pursuant to Section 107(b) of the Charter of the City of New York.**

By Council Member Recchia.

**Whereas**, at a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on March 3, 2010, the Committee on Finance received a communication, dated February 25, 2010 from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit A (the "Modification"), to modify units of appropriation and transfer city funds in the amount of \$253,842,387 between various agencies in the Fiscal Year 2010 expense budget as adopted by the Council on June 19, 2009, pursuant to Section 107(b) of the Charter of the City of New York (the "Charter"); and

**Whereas**, pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

NOW, THEREFORE, The Council of The City of New York hereby resolves as follows:

Approval of Modification. The City Council hereby approves, pursuant to Section 107(b) of the Charter, the actions proposed by the Mayor as set forth in the Modification.

Effective Date. This resolution shall take effect as of the date hereof

**ATTACHMENT: Exhibit A**

February 25, 2010

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2010 to implement changes in the City's expense budget.

MN-2 implements expense transfers that were included in the November Financial Plan. In addition, MN-2 provides new funding of \$850,000 for the Public Advocate, \$90,000 for the Queens Borough President, and \$13.5 million for the Board of Elections. At the request of the City Council, MN-2 also reallocates appropriations to fund the Council's local initiatives.

Your approval of modification MN-2 is respectfully requested.

Yours truly,

Mark Page

**Fiscal Year 2010 Budget Modification**

**- MN 2 -  
FROM**

013	BOROUGH PRESIDENT - QUEENS	
002	OTHER THAN PERSONAL SERVICES	-100.000
015	OFFICE OF THE COMPTROLLER	
001	EXECUTIVE MANAGEMENT-PS	-286.925
025	LAW DEPARTMENT	
001	PERSONAL SERVICES	-1,752.687
069	DEPARTMENT OF SOCIAL SERVICES	
103	PUBLIC ASSISTANCE - OTPS	-21,000.000
098	MISCELLANEOUS	
001	PERSONAL SERVICES	-71.123
002	OTHER THAN PERSONAL SERVICES	-1,943.500
003	FRINGE BENEFITS	-10.530
002	GENERAL RESERVE	-182,890.823
099	GNRL & LSE PRCHS DBT SVC FUNDS	
001	FUNDED DEBT-W/O CONST LIMIT	-7,387.991
003	LEASE PURCH & CITY GUAR DEBT	-33,140.686
125	DEPARTMENT FOR THE AGING	
003	COMMUNITY PROGRAMS - OTPS	-330.500
126	DEPARTMENT OF CULTURAL AFFAIRS	
003	CULTURAL PROGRAMS	-1,162.237
131	OFFICE PAYROLL ADMINISTRATION	
200	OTHER THAN PERSONAL SERVICE	-876.385
260	DEPT OF YOUTH & COMMUNITY DEV	
005	COMMUNITY DEVELOPMENT OTPS	-141.000
801	DEPT OF SMALL BUSINESS SERVICES	
002	DEPT. OF BUSINESS O.T.P.S.	-144.000
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
117	HEALTH CARE ACCESS AND IMPROVEMENT- OTPS	-1,804.000
858	DEPT OF INFO TECH & TELECOMM	
002	OTHER THAN PERSONAL SERVICES	-800.000
		-253,842,387

Thursday, February 25, 2010

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**TO**

003	BOARD OF ELECTIONS	
002	OTHER THAN PERSONAL SERVICES	13,500.000
013	BOROUGH PRESIDENT - QUEENS	
001	PERSONAL SERVICES	190.000
015	OFFICE OF THE COMPTROLLER	
002	FIRST DEPUTY COMPT-PS	191.283
003	SECOND DEPUTY COMPT-PS	79.702
004	THIRD DEPUTY COMPT-PS	15.940
025	LAW DEPARTMENT	
002	OTHER THAN PERSONAL SERVICES	1,752.687
040	DEPARTMENT OF EDUCATION	
402	GE INSTR & SCH LEADERSHIP - OTPS	9,500
042	CITY UNIVERSITY	
001	COMMUNITY COLLEGE-OTPS	19,319.000
002	COMMUNITY COLLEGE PS	44,178.120
003	HUNTER SCHOOLS-OTPS	288.880
056	POLICE DEPARTMENT	
001	OPERATIONS	120,000.000
057	FIRE DEPARTMENT	
002	FIRE EXTING AND EMERG RESP	15,000.000
068	ADMIN FOR CHILDREN'S SERVICES	
004	HEADSTART/DAYCARE-OTPS	20.000
071	DEPT OF HOMELESS SERVICES	
200	DEPT OF HOMELESS SERVICES-OTPS	18,170.000
072	DEPARTMENT OF CORRECTION	
002	OPERATIONS	10,000.000
098	MISCELLANEOUS	
005	INDIGENT DEFENSE SERVICES	2,000.000
101	PUBLIC ADVOCATE	
001	PERSONAL SERVICES	850.000
126	DEPARTMENT OF CULTURAL AFFAIRS	
006	AMER MUSEUM NATURAL HISTORY	40,000
007	THE WILDLIFE CONSERVATION SOC.	60,000

Thursday, February 25, 2010

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		<b>TO</b>
126	DEPARTMENT OF CULTURAL AFFAIRS	
012	NY HALL OF SCIENCE	40,000
019	BROOKLYN ACADEMY OF MUSIC	120,000
021	STUDIO MUSEUM IN HARLEM	1,000
022	OTHER CULTURAL INSTITUTIONS	980,000
131	OFFICE PAYROLL ADMINISTRATION	
100	PERSONAL SERVICE	876,385
260	DEPT OF YOUTH & COMMUNITY DEV	
312	OTHER THAN PERSONAL SERVICES	294,737
312	CONFLICTS OF INTEREST BOARD	
001	PERSONAL SERVICES	10,530
801	DEPT OF SMALL BUSINESS SERVICES	
006	ECONOMIC DEVELOPMENT CORP.	2,890,000
806	HOUSING PRESERVATION AND DEVEL	
009	OFFICE OF DEVELOPMENT OTPS	22,500
010	HOUSING MANAGEMENT AND SALES	35,000
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
113	HEALTH PROMOTION AND DISEASE PREV.-OTPS	172,000
121	MENTAL RETARDATION AND DEVELOPMENTAL DIS	10,000
819	HEALTH AND HOSPITALS CORP	
001	LUMP SUM	1,854,000
858	DEPT OF INFO TECH & TELECOMM	
001	PERSONAL SERVICES	800,000
906	OFF.OF PROSECUTION SPEC.NARC.	
001	PERSONAL SERVICES	71,123
		<b>253,842,387</b>

TO

0

**APPENDIX A**  
**Summary of Changes By Agency**

	FROM				Federal	Other
	Total	Intra-City	City	Categ.		
013 BOROUGH PRESIDENT - QUEENS						
012 OTHER THAN PERSONAL SERVICES	-100,000	0	-100,000	0	0	0
015 OFFICE OF THE COMPTROLLER						
001 EXECUTIVE MANAGEMENT OPS	-286,925	0	-286,925	0	0	0
025 LAW DEPARTMENT						
001 PERSONAL SERVICES	-1,752,687	0	-1,752,687	0	0	0
069 DEPARTMENT OF SOCIAL SERVICES						
103 PUBLIC ASSISTANCE - OTPS	-21,000,000	0	-21,000,000	0	0	0
098 MISCELLANEOUS						
001 PERSONAL SERVICES	-71,123	0	-71,123	0	0	0
002 OTHER THAN PERSONAL SERVICES	-101,572,403	0	-1,943,500	0	-99,628,903	0
003 FRINGE BENEFITS	-10,530	0	-10,530	0	0	0
002 GENERAL RESERVE	-182,890,823	0	-182,890,823	0	0	0
099 GNRL & LSE PRCHS DBT SVC FUNDS						
001 FUNDED DEPT-WHO CONST LIMIT	-35,466,135	0	-7,387,991	-34,695,549	0	6,617,405
003 LEASE PURCH & CITY GLAR DEBT	-29,140,686	0	-33,140,686	4,000,000	0	0
125 DEPARTMENT FOR THE AGING						
003 COMMUNITY PROGRAMS - OTPS	-330,500	0	-330,500	0	0	0
126 DEPARTMENT OF CULTURAL AFFAIRS						
003 CULTURAL PROGRAMS	-1,162,237	0	-1,162,237	0	0	0
131 OFFICE PAYROLL ADMINISTRATION						
200 OTHER THAN PERSONAL SERVICE	-876,385	0	-876,385	0	0	0
260 DEPT OF YOUTH & COMMUNITY DEV						
005 COMMUNITY DEVELOPMENT OTPS	-141,000	0	-141,000	0	0	0
801 DEPT OF SMALL BUSINESS SERVICES						
002 DEPT OF BUSINESS OTIS	-144,000	0	-144,000	0	0	0

	TO			Categ.	Capital	State	CD	Federal Other
	Total	Intra/City	City					
071 DEPT OF HOMELESS SERVICES								
200 DEPT OF HOMELESS SERVICES-OTPS	-2,830,000	-21,000,000	18,170,000	0	0	0	0	0
072 DEPARTMENT OF CORRECTION								
002 OPERATIONS	10,000,000	0	10,000,000	0	0	0	0	0
098 MISCELLANEOUS								
005 INDIGENT DEFENSE SERVICES	2,000,000	0	2,000,000	0	0	0	0	0
101 PUBLIC ADVOCATE								
001 PERSONAL SERVICES	850,000	0	850,000	0	0	0	0	0
126 DEPARTMENT OF CULTURAL AFFAIRS								
006 AMER MUSEUM NATURAL HISTORY	40,000	0	40,000	0	0	0	0	0
007 THE WILBURGE CONSERVATION SOC	60,000	0	60,000	0	0	0	0	0
012 NY HALL OF SCIENCE	40,000	0	40,000	0	0	0	0	0
019 BROOKLYN ACADEMY OF MUSIC	120,000	0	120,000	0	0	0	0	0
021 STUDIO MUSEUM IN HOULEN	1,000	0	1,000	0	0	0	0	0
022 OTHER CULTURAL INSTITUTIONS	980,000	0	980,000	0	0	0	0	0
131 OFFICE PAYROLL ADMINISTRATION								
100 PERSONAL SERVICE	876,385	0	876,385	0	0	0	0	0
260 DEPT OF YOUTH & COMMUNITY DEV								
312 OTHER THAN PERSONAL SERVICES	294,737	0	294,737	0	0	0	0	0
312 CONFLICTS OF INTEREST BOARD								
001 PERSONAL SERVICES	10,530	0	10,530	0	0	0	0	0
801 DEPT OF SMALL BUSINESS SERVICES								
006 ECONOMIC DEVELOPMENT CORP	2,800,000	0	2,800,000	0	0	0	0	0
806 HOUSING PRESERVATION AND DEVEL								
009 OFFICE OF DEVELOPMENT OTPS	22,500	0	22,500	0	0	0	0	0
010 HOUSING MANAGEMENT AND SALES	35,000	0	35,000	0	0	0	0	0
816 DEPARTMENT OF HEALTH AND MENTAL HYGIENE								
113 HEALTH PROMOTION AND DISEASE PREV	172,000	0	172,000	0	0	0	0	0
Thursday, February 25, 2010								
	-112,347,219	-15,750,000	0	-30,695,549	0	-99,628,903	1,200	33,726,033

	TO			Categ.	Capital	State	CD	Federal Other
	Total	Intra/City	City					
816 DEPARTMENT OF HEALTH AND MENTAL HYGIENE								
121 MENTAL RETARDATION AND DEVELOPMEN	10,000	0	10,000	0	0	0	0	0
819 HEALTH AND HOSPITALS CORP								
001 LUMP SUM	1,854,000	0	1,854,000	0	0	0	0	0
850 DEPT OF DESIGN & CONSTRUCTION								
001 PERSONAL SERVICES	-59,000	0	0	0	-59,000	0	0	0
002 OTHER THAN PERSONAL SERVICES	59,000	0	0	0	59,000	0	0	0
856 DEPT OF CITYWIDE ADMIN SERV								
390 DIV OF FACILITIES MORTG AND CONST-OT	5,250,000	5,250,000	0	0	0	0	0	0
858 DEPT OF INFO TECH & TELECOMM								
001 PERSONAL SERVICES	801,200	0	800,000	0	0	0	1,200	0
906 OFF OF PROSECUTION SPEC NARC								
001 PERSONAL SERVICES	71,123	0	71,123	0	0	0	0	0
	265,202,215	-15,750,000	253,842,387	0	0	0	1,200	-27,108,628

**APPENDIX B**  
**FROM**

013	BOROUGH PRESIDENT - QUEENS	
002	OTHER THAN PERSONAL SERVICES	
	Technical Adjustment	-100,000
	Subtotal for OTHER THAN PERSONAL SERVICES	-100,000
	Subtotal for BOROUGH PRESIDENT - QUEENS	-100,000
015	OFFICE OF THE COMPTROLLER	
001	EXECUTIVE MANAGEMENT-PS	
	PS Fringe Offset Technical Adjustment	-286,925
	Subtotal for EXECUTIVE MANAGEMENT-PS	-286,925
	Subtotal for OFFICE OF THE COMPTROLLER	-286,925
025	LAW DEPARTMENT	
001	PERSONAL SERVICES	
	PS to OTPS Transfer to Cover Projected Deficit	-1,752,687
	Subtotal for PERSONAL SERVICES	-1,752,687
	Subtotal for LAW DEPARTMENT	-1,752,687
069	DEPARTMENT OF SOCIAL SERVICES	
103	PUBLIC ASSISTANCE - OTPS	
	Intracity Revenue Adjustment	-21,000,000
	Subtotal for PUBLIC ASSISTANCE - OTPS	-21,000,000
	Subtotal for DEPARTMENT OF SOCIAL SERVICES	-21,000,000
098	MISCELLANEOUS	
001	PERSONAL SERVICES	
	Det Inv FT Release	-71,123
	Subtotal for PERSONAL SERVICES	-71,123
002	OTHER THAN PERSONAL SERVICES	
	Beach 41st Street Houses Community Center	60,000
	ATD Contracts Adjustment	287,663
	Criminal Justice Contracts Reestimate	-2,287,663
	Frederick E. Samuel MHOP Tenant's Association	-3,500
	Subtotal for OTHER THAN PERSONAL SERVICES	-1,943,500
003	FRINGE BENEFITS	
	PEG Fringe Adjustment	-10,530

**FROM**

098	MISCELLANEOUS	
	Subtotal for FRINGE BENEFITS	-10,530
002	GENERAL RESERVE	
	GENERAL RESERVE	-182,890,823
	Subtotal for GENERAL RESERVE	-182,890,823
	Subtotal for MISCELLANEOUS	-184,915,976
099	GNRL & LSE PRCHS DBT SVC FUNDS	
001	FUNDED DEBT-W/O CONST LIMIT	
	Refunding Savings & DS Prepay	17,734,348
	Actual FY GO News DS	21,230,401
	Proj FY09-20 GO DS	-76,145,000
	Interest Exchange Agreement Payments	-28,712,941
	GO Int Earning on Proceeds	30,228,094
	Fed subsidy for BAHs	-6,617,405
	Swap Receipts	34,695,549
	Base Line AO 6/30/09	198,963
	Subtotal for FUNDED DEBT-W/O CONST LIMIT	-7,387,991
003	LEASE PURCH & CITY GUAR DEBT	
	PCDC Revenue	-4,000,000
	NYSE	-2,603,703
	HY Tax Equivalency Payment	5,673,282
	Hudson Yards Interest	-5,673,282
	DASNY Courts	-26,536,983
	Subtotal for LEASE PURCH & CITY GUAR DEBT	-33,140,686
	Subtotal for GNRL & LSE PRCHS DBT SVC FUNDS	-40,528,677
125	DEPARTMENT FOR THE AGING	
003	COMMUNITY PROGRAMS - OTPS	
	Ridgewood Bushwick Senior Citizens Council, Inc.	-350,000
	Hellenic American Neighborhood Action Committee, Inc. (HANAC)	5,500
	Preston Center of Compassion	4,000
	Emmanuel Baptist Church	10,000
	Subtotal for COMMUNITY PROGRAMS - OTPS	-330,500
	Subtotal for DEPARTMENT FOR THE AGING	-330,500

**FROM**

126	DEPARTMENT OF CULTURAL AFFAIRS	
003	CULTURAL PROGRAMS	
	Brooklyn Ballet, Inc.	18,500
	Brooklyn Ballet, Inc.	8,513
	Turtle Bay Music School	3,500
	Cultural After School Adventure	-1,220,000
	Wyckoff House Association, Inc.	10,250
	Primary Stages Company, Inc.	-3,000
	Education Through Music, Inc.	15,000
	Brooklyn Ballet, Inc.	5,000
	Subtotal for CULTURAL PROGRAMS	-1,162,237
	Subtotal for DEPARTMENT OF CULTURAL AFFAIRS	-1,162,237
131	OFFICE PAYROLL ADMINISTRATION	
200	OTHER THAN PERSONAL SERVICE	
	CityTime OTPS-PS Swing	-876,385
	Subtotal for OTHER THAN PERSONAL SERVICE	-876,385
	Subtotal for OFFICE PAYROLL ADMINISTRATION	-876,385
260	DEPT OF YOUTH & COMMUNITY DEV	
005	COMMUNITY DEVELOPMENT OTPS	
	Maspeth Chamber of Commerce, Inc.	10,000
	West Bronx Housing and Neighborhood Resource Center, Inc.	-20,000
	Rockaway Inwood Ministerial Coalition, Inc.	5,500
	Antioch Community Services, Inc.	10,000
	Kiwanis Club of Glendale New York Foundation	3,500
	Catholic Widows and Widowers	1,000
	Crown Heights Jewish Community Council, Inc.	20,000
	Landmarks Preservation Foundation, Inc.	-6,000
	West Bronx Housing and Neighborhood Resource Center, Inc.	-5,000
	United Senior Citizen Center of Sunset Park, Inc.	40,000
	Bronx Veterans Medical Foundation, Inc.	-25,000
	Refuah Resource	-75,000
	Serving Those Who Serve, Inc.	-2,000
	New York Walkers Club, Inc.	2,000

**FROM**

260	DEPT OF YOUTH & COMMUNITY DEV	
	Fitzgerald House, Inc.	3,500
	Council of Urban Professionals, Inc.	10,000
	Research Foundation of the City University of New York - CUNY Citizenship and Immigration Project	-50,000
	Research Foundation of the City University of New York - CUNY Citizenship and Immigration Project	-65,000
	Benevolent Tax Professional Services, Inc.	5,000
	Trustees of Columbia University of the City of New York, Inc., The	-3,500
	Subtotal for COMMUNITY DEVELOPMENT OTPS	-141,000
	Subtotal for DEPT OF YOUTH & COMMUNITY DEV	-141,000
801	DEPT OF SMALL BUSINESS SERVICES	
002	DEPT. OF BUSINESS O.T.P.S.	
	Council of Urban Professionals, Inc.	-2,000
	DUMBO District Management Association, Inc.	8,000
	Maspeth Chamber of Commerce, Inc.	-10,000
	Fund for the City of New York, Inc.	30,000
	Astoria Restoration Association, Inc.	10,000
	Rockaway Development and Revitalization Corporation	-76,000
	Council of Urban Professionals, Inc.	-10,000
	Bedford Stuyvesant Restoration Corporation	-90,000
	Benevolent Tax Professional Services, Inc.	-5,000
	Harlem Renaissance Economic Development Corp.	-4,000
	West Brighton Community Local Development Corporation	5,000
	Subtotal for DEPT. OF BUSINESS O.T.P.S.	-144,000
	Subtotal for DEPT OF SMALL BUSINESS SERVICES	-144,000
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
117	HEALTH CARE ACCESS AND IMPROVEMENT- OTPS	
	Primary Care Initiative	-1,804,000
	Subtotal for HEALTH CARE ACCESS AND IMPROVEM	-1,804,000
	Subtotal for DEPARTMENT OF HEALTH AND MENTAL HYGI	-1,804,000
858	DEPT OF INFO TECH & TELECOMM	
002	OTHER THAN PERSONAL SERVICES	
	ECTP Additional Staffing	-800,000
	Subtotal for OTHER THAN PERSONAL SERVICES	-800,000

**FROM**

858 DEPT OF INFO TECH & TELECOMM  
 Subtotal for DEPT OF INFO TECH & TELECOMM -800,000  
 -253,842.387

**TO**

003 BOARD OF ELECTIONS  
 002 OTHER THAN PERSONAL SERVICES  
     Runoff Election 13,500,000  
     Subtotal for OTHER THAN PERSONAL SERVICES 13,500,000  
     Subtotal for BOARD OF ELECTIONS 13,500,000  
 013 BOROUGH PRESIDENT - QUEENS  
 001 PERSONAL SERVICES  
     Technical Adjustment 100,000  
     PS Adjustment 90,000  
     Subtotal for PERSONAL SERVICES 190,000  
     Subtotal for BOROUGH PRESIDENT - QUEENS 190,000  
 015 OFFICE OF THE COMPTROLLER  
 002 FIRST DEPUTY COMPT-PS  
     PS Fringe Offset Technical Adjustment 191,283  
     Subtotal for FIRST DEPUTY COMPT-PS 191,283  
 003 SECOND DEPUTY COMPT-PS  
     PS Fringe Offset Technical Adjustment 79,702  
     Subtotal for SECOND DEPUTY COMPT-PS 79,702  
 004 THIRD DEPUTY COMPT-PS  
     PS Fringe Offset Technical Adjustment 15,940  
     Subtotal for THIRD DEPUTY COMPT-PS 15,940  
     Subtotal for OFFICE OF THE COMPTROLLER 286,925  
 025 LAW DEPARTMENT  
 002 OTHER THAN PERSONAL SERVICES  
     PS to OTPS Transfer to Cover Projected Deficit 1,752,687  
     Subtotal for OTHER THAN PERSONAL SERVICES 1,752,687  
     Subtotal for LAW DEPARTMENT 1,752,687  
 040 DEPARTMENT OF EDUCATION  
 402 GE INSTR & SCH LEADERSHIP - OTPS  
     Brandeis High School 3,500  
     Staten Island Federation of Parent Teacher Association's 1,000  
     Friends of the Upper East Side Historic Districts 5,000  
     Friends and Family of Public School 11 - The PTA of PS 11 5,000

**TO**

003 BOARD OF ELECTIONS  
 002 OTHER THAN PERSONAL SERVICES  
     Runoff Election 13,500,000  
     Subtotal for OTHER THAN PERSONAL SERVICES 13,500,000  
     Subtotal for BOARD OF ELECTIONS 13,500,000  
 013 BOROUGH PRESIDENT - QUEENS  
 001 PERSONAL SERVICES  
     Technical Adjustment 100,000  
     PS Adjustment 90,000  
     Subtotal for PERSONAL SERVICES 190,000  
     Subtotal for BOROUGH PRESIDENT - QUEENS 190,000  
 015 OFFICE OF THE COMPTROLLER  
 002 FIRST DEPUTY COMPT-PS  
     PS Fringe Offset Technical Adjustment 191,283  
     Subtotal for FIRST DEPUTY COMPT-PS 191,283  
 003 SECOND DEPUTY COMPT-PS  
     PS Fringe Offset Technical Adjustment 79,702  
     Subtotal for SECOND DEPUTY COMPT-PS 79,702  
 004 THIRD DEPUTY COMPT-PS  
     PS Fringe Offset Technical Adjustment 15,940  
     Subtotal for THIRD DEPUTY COMPT-PS 15,940  
     Subtotal for OFFICE OF THE COMPTROLLER 286,925  
 025 LAW DEPARTMENT  
 002 OTHER THAN PERSONAL SERVICES  
     PS to OTPS Transfer to Cover Projected Deficit 1,752,687  
     Subtotal for OTHER THAN PERSONAL SERVICES 1,752,687  
     Subtotal for LAW DEPARTMENT 1,752,687  
 040 DEPARTMENT OF EDUCATION  
 402 GE INSTR & SCH LEADERSHIP - OTPS  
     Brandeis High School 3,500  
     Staten Island Federation of Parent Teacher Association's 1,000  
     Friends of the Upper East Side Historic Districts 5,000  
     Friends and Family of Public School 11 - The PTA of PS 11 5,000

**TO**

057 FIRE DEPARTMENT  
     Subtotal for FIRE EXTING AND EMERG RESP 15,000,000  
     Subtotal for FIRE DEPARTMENT 15,000,000  
 068 ADMIN FOR CHILDREN'S SERVICES  
 004 HEADSTART/DAYCARE-OTPS  
     Aquinas Housing Corporation 20,000  
     Subtotal for HEADSTART/DAYCARE-OTPS 20,000  
     Subtotal for ADMIN FOR CHILDREN'S SERVICES 20,000  
 071 DEPT OF HOMELESS SERVICES  
 200 DEPT OF HOMELESS SERVICES-OTPS  
     Tax Levy Offset for ARRA Adjustment -2,890,000  
     Coalition for Homeless (food van) 60,000  
     Intracity Revenue Adjustment 21,000,000  
     Subtotal for DEPT OF HOMELESS SERVICES-OTPS 18,170,000  
     Subtotal for DEPT OF HOMELESS SERVICES 18,170,000  
 072 DEPARTMENT OF CORRECTION  
 002 OPERATIONS  
     Overtime Adjustment 2,631,905  
     Compressed Visitation Schedule 2,912,000  
     Five Day Recreation Schedule -- Attrition 4,456,095  
     Subtotal for OPERATIONS 10,000,000  
     Subtotal for DEPARTMENT OF CORRECTION 10,000,000  
 098 MISCELLANEOUS  
 005 INDIGENT DEFENSE SERVICES  
     Legal Aid Society Lease Adjustment 2,000,000  
     Subtotal for INDIGENT DEFENSE SERVICES 2,000,000  
     Subtotal for MISCELLANEOUS 2,000,000  
 101 PUBLIC ADVOCATE  
 001 PERSONAL SERVICES  
     PS Adjustment 850,000  
     Subtotal for PERSONAL SERVICES 850,000  
     Subtotal for PUBLIC ADVOCATE 850,000

**TO**

126	DEPARTMENT OF CULTURAL AFFAIRS		
006	AMER MUSEUM NATURAL HISTORY		
	Cultural After School Adventure	40,000	
	Subtotal for AMER MUSEUM NATURAL HISTORY	40,000	
007	THE WILDLIFE CONSERVATION SOC.		
	Cultural After School Adventure	60,000	
	Subtotal for THE WILDLIFE CONSERVATION SOC.	60,000	
012	NY HALL OF SCIENCE		
	Cultural After School Adventure	40,000	
	Subtotal for NY HALL OF SCIENCE	40,000	
019	BROOKLYN ACADEMY OF MUSIC		
	Cultural After School Adventure	100,000	
	Brooklyn Academy of Music	20,000	
	Subtotal for BROOKLYN ACADEMY OF MUSIC	120,000	
021	STUDIO MUSEUM IN HARLEM		
	Studio Museum in Harlem, The	1,000	
	Subtotal for STUDIO MUSEUM IN HARLEM	1,000	
022	OTHER CULTURAL INSTITUTIONS		
	Cultural After School Adventure	980,000	
	Subtotal for OTHER CULTURAL INSTITUTIONS	980,000	
	Subtotal for DEPARTMENT OF CULTURAL AFFAIRS	1,241,000	
131	OFFICE PAYROLL ADMINISTRATION		
100	PERSONAL SERVICE		
	CityTime OTPS-PS Swing	876,385	
	Subtotal for PERSONAL SERVICE	876,385	
	Subtotal for OFFICE PAYROLL ADMINISTRATION	876,385	
260	DEPT OF YOUTH & COMMUNITY DEV		
312	OTHER THAN PERSONAL SERVICES		
	Bronxcheater Little League Inc.	1,000	
	Friends and Family of Public School 11 - The PTA of PS 11	-5,000	
	Public School 355K - Williamsburg Collegiate Charter School	5,000	
	Aquinas Housing Corporation	-20,000	
	A Very Special Place, Inc.	500	

**TO**

260	DEPT OF YOUTH & COMMUNITY DEV		
	Ridgewood Bushwick Senior Citizens Council, Inc.	350,000	
	Subtotal for OTHER THAN PERSONAL SERVICES	294,737	
	Subtotal for DEPT OF YOUTH & COMMUNITY DEV	294,737	
312	CONFLICTS OF INTEREST BOARD		
001	PERSONAL SERVICES		
	FY10 Executive PEG fringe benefit adjustment.	10,530	
	Subtotal for PERSONAL SERVICES	10,530	
	Subtotal for CONFLICTS OF INTEREST BOARD	10,530	
801	DEPT OF SMALL BUSINESS SERVICES		
006	ECONOMIC DEVELOPMENT CORP.		
	Tax Levy Offset for ARRA Adjustment	2,890,000	
	Subtotal for ECONOMIC DEVELOPMENT CORP.	2,890,000	
	Subtotal for DEPT OF SMALL BUSINESS SERVICES	2,890,000	
806	HOUSING PRESERVATION AND DEVEL		
009	OFFICE OF DEVELOPMENT OTPS		
	West Bronx Housing and Neighborhood Resource Center, Inc.	5,000	
	West Bronx Housing and Neighborhood Resource Center, Inc.	20,000	
	Bronx Heights Neighborhood Community Corporation	-2,500	
	Subtotal for OFFICE OF DEVELOPMENT OTPS	22,500	
010	HOUSING MANAGEMENT AND SALES		
	Funding Adjustment	35,000	
	Subtotal for HOUSING MANAGEMENT AND SALES	35,000	
	Subtotal for HOUSING PRESERVATION AND DEVEL	57,500	
816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE		
113	HEALTH PROMOTION AND DISEASE PREV.-OTPS		
	Afikim Foundation, The	35,000	
	Brooklyn Perinatal Network, Inc.	10,000	
	Emergency Children's Help Organization, Inc.	10,000	
	Bechirof, Inc.	3,500	
	Bronx Veterans Medical Foundation, Inc.	25,000	
	Refuah Resource	75,000	
	Staten Island University Hospital	3,000	

**TO**

260	DEPT OF YOUTH & COMMUNITY DEV		
	Turtle Bay Music School	-3,500	
	Brooklyn Ballet, Inc.	-18,500	
	Brooklyn Ballet, Inc.	-8,513	
	Central Jewish Council, Inc.	-5,000	
	Be Proud, Inc.	-3,500	
	Gowanus Canal Community Development Corporation	-10,000	
	City Island Baseball Club	2,000	
	Pelham Bay Little League	1,000	
	Throggs Neck Girls Softball League	1,000	
	Throggs Neck Little League	1,000	
	Directions for Our Youth	3,500	
	Harlem Renaissance Economic Development Corp.	4,000	
	Afikim Foundation, The	-35,000	
	Emergency Children's Help Organization, Inc.	-10,000	
	Girl Scout Council of Greater New York, Inc.	3,500	
	Utopia Outreach, Inc.	-3,000	
	Children's Health Fund, The	-3,500	
	Community Works, Inc.	1,000	
	Primary Stages Company, Inc.	3,000	
	Joseph Verdino Field of Dreams Foundation	-10,000	
	Bedford Stuyvesant Restoration Corporation	90,000	
	Wyckoff House Association, Inc.	-10,250	
	Friends of the Upper East Side Historic Districts	-5,000	
	American Composers Orchestra	-3,500	
	Kickers Youth Sports Association of South East Queens, Inc.	3,500	
	Immaculate Conception School	-3,000	
	Our Lady of Mount Carmel -St. Benedicta School	-3,000	
	St. Mary's Parochial Elementary School	-3,000	
	Daughters of Africa, Inc.	-2,500	
	Art Lab, Inc. - The Art School at Snug Harbor	5,000	
	Education Through Music, Inc.	-15,000	
	Sedgwick Development Residents Council	500	

**TO**

816	DEPARTMENT OF HEALTH AND MENTAL HYGIENE		
	Staten Island University Hospital	2,000	
	Links, Inc., The	5,000	
	Trustees of Columbia University of the City of New York, Inc., The	3,500	
	Subtotal for HEALTH PROMOTION AND DISEASE PRE	172,000	
121	MENTAL RETARDATION AND DEVELOPMENTAL DIS		
	Eden II School for Autistic Children	10,000	
	Subtotal for MENTAL RETARDATION AND DEVELOP	10,000	
	Subtotal for DEPARTMENT OF HEALTH AND MENTAL HYGI	182,000	
819	HEALTH AND HOSPITALS CORP		
001	LUMP SUM		
	Primary Care Initiative	1,804,000	
	Commission on the Public's Health System	50,000	
	Subtotal for LUMP SUM	1,854,000	
	Subtotal for HEALTH AND HOSPITALS CORP	1,854,000	
858	DEPT OF INFO TECH & TELECOMM		
001	PERSONAL SERVICES		
	ECTP Additional Staffing	800,000	
	Subtotal for PERSONAL SERVICES	800,000	
	Subtotal for DEPT OF INFO TECH & TELECOMM	800,000	
906	OFF.OF PROSECUTION SPEC.NARC.		
001	PERSONAL SERVICES		
	DIA Full Time Release Position	71,123	
	Subtotal for PERSONAL SERVICES	71,123	
	Subtotal for OFF.OF PROSECUTION SPEC.NARC.	71,123	
		253,842,387	

TO

RE: Finance Committee Agenda of March 3, 2010-Resolution approving tax exemptions for three preconsidered Land Use Items (Council District's 36 and 49).

HPD has submitted requests to the Council to approve property tax exemptions for the following properties: The Myrtle Mews Housing for the Elderly in Council Member Rose's District, the Dr. Betty Shabazz Houses and the Medgar Evers Houses in Council Member Vann's District.

The Myrtle Mews Residence is 1-story building that provides 34 units of rental housing for elderly persons of low income. The sponsor, Olivet-St. Vincent's Housing Development Fund Company, developed the project under the Section 202 Supportive Housing Program For The Elderly with financing and operating subsidies from the United States Department of Housing and Urban Development ("HUD") and a tax exemption from the City. The sponsor now wishes to refinance its original HUD mortgage in order to fund needed repairs. Refinancing the original HUD mortgage would terminate its current tax exemption. In order to keep the project financially viable and provide affordable housing to low-income seniors, HPD is requesting a new exemption that is consistent with the terms of the original exemption pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected at \$134,148 in the first year of the exemption and \$10.1 million over the 35-year length of the exemption.

The Dr. Betty Shabazz Houses contains four multiple dwellings that will provide 157 units of rental housing for low-income families. The sponsor, Omni New York LLC will finance the rehabilitation of the property with a loan from the Housing Development Corporation, federal low-income housing tax credits, and HPD's Participation Loan Program. This project currently receives an exemption from real property taxation pursuant to §420-c of the Real Property Tax Law that will expire in 2033. However, upon execution of the new HDC loan and regulatory agreement, the prior exemption will terminate. In order to facilitate the project, a new partial exemption from real property taxation must be granted to the project that is coterminous with the term of the new HDC mortgage loan. The value of the tax exemption is projected at \$309,000 in the first year of the exemption and \$23.3 million over the 32-year length of the exemption.

The Medgar Evers Houses contains nine multiple dwellings that will provide 307 units of rental housing for low-income families. The sponsor, Omni New York LLC will finance the rehabilitation of the property with a loan from the Housing Development Corporation, federal low-income housing tax credits, and HPD's Participation Loan Program. This project currently receives an exemption from real property taxation pursuant to §420-c of the Real Property Tax Law that will expire in 2033. However, upon execution of the new HDC loan and regulatory agreement, the prior exemption will terminate. In order to facilitate the project, a new partial exemption from real property taxation must be granted to the project that is coterminous with the term of the new HDC mortgage loan. The value of the tax exemption is projected at \$263,000 in the first year of the exemption and \$19.8 million over the 32-year length of the exemption.

These items have the approval of Council Members' Rose and Vann.

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

Res. No. 64

**Resolution approving a partial exemption from real property taxes for property located at (Block 1629, Lot 1) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 37).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated February 22, 2010 that the Council take the following action regarding a housing project to be located at (Block 1629, Lot 1) Brooklyn, ("Exemption Area"):

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

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

**WHEREAS**, the Council held a hearing on the Project on March 3, 2010;

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

Thursday, February 25, 2010

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DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, March 3, 2010.

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. 37

**Report of the Committee on Finance in favor of approving Medgar Evers Houses, Block 1629, Lot 1, Brooklyn, Council District No. 36, Section 577 of the Private Housing Finance Law.**

The Committee on Finance, to which the annexed Land Use resolution was referred on March 3, 2010, respectfully

**REPORTS:**

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

March 3,  
2010

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

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

**RESOLVED:**

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

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 date that HDC and the HDFC enter into the amendment to the HDC Regulatory Agreement extending the income restrictions to be coterminous with the new mortgage loan term.
  - (b) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1629, Lot 1 on the Tax Map of the City of New York.
  - (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-two (32) years from the Effective Date, (ii) the date of the expiration or termination of the HDC Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (d) "HDC" shall mean the New York City Housing Development Corporation.
  - (e) "HDC Regulatory Agreement" shall mean that tax credit regulatory agreement entered into on September 19, 2003 between HDC and the HDFC, which provides that (i) 10% of the dwelling units in the Exemption Area will be reserved for occupancy by households whose incomes do not exceed 115% of area median income, (ii) 20% of the dwelling units in the Exemption Area will be reserved for occupancy by households whose incomes do not exceed 80% of area median income, and (iii) the remainder of the dwelling units in the Exemption Area, other than two dwelling units occupied by building superintendents, will be reserved for occupancy by households whose incomes do not exceed 60% of area median income.
  - (f) "HDFC" shall mean 745 Gates Housing Development Fund Corporation.
  - (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (h) "New Exemption" shall mean the partial exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - (i) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area pursuant to §420-c of the Real Property Tax Law approved by HPD on December 11, 2003.
  - (j) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
  - (k) "Shelter Rent Tax" shall mean an amount equal to two and sixty-five hundredths percent (2.65%) of Shelter Rent, but in no event less than seventy-seven thousand dollars (\$77,000) per annum.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the HDFC shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property

taxation provided by an existing or future local, state, or federal law, rule or regulation.

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

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, March 3, 2010.

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. 38

**Report of the Committee on Finance in favor of approving Dr. Betty Shabazz Houses, Block 1634, Lot 1, Brooklyn, Council District No. 36, Section 577 of the Private Housing Finance Law.**

The Committee on Finance, to which the annexed Land Use resolution was referred on March 3, 2010, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Finance for LU No. 37 printed in these Minutes)**

Accordingly, this Committee recommends its adoption.

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

Res. No. 65

**Resolution approving a partial exemption from real property taxes for property located at (Block 1634, Lot 1) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 38).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated February 22, 2010 that the Council take the following action regarding a housing project to be located at (Block 1634, Lot 1) Brooklyn, ("Exemption Area"):

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

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

**WHEREAS**, the Council held a hearing on the Project on March 3, 2010;

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

**RESOLVED:**

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

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 date that HDC and the HDFC enter into the amendment to the HDC Regulatory Agreement extending the income restrictions to be coterminous with the new mortgage loan term.
  - (b) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1634, Lot 1 on the Tax Map of the City of New York.
  - (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-two (32) years from the Effective Date, (ii) the date of the expiration or termination of the HDC Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (d) "HDC" shall mean the New York City Housing Development Corporation.
  - (e) "HDC Regulatory Agreement" shall mean that tax credit regulatory agreement entered into on September 19, 2003 between HDC and the HDFC, which provides that (i) 10% of the dwelling units in the Exemption Area will be reserved for occupancy by households whose incomes do not exceed 115% of area median income, (ii) 20% of the dwelling units in the Exemption Area will be reserved for occupancy by households whose incomes do not exceed 80% of area median income, and (iii) the remainder of the dwelling units in the Exemption Area, other than a dwelling unit occupied by a building superintendent, will be reserved for occupancy by households whose incomes do not exceed 60% of area median income.
  - (f) "HDFC" shall mean 690 Gates Housing Development Fund Corporation.
  - (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (h) "New Exemption" shall mean the partial exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - (i) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area pursuant to §420-c of the Real Property Tax Law approved by HPD on December 11, 2003.
  - (j) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.

(k) "Shelter Rent Tax" shall mean an amount equal to one and five hundredths percent (1.05%) of Shelter Rent, but in no event less than seventeen thousand dollars (\$17,000) per annum.

2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the HDFC shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
5. Notwithstanding any provision hereof to the contrary:
  - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HDC Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
  - b. The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
  - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
6. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, March 3, 2010.

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. 39

**Report of the Committee on Finance in favor of approving Myrtle News, 101 Myrtle Avenue, Staten Island, Council District No.49, Section 577 of the Private Housing Finance Law.**

The Committee on Finance, to which the annexed Land Use resolution was referred on March 3, 2010, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Finance for LU No. 37 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 66

**Resolution approving a partial exemption from real property taxes for property located at 101 Myrtle Avenue (Block 182, Lot 62) Staten Island, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 39).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated December 28, 2009 that the Council take the following action regarding a housing project to be located at 101 Myrtle Avenue (Block 182, Lot 62) Staten Island ("Exemption Area"):

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

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

**WHEREAS**, the Council held a hearing on the Project on March 3, 2010;

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

**RESOLVED:**

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

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 date of repayment or refinancing of the HUD Mortgage.
- (b) "Exemption Area" shall mean the real property located in the Borough of Staten Island, City and State of New York, identified as Block 182, Lot 62 on the Tax Map of the City of New York.
- (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (d) "HDFC" shall mean Olivet-St. Vincent's Housing Development Fund Company, Inc.
- (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (f) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.
- (g) "HUD Mortgage" shall mean the original loan made by HUD to the HDFC in connection with the Section 202 Supportive Housing Program for the Elderly, which loan was secured by a mortgage on the Exemption Area.
- (h) "New Exemption" shall mean the partial exemption from real property taxation provided hereunder with respect to the Exemption Area.

(i) "Prior Exemption" shall mean the partial exemption from real property taxation for the Exemption Area approved by the Board of Estimate on January 28, 1988 (Cal. No. 260).

(j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC which commences on or before the Effective Date, runs with the land, binds all subsequent parties in interest to the Exemption Area until a date which is thirty-five years from the Effective Date, and requires that (i) notwithstanding any term of the Use Agreement or any other agreement to the contrary, the Exemption Area shall remain subject to the terms of the Use Agreement until a date which is thirty-five years from the Effective Date, (ii) in the event of a breach or a threatened breach of any of the covenants and agreements contained in the Use Agreement, in addition to any other remedies that HPD has or may have at law or in equity, HPD shall be entitled to institute legal action to enforce specific performance of such covenants and agreements and to enjoin any acts which violate such covenants and agreements, (iii) the HDFC shall exercise any and all available options to obtain and renew Rental Subsidy for eligible tenants, and (iv) the HDFC shall not cause or permit the Rental Subsidy to expire, to not be extended, to not be renewed, or to be terminated.

(k) "Rental Subsidy" shall mean Section 8 rental assistance and any similar form of rental assistance from any governmental entity.

(l) "Use Agreement" shall mean a use agreement by and between the HDFC and HUD which commences on or before the Effective Date, runs with the land, binds all subsequent owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.

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

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

4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the HDFC shall make real property tax payments in the sum of (i) \$112,457, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.

5. Notwithstanding any provision hereof to the contrary:

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

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

- (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- (d) All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.

6. In consideration of the New Exemption, prior to or simultaneous with repayment or refinancing of the HUD Mortgage, the HDFC, for itself, its successors and assigns, shall (i) execute and record a Use Agreement with HUD, (ii) execute and record a Regulatory Agreement with HPD, and (iii) waive, for so long as the New Exemption shall remain in effect, the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, March 3, 2010.

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

**Reports of the Committee on Land Use**

Report for L.U. No. 19

**Report of the Committee on Land Use in favor of approving Application no. 20105186 HAK, an Urban Development Action Area Project located at 64 Harman Street, 1231 Putnam Avenue and 69 Cornelia Street, Council District no. 34 Borough of Brooklyn.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010 (Minutes, page 250), respectfully

**REPORTS:**

**SUBJECT**

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

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON-ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
64 Harman Street 1231 Putnam Avenue 69 Cornelia Street Brooklyn	3285/22 3368/51 3374/57	20105186 HAK	19	Asset Control Area
342 E. 100 <sup>th</sup> Street Interim Manhattan	1671/30	20105213 HAM	20	Tenant Lease

**INTENT**

HPD requests that the Council:

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

4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and

5. Approve an exemption of the projects from real property taxes pursuant to Section 577 of the Private Housing Finance Law for L.U. No. 20; and pursuant to Section 696 of the General Municipal Law for L.U. No. 19.

Report Summary

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** February 24, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the proposals, grant the requests made by the Department of Housing Preservation and Development, and make the findings required by Article 16 of the General Municipal Law.

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

Res. No. 67

**Resolution approving an Urban Development Action Area Project located at 64 Harman Street (Block 3285, Lot 22), 1231 Putnam Avenue (Block 3368, Lot 51), and 69 Cornelia Street (Block 3374, Lot 57), Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 19; 20105186 HAK).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 8, 2009 its request dated September 21, 2009 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 64 Harman Street (Block 3285, Lot 22), 1231 Putnam Avenue (Block 3368, Lot 51), and 69 Cornelia Street (Block 3374, Lot 57), Community District 4, Borough of Brooklyn (the "Exemption Area"):

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

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on February 8, 2010;

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

**RESOLVED:**

The Council finds that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the City of New York and that

a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

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

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

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

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

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

- a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of ten years during the last five years of which such exemption shall decrease in equal annual decrements, commencing on the January 1<sup>st</sup> or July 1<sup>st</sup> (whichever shall first occur) as certified by HPD, following certification by HPD of its designee that (i) rehabilitation of the building on the Exemption Area has been substantially completed and a temporary or permanent Certificate of Occupancy of such building has been issued by the Department of Buildings or is not required, and (ii) the cost of such rehabilitation is at least equal to the assessed value of such building as determined in the tax year immediately preceding the grant of the tax exemption hereunder.
- b. The partial tax exemption granted hereunder shall terminate with respect to all or any portion of the Exemption Area if HPD determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York or HUD. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

**ATTACHMENT:**

20105186 HAK  
Page 1 of 1  
L.U. No. 19

**PROJECT SUMMARY**

- 1. PROGRAM: ACA PROGRAM
- 2. PROJECT: Brooklyn, Site 1
- 3. LOCATION:
  - a. BOROUGH: Brooklyn
  - b. COMMUNITY DISTRICT: 4
  - c. COUNCIL DISTRICT: 34
  - d. DISPOSITION AREA:
 

BLOCKS	LOTS	ADDRESSES
3285	22	64 Harman Street
3368	51	1231 Putnam Avenue
3374	57	69 Cornelia Street
- 4. BASIS OF DISPOSITION PRICE: Not Applicable
- 5. TYPE OF PROJECT: Moderate to Substantial Rehabilitation
- 6. APPROXIMATE NUMBER OF BUILDINGS: 3
- 7. APPROXIMATE NUMBER OF UNITS: 6
- 8. HOUSING TYPE: 1-4 Family Homes.
- 9. ESTIMATE OF INITIAL PRICE: Affordable to individuals and families whose income does not exceed 115% of the area median income (AMI) for New York City (\$88,335). Purchasers must also repay any HUD and/or HPD subsidy attributable to their homes by delivering cash and/or notes and appropriate security instruments to HUD, and/or HPD. A portion of the HPD subsidy may be forgiven or unsecured based on the home's post-rehabilitation appraised value.
- 10. INCOME TARGETS: Up to 115% of AMI
- 11. PROPOSED FACILITIES: None
- 12. PROPOSED CODES/ORDINANCES: None
- 13. ENVIRONMENTAL STATUS: Type II
- 14. PROPOSED TIME SCHEDULE: Approximately 18 months from closing to completion of construction

LEROY G. COMRIE, Chairperson; CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, February 25, 2010.

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. 20

**Report of the Committee on Land Use in favor of approving Application no. 20105213 HAM, an Urban Development Action Area Project located at 342 East 100th Street, Council District no. 8, Borough of Manhattan.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010 (Minutes, page 251), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee for Land Use for LU No. 19 printed in these Minutes).

Accordingly, this Committee recommends its adoption.

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

Res. No. 68

**Resolution approving an Urban Development Action Area Project located at 342 East 100th Street (Block 1671, Lot 30), Borough of Manhattan, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 20; 20105213 HAM).**

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 16, 2009 its request

dated November 2, 2009 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 342 East 100th Street (Block 1671, Lot 30), Community District 11, Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve a partial exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption");

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

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on February 24, 2010;

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

**RESOLVED:**

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

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

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

The Council approves the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

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

The Council approves the partial Tax Exemption as follows:

- a. The partial tax exemption provided hereunder shall commence upon the date of conveyance of the housing project to Sponsor ("Effective Date") and shall terminate upon July 1, 2029 ("Expiration Date"); provided, however, that such partial tax exemption shall terminate if the Department of Housing Preservation and Development determines that (i) Sponsor is not organized as a housing development fund corporation, (ii) Sponsor is not operating the housing project in accordance with the requirements of Article XI of the Private Housing Finance Law, or (iii) such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by Sponsor with, or for the benefit of, the City of New York.

- b. Those portions of the property included in the housing project which are devoted to business or commercial use (collectively, "Commercial Property"), if any shall not be eligible for real property tax exemption hereunder. The Commercial Property shall be subject to full real property taxation; provided, however, that nothing herein shall prohibit Sponsor from utilizing any abatement, exemption, or other tax benefit for which the Commercial Property would otherwise be eligible.
- c. All of the value of the property, other than the Commercial Property, included in the housing project (collectively, "Residential Property") shall be exempt from real property taxes, other than assessments for local improvements; provided, however, that Sponsor shall make a partial annual real property tax payment on the Residential Property. Sponsor shall make such partial annual real property tax payment on an assessed valuation equal to the lesser of (i) an amount equal to the full assessed valuation of the Residential Property, or (ii) an amount calculated by multiplying \$3500 times the number of residential units included in the housing project and increasing such product by six percent (6%) on July 1, 1990 and July 1 of each successive year, but not by more than twenty percent (20%) in any five-year period.

**ATTACHMENT:**

<u>PROJECT SUMMARY</u>		20105213 HAM Page 1 of 1 L.U. No. 20
1. PROGRAM:	TENANT INTERIM LEASE PROGRAM	
2. PROJECT:	342 East 100 <sup>th</sup> Street	
3. LOCATION:		
a. BOROUGH:	Manhattan	
b. COMMUNITY DISTRICT:	11	
c. COUNCIL DISTRICT:	8	
d. DISPOSITION AREA:	<u>BLOCK</u> <u>LOT</u> <u>ADDRESS</u>	
	1671   30   342 East 100 <sup>th</sup> Street	
4. BASIS OF DISPOSITION PRICE:	Nominal (\$250 per dwelling unit)	
5. TYPE OF PROJECT:	Rehabilitation	
6. APPROXIMATE NUMBER OF BUILDINGS:	1 Multiple Dwelling	
7. APPROXIMATE NUMBER OF UNITS:	24	
8. HOUSING TYPE:	Cooperative	
9. ESTIMATE OF INITIAL MAINTENANCE CHARGES:	Approximately \$1.15 to \$1.50 per square feet.	
10. INCOME TARGETS:	The Disposition Area contains an occupied building which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 120% of the area median.	
11. PROPOSED FACILITIES:	None	
12. PROPOSED CODES/ORDINANCES:	None	
13. ENVIRONMENTAL STATUS:	Type II	
14. PROPOSED TIME SCHEDULE:	Approximately six months from authorization to sale.	

LEROY G. COMRIE, Chairperson; CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, February 25, 2010.

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. 28

**Report of the Committee on Land Use in favor of approving Application no. N 100052 ZRM by the Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Article IX, Chapter 6 (Special Clinton District), Borough of Manhattan.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010 (Minutes, page 253), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 4 N 100052 ZRM**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 (Special Clinton District), Borough of Manhattan, Community District.

**INTENT**

To facilitate development consisting of residential, commercial and community facility uses.

Report Summary

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** February 24, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

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

Res. No. 69

**Resolution approving the decision of the City Planning Commission on Application No. N 100052 ZRM, for an amendment of the Zoning Resolution of the City of New York, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 (Special Clinton District), in Community District 4, Borough of Manhattan (L.U. No. 28).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on January 29, 2009 its decision dated January 27, 2009 (the "Decision"), pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 6 (Special Clinton District), in Community District 4, (Application No. N 100052 ZRM), to facilitate residential, commercial and community facility uses (the "Application");

**WHEREAS**, the Application is related to ULURP Applications Numbers C 100051 ZMM (L.U. No. 29), an amendment to the Zoning Map changing from M1-5 to R8/C2-5 and R10/C2-5; C 100053 ZSM (L.U. No. 44), a special permit pursuant to Section 74-681 to permit development over railroad or transit air space; C 100054 ZSM (L.U. No. 31), a special permit pursuant to Section 74-743 to waive height and setback, distance between buildings and open space regulations; and C 100055 HAM (L.U. No. 32), an urban development action area project designation, project approval and disposition of city-owned property;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on February 24, 2010;

**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 January 13, 2010 (CEQR No. 09HPD022M).

**RESOLVED:**

Having considered the FEIS, with respect to the 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 action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable;
- (4) The Decision and the FEIS 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 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 strike out is old, to be deleted; Matter within # # is defined in Section 12-10 (DEFINITIONS)

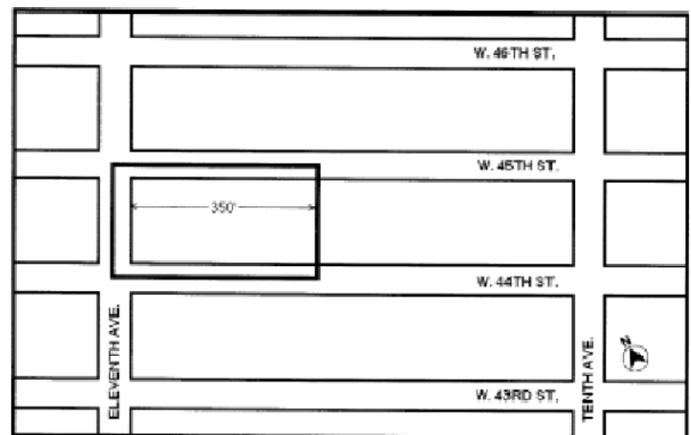
\*\*\* indicates where unchanged text appears in the Resolution

\* \* \*

**96-82**

**R10 Inclusionary Housing Designated Area**

The R10 district in the area shown on the map in this Section shall be an #Inclusionary Housing designated area# pursuant to Section 12-10 (Definitions) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District. The provisions of paragraph (a) of Section 23-954 (Additional requirements for compensated developments) shall not apply.



\* \* \*

**APPENDIX F**

**INCLUSIONARY HOUSING DESIGNATED AREAS**

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by #bulk# regulations of such #residence districts#.

\* \* \*

In addition, the following special purpose districts contain #Inclusionary Housing designated areas#, as set forth within the special purpose district:

Special 125<sup>th</sup> Street District – see Section 97-42 1 (Inclusionary Housing)

Special Clinton District – see Sections 96-81 (C6-3X Designated District) and 96-82 (R10 Inclusionary Housing Designated Area)

Special Coney Island District – see Section 131-321 (Special floor area regulations for residential uses)

Special Downtown Jamaica District – see Section 115-211 (Special Inclusionary Housing Regulations)

Special Garment Center District – see Section 93-23 (Modifications of Inclusionary Housing Program)

\* \* \*

LEROY G. COMRIE, Chairperson; CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, February 25, 2010.

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. 29

**Report of the Committee on Land Use in favor of approving Application no. C 100051 ZMM, submitted by the New York City Department of Housing and Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map of the City of New York, Section No 8c.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010 (Minutes, page 254), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 4 C 100051 ZMM**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c.

**INTENT**

To facilitate development consisting of residential, commercial and community facility uses.

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** February 24, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

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

Res. No. 70

**Resolution approving the decision of the City Planning Commission on ULURP No. C 100051 ZMM, a Zoning Map amendment (L.U. No. 29).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on January 29, 2009 its decision dated January 27, 2009 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map (ULURP No. C 100051 ZMM) (the "Application");

**WHEREAS**, the Application is related to ULURP Applications Numbers N 100052 ZRM (L.U. No. 28), a Zoning Text Amendment relating to Article IX, Chapter 6 (Special Clinton District); C 100053 ZSM (L.U. No. 44), a special permit pursuant to Section 74-681 to permit development over railroad or transit air space; C 100054 ZSM (L.U. No. 31), a special permit pursuant to Section 74-743 to waive height and setback, distance between buildings and open space regulations; and C 100055 HAM (L.U. No. 32), an urban development action area project designation, project approval and disposition of city-owned property;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on February 24, 2010;

**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 January 13, 2010 (CEQR No. 09HPD022M).

**RESOLVED:**

Having considered the FEIS, with respect to the 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 action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

(3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable;

(4) The Decision and the FEIS 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, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 8c:

1. changing from an M1-5 District to an R8 District property bounded by West 45<sup>th</sup> Street, the easterly boundary line of a Railroad Right-Of-Way, West 44th Street, and a line 450 feet westerly of Tenth Avenue;
2. changing from an M1-5 District to an R10 District property bounded by West 45th Street, a line 450 feet westerly of Tenth Avenue, West 44th Street, and Eleventh Avenue;
3. establishing within the proposed R8 District a C2-5 District bounded by West 45<sup>th</sup> Street, the easterly boundary line of a Railroad Right-Of-Way, West 44<sup>th</sup> Street, and a line 450 feet westerly of Tenth Avenue; and
4. establishing within the proposed R10 District a C2-5 District bounded by West 45th Street, a line 450 feet westerly of Tenth Avenue, West 44th Street, and Eleventh Avenue;

as shown on a diagram (for illustrative purposes only) dated August 17, 2009, Community District 4, Borough of Manhattan.

LEROY G. COMRIE, Chairperson; CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, February 25, 2010.

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. 30

**Report of the Committee on Land Use in favor of approving Application no. C 100053 ZSM submitted by the New York City Department of Housing and Preservation and Development., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 (a) (1) of the Zoning Resolution to allow that portion of the railroad or transit right of way in connection with a proposed mixed use development on property located at 592-608 Eleventh Avenue a.k.a. 507-533 West 44th Street a.k.a. 508-558 West 45th Street (Block 1073, Lot 1), within a General Large Scale Development, Borough of Manhattan.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010 (Minutes, page 254), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 4**

**C 100053 ZSM**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681(a)(1) of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which will be completely covered over by a permanent platform to be included in the lot area in connection with a proposed mixed-use development on property located at 592-608 Eleventh Avenue a.k.a. 507-533 West 44th Street a.k.a. 508-558 West 45th Street (Block 1073, Lot 1), within a General Large Scale Development, in R8/C2-5 and R10/C2-5 Districts, within the Special Clinton District (Excluded Area).

**INTENT**

To facilitate development consisting of residential, commercial and community facility uses.

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** February 24, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

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

Res. No. 71

**Resolution approving the decision of the City Planning Commission on ULURP No. C 100053 ZSM (L.U. No. 30), for the grant of a special permit pursuant to Section 74-681(a)(1) of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which will be completely covered over by a permanent platform to be included in the lot area in connection with a proposed mixed-use development on property located at 592-608 Eleventh Avenue a.k.a. 507-533 West 44th Street a.k.a. 508-558 West 45th Street (Block 1073, Lot 1), within a General Large Scale Development, in R8/C2-5 and R10/C2-5 Districts, within the Special Clinton District (Excluded Area), Borough of Manhattan.**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on January 29, 2009 its decision dated January 27, 2009 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-681(a)(1) of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which will be completely covered over by a permanent platform to be included in the lot area in connection with a proposed mixed-use development on property located at 592-608 Eleventh Avenue a.k.a. 507-533 West 44th Street a.k.a. 508-558 West 45th Street (Block 1073, Lot 1), within a General Large Scale Development, in R8/C2-5 and R10/C2-5 Districts, within the Special Clinton District (Excluded Area), (ULURP No. C 100053 ZSM), Community District 4, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to ULURP Applications Numbers N 100052 ZRM (L.U. No. 28), a Zoning Text Amendment relating to Article IX, Chapter 6 (Special Clinton District); C 100051 ZMM (L.U. No. 29), an amendment to the Zoning Map changing from M1-5 to R8/C2-5 and R10/C2-5; C 100054 ZSM (L.U. No. 31), a special permit pursuant to Section 74-743 to waive height and setback, distance between buildings and open space regulations; and C 100055 HAM (L.U. No. 32), an urban development action area project designation, project approval and disposition of city-owned property;

**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 74-681 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 February 24, 2010;

**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 January 13, 2010 (CEQR No. 09HPD022M).

**RESOLVED:**

Having considered the FEIS, with respect to the 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 action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable;
- (4) The Decision and the FEIS 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, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, February 25, 2010.

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. 31

Report of the Committee on Land Use in favor of approving Application no. C 100054 ZSM submitted by the New York City Department of Housing and Preservation and Development., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 74-743 (a)(1) and 74-743 (a) (2) of the Zoning Resolution to facilitate a proposed mixed use development on property located at 592-608 Eleventh Avenue a.k.a. 507-533 West 44th Street a.k.a. 508-558 West 45th Street (Block 1073, Lot 1), within a General Large Scale Development, Borough of Manhattan.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010 (Minutes, page 254), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN - CB 4**

**C 100054 ZSM**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following Sections of the Zoning Resolution:

1. Section 74-743(a)(1) to allow the distribution of open space without regard for zoning district boundaries; and
2. Section 74-743(a)(2) to modify the rear yard regulations of Sections 23-532 (Required rear yard equivalents) and 33-283 (Required rear yard equivalents), to modify the height and setback regulations of Sections 23-632 (Front setbacks in districts where front yards are not required), 33-43 (Maximum Height of Walls and Required Setbacks), 35-62 (Maximum Height of Wall in Initial Setback Distance) and 23-663 (Street wall location and height and setback regulations in certain districts), and to modify the minimum required distance between two or more buildings regulations of Section 23-711 (Standard minimum distance between buildings);

to facilitate a proposed mixed-use development on property located at 592-608 Eleventh Avenue a.k.a. 507-533 West 44th Street a.k.a. 508-558 West 45th Street (Block 1073, Lot 1), within a General Large Scale Development, in R8/C2-5 and R10/C2-5 Districts, within the Special Clinton District (Excluded Area), in a general large-scale development.

**INTENT**

To facilitate development consisting of residential, commercial and community facility uses.

**Report Summary**

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** February 24, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

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

Res. No. 72

**Resolution approving the decision of the City Planning Commission on ULURP No. C 100054 ZSM (L.U. No. 31), for the grant of a special permit pursuant to the following Sections of the Zoning Resolution: Section 74-743(a)(1) to allow the distribution of open space without regard for zoning district boundaries; and Section 74-743(a)(2) to modify the rear yard regulations of Sections 23-532 (Required rear yard equivalents) and 33-283 (Required rear yard equivalents), to modify the height and setback regulations of Sections 23-632 (Front setbacks in districts where front yards are not required), 33-43 (Maximum Height of Walls and Required Setbacks), 35-62 (Maximum Height of**

**Wall in Initial Setback Distance) and 23-663 (Street wall location and height and setback regulations in certain districts), and to modify the minimum required distance between two or more buildings regulations of Section 23-711 (Standard minimum distance between buildings); to facilitate a proposed mixed-use development on property located at 592-608 Eleventh Avenue a.k.a. 507-533 West 44th Street a.k.a. 508-558 West 45th Street (Block 1073, Lot 1), within a General Large Scale Development, in R8/C2-5 and R10/C2-5 Districts, within the Special Clinton District (Excluded Area), in a general large-scale development, Borough of Manhattan.**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on January 29, 2009 its decision dated January 27, 2009 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to the following Sections of the Zoning Resolution of the City of New York:

- 1) Section 74-743(a)(1) to allow the distribution of open space without regard for zoning district boundaries; and
- 2) Section 74-743(a)(2) to modify the rear yard regulations of Sections 23-532 (Required rear yard equivalents) and 33-283 (Required rear yard equivalents), to modify the height and setback regulations of Sections 23-632 (Front setbacks in districts where front yards are not required), 33-43 (Maximum Height of Walls and Required Setbacks), 35-62 (Maximum Height of Wall in Initial Setback Distance) and 23-663 (Street wall location and height and setback regulations in certain districts), and to modify the minimum required distance between two or more buildings regulations of Section 23-711 (Standard minimum distance between buildings);

to facilitate a proposed mixed-use development on property located at 592-608 Eleventh Avenue a.k.a. 507-533 West 44th Street a.k.a. 508-558 West 45th Street (Block 1073, Lot 1), within a General Large Scale Development, in R8/C2-5 and R10/C2-5 Districts, within the Special Clinton District (Excluded Area), in a general large-scale development, (ULURP No. C 100053 ZSM), Community District 4, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to ULURP Applications Numbers N 100052 ZRM (L.U. No. 28), a Zoning Text Amendment relating to Article IX, Chapter 6 (Special Clinton District); C 100051 ZMM (L.U. No. 29), an amendment to the Zoning Map changing from M1-5 to R8/C2-5 and R10/C2-5; C 100053 ZSM (L.U. No. 44), a special permit pursuant to Section 74-681 to permit development over railroad or transit air space; and C 100055 HAM (L.U. No. 32), an urban development action area project designation, project approval and disposition of city-owned property;

**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 74-743 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 February 24, 2010;

**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 January 13, 2010 (CEQR No. 09HPD022M).

**RESOLVED:**

Having considered the FEIS, with respect to the 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 action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable;

(4) The Decision and the FEIS 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, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, February 25, 2010.

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. 32

Report of the Committee on Land Use in favor of approving Application no. C 100055 HAM, submitted by the Department of Housing Preservation and Development, an Urban Development Action Area Designation and Project, located at 592-608 Eleventh Avenue, 507-553 West 44th Street and 508-558 West 45th Street (Block 1073, p/o Lot 1) Borough of Manhattan, Council District no. 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010 (Minutes, page 255), respectfully

REPORTS:

SUBJECT

MANHATTAN - CB 4 C 100055 HAM

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

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

a) the designation of property located at 592-608 11th Avenue, 507- 553 West 44th Street and 508-558 West 45th Street (Block 1073, p/o Lot 1); as an Urban Development Action Area; and

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

2) pursuant to Section 197-c of the New York City Charter for the disposition of a portion of Lot 1, Block 1073, to a developer to be selected by HPD;

to facilitate the development of mixed-use buildings of varying heights, tentatively known as West 44th Street and 11th Avenue.

INTENT

To facilitate development consisting of residential, commercial and community facility uses.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: February 24, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

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

Res. No. 73

Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 100055 HAM, approving the designation of property located at 592-608 11th Avenue, 507- 553 West 44th Street and 508-558 West 45th Street (Block 1073, p/o Lot 1), Borough of Manhattan, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of a portion of Lot 1, Block 1073) to a developer selected by the Department of Housing Preservation and Development (L.U. No. 32; C 100055 HAM).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on January 29, 2009 its decision dated January 27, 2009 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 592-608 11th Avenue, 507- 553 West 44th Street and 508-558 West 45th Street (Block 1073, p/o Lot 1), as an Urban Development Action Area (the "Area");
b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of a portion of Lot 1, Block 1073) to a developer selected by the Department of Housing Preservation and Development to facilitate the development of mixed-use buildings of varying heights, tentatively known as West 44th Street and 11th Avenue (the "Disposition"), Community District 4, Borough of Manhattan (ULURP No. C 100055 HAM) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers N 100052 ZRM (L.U. No. 28), a Zoning Text Amendment relating to Article IX, Chapter 6 (Special Clinton District); C 100051 ZMM (L.U. No. 29), an amendment to the Zoning Map changing from M1-5 to R8/C2-5 and R10/C2-5; C 100053 ZSM (L.U. No. 44), a special permit pursuant to Section 74-681 to permit development over railroad or transit air space; and C 100054 ZSM (L.U. No. 31), a special permit pursuant to Section 74-743 to waive height and setback, distance between buildings and open space regulations;

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

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

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its recommendations regarding the Application on January 25, 2010;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on February 24, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on January 13, 2010 (CEQR No. 09HPD022M).

RESOLVED:

Having considered the FEIS, with respect to the 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 action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable;
- (4) The Decision and the FEIS 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 Section 197-d, the Council approves the decision of the City Planning Commission (C 100055 HAM).

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

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

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

The Council approves the disposition of a portion of Lot 1, Block 1073) to a developer selected by the Department of Housing Preservation and Development.

LEROY G. COMRIE, Chairperson; CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, February 25, 2010.

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. 33

**Report of the Committee on Land Use in favor of approving Application no. 20105118 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Cantaloupe LLC d/b/a Lovely Day to continue, to maintain and operate an unenclosed sidewalk café located at 196 Elizabeth Street, Borough of Manhattan, Council District no. 1.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010 (Minutes, page 255), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2**

**20105118 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Cantaloupe LLC, d/b/a Lovely Day, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 196<sup>th</sup> Elizabeth Street, Borough of Manhattan.

**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.

Report Summary

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** February 24, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the Petition.

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

Res. No. 74

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 196 Elizabeth Street, Borough of Manhattan (20105118 TCM; L.U. No. 33).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on January 14, 2010 its approval dated January 14, 2010 of the petition of Cantaloupe LLC, d/b/a Lovely Day, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 196<sup>th</sup> Elizabeth Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on February 24, 2010; and

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, February 25, 2010.

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. 34

**Report of the Committee on Land Use in favor of approving Application no. 20105167 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Ivy's Bistro LLC d/b/a Ivy's Bistro to continue, to maintain and operate an unenclosed sidewalk café located at 385 Greenwich Street, Borough of Manhattan, Council District no. 1.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010 (Minutes, page 256), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 1**

**20105167 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Ivy's Bistro LLC, d/b/a Ivy's Bistro, for a

revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 385 Greenwich Street, Borough of Manhattan.

**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.

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** February 24, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the Petition.

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

Res. No. 75

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 385 Greenwich Street, Borough of Manhattan (20105167 TCM; L.U. No. 34).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on January 14, 2010 its approval dated January 14, 2010 of the petition of Ivy's Bistro LLC, d/b/a Ivy's Bistro, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 385 Greenwich Street, Community District 1, 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 February 24, 2010; and

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, February 25, 2010.

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. 35

**Report of the Committee on Land Use in favor of approving Application no. 20105061 SCR, a proposed site for a new 844 seat Primary School Facility to be located at 1034, 1050 Targee Street (Block 3168, Lot 4, 20 and 195), Council District 50, Borough of Staten Island. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 11, 2010 (Minutes, page 256), respectfully

**REPORTS:**

**SUBJECT**

**STATEN ISLAND CB - 2  
SCR**

**20105061**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 844-Seat School Facility, to be located at 1034-1050 Targee Street between Venice Avenue and Ralph Place (Block 3168, Lots 4, 20, and 195), in the Emerson Hill/Grasmere section of Staten Island, Community School District No. 31.

**INTENT**

To approve the site selection for a new, approximately 844 seat school facility in the Emerson Hill/Grasmere section of Staten Island.

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** February 24, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the Site Plan.

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

Res. No. 76

**Resolution approving the site plan for an 844-Seat School Facility to be located at 1034-1050 Targee Street, between Venice Avenue and Ralph Place (Block 3168, Lots 4, 20, and 195), Borough of Staten Island (Non-ULURP No. 20105061 SCR; L.U. No. 35).**

By Council Members Comrie and Lander.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on February 18, 2010, a site plan dated February 18, 2010, pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 844-Seat School Facility, known as Targee Street School, to be located at 1034-1050 Targee Street, between Venice Avenue and Ralph Place (Block 3168, Lots 4, 20, and 195), in the Emerson Hill/Grasmere section of Staten Island, Community Board No. 2, Borough of Staten Island, Community School District No. 31 (the "Site Plan");

**WHEREAS**, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on February 24, 2009;

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration issued on December 18, 2009 (SEQR Project Number 10-004); and

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

**RESOLVED:**

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

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

LEROY G. COMRIE, Chairperson; CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, February 25, 2010.

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. 36

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application no. 20105081 SCM, a proposed site for a new 630 seat Primary/Intermediate School Facility to be located at 515-533 West 44th Street (Block 1073, Lot 1), Council District 3, Borough of Manhattan.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 11, 2010 (Minutes, page 257), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 4**

**20105081 SCM**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 630-Seat Primary/Intermediate School Facility (P.S. 51 Replacement), to be located at 515-533 West 44<sup>th</sup> Street (Block 1073, Lot 1 in part), Borough of Manhattan, Community School District No. 2.

WHEREAS, by submission dated February 23, 2010, the New York School Construction Authority withdrew the application.

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** February 24, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the motion to file pursuant to withdrawal of the application..

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

Res. No. 77

**Resolution approving a motion to file pursuant to withdrawal of the site plan for a 630-Seat Primary/Intermediate School Facility (P.S. 51 Replacement Facility-Manhattan) to be located at 515-533 West 44<sup>th</sup> Street (Block 1073, Lot 1 in part), Borough of Manhattan (Non-ULURP No. 20105081 SCM; L.U. No. 36).**

By Council Members Comrie and Lappin.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on February 18, 2010, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 630-Seat Primary/Intermediate School Facility, known as P.S.51 Replacement-Manhattan, to be located at 515-533 West 44<sup>th</sup> Street (Block 1073, Lot 1 in part), Borough of Manhattan, Community Board No. 4, Community School District No. 2 (the "Site Plan");

**WHEREAS**, by submission dated February 23, 2010, the New York School Construction Authority withdrew the application.

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, February 25, 2010.

Coupled to be Filed pursuant to a Letter of Withdrawal.

**Report of the Committee on Parks and Recreation**

Report for Int. No. 4-A

**Report of the Committee on Parks and Recreation 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 replacement of trees.**

The Committee on Parks and Recreation, to which the annexed amended proposed local law was referred on February 3, 2010 (Minutes, page 183), respectfully

**REPORTS:**

**INTRODUCTION**

On March 2, 2010, the Committee on Parks and Recreation, chaired by Council Member Melissa Mark-Viverito, will conduct a hearing on Int. No. 4-A, A Local Law to amend the administrative code of the city of New York, in relation to replacement of trees. This will be the second hearing on this bill. The first hearing was held February 23, 2010.

**BACKGROUND**

The New York City Department of Parks and Recreation (DPR) maintains one of the oldest and largest municipal park systems in the country. DPR maintains about 28,700 acres of parkland, including almost 4,000 facilities that encompass nearly 1,000 playgrounds, 800 athletic fields, 550 tennis courts, 63 swimming pools, 35 recreation centers and 14 miles of beaches. These facilities are visited and used by millions of individuals every year.

All trees growing in the public right-of-way, along streets and in parks, are under the jurisdiction of DPR.<sup>1</sup> DPR, in conjunction with the borough forestry offices, provides a number of basic services for the roughly half million street trees.<sup>2</sup> These include removing dead trees within 30 days of notification, pruning all trees on a ten-year cycle, responding to storms and other emergencies, and assisting with the control of invasive pests such as the Asian Longhorned beetle. DPR, along with Partnership for Parks, a group that works to increase community support for and involvement in parks throughout New York City, provides training and tools for citizens who commit to caring for young street trees.<sup>3</sup>

DPR is also responsible for planting trees in city streets and in parks and plants thousands of trees each year. Trees are planted upon request on a first-come first-served basis in areas where they are requested. However, DPR also targets areas with the greatest need for these services.

In addition, DPR's "Greenstreets" Program presents opportunities to create enhanced landscaped areas with trees planted in groupings with shrubs and flowering perennials.<sup>4</sup> Commonly found on traffic triangles and median strips these "green streets" provide a better growing environment for trees. It is beneficial to identify potential greenstreet locations in all five boroughs of the city in order to utilize all available space for greening.<sup>5</sup>

As part of Mayor Bloomberg's PlaNYC initiative, DPR, in a collaborative effort with the New York Restoration Project, launched the MillionTreesNYC program to plant and care for one million new trees throughout all five boroughs by 2017.<sup>6</sup> The New York Restoration Project is a nonprofit organization founded by Bette Midler

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

<sup>1</sup> New York City Charter Section 533(a)(4); Admin. Code Sections 18-104 and 18-105

<sup>2</sup> New York City Department of Parks and Recreation, [http://www.nycgovparks.org/sub\\_your\\_park/trees\\_greenstreets.html](http://www.nycgovparks.org/sub_your_park/trees_greenstreets.html)

<sup>3</sup> Id.

<sup>4</sup> New York City Department of Parks and Recreation, "East Harlem Community Forestry Management Plan," p. 29. [http://www.nycgovparks.org/sub\\_your\\_park/trees\\_greenstreets/east\\_harlem\\_forest\\_plan/East\\_Harlem\\_Plan.pdf](http://www.nycgovparks.org/sub_your_park/trees_greenstreets/east_harlem_forest_plan/East_Harlem_Plan.pdf)

<sup>5</sup> Id.

<sup>6</sup> Million Trees NYC, A PlaNYC Initiative With NYC Parks and New York Restoration Project. <http://www.milliontreesnyc.org/html/about/about.shtml>.

in 1995 to restore and preserve under-resourced parks, community gardens and other open spaces throughout the City.<sup>7</sup>

Since 2007, MillionTreesNYC has planted 3,639 trees on a number of New York City Housing Authority (NYCHA) campuses, 45,141 trees in parks and 21,441 trees lining the City’s streets.<sup>8</sup> This year, MillionTreesNYC is planning to plant new trees in schoolyards, cultural institutions, cemeteries and other public areas.<sup>9</sup> Additionally, MillionTreesNYC is launching the MillionTreesNYC Training Program to educate and train young adults in urban forestry and landscaping.<sup>10</sup>

Trees also provide many critical benefits to our communities. They improve water quality by filtering water and diverting storm water run-off, increase property values, filter high-frequency noises and provide habitat for wild life.<sup>11</sup> Most importantly, trees provide better air quality by reducing the presence of many air pollutants that cause serious health problems.<sup>12</sup> Ground-level ozone, particulate matter, and nitrogen and sulfur oxides, can cause asthma attacks, permanently effect respiratory development in children and increase mortality.<sup>13</sup> Trees can help reduce exposure to these pollutants by filtering the air, lowering air temperatures and reducing energy use.<sup>14</sup>

Trees also indirectly clean the air by reducing energy use. City temperatures increase by 10 degrees Fahrenheit higher than surrounding rural areas because urban areas have less vegetation, poor air circulation and more paved surfaces which absorb the sun’s energy.<sup>15</sup> By shading buildings and lowering daytime temperatures, urban trees play a critical role in reducing electricity use in the summer, and in addition, results in energy savings of about \$11 million dollars each year.<sup>16</sup>

Proposed Int. No. 4-A

Int. No. 4-A seeks to better define the number of trees and the caliper of such trees that would be required to replace trees that have been removed, destroyed or severely damaged through construction or other permitted uses. Presently, Section 18-107 of the Administrative Code only provides a replacement process for trees that are removed as a result of construction, not for any other permitted uses. In addition, there is no requirement that DPR inform a permittee in writing of the basis for DPR’s determinations regarding replacement of trees. In addition, this section provides no guidance as to the amount of trees required to be replaced, except that at a minimum the caliper of the trees replaced must be at least equal to the caliper of the trees removed.

Proposed Int. No. 4-A would maintain the minimum caliper for caliper replacement as in the current law, but it would direct the Commissioner of DPR to promulgate rules to determine the trees required to be planted as replacements. The rules would be required to “substantially comply” with guidelines set forth by the International Society of Arboriculture, a well respected entity in the arboriculture field. The permittee would be able to replace the tree(s) or pay a fee to DPR to have DPR take care of the tree replacement. The bill would apply to any removal of trees requiring a DPR permit (i.e. any trees under the jurisdiction of DPR), not just trees removed due to “construction.” Permits requested pursuant to this section would have to be responded to within 90 days of the request for the permit. This provision has been added to the amended version of the bill.

Finally, this bill would expand the reach of such tree replacement to any entity removing a tree that is under the DPR Commissioner’s jurisdiction, including all City agencies, including DPR. However, agencies would not have to pay a fee. In addition, agencies would be able to work with DPR on a tree site plan on the location of the replacement trees. The agencies would be required to replace trees pursuant to the site plan within 18 months of the completion of the project that required the removal of the tree. This part of the bill has been changed from Int. 4, which did not require a tree plan, and provided less of a time for the agency to replace the trees removed.

**(The following is from the text of the Fiscal Impact Statement for Int. No. 4-A:)**

**FISCAL IMPACT STATEMENT:**

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

<sup>7</sup> New York Restoration Project, <http://www.nyrp.org/about/>.

<sup>8</sup> MillionTreesNYC Newsletter, Welcome to MillionTreesNYC News, October 2008.

<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> New York City Department of Parks and Recreation, “East Harlem Community Forestry Management Plan,” p. 5 August 2006. [http://www.nycgovparks.org/sub\\_your\\_park/trees\\_greenstreets/east\\_harlem\\_forest\\_plan/East\\_Harlem\\_Plan.pdf](http://www.nycgovparks.org/sub_your_park/trees_greenstreets/east_harlem_forest_plan/East_Harlem_Plan.pdf)

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> Id.

<sup>16</sup> Id.

**IMPACT ON REVENUES:** There would be no impact on revenue as a result of this legislation because all permitfees retained by the Parks Department would go to the planting of replacement trees.

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

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

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

**ESTIMATE PREPARED BY:** Jonathan Rosenberg, Deputy Director  
Walter Pitts, Legislative Financial Analyst

**HISTORY:** Introduced as Int. 4 by Council and referred to the Committee on Parks and Recreation on February 3, 2010. On February 23, 2010, the Committee held a hearing on Int. 4 and it was laid over. An amendment has been proposed, and the bill will be considered by the Committee as Proposed Int. 4-A on March 2, 2010.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 4-A:)**

Int. No. 4-A

By Council Members Foster, Dickens, Gonzalez, James, Lappin, Mark-Viverito, Mealy, Palma, Nelson, Dromm, Crowley, Ferreras, Gennaro, Reyna and Vacca.

**A Local Law to amend the administrative code of the city of New York, in relation to replacement of trees.**

*Be it enacted by the Council as follows:*

Section 1. Section 18-107 of the administrative code of the city of New York is amended to read as follows:

§ 18-107 Replacement of trees [removed during construction]. *a.* Any [individual, firm or corporation] *person* that intends to remove [during construction] any tree that is within the jurisdiction of the commissioner, shall [post a bond with the commissioner to insure that within thirty days after the completion of construction all trees removed, destroyed or severely damaged shall be replaced at the expense of the permittee. The total caliper of all trees planted in the course of restoration shall in no event be less than the total caliper of all trees removed. Replacement shall be made with 2 1/2 to 6 inch caliper trees and/or directed by the department horticultural officer. The replacement shall be made in the spring or fall season, as determined by such horticultural officer. The amount of the bond as determined by the commissioner shall be sufficient to cover the cost of replacement.] *obtain a permit from the department prior to such removal.*

*b.* *The department shall charge a fee for each permit issued pursuant to this section, which shall be sufficient to cover the cost of replacing any tree proposed to be removed. In applying for a permit pursuant to this section, a person shall specify whether such person intends to plant replacement trees as directed by the department or have the department plant replacement trees. If replacement trees are to be planted by the person applying for the permit and are planted as directed by the department, then the department shall return such fee to such person upon completion of such planting. In all other cases, the department shall retain such fee for purposes of planting replacement trees.*

*c.* *Upon determining that a person may be issued a permit pursuant to this section, the department shall inform such person in writing of the fee required, the number and size of the replacement trees to be planted, the method used in making these calculations, and the period of time prescribed by subdivision d or f of this section during which replacement trees shall be planted. Such information shall be provided to such person not more than ninety days following the filing of a completed application for such permit.*

*d.* *The location of replacement tree planting and the timing of such planting shall be as determined by the department horticultural officer, provided, however, that such replacement shall be made within sixty days after the project is completed or in the next ensuing spring or fall season after the project is completed or earlier as agreed by such person and the department. To the extent practicable, replacement trees shall be planted within the same community district from which the trees that were the subject of the permit were removed.*

*e.* *The department shall promulgate such rules as may be necessary to implement the provisions of this section, including but not limited to rules governing the fee to be paid to the department and any method used to calculate the number and size of the replacement trees required to be planted, provided that such replacement trees shall, at a minimum, equal one caliper inch of replacement tree for each caliper inch of tree removed. In promulgating such rules, the department shall substantially comply with guidelines set forth by the international society of arboriculture.*

f. The provisions of this section shall apply to all city agencies, including the department, provided, however, that (i) no city agency or city contractor or subcontractor shall be required to pay a fee to the department, (ii) a tree site plan shall be developed by the department in consultation with the responsible city agency or agencies regarding the location of replacement trees prior to issuance of the permit, and (iii) replacement of trees by any city agency or city contractor or subcontractor shall be made not more than eighteen months from the date the project is completed.

§ 2. This local law shall take effect one hundred eighty days after it shall have become a law, except that the department of parks and recreation shall, prior to such effective date, take such actions as are necessary to implement the provisions of this law.

MELISSA MARK-VIVERITO, Chairperson; JAMES VACCA, ELIZABETH CROWLEY, JULISSA FERRERAS, DANIEL DROMM, JAMES G. VAN DRAMER, Committee on Parks and Recreation, March 2, 2010.

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

**Report of the Committee on Rules, Privileges and Elections**

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

Report for Res. No. 78

**Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution approving Membership Changes to Certain Standing Committees, a Subcommittee, Chair and Allowances.**

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on March 3, 2010, respectfully

**REPORTS:**

*In regard to PRECONSIDERED RESOLUTION NO. 78*

**SUBJECT:** Resolution approving Membership Changes to Certain Standing Committees.

**ANALYSIS:** Before the Committee for its consideration are proposed changes to the memberships of certain standing committees chairs and allowances. See the Resolution for each of the specific changes.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res. No. 78:)**

Res. No. 78

**Resolution approving Membership Changes to Certain Standing Committees, a Subcommittee, Chair and Allowances.**

By Council Member Rivera.

**RESOLVED**, that pursuant to Rules 7.00 and 7.20 of the Council and Sections 26(b) and 46 of the New York city charter, the Council does hereby consent to the following Membership Changes to Certain Standing Committees, a Subcommittee, Chair and Allowances:

**STANDING COMMITTEES**

**CIVIL RIGHTS**  
Rose, Chair  
 Seabrook [,Chair]

**HOUSING AND BUILDINGS**  
Comrie

Lander

**PUBLIC HOUSING**  
Arroyo  
Van Bramer

**SUBCOMMITTEES**

**LANDMARKS, PUBLIC SITING AND MARITIME USES**  
 [Koo]  
Halloran

**PLANNING, DISPOSITIONS & CONSESSIONS**  
 [Halloran]  
Koo

**SENIOR CENTERS**  
 [Rose, Chair]

**STANDING COMMITTEES**

**CIVIL RIGHTS** - [Seabrook] - Rose - \$10,000

**SUBCOMMITTEES**

**SENIOR CENTERS (AGING)** - [Rose] - \$4,000

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, INEZ E. DICKENS, JAMES VACCA, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, March 3, 2010.

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).

**Special Supplement to the Reports of the Committee on Rules, Privileges and Elections section:**

**STANDING COMMITTEES OF THE COUNCIL  
 March 3, 2010**

AGING	CIVIL RIGHTS	CIVIL SERVICE & LABOR	COMMUNITY DEVELOPMENT
LAPPIN, CHAIR Arroyo Brewer Foster Gentile Mark-Viverito Vacca Chin Koslowitz Rose Koo	ROSE, CHAIR Ferrereras Chin Seabrook Van Bramer	SANDERS, CHAIR Gennaro Mark-Viverito Nelson Recchia Seabrook Ulrich	VANN, CHAIR Foster Gentile Koppell Mark-Viverito Reyna Sanders
CONSUMER AFFAIRS	CONTRACTS	CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS	ECONOMIC DEVELOPMENT
KOSLOWITZ, CHAIR Barron Comrie Gennaro Koppell Nelson Ferrereras	MEALY, CHAIR Jackson James Mark-Viverito Nelson	VAN BREMER, CHAIR Comrie Dickens Lappin Recchia White Dromm	WHITE, CHAIR Eugene Ferrereras James Reyna Vann Lander Levin Weprin
EDUCATION	ENVIRONMENTAL	FINANCE	FIRE & CRIMINAL

	<b>PROTECTION</b>		<b>JUSTICE SERVICES</b>
JACKSON, CHAIR Barron Fidler Foster Garodnick Koppell Lappin Recchia Vacca Vann Cabrera Chin Dromm Koslowitz Levin Rose Weprin Ignizio Ulrich	GENNARO, CHAIR Crowley Koppell Vallone White Lander Levin	RECCHIA, CHAIR Brewer Comrie Fidler Foster Jackson Koppell Mealy Reyna Rivera Vann Cabrera Ferrerias Koslowitz Van Bramer Ignizio Oddo	CROWLEY, CHAIR Eugene Gentile Vallone Rodriguez Halloran
<b>GENERAL WELFARE</b>	<b>GOVERNMENTAL OPERATIONS</b>	<b>HEALTH</b>	<b>HIGHER EDUCATION</b>
PALMA, CHAIR Arroyo Brewer Foster White Lander Levin Rodriguez Van Bramer	BREWER, CHAIR Dickens Dilan Recchia Vallone	ARROYO, CHAIR Dickens Eugene Ferrerias Foster Mendez Rivera Vallone Vann Rose Van Bramer	RODRIGUEZ, CHAIR Brewer Seabrook Vacca Cabrera Rose Williams

HOUSING & BUILDINGS	IMMIGRATION	JUVENILE JUSTICE	LAND USE
DILAN, CHAIR Brewer Comrie Crowley Fidler Jackson James Lander Mark-Viverito Mendez Rivera White Williams Ulrich Oddo	DROMM, CHAIR Barron Eugene Rodriguez Williams	GONZALEZ, CHAIR Arroyo Sanders Dromm	COMRIE, CHAIR Arroyo Barron Dickens Garodnick Gonzalez Jackson Lappin Mendez Palma Reyna Rivera Sanders Seabrook Vacca Vann Lander Levin Weprin Williams Halloran Ignizio Koo

LOWER MANHATTAN REDEVELOPMENT	MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE & DISABILITY SERVICES	OVERSIGHT & INVESTIGATIONS	PARKS & RECREATION
CHIN, CHAIR Mendez Cabrera Levin Van Bramer	KOPPELL, CHAIR Brewer Cabrera Halloran	WILLIAMS, CHAIR Nelson Rose Weprin Koo	MARK-VIVERITO, CHAIR Crowley Ferrerias Gentile Vacca Dromm Van Bramer
PUBLIC HOUSING	PUBLIC SAFETY	RULES, PRIVILEGES & ELECTIONS	SANITATION & SOLID WASTE MANAGEMENT
MENDEZ, CHAIR Aroyo Dilan Mark-Viverito Chin Halloran Van Bramer	VALLONE, CHAIR Dilan Foster Garodnick Gennaro Gentile Halloran Ulrich	RIVERA, CHAIR Comrie Dickens Dilan Fidler Jackson Vacca Vann Koslowitz Oddo Quinn	JAMES, CHAIR Arroyo Gennaro Jackson Nelson
SMALL BUSINESS	STANDARDS & ETHICS	STATE & FEDERAL LEGISLATION	TECHNOLOGY
REYNA, Chair Eugene James Chin Koo	DICKENS, CHAIR Jackson Palma Rivera Koslowitz Ignizio Oddo	FOSTER, CHAIR Dilan Fidler Recchia Rivera Seabrook Crowley	GARODNICK, CHAIR Brewer James Koppell Weprin

TRANSPORTATION	VETERANS	WATERFRONTS	WOMEN'S ISSUES
VACCA, CHAIR Brewer Garodnick Koppell Lappin Mealy Nelson Rodriguez Rose Van Bramer Ignizio Koo Ulrich	EUGENE, CHAIR Sanders Fidler Gentile Cabrera Dromm	NELSON, CHAIR Brewer Vallone Lander Ulrich	FERRERAS, CHAIR Barron Crowley Chin
YOUTH SERVICES			
FIDLER, CHAIR			

Gonzalez Mark-Viverito Mealy Palma Cabrera Rodriguez Williams Koo			
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**LAND USE SUBCOMMITTEES**

LANDMARKS, PUBLIC SITING & MARITIME USES	PLANNING, DISPOSITION & CONCESSIONS	ZONING & FRANCHISES
LANDER, CHAIR Arroyo Halloran Mendez Palma Sanders Williams	LEVIN, CHAIR Barron Dickens Gonzalez Koo	WEPRIN, CHAIR Comrie Garodnick Jackson Lappin Reyna Rivera Seabrook Vacca Vann Ignizio

**SUBCOMMITTEES**

DRUG ABUSE (Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services)	SENIOR CENTERS (Aging)
CARRERA, CHAIR	VACANT, CHAIR

**SELECT COMMITTEES**

LIBRARIES
GENTILE, CHAIR

**Report of the Committee on Technology**

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

Report for Int. No. 77

**Report of the Committee on Technology in favor of approving and adopting, a Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to streamlining approvals for environmentally beneficial technologies, design and construction techniques, materials and products.**

The Committee on Technology, to which the annexed proposed local law was referred on March 3, 2010, respectfully

**REPORTS:**

**1. INTRODUCTION**

On Tuesday, March 2, the Committee on Technology, chaired by Council Member Daniel R. Garodnick will conduct a second hearing on Preconsidered Int. No. 77. This bill would create an Interagency Green Team and an Innovation Review Board. The Committee on Technology conducted its first hearing on this legislative item jointly with the Committee on Environmental Protection, chaired by Council Member James F. Gennaro, on February 25, 2010.

**2. BACKGROUND**

In July 2008, New York Mayor Michael Bloomberg and New York City Council Speaker Christine Quinn jointly asked the Urban Green Council to “convene a group of building industry experts to undertake a review of the current building codes and make recommendations on how they could be amended to promote more sustainable practices.”<sup>1</sup> On July 14, 2008 the Urban Green Council convened the NYC Green Codes Task Force.<sup>2</sup> Over the next ten months, over two hundred task force volunteers produced one hundred eleven recommendations, which were delivered to Mayor Bloomberg and Speaker Quinn in August 2009 for pre-publication review.<sup>3</sup> Cost assessments were then prepared by Bovis Lend-Lease with direction from the Mayor’s Office of Economic Development.<sup>4</sup> The final report was delivered to Mayor Bloomberg and Speaker Quinn on February 1, 2010.<sup>5</sup>

Preconsidered Int. No. 77 was based on the recommendation OC 6 (Overarching Code Issues) entitled “Streamline Approvals for Green Technologies & Projects.”

**3. PRECONSIDERED INT. NO. 77 A LOCAL LAW TO AMEND THE NEW YORK CITY CHARTER AND THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, IN RELATION TO STREAMLINING APPROVALS FOR ENVIRONMENTALLY BENEFICIAL TECHNOLOGIES, DESIGN AND CONSTRUCTION TECHNIQUES, MATERIALS AND PRODUCTS**

Preconsidered Int. No. 77 would amend section 20 of the New York City Charter by adding a new subdivision (i) that would create an Interagency Green Team. This bill would furthermore amend article 103 of chapter 1 of Title 28 of the Administrative Code of the City of New York by adding a new section 28-103.1.3 that would create an Innovation Review Board within the Department of Buildings.

Section one of this bill is a declaration of legislative findings and intent. The Council finds that, while new technologies, materials and products are being rapidly developed, there are often no rules that permit and regulate their use. Because these technologies introduce interdisciplinary issues that are hard to regulate by separate agencies, regulatory hurdles may effectively prohibit or delay projects that utilize new technologies. The City, however, could benefit from the experiences of early adopters of new technologies and should facilitate their efforts. It is, therefore, in the City’s best interests to consolidate and streamline the review of new technologies, materials and products to determine if they are safe for use in the City, and, if so, under what conditions.

Section two of this bill amends section 20 of the New York City Charter by adding a new subdivision (i), establishing an Interagency Green Team (“IGT”) within the Office of Long-Term Planning and Sustainability. Under the management of the Director of the Office of Long-Term Planning and Sustainability (“Director”), the IGT shall facilitate the use of innovative technologies, and assist innovative projects in addressing City agency regulatory requirements. The IGT shall include the Commissioner of Buildings, the Commissioner of Environmental Protection, the Commissioner of Transportation, the Commissioner of Design and Construction, the Commissioner of Health and Mental Hygiene, and the Chairperson of the City Planning Commission, or their respective designees. When the Director believes it is appropriate with respect to specific matters being considered by the IGT, the Director shall also designate members from among the Fire Commissioner, the Commissioner of Parks and Recreation, the Commissioner of Consumer Affairs, the Commissioner of Emergency Management, the Commissioner of Housing Preservation and Development, the Commissioner of Sanitation, and the Chairperson of the Landmarks Preservation Commission, or their respective designees.

Section three of this bill amends Article 103 of chapter one of Title 28 of the Administrative Code of the City of New York by adding a new Section 28-103.1.3 that creates an Innovation Review Board (“IRB”) within the Department of Buildings. The IRB shall include the Commissioner of Buildings (“Commissioner”), the Commissioner of Environmental Protection, the Commissioner of Health and Mental Hygiene, the Commissioner of Design and Construction, and the Chairperson of the City Planning Commission, or their respective designees. When the Commissioner believes it is appropriate with respect to specific matters being considered by the IRB, the Commissioner shall also designate members from among the Fire Commissioner, the Commissioner of Transportation, the Commissioner of Parks and Recreation, the Commissioner of Consumer Affairs, the Commissioner of Emergency Management, the Commissioner of Housing Preservation and Development, the Commissioner of Sanitation, the Chairperson of the Landmarks Preservation Commission and non-governmental organizations and individuals, or their respective designees. There is nothing in this legislation, however, that would preclude the Innovation Review Board from consulting with or soliciting the opinion of representatives of other governmental entities, such as the New York City Housing Authority or the School Construction Authority, where appropriate.

The Commissioner shall convene the IRB quarterly, or more often as the Commissioner may deem necessary, to review specific projects that propose to employ new technologies, construction or design techniques, materials or products (“Technology”), to review proposals for approval of new Technologies, and to initiate reviews of new technologies in order to determine their environmental and sustainability benefits. The IRB shall make recommendations as to the conditions and purposes for which a Technology may be appropriately employed in New York City. Where the IRB has approved a Technology, the Commissioner shall consider such recommendations, and may, by rule or other method, authorize the use of such Technology with such conditions and for such purposes as may be necessary.

Section four of this bill provides that this local law shall take effect one hundred twenty days after enactment, provided that the Commissioner of Buildings and the Director of the Office of Long-Term Planning and Sustainability shall take

such measures as are necessary for its implementation, including the promulgation of rules, prior to the effective date.

<sup>1</sup> NYC Green Codes Task Force, Report to Mayor Michael Bloomberg & Speaker Christine C. Quinn, Executive Summary, February 2010.

<sup>2</sup> Id. at p. 3.

<sup>3</sup> Id. at p. 4.

<sup>4</sup> Id. at p. 4.

<sup>5</sup> Id. at p. 4.

(The following is from the text of the Fiscal Impact Statement for Int. No. 77:)

**FISCAL IMPACT STATEMENT:**

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**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 personnel resources would be used under these amendments. Any additional expenditures related to the administration of this legislation would likely be offset by efficiencies realized through its implementation.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division, Mayor’s Office of Legislative Affairs

**ESTIMATE PREPARED BY:** Andy Grossman, Deputy Director  
John Russell, Legislative Financial Analyst

**HISTORY:** The Committee on Technology, along with the Committee on Environmental Protection, held a joint committee hearing on February 25, 2010 with regard to this Preconsidered Intro., which was then laid over. The Committee on Technology will consider the legislation on March 2, 2010

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 77:)

Int. No. 77

By Council Members Gennaro, Garodnick, Chin, Fidler, Gentile, James, Lander, Lappin, Mark-Viverito, Reyna, Sanders, White, Williams, Halloran, Koo and Vann.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to streamlining approvals for environmentally beneficial technologies, design and construction techniques, materials and products.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council finds that new technologies, materials and products that address environmental concerns are rapidly being developed, and many building owners and developers are eager to implement them. However, there are often no rules governing the use of new “green” technologies, design and construction techniques, materials and products. There are also interagency regulatory issues, which can effectively prohibit or delay projects that utilize new technologies. Many innovative green building projects have difficulty obtaining permits because the technologies introduce interdisciplinary issues that are hard to regulate by separate agencies. Nonetheless, the City benefits from the experimental efforts of early adopters and should facilitate their work.

The Council further finds that coordinating activities among city agencies may expedite the adoption of sustainable building practices and technologies materials and products providing the range of environmental, sustainability and health benefits associated with green building.

Therefore, the Council finds that it is in the best interests of the City to consolidate the activities of key agencies within a single interagency task force to be headed by the Director of the Mayor’s Office of Long-Term Planning and

Sustainability and to create within the Department of Buildings an Innovation Review Board to review new green technologies, design and construction techniques, materials and products and advise the Commissioner of Buildings under what conditions and for what purposes they may be safely employed in New York City.

§2. Section 20 of the New York city charter is amended by adding a new subdivision i to read as follows:

*i. Interagency green team. 1. There is hereby established within the office an interagency green team under the management of the director or the director's designee to facilitate the use of innovative technologies, design and construction techniques, materials or products that may have significant environmental and sustainability benefits and to assist innovative projects in addressing city agency regulatory requirements.*

*2. The interagency green team shall include as members the commissioners of buildings, environmental protection, transportation, design and construction, health and mental hygiene and the chairperson of the city planning commission, or their respective designees, and such other members as the director shall designate. The director shall also designate members from among the fire commissioner and the commissioners of parks and recreation, consumer affairs, emergency management, housing preservation and development, sanitation, and the chairperson of the landmarks preservation commission, or their respective designees, with respect to specific matters being considered by the interagency green team where the director determines it appropriate to do so.*

§3. Article 103 of chapter 1 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 by adding a new section 28-103.1.3 to read as follows:

§28-103.1.3 Innovation review board. *There is hereby established within the department an innovation review board which shall include as members in addition to the commissioner, the commissioners of environmental protection, health and mental hygiene and design and construction and the chairperson of the city planning commission, or their respective designees. The commissioner shall also designate members from among the fire commissioner and the commissioners of transportation, parks and recreation, consumer affairs, emergency management, housing preservation and development and sanitation and the chairperson of the landmarks preservation commission, and non-governmental organizations and individuals, or their respective designees, with respect to specific matters being considered by the board where the commissioner determines it appropriate to do so.*

§28-103.1.3.1 Meetings and recommendations. *The commissioner shall convene the innovation review board at least quarterly, or more often as the commissioner may deem necessary to address issues in a timely manner to (i) review specific projects that propose to employ new technologies, design or construction techniques, materials or products, (ii) review proposals for approval of and to initiate reviews of such of new technologies, design or construction techniques, materials or products in order to determine their environmental and sustainability benefits, (iii) make recommendations as to under what conditions and for what purposes each may be appropriately employed in New York city, and (iv) streamline approvals of specific innovative projects. If the board recommends that a technology, design or construction technique, material or product may appropriately be employed, the commissioner shall consider such recommendation and may by rule or other method as the commissioner deems appropriate, authorize the use of such technology, design or construction technique, material or product and under what conditions and for what purposes each may be appropriately employed. The commissioner shall state in writing to the interagency green team established pursuant to subdivision i of section twenty of the charter what action the commissioner shall take with respect to each such recommendation and the reasons for the action taken.*

§4. This local law shall take effect one hundred twenty days after enactment, provided, however, that the commissioner of buildings and the director of the mayor's office of long-term planning and sustainability shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

DANIEL R. GARODNICK, Chairperson; GALE A. BREWER, LETITIA JAMES, MARK S. WEPRIN, Committee on Technology, March 2, 2010.

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

#### Report of the Committee on Waterfronts

Report for Int. No. 54-A

**Report of the Committee on Waterfronts in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to increasing fines for violations of the law for illegal dumping along waterfront property into New York city waterways.**

The Committee on Waterfronts, to which the annexed amended proposed local law was referred on February 11, 2010 (Minutes, page 340), respectfully

#### REPORTS:

##### 1. INTRODUCTION

On Tuesday, March 2, 2010, the Committee on Waterfronts, chaired by Council Member Michael C. Nelson, will conduct a second hearing on Proposed Int. No. 54-A, which creates a civil fine for dumping into the New York City waterways. The Committee on Waterfronts conducted its first hearing on this legislative item on February 23, 2010.

##### 2. BACKGROUND

For much of its history, New York City's waterfront has been an industrial hub and has served as a home to marine cargo facilities, cruise ships, factories, waste transfer stations, electric generating facilities and more. During much of this period the waterways served as flowing garbage disposals for the bone boilers, ironworkers, printers, potters, and other industrial users that lined the banks of New York's waterways.

The passage of the Federal Water Pollution Control Act (the "Clean Water Act," CWA) in 1972 was a direct response to poor water quality, as well as increased and coordinated environmental advocacy efforts. The CWA provides a uniform framework to regulate all of the navigable waters of the United States and changes the way water quality is measured. Before the CWA, water quality was determined by examining water itself, but water in rivers, lakes, etc. dilutes known pollutants and did not accurately illustrate the extent of pollution in waterways. Today, water quality is measured by the toxicity of pollutants entering the waterway, known as effluent. Effluent refers to "wastewater, treated or untreated, that flows out of a treatment plant, sewer, or industrial outfall."<sup>1</sup> This critical change in the way water quality is measured has enabled local implementing agencies to apply effluent limitations to both particular polluters and pollutants. Moreover, the CWA provides states and interstate agencies with the power to adopt and enforce their own effluent standards and limitations as long as these standards are not less stringent than Federal standards.<sup>2</sup> Despite significant improvements in water quality since the implementation of the CWA, many waterways in New York City remain badly polluted from a variety of sources including oil spills, toxic leaks, raw sewage, collapsing structures on the waterfront, failing bulkheads, and illegal dumping.

"Dumping" is a broad violation that can encompass a wide range of illegal activities from abandoning vehicles into waterways to depositing construction debris in waterways. While the impact of a single instance of illegal dumping is likely to be less detrimental to water quality than is a catastrophic event like an oil spill or the persistent discharges from combined sewer overflows, the aggregate result of illegal dumping activity can be quite severe. Increased stewardship and monitoring efforts by local community groups and environmental organizations has resulted in increased knowledge of illegal dumping activities, particularly along industrial waterways in New York City. For instance, in order to address persistent illegal dumping into the Bronx River, the Bronx River Alliance has trained staff members to monitor and report instances of illegal dumping to the New York State Department of Environmental Conservation (DEC) and the New York City Department of Environmental Protection (DEP). Additionally, the environmental advocacy organization Riverkeeper has monitored and recorded illegal dumping activities on Newtown Creek and has encouraged known violators to embrace non-polluting business practices.

##### 3. CURRENT LAWS & ENFORCEMENT

###### a. Federal Rules

As noted above, the Federal Clean Water Act of 1972 is the nation's primary water pollution control law. The basic prohibition of the CWA makes the discharge of pollutants, including the dumping of materials, into the waters of the United States illegal without a permit. Penalties can be assessed against violators up to \$31,500 per violation per day. The United States Environmental Protection Agency (EPA) administers the CWA unless it has delegated the administrative authority to a state. New York is one of the states that has been delegated this authority by the EPA and has implemented the CWA through the DEC and applicable provisions of the state's Environmental Conservation Law (ECL). In addition to enforcement divisions at the federal, state, and local levels, the CWA and the federal Resource Conservation and Recovery Act<sup>3</sup> enable citizens to sue polluters in the court system.

###### b. New York State

Laws against dumping materials into New York's waterways are outlined in several sections of both the Laws of New York State and the New York City Administrative Code. Broadly defined laws also exist in the New York State Navigation Law, Vehicle and Traffic Law, and Public Health Law outlawing any kind of littering of the waterways. Specifically, Section 33 of the Navigation Law regulates the disposal of sewage and the "littering of waterways."<sup>4</sup> Section 201 of the Public Health Law empowers the New York State Department of Health to "supervise and regulate the sanitary aspects of water supplies and sewage disposal and control the pollution of waters of the state."<sup>5</sup> The most specific laws prohibiting illegal dumping into waterways are set forth in the Environmental Conservation Law. Section 17-701- of the ECL makes unlawful any illegal discharges into the waterways of New York State without a State Pollutant Discharge Elimination System (SPDES) permit. Specifically, the law makes unlawful the use of

- (1) any outlet or point source for the discharge of sewage, industrial waste or other wastes or the effluent therefrom, into the waters of this

state, or (2) Construct or operate and use a disposal system for the discharge of sewage, industrial waste, or other wastes or the effluent therefrom, into the waters of the state, or make any change in, addition to or an extension of any existing disposal system or part thereof which would materially alter the volume of, or the method or effect of treating or disposing of the sewage, industrial waste or other wastes, or (3) Increase or alter the content of the wastes discharged through an outlet or point source into the waters of the state by a change in volume or physical, chemical or biological characteristics.<sup>6</sup>

Section 17-701 defines “other wastes” as “garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dye-stuffs, acids, chemicals, ballast and all other discarded matter not sewage or industrial waste which may cause or might reasonably be expected to cause pollution of the waters of the state.”<sup>7</sup> Section 17-801 creates the State Pollutant Discharge Elimination System (SPDES) and states that “it shall be unlawful to discharge pollutants to the waters of the state from any outlet or point source without a SPDES permit” and empowers the DEC to issue SPDES permits. While Section 17-801 of the ECL concerns sewer pipe discharges into waterways, Section 17-503 of the ECL specifically prohibits dumping of materials into the waterways. This section states, “[G]arbage, cinders, ashes, oils, sludge or refuse of any kind shall not be thrown, dumped or permitted to run into the waters of the marine district.”<sup>8</sup> Section 13-103 of the ECL defines “marine district” as the “waters of the Atlantic Ocean within three nautical miles from the coastline and all other tidal waters within the state, including the Hudson River up to the Tappan Zee Bridge.”<sup>9</sup>

In New York State, the Division of Environmental Enforcement (DEE) has jurisdiction over illegal dumping activities. DEE is the enforcement arm of DEC and is responsible for enforcing all of New York’s environmental conservation laws, including those related to illegal dumping, air pollution, pesticide pollution and the regulation of solid waste disposal. Environmental Conservation Officers, called “ECOs”, are sworn police officers that also enforce the environmental conservation laws by investigating complaints and documenting felonies, misdemeanors and violations to the state and federal conservation laws.<sup>10</sup> There are approximately 300 ECOs and investigators in New York State, or about one officer for every 400 square miles of New York State.<sup>11</sup> Given the broad number of responsibilities assigned to each ECO, DEE encourages citizen participation and provides a toll free phone number to compile tips. Of the 300 total ECOs statewide, there are 17 based in New York City to oversee New York City’s five boroughs, including its 587 miles of waterfront.

#### **c. New York City Administrative Code**

New York City prohibits illegal dumping through Section 16-119 of the New York City Administrative Code. While this section broadly outlaws any form of illegal dumping it does not specifically mention the City’s waterways. Dumping into the waterways is specifically outlawed in Section 22-112 of the New York City Administrative Code, which prohibits any type of waterway dumping unless done under the supervision of the United States supervisor of the harbor, defined as the United States Coast Guard’s “Captain of the Port”. These laws, in part, are implemented through rules promulgated by the City’s Department of Health and Mental Hygiene, the Department of Sanitation, the Department of Environmental Protection, and the Department of Small Business Services.

New York City enforces illegal dumping through two City agencies, the Department of Small Business Services and the Department of Sanitation (DOS). Both DSBS and DOS have the power to issue notices of violation to dumpers. Additionally, the Department of Environmental Protection monitors water quality in the region and drinking water throughout the water supply system.

Currently DSBS employs three Dockmasters who investigate unsafe conditions on the 587 miles of waterfront including trespassing, failing bulkheads and illegal dumping. Because the Dockmasters do not have a boat, a typical day involves substantial driving to waterfront locations to investigate reports. Dockmasters conduct investigations of alleged wrongdoing and issue compliance notices. If the problem is not corrected within a given period the violator will receive a fine.<sup>12</sup> Section 22-112 of the New York City Administrative Code establishes a penalty of “not more than two hundred fifty dollars nor less than five dollars, or imprisonment for not more than six months nor less than ten days,” for this misdemeanor and permits “one-half of such fine to be paid to the person giving information which shall lead to the conviction of the offender.”

The Department of Sanitation maintains an enforcement unit that issues notices of violations to illegal dumpers. Unlike DSBS, Sanitation officers are responsible for monitoring all dumping that occurs in the City, not just on the waterfront.

The Department of Environmental Protection (DEP) is responsible for protecting New York City’s environment and its watersheds in upstate New York. Although DEP operates a skimmer vessel to remove floatable debris in the waterways and reports on harbor water quality monitoring in its annual *New York Harbor Water Quality Report*, the bulk of its environmental water-related enforcement is dedicated to protecting New York City’s watershed. New York City’s 2000 square mile watershed extends up to 125 miles from New York City and includes 300 miles of tunnels and aqueducts, 6000 miles of distribution mains, 19 reservoirs, and 21 dams. This area comprises 130,000 acres of city-owned land and serves half the population of New York State.<sup>13</sup> DEP has taken a number of steps to

protect water quality including dedicating over \$115 million to watershed security enhancement, opening new DEP police precincts in upstate New York, and creating a new DEP training academy - the first of its kind in the nation.<sup>14</sup>

#### **4. ANALYSIS OF PROPOSED INT. NO. 54-A**

Proposed Int. No. 54-A would amend Section 22-112 of Chapter 1 of Title 22 of the Administrative Code of the City of New York and amends section 16-119 of Chapter 1 of Title 16 of the Administrative Code of the City of New York.

Section 22-112 (“Navigable waters; fouling; obstructing.”) concerns the fouling and obstructing of the navigable waters of New York City. Currently, it is illegal to place refuse matters, floatable or otherwise, in navigable waters, except under the supervision of the United States supervisor of the harbor, which is the United States Coast Guard’s Captain of the Port. Violation of this section is a misdemeanor punishable by a fine of not more than two hundred fifty dollars or imprisonment not greater than six months. Proposed Int. No. 54-A would amend Section 22-112 by adding a subdivision (c) that would create a civil penalty for the violation of this section, returnable to the Environmental Control Board, of not less than one thousand five hundred dollars nor more than ten thousand dollars for the first violation, and not less than five thousand dollars nor more than twenty thousand dollars for each subsequent violation. The civil penalty created in subdivision (c), however, only applies if the violation of this section is not concurrently a violation of Section 16-199 (“Dumping prohibited.”), which carries an identical civil penalty, plus several other penalties (discussed below), in order to avoid double fines for the same dumping offense.

Proposed Int. No. 54-A would also amend Section 22-112 by adding a subdivision (d) that would permit the Commissioner of Sanitation and the Commissioner of Environmental Protection to enforce this section in addition to the Commissioner of Small Business Services. Finally, to avoid any possibility of confusion as to the intent of this section, Proposed Int. No. 54-A would exempt persons who feed fish or waterfowl in the Port of New York from the provisions of this section. Note, however, that if it is otherwise a violation of Federal, State, or local law, rule or regulation to feed fish or waterfowl in the Port of New York, or any portions thereof, those violations would still apply.

Section 16-119 currently prohibits dumping in the City from a dump truck or other vehicle. Violation of this section is a misdemeanor punishable by a fine of not less than one thousand five hundred dollars nor more than ten thousand dollars, or by imprisonment not to exceed ninety days, or both. Violations of this section could also result in a civil penalty of not less than one thousand five hundred dollars nor more than ten thousand dollars for the first violation, and not less than five thousand dollars nor more than twenty thousand dollars for each subsequent violation. In addition, the owner of the vehicle is liable for a civil penalty of not less than one thousand five hundred dollars nor more than ten thousand dollars for the first violation, and not less than five thousand dollars nor more than twenty thousand dollars for each subsequent violation. Finally, the vehicle used shall be impounded and not released until all removal fees, storage fees and fines have been paid, or a bond posted in an amount satisfactory to the Commissioner of Sanitation.

Proposed Int. No. 54-A would amend section 16-119 by making it explicit that dumping is prohibited on wharfs, piers, docks, bulkheads, slips, and navigable waterways. Proposed Int. No. 54-A would also amend section 16-119 by adding a new paragraph (4) to subdivision (d) that would permit the Commissioner of Small Business Services and the Commissioner of Environmental Protection to enforce the provisions of this section on the wharfs, piers, docks, bulkheads and slips located on waterfront property, and on navigable waterways.

Proposed Int. No. 54-A will become effective immediately upon enactment.

#### **5. CHANGES FROM INT. NO. 54-A**

Proposed Int. No. 54-A clarifies the intent of section 22-112 by exempting persons who feed fish or waterfowl in the Port of New York from the provisions of this section. It furthermore eliminates the potential for double fines, by exempting those violations that are concurrently violations of section 16-119 (“Dumping prohibited.”) from the civil penalty of section 22-112. The criminal penalty of section 22-112, however, would still apply. Proposed Int. No. 54-A also permits the Commissioner of Sanitation and the Commissioner of Environmental Protection to enforce the provisions of 22-112. Finally, it extends the jurisdiction of the Commissioner of Small Business Services and the Commissioner of Environmental Protections to enforce the provisions of 16-119 onto navigable waters.

<sup>1</sup> U.S. Environmental Protection Agency. *Glossary, Abbreviations and Acronyms*. <http://www.epa.gov/OCEPAterms/eterms.html>

<sup>2</sup> Millett, Eileen. “Water Pollution Control Laws.” June 28, 2002. SEA LE: Continuing Legal Education Program. Municipal Art Society. September 2002.

<sup>3</sup> Clean Water Act, 33 U.S.C. § 1355; Resource Conservation and Recovery Act 42 U.S.C. § 6972. Environmental Protection Agency.

<sup>4</sup> New York State Navigation Law

<sup>5</sup> New York State Public Health Law

<sup>6</sup> New York State Environmental Conservation Law § 17-701.

<sup>7</sup> Ibid.

<sup>8</sup> Laws of New York. Environmental Conservation Law. § 17-503.

<sup>9</sup> Laws of New York. Environmental Conservation Law. § 13-103.

<sup>10</sup> Environmental Conservation Officer. *New York State Department of Environmental Conservation*. <http://www.dec.ny.gov/about/746.html>

<sup>11</sup> Report an Environmental Problem. *New York State Department of Environmental Conservation*. <http://www.dec.ny.gov/regulations/393.html>

<sup>12</sup> Galarza, Carmelo. Personal Interview. October 28, 2004.

<sup>13</sup> New York City Department of Environmental Protection, “New York City 2007 Drinking water Supply and Quality Report,” <http://www.nyc.gov/html/dep/pdf/wsstate07.pdf>

<sup>14</sup> NYC Department of Environmental Protection's Water Supply Security Efforts. Testimony before the New York City Council Committees on Public Safety and Environmental Protection. September 13, 2004.

(The following is from the text of the Fiscal Impact Statement for Int. No. 54-A:)

**FISCAL IMPACT STATEMENT:**

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 10
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** There is potential for this legislation to result in fine revenue being collected, but it is premature to estimate the amount at this point.

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

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

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

**ESTIMATE PREPARED BY:** Jonathan Rosenberg, Deputy Director  
Walter Pitts, Legislative Financial Analyst

**HISTORY:** Introduced as Int. 54 by Council and referred to the Committee on Waterfronts on February 11, 2010. On February 22, 2010, the Committee held a hearing on Int. 54 and it was laid over. An amendment has been proposed, and the bill will be considered by the Committee as Proposed Int. 54-A on March 2, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 54-A:)

Int. No. 54-A

By Council Members Nelson, Fidler, Gennaro, Gentile, Gonzalez, James, Koppell, Palma, Recchia, Sanders, Williams, Lappin, Vallone Jr., Foster, Ulrich, Brewer, Lander, Dickens, Garodnick, Reyna, Vacca and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing fines for violations of the law for illegal dumping along waterfront property into New York city waterways.**

*Be it enacted by the Council as follows:*

Section 1. Section 22-112 of the administrative code of the city of New York is amended to read as follows:

§ 22-112 Navigable waters; fouling; obstructing. a. It shall be unlawful:

1. To place, discharge or deposit, by any process or in any manner, offal, piles, lumber, timber, driftwood, dirt, ashes, cinders, mud, sand, dredging, sludge, acid, or any other refuse matters floatable or otherwise in the port of New York, except under the supervision of the United States supervisor of the harbor, *provided, however, that it shall not be a violation of this section to feed fish or waterfowl in the port of New York.*

2. To discharge or cause or permit to be discharged into the port of New York, from any ship, steamer or other vessel, any oil, oil refuse, or other inflammable matter.

b. Any person violating any provision of this section shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not more than two hundred fifty dollars nor less than five dollars, or imprisonment for not more than six months nor less than ten days, one-half of such fine to be paid to the person giving information which shall lead to the conviction of the offender.

c. *Any person violating any provision of this section, which is not concurrently a violation of section 16-119 of this code, shall be liable for a civil penalty of not less than one thousand five hundred dollars nor more than ten thousand dollars for the first violation, and not less than five thousand dollars nor more than twenty thousand dollars for each subsequent violation. Such penalties may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board.*

d. *The provisions of this section may also be enforced by the commissioner of sanitation and the commissioner of environmental protection.*

§ 2. Subdivision a of section 16-119 of the administrative code of the city of New York is amended to read as follows:

§16-119 Dumping prohibited. a. It shall be unlawful for any person, his or her agent, employee or any person under his or her control to suffer or permit any dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing or other offensive matter being transported in a dump truck or other vehicle to be dumped, deposited or otherwise disposed of in or upon any street, lot, park, public place, *wharf, pier, dock, bulkhead, slip, navigable waterway* or other area whether publicly or privately owned.

§ 3. Subdivision c of section 16-119 of the administrative code of the city of New York is amended by adding a new paragraph 4 to read as follows:

(4) *The provisions of this section may also be enforced by the commissioner of small business services and the commissioner of environmental protection with respect to wharfs, piers, docks, bulkheads and slips located on waterfront property, and navigable waterways.*

§4. This local law shall take effect immediately.

MICHAEL C. NELSON, Chairperson; GALE A. BREWER, PETER F. VALLONE JR., BRADFORD S. LANDER, ERIC A. ULRICH, Committee on Waterfronts, March 2, 2010.

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

**GENERAL ORDER CALENDAR**

**Resolution approving various persons Commissioners of Deeds**

**By the Presiding Officer –**

**Resolved,** that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

*Approved New Applicant's Report*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Kimisha Bostick	1491 Grand Concourse #2B Bronx, NY 10452	14
Fernando A. Clarke	192-20D 64th Circle Queens, NY 11365	23
Alexander Schiavo	395 South End Avenue #27B New York, NY 10280	1
Jesus L. Vazquez	19 Cleveland Place #2B New York, NY 10012	1
Shermin Shakiri	303 Beverly Road #4K Brooklyn, NY 11218	39

*Approved New Applicants and Reapplicants*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Joseph Abruscato, Jr.	41 Fane Court Brooklyn, NY 11229	46
Seth Shapiro	2451 East 70th Street Brooklyn, NY 11234	46
Agnes Shapiro	2451 East 70th Street Brooklyn, NY 11234	46
Grace Adams	453 East 34th Street Brooklyn, NY 11203	45
Maureen Beaton	1111 Ocean Avenue #202 Brooklyn, NY 11230	45
Djenane Guerrier	597 East 51st Street Brooklyn, NY 11203	45

Maria J. Adorno	595 Trinity Avenue #19B Bronx, NY 10455	17
Nicole Rivera	1015 Leggett Avenue #5A Bronx, NY 10455	17
Millie T. Amo	396 3rd Street #8 Brooklyn, NY 11215	38
Sheila Branham	158-10 76th Avenue #1C Queens, NY 11366	24
Stephen L. D'Andrilli	40 First Avenue #11C New York, NY 10009	2
Gilda Schoenholtz	330 Third Avenue #7E New York, NY 10010	2
Patricia L. Emanuel	172-24 133rd Avenue #10D Queens, NY 11434	28
Ola Evans	288 Decatur Street Brooklyn, NY 11233	36
Olga M. Fargas	18-30 125th Street College Point, NY 11356	19
Joseph J. Furguele	925 Morris Park Avenue Bronx, NY 10462	13
Georgianna Galante	8616 24th Avenue #1R Brooklyn, NY 11214	47
Alfonso Morrone	2527 Cropsey Avenue Brooklyn, NY 11214	47
Danielle M. Graziano	97-43 Eckford Avenue Ozone Park, NY 11417	32
Dolores Pack	142-25 120th Avenue Queens, NY 11436	32
Marcia Greenberg	35-20 Leverich Street #C70 Jackson Heights, NY 11372	25
Louis Grell	1877 Ocean Avenue #1G Brooklyn, NY 11230	48
Susan Jacobson	1814 East 22 Street Brooklyn, NY 11229	48
Sofiya Lumelski	1580 East 18th Street #5F Brooklyn, NY 11230	48
Lauren Iaccarino	160 Crossfield Avenue Staten Island, NY 10312	51
Joan M. Migiorato	32 Galvaston Loop Staten Island, NY 10314	51
Anne M. O'Keefe	27 Scarsdale Street Staten Island, NY 10308	51
Joanne Parker	69 Redgrave Avenue Staten Island, NY 10306	51
Vanessa Raggi	24 Abingdon Avenue Staten Island, NY 10308	51
Norma Jimenez	2415 Morris Avenue #G4 Bronx, NY 10468	14
Veronica H. Julien	2150 Bedford Avenue #D2S Brooklyn, NY 11226	40
Angela Martin	115-14 221st Street Queens, NY 11411	27
Joseph Martino	64-19 Metropolitan Avenue Queens, NY 11379	30
Arnet McKinney-Crespo	85 South 9th Street #6B Brooklyn, NY 11211	33
Cynthia Muniz	330 Stanley Avenue #1B Brooklyn, NY 11207	42
Carmine C. Morello	87-40 259th Street Floral Park, NY 11001	23
Albert Pica	74 Amber Street Staten Island, NY 10306	50
Joette Pompeo	173 Winham Avenue Staten Island, NY 10306	50
Jose Sanchez	2917 Colden Avenue Bronx, NY 10469	12
Leonard Taubenblatt	150 East 69th Street New York, NY 10021	4
Evelyn Trinidad	195 Nagle Avenue #5K New York, NY 10034	10
Bernice Villagomez	431 East 139th Street	8

David Warren	Bronx, NY 10454 455 West 34th Street #3C	3
Norma Wharton	New York, NY 10001 367 Bronx Park Avenue #1F	15
LaKrinda Williams	Bronx, NY 10468 40Richman Plaza #6B Bronx, NY 10453	16

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

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

- (1) **M 24 & Res 63 -** Transfer City funds between various agencies. (MN -2)
- (2) **Int 4-A --** Replacement of trees.
- (3) **Int 54-A --** Increasing fines for violations of the law for illegal dumping along waterfront property into New York city waterways.
- (4) **Int 77 --** Streamlining approvals for environmentally beneficial technologies, design and construction techniques, materials and products.
- (5) **Res 58 --** Approving the new designation and changes in the designation of certain organizations to receive funding (Transparency Resolution, March 3, 2010).
- (6) **Res 78 --** Approving Membership Changes to Certain Standing Committees, a Subcommittee, Chair and Allowances.
- (7) **L.U. 19 & Res 67 --** App. **20105186 HAK**, UDAAP, 64 Harman Street, 1231 Putnam Avenue and 69 Cornelia Street, Council District no. 34 Brooklyn.
- (8) **L.U. 20 & Res 68 --** App. **20105213 HAM** UDAAP, 342 East 100th Street, Council District no. 8, Borough of Manhattan.
- (9) **L.U. 28 & Res 69 --** App. **N 100052 ZRM** (Special Clinton District), Borough of Manhattan.
- (10) **L.U. 29 & Res 70 --** App. **C 100051 ZMM** amendment of the Zoning Map of the City of New York, Section No 8c.
- (11) **L.U. 30 & Res 71 --** App. **C 100053 ZSM** 592-608 Eleventh Avenue a.k.a. 507-533 West 44th Street a.k.a. 508-558 West 45th Street.
- (12) **L.U. 31 & Res 72 --** App. **C 100054 ZSM** 592-608 Eleventh Avenue a.k.a. 507-533 West 44th Street a.k.a. 508-558 West 45th Street.
- (13) **L.U. 32 & Res 73 --** App. **C 100055 HAM**, 507-553 West 44th Street and 508-558 West 45th Street (Block 1073, p/o Lot 1) Manhattan, CD 3.
- (14) **L.U. 33 & Res 74 --** App. **20105118 TCM**, Cantaloupe LLC unenclosed sidewalk café located at 196 Elizabeth Street, Manhattan, CD 1.
- (15) **L.U. 34 & Res 75 --** App. **20105167 TCM**, Ivy's Bistro LLC unenclosed sidewalk café located at 385 Greenwich Street, Manhattan, CD 1.
- (16) **L.U. 35 & Res 76 --** App. **20105061 SCR**, 844 seat Primary School Facility to be located at 1034, 1050 Targee Street.
- (17) **L.U. 36 & Res 77 --** App. **20105081 SCM**, 630 seat Primary/Intermediate School Facility 515-533 West 44th Street, CD 3, Manhattan. **(Coupled to be Filed pursuant to a Letter of Withdrawal.)**
- (18) **L.U. 37 & Res 64 --** Medgar Evers Houses, Block 1629, Lot 1, Brooklyn, Council District No. 36.
- (19) **L.U. 38 & Res 65 --** Dr. Betty Shabazz Houses, Block 1634, Lot 1, Brooklyn, Council District No. 36.
- (20) **L.U. 39 & Res 66 --** Myrtle News, 101 Myrtle Avenue, Staten Island, Council District No.49.

**(21) Resolution approving various persons Commissioners of Deeds.**

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

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

**The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **M-24 & Res No. 63:**

**Affirmative** – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, White, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **48**.

**Negative** – Barron - **1**.

The following was the vote recorded for **Res No. 78:**

**Affirmative** – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Gonzalez, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, White, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **48**.

**Negative** – Barron - **1**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos.4-A, 54-A, and 77.*

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

#### RESOLUTIONS

*Presented for voice-vote*

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

Report for voice-vote Res. No. 2

**Report of the Committee on Youth Services in favor of approving a Resolution calling upon the New York State Legislature to fully fund summer youth employment programs.**

The Committee on Youth Services, to which the annexed resolution was referred on February 3, 2010 (Minutes, page 181), respectfully

#### REPORTS:

**SUBJECT:** Resolution calling upon the New York State Legislature to fully fund Summer Youth Employment Programs.

On February 12, 2010, the Committee on Youth Services, chaired by Council Member Lewis A. Fidler, will hold a hearing on Resolution No. 2. Those invited to testify include The Honorable Jeanne Mullgrav, Commissioner, the Department of Youth and Community Development (DYCD), service providers, community-based organizations (CBOs), and other advocates.

Resolution No. 2 would note that The Summer Youth Employment Program (“SYEP”) provides New Yorkers between the ages of 14 and 21 years of age with summer employment and educational opportunities. The Resolution would point out that according to the Department of Youth and Community Development (“DYCD”), SYEP “strives to emphasize real-world labor expectations, increase awareness of services offered by community-based organizations and provide opportunities for career instruction, financial literacy training, academic improvement and social growth.

The Resolution would indicate that in 2009, that SYEP included five contracts awarded to serve 600 vulnerable youth participants including runaway and homeless youth, youth in foster care, and court-involved youth and twenty-five SYEP providers were allocated slots to serve 3,812 participants with disabilities.

The Resolution would also point out that SYEP benefits not only youth participants but also local businesses that are eager to partner with DYCD and tap into an energetic and ambitious pool of young workers. The Resolution additionally would note that SYEP offers a variety of employment opportunities including clerical work, customer service, childcare, web design and community service through various organizations such as government agencies, hospitals, summer camps, non-profits, small businesses, law firms, museums, sports enterprises and retail organizations.

The Resolution would point out that in 2009, a record-high number of young people, 139,597, submitted applications to participate in SYEP, but the amount of funding available only allowed 52,255 participants to enroll. The Resolution would also point out that State funding for SYEP in 2009 amounted to \$19.5 million which enabled the city to enroll 13,000 participants.

The Resolution would indicate that summer youth employment can also help stimulate the local economy, as evidenced by the fact that DYCD found that the most common uses of earnings from the SYEP programs were food, clothing, savings, and help with household expenses.

Finally, the Resolution would note that Governor David Paterson’s proposed 2010-2011 executive budget eliminated funding for the State’s Summer Youth Employment Program.

Accordingly, this Committee recommends its adoption.

**(The following is the text of Res. No. 2:)**

Res. No. 2

**Resolution calling upon the New York State Legislature to fully fund summer youth employment programs.**

By Council Members Fidler, Cabrera, Arroyo, Barron, Brewer, Dickens, Ferreras, Foster, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Mealy, Nelson, Palma, Reyna, Sanders, Seabrook, Vann, Williams, White, Mark-Viverito, Rodriguez, Dromm, Van Bramer, Eugene, Gennaro, Jackson, Recchia, Vacca and Halloran.

**Whereas**, The Summer Youth Employment Program (“SYEP”) provides New Yorkers between the ages of 14 and 21 years of age with summer employment and educational opportunities; and

**Whereas**, According to the Department of Youth and Community Development (“DYCD”), SYEP “strives to emphasize real-world labor expectations, increase awareness of services offered by community-based organizations and provide opportunities for career instruction, financial literacy training, academic improvement and social growth;” and

**Whereas**, In 2009, the SYEP included five contracts awarded to serve 600 vulnerable youth participants including runaway and homeless youth, youth in foster care, and court-involved youth and twenty-five SYEP providers were allocated slots to serve 3,812 participants with disabilities; and

**Whereas**, SYEP benefits not only youth participants but also local businesses that are eager to partner with the Department of Youth and Community Development (DYCD) and tap into an energetic and ambitious pool of young workers; and

**Whereas**, SYEP offers a variety of employment opportunities including clerical work, customer service, childcare, web design and community service through various organizations such as government agencies, hospitals, summer camps, non-profits, small businesses, law firms, museums, sports enterprises and retail organizations; and

**Whereas**, In 2009, a record-high number of young people, 139,597, submitted applications to participate in SYEP, but the amount of funding available only allowed 52,255 participants to enroll; and

**Whereas**, State funding for SYEP in 2009 amounted to \$19.5 million which enabled the city to enroll 13,000 participants; and

**Whereas**, Summer youth employment can also help stimulate the local economy, as evidenced by the fact that DYCD found that the most common uses of earnings from the SYEP programs were food, clothing, savings, and help with household expenses; and

**Whereas**, Governor David Paterson's proposed 2010-2011 executive budget eliminated funding for the state's Summer Youth Employment Program; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to fully fund summer youth employment programs.

LEWIS A. FIDLER, Chairperson; SARA M. GONZALEZ, ANNABEL PALMA, MELISSA MARK-VIVERITO, DARLENE MEALY, YDANIS RODRIGUEZ, FERNANDO CABRERA, JUMAANE D. WILLIAMS, ERIC A. ULRICH, Committee on Youth Services, February 12, 2010.

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 **Res. No. 2** to be adopted.

Adopted unanimously by the Council by voice vote.

Report for voice-vote Res. No. 3

**Report of the Committee on Youth Services in favor of approving a Resolution calling upon the United States Congress to include \$500 million in the 2010 jobs bill for a summer youth employment program and to pass the bill as soon as possible.**

The Committee on Youth Services, to which the annexed resolution was referred on February 3, 2010 (Minutes, page 181), respectfully

#### REPORTS:

**SUBJECT:** Resolution calling upon the United States Congress to include \$500 million in the 2010 jobs bill for a summer youth employment program and to pass the bill as soon as possible.

On February 12, 2010, the Committee on Youth Services, chaired by Council Member Lewis A. Fidler, will hold a hearing on Resolution No. 3. Those invited to testify include The Honorable Jeanne Mullgrav, Commissioner, the Department of Youth and Community Development (DYCD), service providers, community-based organizations (CBOs), and other advocates.

Resolution No. 3 would note that The Summer Youth Employment Program ("SYEP") provides New Yorkers between the ages of 14 and 21 years of age with summer employment and educational opportunities. The Resolution would point out that according to the Department of Youth and Community Development ("DYCD"), SYEP "strives to emphasize real-world labor expectations, increase awareness of services offered by community-based organizations and provide opportunities for career instruction, financial literacy training, academic improvement and social growth. The Resolution would also indicate that SYEP offers a variety of employment opportunities including clerical work, customer service, childcare, web design and community service through various organizations such as government agencies, hospitals, summer camps, non-profits, small businesses, law firms, museums, sports enterprises and retail organizations.

The Resolution would point out that in 2009, a record-high number of young people, 139,597, submitted applications to participate in SYEP, but the amount of funding available only allowed 52,255 participants to enroll. The Resolution additionally would note that summer youth employment can also help stimulate the local economy, as evidenced by the fact that DYCD found that the most common uses of earnings from the SYEP programs were food, clothing, savings, and help with household expenses.

The Resolution would note that the House of Representatives recently passed The Jobs for Main Street Act of 2010 (H.R. 2847), which authorizes five hundred million dollars for summer youth employment programs and the Senate is expected to take up this legislation shortly.

Finally, the Resolution would note that the Council of the City of New York calls upon the United States Congress to include \$500 million in the 2010 jobs bill for a summer youth employment program and to pass the bill as soon as possible.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 3:)

Res. No. 3

**Resolution calling upon the United States Congress to include \$500 million in the 2010 jobs bill for a summer youth employment program and to pass the bill as soon as possible.**

By Council Members Fidler, Cabrera, Arroyo, Barron, Brewer, Dickens, Ferreras, Foster, Gentile, Gonzalez, James, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Nelson, Palma, Reyna, Sanders, Seabrook, Vallone Jr., Vann, Williams, White, Rodriguez, Dromm, Van Bramer, Eugene, Gennaro, Jackson, Recchia, Vacca and Halloran.

**Whereas**, The Summer Youth Employment Program ("SYEP") provides New Yorkers between the ages of 14 and 21 years of age with summer employment and educational opportunities; and

**Whereas**, According to the Department of Youth and Community Development ("DYCD"), SYEP "strives to emphasize real-world labor expectations, increase awareness of services offered by community-based organizations and provide opportunities for career instruction, financial literacy training, academic improvement and social growth;" and

**Whereas**, SYEP offers a variety of employment opportunities including clerical work, customer service, childcare, web design and community service through various organizations such as government agencies, hospitals, summer camps, non-profits, small businesses, law firms, museums, sports enterprises and retail organizations; and

**Whereas**, In 2009, a record-high number of young people, 139,597, submitted applications to participate in SYEP, but the amount of funding available only allowed 52,255 participants to enroll; and

**Whereas**, Summer youth employment can also help stimulate the local economy, as evidenced by the fact that DYCD found that the most common uses of earnings from the SYEP programs were food, clothing, savings, and help with household expenses; and

**Whereas**, The House of Representatives recently passed The Jobs for Main Street Act of 2010 (H.R. 2847) which authorizes five hundred million dollars for summer youth employment programs and the Senate is expected to take up this legislation shortly; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to include \$500 million in the 2010 jobs bill for a summer youth employment program and to pass the bill as soon as possible.

LEWIS A. FIDLER, Chairperson; SARA M. GONZALEZ, ANNABEL PALMA, MELISSA MARK-VIVERITO, DARLENE MEALY, YDANIS RODRIGUEZ, FERNANDO CABRERA, JUMAANE D. WILLIAMS, ERIC A. ULRICH, Committee on Youth Services, February 12, 2010.

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 **Res. No. 3** to be adopted.

Adopted unanimously by the Council by voice vote.

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

Report for voice-vote Res. No. 54

**Report of the Committee on Public Housing in favor of approving a Resolution calling upon the United States Department of Housing and Urban Development to approve the New York City Housing Authority's mixed-finance modernization plan to transfer or restructure the ownership of certain developments built by the City and State of New York in order to qualify for federal funding for those developments.**

The Committee on Public Housing, to which the annexed resolution was referred on March 3, 2010, respectfully

#### REPORTS:

#### **BACKGROUND AND INTENT:**

The Committee on Public Housing, chaired by Council Member Rosie Mendez, will conduct a hearing on a preconsidered resolution calling upon the United States Department of Housing and Urban Development to approve the New York City Housing Authority's mixed-finance modernization plan to transfer or restructure the

ownership of certain developments built by the City and State of New York in order to qualify for federal funding for those developments.

The New York City Housing Authority (NYCHA or Authority) is the largest public housing authority in North America with 334 developments containing 2,611 buildings spread throughout the City.<sup>1</sup> Nearly 404,000 authorized residents live in almost 178,556 apartments. These numbers represent 8.4% of the City's rental apartments and 4.8% of the City's population.<sup>2</sup> The majority of developments are almost evenly distributed in Manhattan (with 102), Brooklyn (with 100) and the Bronx (with 98); while Queens has 26 developments and Staten Island has 10.<sup>3</sup> However, there are twenty-one developments, which were originally built by the City or State of New York, which do not receive federal operating subsidies, but are subjected to federal law and Department of Housing and Urban Development (HUD) rules and regulations.<sup>4</sup>

As of January 30, 2010, there were about 131,000 families on the waiting list for conventional public housing as well as an additional 124,760 families on the wait list for housing through the Section 8 program.<sup>5</sup> Most families who live in NYCHA public housing pay no more than 30% of their family income for rent. The average family income for NYCHA tenants is approximately \$23,187 and the average rent is \$408 per month.<sup>6</sup> Over one-third of the heads of households are senior citizens and 42 NYCHA developments are for seniors only.<sup>7</sup> Further, NYCHA reports that "11.9% of its families are on public assistance," and "Social Security, SSI, a pension, Veteran's benefits" or a similar program "support 41.9% of the families."<sup>8</sup> Working families are said to account for "47.4% of families."<sup>9</sup> Approximately 36.8% of NYCHA residents consist of persons under the age of twenty-one, and about 29.7% are minors under the age of 18.

#### **NYCHA's Mixed Finance Plan Overview**

In December 2009, NYCHA announced that it would seek to implement a Mixed Finance Modernization Plan (MFMP). The MFMP is necessary due to NYCHA's dire financial condition which has been well documented and compounded by the lack of HUD funding for the twenty-one City and State developments.<sup>10</sup> Under the MFMP, NYCHA proposed to lease the land and sell the buildings of the twenty-one developments originally financed by the City or State of New York, to a limited-liability company (LLC).<sup>11</sup> A Housing Development Fund Corporation (HDFC) organized pursuant to Article 11 of the Private Housing Finance Law will be created.<sup>12</sup> The members of the board of the HDFC will be the Chairman of NYCHA and the members of the board of the Authority.<sup>13</sup> The HDFC will serve as a managing member or general partner of the LLC. NYCHA proposes to use the sale proceeds to make a loan for a portion of the modernization and NYCHA will pledge funds that have been appropriated to the Authority under the American Reinvestment and Recovery Act of 2009 (ARRA) as security for short-term ARRA-backed bonds.<sup>14</sup> Additionally, long-term bonds will be issued backed by the net operating income on units within the twenty-one developments that have been set aside only for residents who have a Section 8 voucher.<sup>15</sup> The proceeds of the bond sales will be used to rehabilitate the twenty-one developments by making capital improvements.

Generally, PHA's are prohibited from developing new public housing units.<sup>16</sup> However, ARRA permits PHA's to bring additional units into the federal public housing portfolio and receive full Federal funding so long as such units are developed using ARRA funding.<sup>17</sup> Since the capital work of the State and City developments will be on a large scale, non-Federal funds in addition to ARRA funds will be required to undertake and complete the level of necessary capital work. In order to accomplish this, NYCHA will be required to employ HUD's mixed-finance approach for public housing developments, but must do so within the strict obligation and expenditure deadlines imposed by ARRA, on or no later than March 17, 2010.

#### **Preconsidered Resolution**

All NYCHA developments are included in the federal public housing program except for twenty-one developments, originally financed with State or City funding, that are not included in the count determining NYCHA's operating or capital subsidies. NYCHA has an FY2010 operating deficit of \$149 million arising primarily from reduced federal assistance, the substantial increase in non-discretionary operating costs and program restrictions that constrict the Authority's ability to utilize its funding in a manner that is best suited to address the needs of the families served. The Council is concerned that the lack of funding for the twenty-one City and State developments will hamper the quality of life for all of NYCHA's residents as the Authority is forced to continue to lay off workers and cut back on the level of services residents receive. Additionally, the Council believes that without an assured stream of governmental assistance to cover the difference between the operating costs of the twenty-one developments and the rents paid by the resident families, it will be exceedingly difficult for NYCHA to maintain of these twenty-one developments as they should be maintained.

The Council believes that the goal of the MFMP, which is to place the twenty-one developments into the formula that determines the level of NYCHA's operating or capital subsidies from the federal government, is vital to ensuring the long-term viability of these developments. The Council also believes that the federal Department of Housing and Urban Development should approve the New York City Housing Authority's mixed-finance modernization plan to transfer or restructure the ownership of certain developments built by the City and State of New York in order to qualify for federal funding for those developments.

#### **Update**

On Wednesday, March 3, 2010 the Committee adopted this resolution.

Accordingly, the Committee recommends its adoption.

<sup>1</sup> See NYCHA's Fact Sheet, available at <http://www.nyc.gov/html/nycha/html/about/factsheet.shtml>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> See Federalization Background on file with the New York City Council Committee on Public Housing.

<sup>5</sup> *Id.* Additionally, Section 8 is a Federal program that allows low-income families to live in market rate housing and pay 30% of their income for rent.

<sup>6</sup> See NYCHA's Fact Sheet available at <http://www.nyc.gov/html/nycha/html/about/factsheet.shtml>

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

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> See NYCHA, Plan to Preserve Public Housing available at <http://www.nyc.gov/html/nycha/html/about/pph.shtml>; NYCHA Fiscal 2009 Executive Budget Report available at

[http://www.nyc.gov/html/nycha/downloads/pdf/FY\\_2009\\_Budget\\_and\\_Four-Year\\_Financial\\_Plan\\_FINAL.pdf](http://www.nyc.gov/html/nycha/downloads/pdf/FY_2009_Budget_and_Four-Year_Financial_Plan_FINAL.pdf)

<sup>11</sup> See NYCHA's 2010 Revised Annual Plan available at [http://www.nyc.gov/html/nycha/downloads/pdf/FY2010\\_AnnualPlan\\_Final.pdf](http://www.nyc.gov/html/nycha/downloads/pdf/FY2010_AnnualPlan_Final.pdf).

<sup>12</sup> See bill A 9487-B/S.6430-A of the New York State Legislature authorizing the sale of the twenty-one developments.

<sup>13</sup> *Id.*

<sup>14</sup> See NYCHA's 2010 Revised Annual Plan available at [http://www.nyc.gov/html/nycha/downloads/pdf/FY2010\\_AnnualPlan\\_Final.pdf](http://www.nyc.gov/html/nycha/downloads/pdf/FY2010_AnnualPlan_Final.pdf).

<sup>15</sup> See NYCHA's 2010 Revised Annual Plan available at [http://www.nyc.gov/html/nycha/downloads/pdf/FY2010\\_AnnualPlan\\_Final.pdf](http://www.nyc.gov/html/nycha/downloads/pdf/FY2010_AnnualPlan_Final.pdf). NYCHA has converted some of the units within the City and State developments to the Section 8 program.

<sup>16</sup> See 42 USC 1437g (g)(3)(B)).

<sup>17</sup> See H. R. 1—100 Title XII of Division A of the American Recovery and Reinvestment Act of 2009.

Accordingly, this Committee recommends its adoption.

**(For text of Res. No. 54, please see the Introduction and Reading of Bills section printed in these Minutes.)**

ROSIE MENDEZ, Chairperson; ERIK MARTIN-DILAN, MELISSA MARK-VIVERITO, MARGARET S. CHIN, DANIEL J. HALLORAN, Committee on Public Housing, March 3, 2010.

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 Members Barron and Rose.

Adopted by the Council by voice-vote.

#### **INTRODUCTION AND READING OF BILLS**

Res. No. 47

**Resolution adding a new rule to the Rules of the Council.**

By Council Members Barron and James.

Section 1. The Rules of the Council are amended by adding a new rule 2.71, to read as follows:

2.71 - (a) The amount of discretionary capital funding agreed upon by the Speaker and the Mayor, as part of a negotiated budget, shall be equally divided amongst each member, provided, however, that upon the creation of a formula based on need pursuant to subdivision (c) of this rule, the amount of such capital funding shall be divided amongst each member based upon the application of such formula.

(b) The amount of discretionary expense funding agreed upon by the Speaker and the Mayor, as part of a negotiated budget, shall be equally divided amongst each member, provided, however, that upon the creation of a formula based on need pursuant to subdivision (c) of this rule, the amount of such expense funding shall be divided amongst each member based upon the application of such formula.

(c) The Speaker shall create a task force for the distribution of discretionary capital and expense funding made up of at least one member from each borough chosen by the borough delegations. Such task force shall devise a formula to provide for the distribution of discretionary capital and expense funding that is based upon factors which shall include each district's share of the total population of the

city below one hundred twenty-five percent of the poverty level, and, in the case of capital funding each district's share of the total land area of the city.

§2. This resolution shall take effect immediately.

Referred to the Committee on Rules, Privileges and Elections.

Int. No. 60

By Council Members Comrie, Brewer, Fidler, Gentile, Gonzalez, James, Mealy, Nelson, Halloran and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to damages for delay clauses in public contracts.**

*Be it enacted by the Council as follows:*

Section 1. Declaration of Legislative Findings and Intent. The Council of the City of New York finds that it is often difficult to find enough quality contractors willing to bid on city construction projects, making it hard to keep the contracting process competitive. One of the main reasons for this is that there is a “no damages for delay” clause in New York City contracts. This shield allows the City to delay a private contractor for any length of time and not bear any fiscal responsibility for such delay. Proponents of the status quo argue that it results in saving taxpayers money in recovery fees and litigation expenses. However, given the City’s history of construction delays, many contractors are simply unwilling or unable to assume the risk of expense of doing business with the City. This sentiment has resulted in a decrease in the pool of responsible contractors who view City public work as a means of last resort. The inclusion of the “no damages for delay” clause, in City contracts, has been cited as resulting in an overall increase in construction costs for public projects because contractors add to their bids in order to cover for potential delays. In addition, the existence of such a clause harms small contractors who simply cannot afford the cost of indefinite delays; in particular, minority and women owned construction firms.

Currently, ten states have made such a clause void and unenforceable as against public policy. Additionally, the federal government, the New York State Office of General Services, and the New York State Department of Transportation all pay damages in certain circumstances when they are responsible for causing the delay in a public project. This policy has resulted in an increase in government accountability and has decreased the amount of delays caused by public entities - thereby decreasing the time required to complete a project. Removal of the City’s “no damages for delay” clause will likely reduce the delays caused by City agencies, increase the rate of job completion, and result in less community disruption from public construction projects.

The Council finds that this legislation will allow contractors to recover a fair and equitable sum for construction delays that are caused in whole, or in part, by a City agency’s negligence, bad faith, active interference or other tortious conduct. The possible additional costs for delay damages will be offset by savings in faster completion of public construction projects and greater competition for those contracts. This legislation also provides for penalties to be imposed against contractors who bring forward claims against a contracting agency which are determined through litigation or arbitration to be false or to have no basis in law or in fact.

§2. Title 6 of the Administrative Code of the City of New York is hereby amended by adding a new section 6-130, to read as follows:

*Section 6-130. a. For purposes of this section only, the following terms shall have the following meanings:*

(1) "Contract" means any written agreement, purchase order or instrument whereby the city is committed to expend or does expend funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing.

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

(3) "Contractor" means and includes all individuals, sole proprietorships, partnerships, joint ventures or corporations who enter into a contract with a contracting agency.

(4) "Construction" means the process of building, reconstructing, rehabilitating, converting, altering, extending, improving, repairing, maintaining or demolishing of city real property or other public improvements.

b. A contract for the procurement of construction shall include a provision which provides a procedure between the contracting agency and the contractor for the recovery of damages related to the expenses incurred by the contractor for a delay which the contracting agency is in whole, or in part, responsible for, which is unreasonable under the circumstances.

c. Subdivision (b) of this section is not intended to render void any contract provision that:

(1) Precludes a contractor from recovering that portion of delay costs caused by the acts or omissions of the contractor or its agents;

(2) Requires notice of any delay by the party responsible for such delay;

(3) Provides for reasonable liquidated damages; or

(4) Provides for arbitration or any other procedure designed to settle contract disputes.

d. A contractor making a claim against a contracting agency for costs or damages due to the alleged delaying of the contractor in the performance of its work under any construction contract shall be liable to the contracting agency for an amount equal to such unsupported part of each claim in addition to all costs to the contracting agency attributable to the cost of reviewing the total delay claim which is determined through litigation or arbitration to be false or to have no basis in law or in fact.

e. A contractor shall also be liable for a civil penalty of not less than \$2,500 for each claim upon a determination that a contractor has been found, through litigation or arbitration, to have made a false claim or a claim that had no basis in fact against the contracting agency.

f. The appropriate agency head may commence debarment proceedings pursuant to the rules of the procurement policy board upon a determination that a contractor has been found, through litigation or arbitration, to have made a false claim or a claim that had no basis in fact against the contracting agency.

§3. This local shall take effect ninety days after its adoption.

Referred to the Committee on Contracts.

Int. No. 61

By Council Members Comrie, Barron, Brewer, Chin, Dickens, Ferreras, Gonzalez, James, Lander, Lappin, Mark-Viverito, Mealy, Recchia, Vann, Williams, Koo, Rodriguez, Reyna, Van Bramer, White, Ulrich, Mendez and Eugene.

**A Local Law to amend the administrative code of the city of New York, in relation to firefighter applicants who have completed high school in the city.**

*Be it enacted by the Council as follows:*

Section 1. Title 15 of the administrative code of the city of New York is amended by adding a new section 15-111.2 to read as follows:

§15-111.2 Firefighter, high school credit. In addition to any other relevant employment qualifications established pursuant to any law, rule, or regulation, any candidate for firefighter who possesses a high school diploma or a General Educational Development or GED credential from a school or testing center located within the city of New York, whether such school or testing center is public or private, shall be eligible for additional credits that equate to eight percent of the total possible points of the open competitive firefighter examination, following the successful completion of such examination; provided, however, that any candidate who possesses a GED credential must have attended high school, whether public or private, at some point within the city of New York prior to obtaining such GED credential in order to be eligible for such additional credits. Such credits shall be in addition to any other credits or preferences for which a candidate may already be eligible.

§2. If any section, subsection, sentence, clause, phrase, or other portion of this local law is for any reason declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§3. This local law shall take effect immediately.

Referred to the Committee on Civil Service and Labor.

Int. No. 62

By Council Members Comrie, Fidler, James, Koo and Oddo.

**A Local Law to amend the administrative code of the city of New York, in relation to the repair of leaks occurring in certain portions of service pipes by the Department of Environmental Protection.**

*Be it enacted by the Council as follows:*

Section 1. Section 24-316 of the administrative code of the city of New York is amended to read as follows:

§24-316 Leaking tap or service pipe to be repaired. a. As used in this section:

1. "tap" means a connection made between a city-owned pipe or main supplying water and a service pipe.

2. "service pipe" means a pipe used to carry water from a tap to a house control valve, a building or other enclosure or a point at which the water supply is fully metered.

b. i. When a test made by the department [of environmental protection] indicates that there is a leak at a tap or in a service pipe and such leak is located in the portion of the service pipe that extends from the property line to the city-owned water main pipe, if conditions permit, a notice shall be served by a representative of such department upon the owner or occupant of the premises being supplied by such tap or service pipe. The notice shall [direct that all necessary repairs be made to stop the leak] indicate that all necessary repairs shall be made by the department or its designee as provided in subdivision d of this section.

ii. If such leak is located in the portion of the pipe that extends from the dwelling to the property line the notice shall direct that all necessary repairs be made by the property owner to stop the leak.

c. i. In the event that a tap is shut off by the department because of a leak in the portion of the service pipe that extends from the property line to the city-owned water main pipe, the owner or occupant of the affected premises shall be notified that the tap has been closed and that the department will engage a licensed plumber within three days [should be engaged] to make the necessary repair and take charge of the street excavation. If the department [the owner or occupant] fails within three days after notice, [excepting emergencies as determined by the commissioner] to engage a licensed plumber, the tap shall remain closed and the [department of environmental protection shall backfill the excavation] owner or occupant may engage a licensed plumber to make the necessary repairs. If such repairs are paid for by the owner or occupant, such owner or occupant shall be entitled to reimbursement from the department for the cost of such necessary repairs upon submission of a paid invoice to the department. Reimbursement to the owner/occupant shall be made within forty five days of receipt by the department of a paid invoice. If such reimbursement is not paid within this forty five day period, interest will begin accruing upon such amount due at the rate of interest as established jointly by the comptroller and office of management and budget, and published in the City Record, for the prompt payment of vendor invoices.

ii. In the event that a tap is shut off by the department because of a leak in the portion of the service pipe that extends from the dwelling to the property line, the owner or occupant of the affected premises shall be notified that the tap has been closed and that a licensed plumber should be engaged to make the necessary repair and take charge of the street excavation. If the owner or occupant fails within three days after notice, excepting emergencies as determined by the commissioner, to engage a licensed plumber, the tap shall remain closed and the department of environmental protection shall backfill the excavation.

d. If the department lacks a sufficient number of licensed plumbers in-house, the department shall within six months of enactment of this local law, establish a list of pre-qualified licensed plumbers to be utilized on a rotating basis to perform the repairs on leaks occurring in the portion of the service pipe that extends from the property line to the city-owned water main pipe.

§2. Section 24-317 of the administrative code of the city of New York is amended to read as follows:

b. All expenses incurred by or on behalf of the department for services performed pursuant to paragraph ii of subdivision c of section 24-316 of this [code] chapter shall constitute a lien upon the land and buildings upon or in respect to which, or either of which, the work required by such order has been done, or expenses incurred, when the amount thereof shall have been definitely computed as a statement of account by the department and such department shall cause to be filed in the office of the city collector an entry of the account stated in the book in which such charges against the premises are to be entered. Such lien shall have a priority over all other liens and encumbrances except for the lien of taxes and assessments. However, no lien created pursuant to this section shall be enforced against a subsequent purchaser in good faith or mortgagee in good faith unless the requirements of subdivision a of this section are satisfied; this limitation shall only apply to transactions occurring after the date such record shall have been entered pursuant to subdivision a and the date such entry was made.

§3. This law shall take effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 63

By Council Members Crowley, Gonzalez, James, Koppell, Koslowitz, Cabrera, Williams, Oddo, Nelson and Oddo.

**A Local Law to amend the administrative code of the city of New York, in relation to notices of violation issued by the department of sanitation for illegal postings.**

Be it enacted by the Council as follows:

Section 1. Chapter one of title 10 of the administrative code of the city of New York is amended by renumbering section 10-121.1 as section 10-121.2 and adding a new section 10-121.1 to read as follows:

§10-121.1. *Fine mitigation for first-time offenders of the posting law.* a. For purposes of this section, the following terms shall have the following meanings:

1. "Date of violation" shall mean the date on which an agent authorized to enforce section 10-119 of this chapter writes, or otherwise generates, a notice of violation of such section;

2. "Affiliated previous violator" shall mean a person, or an owner or principal of a business or other entity, which has a direct beneficial interest in one or more other businesses that have previously received a notice of violation of section 10-119 of this chapter prior to the initial date of violation;

3. "Purposeful evader" shall mean any person or entity who, as determined during a hearing before the environmental control board or court of competent jurisdiction, employs methods to avoid the service of notices of violation of section 10-119 of this chapter including, but not limited to, (i) providing the telephone

number of a prepaid cellular telephone on the subject posting; (ii) employing call forwarding or other call transfer mechanism to disguise a person's or entity's actual telephone number; (iii) refusing the delivery of a notice of violation when sent by certified mail, or refusing to take receipt of a notice of violation mailed to a post office box; (iv) listing the names of other individuals or entities on the subject posting who are not, in fact, responsible for such posting; (v) failing to provide any information on the subject posting that is sufficient to identify the person or entity responsible for any such posting; and (vi) engaging in any other conduct which the department, the environmental control board or a court of competent jurisdiction determines to be a purposeful evasion of service of a notice of violation of section 10-119 of this chapter;

4. "First-time offender" shall mean any person or entity who, as determined during a hearing before the environmental control board or court of competent jurisdiction (i) has not previously received a notice of violation of section 10-119 of this chapter; (ii) is not a purposeful evader; (iii) is not an affiliated previous violator; and (iv) is not operating on behalf of a person or entity that has previously received a notice of violation of section 10-119 of this chapter.

b. A first-time offender shall be liable for twenty-five percent of the value of all notices of violation of section 10-119 of this chapter issued to such person or entity on the initial date of violation.

c. Any such first-time offender shall not be liable for a notice of violation of section 10-119 of this chapter issued on a day subsequent to the initial date of violation until: (1) where service of the initial notice of violation is effectuated by certified mail, three days after the day that such notice of violation is served, unless the notice of violation is returned to the sender by the United States postal service for any reason other than refusal of delivery; or (2) where service of the initial notice of violation is effectuated by personal delivery or the affixing of such notice to an appropriate premises consistent with the terms of paragraph two of subdivision d of section 1049-a of the charter, the day immediately following the day that such notice of violation is delivered or affixed to the appropriate premises.

§2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 48

**Resolution calling upon the New York State Public Service Commission to include language in utility tariffs to prohibit the placement of utility meters in front of residential buildings throughout New York City.**

By Council Members Crowley, Dromm, James, Koppell, Halloran, Koslowitz, Rivera, Vacca and Nelson.

**Whereas**, The New York State Public Service Commission has exclusive regulatory authority over gas and electric utility companies in New York; and

**Whereas**, Utility companies must file tariffs with the New York State Public Service Commission stating the rates to be charged to the utility's customers and detailing access and placement of the utility companies metering devices in and upon residential property; and

**Whereas**, Many residents of the City and community organizations have serious concerns that their residential neighborhoods are being aesthetically degraded by the unsightly placement of utility meters in front of residential buildings; and

**Whereas**, Barring the unsightly placement of such utility meters in front of residential buildings would be a benefit to the aesthetics of residential neighborhoods throughout New York City; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Public Service Commission to include language in utility tariffs to prohibit the placement of utility meters in front of residential buildings throughout New York City.

Referred to the Committee on Housing and Buildings.

Int. No. 64

By Council Members Dilan, Gonzalez 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 electrical code.**

Be it enacted by the Council as follows:

Section 1. Section 27-3004 of the administrative code of the city of New York is amended by adding new definitions in alphabetical order to read as follows:

*CITY AGENCY: A city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid, in whole or in part, from the city treasury.*

*DIRECT EMPLOY: Direct employment shall be evidenced by payroll records, such as social security payments, income tax withholding or the disbursement of other funds as required by law for the benefit of such employee, timekeeping records, such as time cards and sign-in sheets, work orders, and assignment or route logs.*

*DIRECT SUPERVISION: Control exercised by a licensed individual, either personally or through one or more demonstrated levels of competent supervision over individuals (i) in the direct employ of a master electrician business or (ii) in the direct employ of an individual, partnership, corporation or city agency employing a special electrician. Direct supervision includes field inspection, supervision of job sites, and the maintenance of records of such supervision and such other requirements as the commissioner may prescribe by rule.*

§2. Paragraph two of subdivision a of section 27-3008 of the administrative code of the city of New York, as amended by local law number 64 for the year 2001, is amended to read as follows:

2. Installations, including associated lighting, under the exclusive control and use of electric utilities for the purpose of communications, metering, generation, control transformation, transmission or distribution of electric energy. Such installations shall be located in buildings used exclusively by utilities for such purpose, *in buildings in enclosures containing only metering equipment*, outdoors on property owned or leased by the utility, on public highways, streets or roads or outdoors on private property by established rights such as easements, or

§3. Section 27-3010 of the administrative code of the city of New York, subdivisions a and c as amended by local law number 81 for the year 2003, subdivision b as added by local law number 64 of 2001, and subdivision d as amended by local law number 49 for the year 2006, is amended to read as follows:

§27-3010 Qualification[s] and Examination of applicants for master electrician's and special electrician's licenses. a. *Qualification of Applicant.* An applicant for a license as a master electrician or special electrician must be over the age of twenty-one years, of good moral character and, at the time of applying for examination, shall have had, during the ten (10) years immediately preceding his or her application, at least seven and one-half (7½) years or the equivalent as indicated below and during such time a minimum of ten thousand five hundred (10,500) hours or the equivalent as indicated below of satisfactory experience in the installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings or comparable facilities. Except as otherwise provided below, such satisfactory experience must have been obtained while under the direct supervision of a licensed master electrician or special electrician or, with respect to experience outside the city, under the direct supervision of an individual with comparable qualifications as determined by the commissioner, and while in the employ of (i) a master electrician business as defined herein, or (ii) an individual, a partnership or a corporation owning, leasing or managing a building, buildings or parts thereof and employing a special electrician to perform electrical work in or on specific buildings, lots or parts thereof owned, leased or managed by such individual, corporation or partnership, or (iii) an individual, a partnership or a corporation deemed acceptable by the commissioner. No more than twenty-five percent (25%) of such satisfactory experience shall have been gained while working outside the United States unless the commissioner determines that the licensing system and electrical code of the foreign jurisdiction is essentially similar to licensing systems and electrical codes in the United States. The following shall be deemed to fulfill the satisfactory experience requirement:

1. A journeyman electrician who has worked at least seven and one-half (7½) years and during such time a minimum of ten thousand five hundred (10,500) hours of such experience must have been obtained by working with his or her tools on the installation, alteration and repair of wiring and appliances for light, heat and power in or on buildings or comparable facilities, or

2. A graduate of a college or university who holds a degree in electrical engineering, either a master of science (M.S.) or bachelor of science (B.S.) and has in addition worked at least (i) with respect to an applicant with an M.S. degree, two and one-half (2½) years and during such time a minimum of thirty-five hundred (3500) hours of such experience or, (ii) with respect to an applicant with a B.S. degree, three and one-half (3½) years and during such time a minimum of forty-nine hundred (4900) hours of such experience must have been obtained by working with his or her tools on the installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings or comparable facilities, or

3. A graduate of a vocational, industrial, trade school, or apprenticeship program[,] registered with the New York state department of labor, specializing in electrical wiring, installation and design or applied electricity, who has worked at least five and one-half (5½) years and during such time a minimum of seventy-seven hundred (7700) hours of such experience must have been obtained by working with his or her tools on the installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings or comparable facilities, or

4. Any person who attended courses in a college or university leading to a degree in electrical engineering, mechanical engineering, bachelor of science in electrical engineering or mechanical engineering, who passed all subjects in the required courses shall be credited with satisfactory experience equal to fifty per cent (50%) of the number of curricula years he or she has satisfactorily completed which, in no event, however, shall exceed two and one-half (2½) years credit of satisfactory experience, the balance of the required seven and one-half (7½) years, i.e., five (5) years and during such time a minimum of seven thousand (7000) hours of such

experience must have been obtained by working with his or her tools on the installation, alteration and repair of wiring and apparatus for light, heat and power in or on buildings or comparable facilities, or

5. Any person who attended courses in a vocational, industrial or trade school, registered with the New York state department of labor, specializing in electrical wiring, installation and design or applied electricity who has passed all subjects in the required courses shall be credited with fifty per cent (50%) of the number of curricula years that he or she has satisfactorily completed which, however, in no event, shall exceed two (2) years credit of such experience, the balance of the required seven and one-half (7½) years, i.e., five and one-half (5½) years of such experience and during such time a minimum of [seven thousand]seventy-seven hundred ([7000]7700) hours must have been obtained by working with his or her tools on the installation and repair of wiring for electric light, heat and power in or on buildings or comparable facilities, or

6. An employee of a government agency, private inspection agency or other entity, acceptable to the commissioner, whose duties primarily involve the inspection of electrical work for compliance with the electrical code and the electrical code technical standards and/or other laws relating to the installation, alteration or repair of electrical wiring or appliances shall be credited with fifty percent (50%) of the number of years that he or she has been satisfactorily employed in such duties within the ten (10) year period prior to application, which, however, in no event, shall exceed two and one-half (2 ½) years credit of satisfactory experience. The balance of the required seven and one-half (7 ½) years, i.e., five (5) years and during such time a minimum of seven thousand (7000) hours of such experience must have been obtained by working with his or her tools on the installation, alteration and repair of wiring and appliances for electric light, heat and power in or on buildings or comparable facilities except that the requirement of subdivision a of this section that an applicant's working experience must have been within the ten (10) year period prior to application shall not apply to such balance of five (5) years working experience required pursuant to this paragraph.

b. *Examination of Applicant.*

1. Every application for a master electrician's or special electrician's license shall be made in writing in such form and shall furnish such information as the commissioner may, from time to time, prescribe, and set forth in the rules of the department. *It is a condition of the license that information in the application be kept correct and current. Any change in required information that occurs prior to the issuance of the license shall be reported to the department within fourteen days of the change.*

[c]2. Every applicant shall be required to take an examination in accordance with the rules of the department. However, where the application is on behalf of a city agency, the commissioner may waive the examination requirement if the applicant has sufficient experience qualifications *of a type and duration comparable to subdivision a of this section* as determined by the commissioner.

[d]3. Every applicant shall submit to such investigation by the license board as may be proper to determine the applicant's character and fitness. Every applicant shall commence the application process with the department within one year of passing the examination for licensure and shall furnish to the department a completed application within one year of submission of the first filing. Failure to provide all requested documents in a timely manner will constitute an incomplete application and may result in denial of the license.

4. *Every applicant shall be required to submit such documentation as is required to establish a place of business within ninety days after the license board's recommendation that the applicant has the required character and fitness for licensure. Failure to provide all requested documents in a timely manner will constitute an incomplete application and may result in the denial of the license.*

§4. The heading of section 27-3013 and subdivision a of section 27-3013 of the administrative code of the city of New York, subdivision a as amended by local law number 49 for the year 2006, are amended to read as follows:

§27-3013 Business establishments[,] and master electricians[ and special electricians]. a. [Master electrician]Place of Business, generally.

1. Every master electrician business shall at all times have a place of business at a specified address in the city at which the licensee may be contacted by the public and the department by mail, telephone or other modes of communication, located in a business zone in conformity with the zoning regulations and kept open during the usual business hours unless other means acceptable to the commissioner is provided.

2. At such place of business, there shall at all times be prominently displayed a permanent sign of a minimum size of one hundred fifty square inches, stating the name of such license holder, the license number of such licensee, and the words "licensed electrician" or "licensed electrical contractor" on a plate glass window and the name of the master electrician business if different than the name of the license holder; or an outside sign of permanent construction fastened and readily visible to pedestrians; or if such place of business be an office, commercial or industrial building, the names shall be indicated on the entrance door of the particular portion of the premises or on a bulletin board on the main floor.

3. *All business vehicles, advertising, websites and stationery used in connection with electrical work required to be performed under a license issued to a master electrician shall display prominently the words "N.Y.C. Licensed Electrician", the license number of the responsible representative of such business and of all other master electricians associated with such business, the authorization number of the master electrician business and the business address. If the business is conducted under a trade name, or is a partnership or corporation, the trade name, partnership, or corporate name shall contain the root word "electric" and be displayed prominently.*

[1]4. The applicant for approval of a master electrician business under a license issued to a master electrician shall have filed with the commissioner, in such form as the commissioner may direct, proof that such applicant carries all insurance required by law including, but not limited to, workers' compensation, disability and one million dollars of general liability insurance listing the department as certificate holder, and that the applicant business is financially responsible. Each policy of insurance shall contain a provision of continuing liability notwithstanding any recovery under such policy.

5. The applicant shall indicate the name and license number of the master electrician who shall serve as the responsible representative of such business, and, if the business is a partnership or corporation, the names of all other master electricians associated with such business. Upon approval of such application the commissioner shall issue an authorization number to the business. The authorization number shall be included on all applications for permits and any other documents required to be filed with the department.

[2]6. The office or other place where the master electrician business is to be conducted may be shared by one or more master electrician businesses. However, each business whether in the form of a sole proprietorship, partnership or corporation, shall distinguish its identity from any other business sharing the same office space. Such distinctions shall be maintained in a manner satisfactory to the department.

*b. Business Conduct*

[3]1. A master electrician business shall be principally engaged in the business of performing electrical work in or on buildings, premises or lots in the city.

[4]2. In the case of a partnership or corporation, a master electrician's license may be separately held by more than one partner or officer as a representative of such partnership or corporation; however, only one master electrician shall be the responsible representative of such corporation or partnership. Under no circumstances shall any one licensee represent more than one business at any one time.

[5]3. A master electrician representing a master electrician business shall, during the hours the business is engaged in the performance of electrical work, devote his or her full time to the operation of such business.

[6]4. [The holder of a master electrician's license shall be issued a seal, of a design or form authorized by the commissioner, bearing the holder's full name, license number, and the legend "licensed master electrician."] Applications for permits and any other document that the commissioner may require to be filed with the department, shall bear the stamp of the *master electrician's* seal as well as the signature of the responsible representative of the master electrician business or, if the business is a partnership or corporation, such document may bear the stamp of the seal and the signature of a master electrician who files on behalf of such business acting pursuant to a written delegation, filed with the department, from the responsible representative of such business. For applications and other documents submitted electronically, the digital signature and imprint of the seal may be submitted in a manner authorized by the commissioner.

(i) The responsible representative of a business may not delegate such authority to a master electrician who is not an officer of such corporation or a partner of such partnership. Such person shall personally sign applications for permits. The responsible representative of a business shall have the authority to make final determinations and shall have full responsibility for the manner in which the work is done, except that where work is done under a permit issued pursuant to an application bearing the signature and seal of a master electrician acting pursuant to a written delegation from the responsible representative of such business, both the responsible representative of such business and the master electrician who signed and affixed his or her seal to the application for such permit shall be jointly and severally responsible for the manner in which the work is done.

[7].c. *Changes to Business.*

1. The holder of a master electrician's license shall report in writing to the license board any change in the place of business within 30 days of the change. If such change occurs prior to issuance of the license, an applicant shall report the change to the license board within fourteen days of the change.

[8]2. The approval of a master electrician business is valid only as long as the responsible representative identified on the application for approval of the master electrician business actively participates in the actual operation of the business. In the event a responsible representative leaves a master electrician business, both the representative and the business must notify the license board within thirty days of the change.

(i) A corporation or partnership must notify the license board of the death of a responsible representative within thirty days after such death. Failure to do so shall be deemed sufficient cause for suspending or revoking the approval to do business of the master electrician business or the license of the master electrician. The decedent licensee's legal representative may, with the commissioner's consent, retain the licensee's license and seal for the purpose of completing all unfinished work of such licensee for which plans have been approved and permits issued, provided that such work is performed by or under the direct supervision of a licensed electrician.

(ii) Except as otherwise provided by rule, a master electrician business whether in the form of a corporation, a partnership or a sole proprietorship, may continue to engage in the business of performing electrical work only so long as the responsible representative of such business identified on the application for approval of the master electrician business remains an officer of such corporation, a partner of such partnership or the proprietor of such sole proprietorship unless the department approves a change in the responsible representative as provided in this section. The

commissioner may promulgate rules providing for the continuation of a master electrician business pending the approval of a new responsible representative.

(iii) Except as otherwise provided in such rules, the revocation, suspension, [voluntary surrender] *license deactivation* or non-renewal of the master electrician's license of the responsible representative of a master electrician business automatically revokes its approval to do business and cancels any delegation of authority given by such responsible representative to another master electrician associated with such business pending the approval by the department of a new responsible representative.

[9]3. Except as otherwise provided by rule, a master electrician business shall not change its name, form or designate a new responsible representative without the prior approval of the license board. Approval of an application for a change is conditional upon the following: [F]filing the necessary forms, payment of the prescribed fee and full payment of all fees incurred with respect to such business prior to the date of the change. Except as otherwise provided by rule, a [master electrician may] *requested change* shall not be approved [as the responsible representative of a master electrician business] if there are any outstanding fees *related to the licensee's or master electrician business's professional dealings* due and owing to the department *or any other city agency*, or outstanding violation notices attributable to [him or her as responsible representative of another] *the licensee or the master electrician business*.

[10]4. A master electrician's license and a special electrician's license and seal shall not be held by any person at the same time.

[11]5. The holder of a master electrician's license, upon entering employment as a special electrician, shall [surrender] *deactivate* his or her master electrician's license and seal and change over to a special electrician's license and seal to cover the building, buildings, or parts thereof, for which he or she will be employed.

[12. All business vehicles, advertising, websites and stationery used in connection with electrical work required to be performed under a license issued to a master electrician shall display prominently in a manner provided by rule the words "N.Y.C. Licensed Electrician", the license number of the responsible representative of such business and of all other master electricians associated with such business, the authorization number of the master electrician business and the business address. If the business is conducted under a trade name, or is a partnership or corporation, the trade name, partnership, or corporate name shall be displayed prominently in a manner provided by rule.]

[13]6. Nothing in this chapter shall be construed to prevent two or more master electrician businesses from entering into a joint venture of limited duration for a particular project in accordance with the rules of the department. An application for a permit involving a joint venture shall so indicate on the application and shall identify all of the master electrician businesses that are parties to such joint venture by name and authorization number and the names and license numbers of the responsible representatives of such businesses. The application shall be signed by the responsible representative of one of the parties to the joint venture on behalf of all such parties and all of such parties shall be jointly and severally liable for any fees due with respect to electrical work performed by such joint venture and for violations of this chapter and the rules of the department arising out of such work.

§5. Subdivision b of Section 27-3013 of the administrative code of the city of New York, as amended by local law number 49 for the year 2006 is renumbered Section 27-3013.1 and amended to read as follows:

[b. Special electrician's license.]§27-3013.1 *Business establishments and special electricians.* a. *Place of Business, generally.*

1. A special electrician shall at all times have a place of business at a specified address in the city at which the licensee may be contacted by the department by mail, telephone or other modes of communication. His or her license shall plainly indicate the address or addresses of the building, buildings or parts thereof for which such license is issued.

2. The commissioner may issue more than one special license for a building or buildings if, in the commissioner's judgment, he or she deems it necessary for the proper operation and maintenance of the electric wiring and equipment of the building or buildings involved.

b. *Insurance.* *The applicant for approval as a special electrician shall have filed with the commissioner, in such form as the commissioner may direct, proof that such applicant's employer carries all insurance required by law including, but not limited to, workers' compensation, disability and one million dollars of general liability insurance listing the department as certificate holder. Each policy of insurance shall contain a provision of continuing liability notwithstanding any recovery under such policy.*

c. *Conduct.* 1. *A special electrician shall be principally engaged in the business of performing electrical work in or on buildings, premises or lots so authorized under the license.*

[3]2. The holder of a special electrician's license shall report in writing any change in employment to the license board within thirty days of the change. If such change occurs prior to issuance of the license, an applicant shall report the change to the license board within fourteen days of the change.

[4]3. [The holder of a special electrician's license shall be issued a seal, of a design and form authorized by the commissioner, bearing the holder's full name, license number, and the legend "licensed special electrician."] Applications for permits and any other document that the commissioner may require to be filed with the department, shall bear the stamp of the *special electrician's* seal as well as the signature of a person holding such license. Such person shall personally sign applications for permits and shall have the authority to make final determinations and full responsibility for the manner in which the work is done. For applications

and other documents submitted electronically, the digital signature and imprint of the seal may be submitted in a manner authorized by the commissioner.

§6. Section 27-3014 of the administrative code of the city of New York, as amended by local law number 49 for the year 2006, is amended to read as follows:

§27-3014 Master electrician's and special electrician's licenses and fees. a. Before any master electrician's or special electrician's license will be issued or renewed, the applicant shall pay a license or renewal fee as prescribed by the department's rules. The commissioner may exempt any agency, as defined in chapter fifty-two of the charter, from paying the aforementioned fees for licensed special electricians who are employees of such agencies.

b. *Seal. The holder of a master electrician's license shall be issued a seal, of a design or form authorized by the commissioner, bearing the holder's full name, license number, and the legend "licensed master electrician." The holder of a special electrician's license shall be issued a seal, of a design and form authorized by the commissioner, bearing the holder's full name, license number, and the legend "licensed special electrician."*

[b]c. No license shall be transferable. The seal is the property of the department and is not transferable by the licensee.

d. *The loss or theft of a license or seal must be reported to the department within five calendar days. Before any license or seal will be reissued, the applicant shall pay a reissuance fee as prescribed by the department's rules.*

[c]e. An application for a change of license from master electrician to special electrician shall involve the issuance of a new license and seal with or without examinations as the commissioner may direct.

[d]f. An application for a change of license from special to master electrician shall be granted only upon compliance by the special electrician with all applicable provisions of this chapter and the rules of the department.

[e]g. Each license and seal shall be issued for one year and the full fee shall be payable irrespective of the date of issue.

[f]h. Not more than one license and/or seal shall be issued to an individual and no individual shall make or cause to be made a duplicate of such license or seal.

§7. Subdivision a of section 27-3015 of the administrative code of the city of New York, as amended by local law number 49 for the year 2006, is amended to read as follows:

a. Any license and seal issued hereunder shall expire one year from the year of issuance on the licensee's date of birth for that year irrespective of the date of issue. Such license may be renewed every year thereafter without examination, provided application for such renewal, accompanied by the renewal fees prescribed above and such information as may be required by the commissioner to ensure compliance with section 27-3016 of this chapter and evidence of insurance coverage in compliance with section 27-3013 of this chapter, shall have been filed prior to the expiration of the existing license.

1. Where an applicant can show good and sufficient cause for his or her inability to renew his or her license and seal before its expiration, the commissioner may, upon submission of a complete application for late renewal within ninety days after the expiration of such license, permit the issuance, without examination, of a new license and seal upon payment of the prescribed fees for such new license and seal within said ninety days. *The commissioner may promulgate rules authorizing the renewal of a license up to six months after the expiration of such license for extenuating circumstances.*

2. No license shall be renewed and no new license and seal shall be issued unless all outstanding fees required by section 27-3018 of this code have been paid.

3. Renewal shall also be subject to the licensee's good moral character. As provided in department rule, the licensee's failure to clear open violations in a timely manner may result in the refusal to renew a license until the violations are resolved.

4. The commissioner may promulgate rules requiring applicants for the renewal of master or special electrician's licenses to submit proof, in such form as he or she shall determine, that, in each year of the license term, such applicant completed at least [ten] *eight* hours of continuing education courses approved by the department. Such proof shall be submitted [not less than two months prior to the expiration of the license term] *with the license renewal application.*

§8. Section 27-3016 of the administrative code of the city of New York, as amended by local law number 49 for the year 2006, is amended to read as follows:

§27-3016 Suspension, revocation or [voluntary surrender]deactivation of master electrician's and special electrician's licenses and suspension or revocation of approval of master electrician business. a. 1. After notice and the opportunity for a hearing in accordance with the rules of the department, master electrician's or special electrician's licenses and/or approvals of master electrician businesses may be suspended or revoked by the commissioner and/or the commissioner may impose penalties, which shall not exceed five thousand dollars for each violation, for violation of this chapter or of any of the rules of the department [and, among other things] *and/or the commissioner may order the licensee to repair electrical damage, and any damage incidental thereto, resulting from any act or omission giving rise to a violation as set forth in this chapter or in rules, for any of the following [causes] conditions:*

(i) Failure to file an application for a permit or inspection.

(ii) Failure, upon receipt of a notice of violation, to take the action called for in such notice.

(iii) Performance of electrical work in a manner contrary to the requirements of the electrical code, [or]the electrical code technical standards *or other laws and rules enforced by the department.*

(iv) *Negligence, incompetence, lack of knowledge, or disregard of the code and related laws and rules.*

(v) *Engaging or assisting in any act that endangers the public safety and welfare.*

[(iv)](vi) Contract work by holders of special electrician's licenses.

[(v)](vii) Fraudulent dealing or misrepresentation.

[(vi)] Subject to applicable provisions of the correction law, conviction of a crime by a court of competent jurisdiction.] (viii) *Indictment for or conviction of a criminal offense where the underlying act arises out of the individual's professional dealings with the city or any other governmental entity.*

[(vii)](ix) False statement in an application for a license or the renewal of a license or in an application for approval of a master electrician business or other application or certification required by this code or the rules of the commissioner, or in any proof or instrument in writing in connection therewith.

(x) *The making of a material false or misleading statement on any form or report filed with the department or other governmental entity.*

(xi) *The failure to file a statement, report or form required by law to be filed.*

(xii) *Willfully impeding or obstructing the filing of a statement, report or form of another required by law to be filed.*

(xiii) *Poor moral character that adversely reflects on the licensee's fitness to conduct work regulated by this code.*

[(viii)](xiv) Failure to pay outstanding fees owed pursuant to section 27-3018 of this chapter *or any other outstanding fines, penalties, or fees related to the individual's professional dealings with the city or any other governmental entity.*

(xv) *Failure to comply with this code or any order, rule, or requirement lawfully made by the commissioner including failure to cooperate with investigations related to the electrical field conducted by the commissioner or other government entity.*

(xvi) *Failure to provide documents, including payroll records, workers' compensation or other insurance documents, employee timekeeping records and corporate tax returns, required or requested by the commissioner.*

2. Notwithstanding any inconsistent provision of paragraph one of this subdivision if, after due inspection, the commissioner determines that a licensee and/or a master electrician business has performed electrical work which is not in compliance with the electrical code, [or] the electrical code technical standards, *or any other laws or rules enforced by the department, and which has resulted in a condition severely hazardous to life or property, the commissioner may suspend his or her license and/or the authorization of a master electrician business represented by such licensee without a prior hearing. Notice of such suspension shall be served on the licensee and/or the master electrician business. The commissioner shall provide the licensee and/or the master electrician business with the opportunity for a hearing within [five] twenty calendar days after such suspension.*

b. In the event the holder of a master electrician's license is no longer engaged in a master electrician business or a special electrician is engaged during normal working hours in a business activity that does not involve the installation, alteration, or repair of electrical wiring for light, heat or power, then he or she shall so notify the department and submit his or her license and seal for [voluntary surrender with the provision]deactivation provided that (i) such license and seal will be [restored]reinstated without [fee or] examination if such application is made prior to the date on which it would have otherwise expired, or (ii) if application is made after such date a new license and seal will be issued, without written re-examination, after the submission of satisfactory evidence [that the applicant has been engaged in the electrical field] *of continued competence in the electrical field and satisfaction of any applicable continuing education requirements during the period of [surrender]deactivation; provided that at the time of the submission of the license for [voluntary surrender]deactivation:*

1. All outstanding fees required by section 27-3018 of this chapter are paid, and

2. There are no outstanding violation notices for electrical work performed under such license, and

3. Open applications filed under such license have been scheduled for inspection in accordance with department procedures, re-filed by another licensee or have been withdrawn.

c. *During the period of deactivation, the licensee must continue to pay the license renewal fee authorized under section 27-3015 of this chapter for each year of the deactivation period.*

[c]d. During any period of [voluntary surrender]deactivation, or upon the suspension or revocation, of a master electrician's or special electrician's license, the holder shall surrender his or her seal to the department. Upon the death of a holder, his or her seal shall be immediately surrendered to the department.

e. *The fees required for the reinstatement of a license after deactivation or suspension shall be the same as those required to obtain the license.*

f. *If reinstatement of the license is not requested within thirty days of the expiration of suspension, late fees shall be imposed as prescribed by the department's rules.*

§9. Section 27-3018 of the administrative code of the city of New York, as amended by local law number 49 for the year 2006, is amended to read as follows:

§27-3018 Inspection; application for permit and application fees. a. The commissioner or any officer or employee of the department authorized thereto by the commissioner, or any other person designated by the commissioner pursuant to section 27-3005 of this code, may enter or go upon any premises in or upon which there are any wiring or appliances for electric light, heat or power to make an inspection of the same. Any person who willfully refuses to permit such entry or inspection, shall be guilty of a violation of this subdivision, and upon conviction

thereof, shall be punished by a fine of not more than [fifty]one hundred dollars, imprisonment for a period not exceeding thirty days, or both. Such person shall also be subject to a civil penalty that may be recovered in a proceeding before the environmental control board.

b. Before commencing any electrical work, other than low voltage electrical work, a master electrician business or special electrician shall file with the commissioner an application for a work permit to be issued by the department. All applications for permits shall be submitted on forms furnished by the department. Applications shall include all information required by this code, other applicable law, including but not limited to the applicable Energy Conservation Code, or the rules of the department. No such work shall be performed until the commissioner has reviewed and approved such application and issued an appropriate permit for such work. The permit shall be conspicuously posted at the work site at all times while the work is in progress. Each permit shall be issued with an expiration date of three years unless otherwise prescribed by department rule.

1. Permits shall be deemed to incorporate the provisions that the applicant, the owner, and their employees, shall carry out the permitted work in accordance with the provisions of this code and other applicable laws or rules, whether specified or not, except as variations have been legally permitted or authorized.

2. All work shall conform to the approved submittal documents and any approved amendments thereto. Changes and revisions during the course of work shall conform to the requirements of this code.

3. The permit shall expire by operation of law if the insurance required pursuant to section 27-3013 of this chapter, and upon which the permit was conditioned, lapses, expires or is cancelled, unless the permit holder files proof of valid insurance before such event.

c. Fees. Applications for permits shall be accompanied by the payment of appropriate fees in a manner and as prescribed by the department's rules. [The fee for a permit for minor electrical work as described in subdivision h of this section shall be fifteen dollars, payable upon filing of the application.

d.] 1. [The]An initial application fee for electrical work requiring a permit shall be payable as [follows: forty dollars] prescribed by rule upon filing of the application for such work. [and t]

2. The balance of the [total]application fee shall be payable[upon an] at electrical sign-off from the department or as otherwise provided by the department's rules.

[2. The fee for electrical work requiring a work permit by the department shall be computed as follows but shall not exceed five thousand dollars:

(i) Each outlet, each fixture, each horsepower or fraction thereof of a motor or generator, each kilowatt or fraction thereof of a heater, each horsepower or fraction thereof of an air conditioner, each kilovolt-ampere or fraction thereof of a transformer installed, altered or repaired shall be assigned the value of one unit. In computing the aforementioned fee, the sum of the units will determine the charges as set forth herein below:

Sum of units	Fee
1 - 10.....	\$0.00
Over 10.....	\$0.25 per unit
(ii) For each service switch installed, altered or repaired:	
0-100 Amperes.....	\$ 8.00
101-200 Amperes.....	\$30.00
201-600 Amperes.....	\$105.00
601-1200 Amperes.....	\$225.00
Over 1200 Amperes.....	\$375.00
(iii) For each set of service entrance cables and for each set of feeder conductors installed, altered or repaired:	
Up to #2 Conductors.....	\$15.00
Over #2 to #1/0 Conductors.....	\$30.00
Over #1/0 to 250 MCM.....	\$45.00
Over 250 MCM.....	\$75.00
(iv) For each panel installed, altered or repaired:	
1 Phase up to 20-1 or 10-2 pole cutouts or breakers.....	\$15.00
1 Phase over 20-1 or 10-2 pole cutouts or breakers.....	\$37.50
3 Phase up to 225 amperes.....	\$50.00
3 Phase over 225 amperes.....	\$75.00
(v) (a) For each sign manufactured (in-shop inspections):.....	
(b) For each sign manufactured (on-site inspections):	
0 to 30 square feet.....	\$65.00
31 to 60 square feet.....	\$90.00
Over 60 square feet.....	\$115.00
(vi) For each elevator:	
10 floors or less.....	\$125.00
Each additional ten or fewer floors.....	\$ 83.00
(vii) For wiring or rewiring boiler controls in buildings:.....	
.....\$12.00	

3.] d. If, after inspection, such wiring or appliances shall be found to have been installed, altered or repaired in conformity with the requirements of this chapter, the electrical code, the electrical code technical standards and the rules of the department, and the required fees paid, the commissioner shall issue to the applicant a sign-off of the approved work completed. The provisions of this subdivision shall

not apply to work performed pursuant to a permit for minor electrical work as defined in subdivision h of this section.

e. Whenever a master electrician business or special electrician files an application for a permit covering electrical work installed by an unlicensed or unauthorized person, it shall be his or her duty to specify such fact upon the application.

f. The commissioner shall be entitled to charge [the following:] special fees as prescribed by the department's rules.

[1. For an application with respect to electrical work made after a violation was issued for failure to file an application for a permit for such work - up to ten times the total fee that would otherwise be payable as set forth in subdivisions c and d of this section.

2. Duplicate copy of notice of violation - \$5.00].

g. No application or fees shall be required for electrical work relating to the construction and maintenance of city street lights and city traffic lights owned, operated or controlled by the city government or any agency thereof.

h. 1. For purposes of this section a permit for minor electrical work may be issued for any of the following:

(i) replacement of defective circuit breakers or switches rated thirty amperes or less, excluding main service disconnects;

(ii) replacement of parts in electrical panels where voltage does not exceed one hundred fifty volts to ground;

(iii) replacement of minor elevator parts as defined by rule;

(iv) replacement of defective controls rated at thirty amperes or less;

(v) repair of defective fixtures;

(vi) replacement of fixtures in existing outlets, provided the number of such fixtures does not exceed five and does not increase existing wattage;

(vii) replacement, repair, disconnection or reconnection of motors not to exceed one horsepower, and associated devices;

(viii) repairs to low pressure heating plants with a capacity of less than fifteen pounds per square inch, except as may otherwise be required by rule of the commissioner.

[(i)](ix) installation of any ten or fewer units not requiring the installation of an additional branch circuit;

[(j)](x) installation of motors of fractional horsepower;

[(k)](xi) installation of transformers rated at one thousand volt amperes or less.

2. Notwithstanding any other provision of this chapter, an electrical sign-off by the department shall not be required for electrical work performed pursuant to a permit for minor electrical work.

3. Notwithstanding any other provision of this chapter, the commissioner may promulgate a rule providing that minor electrical work may be performed without a permit or the payment of a fee under the conditions to be prescribed in such rule.

i. The department shall not issue a permit or, if applicable, an electrical sign-off pursuant to an application that involves the energizing of a meter in a one-, two-, three-, or four-family residence, if the department finds that such action will cause the total number of meters for the building to exceed the number of dwelling units specified for such building in the certificate of occupancy, or if there is no certificate of occupancy, as determined by the department, except as permitted herein. A building specified as a one-family residence in the certificate of occupancy or, if there is no certificate of occupancy, as determined by the department, may have only one electric meter. A building in which two or more dwelling units have been constructed in accordance with the certificate of occupancy, or if there is no certificate of occupancy, as determined by the department, may have one meter for each dwelling unit and one additional meter for the common areas of the building, provided that smoke detecting devices are installed in all common areas in accordance with departmental requirements. Such common areas may include boiler rooms, shared hallway lighting, shared stairway lighting, and outdoor perimeter lighting but shall not include any habitable space. In the event that a meter has been found to have been installed or to exist in violation of this section, the department may take action leading to the disconnecting of such meter in accordance with the notice requirements set forth in section 27-3020 of this [code] chapter.

j. Any application for a permit filed with the department in relation to a request for the authorization to power or energize/electrical wiring or appliances or power generation equipment, or in relation to work that will result in the issuance of a new or amended certificate of occupancy must include a statement, signed and sealed by the electrician, that the building owner or his or her authorized representative has authorized in writing the work to be performed. This signed authorization must be available upon request by the department. In addition, any electrical application filed with the department involving the energizing of a meter, must include as well, a statement, signed and sealed by the electrician, that the building owner or his or her authorized representative has indicating in writing the intended use or purpose of such meter and has affirmed that such meter will be maintained in compliance with the provisions of this section. This statement must be available upon request by the department. [Any individual who knowingly misrepresents the use of a meter or allows a meter to be used in violation of the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not less than one thousand dollars nor more than five thousand dollars, or imprisonment of not more than six months or both such fine and imprisonment. Such person shall also be liable for a civil penalty of not more than five thousand dollars which may be recovered by the corporation counsel in an action or proceeding in any court of competent jurisdiction.]

k. Any authorization to power or energize electrical wiring or appliances issued by the department shall expire ninety days after the date of issuance unless a sign-off

has been issued by the department or an extension of such authorization has been granted by the department. In the event no such sign-off has been issued or extension authorization granted, the department may take action leading to the disconnecting of such meter(s) in accordance with the notice requirements set forth in section 27-3020 of this [code]chapter.

*l. Any permit application filed with the department that requires the selective coordination of overcurrent protective devices must include documentation from a professional engineer demonstrating how selective coordination was achieved, including but not limited to short circuit overlay curves and calculations. Such documentation must accompany the electrical application.*

*m. For permit applications requiring compliance with the applicable Energy Conservation Code, documentation demonstrating compliance must be available upon request by the department.*

[1]n. The provisions of this section shall not apply to low voltage electrical work.

[1]o. An application for a work permit may be amended by filing with the department a post-approval amendment in a form prescribed by rule of the department.

§10. Section 27-3019 of the administrative code of the city of New York, as amended by local law number 49 for the year 2006, is amended to read as follows:

§27-3019 Modification, suspension or revocation, electrical sign-off, permit or other authorization. *a. The commissioner may at any time by an order in writing for good cause shown, modify, suspend or revoke any sign-off, permit or other authorization issued pursuant to this chapter[, but no such order shall be effective unless the same shall state specifically the reason therefor.] for failure to comply with the provisions of this code or other applicable laws or rules; or whenever there has been any false statement or any misrepresentation as to a material fact in the application or submittal documents upon the basis of which such approval was issued; or whenever a permit has been issued in error and conditions are such that the permit should not have been issued. Such notice shall inform the permit holder of the reasons for the proposed action and that the permit holder has the right to present to the commissioner or his or her representative within ten business days of delivery of the notice by hand or fifteen calendar days of the posting of notice by mail, information as to why the permit should not be modified, suspended or revoked. A copy of any such order shall be served in the manner provided in this subchapter[, within five days after its date, upon any person, partnership or corporation affected thereby, who has not applied to the commissioner for such modification, suspension or revocation.] No person other than the commissioner or an officer or employee of the department, duly authorized thereto by the commissioner, shall alter or amend any sign-off, permit or other authorization issued pursuant to this chapter or the rules of the department.*

*b. Immediate suspension in cases of imminent peril. The commissioner may immediately suspend any permit without prior notice to the permit holder when the commissioner has determined that an imminent peril to life or property exists. The commissioner shall immediately notify the permit holder that the permit has been suspended and the reasons therefore, that it is proposed to be revoked, and that the permit holder has the right to present to the commissioner or his or her representative within ten business days of delivery of the notice by hand or fifteen calendar days of the posting of notice by mail information as to why the permit should not be revoked.*

§11. Section 27-3021.2 of the administrative code of the city of New York, as amended by local law number 64 for the year 2001, is amended to read as follows:

§27-3021.2. Violations. Except as otherwise provided in this chapter, any person who shall violate any of the provisions of this chapter or who shall fail to comply with any requirement thereof or with the electrical code technical standards or who shall violate or fail to comply with any order or rule of the commissioner made thereunder shall, for each and every violation or noncompliance be [liable for] subject to penalties [a civil penalty of not more than five thousand dollars which may be recovered by the corporation counsel in an action or proceeding in any court of competent jurisdiction or shall be punished upon conviction in a criminal court by a fine not exceeding one thousand dollars or by imprisonment for a period not exceeding ten days, or by both such fine and imprisonment] and other enforcement actions in accordance with the provisions of Chapter 2 of Title 28 of the administrative code.

§12. Section 27-3024 of the administrative code of the city of New York, as amended by local law number 49 for the year 2006, is amended to read as follows:

§ 27-3024. Adoption of the electrical code technical standards. *a. The city of New York hereby adopts the [2005] 2008 edition of the National Fire Protection Association NFPA 70 National Electrical Code as the minimum requirements for the design, installation, alteration or repair of electric wires and wiring apparatus and other appliances used or to be used for the transmission of electricity for electric light, heat, power, signaling, communication, alarm and data transmission in the city subject to the amendments adopted by local law and set forth in section 27-3025 of this subchapter, which shall be known and cited as “ the New York city amendments to the [2005] 2008 National Electrical Code”. Such [2005] 2008 edition of the National Fire Protection Association NFPA 70 National Electrical Code with such New York city amendments shall together be known and cited as the “electrical code technical standards”. The commissioner shall make a copy of the electrical code technical standards available for public inspection at the department of buildings.*

*b. No later than August thirty-first, two thousand [nine] twelve and on or before such date in every third year thereafter, the commissioner shall submit to the city council proposed amendments that he or she determines should be made to the electrical code technical standards to bring them up to date with the latest edition of the National Fire Protection Association NFPA 70 National Electrical Code or*

otherwise modify the provisions thereof. In addition, prior to the submission of such proposal to the city council, such proposal shall be submitted to an advisory committee established by the commissioner pursuant to this chapter for review and comment.

§13. Section 27-3025 of the administrative code of the city of New York is REPEALED and a new section 27-3025 is added to read as follows:

§ 27-3025 *The New York city amendments to the 2008 National Electrical Code. The following New York City amendments to the 2008 National Electrical Code are hereby adopted as set forth in this section. In the event of conflicts between technical provisions, the more restrictive shall apply:*

*2008 NEC New York City Amendment*

## **ARTICLE 90**

### **Introduction**

#### **SECTION 90.2**

*Subsection 90.2(B)(5) - Delete paragraph (b) and add a new paragraph (b) to read as follows:*

*(b) Are located in legally established easements, rights-of-way, or by other agreements either designated by or recognized by public service commissions, utility commissions, or other regulatory agencies having jurisdiction for such installations, or*

## **Chapter 1**

### **General**

## **ARTICLE 100**

### **Definitions**

**Coordination (Selective)** *Add a new sentence at the end of the definition of Coordination (Selective) to read as follows:*

*For the purposes of this code two overcurrent protective devices shall be deemed selectively coordinated if their respective time-current characteristic curves do not intersect at a time of 0.1 seconds (6 cycles on 60 Hz systems) or longer.*

**Electric Closet** *Add a new definition of Electric Closet immediately after “Dwelling Unit”, to read as follows:*

**Electric Closet.** *A room designed for or dedicated to the purpose of containing electrical distribution equipment such as vertical risers, bus ducts, transformers or panelboards.*

## **ARTICLE 110**

### **Requirements for Electrical Installations**

#### **SECTION 110.2**

*Section 110.2 - Delete in its entirety and add a new section 110.2 to read as follows:*

#### **110.2 Approval of Electrical Materials, Equipment and Installations.**

**(A) Listed and Approved Materials and Equipment.** *All electrical equipment, apparatus, materials, devices, appliances or wiring thereto installed or used in any electrical construction or installation regulated by the terms of this code, shall be designed and constructed so as to be safe and suitable for the purpose intended.*

*(1) All electrical equipment, apparatus, materials, devices, appliances and wiring used in New York City shall be approved by the commissioner, with submissions required in accordance with rules of the department.*

*(2) The maker’s name, trademark or other identification, symbol and number shall be placed on fittings, equipment and materials. Additional markings shall be provided, stating voltage, current, wattage or other appropriate ratings as prescribed elsewhere in this code.*

**(B) Installations.** *All electrical installations regulated by the terms of this code shall be designed and constructed so as to be safe and suitable for the purpose intended.*

No electrical installations as described in (1) through (5) below shall be constructed unless a submission for approval has been made to the commissioner and approval has been granted. For the purpose of this section an electrical "installation" shall refer to the installation of service equipment, transformers, UPS systems, generators, generator paralleling equipment or other sources.

- (1) A new installation of new equipment totaling 1000 kVA or larger.
- (2) Any change in an installation with a rating of 1000 kVA or larger, up to and including 2nd level overcurrent protection unless it was fully described and approved as "future" on the original approved plan.
- (3) Any addition to an existing installation, which would bring the total to 1000 kVA or larger.
- (4) The addition of any equipment in a room, which would affect clearances around the equipment of a 1000 kVA installation.
- (5) A new installation or revised installation above 600V irrespective of kVA rating.

Exception No. 1: No submission is required solely for fire alarm service taps.

Exception No. 2: No submission is required for the addition of one 2nd level overcurrent protection device 200 amperes or less.

**(C) Capacity.**

(1) The capacity of a utility service, in kVA, shall be determined by summing the maximum ampere ratings of each service disconnecting means and calculating total kVA at the operating voltage. Service disconnecting means supplying fire pumps shall be included at 125 percent of the fire pump full load amps. The calculation shall include all new and existing service disconnecting means supplied from the common service entrance.

(2) The capacity of a transformer, UPS system, generator or other source shall be its maximum KVA output rating.

FPN: See 90.7, Examination of Equipment for Safety, and 110.3, Examination, Identification, Installation, and Use of Equipment. See definitions of "Approved," "Identified," "Labeled," and "Listed."

**SECTION 110.4**

Section 110.4 - Add a FPN at the end of the section to read as follows:

FPN: See Section 27-3004 of the Administrative Code for the definitions of Low Voltage Electrical Work and Low Voltage Installer, and Section 27-3016.1 for the certification requirements of a Low Voltage Installer.

**SECTION 110.25**

Section 110.25 - Add a new section 110.25 to read as follows:

**110.25 Electric Closets.** Electric closets shall be dedicated to electrical distribution equipment. Electric closets shall be identified as such, shall be sized to provide the applicable working space requirements, and shall not be used for any other purpose including storage. Electric closets shall be accessible to authorized persons only.

Exception: Other systems that are required to be installed by a licensed electrician, such as Fire Alarm Panels, Building Management Systems and Lighting Control Systems may be installed in Electric Closets.

**SECTION 110.26**

Subsection 110.26(H) - Add a new subsection 110.26(H) to read as follows:

**(H) Network Compartments.** All network compartments shall have at least two means of access. Each door shall access an area that leads to a legal exit.

**SECTION 110.31**

Section 110.31 - Revise the second sentence of the second paragraph to read as follows:

A fence shall not be less than 2.44m (8 ft) in height.

Subsection 110.31(A) - Revise the second sentence to read as follows:

The floors of vaults in contact with the earth shall be of concrete that is not less than 6 in. (150 mm) thick, but where the vault is constructed with a vacant space or other stories below it, the floor shall have adequate structural strength for the load imposed on it and a minimum fire resistance of 3 hours.

**SECTION 110.33**

Subsection 110.33(A) - Revise the first sentence of the subsection to read as follows:

At least one entrance to enclosures for electrical installations as described in 110.31 not less than 762 mm (30 in.) wide and 2 m (6½ ft) high shall be provided to give access to the working space around the electrical equipment.

**SECTION 110.34**

Subsection 110.34(A) - Revise the last sentence of the Exception to read as follows:

Where rear access is required to work on de-energized parts on the back of enclosed equipment, a minimum working space of 900 mm (36 in.) horizontally shall be provided.

**Chapter 2**

**Wiring and Protection**

**ARTICLE 210**

**Branch Circuits**

**SECTION 210.11**

Subsection 210.11(C)(4) - Add a new subsection 210.11(C)(4) to read as follows:

**(4) Air-Conditioning Branch Circuit.** In addition to the number of branch circuits required by other parts of this section, an individual branch circuit shall be provided for each air-conditioning receptacle required by 210.52(I).

**SECTION 210.19**

Subsection 210.19(A)(1) - Add a new sentence at the end of the paragraph before the first Exception to read as follows:

Conductors of branch circuits shall be sized to allow for a maximum voltage drop of 3 percent at the last outlet supplying light, heat or power and the maximum voltage drop allowable for feeders and branch circuit combined shall not exceed 5 percent.

FPN No. 4- - Delete the FPN in its entirety.

Subsection 210.19(A)(4) - Revise the first sentence of the paragraph by replacing "14 AWG" with "12 AWG"

Exception No. 3: Add a new Exception No. 3 to read as follows:

Exception No.3: Where compliance with the applicable Energy Conservation Code is mandated voltage drop requirements of that code shall apply.

**SECTION 210.24**

Section 210.24 Table - Replace the value "14" that appears twice in the column headed 15A, and once each in the columns headed 20A and 30A in the Circuit Rating Section with the value "12."

**SECTION 210.25**

Section 210.25 - Add an Exception to (A) and (B) to read as follows:

Exception to (A) and (B): Buildings built prior to January 1, 2003 are exempt from the requirements of 210.25 (A) and (B) under either of the following conditions:

- (1) undergoing renovation less than 50 percent.
- (2) repair to or replacement of existing equipment.

#### SECTION 210.52

Subsection 210.52(E)(3) - Delete the Exception in its entirety.

Subsection 210.52(I) - Add a new subsection 210.52(I) to read as follows:

**(I) Outlet Requirements For Residential-Type Occupancies.** In addition to the requirements set forth in subsections (A) through (H) of this section, living rooms, bedrooms, dining rooms or similar rooms shall have at least one receptacle outlet installed for air conditioners. Such outlets shall be supplied by an individual branch circuit.

Exception: Buildings with central air conditioning systems that serve any of the above areas shall not require separate outlets in those areas.

#### ARTICLE 215

##### Feeders

#### SECTION 215.2

Subsection 215.2(A)(1) - Add two new sentences at the end of the first paragraph, before the Exception, to read as follows:

Feeder conductors shall be sized so that the maximum voltage drop at the last overcurrent device does not exceed 3 percent and the total maximum voltage drop of feeder and branch circuit conductors to the last outlet does not exceed 5 percent. The minimum feeder size feeding a dwelling unit shall be 8 AWG copper or 6 AWG aluminum or copper-clad aluminum conductors.

Add three new Exceptions No. 3, No. 4 & No. 5 and a FPN, to read as follows:

Exception No. 3: For residential occupancies and portions of the electrical system of mixed use buildings serving exclusively residential occupancies, the maximum voltage drop from the service point to the last overcurrent device shall not exceed 4 percent and the total maximum voltage drop to the last outlet shall not exceed 5 percent.

Exception No. 4: Where the distance between the utility service point and the service disconnecting means exceeds 15.2 m (50 ft), the voltage drop between the service point and the service disconnecting means may be calculated utilizing the service capacity limits defined by the utility company in lieu of the computed load. The distance between the service point and the service disconnecting means, the computed load and a letter on utility company letterhead indicating service limits shall be submitted for department approval.

Exception No. 5: Where compliance with the applicable Energy Conservation Code is mandated voltage drop requirements of that code shall apply.

FPN: When using Exception No. 4, potential future increases in the utility service capacity limits should be considered to avoid exceeding voltage drop limits at a later date.

Subsection 215.2(A)(3) - Delete FPN No. 2. - Renumber FPN No.3 as FPN No.2, and revise to read as follows:

FPN No. 2: See amended 210.19(A) for voltage drop on branch circuits.

#### ARTICLE 220

##### Branch-Circuit, Feeder, and Service Calculations

#### SECTION 220.14

Section 220.14 - Delete the reference to subdivision (L) in the first paragraph and replace it with a reference to subdivision (M) to read as follows:

In all occupancies, the minimum load for each outlet for general-use receptacles and outlets not used for general illumination shall not be less than that

calculated in 220.14(A) through (M), the loads shown being based on nominal branch-circuit voltages.

Subsection 220.14(M) - Add a new subsection 220.14(M) to read as follows:

**(M) Air Conditioning Circuits:** A load of not less than 1500VA shall be included with each 2 wire circuit. This load shall be permitted to be included with the general lighting load and subject to section 220.42 and table 220.42.

#### SECTION 220.87

##### 220.87 Determining Existing Loads.

Delete "or service" from the first sentence.

#### ARTICLE 225

##### Outside Branch Circuits and Feeders

#### SECTION 225.10

Section 225.10 - Revise the first sentence to read as follows:

The installation of outside wiring on surfaces of buildings shall be permitted for circuits of not over 600 Volts, nominal, as multiconductor cable, as type MI cable, as messenger supported wiring, in rigid metal conduit, in intermediate metal conduit, in cable trays, as cablebus, in wireways, in auxiliary gutters, in liquidtight flexible metal conduit and in busways.

#### SECTION 225.11

Section 225.11 - Revise the first sentence to read as follows:

Where outside branch and feeder circuits leave or enter a building, the requirements of 230.54 shall apply.

#### SECTION 225.36

Section 225.36 - At the end of the sentence, add the following:

and shall comply with all the requirements of Article 408 and its amendments.

#### ARTICLE 230

##### Services

#### SECTION 230.6(5)

Subsection 230.6(5) - Add a new subsection 230.6(5) to read as follows:

(5) Where installed in service and fire pump rooms having 2 hour rated construction.

#### SECTION 230.30

Section 230.30 - Delete the Exception in its entirety.

#### SECTION 230.31

Subsection 230.31(B) - Revise to read as follows:

**(B) Minimum Size.** The conductors shall not be smaller than 4 AWG copper or 2 AWG aluminum or copper-clad aluminum.

Exception: Conductors supplying only limited loads of a single branch circuit - such as small polyphase power, controlled water heaters, and similar loads - shall not be smaller than 10 AWG copper or 8 AWG aluminum or copper-clad aluminum.

#### SECTION 230.42

Subsection 230.42(A) - Revise to read as follows:

**(A) General** The ampacity of the service-entrance conductors before the application of any adjustment or correction factors shall not be less than (A)(1)

or (A)(2) below. Loads shall be determined in accordance with Part III, IV or V of Article 220, as applicable. Ampacity shall be determined from 310.15 for respective conductor types at 75°C. When service-entrance conductors consist of busbars contained in either service busway or other service equipment, bus sizing shall conform to the following table:

**Table 230.42 Service Equipment Busbar Ampere Density**

Current Rating of Bus	Maximum Current Per Square Inch in Amperes			
	Ventilated Housing		Unventilated Housing	
	Copper Bar	Aluminum Bar	Copper Bar	Aluminum Bar
Up to 1200 Amp	1000	750	800	600
1201 to 2000 Amp	800	600	700	525
2001 Amp and greater	700	525	500	375

(1) Ampacity of the service-entrance conductors for service below 1000 kVA shall not be less than either a or b:

- (a) The sum of the noncontinuous loads plus 125 percent of the continuous loads.  
 (b) The sum of the noncontinuous loads plus the continuous loads if the service-entrance conductors terminate in an overcurrent device where both the overcurrent device and its assembly are listed for operation at 100 percent of their rating.
- (2) Ampacity of the service-entrance conductors for services 1000 kVA and larger shall not be less than the sum of the maximum ampere ratings of the service disconnecting means. When including fire pump disconnects in the calculation, 125 percent of the fire pump full load amperes shall be added.

Exception: The ampacity of service-entrance conductors need not exceed the maximum demand calculated in accordance with Article 220, up to a maximum of 4000 amps per service

FPN: See Subsection 110.2(C)(1) for determining service capacity.

#### SECTION 230.43

Section 230.43 - Revise to read as follows:

**230.43 Wiring Methods for 600 Volts, Nominal, or Less.** Service-entrance conductors shall be installed in accordance with the applicable requirements of this Code covering the type of wiring method used and shall be limited to the following methods:

- (1) Type IGS cable.
- (2) Rigid metal conduit.
- (3) Intermediate metal conduit.
- (4) Electrical metallic tubing.
- (5) Metallic wireways.
- (6) Busways.
- (7) Metallic auxiliary gutters.
- (8) Rigid nonmetallic conduit, underground.
- (9) Mineral-insulated, metal-sheathed cable.
- (10) Flexible metal conduit not over 1.83 m (6 ft) long or liquidtight flexible metal conduit not over 1.83 m (6 ft) long between raceways, or between raceway and service equipment, with equipment bonding jumper routed with the flexible metal conduit or the liquidtight flexible metal conduit according to the provisions of Section 250.102(A), (B), (C), and (E).

Service entrance conductors shall not run within the hollow spaces of frame buildings.

#### SECTION 230.46

Section 230.46 - Revise to read as follows:

**230.46 Unspliced Conductors.** Service-entrance conductors shall not be spliced before terminating at the service disconnecting means, except for the following terminations that are permitted:

- (1) in a service end line box.
- (2) taps supplying two to six service disconnecting means when grouped.
- (3) approved terminals in meter enclosures.
- (4) service-entrance conductors in the form of busway, shall be connected as required in order to assemble the various fittings and sections.

#### SECTION 230.50

Subsection 230.50(B)(1)(3) - Delete the subsection in its entirety.

Subsection 230.50(B)(1)(4) - Delete the subsection in its entirety.

#### SECTION 230.52

Section 230.52 - Delete the section in its entirety.

#### SECTION 230.54

Section 230.54 - Delete in its entirety and add a new section 230.54 to read as follows:

#### 230.54 Overhead Service Locations.

(A) **Raintight Service Head.** Service raceways shall be equipped with a raintight service head at the point of connection to service-drop conductors.

(B) **Service Heads Above Service-Drop Attachment.** Service heads shall be located above the point of attachment of the service-drop conductors to the building or other structure.

Exception: Where it is impracticable to locate the service head above the point of attachment, the service head location shall be permitted not farther than 600 mm (24 in.) from the point of attachment.

(C) **Separately Bushed Openings.** Service heads shall have conductors of different potential brought out through separately bushed openings.

(D) **Drip Loops.** Drip loops shall be formed on individual conductors. To prevent the entrance of water, service-entrance conductors shall be connected to the service-drop conductors below the level of the service head.

(E) **Arranged that Water Will Not Enter Service Raceway or Equipment.** Service-drop conductors and service-entrance conductors shall be arranged so that water will not enter service raceway or equipment.

#### SECTION 230.64

Section 230.64 - Add a new section 230.64 to read as follows:

#### 230.64 Service Rooms or Areas.

(A) **General.** The minimum sufficient working space shall be as provided in Section 110.26 or 110.34 as applicable, in order to assure the safety of operation, inspection, and repairs within the vicinity of the service equipment.

(B) **Service Equipment Totaling 1000 kVA, or Larger.** Where service equipment totaling 1000 kVA or larger is installed separately, or as part of a switchboard, the room in which such switchboard is located shall be constructed of noncombustible materials having a 2 hour fire rating and shall be of dimensions adequate to house the switchboard and to provide the following minimum clearances:

(1) At least 1.5 m (5 ft) in front of the switchboard if it is in one line, and at least 2.1 m (7 ft) in front of the board if boards are installed facing each other.

(2) At least 300 mm (12 in.) from the floor to any energized part of the switchboard, except by special permission.

(3) Where side and/or rear access is required, the following shall also apply:

- At least 900 mm (3 ft) at each end of the board
- At least 900 mm (3 ft) at the rear of the board clear of all obstructions or as specified in Table 110.26(A)(1) or Table 110.34(A) as applicable, whichever is greater.

(4) Front-only accessible switchboards may be installed 300 mm (12 in.) or less from a wall. However, if the front-only accessible switchboard is installed more than 300 mm (12 in.) from the wall, access must be sealed at each end or comply with the restrictions herein.

(5) Service equipment shall be arranged so that it is reachable from the entrance door without having to pass in front of, or behind any other electrical equipment in the room.

This requirement shall be waived if a second entrance door is provided and located as remotely as practical from the first. Each door shall access an area, which leads to a legal exit.

**SECTION 230.70**

Subsection 230.70(A)(1) - Revise to read as follows:

**(1) Readily Accessible Location.** The service disconnecting means shall be installed at a readily accessible location inside of a building or structure nearest the point of entrance of the service conductors.

Exception: Service disconnecting means may be installed on the outside of residential buildings of one through four dwelling units.

Subsection 230.70(B) - Revise to read as follows:

**(B) Marking.** Each service disconnecting means shall be permanently marked to identify it as a service disconnect. Each disconnecting means shall be marked to indicate the load served.

**SECTION 230.76**

Section 230.76 - Add a new paragraph at the end of section 230.76 to read as follows:

Where remote control devices are used on service equipment or manually operated circuit breaker devices totaling 1000 kVA or larger, it shall be the responsibility of the owner of the building or such owner's authorized agent to have the opening and closing mechanism of each service switch or service breaker tested at least once every year. The testing need not be performed under load. A record showing the date and signature of the qualified person making the test shall be kept posted at the switch or circuit breaker.

**SECTION 230.94**

Section 230.94 - Revise Exception No. 3 to read as follows:

Exception No. 3: Circuits for load management devices and emergency supply shall be permitted to be connected on the supply side of the service overcurrent device where separately provided with overcurrent protection.

**ARTICLE 240****Overcurrent Protection****SECTION 240.12**

Subsection 240.12(A) - Add a new subsection 240.12(A) to read as follows:

**(A) Service Overcurrent Protective Device**

Where the service overcurrent protective device (OCPD) rating or setting is above 601 Amps, such device shall be selectively coordinated with the next downstream OCPD.

FPN No. 1: See definition of "Coordination (Selective)."

Exception No. 1: Selective coordination shall not be required between two OCPDs in series with one another when no loads are connected in parallel with the downstream device.

Exception No. 2: When the second level OCPD is a single main device having the same rating or setting as the service OCPD, selective coordination shall be required between the third level devices and the two upstream devices.

Exception No. 3: Selective coordination shall not be required between transformer primary and secondary OCPDs, where only one OCPD exists on the transformer secondary.

Re-number first paragraph of 240.12 as new subsection 240.12(B), and retitle as follows:

**(B) Orderly Shutdown.****SECTION 240.86**

Section 240.86 - Add a FPN after first paragraph to read as follows:

FPN: See 240.12, 700.27 and 708.54.

**ARTICLE 250****Grounding and Bonding****SECTION 250.52**

Subsection 250.52(A)(1) - Delete the Exception in its entirety.

**ARTICLE 285****Surge-Protective Devices (SPDs), 1 kV or Less****SECTION 285.25**

Section 285.25 - Add a FPN at end of paragraph to read as follows:

FPN: Device to be used as per manufacturer's listing, available fault current should be considered.

**CHAPTER 3****Wiring Methods and Materials****ARTICLE 300****Wiring Methods****SECTION 300.3**

Subsection 300.3(C)(1)(a) - Add a new subsection 300.3(C)(1)(a) to read as follows:

(a) Barriers shall be provided to isolate conductors energized from different sources when system voltage exceeds 250 volts nominal and conductors are protected by first or second level overcurrent protective devices. Sources include service entrance points, secondaries of different transformers, generators and UPS systems.

**SECTION 300.5**

Subsection 300.5(A) - Revise to read as follows:

(A) **Minimum Cover Requirements.** Direct-buried cable or conduit or other raceways shall be installed to meet the minimum cover requirements of Table 300.5. Direct-buried cable shall not be installed except by special permission from the commissioner.

**SECTION 300.6**

Subsection 300.6(B) - Revise to read as follows:

(B) **Aluminum Metal Equipment.** Aluminum raceways, cable trays, cablebus, auxiliary gutters, cable armor, boxes, cable sheathing, cabinets, elbows, couplings, nipples, fittings, supports and support hardware shall not be permitted to be embedded in concrete or come in direct contact with the earth.

**SECTION 300.22**

Subsection 300.22(C) - Revise the first paragraph to read as follows:

(C) **Other Space Used for Environmental Air.** This section applies to non-fire rated spaces used for environmental air-handling purposes other than ducts and plenums as specified in 300.22(A) and (B). It does not include habitable rooms or areas of buildings, the prime purpose of which is not air handling.

**ARTICLE 328****Medium Voltage Cable: Type MV****SECTION 328.10**

Section 328.10 - Revise to read as follows:

**328.10 Uses Permitted.** Type MV cables shall be permitted for use on power systems rated up to 35,000 volts nominal as follows:

- (1) *In wet or dry locations,*
- (2) *In raceways.*

**SECTION 328.12**

*Section 328.12 - Revise to read as follows:*

**328.12 Uses Not Permitted.** *Type MV cable shall not be used:*

- (1) *Where exposed to direct sunlight,*
- (2) *In cable trays,*
- (3) *Direct-buried,*
- (4) *In messenger-supported wiring.*

**SECTION 328.80**

*Section 328.80 - Delete the last sentence.*

**ARTICLE 330****Metal-Clad Cable: Type MC****SECTION 330.10**

*Subsection 330.10(A)(1) - Delete the word "services".*

*Subsection 330.10(A)(3) - Delete the words "or outdoors".*

*Subsection 330.10(A)(5) - Revise to read as follows:*

*To be direct-buried where identified for such use and by special permission.*

*Subsection 330.10(A)(8) - Delete the subsection in its entirety.*

*Subsection 330.10(B)(3) - Delete the subsection in its entirety.*

**SECTION 330.12**

*Section 330.12 - Revise the first sentence to read as follows:*

**330.12 Uses Not Permitted.** *Type MC cable shall not be used under any of the following conditions.*

*Subsection 330.12(3) - Add a new subsection 330.12(3) to read as follows:*

- (3) *Where used as service conductors.*

*Subsection 330.12(4) - Add a new subsection 330.12(4) to read as follows:*

- (4) *Where the cable has an outer jacket of PVC, in residential buildings exceeding three floors above grade.*

*Subsection 330.12(5) - Add a new subsection 330.12(5) to read as follows:*

- (5) *Where the cable has an outer jacket of PVC, in any nonresidential building unless concealed within non-plenum walls, floors and ceilings where the walls, floors and ceilings provide a thermal barrier of material that has at least a one hour rated assembly as identified in listings of fire rated assemblies.*

**ARTICLE 334****Nonmetallic-Sheathed Cable: Types NM, NMC, and NMS****SECTION 334.10**

*Section 334.10 - Revise to read as follows:*

**334.10 Uses Permitted.** *Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following:*

- (1) *One- and two-family dwellings.*
- (2) *Multifamily dwellings, except as prohibited in Section 334.12.*

*FPN: See Section 310.10 for temperature limitation of conductors.*

*Subsection 334.10(A)(1) - Revise to read as follows:*

- (1) *For both exposed and concealed work in normally dry locations.*

*Subsection 334.10(B)(1) - Revise to read as follows:*

- (1) *For both exposed and concealed work in dry, moist, damp or corrosive locations.*

*Subsection 334.10(C)(1) - Revise to read as follows:*

- (1) *For both exposed and concealed work in normally dry locations.*

**SECTION 334.12**

*Subsection 334.12(A)(1) - Revise to read as follows:*

- (1) *In any multifamily dwelling exceeding three floors above grade.*

*Subsection 334.12(A)(1) - Delete the Exception in its entirety.*

*Subsection 334.12(A)(11) - Add a new subsection 334.12 (A)(11) to read as follows:*

- (11) *In non-residential buildings.*

**SECTION 334.15**

*Subsection 334.15(B) - Change reference from 300.4(E) to 300.4(F).*

**SECTION 334.30**

*Subsection 334.30(C) - Delete the subsection in its entirety.*

**ARTICLE 336****Power and Control Tray Cable: Type TC****SECTION 336.10**

*Subsection 336.10(6) - Delete the subsection in its entirety.*

**SECTION 336.12**

*Subsection 336.12(5) - Add a new subsection 336.12 (5) to read as follows:*

- (5) *As fire alarm circuit wiring.*

**SECTION 336.104**

*Subsection 336.104(A) - Delete the subsection in its entirety.*

**ARTICLE 338****Service-Entrance Cable: Types SE and USE****SECTION 338.10**

*Subsection 338.10(A) - Add a second sentence to read as follows:*

*Where installed as service entrance conductors, Type SE cable shall be enclosed in a threaded metallic conduit.*

*Subsection 338.10(B)(2) - Delete the Exception in its entirety.*

*Subsection 338.10(B)(4)(b) - Revise to read as follows:*

- (b) *Exterior Installations. In addition to the provisions of this article, service-entrance cable used for feeders or branch circuits, where installed as exterior wiring, shall be installed in a threaded metallic conduit.*

**ARTICLE 340****Underground Feeder and Branch-Circuit Cable: Type UF**

**SECTION 340.10**

Subsection 340.10(1) - Revise to read as follows:

(1) For use underground. For underground requirements, see 300.5.

Subsection 340.10(5) - Delete the subsection in its entirety.

Subsection 340.10(6) - Delete the subsection in its entirety.

**SECTION 340.12**

Subsection 340.12(12) - Add a new subsection 340.12(12) to read as follows:

(12) Direct burial.

Subsection 340.12(13) - Add a new subsection 340.12(13) to read as follows:

(13) For Solar Photovoltaic Systems.

**SECTION 344.10**

Subsection 344.10(A)(3) - Revise the second sentence of subsection 344.10(A)(3) to read as follows:

Aluminum RMC shall not be permitted to be encased in concrete or used for direct burial.

Subsection 344.10(B)(2) - Delete the subsection in its entirety.

**ARTICLE 350****Liquidtight Flexible Metal Conduit: Type LFMC****SECTION 350.12**

Subsection 350.12(3) - Add a new subsection 350.12(3) to read as follows:

(3) In lengths exceeding 1.83m (6 ft).

**ARTICLE 352****Rigid Polyvinyl Chloride Conduit: Type PVC****SECTION 352.10**

Subsection 352.10(I) - Add a new subsection 352.10(I) to read as follows:

**(I) Residential Use.** In any residential building or dwelling unit not exceeding three floors above grade.

Subsection 352.10(J) - Add a new subsection 352.10(J) to read as follows:

**(J) Non Residential Use.** Unless prohibited elsewhere by other articles of this code, PVC conduit shall be permitted in any nonresidential building or residential building over 3 stories high. Rigid nonmetallic conduit shall be concealed within non-plenum walls, floors and ceilings where the walls, floors and ceilings provide a thermal barrier of material that has at least a one hour rated assembly as identified in listings of fire-rated assemblies.

**ARTICLE 354****Nonmetallic Underground Conduit with Conductors: Type NUCC****SECTION 354.10**

Section 354.10 - Revise the heading and the first sentence to read as follows:

**354.10 Uses Permitted by Special Permission Only.** The use of NUCC and fittings shall be permitted by special permission only, as follows:

**ARTICLE 355****Reinforced Thermosetting Resin Conduit: Type RTRC****SECTION 355.10**

Subsection 355.10(I) - Add a new subsection 355.10(I) to read as follows:

**(I) Residential Use.** In any residential building or dwelling unit not exceeding three floors above grade.

Subsection 355.10(J) - Add a new subsection 355.10(J) to read as follows:

**(J) Non Residential Use.** Unless prohibited elsewhere by other articles of this code, RTRC conduit shall be permitted in any nonresidential building or residential building over 3 stories high. RTRC conduit shall be concealed within non-plenum walls, floors and ceilings where the walls, floors and ceilings provide a thermal barrier of material that has at least a one hour rated assembly as identified in listings of fire-rated assemblies.

**ARTICLE 356****Liquidtight Flexible Nonmetallic Conduit: Type LFNC****SECTION 356.10**

Section 356.10 - Revise the heading and the first sentence to read as follows:

**356.10 Uses Permitted by Special Permission Only.** The use of LFNC shall be permitted by special permission only, as follows:

**ARTICLE 358****Electrical Metallic Tubing: Type EMT****SECTION 358.10**

Subsection 358.10(C) - Delete the subsection in its entirety.

**SECTION 358.12**

Subsection 358.12(7) - Add a new subsection 358.12(7) to read as follows:

(7) For underground or exterior installations or in wet locations.

**ARTICLE 362****Electrical Nonmetallic Tubing: Type ENT****SECTION 362.10**

Section 362.10 - Revise to read as follows:

**362.10 Uses Permitted.** The use of electrical nonmetallic tubing and fittings shall be permitted:

(1) Concealed within walls, floors, and ceilings where the walls, floors, and ceilings provide a thermal barrier of material which has at least a 1 hour finish rating as identified in listings of fire-rated assemblies.

(2) In locations subject to severe corrosive influences as covered in 300.6 and where subject to chemicals for which the materials are specifically approved.

(3) In concealed, dry, and damp locations not prohibited by 362.12.

(4) Above suspended ceilings where the suspended ceilings provide a thermal barrier of material, which has at least a 1 hour finish rating as identified in listings of fire-rated assemblies.

(5) Embedded in poured concrete, provided fittings approved for this purpose are used for connections.

(6) For wet locations indoors or in a concrete slab on or below grade, with fittings listed and approved for the purpose.

FPN No.1: Extreme cold may cause some types of nonmetallic conduits to become brittle and, therefore, more susceptible to damage from physical contact.

FPN No. 2: Extreme cold may cause some types of nonmetallic tubing to become brittle and therefore more susceptible to damage from physical contact.

**SECTION 362.12**

Subsection 362.12(11) - Add a new subsection 362.12(11) to read as follows:

(11) In ducts, plenums and other air handling spaces.

**ARTICLE 366**

**Auxiliary Gutters**

**SECTION 366.10**

Subsection 366.10(B) - Revise the first sentence to read as follows:

Nonmetallic auxiliary gutters may only be installed by special permission and shall be listed for the maximum ambient temperature of the installation and marked for the installed conductor insulation temperature rating.

**ARTICLE 368**

**Busways**

**SECTION 368.2**

Section 368.2 - Change title from "Definition" to "Definitions" and add a new definition to read as follows:

**Service Busway.** For the purpose of this article, service busway is busway used to connect from the service point to the line terminals of the service equipment.

**SECTION 368.119**

Section 368.119 - Add a new section 368.119, after the heading "**III. Construction**", to read as follows:

**368.119 Service Busway.** Service busway shall conform to the specifications listed in (A) through (I) below.

**(A) Ampacity and Ratings of Busbars.** Ampacity and ratings of busbars shall be in accordance with 230.42(A).

**(B) Length.** Service busway shall be limited to a maximum of 3.0 m (10 ft) in length.

Exception: By special permission.

**(C) Insulation.** Busbars shall be insulated with a material listed for the purpose and rated for use at a minimum of 600 Volts.

Exception: Bolted busbar joints requiring maintenance shall be permitted to be uninsulated.

**(D) Enclosure.** Enclosure shall be fabricated from aluminum, minimum 3.2 mm (1/8 in.) thick or other non-magnetic material approved by the commissioner.

**(E) Enclosure Vents.** Ventilating openings shall be permitted in the sides and bottom of the enclosure. Top of enclosure must be solid.

**(F) Mounting.** Busbars shall be mounted on insulating supports, properly spaced and braced to withstand the maximum available short circuit current.

**(G) Clearance.** A minimum clearance of 102 mm (4 in.) shall be provided from the phase bars to the enclosure.

**(H) Plating.** All busbar joints and connections shall be plated with silver, tin or nickel.

**(I) Accessibility.** All busbar joints and connections shall be accessible.

**ARTICLE 370**

**Cablebus**

**SECTION 370.3**

Section 370.3 - Delete "and services" from the last sentence of the first paragraph, so that it reads as follows:

Cablebus shall be permitted to be used for branch circuits and feeders.

**ARTICLE 376**

**Metal Wireways**

**SECTION 376.22**

Section 376.22 - Add an Exception after subsection (B) to read as follows:

Exception: Metallic auxiliary gutters may contain up to 40 service entrance conductors without applying derating factors.

**ARTICLE 378**

**Nonmetallic Wireways**

**SECTION 378.10**

Section 378.10 - Revise the heading and first sentence of the section to read as follows:

**378.10 Uses Permitted by Special Permission Only.** The use of nonmetallic wireways shall be permitted by special permission only as follows:

**ARTICLE 380**

**Multioutlet Assembly**

**SECTION 380.2**

Subsection 380.2(B)(7) - Add a new subsection 380.2(B)(7) to read as follows:

(7) Where cord and plug connected unless listed for the purpose.

**ARTICLE 382**

**Nonmetallic Extensions**

**SECTION 382 II**

Section 382 II - After subheading "II. Installation" of the Article, add a sentence to read as follows and delete remainder of the Article:

**II. Installation**

Installation of non-metallic extensions shall not be permitted.

**ARTICLE 388**

**Surface Nonmetallic Raceways**

**SECTION 388.12**

Subsection 388.12(8) - Add a new subsection 388.12(8) to read as follows:

(8) In residential buildings exceeding three floors above grade.

Subsection 388.12(9) - Add a new subsection 388.12(9) to read as follows:

(9) In non-residential buildings.

**ARTICLE 392**

**Cable Trays**

Subsection 392.3(E) - Add a new sentence at end of existing paragraph to read as follows:

Nonmetallic cable trays may be used by special permission only.

**ARTICLE 394**  
**Concealed Knob-and-Tube Wiring**

**SECTION 394 II**

Section 394 II - After subheading "II. Installation" of this Article, add a sentence to read as follows and delete the rest of the Article:

**II. Installation**

Installation of Concealed Knob-and-Tube Wiring shall not be permitted.

**ARTICLE 396**  
**Messenger-Supported Wiring**

**SECTION 396**

Table 396.10(A) - Delete second line of Table in its entirety.

**CHAPTER 4**  
**Equipment for General Use**

**ARTICLE 404**  
**Switches**

**SECTION 404.10**

Subsection 404.10(A) - Delete the subsection in its entirety.

**ARTICLE 408**  
**Switchboards and Panelboards**

**Section 408.60**

Section 408.60 - Add new section 408.60 to read as follows:

**408.60 Special Requirements.** Switchboards shall be listed, approved and constructed in accordance with UL 891, Eleventh Edition, Standard for Switchboards. Panelboards shall be listed, approved and constructed in accordance with UL 67, Eleventh Edition, Standard for Panelboards. Additional construction specifications shall be in accordance with (A) thru (G) below.

**(A) Neutral Disconnect Link in Service Switchboards**

A bus link shall be provided for disconnecting the neutral service conductor(s) from the outgoing load neutral conductor(s). Such disconnect link shall be readily accessible and located downstream of the main bonding jumper and grounding electrode conductor terminal. In a multi-section switchboard a single neutral disconnect link may be provided for all service disconnects.

Exception: A single cable lug accommodating a maximum of two cables may be used in lieu of a neutral disconnect link for service disconnects 800 amperes or less.

**(B) Dielectric Test.** All service and distribution equipment, switchboards, control panels, and panelboards shall be given a 60 Hz AC dielectric test, phase to phase and phase to ground, at twice rated voltage plus 1,000 volts for one minute (minimum 1500 volts) prior to shipment from factory. A dielectric test voltage which is 20 percent higher than that in the one minute test may be applied for one second as an alternative to the one minute test. The date of the test and the name and title of the individual certifying the test shall be clearly shown on a label affixed to the equipment.

**(C) Warning Label.** All 480/277 volt switchboards, panelboards and panelboard back boxes shall have a visible label, clearly marked "WARNING 480/277 VOLTS" and in compliance with ANSI Standard Z535.4.

**(D) Grounding Switchboard Frames.** Switchboard frames and structures supporting switching equipment shall be grounded. A multisection switchboard shall be provided with an internal ground bus, which will electrically connect all of the sections of the switchboard. This ground bus shall have a minimum cross section of 1/2 square inch of copper or 3/4 square inch of aluminum. The contact surfaces of the equipment ground connections shall provide an effective electrical ground path for fault currents.

Exception: Frames of direct current, single-polarity switchboards shall not be required to be grounded if effectively insulated.

**(E) Busbars.**

**(1) General.** Busbars shall be sized based on 1000 amperes per square inch for copper and 750 amperes per square inch for aluminum.

Exception: In service switchboards, generator paralleling switchboards and when connecting to devices rated over 2500 amperes. See 408.60(E)(2) and (E)(3) below.

**(2) In Service Equipment And Switchboards Supplied Directly From Separately Derived Systems.** Line-side busbars in service switchboards and all busbars in generator paralleling switchboards shall be considered service conductors and shall comply with the requirements of 230.42(A).

**(3) Connection to Devices Rated over 2500 Amperes.** Busbars shall be sized in accordance with (a) and (b) below when connected to a device (switch or circuit breaker) over 2500 amperes:

(a) Over 2500 amperes but less than 5000 amperes, busbars shall be sized based on 800 amperes per square inch for copper and 600 amperes per square inch for aluminum.

(b) 5000 amperes and over, busbars shall be sized based on 700 amperes per square inch for copper and 525 amperes per square inch for aluminum.

Exception: Beyond a minimum distance of 1.2m (4 ft) along the current path from the device, the busbar may be reduced in size, in accordance with 408.60(E)(1) above.

**(4) Ampacity of Through (Main) Bus.** The through (main) bus that feeds four or more overcurrent protective devices of a switchboard shall have a minimum ampacity of 70 percent of the sum of the frame ratings of all devices fed by that through bus. If provisions are made for the addition of overcurrent protective devices in the future, the expected overcurrent protective device ratings shall be included in the above calculations. The through bus ampacity shall not be required to be greater than the frame rating of the upstream overcurrent protective device.

Exception: In service equipment and switchboards supplied directly from separately derived systems and for devices rated over 2500 amperes refer to 408.60(E)(2) and (E)(3) above.

**(5) Ampacity of Section Bus.** The section bus is that portion of the bus that serves one or more overcurrent protective devices in the switchboard section and includes that part of the bus between the through bus and the branch distribution bus. The minimum ampacity of the section bus of a switchboard shall be determined by the table below. The section bus ampacity shall not be required to be greater than that of the through bus.

Total Number of Branch Overcurrent Devices	Minimum Ampacity of Section Bus as a percentage of the Sum Total of Branch Overcurrent Devices*
1-2	100
3-4	80
Over 4	70

\*For fusible switches, the maximum fuse size shall be used. For interchangeable trip circuit breakers, the maximum trip rating shall be used. If provisions are made for the future installation of branch overcurrent protective devices, the ampacity of these units shall be included in the calculation.

Exception: In service equipment and switchboards supplied directly from separately derived systems and for devices rated over 2500 amperes refer to 408.60(E)(2) and (E)(3) above.

**(6) Busbar Joints.** All busbar joints and connections shall be plated with silver, tin or nickel. The current density at contact surfaces in busbar joints shall not exceed 200 amperes per square inch for copper and 150 amperes per square inch for aluminum. A permanent label providing torque values or tightening instructions for all busbar joints shall be affixed to each section of a switchboard.

**(F) Hinged Doors.** Freestanding switchboards, which have rear access, shall have hinged rear doors fastened by captive screws or suitable latches.

**(G) Barriers In Switchboards Rated Over 150 Volts To Ground.** Listed and approved barriers shall be placed between adjacent sections of the switchboard. Listed and approved barriers shall be placed between the switchboard and its pullbox, whether located at the top or bottom of the equipment. All openings in the barriers for busbars and cables shall be closed with snug fitting, listed and approved non-hygroscopic, arc resistant material.

#### ARTICLE 409

##### Industrial Control Panels

#### SECTION 409.108

Section 409.108 - At the end of the first paragraph, add “and shall comply with section 408.60.”

#### ARTICLE 410

##### Luminaires, Lampholders, and Lamps

#### SECTION 410.30

Subsection 410.30(B)(1) - At the first sentence, insert “intended for use in a wet location” between “A pole” and “shall have”

#### SECTION 410.151

Subsection 410.151(B) - Number the existing FPN as FPN No.1, and add a second FPN to read as follows:

FPN No. 2 : See the applicable Energy Conservation Code.

#### ARTICLE 422

##### Appliances

#### SECTION 422.12

Section 422.12 - Revise to read as follows:

**422.12 Central Heating Equipment.** Central heating equipment other than fixed electric space-heating equipment shall be supplied by an individual branch circuit.

Exception No. 1: Auxiliary equipment, such as a pump, valve, humidifier, or electrostatic air cleaner directly associated with the heating equipment, may be connected to the same branch circuit.

Exception No. 2: Permanently connected air-conditioning equipment may be connected to the same branch circuit.

**(A) Definition - Low Pressure Boiler.** Any steam boiler operating at 15 psig or less, any hot water boiler operating below 160 psig, or any boiler rated at 10 horsepower or less, regardless of pressure.

**(B) Controls on Low Pressure Boilers.** An electrical pressure switch with normally closed contacts shall be connected to the steam drum of every boiler ahead of all valves. The pressure switch shall be set to open at safe working pressure of the boiler. This boiler electrical high-pressure cut-off switch shall be designed to reclose only by a reset device, which shall be manually controlled. One and two family residences are exempt from these provisions.

**(C) Circuit Voltage and Safety Devices Connections.** Conductors of the control circuits shall only be connected to circuits not exceeding 150 volts to ground, or not more than 150 volts between conductors.

All safety devices, such as pressure controls, fire controls, relays, etc. shall have their electric switching mechanism connected to the ungrounded conductor.

#### SECTION 422.16

Subsection 422.16(B)(4) - Replace the term “range hood(s)” with the term “combination range hood/microwave oven(s)” in the title, first paragraph and the Exception.

#### ARTICLE 430

##### Motors, Motor Circuits, and Controllers

#### SECTION 430.5

Table 430.5 - Add the following items to the Table:

“Services 230” and “Switchboards and Panelboards 408”

#### SECTION 430.95

Section 430.95 - At the end of the first paragraph add a new sentence to read as follows:

When the equipment is utilized as service equipment, a means for disconnecting the neutral service conductor(s) complying with 408.60(A) is required.

#### SECTION 430.97

Section 430.97 - After the title, add a new sentence to read as follows:

When the equipment is utilized as service equipment, the busbars shall comply with 408.51.

#### ARTICLE 450

##### Transformers and Transformer Vaults (Including Secondary Ties)

#### SECTION 450.9

Section 450.9 - Add a new third paragraph to read as follows:

Mechanical ventilation and/or air conditioning shall be provided and shall be adequate to dispose of the transformer full-load losses without exceeding 40°C (104°F) ambient temperature in the room.

#### SECTION 450.25

Section 450.25 - Delete the section in its entirety.

#### SECTION 450.42

Section 450.42 - Revise to read as follows:

**450.42 Walls, Roofs and Floors.** The vault shall be of such dimension as to permit the installation of all electrical equipment in accordance with 110.26 or 110.34 as applicable. The vault shall be of fireproof construction with a minimum fire resistance rating of three hours with floors, walls and ceilings 152 mm (6 in.) thick if made of concrete, or 203 mm (8 in.) thick if made of brick, or 203 mm (8 in.) thick if made of filled cement block. All building steel forming part of the vault construction shall have a comparable fire resistance rating. Each compartment within a vault shall be built to the same specifications in respect to the thickness of walls and fireproof door, as the vault. The floors shall be of ample strength to carry the weight of the equipment to be installed in the vault. The floors and wall, to the height of the sill, shall be given a hard impervious finish and painted to prevent the absorption of oil.

Exception: Where transformers are protected with automatic sprinkler, carbon dioxide, or gas suppression system, construction of 1-hour rating shall be permitted.

#### SECTION 450.43

Subsection 450.43(A) - Delete the FPN, and revise the subsection and Exception to read as follows:

**(A) Type of Door.** Each doorway leading into a vault from the building interior shall be provided with a tight-fitting door that has a minimum fire rating of 3 hours. Where practicable, basement vaults or vaults opening up on a roof shall be provided with an outside entrance so that no entrance directly into the vault from the interior of the building will be necessary. Where entrance into the vault is from the interior of the building, the vault shall open upon a vestibule, passage hall or switchboard room not commonly in public use.

*Exception: Where transformers are protected with automatic sprinkler, carbon dioxide, or gas suppression system, construction of 1-hour rating shall be permitted.*

#### **SECTION 450.45**

*Section 450.45 - Revise the first paragraph to read as follows:*

*A system of ventilation shall be provided to dispose of transformer full load losses and maintain a vault ambient temperature not to exceed 40°C (104°F). Minimum criteria for ventilation shall be in accordance with (A) through (F) below:*

*Subsection 450.45(C) - Add an Exception to read as follows:*

*Exception: Where required to meet the ventilation conditions of this section, the minimum of three square inches per kVA of natural ventilation may be supplemented by a dedicated mechanical ventilation system.*

#### **SECTION 450.46**

*Section 450.46 - Revise to read as follows:*

**450.46 Drainage.** *Where practicable, vaults containing more than 100 kVA transformer capacity shall be provided with a drain or other means that will carry off any accumulation of oil or water in the vault unless local conditions make this impracticable. The floor shall be pitched to the drain where provided. Drainage shall be permitted to carry off water accumulation. Such drainage shall prevent drainage of transformer coolant into the water drainage system and shall be provided in accordance with the New York City Construction Codes and other authorities having applicable regulations.*

### **CHAPTER 5 Special Occupancies**

#### **ARTICLE 500**

**Hazardous (Classified) Locations, Classes I, II, and III, Divisions 1 and 2**

#### **SECTION 500.8**

*Subsection 500.8(A)(3) - Revise to read as follows:*

**(3) Evidence acceptable to the authority having jurisdiction.**

#### **ARTICLE 501**

**Class I Locations**

#### **SECTION 501.10**

*Subsection 501.10(B)(1)(7) -Delete the words “and Schedule 80 PVC conduit, factory elbows, and associated fittings” from the first paragraph.*

*Subsection 501.10(B)(2) - Delete item (4) “Liquidtight flexible nonmetallic conduit with listed fittings”.*

#### **ARTICLE 502**

**Class II Locations**

#### **SECTION 502.10**

*Subsection 502.10(A)(2) - Delete item (3) “Liquidtight flexible nonmetallic conduit with listed fittings”.*

#### **SECTION 502.100**

*Subsection 502.100(B)(2) - Revise to read as follows:*

**(2) Containing Askarel. The use of transformers containing Askarel is prohibited. Delete (1), (2), (3).**

#### **ARTICLE 503**

**Class III Locations**

#### **SECTION 503.10**

*Subsection 503.10(A) - Delete the words “rigid nonmetallic conduit”.*

*Subsection 503.10(A)(2) - Delete the words “liquidtight flexible nonmetallic conduit with listed fittings”.*

#### **ARTICLE 505**

**Class I, Zone 0, 1, and 2 Locations**

#### **SECTION 505.15**

*Subsection 505.15(C)(1)(g) - Delete the words “and Schedule 80 PVC conduit, factory elbows, and associated fittings”.*

*Subsection 505.15(C)(2) - Delete the words “liquidtight flexible nonmetallic conduit with listed fittings”.*

#### **ARTICLE 506**

**Zone 20, 21, and 22 Locations for Combustible Dusts or Ignitable Fibers/Flyings**

#### **SECTION 506.9**

*Subsection 506.9(A)(3) - Delete the words “such as a manufacturer's self-evaluation or an owner's engineering judgment”.*

#### **SECTION 506.15**

*Subsection 506.15(A)(5) - Delete the words “liquidtight flexible nonmetallic conduit with listed fittings”.*

#### **ARTICLE 511**

**Commercial Garages, Repair and Storage**

#### **SECTION 511.7**

*Subsection 511.7(A)(1) - Delete the words “rigid nonmetallic conduit, electrical nonmetallic tubing” and “or liquidtight flexible nonmetallic conduit”.*

#### **ARTICLE 515**

**Bulk Storage Plants**

#### **SECTION 515.7**

*Subsection 515.7(A) - Delete the words “, Schedule 80 PVC conduit”.*

#### **ARTICLE 516**

**Spray Application, Dipping and Coating Processes**

#### **SECTION 516.3**

*Subsection 516.3(C)(2)(a) - Revise to read as follows:*

*(a) The exhaust ventilation system shall be interlocked with the spray application equipment, the Division 2 or Zone 2 location shall extend 1.5 m (5 ft) horizontally and 900 mm (3 ft) vertically from the open face or open front of the booth or room, as shown in figure 516.3(B)(2), top.*

*Subsection 516.3(C)(2)(b) - Delete the subsection in its entirety.*

#### **ARTICLE 517**

**Health Care Facilities**

#### **SECTION 517.30**

*Subsection 517.30(B)(4) - At the end of the paragraph, add the following:*

*A separate automatic transfer switch shall be required for:*

- (1) The fire pump. For fire pump requirements refer to Article 695 - Fire Pumps.  
 (2) Alarm and alerting systems.  
 (3) Automatic smoke control or venting.  
 (4) Stair pressurization systems.

FPN Figures 517.30, No.1 and 517.30, No.2, add the following:

This figure does not reflect the switches and automatic transfer switches required above.

Subsection 517.30(C)(3)(1) - Delete the words “,or Schedule 80 PVC conduit”.

#### **SECTION 517.41**

Subsection 517.41(B) - At the end of the paragraph, add the following:

A separate automatic transfer switch shall be required for:

- (1) The fire pump. For fire pump requirements refer to Article 695- Fire Pumps.  
 (2) Alarm and alerting systems.  
 (3) Automatic smoke control or venting.  
 (4) Stair pressurization systems.

FPN Figures 517.41, No.1 and 517.41, No. 2, add the following:

This figure does not reflect the switches and automatic transfer switches required above.

#### **ARTICLE 518**

##### **Assembly Occupancies**

#### **SECTION 518.1**

Section 518.1 - Revise to read as follows:

**518.1 Scope.** This article covers all buildings or portions of buildings or structures classified as Assembly Occupancies in the New York City Construction Codes.

#### **SECTION 518.2**

Subsection 518.2(A) - Delete the first sentence and replace with the following:

(A) **General.** Assembly Occupancies shall be classified as places of assembly in accordance with New York City Construction Codes and the Fire Code (under Titles 28 & 29 of the New York City Administrative Code) and shall include the following:

Subsection 518.2(B) - Revise to read as follows:

(B) **Multiple Occupancies.** Multiple occupancies shall be classified in accordance with the New York City Construction Codes.

#### **SECTION 518.4**

Subsection 518.4 (B) - Delete the subsection in its entirety.

Subsection 518.4(C) - Delete the subsection in its entirety.

#### **ARTICLE 520**

##### **Theaters, Audience Areas of Motion Picture and Television Studios, Performance Areas, and Similar Locations**

#### **SECTION 520.5**

Subsection 520.5(C) - Delete the subsection in its entirety.

#### **SECTION 520.6**

Section 520.6 - Delete the words “rigid nonmetallic conduit as permitted in this article,” from the first sentence.

#### **ARTICLE 522**

##### **Control Systems for Permanent Amusement Attractions**

#### **SECTION 522.1**

Subsection 522.1 - Before “electrical equipment” insert the words “(new and existing)”.

#### **ARTICLE 525**

##### **Carnivals, Circuses, Fairs, and Similar Events**

#### **SECTION 525.20**

Subsection 525.20(G) - In the first sentence, delete the words “permitted to be” and add the word “secured” in front of “nonconductive matting”.

#### **ARTICLE 545**

##### **Manufactured Buildings**

#### **SECTION 545.3**

Section 545.3 - Add new section 545.3 to read as follows:

**545.3 Wiring Generally.** Approval of all wiring within manufactured buildings, including branch circuit wiring, shall be subject to the installation and permitting requirements of this code.

#### **SECTION 545.4**

Subsection 545.4(A) - Revise to read as follows:

(A) **Methods Permitted.** The wiring shall be installed in accordance with the requirements of Chapter 3.

#### **SECTION 545.6**

Section 545.6 - Delete the Exception in its entirety.

#### **SECTION 545.10**

Section 545.10 - Delete the section in its entirety.

#### **ARTICLE 547**

##### **Agricultural Buildings**

#### **SECTION 547.5**

Subsection 547.5(A) - Delete the words “liquidtight flexible nonmetallic conduit”.

Subsection 547.5(D) - Delete the words “liquidtight flexible nonmetallic conduit”.

#### **ARTICLE 550**

##### **Mobile Homes, Manufactured Homes, and Mobile Home Parks**

#### **SECTION 550.3**

Section 550.3 - Add a new section 550.3 to read as follows:

**550.3 Wiring Generally.** Approval of all wiring within mobile and manufactured homes, including branch circuit wiring, shall be subject to the installation and permitting requirements of this code.

#### **ARTICLE 590**

##### **Temporary Installations**

#### **SECTION 590.4**

Subsection 590.4(J) - Add the following at the beginning of the subsection:

Temporary wiring for lighting shall be properly and substantially supported on noncombustible, nonabsorbive insulators and shall be kept off the floor and free and clear of contact with woodwork, metal pipes and metal portions of the building structure.

Subsection 590.4(K) - Add a new subsection 590.4(K) to read as follows:

**(K) Permanent Feeders and Branch Circuits used for Temporary Light and Power.** Permanent feeders may be used for temporary light, heat or power service if run in approved raceways or conduits from the source of supply directly to the distribution center. Temporary polarized lampholders may be connected to permanent branch circuit wiring pending the erection of the permanent fixtures.

Subsection 590.4(L) - Add a new subsection 590.4(L) to read as follows:

**(L) Grounding.** All portable machines shall be grounded. All grounding shall conform with Article 250.

#### SECTION 590.6

Section 590.6 - Add an Exception after the first paragraph, to read as follows:

*Exception: Temporary wiring installations that are accessible to the public and used to supply temporary power for illumination of outdoor areas during construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment, or similar activities shall comply with all other requirements of this code for permanent wiring and shall be provided with ground-fault protection for personnel.*

#### SECTION 590.8

Section 590.8 - Add a new section 590.8 to read as follows:

**590.8 Sidewalk Shed Lighting.** All sidewalk shed lighting installations shall comply with the following conditions in addition to all other relevant provisions of this code:

- (1) Such lighting shall be installed in a metal raceway approved for outdoor use.
- (2) All junction boxes shall be suitable for damp or wet locations.
- (3) A minimum wire size of 12 AWG shall be used for the installation.
- (4) All fixtures shall be suitable for outdoor locations.
- (5) Ground-Fault Circuit Interrupter (GFCI) protection is required on receptacles and lighting.
- (6) The installation shall be properly grounded and bonded.
- (7) The panel supplying power to the sidewalk shed lighting shall have a directory that clearly indicates which circuit is being used to supply power.

### CHAPTER 6

#### Special Equipment

#### ARTICLE 600

##### Electric Signs and Outline Lighting

#### SECTION 600.3

Section 600.3 - Add the following subsections:

**(C) Inspection.** Electric signs manufactured for installation in the city shall be inspected by the department and approved prior to installation. The department may direct that such inspection take place at the factory before final assembly or at the place of installation.

**(D) Relocated Signs.** The relocation of an approved sign from one location to another may be permitted without inspection provided that no alterations in or additions to the existing sign are made, and the application to connect at the new location shows the previous location, lettering, and the connected electrical load of the sign.

**(E) Plastic Materials.** All plastic materials to be used in the manufacture of electric signs shall be submitted for approval.

**(F) Markings.** Each individual plastic section or letter shall be permanently marked with the material manufacturer's name, trademark, or other identification symbol.

**(G) Receptacles.** Only receptacles for sign maintenance shall be installed in or on sign enclosures.

#### SECTION 600.7

Subsection 600.7(B)(7)(a) - Replace "14 AWG" with "12 AWG".

#### SECTION 600.8

Subsection 600.8(C) - Revise to read as follows:

**(C) Minimum Thickness of Enclosure Metal.** Sheet steel shall be at least 0.635mm (0.0250 in./24 U.S.S.G.) thick. Sheet copper or aluminum shall be of equivalent strength.

### ARTICLE 604

#### Manufactured Wiring Systems

#### SECTION 604.1

Subsection 604.1(A) - Add a new subsection 604.1(A) to read as follows:

**(A) General.** All such wiring systems shall be approved by the department, and shall comply with the installation requirements of this code in addition to the standards listed below. Each manufactured wiring system manufacturer shall add the following to its installation instructions:

- (1) With the electrical permit application for each installation, or any subsequent modification thereof, the licensed electrician shall include a diagram or specification sheet clearly defining the boundaries where the wiring method will be installed.
- (2) Manufactured wiring systems shall not be used for emergency exit signs or emergency lighting.
- (3) Such wiring shall be used only for general lighting circuits above an accessible hung ceiling or where no finished ceiling exists.

#### SECTION 604.4

Section 604.4 - Delete Exceptions No.1 and No. 2 in their entirety.

#### SECTION 604.6

Subsection 604.6(A)(2) - Revise the first paragraph by inserting the word "metal" between "liquidtight flexible" and "conduit".

### ARTICLE 605

#### Office Furnishings (Consisting of Lighting Accessories and Wired Partitions)

#### SECTION 605.4

Section 605.4 - Revise to read as follows:

**605.4 Partition Interconnections.** The electrical connection between partitions shall be flexible assemblies listed and approved for use with wired partitions or metallic raceways that do not exceed 610mm (2 ft) in length.

#### SECTION 605.6

Section 605.6 - Revise to read as follows:

**605.6 Fixed-Type and Freestanding-Type Partitions.** Wired partitions that are fixed (secured to building surfaces) or freestanding (not fixed) shall be permanently connected to the building electrical system by one of the wiring methods of this code. Where liquidtight flexible metal conduit is used, the maximum length shall be 457mm (18 in.).

#### SECTION 605.7

Section 605.7 - Delete the section in its entirety.

**SECTION 605.8**

Section 605.8 - Delete the section in its entirety.

**ARTICLE 620**

**Elevators, Dumbwaiters, Escalators, Moving Walks, Platform Lifts, and Stairway Chairlifts**

**SECTION 620.12**

Subsection 620.12(B) - Revise to read as follows:

**(B) Other Wiring.** All signaling and operating control circuits shall be minimum 24 AWG copper.

**SECTION 620.21**

Section 620.21 - Delete the words "rigid nonmetallic conduit" and "liquidtight flexible nonmetallic conduit" throughout.

Subsection 620.21(A)(1)(d) - Delete paragraphs (d)(3) and (d)(4) in their entirety.

Subsection 620.21(A)(2)(d) - Delete paragraphs (d)(3) and (d)(4) in their entirety.

Subsection 620.21(A)(3)(e) - Delete the subsection in its entirety.

Subsection 620.21(A)(4) - Delete the subsection in its entirety.

**SECTION 620.23**

Subsection 620.23(C) - Insert the words "with ground-fault circuit interrupter" between "duplex receptacle" and "shall be provided".

**SECTION 620.24**

Subsection 620.24(A) - Revise the second sentence to read as follows:

Required lighting and/or sump pump shall not be connected to the load side of a ground-fault circuit interrupter.

FPN - replace "2004" with "2003".

**SECTION 620.61**

Section 620.61 - Add a second sentence to read as follows:

For multiple elevators connected to the same feeder, each elevator circuit must be properly protected.

**SECTION 620.82**

Section 620.82 - Insert the words "including all door panels" between "metal enclosures" and "for all electrical equipment".

**ARTICLE 640**

**Audio Signal Processing, Amplification, and Reproduction Equipment**

**SECTION 640.3**

Subsection 640.3(J) - Delete the subsection in its entirety.

**ARTICLE 645**

**Information Technology Equipment**

**SECTION 645.17**

Subsection 645.17 - Delete the words: "each panelboard has no more than 42 overcurrent devices and".

**ARTICLE 668**

**Electrolytic Cells**

**SECTION 668.1**

Section 668.1 - Add a new paragraph at the end of the section to read as follows:

No new electrolytic cell line shall be installed, nor any existing cell line modified, without special permission.

**ARTICLE 680**

**Swimming Pools, Fountains, and Similar Installations**

**SECTION 680.4**

Section 680.4 - At the end of the paragraph add the following:

All applicable provisions of the New York City Construction Codes shall apply.

**SECTION 680.9**

Subsection 680.9 - At the end of the paragraph add the following:

All such circuits shall be provided with GFPE. Electric water heaters of the immersion or submersible type shall not be permitted.

**SECTION 680.21**

Subsection 680.21(A)(3) - Revise by deleting the words "or liquidtight flexible nonmetallic conduit".

**SECTION 680.23**

Subsection 680.23(B)(1) - Revise the first sentence to read as follows:

Listed and approved forming shells shall be installed for the mounting of all wet-niche underwater luminaires (fixtures) and shall be equipped with provisions for conduit entries.

Subsection 680.23(B)(2) - Revise by deleting the words "liquidtight flexible nonmetallic" throughout.

Subsection 680.23 (B)(2)(b) - Revise the first sentence to read as follows:

Where a rigid nonmetallic conduit is used, an 8 AWG insulated solid or stranded copper equipment grounding conductor shall be installed in this conduit unless a listed low-voltage lighting system not requiring grounding is used.

Subsection 680.23(D) - Revise to read as follows:

**(D) No-Niche Luminaires (Fixtures).** A no-niche lighting fixture shall be supplied from a transformer meeting the requirements of 680.23(A)(2) and shall:

- (1) Have no exposed metal parts
- (2) Have an impact resistant polymeric lens and body, and
- (3) Be listed and approved for the purpose

Subsection 680.23(F)(1) - Revise to read as follows:

**(1) Wiring Methods.** Branch-circuit wiring on the supply side of enclosures and junction boxes connected to conduits run to wet-niche and no-niche luminaires (fixtures), and the field wiring compartments of dry-niche luminaires (fixtures), shall be installed using listed and approved rigid metal conduit, intermediate metal conduit, or rigid nonmetallic conduit.

Exception: Electrical metallic tubing shall be permitted to be used to protect conductors, when installed within buildings.

**SECTION 680.33**

Section 680.33 - Revise to read as follows:

**680.33 Storable Pool Luminaires (Lighting Fixtures).** Luminaires (lighting fixtures) for storable pools shall not be permitted.

**SECTION 680.41**

Section 680.41 - Revise section by deleting the last sentence.

**SECTION 680.42**

Subsection 680.42(A)(1) - Revise subsection by deleting the words “liquidtight flexible nonmetallic conduit” throughout.

**ARTICLE 682****Natural and Artificially Made Bodies of Water****SECTION 682.1**

Section 682.1 - Add the words “and water parks” at the end of the section.

**SECTION 682.2**

Section 682.2 - Add the words “and water parks” at the end of the first sentence of the definition of “Artificially Made Bodies of Water”.

**SECTION 682.13**

Section 682.13 - In the first sentence delete the words “or liquidtight flexible nonmetallic conduit”.

**ARTICLE 690****Solar Photovoltaic Systems****SECTION 690.1**

Section 690.1 - At the end of the section add the following:

A detailed diagram of the photovoltaic system must be made available upon request of the department.

**ARTICLE 695****Fire Pumps****SECTION 695.1**

Subsection 695.1(A)(3) - Add a new subsection 695.1(A)(3) to read as follows:

(3) Modification of existing fire pump power supply.

**SECTION 695.2**

Section 695.2 - After the first definition, “Fault Tolerant External Control Circuits”, add two new definitions to read as follows:

**Fire Pump.** For the purposes of this section, a fire pump is any Manual Standpipe Fire Pump, Automatic Standpipe Fire Pump, Sprinkler Booster Pump, Special Service Fire Pump, Spray Mist Fire Pump or Foam Fire Pump located at or below street level or with a motor rating exceeding 30hp.

**Limited Service Fire Pump.** For the purposes of this section, a Limited Service Fire Pump is a fire pump located above street level with a motor rating not exceeding 30hp and connected to a limited service fire pump controller.

Revise the third definition, “On-Site Standby Generator”, to read as follows:

**On-Site Emergency Generator.** An on-site facility producing electric power as the alternate supply of electric power meeting the requirements of Article 700.

After the last definition, “On-Site Standby Generator”, add a new definition to read as follows:

**Sprinkler booster pump.** For the purposes of this section, a Sprinkler Booster Pump is a fire pump installed in J-2 occupancies, where a minimum of 5 psig is maintained at the highest line of sprinklers, that complies with the definition of Limited Service Fire Pump.

**SECTION 695.3**

Subsection 695.3(B) - Revise to read as follows:

**(B) Multiple Sources.** Where required by the New York City Construction Codes, power from sources described in 695.3(A) shall be supplied from an approved combination of two or more such sources or an approved combination of one such source and an on-site emergency generator. The on-site emergency generator, complying with this section, shall be of sufficient capacity to allow normal starting and running of the motor(s) driving the fire pump(s) while supplying all other simultaneously operated loads. Optional standby loads shall be automatically shed when necessary to ensure the proper starting and operation of the fire pump.

Subsection 695.3(C) - Add a new subsection 695.3(C) to read as follows:

**(C) Multiple Independent Sources.** Two or more feeder sources routed separately to the building and independently operated may be permitted for compliance with this section, as approved by the commissioner, where the reliability of the sources can be demonstrated.

**SECTION 695.4**

Section 695.4 - Revise to read as follows:

**695.4 Continuity of Power.** Circuits that supply electric motor-driven fire pumps shall be supervised from inadvertent disconnection in accordance with (A) or (B) below.

**(A) General.** Each utility and generator supply circuit that supplies an electric motor-driven fire pump or limited service fire pump shall be supplied from a single dedicated service disconnecting means and associated overcurrent protective device installed between the power source and one of the following:

- (1) A listed fire pump controller
- (2) A listed fire pump power transfer switch
- (3) A listed combination fire pump controller and power transfer switch

**Exception 1:** The service conductors may directly connect the power source to either the listed fire pump controller or combination fire pump controller and power transfer switch where available short circuit current is less than the rating of the fire pump controller or combination fire pump controller and power transfer switch.

**Exception 2:** Where a limited service fire pump is connected to an emergency generator in addition to the electric utility source, the disconnecting means for either source is not required to be a service disconnecting means.

**Exception 3:** Where the building service disconnecting means consists of multiple utility sources over 600 volts arranged through transformers to supply a network secondary, a disconnecting means connected to the network complies with the requirements of this section.

**(B) Disconnecting Means and Overcurrent Protection**

**(1) Utility Service.** Fire pumps and limited service fire pumps shall have overcurrent protection selected as to allow the operation of the fire pump for as long as the fire pump remains capable of running, except where direct connection is made in accordance with 695.4(A)(3) Exception 1:

(1) **Fire Pump.** Fire pump overcurrent protection shall be selected at between 300 percent and 600 percent of motor full load current.

(2) **Limited Service Fire Pump.** Limited service fire pumps shall be protected by overcurrent devices selected at 150 percent of motor full load current. The next larger available device size may be used where selection results in a non-standard device size.

(3) *Disconnecting means shall be listed to accept the selected overcurrent device with no modification.*

(2) **Generator Supply.** *When required to be connected to an emergency generator, fire pumps and limited service fire pumps shall have overcurrent protection selected in accordance with the following, except where direct connection is made in accordance with 695.4(A)(3) Exception 1:*

(1) *Fire Pump. Fire pumps shall be protected by an over current device selected at not less than 150 percent and not more than 300 percent of motor full load current.*

(2) *Limited Service Fire Pump. Limited service fire pumps shall be protected by an overcurrent device selected at 150 percent of motor full load current. The next larger available size may be used where selection results in a non-standard size.*

(3) *Disconnecting means shall be listed to accept the selected fuse or circuit breaker trip with no modification.*

(4) *A tap ahead of the on-site emergency generator disconnecting means shall be required for the fire pumps.*

*Exception: Where multiple generators operate in parallel, the fire pump tap may be made on the parallel distribution bus.*

(3) **Disconnecting Means.** *The disconnecting means shall comply with the following:*

(1) *Be identified as suitable for use as service equipment.*

(2) *Be lockable in the closed position. Locking provisions shall remain in place with or without an installed lock.*

(3) *Not located within equipment that feeds loads other than the fire pump.*

(4) *Be located as remote as practicable from other service disconnecting means with a minimum separation of 305mm (12 in.).*

*Exception: (1), (3), and (4) shall not apply to fire pumps and limited service fire pumps connected to emergency generators.*

(4) **Disconnect Marking.** *The disconnecting means shall be marked "Fire Pump - Do Not Disconnect". The letters shall be at least 25mm (1 in.) in height, and they shall be visible without opening enclosure doors. Disconnecting means shall be red in color.*

(5) **Controller Marking.** *A placard shall be placed adjacent to the fire pump controller stating overcurrent setting at 300 percent of motor full load current, the location of the disconnecting means, and the location of the key (if the disconnecting means is locked).*

(6) **Supervision.** *The power continuity shall be supervised by one of the following:*

(1) *Central station signals confirming power source availability and pump running where central station connection is provided as required by building occupancy or use.*

(2) *Local signaling device, audible and visual, for power source availability and pump running which is activated at a continuously attended location where central station connection is not otherwise required.*

#### SECTION 695.5

*Section 695.5 - Revise to read as follows:*

##### 695.5 Accessory Equipment

(A) **Transformers.** *Where the service or system voltage is different from the utilization voltage of the fire pump motor, a transformer protected by disconnecting means and overcurrent devices shall be permitted to be installed between the system supply and the fire pump controller in accordance with the following.*

(1) **Size:** *Transformers shall be rated at a minimum of 125 percent of the sum of the fire pump motor(s) and pressure maintenance pump(s) motor loads, and 100 percent of the remaining load supplied by the transformer.*

(2) **Overcurrent Protection:** *Primary disconnecting means and overcurrent devices shall be selected in accordance with 695.4(B)(1). Secondary disconnecting means and overcurrent devices shall not be permitted.*

(3) **Feeder Source:** *The feeders on the primary and secondary of the transformer shall be sized in accordance with the requirements of 695.6 adjusted for the primary and secondary voltage.*

(B) **Utility Meters:** *Metering of fire pumps shall be current transformer driven or bypass type such that meter removal will not interrupt service to the fire pump. Metering may be dedicated to the fire pump or coincident with other building power use.*

(C) **Rectifiers:** *Rectifiers may be used to supply existing DC fire pump installation in accordance with the following.*

(1) **Size:** *Where a rectifier supplies an existing DC electric fire pump, it shall be rated at a minimum of 125 percent of the fire pump full load current plus 100 percent of the full load current of all other equipment connected to the rectifier.*

*Exception: If largest motor is other than the fire pump, rectifier shall be sized at 125 percent of the largest motor and 100 percent of all other equipment.*

(2) **Overcurrent Protection:** *The primary disconnecting means and overcurrent device shall be rated at 150 percent of the rectifier full load current. The DC fire pump shall be supplied by a dedicated connection on the secondary of the rectifier. Disconnecting means and overcurrent devices shall not be permitted.*

(3) **Feeder Source:** *The feeders on the primary and secondary of the rectifier shall be sized in accordance with the requirements of 695.6 adjusted for the primary and secondary voltage.*

(4) **Other Loads:** *Rectifiers installed to supply existing DC fire pumps shall be permitted to supply other loads. Rectifier capacity shall be increased in accordance with 695.5(C)(1). Each DC supply shall include a disconnecting means and overcurrent device sized in accordance with applicable sections of the code.*

#### SECTION 695.6

*Section 695.6 - Revise to read as follows:*

**695.6 Power Wiring.** *Power circuits and wiring methods shall comply with the requirements in 695.6(A) through (E), and as permitted in 230.90(A), Exception 4; 230.94, Exception 4; 230.208; 240.4(A); 240.13 and 430.31.*

(A) **Supply Conductors:** *Fire pump and limited service fire pump supply conductors shall be physically routed outside a building(s) and shall be installed as service entrance conductors. Where supply conductors cannot be physically routed outside buildings, routing through buildings is permitted where installed in accordance with Section 230.6(1), (2), (4) or (5).*

*Exception: The supply conductors located in the electrical service room and generator room where they originate and in the fire pump room shall not be required to have the minimum 2-hour fire separation or fire resistive rating.*

(B) **Circuit Conductors:**

(1) **Fire Pumps.** *Fire pump supply conductors, including emergency supply conductors where emergency power is provided, on the load side of the final disconnecting means and overcurrent device shall be kept entirely independent of all other wiring. They shall supply only loads that are directly associated with the fire pump system, and shall be protected to resist potential damage by fire, structural failure, or operational damage. They shall be permitted to be routed through a building(s) using one of the following methods:*

(1) *Encased in a minimum of 50mm (2 in.) concrete using rigid metal conduit (steel RMC), intermediate metal conduit, electrical metallic tubing or schedule 80 non-metallic conduit.*

(2) *Rigid metal conduit (steel RMC) within an enclosed construction dedicated to the fire pump circuit(s) having a minimum of a 2-hour fire resistance rating.*

(3) A listed electrical circuit protective system with a minimum 2-hour fire resistance rating. The installation shall comply with any restrictions provided in the listing of the electrical circuit protective system.

*Exception:* The supply conductors located in the electrical service room and generator room where they originate and in the fire pump room shall not be required to have the minimum 2-hour fire separation or fire resistive rating.

(2) **Limited Service Fire Pumps.** Limited service fire pump supply conductors shall be installed in rigid metal conduit (steel RMC) or intermediate metal conduit (steel IMC).

*Exception:* Where there are multiple sources of supply with means of automatic transfer from one source to the other, electrical metallic tubing (EMT) shall also be permitted.

(C) **Conductor Size.** Conductors supplying a fire pump or a limited service fire pump shall have a rating not less than 125 percent of the full load current of the pump motor selected at no greater than 75 degrees operating temperature of the conductor type used.

(D) **Overload Protection.** See 695.5(C)(2) for overload protection requirements.

(E) **Pump Wiring.** All wiring from the controllers to the pump motors shall be in rigid metal conduit (steel RMC) or have a minimum 1-hour fire separation or fire resistance rating.

*Exception No. 1:* Liquidtight flexible metal conduit (maximum of 915mm (36 in.)) is permitted for final connection to motor terminal housing.

*Exception No. 2:* Intermediate metal conduit (steel IMC) and electrical metallic tubing (EMT) shall be permitted for limited service fire pumps.

#### SECTION 695.10

Section 695.10 - Revise to read as follows:

**695.10 Listed Equipment.** Diesel engine driven fire pump controllers, electric fire pump controllers, electric motors, fire pump transfer switches, foam pump controllers, and limited service controllers shall be listed and approved for fire pump use.

#### SECTION 695.14

Subsection 695.14(E) - Revise to read as follows:

(E) **Electric Fire Pump Control Wiring Methods.** All electric motor driven fire pump control wiring shall be in rigid metal conduit, intermediate metal conduit, liquidtight flexible metal conduit or Type MI cable.

*Exception:* Electrical metallic tubing (EMT) shall be permitted for limited service fire pump control wiring.

Subsection 695.14(F) - Add an Exception to read as follows:

*Exception:* Electrical metallic tubing shall be permitted for limited service fire pump control wiring where provided with emergency generator supply.

### CHAPTER 7 SPECIAL CONDITIONS

#### ARTICLE 700 Emergency Systems

##### SECTION 700.1

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

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

##### SECTION 700.4

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

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

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

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

7.13.3: Delete in its entirety.

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

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

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

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

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

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

8.1.2: Delete in its entirety.

8.2: Delete in its entirety.

8.3.1: Delete the following text from the end: "...for the type and for the time duration specified for the class."

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

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

8.4.5: Delete in its entirety.

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

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

##### SECTION 700.5

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

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

FPN: Peak reduction program may require utility approval.

**SECTION 700.6**

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

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

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

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

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

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

**SECTION 700.7**

Section 700.7 - Revise to read as follows:

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

**SECTION 700.9**

Subsection 700.9(A) - At the end of the subsection add the following:

All accessible raceways, boxes and enclosures (including transfer switches, generators and power panels) for emergency circuits shall be permanently marked so they will be readily identified as a component of an emergency circuit or system. Accessible raceways shall be marked at least once every 3 m (10 ft). Acceptable means of marking shall include, but is not limited to, a permanently affixed identification nameplate, yellow in color with black lettering.

Subsection 700.9(B) - Revise Exception to (5)(b) to read as follows:

Exception to (5)(b): Overcurrent protection shall be permitted at the source for the equipment, provided the overcurrent protection is selectively coordinated in the overcurrent range with the downstream overcurrent protection.

**SECTION 700.10**

Section 700.10 - Add a new section 700.10 to read as follows:

**700.10 Conductors for Emergency Circuits.**

**(A) Ampacity.** See 445.13.

**(B) Installation of Generator Conductors.** Generator conductors shall be installed in accordance with the requirements of Article 230.

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

**(D) Fire System Pumps.** Fire system pumps or fire protection pumps requiring connection directly to the emergency generator as defined in the New York City Construction Codes shall be connected as follows:

(1) Circuits supplying fire system pumps shall be connected directly to the emergency generator with only one overcurrent protective device which shall be rated at not less than 150 percent and not more than 600 percent of the pump full load current.

Exception: Limited service fire pumps shall be protected by an overcurrent device selected at 150 percent of motor full load current. The next largest available device size may be used where selection results in a non-standard device size.

(2) Where multiple generators are paralleled, the connection for the fire system pumps shall be taken from the generator paralleling bus.

Exception: Limited service fire pumps are not required to be directly connected to the emergency generator and may have additional overcurrent protective devices.

(3) Conductors and transformers feeding the system shall be sized at 125 percent of the pump full load current.

(4) Separate circuits shall be used for each fire system pump.

**(E) Alarm Systems.** All building-wide fire alarm systems shall be provided with a dedicated transfer switch and be directly connected to the emergency generator overcurrent protective devices as follows:

(1) 208/120V systems-by a dedicated fused disconnecting means.

(2) 460/265V systems-by a dedicated fused disconnecting means with fused disconnecting means on the secondary of the associated transformer.

**SECTION 700.12**

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

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

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

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

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

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

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

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

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

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

**(6) Outdoor Generator Sets.** Where an outdoor generator set is permanently installed and is equipped with a disconnecting means and such generator set is located within sight of the building or structure supplied, an additional disconnecting means shall not be required where ungrounded conductors pass through the building or structure. Appropriate signage shall be provided at the generator set and at the first disconnecting means within the building or structure supplied.

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

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

FPN: See 250.34 for grounding of generator frame.

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

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

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

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

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

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

Subsection 700.12(E) - Delete the subsection in its entirety.

#### **SECTION 700.26**

Section 700.26 - Revise to read as follows:

**700.26 Ground Fault Protection of Equipment.** The alternate source for emergency systems shall not be permitted to have ground fault protection for equipment with automatic disconnecting means. Ground fault indication of the emergency source shall be provided pursuant to 700.7(D).

#### **SECTION 700.27**

Section 700.27 - Revise to read as follows:

**700.27 Coordination.** Emergency system(s) overcurrent devices shall be selectively coordinated in the overcurrent range with all supply side overcurrent protective devices.

#### **SECTION 700.30**

Section 700.30 - Add a new section 700.30 under a new part "VII Grounding" to read as follows:

### **VII. Grounding**

**700.30 General.** Grounding shall be in accordance with the provisions of Article 250.

#### **SECTION 700.31**

Section 700.31 - Add a new section 700.31 to read as follows:

#### **700.31 Control Circuits.**

**(A) Grounding.** Low voltage control circuits and DC control circuits derived from engine generator starting batteries shall have one leg grounded.

**(B) Arrangements.** Control circuits shall be arranged so that an additional accidental ground shall not cause operation of the connected devices.

**(C) Return Path.** Control circuits shall not make use of the equipment grounding conductor as a circuit path.

#### **ARTICLE 701**

##### **Legally Required Standby Systems**

#### **ARTICLE 701**

**Legally Required Standby Systems** - Delete the article in its entirety and add a FPN to read as follows:

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

#### **ARTICLE 702**

##### **Optional Standby Systems**

#### **SECTION 702.6**

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

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

#### **SECTION 702.12**

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

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

#### **ARTICLE 705**

##### **Interconnected Electric Power Production Sources**

#### **SECTION 705.40**

Section 705.40 - Add a new paragraph after the first paragraph to read as follows:

Special detection methods shall be required to determine that a primary source supply system outage has occurred, and whether there should be automatic disconnection. When the primary source supply is restored, special detection methods shall be required to limit exposure of power production to out-of-phase reconnection.

Delete the Exception in its entirety.

Delete FPN No.1 in its entirety.

#### **SECTION 705.42**

Section 705.42 - Delete the words "or legally required standby" from the last sentence and delete the Exception in its entirety.

#### **ARTICLE 708**

##### **Critical Operations Power Systems (COPS)**

#### **ARTICLE 708**

**Critical Operations Power Systems (COPS)** - Re-designate FPN as FPN No.2 and add FPN No.1 to read as follows:

FPN No.1: Determination of a Designated Critical Operations Area (DCOA) and the Critical Operations Power Systems (COPS) needed in its support shall be made by the local, state or federal authority having jurisdiction (AHJ) over the operation. Such authority will establish the basis for the risk assessment, confirm acceptability of the mitigation strategy and determine compliance with the requirements of this article.

#### **ARTICLE 725**

##### **Class 1, Class 2, and Class 3 Remote-Control, Signaling, and Power-Limited Circuits**

#### **SECTION 725.2**

Section 725.2 - Revise the first definition, "Abandoned Class 2, Class 3, and PLTC Cable" and FPN as follows:

**Abandoned Class 2, Class 3 and PLTC Cable.** Installed Class 2, Class 3 and PLTC Cable that are not terminated at equipment and not identified for future use with a tag at each end identifying the location of the opposing end.

FPN Replace "725.21" with "725.41".

**SECTION 725.3**

Subsection 725.3(C) - Revise the Exception to read as follows:

Exception: Type CL2P or Type CLP3P cables shall be permitted for Class 2 and Class 3 circuits installed in other spaces used for environmental air in accordance with 725.154(A).

**SECTION 725.24**

Section 725.24 - Revise the third sentence and add a new FPN to read as follows:

Such cables shall be supported by approved non-combustible straps, staples, cable ties, hangers or similar fittings and related installation accessories designed and installed so as not to damage the cables.

FPN: Exposed wiring is intended to be securely held in place to avoid entanglement of fire response personnel during fire conditions.

**SECTION 725.25**

Section 725.25 - Revise the title to read as follows:

**Abandoned Cables, Power Sources and Other Associated Equipment.**

Add an additional sentence at the end of the paragraph to read as follows:

Abandoned Cables, Power Sources and other associated equipment shall be removed. Power sources and other associated equipment not tagged for future use shall be de-energized.

**SECTION 725.127**

Section 725.127 - Revise the Exception by replacing "14 AWG" with "12 AWG."

**SECTION 725.130**

Section 725.130(A) - Delete Exception No. 2 and the FPN in their entirety.

**SECTION 725.136**

Section 725.136 - Delete the words "non-power limited fire alarm".

Subsection 725.136(B) - Delete the words "non-power limited fire alarm".

Subsection 725.136(C) - Delete the words "non-power limited fire alarm".

Subsection 725.136(D) - Delete the words "non-power limited fire alarm".

Subsection 725.136(H) - Delete the words "rigid nonmetallic conduit," and "liquidtight flexible nonmetallic conduit,".

**SECTION 725.139**

Section 725.139(E)(1) - Delete the subsection in its entirety.

**SECTION 725.154**

Section 725.154(A) - Revise the title and first and second sentences to read as follows:

(A) **Other Spaces Used For Environmental Air.** Cables installed in other spaces used for environmental air shall be Class CL2P or CL3P. Cables shall not be installed in ducts or plenums.

**ARTICLE 727****Instrumentation Tray Cable: Type ITC****SECTION 727.4**

Section 727.4 - Revise to read as follows:

**727.4 Uses Permitted.** Where approved, Type ITC cable shall be permitted to be used as follows in industrial establishments where conditions of maintenance and supervision ensure that only qualified persons will service the installation:

(1) In cable trays.

(2) In raceways.

(3) In hazardous locations as permitted in 501.10, 502.10, 503.10, 504.20, 504.30, 504.80 and 505.15.

(4) Enclosed in a smooth metallic sheath, continuous corrugated metallic sheath, or interlocking tape armor applied over the nonmetallic sheath in accordance with 727.6. The cable shall be supported and secured at intervals not exceeding 1.83m (6 ft).

(5) Between cable tray and equipment in lengths not to exceed 7.62 m (25 ft), where the cable complies with the crush and impact requirements of Type MC cable and is identified for such use. The cable shall be supported and secured at intervals not exceeding 1.83m (6 ft).

**ARTICLE 760****Fire Alarm Systems****SECTION 760.1**

Section 760.1 - Revise FPN No. 1 by deleting the words "guard's tour," in first sentence and revise the last sentence to read as follows:

For further information on the installation and monitoring of integrity requirements for fire alarm systems, refer to NFPA 72, National Fire Alarm Code, 2002 edition.

Add a new FPN No. 3 to read as follows:

FPN No. 3: See Section BC 907 of the NYC Building Code for components description and use.

**SECTION 760.2**

Section 760.2 - At the end of the definition of "Abandoned Fire Alarm Cable" add the following words: "However, a tag shall be securely fixed to each end indicating location of opposing end."

**SECTION 760.3**

Subsection 760.3(B) - Delete the subsection in its entirety.

Subsection 760.3(F) - Revise to read as follows:

(F) **Optical Fiber Cables.** Where optical fiber cables are utilized for fire alarm circuits, the cables shall be supervised and installed in raceway per Articles 342, 344 or 358 in accordance with Article 770 and terminated in equipment listed for fire alarm use.

Subsection 760.3(G) - Revise to read as follows:

(G) **Installations of Conductors with Other Systems.** Installations shall comply with 300.8 and 760.136.

**SECTION 760.24**

Section 760.24 - Add the following words at the end of the paragraph: "Raceways, where installed shall be minimum 1.9cm (3/4 in.) trade size. See 760.52 and 760.131 for installations requiring raceways."

**SECTION 760.25**

Section 760.25 - Add the following words at the end of the paragraph: "...and securely fixed to each end indicating location of opposing end."

**SECTION 760.32**

Section 760.32 - Revise to read as follows:

**760.32 Fire Alarm Circuits Extending Beyond One Building.** Power-limited fire alarm circuits that extend beyond one building and run outdoors shall be installed in raceway in accordance with Articles 342 or 344. Non-power limited

fire alarm circuits that extend beyond one building and run outdoors shall meet the installation requirements of Part 1 of Article 300 and the applicable sections of Part 1 of Article 225 and shall be installed in raceway in accordance with Article 342 or 344.

#### SECTION 760.33

Section 760.33 - Add a new section 760.33 to read as follows:

**760.33 Fire Alarm Circuit and Equipment Grounding.** Fire alarm circuits and equipment shall be grounded in accordance with Article 250 and shall comply with the following requirements:

**(A) Grounding Electrode Conductor.** A grounding electrode conductor shall be sized and installed in accordance with Article 250, Table 250.66, using a minimum of 10 AWG, at the primary and secondary power source supplying the fire alarm system.

**(B) Equipment Grounding Conductor.** A separate green insulated equipment grounding conductor shall be sized and installed in accordance with Article 250, Table 250.122, using a minimum of 10AWG, where there are conduits supplying 120V to the fire command center, control unit or distributed control cabinets.

**(C) Grounding Separately Derived Supply.** A green insulated equipment grounding conductor shall be sized and installed in accordance with Article 250, Table 250.122, using a minimum of 10 AWG, in distributed cabinets where the 120V supply is not derived from the main fire alarm power supply. In steel framed buildings, an additional connection to local steel shall be permitted.

#### SECTION 760.41

Section 760.41 - Delete the section in its entirety and replace to read as follows:

**760.41 Power Source Requirements.** The power source for fire alarm circuits shall comply with the following:

**(A) Primary Power Source.** All fire alarm circuits shall be provided with a primary power source. The primary power source shall be generated electric power not exceeding 277/480 volts, supplied by utility company power or isolated plant. The primary power supply to the fire alarm system shall comply with the following:

**(1) Primary Power Supply for the Fire Alarm System.** Primary power supply for the fire alarm system shall be connected to the primary power source ahead of all building service disconnecting means so that the building service disconnecting means can be opened without de-energizing the fire alarm supply. All utility metering of the fire alarm system, including disabling or removal of meters, shall maintain power continuity to the fire alarm system at all times.

**(2) Limited Interior Fire Alarm Systems.** Primary power supply for sub-systems or other limited interior fire alarm systems may be connected to the power supply through the protected area of such systems by means of a connection ahead of the disconnecting means for the power supply to the protected area.

FPN: Sub-systems and limited interior fire alarm systems may also use the connected means defined in paragraph (1) where available.

**(B) Secondary Power Source.** Where an emergency power system is provided or required to be provided for emergency system loads, the fire alarm circuits shall be provided with a secondary power source. Batteries shall not be a substitute for connection to a secondary power source. The secondary power source shall comply with the requirements for emergency power systems and/or emergency generator that are used for emergency systems loads as articulated below:

**(1) Generally.** Emergency power systems complying with Chapter 27 of the 2008 Building Code shall be permitted to serve as a secondary power source or

**(2) Existing Buildings.** Emergency power systems and/or emergency generators in existing buildings in compliance with Title 27, chapter 1, subchapter 6, section 27-396.4 of the Administrative Code (also referred to as the 1968 Building Code) shall be permitted to serve as the secondary power source.

The secondary power supply shall be connected such that all other disconnecting means serving other building emergency loads can be opened without de-energizing the facility fire alarm secondary power supply.

FPN: The use of a main disconnecting means on the output of the generator(s) is permitted where the disconnection of all other loads does not interrupt the facility fire alarm system secondary power supply.

**(C) Battery.** Regardless of whether a secondary power source is also provided, each fire alarm system and subsystem shall be equipped with a storage battery power supply sized to meet the operating power requirements of the system in accordance with (1), (2) or (3) below and shall automatically connect to and operate the fire alarm system upon failure of the primary or secondary power supply or sources. Batteries shall not be a substitute for connection to a secondary power source when a secondary power source is required pursuant to subsection (B) above.

**(1) With Voice Communications Capability.** Supervisory operation for 24 hours followed by full load operation for 6 hours for systems with voice communications capability.

FPN: A 45 minute period of voice and alarm operation at the maximum connected load shall be considered equivalent to 6 hours of total system operation.

**(2) Without Voice Communications Capability.** Supervisory operation for 24 hours followed by full load operation for 15 minutes for systems without voice communications capability.

**(3) Sub-systems or Other Limited Interior Fire Alarm Systems.** Supervisory operation for 24 hours followed by full load operation for 5 minutes for sub-systems or other limited interior fire alarm systems operating within a facility that reports to the overall facility fire alarm system.

**(D) Arrangement of Power Sources.** One source of power shall be connected to the fire alarm system at all times. The primary and secondary power sources shall be arranged and controlled by automatic transfer switches dedicated to the fire alarm system such that the secondary source will be automatically connected to the fire alarm system should the primary power source fail. The following conditions shall be observed:

(1) Intermediary devices between the fire alarm system power supply and the power source, other than fused disconnect switches, transformers and automatic transfer switches are prohibited. Such disconnect switches, transformers and automatic transfer switches shall supply only the fire alarm system and other systems specifically permitted by applicable New York City rules and regulations.

(2) The primary and secondary power source shall each be provided with a means of disconnect from the fire alarm system. Each disconnect shall consist of a fused disconnect switch, locked in the ON position and the key shall be kept on premises and made accessible only to authorized personnel. Such disconnect shall be painted red and permanently identified as a fire alarm circuit and labeled as to system/location served, with a means of interrupting the unfused grounded and all ungrounded conductors.

(3) The fire alarm system fused disconnect switch on the transformer secondary side shall comply with the requirements of the primary and secondary power source fused disconnect switches pursuant to Article 240.

(4) For buildings served at up to 300 volts to ground, the service voltage shall be transformed to 208/120 volts and a fire alarm fuse disconnect provided within a circuit length of ten (10) feet, shall be connected at the transformer secondary on the 208/120 volt side. Fused cutouts shall be provided where multiple circuits are required to support the fire alarm system and related auxiliaries mounted in a fused cutout panel suitable for the number of circuits needed.

#### SECTION 760.43

Section 760.43 - Revise the first sentence by replacing "14 AWG" with "12 AWG" and delete the last sentence.

#### SECTION 760.45

Section 760.45 - Delete the Exceptions and the FPN in their entirety.

**SECTION 760.46**

Section 760.46 -Revise to read as follows:

**760.46 NPLFA Circuit Wiring.** Installation of non-power limited fire alarm circuits shall be in accordance with applicable portions of 110.3(B), 300.7, 300.15, 300.17 and other appropriate articles of Chapter 3 using raceway methods described in 342 and 344 or use Type MI Cable in accordance with 332.

Exception No.1: As provided in 760.48 through 760.53.

Exception No. 2: Where other articles of this Code require other methods.

**SECTION 760.48**

Subsection 760.48(A) -Revise to read as follows:

**(A) NPLFA Circuits.** Non-power limited fire alarm circuit conductors shall not be permitted to occupy the same cable, enclosure or raceway with circuit conductors of other systems.

Subsection 760.48(B) -Revise to read as follows:

**(B) Fire Alarm with Power-Supply Circuits.** Power supply and fire alarm circuit conductors shall be permitted in the same enclosure only where connected to the same equipment.

**SECTION 760.49**

Subsection 760.49(A) -Revise to read as follows:

**(A) Sizes and Use.** Only copper conductors size 12 AWG and larger shall be permitted to be used as NPLFA circuit conductors.

Subsection 760.49(B) -Delete the FPN in its entirety and revise to read as follows:

**(B) Insulation.** Insulation on conductors shall be suitable for 600 volts, 90 degrees C, and shall comply with Article 310. Conductors shall be Type THHN, THWN/THHN, TFFN, TFN, FEP, RHH, RHW2, XHH, XHHW, MI or CI-NYC Certified Cable. Application of conductor ampacity shall be in accordance with 110.14 for terminal device ratings.

Subsection 760.49(C) - Revise to read as follows:

**(C) Conductor Materials.** Conductors shall be solid copper up to size 10 AWG. Stranded copper conductors shall be used for sizes 8 AWG and larger.

**SECTION 760.51**

Subsection 760.51(A) - Delete the words "and Class 1 Circuits" in title and "and Class 1 circuit" in text.

Subsection 760.51(B) - Delete the subsection in its entirety.

Subsection 760.51(C) -Revise to read as follows:

**(C) Cable Trays.** Where non-power limited fire alarm circuit conductors are installed in cable trays, they shall comply with 392.9 through 392.11 and shall be barriered from any other wiring installed in the cable tray

**Section 760.52**

Section 760.52 - Add a new section 760.52 to read as follows:

**760.52 Mechanical Execution of Work.** Installation shall comply with the following:

**(A) Mechanical Rooms, Elevator Rooms, Garages and Loading Docks.** All wiring installed up to 2.4m (8 ft.) above the finished floor in garages, loading docks, mechanical rooms, and elevator rooms shall meet the installation requirements of Article 344. All wiring installed over 2.4m (8 ft.) above the

finished floor shall meet the installation requirements of Articles 332, 342, 344 or 358.

Exception: For mechanical rooms and elevator rooms having a floor area of less than 900 square feet, installation pursuant to Articles 332, 342, 344 or 358 is permitted without height limitation.

**(B) Installation.** Installation of raceways, boxes, enclosures, cabinets and wiring shall conform to the following requirements:

- (1) Covers of boxes, enclosures and cabinets shall be painted red and permanently identified as to use.
- (2) Penetrations through rated walls, ceilings and floors shall be fire stopped.
- (3) Raceways or wiring shall not penetrate the top of any control equipment cabinet or enclosure.
- (4) Raceways installed up to 2.4m (8 ft.) in stairways shall not reduce or obstruct required stairway radius or egress path.

**SECTION 760.53**

Section 760.53 - Delete the section in its entirety and replace to read as follows:

**760.53 Fire Alarm Circuit Integrity (CI) Cable.** Cables suitable for use in fire alarm systems to ensure survivability of critical circuits during a specified time under fire conditions shall be listed as circuit integrity cable. Cables so identified shall have the classification "CI-NYC certified fire alarm cable"

**SECTION 760.121**

Subsection 760.121(A) - Delete FPN Nos. 1 and 2 in their entirety.

**SECTION 760.124**

Section 760.124 -Delete the FPN in its entirety.

**SECTION 760.127**

Section 760.127 -Delete the Exception in its entirety.

**SECTION 760.130**

Subsection 760.130(A) - Revise Exception No. 2 by adding "760.51" after "760.49", delete Exception No. 3 and delete the FPN in their entirety.

Subsection 760.130(B) - Revise the last sentence to read as follows:

Devices shall be installed in accordance with Sections 110.3(B), 300.11(A) and 300.15 with all wiring supported independently from the building structure.

Subsection 760.130(B)(1) - Revise to read as follows:

**(1) Exposed or Fished in Concealed Spaces.** In raceway or exposed above 2.4m (8 ft.) on the surface of ceiling and sidewalls or fished in concealed spaces, cable splices or terminations shall be made in listed fittings, boxes, enclosures, fire alarm devices or utilization equipment. Where installed exposed, cables shall be supported at a maximum of 1.5m (5 ft.) spacing and installed in such a way that maximum protection against physical damage is afforded by building construction. Where located within 2.4m (8 ft.) of the floor, cables shall be installed in raceway as per Article 342, 344, 358 or 386.

Subsection 760.130(B)(2) - Revise to read as follows:

**(2) Passing Through a Floor or Wall.** In metal raceways where passing through a floor or wall to a height of 2.4m (8 ft.) above the floor, unless adequate protection can be afforded by building construction as per 760.130(B)(1) or unless an equivalent solid guard is provided.

FPN: Protection by building construction includes, but is not limited to, raised floors, shafts, telephone and communications equipment rooms and closets, and rooms used exclusively for fire alarm equipment.

Subsection 760.130(B)(3) - Delete the words "rigid nonmetallic conduit,".

Subsection 760.130(B)(4)- Add a new subsection 760.130(B)(4) to read as follows:

**(4) Terminations and Splices.** Terminations and splices shall be made with terminal blocks and in listed fittings, boxes, enclosures, fire alarm devices or utilization equipment. Splices shall be limited to locations where the conditions of installation require the use of splices. Splices and terminations in riser cables are prohibited except where made in fire alarm equipment terminal cabinets. Conductors shall be mechanical connections listed in accordance with UL 486 (2003) A & C or if soldered, conductors shall first be joined so as to be mechanically and electrically secure prior to soldering. Temperature rating of completed splices shall be equal to or exceed the temperature rating of the highest rated conductor.

**SECTION 760.131 - Add a new section 760.131, to read as follows:**

**760.131 Mechanical Execution of Work.** Installation shall conform to the following requirements:

**(A) Mechanical Rooms, Elevator Rooms, Garages and Loading Docks.** All wiring installed up to 2.4m (8 ft.) above the finished floor in garages, loading docks, mechanical rooms, and elevator rooms shall meet the installation requirements of Article 344.

Exception: For mechanical rooms and elevator rooms having a floor area of less than 900 square feet, installation pursuant to Articles 332, 342, 344 or 358 is permitted without height limitation.

**(B) Extinguishing Systems.** Extinguishing and suppression systems activated by automatic fire detection and using fire alarm cables shall be installed pursuant to Articles 332, 342, 344 or 358. Such systems shall include, but not be limited to, pre-action sprinkler, deluge sprinkler, water mist, clean air agent, Halon, range hood, CO<sub>2</sub>, and dry chemicals.

**(C) Installation.** Installation of raceways, boxes, enclosures, cabinets and wiring shall conform to the following requirements:

- (1) Covers of boxes, enclosures and cabinets shall be painted red and permanently identified as to use.
- (2) Penetrations through rated walls, ceilings and floors shall be fire stopped.
- (3) Raceways or wiring shall not penetrate the top of any control equipment cabinet or enclosure.
- (4) Raceways installed up to 2.4m (8 ft.) in stairways shall not reduce or obstruct required stairway radius or egress path.
- (5) Cables shall be secured by cable ties, straps or similar fittings designed and installed so as to not damage cables. Such fittings shall be secured in place at intervals not exceeding 1.5m (5 ft.) on center and within 0.3m (1 ft.) of associated cabinet, enclosure, or box.

**SECTION 760.136**

Subsection 760.136(D)(2)(a) - Replace "Type FPL, FPLR, FPLP or permitted substitute cables" with "type FPLP 'NYC certified fire alarm cable'" or other NYC certified fire alarm cable".

Subsection 760.136(D)(2)(b) - Delete the subsection in its entirety.

Subsection 760.136(F) - From the first sentence, delete "rigid nonmetallic conduit" and "liquidtight flexible nonmetallic conduit".

Subsection 760.136(G)(1)(b) - Revise to read as follows:

(b) all of the power-limited fire alarm circuit conductors are in a raceway or metal-sheathed or metal-clad cables.

**SECTION 760.139**

Section 760.139 - Delete the section in its entirety.

**SECTION 760.142**

Section 760.142 - Revise to read as follows:

**760.142 Conductor Size.** Conductors shall not be smaller than 18 AWG in size.

**SECTION 760.143**

Section 760.143 - Revise to read as follows:

**760.143 Support of Conductors.** Power-limited fire alarm circuit conductors shall not be strapped, taped, or attached by any means to the exterior of any piping, duct, conduit, or raceway as a means of support.

**SECTION 760.154**

Subsection 760.154(A) - Revise to read as follows:

**760.154(A) Cables in Other Spaces Used for Environmental Air.** Cables installed in other spaces used for environmental air, or where permitted to run exposed in other areas, shall be Type FPLP "NYC Certified Fire Alarm Cable".

Subsection 760.154(B)(1) - Replace "Type FPLR" with "Type FPLP 'NYC Certified Fire Alarm Cable' or other NYC Certified Fire Alarm Cable" in each of two locations.

Subsection 760.154(B)(2) - At the beginning of the sentence, replace "Other cables" with "FPLP 'NYC Certified Fire Alarm Cable'".

Subsection 760.154(C) - Delete the subsection in its entirety and revise to read as follows:

**(C) Other Wiring Within Buildings.** Cables installed in building locations other than those covered in 760.154(A) or (B) shall be Type FPLP "NYC Certified Fire Alarm Cable."

Subsection 760.154(D) - Revise the subsection to read as follows:

**760.154(D) Fire Alarm Cable Substitutions.** Substitutions of Type FPLP "NYC Certified Fire Alarm Cable" or other NYC Certified Fire Alarm Cables shall not be permitted.

Delete the Figure, Table and FPN in their entirety.

**SECTION 760.176**

Section 760.176 (G) - Delete the first sentence of the first paragraph, the FPN and the Table in their entirety.

**SECTION 760.179**

Section 760.179 - Revise the title to read as follows:

**760.179 Listing and Marking of PLFA Cables and Insulated Continuous Line-Type Fire Detectors.**

Subsection 760.179(B) - Revise to read as follows:

**(B) Conductor Size.** The size of conductors in single or multi-conductor cables shall not be smaller than 18 AWG.

Subsection 760.179(D) - Delete the FPN in its entirety and revise to read as follows:

**(D) Type FPLP.** Type FPLP power-limited fire alarm cable shall be listed to UL 1424-05, Standard for Cables for Power-Limited- Fire-Alarm Circuits with the listing agency certifying compliance with the following requirements:

(1) Type FPLP only; minimum insulation thickness 15 mils; minimum temperature 150 C.

(2) Red colored jacket overall; minimum thickness 25 mils.

(3) Cable marked as per UL 1424 must bear additional description "ALSO CLASSIFIED NYC CERT. FIRE ALARM CABLE," legible without removing jacket.

Subsection 760.179(E) - Delete the subsection in its entirety.

Subsection 760.179(F) - Delete the subsection in its entirety.

Subsection 760.179(G) - Revise by deleting "CI" from the first sentence of the first paragraph and replacing with "CI- 'NYC Certified Circuit Integrity Fire Alarm Cable'" and deleting "(E), (F)" in the second sentence of the first paragraph.

Subsection 760.179(H) - Replace "Type FPLP, FPLR, or FPL cable" at end of sentence with "Type FPLP 'NYC certified fire alarm cable'".

Subsection 760.179(I) - Delete subsection 760.179(I) and add a new 760.179(I) to read as follows:

**(I) Cable Marking.** The cable shall be marked in accordance with subsection 760.179(D)(3) and its rating as NYC Cert. Fire Alarm Cable or NYC Cert. Circuit Integrity Cable.

Subsection 760.179(J) - Delete "through (F)" in fourth line of the paragraph.

Subsection 760.179(K) - Add new subsection 760.179(K) to read as follows:

**760.179(K) Listed Fire-Rated Assemblies.** MI cable meeting the requirements of Article 332 or listed fire-rated assemblies that have a minimum fire rating of 2 hours shall be permitted when installed in accordance with the listing requirements.

## ARTICLE 770

### Optical Fiber Cables and Raceways

#### SECTION 770.2

Section 770.2 - Revise the definition of "Abandoned Optical Fiber Cable" to read as follows:

**Abandoned Optical Fiber Cable.** Installed optical fiber cable that is not terminated at equipment other than a connector and not identified for future use with a tag securely fixed to each end and indicating the location of the opposing end.

#### SECTION 770.3

Section 770.3 - Revise first sentence to read as follows:

Circuits and equipment shall comply with 770.3(A), (B) and (C).

Subsection 770.3(C) - Add a new subsection 770.3(C) to read as follows:

**(C) Electric Closets.** Fiber optic circuits and equipment shall not be installed in electric closets.

#### SECTION 770.25

Section 770.25 - Revise title to read "770.25 Abandoned Cables and Power Sources." and add a new third sentence to section 770.25 to read as follows:

Abandoned Power Sources and other associated equipment shall be removed. Power sources and other associated equipment not tagged for future use shall be de-energized.

#### SECTION 770.48

Subsection 770.48(A) - Add a new second sentence to subsection 770.48(A) to read as follows: All other cables shall be considered to be within the building.

Subsection 770.48(B) - Delete the words "Article 352, Rigid Polyvinyl Chloride Conduit: Type PVC".

#### SECTION 770.100

Subsection 770.100(A)(3) - Revise the first sentence by replacing "14 AWG" with "12 AWG".

#### SECTION 770.113

Section 770.113 - Add a new second sentence to read as follows: Optical fiber cables mounted on exterior surfaces shall be installed in threaded metal raceways.

#### SECTION 770.133

Subsection 770.133(A) - Delete the words "non-power-limited fire alarm" throughout.

Subsection 770.133(B)(2) - Delete the subsection in its entirety.

Subsection 770.133(D) - Add a new subsection 770.133(D) to read as follows:

**(D) Electric Closets.** Equipment and cabling shall not be installed in electric closets.

#### SECTION 770.154

Subsection 770.154(A) - Revise to read as follows:

**(A) Spaces Used for Environmental Air.** Cables shall not be installed in ducts or plenums. Cables installed in spaces used for environmental air shall be Type OFNP or OFCP. Abandoned cables shall not be permitted to remain. Types OFNR, OFCR, OFNG, OFN, OFCG, and OFC cables installed in compliance with 300.22 shall be permitted. Listed plenum optical fiber raceways shall be permitted in spaces used to convey environmental air or as described in 300.22(c). Only Type OFNG, and OFCP cables shall be permitted to be installed in these raceways.

## Chapter 8

### Communications Systems

## ARTICLE 800

### Communications Circuits

#### SECTION 800.2

Section 800.2 - Revise the definition of "Abandoned Communications Cable" to read as follows:

**Abandoned Communications Cable.** Installed communications cable that is not terminated at both ends at a connector or other equipment and not identified for future use with a tag securely fixed to each end and indicating the location of the opposing end.

#### SECTION 800.24

Section 800.24 - Revise the second sentence to read as follows:

Cables installed exposed on the surface of ceilings and sidewalls shall be supported by the building structure in such a manner that the cable will not be damaged by normal building use or present a safety hazard.

#### SECTION 800.25

Section 800.25 - Revise the title and first sentence to read as follows:

**800.25 Abandoned Cables, Power Sources & Other Associated Equipment.** The accessible portion of abandoned communications cables, power sources and other special equipment shall be removed. Cables, power sources and other special equipment not tagged for future use shall be de-energized.

#### SECTION 800.100

Subsection 800.100(A)(3) - Replace "14 AWG" with "12 AWG".

#### SECTION 800.110

Section 800.110 - Revise the first sentence by deleting all text after the words "in accordance with Chapter 3".

**SECTION 800.113**

Section 800.113 - Add a new sentence to read as follows:

*Communications wires and cables mounted on exterior surfaces shall be installed in threaded metal raceways.*

**SECTION 800.133**

Section 800.133 - Revise to read as follows:

**800.133 Installation of Communications Wires, Cables and Equipment.** *Communications wires and cables from the protector to the equipment, where no protector is required, communications wires and cable on the outside of building shall be installed in threaded metallic raceways. Communications wires, cables and equipment inside of buildings shall not be installed in electric closets and shall comply with 800.133(A) through (D).*

Subsection 800.133(D) - Add a new subsection 800.133(D) to read as follows:

**(D) Electric Closets.** *Communications equipment and cabling shall not be installed in Electric Closets.*

**SECTION 800.154**

Subsection 800.154(A) - Revise to read as follows:

**(A) Plenum.** *Cables installed in spaces used for environmental air shall be Type CMP. Cables and raceways shall not be installed in ducts or plenums. Abandoned cables shall not be permitted to remain. Types CMP, CMR, CMG, CM, and CMX and communications wire installed in compliance with 300.22 shall be permitted. Listed plenum communications raceways shall be permitted to be installed in spaces used for environmental air as described in 300.22(C). Only Type CMP cable shall be permitted to be installed in raceways.*

Subsection 800.154(F) - Add the following sentence at the end of the subsection:

*Installation of hybrid power and communications cable shall be performed by licensed master or special electricians.*

**ARTICLE 810****Radio and Television Equipment****SECTION 810.58**

Subsection 810.58(C) - Replace "14 AWG" with "12 AWG".

**ARTICLE 820****Community Antenna Television and Radio Distribution Systems****SECTION 820.2**

Section 820.2 - Revise the definition of "Abandoned Coaxial Cable" to read as follows:

**Abandoned Coaxial Cable.** *Installed coaxial cable that is not terminated at equipment other than a coaxial connector and not identified for future use with a tag securely fixed to each end and indicating the location of the opposing end.*

**SECTION 820.25**

Section 820.25 - Revise to read as follows:

**820.25 Abandoned Cables.** *The accessible portion of abandoned coaxial cables shall be removed. Where a coaxial cable is identified for future use with a tag, the tag shall be of sufficient durability.*

**SECTION 820.100**

Subsection 820.100(A)(3) - Replace "14 AWG" with "12 AWG".

**SECTION 820.133**

Subsection 820.133(A)(1) Exception No. 1 - Delete the words "non-power-limited fire alarm,".

Subsection 820.133(A)(1)(a)(2) - Delete 820.133(A)(1)(a)(2) in its entirety.

Subsection 820.133(A)(2) Exception No. 1 - Delete the words "non-power-limited fire alarm,".

Subsection 820.133(A)(2) - Delete Exception No. 2 in its entirety.

Subsection 820.133(C) - Add a new subsection 820.133(C) to read as follows:

**(C) Electric Closets.** *Television and radio equipment and cabling shall not be installed in Electric Closets.*

**ARTICLE 830****Network - Powered Broadband Communications Systems****SECTION 830.2**

Section 830.2 - Revise the definition of "Abandoned Network-Powered Broadband

Communications Cable" to read as follows:

**Abandoned Network-Powered Broadband Communications Cable.** *Installed network-powered broadband communications cable that is not terminated at equipment other than a connector and not identified for future use with a tag securely fixed to each end and indicating the location of the opposing end.*

**SECTION 830.25**

Section 830.25 - Revise the second sentence to read as follows:

*Where a network-powered broadband communications cable is identified for future use with a tag, the tag shall be of sufficient durability.*

**SECTION 830.100**

Subsection 830.100(A)(3) - Replace "14 AWG" with "12 AWG".

**SECTION 830.133**

Subsection 830.133(A)(1)(b)(2) - Delete the subsection in its entirety.

Subsection 830.133(A)(1)(d) - Delete the following words from Exception No. 1: "non-power limited fire alarm".

Subsection 830.133(D) - Add a new subsection 830.133(D) to read as follows:

**(D) Electric Closets.** *Broadband communications equipment and cabling shall not be installed in Electric Closets.*

§14. (a) This local law shall take effect on July 1, 2010. Prior to July 1, 2010, the commissioner of buildings may promulgate any rules and perform all other actions necessary for the implementation of this local law.

(b) Phase-in period of new standards for electrical work. During the period from July 1, 2010 through December 31, 2010 (the phase-in period), electrical work may be performed either in accordance with the electrical code technical standards adopted pursuant to section 27-3024 of the administrative code or in accordance with the standards set forth in chapter 3 of title 27 of the administrative code as in effect prior to July 1, 2010 at the option of the licensed master or special electrician or other authorized person performing the work. On and after January 1, 2011, all electrical work shall be performed in accordance with the electrical code technical standards.

(c) A copy of the 2008 edition of the National Fire Protection Association NFPA 70 National Electrical Code, incorporated by reference into this local law, shall be kept on file by the City Clerk with this local law and shall be available for public inspection.

Referred to the Committee on Housing and Buildings.

Int. No. 65

By Council Members Dilan, Fidler, James, Halloran and Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to training requirements for all persons engaged in any hoisting or lowering activity.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-404.1 of the administrative code of the city of New York is amended to read as follows:

§28-404.1 Rigger license required. It shall be unlawful to hoist or lower any article on the outside of any building in the city unless such work is performed by or under the direct and continuing supervision of a person licensed as a rigger under the provisions of this article. The provisions of this article shall apply to the erection or dismantling of a tower crane or a climber crane on a building and to the use of a derrick in their removal, except that such erection or dismantling may be performed by or under the direct and continuing supervision of a licensed climber or tower crane rigger in accordance with rules promulgated by the department.

Exception: The provisions of this article shall not apply [to] *under the following circumstances: (a) the hoisting or lowering of signs if the person so doing possesses a license as a sign hanger, as provided in this chapter [or to the]; (b) the loading or unloading of any building materials or equipment, other than boilers and tanks, from a delivery truck, (c) where persons working on or operating a suspension scaffold perform construction or alteration work, provided that such persons perform such work in accordance with the requirements for suspension scaffolds in this section and section 28-415.1 of the code and the rules promulgated pursuant thereto; or (d) where a minimum of two members of the crew engaged in the hoisting or lowering of any building material or equipment, other than boilers and tanks, in the course of the construction or alteration of any building or structure, have satisfactorily completed a training course pursuant to section 28-404.3.4 of this article and the remaining members of the hoisting crew have either (i) at least three years experience in the hoisting or lowering of any building material or equipment, other than boilers and tanks; (ii) graduated from a registered New York State department of labor training program covering rigging and hoisting; or (iii) satisfactorily completed a training course pursuant to section 28-404.3.4 of this article.*

§2. Section 28-404.2 of the administrative code of the city of New York is amended to read as follows:

§28-404.2 Classification. Such licenses and certificates shall be classified as follows:

1. Master rigger license. Authorizes the holder thereof to hoist or lower any article, irrespective of weight, on the outside of any building.

2. Special rigger license. Authorizes the holder thereof to hoist or lower any article not exceeding 2,000 pounds (907 kg) in weight on the outside of any building.

3. Climber or tower crane rigger license. Authorizes the holder thereof to erect or dismantle a tower crane or a climber crane on a building and to use a derrick in their removal.

4. *Hoisting and lowering certificate. Authorizes the recipient to engage in the hoisting or lowering of any article, except for tanks and boilers, where item d of the exceptions set forth in section 28-404.1 of this article applies.*

§3. Article 404 of Title 28 of the administrative code of the city of New York is amended by adding a new section 28-404.3.3.4 to read as follows:

§28-404.3.4 *Qualifications for individuals engaged in a hoisting or lowering activity where a licensed rigger is not present. a. Those individuals who are required to complete a hoisting and lowering training course pursuant to item d of the exception to section 28-404.1 of this article shall satisfactorily complete such a hoisting and lowering training course of not less than thirty hours consistent with the terms of this section.*

*b. Proof of the requirement that members of a hoisting crew have three years of experience in hoisting and lowering pursuant to subitem (i) of item d to the exceptions to section 28-404.1 of this article shall be evidenced by a dated certificate issued by a provider of training or re-training courses as set forth in subdivision d of this section.*

*c. All members of a crew engaged in the hoisting or lowering of any building material or equipment, other than boilers and tanks, in the course of the construction or alteration of any building or structure, shall take an eight-hour hoisting and lowering retraining course within five years of the effective date of this section, or the completion date of any training course required pursuant this article, where applicable, and every three years thereafter.*

*d. Successful completion of a training or retraining course required pursuant to this section shall be evidenced by a dated certificate issued by the provider of the training or retraining course. The certificate shall include such information as specified by the department by rule. The certificate, or a valid wallet card version thereof, shall be readily available to the commissioner upon request. Such training or retraining course shall be conducted (i) pursuant to a registered New York state department of labor training program, or (ii) by a provider approved by the department.*

§4. Section 28-404.4.1 of the administrative code of the city of New York is amended to read as follows:

§28-404.4.1 Danger warning. *a. Every licensed master, or special rigger shall, while rigging operations are in progress at a job site which require the presence of a licensed master or special rigger, place, conspicuously, at such job site two plates or*

*signs not less than 18 inches (457 mm) by 24 inches (610 mm) in size (i) displaying the word "danger" in letters not less than 6 inches (152 mm) high, and (ii) disclosing the rigger's name, business address, and, type of rigger license and license number.*

*b. Where a licensed rigger is not required pursuant to items b, c, or d of the exceptions to section 28-404.1, the entity engaged in such hoisting or lowering activity shall, while rigging operations or hoisting or lowering activities are in progress at a job site, place conspicuously at such job site two plates or signs not less than 18 inches (457mm) by 24 inches (610mm) in size (i) displaying the word "danger" in letters not less than 6 inches (152mm) high and (ii) disclosing the name and business address of the entity performing the hoisting or lowering operations.*

§5. This local law shall take effect 120 days after enactment.

Referred to the Committee on Housing and Buildings.

Int. No. 66

By Council Member Dilan.

**A Local Law to amend the administrative code of the city of New York, in relation to benefits pursuant to section four hundred twenty-one-a of the real property tax law.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 11-245 of the administrative code of the city of New York is amended to read as follows:

(d) For purposes of subdivisions (a) and (c) of this section and section 11-245.1-b of this part, construction shall be deemed to have commenced on the date immediately following the issuance by the department of buildings of a building or alteration permit for a multiple dwelling (based upon architectural, [plumbing] and structural plans approved by such department) on which the excavation and the construction of initial footings and foundations commences in good faith, as certified by an architect or professional engineer licensed in the state, provided that the construction of such multiple dwelling has been completed without undue delay, as certified by such architect or professional engineer. Notwithstanding the foregoing, if a project includes new residential construction and the concurrent conversion, alteration or improvement of a pre-existing building or structure, construction shall be deemed to have commenced on the date immediately following the issuance by the department of buildings of an alteration permit for the multiple dwelling (based upon architectural, [plumbing] and structural plans approved by such department) on which the actual construction of such concurrent conversion, alteration or improvement of the pre-existing building or structure commences in good faith, as certified by an architect or professional engineer licensed in the state, provided that the construction of such multiple dwelling has been completed without undue delay, as certified by such architect or professional engineer.

§2. This local law shall take effect immediately and shall be deemed to have been in full force and effect on and after December 28, 2007.

Referred to the Committee on Housing and Buildings.

Int. No. 67

By Council Members Dilan, Fidler, James and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to the operation of material hoists.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-405.3.1 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§28-405.3.1 Class A license. All applicants for a class A basic hoisting machine operator license shall have had at least three years experience within the five years prior to application under the direct and continuing supervision of a licensed hoisting machine operator *and shall successfully complete written and practical examinations administered by a city agency. Such examination shall specifically address the unique challenges of safely operating such equipment within the city's environment and the applicability of any federal or local laws and rules or industry standard recognized and enforced by the city.*

§2. Section 28-405.3.2 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§28-405.3.2 Class B license. All applicants for a class B hoisting machine operator license shall hold a class A basic hoisting machine operator license, and shall have had at least two years experience prior to application under the direct and continuing supervision of a Class B licensed hoisting machine operator operating the equipment for which they are applying for endorsement and shall satisfactorily demonstrate by operation that they are competent to operate a crane with a boom, including jibs and other extensions, exceeding 200 feet (60 960 mm) in length or truck-mounted tower crane exceeding 200 feet (60 960 mm) in height [or as otherwise provided in rules of the department]. *All applicants for such license shall also successfully complete written and practical examinations administered by a city agency. Such examination shall specifically address the unique challenges of safely operating such equipment within the city's environment and the applicability of any federal or local laws and rules or industry standard recognized and enforced by the city.*

§3. This local law shall take effect sixty days after enactment, provided, however, that the commissioner of buildings shall take all actions necessary to implement this local law, including the promulgation of rules and the establishment of the required examinations, on or before such date.

Referred to the Committee on Housing and Buildings.

Int. No. 68

By Council Members Dilan, Fidler, Gentile, James, Koslowitz, Vann and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to penalties for unlicensed plumbing and fire suppression work.**

*Be it enacted by the Council as follows:*

Section 1. Item 13 of section 28-201.2.1 of the administrative code of the city of New York is amended to read as follows:

13. A violation of any provision of chapter 4 of this title for engaging in any business or occupation without a required license or other authorization, *except that a fine or civil penalty for a violation of section 28-408.1 or section 28-410.1 of this code shall be not less than five thousand dollars for the first offense and not less than ten thousand dollars for each subsequent offense.*

§2. Subdivision one of section 28-203.1 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:

1. Every person convicted of violating a provision of this code, the 1968 building code, the zoning resolution or other law or rule enforced by the department or an order of the commissioner issued pursuant thereto that is classified by the commissioner or the code as an immediately hazardous violation shall be guilty of a misdemeanor punishable by a fine of not more than twenty-five thousand dollars or by imprisonment of not more than one year or by both such fine and imprisonment.

*Every person convicted of violating section 28-408.1 or section 28-410.1 of this code shall be guilty of a misdemeanor punishable by a fine of not less than five thousand dollars for a first offense and ten thousand dollars for each subsequent offense nor more than twenty-five thousand dollars or by imprisonment of not more than one year or by both such fine and imprisonment.*

§3. This local law shall take effect ninety days after enactment, provided, however, that the commissioner of buildings shall take all actions necessary to implement this local law, including the promulgation of rules on or before such date.

Referred to the Committee on Housing and Buildings.

Int. No. 69

By Council Members Eugene, Fidler, James, Sanders, Williams, Rodriguez and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to payment of notices of violation for parking violations at check cashing businesses.**

*Be it enacted by the Council as follows:*

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

§11-134 Payment of parking tickets at check cashing businesses. a. Definitions.  
1. "Check cashing business" shall mean a "licensed casher of checks," as defined by New York state banking law section 366.

2. "Parking violation" shall have the same meaning as defined by section 19-201 of this code.

b. The commissioner shall establish a program enabling payment of notices of violation for parking violations at check cashing businesses.

§2. This local law shall take effect ninety days after its enactment into law, provided that the commissioner of finance may promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to its effective date and comply with all New York State banking laws and regulations.

Referred to the Committee on Finance.

Int. No. 70

By Council Members Garodnick, Brewer, Gennaro, James, Koppell, Vann and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to carbon monoxide and smoke detecting devices.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (a) of section 27-2045 of the administrative code of the city of New York is amended by adding new paragraphs 6 and 7 to read as follows:

(6) *notify deaf or hearing impaired tenants, in writing, of their right to have provided and installed one or more approved and operational smoke detecting devices in their dwelling unit, capable of alerting such tenant to a smoke hazard in such dwelling unit, at the commencement or renewal of a lawful occupancy.*

(7) *upon the request of a deaf or hearing impaired tenant, to provide and install, free of charge, one or more approved and operational smoke detecting devices in the dwelling unit of such tenant, capable of alerting such tenant to a smoke hazard in such dwelling unit.*

§ 2. Section 27-2046 of the administrative code of the city of New York is amended by adding new paragraphs 5 and 6 to read as follows:

(5) *notify deaf or hearing impaired tenants, in writing, of their right to have provided and installed one or more approved and operational smoke detecting devices in their dwelling unit, capable of alerting such tenant to a smoke hazard in such dwelling unit, at the commencement or renewal of a lawful occupancy.*

(6) *upon the request of a deaf or hearing impaired tenant, to provide and install, free of charge, one or more approved and operational smoke detecting devices in the dwelling unit of such tenant, capable of alerting such tenant to a smoke hazard in such dwelling unit.*

§ 3. Subdivision (b) of section 27-2046.1 of the administrative code of the city of New York is amended by adding new paragraphs 7 and 8 to read as follows:

(7) *notify deaf or hearing impaired tenants, in writing, of their right to have provided and installed one or more approved and operational carbon monoxide detecting devices in their dwelling unit, capable of alerting such tenant to a carbon monoxide hazard in such dwelling unit, at the commencement or renewal of a lawful occupancy.*

(8) *upon the request of a deaf or hearing impaired tenant, to provide and install, free of charge, one or more approved and operational carbon monoxide detecting devices in the dwelling unit of such tenant, capable of alerting such tenant to a carbon monoxide hazard in such dwelling unit.*

§4. Subdivision (a) of section 27-2046.2 of the administrative code of the city of New York is amended by adding new paragraphs 5 and 6 to read as follows:

(5) *notify deaf or hearing impaired tenants, in writing, of their right to have provided and installed one or more approved and operational carbon monoxide detecting devices in their dwelling unit, capable of alerting such tenant to a carbon monoxide hazard in such dwelling unit, at the commencement or renewal of a lawful occupancy.*

(6) *upon the request of a deaf or hearing impaired tenant, to provide and install, free of charge, one or more approved and operational carbon monoxide detecting devices in the dwelling unit of such tenant, capable of alerting such tenant to a carbon monoxide hazard in such dwelling unit.*

§5. This local law shall take effect thirty days after enactment.

Referred to the Committee on Housing and Buildings.

Int. No. 71

By Council Members Garodnick, Brewer, Fidler, James, Koppell and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the implementation of technology to allow traffic enforcement agents to issue idling tickets through their hand-held computers.**

Be it enacted by the Council as follows:

Section 1. Chapter one of title 14 of the administrative code of the city of New York is amended by adding a new section 14-118.3 to read as follows:

*§14-118.3 Handheld computers. Handheld computers used by the department to enforce laws, rules and regulations relating to parking violations shall be capable of issuing notices of violation alleging violations of the engine idling restrictions of section 4-08 of the rules of the city of New York.*

§2. This local law shall take effect ninety days after it is enacted.

Referred to the Committee on Environmental Protection.

Int. No. 72

By Council Members Garodnick, The Public Advocate (Mr. de Blasio), and Council Members Barron, Brewer, Dilan, Dromm, Foster, Jackson, James, Koppell, Lander, Mark-Viverito, Sanders, Vann, Williams, Lappin, Rodriguez, Reyna, Mendez, Arroyo, White, Gonzalez and Seabrook.

**A Local Law to amend the New York city charter in relation to authorizing the Civilian Complaint Review Board to prosecute cases of police misconduct the board has substantiated.**

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Findings and Intent. The City Council finds that assertions that the New York City Police Department (“NYPD”) is failing to prosecute misconduct cases substantiated by the Civilian Complaint Review Board (“CCRB”) are credible. The Council finds that because the Department Advocate’s Office, by its own admission, is reinvestigating the substantiated cases sent to it by the CCRB, the NYPD and the CCRB are currently duplicating each other’s efforts, which is resulting in a considerable waste of city resources. The Council finds it is necessary to address this situation by authorizing the CCRB to independently prosecute its substantiated cases within the NYPD’s internal system. This will not interfere with the ultimate disciplinary authority over the police force vested in the Police Commissioner by the city Charter. It will, however, ensure that substantiated CCRB cases are not only investigated, but are also prosecuted by the City’s independent, non-police agency that handles claims initiated by civilian complainant, and it will help to restore public confidence that officers against whom findings are made regarding the use of excessive force, abuse of authority, discourtesy or use of offensive language or commission of any act subject to the CCRB’s jurisdiction, if necessary, will be subject to appropriate penalties. It will also ensure that the CCRB and NYPD are not duplicating each other’s work and result in a net savings for city taxpayers.

§2. Paragraph (1) of subdivision (c) of section 440 of chapter 18-A of the New York city charter is amended to read as follows:

1. The board shall have the power to receive, investigate, hear, make findings and recommend action upon complaints *or allegations* by members of the public against members of the police department that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The findings and recommendations of the board, and the basis therefor, shall be submitted to the police commissioner. No finding or recommendation *by the board* shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such finding or recommendation. *Cases the board substantiates, in accordance with this chapter and the rules of the board, shall be prosecuted by the board’s administrative prosecution unit (APU) before the New York City police department’s deputy commissioner of trials or may be plea-bargained by the APU, subject to final approval by the police commissioner. The prosecutors of the board’s APU shall have the same authority currently held by the New York City police department’s advocate’s office in prosecuting substantiated cases in the trial room, including but not limited to compelling the attendance of witnesses and requiring the production of such records and other materials as are necessary for the prosecution of substantiated cases. The authority of the APU shall be limited to the prosecution of substantiated CCRB cases.*

§3. Paragraph (5) of subdivision (c) of section 440 of chapter 18-A of the New York city charter is amended to read as follows:

5. The board is authorized, within appropriations available therefor, to appoint such employees as are necessary to exercise its powers and fulfill its duties. The board shall employ civilian investigators to investigate all complaints *and licensed attorneys for an administrative prosecution unit to prosecute substantiated cases before the New York City police department’s deputy commissioner of trials.*

§4. Paragraph (1) of subdivision (d) of section 440 of chapter 18-A of the New York city charter is amended to read as follows:

1. It shall be the duty of the police department to provide such assistance as the board may reasonably request, to cooperate fully with investigations by the board, and to provide to the board upon request records and other materials which are necessary for the investigation of complaints submitted pursuant to this section, *and*

*for the prosecution of substantiated cases by the board’s administrative prosecution unit pursuant to this section, except such records or materials that cannot be disclosed by law.*

§5. Paragraph (2) of subdivision (d) of section 440 of chapter 18-A of the New York city charter is amended to read as follows:

2. The police commissioner shall ensure that officers and employees of the police department appear before and respond to inquires, notices, requests for appointments, or subpoenas issued by the board [and], its civilian investigators, *and its administrative prosecution unit staff* in connection with the investigation of complaints submitted pursuant to this section [,] *and with the prosecution of substantiated cases by the board’s administrative prosecution unit*, provided that such inquiries *and prosecutions* are conducted in accordance with department procedures for interrogation *and trials* of members.

§6. This local law shall take effect one hundred and twenty days after it is enacted provided, however, that the Commissioner and the board shall have the authority to enact all necessary rules prior to the effective date.

Referred to the Committee on Public Safety.

Int. No. 73

By Council Members Garodnick, Brewer, Gennaro, James and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to bicycles offered for rental.**

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-157.2 to read as follows:

*§ 10-157.2 Bicycles offered for rental.*

*a. Every person engaged in the retail business of renting bicycles shall:*

*i. make available to each person renting a bicycle a bicycle helmet conforming to the specifications for bicycle helmets set forth by the consumer product safety commission in title 16, part 1203 of the code of federal regulations;*

*ii. ensure that each bicycle so offered for rental is equipped with a lamp, a bell or other device capable of giving an audible signal, brakes, reflective tires or, alternatively, a reflex reflector mounted on the spokes of each wheel, and other reflective devices as set forth in section 1236 of the vehicle and traffic law;*

*iii. display in an area conspicuous to customers at the point of sale a sign summarizing such provisions of the vehicle and traffic law, administrative code of the city of New York and department of transportation traffic rules and regulations as the commissioner of transportation determines by rule. Such provisions shall include, but not be limited to, the requirement that bicycle passengers and operators under fourteen years of age are required to wear a helmet pursuant to section 1238 of the vehicle and traffic code.*

*iv. provide to each person renting a bicycle a written statement, the form and manner to be determined by rule of the commissioner of transportation, summarizing such provisions of the vehicle and traffic law, administrative code of the city of New York and department of transportation rules and regulations as the commissioner of transportation determines by rule. Such provisions shall include, but not be limited to, the requirement that bicycle passengers and operators under fourteen years of age are required to wear a helmet pursuant to section 1238 of the vehicle and traffic code.*

*b. The commissioner of transportation shall promulgate such rules as may be required to effectuate the purposes of this section, including rules governing the content, size and manner of display of signs required pursuant to subdivision a(iii) of this section and written statements requirement pursuant to subdivision a(iv) and shall make a model sign available on the department of transportation’s website.*

*c. The violation of any provision of subdivision a of this section, or of any rules that may be promulgated pursuant hereto, shall be a violation triable by a judge of the criminal court of the city of New York and upon conviction thereof shall be punishable by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars. In addition, any person who violates any provision of subdivision a(iii) of this section shall be liable for a civil penalty of three hundred dollars.*

§2. This local law shall take ninety days after enactment except that the commissioner shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Consumer Affairs.

Res. No. 49

**Resolution urging the United States Congress to approve a health care reform bill that will not restrict women's reproductive health or burden their right to choose by forcing women to seek alternative or supplemental insurance to obtain an abortion.**

By Council Members Garodnick, Brewer, Chin, Dromm, Ferreras, Fidler, James, Koppell, Lander, Lappin, Mark-Viverito, Reyna and Rodriguez.

**Whereas**, On November 7, 2009, the United States House of Representatives voted 220 to 215 to pass, H.R. 3962, the Affordable Health Care for America Act; and

**Whereas**, This legislation would accomplish many laudable goals including the provision of insurance for 96 percent of uninsured Americans; and

**Whereas**, This would be achieved by creating a public option for health insurance to increase competition and lower costs, offering insurance credits to assist individuals with affording and purchasing health insurance, and by prohibiting insurance companies from discriminating against those with preexisting conditions; and

**Whereas**, Before the vote on the final bill, the House voted 240 to 194 to approve an amendment put forward by Representative Bart Stupak (D-MI) which would prohibit federal funding for abortion services in the public option and would prohibit individuals who receive affordability credits from purchasing a plan that provides elective abortions; and

**Whereas**, According to the Planned Parenthood Federation of America (PPFA), a national reproductive health care advocate and provider, millions of women would lose access to benefits that they currently have and millions would be prohibited from getting the kind of private sector health care coverage that many women have today; and

**Whereas**, NARAL Pro-Choice America, a national advocacy organization for a woman's right to choose, states that currently more than 85 percent of private health insurance plans cover abortion services; and

**Whereas**, The Guttmacher Institute, a policy group devoted to advancing reproductive health worldwide, observed that in 2002, almost 87 percent of all employer-based health care plans covered surgical abortions; and

**Whereas**, While proponents of the Stupak Amendment claim that a woman would be able to purchase separate abortion-only coverage, the National Women's Law Center asserts that there is no evidence that abortion-only coverage exists, as there is no evidence of the availability of such coverage in the five states which allow abortion-only coverage through a separate rider; and

**Whereas**, Opponents of the Amendment are fearful that insurance companies will make a calculated decision to participate in the health insurance exchange, a regulated health insurance marketplace from which many of the currently uninsured individuals will choose to access health care, and thereby the insurance companies would be expressly prohibited from offering coverage for abortion services; and

**Whereas**, The Stupak Amendment would result in limiting the number of insurers that provide these services and thus, infringe upon a woman's ability to access reproductive health care; and

**Whereas**, Women already face major health disparities which are attributed to many causes including income disparities, affordability of insurance, the need for additional health services and gender biases; and

**Whereas**, Many leading women's health advocates are concerned that any health care reform which includes the Stupak Amendment language, will further expand gender health care disparities; and

**Whereas**, On December 24, 2009, the United States Senate passed their health care reform bill by a 60 to 39 margin; and

**Whereas**, The Senate version of the legislation requires that if an individual purchases an insurance option including abortion care, he or she must write two separate premium checks - one for the abortion care and the second for all other types of care; and

**Whereas**, Advocates are concerned that this has the same practical effect of an abortion rider and may result in insurance companies not offering insurance coverage for abortion, as the requirements to segregate funding may be burdensome and untenable; and

**Whereas**, The Senate bill also removes the requirement that at least one plan in each health insurance exchange provide abortion coverage; and

**Whereas**, The next step for this legislation is for the House and Senate bills to go to a Conference Committee, where the legislation will be further negotiated and reconciled; and

**Whereas**, Leading women's health organizations are calling for the Congress to pass meaningful health care reform which does not restrict a woman's constitutional and fundamental right to choose; now, therefore, be it

**Resolved**, That the Council of the City of New York urges the United States Congress to approve a health care reform bill that will not restrict women's reproductive health or burden their right to choose by forcing women to seek alternative or supplemental insurance to obtain an abortion.

Referred to the Committee on Health.

Int. No. 74

By Council Members Gennaro, Brewer, Chin, Dickens, Fidler, James, Koppell, Koslowitz, Lander, Nelson and Sanders.

**A Local Law to amend the administrative code of the city of New York, in relation to testing by the department of environmental protection for the presence of pharmaceuticals and personal care products in the New York City drinking water supply and the effluent from wastewater treatment plants.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council finds that drinking water quality standards are regulated through criteria of the Safe Drinking Water Act by the United States Environmental Protection Agency ("EPA") which determines what contaminants of concern are regulated and pursuant to which EPA can add contaminants. The Environmental Protection Agency maintains an active program called the Contaminant Candidate List (CCL) to identify contaminants in public drinking water supplies that warrant detailed study. The CCL currently includes just one pharmaceutical product-nitroglycerine. However the watersheds and reservoirs that serve New York City have been the subject of several studies that examined New York City drinking water quality. One pilot study by the United States Geological Survey undertook water sampling near the New Croton, Croton Falls, Kensico, Muscoot, Amawalk, Rondout, Neversink, Cannonsville and Pepacton reservoirs. In August of 2000 eleven sites were sampled from nine streams that flow into the Croton Reservoir which receive discharges of treated water from wastewater treatment plants. The sampling detected a beta-blocker, a stimulant, an antibiotic, an analgesic, steroids, detergent degredates, insecticides, herbicides and fire retardants. Another study by the United States Geological Survey examined influent and effluent to and from wastewater treatment plants in the New York City watershed. This study found fifty-five of sixty-three contaminants that were identified as targets of the study. Pharmaceuticals in our watershed include trace amounts of hormones related to the treatment for menopause, drugs used to prevent or minimize seizures and high blood pressure medications. Many pharmaceuticals are designed to be highly specific, and thus are extremely potent. The EPA has developed national water quality criteria for the protection and for the beneficial use of aquatic life, called the Aquatic Life Criteria. These criteria are based upon the concentrations of environmental pollutants and their effects. Some pharmaceutical products effect reproduction and development of fish in water at concentrations of low nanograms per liter, well below effect concentrations for most chemicals for which Aquatic Life Criteria have been derived. The EPA's criteria also include contaminants of emerging concern such as pharmaceuticals and personal care products. Personal care products include over the counter medications such as ibuprofen, bactericides such as triclosan, sunscreens and synthetic musks.

As the CCL only includes one pharmaceutical product, current water quality standards set by the Environmental Protection Agency generally do not require monitoring for, or treatment of, pharmaceutical or personal care products. The EPA has indicated that there is still uncertainty about the potential effects on public health and aquatic life of the presence of extremely low levels of pharmaceuticals and person care products in drinking and surface water. The EPA has also stated that a program to monitor for pharmaceuticals and personal care products in surface, ground or tap water can be very useful to EPA its Contaminant Candidate Listing process, when it revises effluent guidelines and develops new or revised water quality criteria.

The Council further finds that with trace amounts of pharmaceuticals present in the New York City watershed, it is important to know if they are also in our drinking water and if they present any threat to the public health or the environment.

§2. Subchapter 4 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-366 to read as follows:

§24-366 *Water quality testing for the presence of pharmaceuticals and personal care products.* a. *For purposes of this section the following terms shall have the following meanings:*

1. "Pharmaceuticals" shall include prescribed drugs to be used by humans and prescribed veterinary drugs.

2. "Personal care products" shall mean over the counter medications such as ibuprofen, bactericides such as triclosan, sunscreens and synthetic musks and any product used by individuals for personal health or cosmetic reasons including, but not limited to, fragrances, lotions and cosmetics.

3. "Water quality monitoring" shall mean activities related to gathering water quality data which is then used to characterize waters, identify water quality trends over time, identify emerging pollution problems, evaluate whether pollution control programs are working and improve pollution control efforts.

4. "Environmental protection agency" shall mean the United States environmental protection agency.

5. "Aquatic life criteria" shall mean the national water quality criteria for the protection of aquatic organisms and for their beneficial uses as developed by the environmental protection agency.

b. *The department shall be responsible for undertaking annual water quality monitoring for the presence of pharmaceuticals and personal care products in treated wastewater discharged from the city's wastewater treatment plants and in drinking water, at drinking water treatment plants serving the city within the city's watersheds, and at monitoring wells used to monitor the quality of drinking water drawn from underground aquifers and at distribution sites of drinking water as are determined by the department to be appropriate. Such monitoring shall include analyzing the results of such testing for the presence of pharmaceuticals and personal care products and releasing the results of such analyses.*

c. *Not later than December 1, 2010 and not later than December 1 of each year thereafter, the mayor shall submit to the speaker of the council a report on the results of water quality testing for the presence of pharmaceuticals and personal*

care products. Said report shall include the names of the pharmaceutical and personal care products identified, the concentrations found of each and at the locations identified where feasible.

d. When any pharmaceutical or personal care product is listed by the environmental protection agency in its contaminant candidate list, in addition to undertaking appropriate measures to treat the drinking water in order to remove the listed contaminant from city drinking water, the department shall take measures designed to prevent such pharmaceuticals or personal care products from entering the city water supply. The department shall use the aquatic life criteria to ascertain if the presence of pharmaceuticals and personal care products in surface waters are having an adverse impact on aquatic life, and shall include such information in the annual report required by subdivision c of this section.

e. No later than July 1, 2010 the department shall issue an interim report detailing its efforts to identify and treat drinking water for the presence of nitroglycerine and shall provide a copy of the interim report to the mayor, the speaker of the council, the environmental protection agency, the state department of health. No later than December 1, 2010 the department shall issue a final report detailing its efforts, if any, to treat drinking water for the presence of nitroglycerine.

f. The department shall provide the results of its water quality monitoring to the environmental protection agency, the state department of health, the city department of health and mental hygiene and such other entities as are determined by the department to be appropriate, and shall post the results of its water quality monitoring for pharmaceuticals on its website.

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

Referred to the Committee on Environmental Protection.

Int. No. 75

By Council Members Gennaro, Brewer, Chin, Fidler, James, Koppell, Lander, Mark-Viverito, Nelson and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring city plantings to be storm water tolerant so as to facilitate storm water retention and filtration.**

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that urban watersheds generate greater volumes of runoff than areas with more permeable surfaces with increased peak flows during storms and that native plants species that can tolerate greater variation in frequency and duration of high water can also help maintain local biodiversity.

The Council further finds that the City of New York plants thousands of trees and many thousands of plants annually, including nonnative species. However, nonnative and invasive species are rapidly spreading in New York City, while native species are generally in decline. The Council notes that the PlaNYC Sustainable Stormwater Management Plan of 2008 recommends the use of green infrastructure as a desirable means to control and detain stormwater. Therefore the Council finds that it is in the best interests of the City to use native plantings, when green infrastructure is needed, that are suitable for the location selected and that are stormwater tolerant to maximize the capacity for stormwater retention and infiltration and to conserve and enhance the rich local biodiversity of the city of New York.

§2. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-526.2 to read as follows:

§24-526.2 Stormwater tolerant native plantings. (a) For purposes of this section the following terms shall have the following meanings:

(1) "Native plants" shall mean those species that occur or historically occurred within the boundaries of New York state before contact by European explorers or settlers took place based upon the best available scientific and historical documentation.

(2) "Stormwater tolerant" shall mean flood tolerant plants that have adaptations to survive anoxia and salt.

(b) Plants, shrubs and trees planted by the city of New York or by any of its contractors or subcontractors and intended to facilitate storm water retention and filtration shall be native plants that are stormwater tolerant.

(c) Selection of plants intended to facilitate stormwater retention and infiltration shall be guided by the New York State stormwater management design manual, Appendix H, the New York city department of parks and recreation greenbelt native plant center wetlands species lists and such other sources as the department deems appropriate.

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

Referred to the Committee on Environmental Protection.

Int. No. 76

By Council Members Gennaro, Fidler, James, Koppell and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to the notification of schools concerning drug activity.**

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent.

The Council hereby finds that the New York City Police Department has made great strides in reducing drug availability and drug crime in New York City. As encouraging as the progress against drugs is, however, any potential for drug use by children presents a danger and must be monitored. When drugs are present in the neighborhood surrounding a school, the possibility of students being affected by such drugs is greater. For this reason, the Council finds that schools in New York City should be alerted to drug activity in their surrounding areas. This legislation seeks to facilitate the sharing of information concerning drug arrests between the New York City Police Department and schools in New York City.

§2. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-150.1 to read as follows:

§ 14-150.1. Notification to schools concerning drug activity. a. The New York City Police Department shall submit to every school within the city on a biannual basis a report detailing the number and location of arrests made in connection with drugs in the precinct within which the school is located.

b. The report required by subdivision a shall be provided to schools except where disclosure of such material would be prohibited by article three of the New York State Family Court Act or article seven hundred twenty of the New York State Criminal Procedure Law or when such information could compromise the safety of the public or police officers or could otherwise compromise law enforcement operations. The report shall be provided to schools within 30 days of the end of the reporting period to which the reports correspond or for which the relevant data may be collected, whichever is later. Where necessary, the department may use preliminary data to prepare the required reports and may include an acknowledgement that such preliminary data is non-final and subject to change.

c. Nothing in this section shall be deemed to give rise to a cause of action against any official, employee or agent of any school who receives information pursuant to this title.

§3. This local law shall become effective ninety days after its enactment into law.

Referred to the Committee on Public Safety.

Int. No. 77

By Council Members Gennaro, Garodnick, Chin, Fidler, Gentile, James, Lander, Lappin, Mark-Viverito, Reyna, Sanders, White, Williams, Halloran, Koo and Vann.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to streamlining approvals for environmentally beneficial technologies, design and construction techniques, materials and products.**

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that new technologies, materials and products that address environmental concerns are rapidly being developed, and many building owners and developers are eager to implement them. However, there are often no rules governing the use of new "green" technologies, design and construction techniques, materials and products. There are also interagency regulatory issues, which can effectively prohibit or delay projects that utilize new technologies. Many innovative green building projects have difficulty obtaining permits because the technologies introduce interdisciplinary issues that are hard to regulate by separate agencies. Nonetheless, the City benefits from the experimental efforts of early adopters and should facilitate their work.

The Council further finds that coordinating activities among city agencies may expedite the adoption of sustainable building practices and technologies materials and products providing the range of environmental, sustainability and health benefits associated with green building.

Therefore, the Council finds that it is in the best interests of the City to consolidate the activities of key agencies within a single interagency task force to be headed by the Director of the Mayor's Office of Long-Term Planning and Sustainability and to create within the Department of Buildings an Innovation Review Board to review new green technologies, design and construction techniques, materials and products and advise the Commissioner of Buildings under

what conditions and for what purposes they may be safely employed in New York City.

§2. Section 20 of the New York city charter is amended by adding a new subdivision i to read as follows:

*i. Interagency green team. 1. There is hereby established within the office an interagency green team under the management of the director or the director's designee to facilitate the use of innovative technologies, design and construction techniques, materials or products that may have significant environmental and sustainability benefits and to assist innovative projects in addressing city agency regulatory requirements.*

*2. The interagency green team shall include as members the commissioners of buildings, environmental protection, transportation, design and construction, health and mental hygiene and the chairperson of the city planning commission, or their respective designees, and such other members as the director shall designate. The director shall also designate members from among the fire commissioner and the commissioners of parks and recreation, consumer affairs, emergency management, housing preservation and development, sanitation, and the chairperson of the landmarks preservation commission, or their respective designees, with respect to specific matters being considered by the interagency green team where the director determines it appropriate to do so.*

§3. Article 103 of chapter 1 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 by adding a new section 28-103.1.3 to read as follows:

§28-103.1.3 Innovation review board. *There is hereby established within the department an innovation review board which shall include as members in addition to the commissioner, the commissioners of environmental protection, health and mental hygiene and design and construction and the chairperson of the city planning commission, or their respective designees. The commissioner shall also designate members from among the fire commissioner and the commissioners of transportation, parks and recreation, consumer affairs, emergency management, housing preservation and development and sanitation and the chairperson of the landmarks preservation commission, and non-governmental organizations and individuals, or their respective designees, with respect to specific matters being considered by the board where the commissioner determines it appropriate to do so.*

§28-103.1.3.1 Meetings and recommendations. *The commissioner shall convene the innovation review board at least quarterly, or more often as the commissioner may deem necessary to address issues in a timely manner to (i) review specific projects that propose to employ new technologies, design or construction techniques, materials or products, (ii) review proposals for approval of and to initiate reviews of such of new technologies, design or construction techniques, materials or products in order to determine their environmental and sustainability benefits, (iii) make recommendations as to under what conditions and for what purposes each may be appropriately employed in New York city, and (iv) streamline approvals of specific innovative projects. If the board recommends that a technology, design or construction technique, material or product may appropriately be employed, the commissioner shall consider such recommendation and may by rule or other method as the commissioner deems appropriate, authorize the use of such technology, design or construction technique, material or product and under what conditions and for what purposes each may be appropriately employed. The commissioner shall state in writing to the interagency green team established pursuant to subdivision i of section twenty of the charter what action the commissioner shall take with respect to each such recommendation and the reasons for the action taken.*

§4. This local law shall take effect one hundred twenty days after enactment, provided, however, that the commissioner of buildings and the director of the mayor's office of long-term planning and sustainability shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Adopted by the Council (preconsidered and approved by the Committee on Technology).

Res. No. 50

**Resolution denouncing the decision to tenure Joseph Massad at Columbia University.**

By Council Members Gennaro, Brewer, Fidler, Nelson and Halloran.

**Whereas**, The New York metropolitan area has the second largest Jewish population outside of Tel Aviv; and

**Whereas**, According to a recent study by the North American Jewish Data Bank at the University of Connecticut, 1,412,000 people of Jewish descent were living in New York City in 2002; and

**Whereas**, Columbia University, located in New York City, is one of the top academic and research institutions in the world; and

**Whereas**, Joseph Massad is an associate professor at Columbia University's Department of Middle East and Asian Languages and Cultures (MEALAC), whose academic work has focused on Palestinian, Jordanian, and Israeli studies; and

**Whereas**, Professor Massad received his doctorate in political science from Columbia University in 1998, and was then appointed to the university's faculty in 1999; and

**Whereas**, In 2004 and 2005, he became the center of controversy over his views that are seen as hostile by many members of the Jewish-Israeli community and the center of debate over academic freedom; and

**Whereas**, In 2004, a pro-Israel activist organization, the David Project Center for Jewish Leadership, produced a film called *Columbia Unbecoming*, interviewing students who claimed that Professor Massad and other Columbia professors had intimidated or been unfair to them for expressing their support of Israel, which led to the university's appointment of an Ad Hoc Grievance Committee to investigate the complaints; and

**Whereas**, The Ad Hoc Grievance Committee, which concluded its investigation in April 2005, did not find proof of any violation of these students' academic freedom and dismissed most of the allegations; and

**Whereas**, The Ad Hoc Grievance Committee did, however, rebuke Professor Massad for inappropriate comments made in class; and

**Whereas**, In June 2009, Professor Massad was granted tenure at Columbia University, which spurred protests by faculty, students and Jewish advocacy groups; and

**Whereas**, In July 2009, fourteen Columbia professors protested Mr. Massad's tenure in a letter and questioned the university's tenure process; and

**Whereas**, The decision to grant Professor Massad tenure was also denounced by LionPAC, Columbia University's pro-Israel political affairs committee, which works to educate the campus community about the importance of the America-Israel relationship; and

**Whereas**, Due to Professor Massad's controversial history, his tenure at Columbia University is of great concern to many individuals and may create an uncomfortable learning and working environment for students and faculty; now, therefore, be it

**Resolved**, That the Council of the City of New York denounces the decision to tenure Joseph Massad at Columbia University.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Res. No. 51

**Resolution calling upon the New York State Legislature to protect shoppers and store staff from dangerous shopping frenzies by mandating appropriate security measures and holding retailers accountable when people are injured.**

By Council Members Gennaro, Fidler, James, Koppell, Nelson, Sanders and Rodriguez.

**Whereas**, The day after Thanksgiving traditionally kicks off the start of the holiday shopping season; and

**Whereas**, This day, also known as Black Friday, is thought to be the busiest shopping day of the year; and

**Whereas**, In 2009, according to the National Retail Federation, total consumer spending for Black Friday weekend reached an estimated \$41.2 billion; and

**Whereas**, Embracing the excitement surrounding the day's status as the kick-off to the holiday season, many retailers offer steep discounts on select merchandise and open their stores earlier than normal to accommodate enthusiastic shoppers; and

**Whereas**, Because of the anticipated savings and the expected scarcity of the season's most popular items, it is not unusual to see large crowds of shoppers lined up outside major stores in the early morning hours of Black Friday; and

**Whereas**, On November 28, 2008, Jdimytai Damour, a temporary security worker hired by a Wal-Mart in Valley Stream, Long Island to help control the crowd during the Black Friday sale, was trampled to death by shoppers after they broke through the glass doors in their haste to take advantage of the sales; and

**Whereas**, In the aftermath of the tragedy, the Nassau County Police Department ("NCPD") said that it is ultimately a store's responsibility to control crowds and enforce security measures when it anticipates exceptionally large crowds; and

**Whereas**, Similar episodes of violence occurred on previous Black Fridays, including in 2005, when a 72 year-old woman was trampled at a BrandsMart in Sunrise, Florida, and in 2006, when a woman in Torrance, California was injured in a stampede after 500 gift certificates were dropped from the ceiling; and

**Whereas**, Not a phenomenon exclusive to Black Friday, violence resulting from frenzied retail crowds also occurred upon the release of the Playstation 3 in 2006, when mob-like violence and injuries occurred in at least four different states; and

**Whereas**, After the Valley Stream incident, the NCPD found that Wal-Mart had inadequate security measures in place when Mr. Damour was killed; and

**Whereas**, The NCPD also released a report which called on retailers to engage in better planning, implement better crowd control procedures, and improve communication during large-scale retail events; and

**Whereas**, There are currently no New York State public safety laws governing the safe and orderly execution of events such as these; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to protect shoppers and store staff from dangerous shopping

frenzies by mandating appropriate security measures and holding retailers accountable when people are injured.

Referred to the Committee on Consumer Affairs.

Int. No. 78

By Council Members Gentile, Chin, Dickens, Fidler, James, Lander, Nelson, Halloran and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring reports to the city council of any variance or special permit granted despite the community board's recommendation of disapproval or approval with conditions.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 25 of the administrative code of the city of New York is hereby amended by adding a new section 25-208 to read as follows:

§25-208 *Reports; special permits and variances.* *The board of standards and appeals shall submit a report to the city council of all special permits and variances granted by the board of standards and appeals for which action the community board(s), in whose district the property that is the subject of the action is located, in whole or in part, has recommended the disapproval or approval with conditions of the respective special permit or variance. Such report shall be submitted to the city council on a quarterly basis, at the end of every three-month cycle during each calendar year, except that the first submission of such reports shall occur on or before December 1, 2010. Such report shall contain a breakdown of the total number of determinations regarding special permits and variances made by the board during such reporting period, the number of determinations on actions on which one or more community board submitted comments, and the number of determinations made that were not in accordance with the community board's recommendation. The report shall include copies of each determination made during such reporting period that was not in accordance with the community board's recommendation. If more than one community board, in whose district the property that is the subject of the action is located, in whole or in part, issues a recommendation concerning an application for a special permit or a variance and any such community board recommends the disapproval or approval with conditions of the respective action and the board of standards and appeals nevertheless grants the action, then the action must be reported to the Council as described herein.*

§2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Res. No. 52

**Resolution in support of establishing March 31st as a national holiday honoring Cesar Chavez.**

By Council Members Gonzalez, Dromm, Ferreras, James, Mark-Viverito, Nelson, Recchia, Sanders and Williams.

**Whereas,** Cesar Chavez was a Mexican American farm worker, labor leader, civil rights activist, and environmentalist, who co-founded and led the first successful farm worker's union in U.S. history; and

**Whereas,** Chavez was born on March 31, 1927 on a small farm near Yuma, Arizona that his grandfather homesteaded during the 1880s; and

**Whereas,** After losing their farm during the Depression, Chavez's family worked as migrant workers, laboring in fields and vineyards, like other displaced families; and

**Whereas,** Chavez was 10 years old when he began working in the fields and was forced to leave school after the 8<sup>th</sup> grade to help support his family; and

**Whereas,** In 1952, Chavez became an organizer for the Community Service Organization (CSO), a barrio based group, where he coordinated voter registration drives, fought racial and economic discrimination, organized new CSO chapters across California and Arizona, and rose to become the CSO's national director from 1958 to 1962; and

**Whereas,** After leaving the CSO, Chavez co-founded the United Farm Workers (UFW); and

**Whereas,** Under Chavez's leadership, the UFW organized strikes and boycotts to protest for, and later win, higher wages for those farm workers in the grape and vegetable industries; and

**Whereas,** In 1966, Chavez led a historic 340-mile march in California, from Delano to Sacramento, calling on the state government to pass laws which would permit farm workers to organize into a union and allow collective bargaining agreements; and

**Whereas,** He also encouraged all Americans to boycott table grapes as a show of support for the workers; and

**Whereas,** By 1970, the national boycott forced the grape growers to sign union contracts for the first time; and

**Whereas,** In 1975, Cesar Chavez called for a new international boycott of grapes when table grape growers were not willing to renegotiate UFW contracts; and

**Whereas,** In that same year, the UFW was instrumental in the passage of the Agricultural Labor Relations Act, which became the first law governing farm labor in the continental United States; and

**Whereas,** Provisions of the Act were designed to protect the rights of farm workers to act together to help themselves, to engage in union organizational activity, and to select their own representatives to bargain with employers; and

**Whereas,** By the 1980s, tens of thousands of farm workers had won UFW contracts with higher wages, family health coverage, pension benefits and other contract protections; and

**Whereas,** Cesar Chavez and the UFW also challenged the use of child labor and sexual harassment of women workers, and campaigned against the use of toxic pesticides; and

**Whereas,** On April 23, 1993, Cesar Chavez died in his sleep in Arizona at the age of 66, and over 40,000 people attended his funeral; and

**Whereas,** Chavez received a number of honors in recognition of his outstanding leadership; and

**Whereas,** In 1991, he received the Aguila Azteca (The Aztec Eagle), Mexico's highest award presented to people of Mexican heritage who have made major contributions outside of Mexico; and

**Whereas,** In 1994, Chavez posthumously received the Presidential Medal of Freedom, the highest civilian honor in the United States, from President Bill Clinton, and was the second Mexican-American to receive such an honor; and

**Whereas,** The United States Postal Service honored him with a postage stamp in 2003; and

**Whereas,** Many parks, cultural centers, libraries, schools, and streets have been named in his honor in cities across the country; and

**Whereas,** California and seven other states celebrate Cesar Chavez's birthday on March 31<sup>st</sup> as a state holiday; and

**Whereas,** Cesar Chavez Day is intended to promote community service; and

**Whereas,** During the 2008 Presidential campaign, President Barack Obama expressed his support for a Cesar Chavez national holiday; and

**Whereas,** The Chair of the Hispanic Congressional Caucus, Representative Joe Baca (D-CA), has sponsored H.R. 76, a resolution that encourages the establishment of a Cesar Chavez national holiday by the U.S. Congress, along with 62 co-sponsors, including Representatives Yvette Clarke (D-NY), Charles Rangel (D-NY), Jose Serrano (D-NY) and Nydia Velazquez (D-NY); and

**Whereas,** The late Senator Robert F. Kennedy called Cesar Chavez one of the most historic figures of our time; and

**Whereas,** Cesar Chavez made a significant impact in improving the lives of many Americans, and thus, should be recognized for his contributions by having a national holiday in his honor; now, therefore, be it

**Resolved,** That the Council of the City of New York supports establishing March 31st as a national holiday honoring Cesar Chavez.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Int. No. 79

By Council Members Koppell, Vann, Vacca, Brewer, Dickens, Ferreras, Fidler, James, Koslowitz, Mark-Viverito, Nelson, Sanders, Rodriguez and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Homeless Services to notify the affected community prior to locating transitional housing for the homeless.**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative findings and intent. The Department of Homeless Services ("DHS") is responsible for providing transitional housing to homeless individuals and families until they move into permanent housing. In order to fulfill this responsibility, DHS currently utilizes several different types of transitional housing of varying sizes, including Tier II shelters for families, residences for adults, and hotels. DHS also houses families in cluster sites, which are temporary transitional housing units located in apartment buildings where lease holding tenants may also reside. DHS does not always notify affected community boards and elected officials before homeless individuals and families move into transitional housing. Lack of consistent and formal notification prior to locating transitional housing deprives the public of the ability to provide input related to how the temporary housing may alter their neighborhood before any final decisions are made by DHS. To allow the public to more fully participate in the process of locating temporary housing, the Council finds that it is necessary to require that DHS provide written notice to certain members of the affected community before transitional housing units that are directly operated by DHS or that are operated by providers pursuant to a contract with DHS are occupied.

§2. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-316 to read as follows:

§21-316. Community Notification Requirement.

1. When the department intends to use a new location as transitional housing for eligible homeless families and individuals, or expand an existing location where transitional housing is provided, the commissioner shall provide notification in writing as follows:

a. The notification shall be provided to the speaker of the council, to the council member in whose district the transitional housing will be located, and to the community board for the community district in which the transitional housing will be located; and

b. The notification shall include the address of the transitional housing, the number of people who will be housed, the name of the person or entity operating the transitional housing, the name of any organization, whether for-profit or not-for-profit, that will be providing services to the occupants of the transitional housing, the type of transitional housing, and a description of the services that will be provided; and

c. The notification shall be provided before the department enters into a contractual arrangement with a transitional housing provider or otherwise finalizes its decision to use or expand a location as transitional housing.

2. This section shall apply to any transitional housing facility operated or contracted for, by or on behalf of the department, regardless of its size and capacity.

§3. This local law shall take effect immediately.

Referred to the Committee on General Welfare

Int. No. 80

By Council Members Koppell, Brewer, Gentile, James and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to regulating construction operations occurring near landmarks.**

Be it enacted by the Council as follows:

Section 1. Section 3302.1 of the building code of the city of New York is amended by adding the following:

*HISTORIC STRUCTURE.* A structure that is a designated New York city landmark, or located within a historic district, or listed on the national register of historic places.

§2. Chapter 33 of the building code of the city of New York is amended by adding a new section 3309.1.1 to read as follows:

§3309.1.1 *Adjoining historic structures.* A historic structure shall be considered adjoining for all purposes in this code if it is contiguous to or within a lateral distance of one hundred fifty feet from a lot for which a permit is sought.

§3. Chapter 33 of the building code of the city of New York is amended by adding a new section 3309.3.1 to read as follows:

§3309.3.1 *Additional requirements for historic structures.* The physical examination of a historic structure shall consist of a complete pre-construction survey including an ambient vibration survey conducted over a fifteen-day interval.

§4. Section 3309 of chapter 33 of the building code of the city of New York is amended by adding a new subsection 3309.12 to read as follows:

§3309.12 *Protection of historic structures.* The department shall not issue a permit for construction or demolition until it has received a pre-construction condition survey and the department has approved a plan of protection for each historic structure adjoining a lot for which such permit is sought, or a certification from the applicant that there are no historic structures adjoining such lot.

*Exception: Where license to enter the adjoining historic structure has not been granted.*

§5. Section 3309 of chapter 33 of the building code of the city of New York is amended by adding a new subsection 3309.12.1 to read as follows:

§3309.12.1 *Historic preservation manager.* When construction or demolition operations are conducted within a lateral distance of one hundred fifty feet from a historic structure the person causing such construction or demolition operations shall hire a historic preservation manager. Such historic preservation manager shall be a registered design professional with a minimum of two years of experience supervising work on major buildings as that term is defined in this chapter.

§6. Section 3309 of chapter 33 of the building code of the city of New York is amended by adding a new subsection 3309.12.1.1 to read as follows:

§3309.12.1.1 *Responsibility.* It shall be the responsibility of the historic preservation manager to conduct a pre-construction condition survey of all adjoining historic structures, to draft a plan of protection for each adjoining historic structure, and to monitor the construction or demolition operations to ensure that the plans of protection are carried out and that adjoining historic structures are not harmed.

§7. Section 3309 of chapter 33 of the building code of the city of New York is amended by adding a new subsection 3309.12.1.2 to read as follows:

§3309.12.1.2 *Violations.* Should the plan of protection be violated, or, should the condition of the adjoining historic structure worsen, such historic preservation manager shall immediately inform the department. Upon notification from the historic preservation manager, the owner of a historic structure, or of the community board for the community district in which such historic structure is located, of any breach, noncompliance, or damage to an adjoining historic structure

the department shall immediately issue a stop-work order, which shall remain in effect until the situation is remedied to the satisfaction of the commissioner.

§8. Section 3309 of chapter 33 of the building code of the city of New York is amended by adding a new subsection 3309.12.2 to read as follows:

§3309.12.2 *Plan of protection.* For each historic structure adjoining to a lot under development, the applicant shall submit to the department a plan of protection drafted by the historic preservation manager, which shall describe in detail the procedures and precautions used during such development to ensure that the adjoining historic structure will remain undamaged.

§9. Section 3309 of chapter 33 of the building code of the city of New York is amended by adding a new subsection 3309.12.2.1 to read as follows:

§3309.12.2.1 *Review.* The plan of protection shall be reviewed by the department and the landmarks preservation commission for appropriateness.

§10. Section 3309 of chapter 33 of the building code of the city of New York is amended by adding a new subsection 3309.12.2.2 to read as follows:

§3309.12.2.2 *Notice of plan.* The department shall forward an approved plan of protection to the owner of the adjoining historic structure and the community board for the community district in which such historic structure is located.

§11. This local law shall take effect ninety days after enactment.

Referred to the Committee on Housing and Buildings.

Int. No. 81

By Council Members Koppell, James, Lander and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to energy efficient escalators.**

Be it enacted by the Council as follows:

Section 1. Subchapter three of chapter three of title 6 of the administrative code of the city of New York is amended by adding a new section 6-306.1 to read as follows:

§6-306.1 *Energy efficient escalators.* a. For use in this section, the following terms shall be defined as follows:

(1) "Energy efficient escalator technology" shall mean technology that decreases the overall energy consumption of energy by an escalator, including, but not limited to, the installation of a variable-frequency drive and load monitoring or soft start technology.

(2) "Soft start technology" shall mean an energy saving escalator device that does not decrease the speed of the escalator but reduces the power consumed by the escalator when there are fewer people riding on the escalator.

b. All agencies that manage or control city-owned buildings shall devise and implement a plan for the implementation of energy efficient escalator technology in each escalator in any such building that has or will have one or more escalators.

§ 2. This local law shall take effect January 1, 2011, except that the commissioner of citywide administrative services shall promulgate any rules or take any actions needed to implement this local law prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 82

By Council Members Koppell and James.

**A Local Law to amend the administrative code of the city of New York, in relation to reducing the use of plastic carryout bags and the repeal of local law number one for the year 2008.**

Be it enacted by the Council as follows:

Section 1. Chapter 4-B of title 16 of the administrative code of the city of New York, as added by local law number 1 for the year 2008, is REPEALED and a new Chapter 4-B is added to read as follows:

CHAPTER 4-B

§ 16-450 Title

§ 16-451 Definitions

§ 16-452 Mandatory Use of Recyclable and Compostable Checkout Bags

§ 16-453 Penalties

§16-450 Title. This chapter shall be known as and may be cited as the "New York city plastic bag reduction law."

§16-451 Definitions. When used in this chapter the following terms shall have the following meanings: a. "ASTM standard" means the international standard D6400 of the American Society for Testing and Materials for compostable plastic, as that standard may be amended.

b. "Chain of stores" means five or more stores located within the city of New York that are engaged in the same general field of business and (1) conduct business under the same business name or (2) operate under common ownership or management or pursuant to a franchise agreement with the same franchisor.

c. "Checkout bag" means a bag that is provided by a store to a customer at the point of sale for the carrying from the store of purchases made at the store.

d. "Compostable plastic bag" means a plastic bag that (1) conforms to the ASTM standard; (2) is certified and labeled as meeting the ASTM standard by a recognized verification entity such as, but not limited to, the Biodegradable Product Institute; (3) is certified to ensure that the renewable based product content is maximized; and (4) displays the word "Compostable" and the word "Reusable" in a highly visible manner on the outside of the bag.

e. "Food service establishment" means any establishment (1) where the primary business is providing food for individual portion service directly to the consumer, whether consumption of such food occurs on or off the premises or such service is provided in a building or from a pushcart, stand or vehicle, and (2) that is subject to the permit requirement contained in section 81.05 of the New York City Health Code as such section may be amended.

f. "Highly visible manner" means, (1) displaying both of the following in green lettering that is at least two inches high and contrasts with the bag's background color: (i) the phrase "Compostable" either on the front and back of the bag together with a solid green band at least one-half inch thick circling the circumference of the bag, or repeatedly, as a band of text or text alternating with a solid stripe, circling the circumference of the bag, and (ii) the word "Reusable" displayed on the front and/or back of the bag; and (2) for recyclable paper bags, displaying the words "Reusable" and "Recyclable" on the front and/or back of the bag in blue lettering that is at least two inches high which contrasts with the bag's background color.

g. "Person" means an individual, trust, firm, joint stock company, corporation, cooperative, partnership, or association.

h. "Recyclable" means solid waste that may be separated, collected, processed, marketed and returned to the economy in the form of raw materials or products. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

i. "Recyclable paper bag" means a paper bag that meets all of the following requirements: (1) contains no old growth fiber, (2) is one hundred percent recyclable, (3) contains a minimum of forty percent post-consumer recycled content, and (4) displays the words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag.

j. "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple use and is either (1) made of cloth or other machine washable fabric, or (2) made of durable plastic that is at least 2.25 mils thick.

k. "Store" means a retail or wholesale establishment, other than a food service establishment, that sells products and provides checkout bags to consumers in which to place these products and (1) has over five thousand square feet of retail or wholesale space or (2) is one of a chain of stores.

§16-452 Mandatory use of recyclable and compostable checkout bags. a. The provision of checkout bags for customers by all stores shall be limited to recyclable paper bags, compostable plastic bags, or reusable bags, or any combination of such bags, as checkout bags for customers.

b. Nothing in this section shall preclude any store from making reusable bags available for sale to customers.

§16-453 Penalties. a. Any person who violates section 16-452 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board in the amount of (1) one hundred dollars for the first violation; (2) seven hundred dollars for a second violation within any twelve-month period; and (3) one thousand dollars for a third or subsequent violation within any twelve-month period.

b. The department and the department of consumer affairs shall have the authority to enforce all provisions of this chapter.

§ 2. This local law shall take effect six months after enactment, except that the commissioner of sanitation shall take such actions, including the promulgation of rules, as are necessary for its implementation prior to such effective date.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 83

By Council Members Koppell, Brewer, Gentile, James, Lander, Sanders, Vann and Rodriguez.

**A Local Law to amend the New York city charter, in relation to maintaining a registry of people who may need to be evacuated in the event of a citywide emergency.**

Be it enacted by the Council as follows:

Section 1. Section 497 of the New York City Charter is amended by renumbering existing subdivisions n and o as subdivisions o and p, respectively, and adding a new subdivision n to read as follows:

n. develop and maintain a registry of people who may need to be evacuated in the event of a citywide emergency, and a plan for conducting such an evacuation;

[n] o. perform all other functions previously performed by the former office of emergency management and the emergency control board; and

[o] p. promulgate such rules and regulations as may be necessary to implement the provisions of this chapter.

§2. This local law shall take effect 90 days after its enactment into law; provided, however, the commissioner shall implement subdivision n of section 497 of the charter, as added by section one of this local law, within one year of such effective date.

Referred to the Committee on Public Safety.

Int. No. 84

By Council Members Lappin, Chin, Ferreras, James, Lander and Mark-Viverito.

**A Local Law to amend the administrative code of the city of New York, in relation to licensing eco-friendly dry cleaners.**

Be it enacted by the Council as follows:

Section 1: Findings and Intent. Environmentally conscious consumers are increasingly seeking out businesses and products they believe to be "organic," "green," or "environmentally friendly." While seeking to reduce potentially harmful impact on the environment is a laudable and important goal, in many industries there are no standards to define environmentally friendly products. Numerous dry cleaners throughout New York City have "greenwashed" their businesses, claiming in advertising that they are "organic" or "green," yet there currently exists no definition of what these terms mean for dry cleaning.

Traditionally, most dry cleaners used a cleaning solvent called perchloroethylene (known as "perc") to clean items. Studies have found, however, that prolonged contact with perc is linked to numerous health hazards, including cancer and neurological problems. Based on these findings, the use of perc by dry cleaners is highly regulated by both the federal and state government. In fact, the Environmental Protection Agency ordered that dry cleaners located in residential buildings phase out its use by 2020.

As an alternative to perc, some dry cleaners use alternative cleaning methods, including "wet cleaning," in which items are washed in water and biodegradable detergents in computerized machines, or the use of solvents, such as liquid carbon dioxide (CO<sub>2</sub>) or hydrocarbon solvents. Although touted by many dry cleaners as safer alternatives, some scientists claim that these petroleum-based solvents are only slightly less toxic than perc.

The National Cleaners Association (NCA), a trade group, recently created a voluntary "green cleaner" rating system, taking into account, among other things, a cleaner's use of wet cleaning and/or CO<sub>2</sub>. Currently, approximately twelve New York City dry cleaners have been certified as "green cleaners" by the NCA, in contrast to the perhaps hundreds of New York City dry cleaners who identify themselves as "organic" in their advertising.

Accordingly, the Council finds that it is in consumers' best interest to be aware of the methods an "organic" dry cleaner uses and to create standards to prevent deceptive advertising by dry cleaners who may baselessly claim to be environmentally friendly.

§2. Chapter 2 of Title 20 of the administrative code of the city of New York is amended by adding a new subchapter 33 to read as follows:

### Subchapter 33

#### Eco-Friendly Dry Cleaners

##### §20-540 Definitions.

##### §20-541 Eco-Friendly dry cleaner license.

##### §20-542 Issuance of license.

##### §20-543 Fees, term.

##### §20-544 Regulations.

##### §20-545 Effect of other licensing requirements.

##### §20-546 Penalties.

§20-540 Definitions. Whenever used in this subchapter:

a. "Dry cleaning" shall mean any cleaning process for clothing <http://en.wikipedia.org/wiki/Clothing> and/or textiles <http://en.wikipedia.org/wiki/Textile> using a chemical solvent <http://en.wikipedia.org/wiki/Solvent> rather than water <http://en.wikipedia.org/wiki/Water>.

b. "Eco-friendly dry cleaner" shall mean any business offering dry cleaning services that does not use perchloroethylene and that uses either liquid carbon dioxide, biodegradable solvents or such other method for cleaning clothing and/or textiles as the commissioner may determine by rule.

§20-541 **Eco-friendly dry cleaner license.** No dry cleaning operation may advertise its services as “organic,” “green,” “environmentally friendly” or otherwise refer to the environmental impact of its services without first obtaining an eco-friendly dry cleaner license.

§20-542 **Issuance of license.** An eco-friendly dry cleaner license shall be issued only to a person who meets all the requirements of this subchapter and any rules promulgated by the commissioner to effectuate the purposes of this subchapter.

§20-543 **Fees, term.** a. The biennial license fee to be paid for such license or renewal thereof shall be three hundred forty dollars.

§20-544 **Regulations.** a. Each such eco-friendly dry cleaner licensee shall conspicuously post at every table, desk or counter where orders are placed and/or payment is made a notice, the form and manner of which are to be provided by rule of the commissioner, indicating the type of cleaning solvent and/or method used by such licensee.

b. The commissioner may promulgate such rules and regulations as may be necessary to carry out the provisions of this subchapter.

§20-545 **Effect on other licensing requirements.** The provisions of this subchapter, and any rules promulgated thereunder, shall have no effect on any other city, state or federal requirements pertaining to the operation of a dry cleaner or the regulation of substances or methods used by a dry cleaner.

§20-546 **Penalties.** In addition to the penalties provided by sections 20-105 and 20-106 of chapter one of this title, any person who violates any of the provisions of this subchapter shall be liable for a penalty of not less than five hundred dollars nor more than one thousand dollars for each such violation.

§3. This local law shall take effect one hundred and twenty (120) days after it shall have been enacted into law; provided 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.

Referred to the Committee on Health.

Int. No. 85

By Council Members Lappin, Chin, Ferreras, Fidler, James, Koppell, Lander, Mark-Viverito and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to the use of environmentally sustainable garment bags by dry cleaning establishments.**

Be it enacted by the Council as follows:

Section 1. Title sixteen of the administrative code of the city of New York is amended by adding a new chapter four-c to read as follows:

CHAPTER 4-C -DRY CLEANING BAGS

§16-470 Definitions

§16-471 Use of Dry Cleaning Bags

§16-472 Recycled Material Study

§16-473 Penalties

§16-470 Definitions. When used in this chapter, the following terms shall have the following meanings:

a. “Biodegradable film plastic” shall mean film plastic that conforms to the international standard D6400 of the American Society for Testing and Materials for compostable plastic, as that standard may be amended from time to time.

b. “Dry cleaning establishment” shall mean any place of business located within the city of New York that (1) is subject to the licensing requirements set forth in section 20-292 of this code and (2) as any portion of its business accepts garments or other articles from the public or from other dry cleaning establishments for cleaning, altering or some other processing.

c. “Dry cleaning customer” shall mean any person who delivers garments or other articles to a dry cleaning establishment.

d. “Dry cleaning bag” shall mean a bag that is used to cover garments or other articles that have been cleaned, altered or otherwise processed by a dry cleaning establishment.

e. “Recyclable paper” shall mean paper that meets all of the following requirements: (1) contains no old growth fiber, (2) is one hundred percent recyclable, and (3) contains a minimum of forty percent post-consumer recycled content.

f. “Reusable dry cleaning bag” means a bag that is used to cover garments or other articles that have been cleaned, altered or otherwise processed by a dry cleaning establishment that is specifically designed and manufactured for reuse and is either (1) made of cloth or other machine washable fabric, or (2) made of durable plastic that is at least 2.25 mils thick.

§16-471 Use of dry cleaning bags. When using a dry cleaning bag to return garments or other articles to a dry cleaning customer or another dry cleaning establishment, a dry cleaning establishment shall only use (i) reusable dry cleaning bags or (ii) dry cleaning bags which are comprised of either: (1) film plastic that contains a minimum of five percent post-consumer recycled plastic material or

fifteen percent post-industrial recycled plastic material; (2) biodegradable film plastic; or (3) recyclable paper.

§16-472 Recycled material study. Within three years of the effective date of this chapter the department shall complete a study examining the availability and cost to dry cleaning establishments of film plastic containing greater than five percent of post-consumer recycled material and shall report such information to the mayor and the council. If no amendment to this chapter results from such a study, the department shall perform a subsequent study of the availability and cost to dry cleaning establishments of film plastic containing greater than five percent of post-consumer recycled material and shall report such information to the mayor and the council within five years of the effective date of this chapter.

§16-473 Penalties. Any person who violates the provisions of section 16-471 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board in the amount of fifty dollars for the first violation, and one hundred dollars for a second or subsequent violation committed within any twelve-month period. No dry cleaning establishment shall be liable for a violation of this chapter until six months after its effective date.

§2. This local law shall take effect six months after enactment.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 53

**Resolution calling upon Governor Paterson and the New York State Legislature to enact legislation that would amend the J-51 Tax Exemptions/Tax Abatement Program to include costs associated with sidewalk bridging, scaffolding, engineers, and architects as part of reimbursable expenses for the renovation of landmarked buildings.**

By Council Members Lappin, Dickens and James.

**Whereas**, The J-51 Tax Exemptions/Tax Abatement Program (J-51 Program) is authorized by Section 489 of the New York State Real Property Tax Law and Section 11-243 of the New York City Administrative Code; and

**Whereas**, The J-51 Program provides real estate tax benefits to owners of residential real property who perform certain rehabilitation work on their properties; and

**Whereas**, The J-51 Program also grants tax benefits to owners of non-residential buildings who convert their buildings to residential use; and

**Whereas**, The J-51 Program was originally enacted in 1955 to encourage landlords to upgrade cold water flats by installing central heat and hot water systems; and

**Whereas**, The J-51 Program has since been expanded to provide benefits for most major capital improvements, certain repairs, and conversions of buildings for residential use; and

**Whereas**, The J-51 Program provides full cost benefits for work performed pursuant to a Landmarks Preservation Commission permit; and

**Whereas**, The inclusion of costs associated with sidewalk bridging, scaffolding, engineers, and architects as part of reimbursable expenses for the renovation of landmarked buildings is a desirable and beneficial inclusion in the J-51 Program; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon Governor Paterson and the New York State Legislature to enact legislation that would amend the J-51 Tax Exemptions/Tax Abatement Program to include costs associated with sidewalk bridging, scaffolding, engineers, and architects as part of reimbursable expenses for the renovation of landmarked buildings.

Referred to the Committee on Housing and Buildings.

Res. No. 54

**Resolution calling upon the United States Department of Housing and Urban Development to approve the New York City Housing Authority’s mixed-finance modernization plan to transfer or restructure the ownership of certain developments built by the City and State of New York in order to qualify for federal funding for those developments.**

By Council Members Levin, Dilan, Chin, Fidler, Gennaro, Gonzalez, Lander, Recchia, White, Mark-Viverito, Nelson, Sanders and Halloran.

**Whereas**, The New York City Housing Authority (NYCHA) is a public housing agency (PHA) organized and funded primarily through federal programs; and

**Whereas**, All NYCHA developments are included in the federal public housing program except for 21 developments, originally financed with State or City funding, that are not included in the count determining NYCHA’s operating or capital subsidies; and

**Whereas,** Funding for the federal public housing program has declined substantially over the past several years; and

**Whereas,** Housing agencies are prohibited from increasing the rents paid by low-income public housing residents to more than 30% of adjusted family income; and

**Whereas,** Although an operating subsidy is provided to fill the gap between the rents paid by public housing families and the costs of operating public housing it has remained basically flat over the past several years; and

**Whereas,** NYCHA has an FY2010 operating deficit of \$149 million arising primarily from reduced federal assistance, the substantial increase in non-discretionary operating costs and program restrictions that constrict the Authority's ability to utilize its funding in a manner that is best suited to address the needs of the families served; and

**Whereas,** NYCHA is additionally burdened by its operation of 21,000 apartments for which it has no dedicated stream of government subsidy; and

**Whereas,** The aforementioned 21 developments are a viable source of affordable housing currently providing accommodations to nearly 21,000 low-income households, nearly 35% of which are headed by individuals who are elderly or disabled; and

**Whereas,** In FY2010 the 21 developments are expected to incur an estimated operating deficit of approximately \$90 million; and

**Whereas,** Without an assured stream of governmental assistance to cover the difference between the operating costs of the 21 developments and the rents paid by the resident families, it will be exceedingly difficult for NYCHA to continue the future operation of the 21 developments; and

**Whereas,** The American Reinvestment and Recovery Act (ARRA) provides NYCHA with an opportunity to address the ongoing deficit caused by the lack of funding for the City and State developments by permitting PHA's to bring additional units into the federal public housing portfolio for the purpose of receiving federal operating and capital dollars by undertaking a mixed-financed modernization plan; and

**Whereas,** The mixed-finance modernization plan involves using a combination of federal and private funds to make capital repairs to the 21 developments while NYCHA maintains control and operations, with the goal of placing the 21 developments into the formula that determines the level of NYCHA's operating or capital subsidies from the federal government; and

**Whereas,** The New York State Legislature has approved legislation which would authorize NYCHA to undertake the mixed-financed modernization plan and would provide much needed funding for the City and State developments; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the United States Department of Housing and Urban Development to approve the New York City Housing Authority's mixed-finance modernization plan to transfer or restructure the ownership of certain developments built by the City and State of New York in order to qualify for federal funding for those developments.

Adopted by the Council by voice-vote (preconsidered and adopted by the Committee on Public Housing).

Res. No. 55

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, Assembly bill A. 9487-A and its Senate companion bill S.8235, authorizing the New York City Housing Authority to transfer or restructure the ownership of developments built by the City and State of New York.**

By Council Members Levin, Brewer, Chin, Dickens, James, Lander, Nelson and Rodriguez.

**Whereas,** The New York City Housing Authority (NYCHA) is a public housing agency (PHA) organized and funded primarily through Federal programs; and

**Whereas,** All NYCHA developments are included in the Federal public housing program except for 21 developments, originally financed with State or City funding, that are not included in the count determining NYCHA's operating or capital subsidies; and

**Whereas,** Funding for the Federal public housing program has declined substantially over the past several years; and

**Whereas,** Housing agencies are prohibited from increasing the rents paid by low-income public housing residents to more than 30% of adjusted family income; and

**Whereas,** Although an operating subsidy is provided to fill the gap between the rents paid by public housing families and the costs of operating public housing it has remained basically flat over the past several years; and

**Whereas,** NYCHA has an FY2010 operating deficit of \$149 million arising primarily from reduced Federal assistance, the substantial increase in non-discretionary operating costs and program restrictions that constrict the Authority's ability to utilize its funding in a manner that is best suited to address the needs of the families served; and

**Whereas,** NYCHA is additionally burdened by its operation of 21,000 apartments for which it has no dedicated stream of government subsidy; and

**Whereas,** The aforementioned 21 developments are a viable source of affordable housing currently providing accommodations to nearly 21,000 low-income households, nearly 35% of which are headed by individuals who are elderly or disabled; and

**Whereas,** In FY2010 the 21 developments are expected to incur an estimated operating deficit of approximately \$90 million; and

**Whereas,** Without an assured stream of governmental assistance to cover the difference between the operating costs of the 21 developments and the rents paid by the resident families, it will be exceedingly difficult for NYCHA to continue the future operation of the 21 developments; and

**Whereas,** The American Reinvestment and Recovery Act (ARRA) provides NYCHA with an opportunity to address the ongoing deficit caused by the lack of funding for the City and State developments by permitting PHA's to bring additional units into the federal public housing portfolio for the purpose of receiving federal operating and capital dollars by undertaking a mixed-financed modernization plan; and

**Whereas,** The mixed-finance modernization plan involves using a combination of federal and private funds to make capital repairs to the 21 developments while NYCHA maintains control and operations, with the goal of placing the 21 developments into the formula that determines the level of NYCHA's operating or capital subsidies from the federal government; and

**Whereas,** Assembly bill A. 9487-A and its Senate companion bill S.8235, would authorize NYCHA to undertake the mixed-financed modernization plan, which would provide much needed funding for the City and State developments; 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, Assembly bill A. 9487-A and its Senate companion bill S.8235, authorizing the New York City Housing Authority to transfer or restructure the ownership of developments built by the City and State of New York.

Referred to the Committee on Public Housing.

Int. No. 86

By Council Members Mark-Viverito, Dromm, James, Arroyo, Garodnick, Lappin and Mendez.

**A Local Law to amend the administrative code of the city of New York, in relation to replacing horse drawn carriages with alternative fuel powered classic cars and repealing sections 20-377, 20-377.1, 20-380, 20-381, 20-381.1, 20-382 and 20-383(b-d) of such code.**

*Be it enacted by the Council as follows:*

Section 1. Sections 20-377, 20-377.1, 20-380, 20-381, 20-381.1, 20-382 and 20-383(b-d) of the administrative code of the city of New York are REPEALED.

§2. Section 20-372 of title 20 of the administrative code of the city of New York is amended to read as follows:

§20-372 **Definitions.** Whenever used in this subchapter, the following terms shall mean:

1. "Owner" shall include any person, firm, partnership, corporation or association owning and operating a sight-seeing bus or buses, [or horse drawn cab or cabs] and shall include a purchaser under a reserve title contract, conditional sales agreement or vendor's agreement and the lessee of such vehicle or vehicles under a written lease or similar contract provided such purchaser or lessee of sight-seeing bus or buses shall be entitled to obtain in his or her name a license or licenses therefor from the commissioner of motor vehicles of the state of New York.

2. "Sight-seeing bus license" shall designate the license issued by the commissioner for each sight-seeing bus.

3. "Inspection card" shall designate the card issued by the commissioner for the sight-seeing bus licensed [or horse drawn cab licensed], which card shall display the license number and capacity of such vehicle.

4. "Sight-seeing bus" shall mean a motor vehicle designed to comfortably seat and carry eight or more passengers operating for hire from a fixed point in the city of New York to a place or places of interest or amusements, and shall also include a vehicle, designed as aforesaid which by oral or written contract is let and hired or otherwise engaged for its exclusive use for a specific or special trip or excursion from a starting point within the city of New York.

[ 5. "Horse drawn cab" shall mean a horse drawn vehicle operating for hire, so designed and constructed to comfortably seat not more than four adults, or two adults and four children, each of whom is under twelve years of age, or three adults and two children, each of whom is under twelve years of age, in the interior thereof.]

[6. "Horse drawn cab driver" shall include any person licensed to drive a horse drawn cab in the city of New York.]

[7. "Horse drawn cab license" shall designate the license issued by the commissioner for each horse drawn cab.]

[8. "Horse drawn cab driver's license" shall designate the license issued by the commissioner for a driver of a horse drawn cab.]

[9] 5. "Certificate of conformity" shall mean that document issued by the Administrator of the United States environmental protection agency pursuant to section 206(a) of the Clean Air Act of 1990, 42 U.S.C. §7525(a), reflecting such Administrator's determination that an engine conforms to emissions standards and other regulations issued under section 202 of the Clean Air Act of 1990, 42 U.S.C. §7521, as well as the terms and the time periods prescribed thereon, and as such laws and such regulations may be amended from time to time.

[10] 6. "Fleet" shall mean a group of vehicles owned or operated by the same person.

§3. Section 20-373 of the administrative code is amended to read as follows:

**§20-373 License required; fee; term.** a. It shall be unlawful to operate or permit another to operate for hire a sight-seeing bus [or horse-drawn cab] within the city unless the owner shall have first obtained a license therefor from the commissioner. [An applicant for a horse-drawn cab license shall be at least eighteen years of age.]

b. Fees. The original and renewal license fee for each sight-seeing bus shall be fifty dollars [and for each horse-drawn cab shall be fifty dollars].

[c. The commissioner shall not renew any horse-drawn cab license in the event that he or she shall determine that the horse-drawn cab has not been operated for at least four months during the preceding license year, provided that such failure to operate shall not have been caused by strike, riot, war or other public catastrophe. However, in the event that it is shown to the commissioner by competent proof that the licensee has been disabled through illness or has been unable to operate the horse-drawn cab because of other cause beyond his or her control, the commissioner may renew such license.]

[d. The commissioner may refuse to renew any horse drawn cab license in the event that he or she determines that the holder of the horse drawn cab license has demonstrated a disregard for the provisions of this subchapter as illustrated by repeated violations of such provisions.]

§4. Section 20-374 of the administrative code is amended to read as follows:

**§20-374 Granting and transferring of licenses.** a. Any person, firm, partnership, corporation or association, owning or operating a sight-seeing bus, or buses, or [horse-drawn cab, or cabs] engaging in the business of transporting passengers in, about, over and upon any of the streets, avenues, bridges, highways, boulevards or public places within the limits of the city of New York, shall be issued a license for each bus [or cab] so operating, provided, however any such person, firm, partnership, corporation or association owning or operating a sight-seeing bus or buses shall first have obtained a license or licenses, as he or she shall be entitled to receive from the commissioner of motor vehicles of the state of New York as made and provided by law.

b. It shall be unlawful for a license, after being issued by the commissioner, to be transferred to any person, firm, partnership, corporation or association

[for any cause whatsoever, except that licenses for horse-drawn cabs may be transferred with the approval of the commissioner. Upon voluntary sale or transfer of a licensed horse-drawn cab by the holder of a license or his or her legal representative, the licensee shall immediately notify the commissioner of his or her intention to replace such horse-drawn cab, or shall surrender his or her license. If the license is surrendered, the vendee or transferee may make application to the commissioner for the licensing of the horse-drawn cab so purchased. A new license shall then be issued by the commissioner in place of the license so surrendered, provided the applicant has demonstrated to the satisfaction of the commissioner that he or she is qualified to assume the duties and obligations of a horse-drawn cab license.]

[c. The commissioner shall issue additional licenses only after conducting a public hearing to determine whether the public convenience, welfare and necessity require the operation of additional horse-drawn cabs. The public hearing shall be called upon his or her own motion or upon written request by any applicant. Notice of such public hearing shall be published in the City Record once a week for two consecutive weeks and shall be mailed to all current licensees. If the commissioner shall determine that additional horse-drawn cabs are necessary and advisable, he or she shall certify the number of new licenses to be granted. Not more than one such public hearing shall be held during any calendar year and the commissioner may refuse to consider any request if it appears that a recent public hearing has adequately considered the question. In making his or her determination, the commissioner shall consider among other things, the income of the driver, the income of the owner, the effect upon traffic, and the public demand. The new licenses which are granted shall be allocated to the then existent licensees in the ratio of the number of licenses held by the licensee to the total number of licenses issued and in effect. If a licensee does not accept his or her allotted number within sixty days, his or her additional licenses shall be allocated in the same manner among the remaining licensees. If the number of additional licenses authorized is insufficient to permit such allocation, then the distribution among those licensees entitled to the smallest number of additional licenses shall be made so that priority shall be given to those who have been uninterruptedly licensed for the longest period. New applicants for such additional licenses shall be considered only when the present licensees refuse to accept their allocation of licenses in the manner provided above. The distribution of such additional licenses to new applicants shall be in the order of their filing, provided however that each new applicant shall not be entitled to more than one such additional license until each new applicant who has filed at the time of distribution and who is otherwise eligible has received one license.]

§5. Section 20-375 of the administrative code is amended to read as follows:

**§ 20-375 License plate.** Upon the payment of the license fee the commissioner shall issue a license to the owner of the sightseeing bus [or horse drawn cab] together with a license plate to be securely affixed to a conspicuous and indispensable part of such sightseeing bus [or securely and conspicuously affixed to the rear axle of such horse drawn cab], on which shall be clearly set forth the license number of such sightseeing bus [or horse drawn cab]. The license plate issued to the licensee may, in the discretion of the commissioner, be a plate of a permanent nature with a replaceable date tag attached thereto, indicating the expiration date of the plate during each license year and the issuance of such a plate with such date tag to a person possessing such a plate, shall be deemed issuance of a license plate. Such license plate and the replaceable date tag to be issued from year to year to be attached thereto, shall be of such material, form, design and dimension and set forth such distinguishing number or other identification marks as the commissioner shall prescribe. The commissioner upon renewal of the license hereunder, may continue the use of the license plate for as many additional license years as he or she in his or her discretion may determine, in which event he or she shall issue and deliver to the licensee a replaceable date tag as evidence of renewal of the license, which shall be attached or affixed in such manner as he or she may prescribe by rule. The failure to affix or display such date tag in a manner prescribed by the commissioner shall constitute a violation of this section. In the event of the loss, mutilation or destruction of any license plate or date tag issued hereunder, the owner may file such statement and proof of facts as the commissioner shall require, with a fee of twenty-five dollars, at the department, and the department shall issue a duplicate or substitute license plate or date tag.

§6. Section 20-378 of the administrative code is amended to read as follows:

**§20-378 Periodic inspection.** The license department shall cause all sight-seeing buses [and horse-drawn cabs] now, or hereafter licensed, to be inspected at least once every four months. The date of such inspection and the signature of the person making the inspection shall be recorded upon the inspection card in the spaces provided therefor.

§7. Section 20-379 of the administrative code is amended to read as follows:

**§20-379 Form of inspection card.** The commissioner shall prescribe an appropriate form of inspection card for sight-seeing buses [and horse-drawn cabs] and the manner in which such card and the sight-seeing bus driver's [and horse-drawn cab driver's] identification cards shall be displayed.

§8. Section 20-373 of the administrative code is amended by adding a new subdivision e to read as follows:

*e. The commissioner shall not issue any new horse drawn cab licenses after April 1, 2010 and shall renew any valid horse drawn cab licenses according to the following schedule:*

- i. 45 horse drawn cab licenses shall be renewed on March 31, 2011;*
- ii. Zero horse drawn cab licenses shall be renewed on March 31, 2012.*

*As of April 1, 2012 any remaining horse drawn cab licenses shall be considered expired and shall no longer be valid. Horse drawn cab license renewals shall be determined by a lottery, to be held at least ninety days prior to the expiration date of such licenses and shall be conducted by the commissioner.*

§9. Section 20-381 of the administrative code is amended by adding a new subdivision f to read as follows:

*The commissioner shall not issue any new horse drawn cab driver's licenses after June 1, 2010 and shall not renew any valid horse drawn cab licenses upon their expiration on May 31, 2012. As of June 1, 2012 any remaining horse drawn cab driver's licenses shall be considered expired and shall no longer be valid.*

§10. Chapter 2 of Title 20 of the administrative code of the city of New York is amended to add a new subchapter 33 to read as follows:

**Subchapter 33  
SHOW CARS**

- §20-540** *Definitions.*
- §20-541** *Show car license required; fee; term.*
- §20-542** *Granting and transferring of licenses.*
- §20-543** *License Plate.*
- §20-544** *Inspection.*
- §20-545** *Insurance.*
- §20-546** *Show car driver license.*
- §20-547** *Rates.*
- §20-548** *Unlawful agreements by owners or show car drivers.*
- §20-549** *Suspensions and Revocations.*
- §20-550** *Penalties.*
- §20-551** *Enforcement.*
- §20-552** *Regulations.*

**§20-540 Definitions.** *Whenever used in this subchapter the following terms shall mean:*

*1. "Owner" shall include any person, firm, partnership, corporation or association owning and operating a show car, and shall include a purchaser under a reserve title contract, conditional sales agreement or vendor's agreement and the lessee of such vehicle or vehicles under a written lease or similar contract provided such purchaser or lessee of show car or cars shall be entitled to obtain in his or her name a license or licenses therefor from the commissioner of motor vehicles of the state of New York.*

2. "Inspection card" shall designate the card issued by the commissioner for the show car licensed, which card shall display the license number and capacity of such vehicle.

3. "Show car" shall mean a privately owned motorized vehicle designed to comfortably seat and carry no more than seven passengers, in addition to the driver, and that is constructed to resemble an antique automobile operating for hire from a fixed point in the city of New York to a place or places of interest or amusements, and shall also include a vehicle, designed as aforesaid which by oral or written contract is let and hired or otherwise engaged for its exclusive use for a specific or special trip or excursion from a starting point within the city of New York. A show car may only be driven by a licensed show car driver.

4. "Show car driver" shall include any person licensed to drive a show car in the city of New York. Every show car driver shall also be a sightseeing guide, as defined by section 20-242 of this code, and shall hold a sightseeing guide license issued pursuant to subchapter 8 of chapter 2 of this title.

5. "Show car license" shall designate the license issued by the commissioner for each show car.

6. "Fleet" shall mean a group of vehicles owned or operated by the same person.

§20-541 **Show car license required; fee; term.** a. It shall be unlawful to operate or permit another to operate for hire a show car within the city unless the owner shall have first obtained a show car license therefor from the commissioner.

b. Fees. The annual license fee for each show car or renewal of such license shall be fifty dollars.

c. Term. All licenses issued pursuant to this subchapter shall be valid for one year unless sooner suspended or revoked.

d. The commissioner shall not issue more than sixty-eight show car licenses at any one time. The initial issuance of these show car licenses shall be phased in over a three-year period. During the first year of license availability, the commissioner shall not issue more than twenty-four show car licenses. During the second year of availability, the commissioner may issue up to twenty-four show car licenses in addition to the licenses issued during the first year of availability. During the third year of availability, the commissioner may issue up to twenty show car licenses in addition to the licenses issued during the first two years of availability. Thereafter, the maximum number of show car licenses which may be in effect shall not exceed sixty-eight and no new licenses shall be issued in excess of such number.

e. After the initial issuance of such show car licenses, the commissioner shall establish a separate waiting list to be administered in accordance with procedures to be established by rules of the commissioner. The commissioner may by rule limit the number of places on such waiting list.

§20-542 **Granting and transferring of show car licenses.** a. Any person, firm, partnership, corporation or association, owning or operating a show car, or cars engaging in the business of transporting passengers in, about, over and upon any of the streets, avenues, bridges, highways, boulevards or public places within the limits of the city of New York, shall be issued a show car license for each show car so operating, provided, however any such person, firm, partnership, corporation or association owning or operating a show car, or cars shall first have obtained a license or licenses, as he or she shall be entitled to receive from the commissioner of motor vehicles of the state of New York as made and provided by law.

b. Preference shall be given in the issuance of show car licenses pursuant to this subchapter and in the placement on such waiting list to those person in possession of a valid horse drawn cab's license issued pursuant to section 20-381 of this chapter. Such horse drawn cab's license shall be considered valid if it is in effect at the time the commissioner begins issuing show car licenses or at anytime throughout the first three years in which show car licenses are available.

c. In order to obtain, amend or renew a show car license, an applicant must provide the commissioner with the following:

(1) Proof that there is in force for the full license term a policy of public liability and property damage insurance that meets the requirements of section 20-545 of this subchapter;

(2) Proof of current, valid registration for the show car issued by the department of motor vehicles of the state of New York.

(3) Such other information as the commissioner may require to establish the applicant's eligibility for a show car license under this subchapter.

d. A show car license shall be valid only for the person, firm, partnership, corporation or association in whose name it is issued.

e. It shall be unlawful for a person to whom a show car license has been issued to transfer any interest in such license to any other person unless:

1. the show car complies with all applicable requirements imposed by this subchapter; and

2. the commissioner approves such transfer.

§20-543 **License Plate.** Upon the payment of the license fee the commissioner shall issue a show car license to the owner of the show car together with a license plate to be securely affixed to a conspicuous and indispensable part of such show car, on which shall be clearly set forth the license number of such show car. The license plate issued to the licensee may, in the discretion of the commissioner, be a plate of a permanent nature with a replaceable date tag attached thereto, indicating the expiration date of the plate during each license year and the issuance of such a plate with such date tag to a person possessing such a plate, shall be deemed issuance of a license plate. Such license plate and the replaceable date tag to be issued from year to year to be attached thereto, shall be of such material, form,

design and dimension and set forth such distinguishing number or other identification marks as the commissioner shall prescribe. The commissioner upon renewal of the license hereunder, may continue the use of the license plate for as many additional license years as he or she in his or her discretion may determine, in which event he or she shall issue and deliver to the licensee a replaceable date tag as evidence of renewal of the license, which shall be attached or affixed in such manner as he or she may prescribe by rule. The failure to affix or display such date tag in a manner prescribed by the commissioner shall constitute a violation of this section. In the event of the loss, mutilation or destruction of any license plate or date tag issued hereunder, the owner may file such statement and proof of facts as the commissioner shall require, with a fee of twenty-five dollars, at the department, and the department shall issue a duplicate or substitute license plate or date tag.

§20-544 **Inspection of show cars.** a. A vehicle shall be licensed as a show car only after it shall have been examined and inspected to determine that it complies with this section, and that it also (1) complies with all the requirements of the vehicle and traffic law of the state of New York, and (2) is certified by the department of motor vehicles of the state of New York, as being safe and properly equipped to operate.

b. The commissioner shall refuse a show car license to any show car not in compliance with the requirements of this section, any rules promulgated thereunder or with any other laws or rules governing show cars, or which is otherwise found to be unfit for operation. Grounds for refusal to issue a show car license shall include, but not be limited to, failure to submit a show car or records pertaining to the operation and maintenance of such show car for inspection, and being found to have violated the requirements for the purchase of cleaner light-duty and medium-duty vehicles contained in section 24-163.1 of the administrative code.

c. The commissioner shall not issue a show car license to a vehicle unless such vehicle meets the California LEV II standard for the highest possible vehicle rating that meets the requirements for the intended use. All vehicles issued show car licenses shall be classified zero emission vehicle (ZEV), advanced technology partial zero emission vehicle (ATPZEV), partial zero emission vehicle (PZEV), or super ultra low emission vehicle (SULEV), with ZEV constituting the highest vehicle rating.

d. The commissioner may adopt rules (1) requiring the inspection by the department of show cars and/or records pertaining to the operation and maintenance of such show cars to determine compliance with the requirements of section 24-163.1 of the administrative code; (2) delegating the performance of such inspections to the department of environmental protection; and (3) authorizing the acceptance of the results of inspections consistent with paragraph one of this subdivision conducted by a state or federal agency authorized to conduct such inspections on such show cars.

§20-545 **Insurance.** a. As a condition of the issuance of a show car license, each applicant shall furnish proof that such show car is insured under a public liability and property damage insurance policy or indemnity bond with minimum coverage as stated in section 370 of the vehicle and traffic law of the state of New York and any successor provision thereto.

b. The licensee shall notify the commissioner of any modification, amendment, cancellation or substitution of any insurance policy required under subdivision a of this section within ten days of notice to the licensee of such modification, amendment, cancellation or substitution.

§20-546 **Show car driver license.** a. It shall be unlawful for a show car driver to operate a show car unless the show car driver shall have first obtained a show car driver license from the commissioner.

b. It shall be unlawful for a show car owner to permit the operation of any show cars owned by it by a person who does not have a show car driver license and a motor vehicle driver's license in full force and effect.

c. In order to obtain or renew a show car driver license, a show car driver shall file an application with the commissioner for such show car driver license. Such application shall be made upon such form as prescribed by the commissioner and shall contain such information as the commissioner may require to establish the applicant's eligibility for a show car driver license under this subchapter.

d. To be eligible for a show car driver license, an applicant shall:

1. be at least eighteen years of age;

2. possess a currently valid motor vehicle driver's license;

3. not have his or her New York State motor vehicle driver's license suspended or revoked;

4. be licensed as a sightseeing guide pursuant to subchapter 8 of chapter two of this code; and

5. meet such fitness requirements as the commissioner may determine by rule.

e. A show car driver license shall be valid for a term of one year. There shall be a fee of thirty-five dollars for such license. The commissioner shall establish the expiration date for such license by rule.

§20-547 **Rates.** a. The amount to be charged and collected for the use of a show car by one or more passengers shall be higher of the total of the following:

1. sixty dollars for the first half hour or fraction thereof and fifteen dollars for each additional fifteen minutes thereafter; or

2. twenty dollars per passenger for the first half hour or fraction thereof and ten dollars per passenger for each additional fifteen minutes thereafter, for a minimum of eighty dollars.

b. The basis for calculating the amount of the charge for the use of a show car shall be displayed on the show car at all times.

c. It shall be unlawful for a show car driver to charge a passenger more than the amount or rate displayed on the show car.

d. Prior to beginning a trip, the driver of the show car shall notify the passengers the basis by which the total charge for the trip will be calculated.

§20-548 **Unlawful agreements by owners or show car drivers.** It shall be unlawful for any show car owner or any show car driver to have or make any contract or agreement with any owner of any hotel, apartment house, restaurant, or café or the agent or employee of such places, by which such owner or such driver shall agree to solicit the patronage of any passenger for any such hotel, apartment house, restaurant or café.

§20-549 **Suspensions and Revocations.** a. After notice and opportunity to be heard, the commissioner may suspend or revoke any show car license where the holder has failed to comply with any provisions of this subchapter or of the rules promulgated thereunder, or with any other laws or rules governing show cars, or which show car is otherwise found to be unfit for operation. Such suspension shall remain in effect until compliance and fitness have been established by the licensee and accepted by the department.

b. Grounds for suspension or revocation of a show car license shall include, but not be limited to:

1. the occurrence of fraud, misrepresentation, or false statements contained in the application for such license;

2. being found to have violated the requirements for the purchase of cleaner light-duty and medium-duty vehicles contained in section 24-163.1 of the administrative code

3. the operation of a show car, owned by the show car business, by a show car driver who does not have in full force and effect a show car driver license and a motor vehicle driver's license;

4. the operation of a show car that has not been inspected pursuant to section 20-544 of this subchapter; or

5. the operation of a show car that does not have affixed to it a license plate as required by section 20-543 of this subchapter; or

5. violation by a show car business of any of the provisions of chapter one of this title, provisions of this subchapter, rules promulgated pursuant to this subchapter, or any other law applicable to the operation of a show car business.

c. In addition to any of the powers that may be exercised by the commissioner pursuant to this subchapter or chapter one of this title, the commissioner, after due notice and an opportunity to be heard, may suspend or revoke a show car driver license upon the occurrence of any one or more of the following conditions:

1. the occurrence of fraud, misrepresentation, or false statements contained in the application for such license;

2. the operation of a show car that has not been inspected pursuant to section 20-544 of this subchapter; or

3. the operation of a show car that does not have affixed to it a license plate as required by section 20-544 of this subchapter; or

3. the violation by a show car driver of any of the provisions of chapter one of this title, provisions of this subchapter, rules promulgated pursuant to this subchapter, or of any other law applicable to the operation of a show car by such show car driver.

d. Notwithstanding subdivision c of this section, upon the occurrence of any of the provisions set forth in subdivision c of this section, if the commissioner determines that continued possession by a show car driver of a show car driver license would pose an exigent danger to the public, the commissioner may suspend such show car driver license, subject to a prompt post-suspension hearing.

§20-550 **Penalties.** a. It is a traffic infraction to violate any provision of this subchapter and such traffic infractions shall be punishable in accordance with section eighteen hundred of the New York state vehicle and traffic law.

b. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty that shall not be: (1) less than two hundred nor more than five hundred dollars for the first violation and for each additional violation committed on the same day; (2) less than five hundred nor more than one thousand dollars for the second violation committed, and each additional violation committed on the same day, within a one year period; (3) less than one thousand nor more than four thousand dollars for the third violation committed, and each additional violation committed on the same day, within a one year period. The show car business that authorizes the operation of such show car shall be jointly and severally liable with the show car driver thereof, for the penalties imposed by this section.

c. A violation of section 20-541 or 20-546 of this subchapter or any rules promulgated thereunder shall constitute a violation punishable by a fine of not more than five hundred dollars or imprisonment of up to fifteen days, or by both such fine and imprisonment.

d. The penalties provided by subdivisions a, b, and c of this section shall be in addition to any other penalty imposed by any other provision of law or rule promulgated thereunder.

§20-551 **Enforcement.** Authorized officers and employees of the department, the police department and any department designated by the commissioner, and any police or peace officer shall have the power to enforce any provision of this subchapter or any rule or regulation promulgated pursuant to this subchapter.

§20-552 **Regulations.** The commissioner may make and promulgate such rules and regulations and prescribe such forms as are necessary to carry out the provisions of this subchapter.

§11. Sections 1 through 7 of this local law shall take effect on June 1, 2012. Sections 8 through 10 of this local law shall take effect one hundred twenty days after its enactment into law provided, however, that the commissioner of consumer affairs shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on Consumer Affairs.

Int. No. 87

By Council Members Mark-Viverito, Reyna, Brewer, Chin, James, Lander, Williams and Vacca.

**A Local Law to amend the administrative code of the city of New York, in relation to filing of registration statements by owners of dwellings.**

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision a of section 27-2098 of the administrative code of the city of New York is amended read as follows:

(2) An identification of the owner by name, residence and business address. If the owner is a corporation, the identification shall include the name and address of such corporation together with the names, residences and business addresses of the officers. [In the case of any class A multiple dwelling used for single room occupancy pursuant to section two hundred forty-eight of the multiple dwelling law, if] If the owner of a multiple dwelling is a corporation, the identification shall also include the names and addresses of any person whose share of ownership of the corporation exceeds twenty-five percent. For the purposes of this subdivision, any person owning a share of a parent corporation shall be deemed to be an owner of a share of a subsidiary corporation equal to the product of the percentage of his or her ownership of the parent corporation multiplied by the percentage of the parent corporation's ownership of the subsidiary corporation. If the owner of a multiple dwelling is a partnership, the identification shall include the name and business address of such partnership together with the name, residences and business addresses of each general partner and for each limited partner whose share of ownership of the partnership exceeds twenty-five percent, the names, residences and business addresses of all such limited partners. If the owner is under the age of eighteen years or has been judicially declared incompetent, his or her legal representative shall file the registration statement.

§2. Subdivision a of section 27-2098 of the administrative code of the city of New York, as amended by local law number 56 for the year 2008, is amended by adding a new paragraph 6 to read as follows:

(6) If the dwelling is a multiple dwelling, the total number of dwelling units in such dwelling and the average monthly number of units not lawfully occupied within the six-month period prior to when a registration statement for such multiple dwelling is required to be filed.

§3. This local law shall take effect ninety days after enactment.

Referred to the Committee on Housing and Buildings.

Int. No. 88

By Council Members Mark-Viverito, Ferreras, Fidler, James, Koppell, Lander, Sanders, Williams and Rodriguez.

**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 make certain domestic violence statistics available through its website.**

Be it enacted by the Council as follows:

Section 1. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-152, to read as follows:

§14-152. **Domestic violence data to be placed on the world wide web.** (a) The department shall make available to the public, through its website, the following domestic violence data: (1) the number of domestic violence radio runs; (2) the number of murders related to domestic violence; (3) the number of rape incidences related to domestic violence; and (4) the number of felonious assaults related to domestic violence.

(b) The domestic violence data, as set forth in subdivision a, above, shall be displayed on the first page of the department's crime statistics webpage, together with the police department's publicly available crime statistics for the seven major felonies, and disaggregated by precinct and patrol borough in the same manner, and updated as frequently, as such felony statistics.

§ 2. This local law shall take effect 60 days after its enactment into law.

Referred to the Committee on Public Safety.

Int. No. 89

By Council Members Mark-Viverito, Brewer, Dromm and James.

**A Local Law to amend the administrative code of the city of New York, in relation to regulating removal of trees from private property.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-135 to read as follows:

*§18-135 Regulating removal of vegetation from private property. a. Definitions. For purposes of this section, the following terms shall have the following meanings:*

*1. "Mature tree" shall mean any tree with a diameter at breast height of twelve inches or more.*

*2. "Remove a mature tree" shall mean uprooting a mature tree, cutting a mature tree from its base, or cutting any portion of a mature tree, except for routine pruning.*

*b. Notwithstanding the provisions of section 18-105 of this chapter, it shall be unlawful for any person to remove a mature tree located on private property or a mature tree on public property under private care, except as provided in subdivision c of this section.*

*c. An owner of private property or the caretaker of a tree on public property under private care may request permission to remove a mature tree in writing and the department shall respond in writing to such request within thirty days. A filing fee, to be set by the department by rule, must accompany any such application. Where the department authorizes removal of such mature tree, such removal and disposal shall be at the full expense of the owner or caretaker of such tree. Should the department authorize such removal, the owner or caretaker of the mature tree to be removed must either replace any trees removed with trees equal in caliper and number within thirty days of such removal or as otherwise directed by the department, or must compensate the department in an amount determined through a formula to be established by the department through rule. However, no such compensation may exceed one thousand dollars per caliper inch of any trees removed. The amount received pursuant to this section must be used for the administration and planting of such replacement trees.*

*d. The provisions of this section shall not apply to the removal of a mature tree by any governmental entity acting pursuant to any local, state or federal law, statute, rule or regulation.*

*e. Any violation of this section shall be punishable by a civil penalty of five hundred dollars for the first tree found to have been removed from a site without authorization and one thousand dollars for each additional tree removed. Where the number of trees removed cannot be determined, there shall be a civil penalty assessed of sixty thousand dollars for every acre where trees have been removed, prorated if the area in question is less than one acre. In any action brought to enforce this section, it shall be an affirmative defense that the mature tree was removed based on an immediate danger to health, safety or property.*

§2. This local law shall take effect thirty days after enactment.

Referred to the Committee on Parks and Recreation.

Res. No. 56

**Resolution calling on the New York State Department of Motor Vehicles to insert a question on the driver's license application that inquires about veteran status, in an effort to obtain an accurate count of veterans in the State.**

By Council Members Mark-Viverito, Chin, Dromm, Ferreras, James, Sanders, Williams and Rodriguez.

**Whereas**, The Mayor's Office of Veterans Affairs (MOVA) currently states that there are approximately 240,000 veterans living in New York City; and

**Whereas**, The New York State Division of Veterans Affairs also calculates roughly 240,000 veterans residing in New York City; and

**Whereas**, MOVA asserts that it receives such veteran status data from the U.S. Department of Veterans Affairs (VA); and

**Whereas**, The VA uses the most recent census to approximate yearly increases or decreases in the total veteran population of every county in the United States; and

**Whereas**, The most recent population data used by the VA is from the 2000 census; and

**Whereas**, Having taken place prior to the events of September 11<sup>th</sup>, 2001, the 2000 census does not take into account the enormous gains nationwide to the military in the immediate aftermath of the terrorist attack; and

**Whereas**, The U.S. Department of Defense (DOD) states that recruitment shortly following the attack was at an all-time high; and

**Whereas**, The DOD also affirms that recruitment stayed consistently high in all branches of the armed forces for at least five years following September 11<sup>th</sup>, 2001; and

**Whereas**, Nearly 2 million combined service members have served in either Iraq or Afghanistan, two large-scale military operations that resulted from the occurrences of September 11<sup>th</sup>, 2001; and

**Whereas**, In addition to these 2 million service members, countless more who joined the military after September 11<sup>th</sup>, 2001, and have been supporting these two operations from afar, are also contributing to the veteran population; and

**Whereas**, The 2000 census could not have predicted these unexpected and long-term gains, nor anticipated that two simultaneous wars would be waged for nearly 7 consecutive years; and

**Whereas**, The method used by the VA also does not take into account of veterans who have moved from one county to another after the 2000 census, or those who have passed away or who became veterans after the census was completed, thereby creating an unreliable estimate; and

**Whereas**, As a result, the State and City of New York do not currently possess an accurate count of the number of veterans residing within their jurisdictions; and

**Whereas**, To resolve this problem, states such as Nevada have included an option on driver's license applications to determine an applicant's veteran status; and

**Whereas**, The Nevada Department of Motor Vehicles currently asks veterans to file a Declaration of Veterans Status at the time they apply for a driver's license, which is used only to help the Nevada Office of Veterans Services track the number of veterans in the state; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Department of Motor Vehicles to insert a question on the driver's license application that inquires about veteran status, in an effort to obtain an accurate count of veterans in the State.

Referred to the Committee on Veterans.

Int. No. 90

By Council Members Mendez, Barron, Brewer, Chin, Dromm, Ferreras, Gentile, James, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Sanders, Vann, Williams, Arroyo, Koo, Rodriguez, Nelson and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to providing legal counsel for senior citizens subject to eviction, ejection or foreclosure proceedings.**

*Be it enacted by the Council as follows:*

Section 1. Title 21 of the administrative code of the city of New York is amended by adding a new chapter 10 to read as follows:

*Chapter 10*

*Provision of Legal Services in Eviction, Ejection and Foreclosure Proceedings*

**Section 21-1001 Definitions**

*§21-1002 Civil justice coordinator*

*§21-1003 Designation of eligible organizations*

*§21-1004 Method of assigning legal counsel*

**§21-1005 Compensation**

*§21-1001. Definitions. For purposes of this chapter the following terms shall have the following meanings: a. "Covered proceeding" means any action or special proceeding to evict an occupant of a dwelling unit or dwelling to which an eligible individual is a party, including those seeking possession for the non-payment of rent or holdover, or proceedings for ejection or foreclosure.*

*b. "Eligible individual" means an occupant of a rental dwelling unit, an owner of shares of a cooperative corporation who occupies the dwelling unit to which such shares are allocated, the owner and occupant of a dwelling unit owned as a condominium or the owner and occupant of a one- or two- family dwelling where such dwelling unit or dwelling is located in the city of New York who is a defendant or respondent in a covered proceeding and who:*

*i. is sixty-two years of age or older; and*

*ii. is a member of a household in which the total income of the household does not exceed the maximum amount permissible for eligibility for benefits under section 467-b of the real property tax law as calculated in accordance with that section;*

c. “Designated organization” means an organization that provides legal counsel and is identified and designated by the civil justice coordinator pursuant to section 21-1003 of this chapter.

d. “Legal counsel” means a lawyer or lawyers licensed to practice law in New York state.

§21-1002. Civil justice coordinator. The commissioner of homeless services shall appoint a civil justice coordinator who shall be responsible for establishing and implementing a program for the provision of legal services to eligible individuals with respect to covered proceedings.

§21-1003. Designation of organizations. a. The civil justice coordinator shall identify organizations eligible to provide legal counsel in accordance with the provisions of this chapter. An organization may be designated as an eligible organization by the civil justice coordinator if it:

i. has as a principal purpose the furnishing of free or low-cost legal services to persons who are unable to afford private legal counsel;

ii. has substantial expertise in housing law and landlord and tenant law and relevant experience in representing low-income tenants in the civil court of the city of New York;

iii. operates pursuant to the standards contained in section 4 (standards for relations with clients) and section 6 (standards for quality assurance) of the standards for providers of civil legal aid established by the American Bar Association; and

iv. satisfies such other criteria as may be established by the commissioner of homeless services.

b. The commissioner of homeless services shall by rule establish procedures for the monitoring by the civil justice coordinator of the services provided pursuant to this chapter to ensure that designated organizations are providing competent legal services.

c. The civil justice coordinator shall annually review the performance of designated organizations and may decline to renew the designation of any such organization.

§21-1004. Method of assigning legal counsel a. The civil justice coordinator shall cause a designated organization to be expeditiously assigned to represent an eligible individual upon receipt of a request for such services from:

i. the eligible individual;

ii. a judge to whom a covered proceeding has been assigned or an administrative judge; or

iii. such designated organization.

b. The civil justice coordinator shall require each designated organization to identify the geographic areas from which the organization will represent eligible individuals, and for each geographic area shall maintain a list of such organizations that will represent such individual.

§21-1005. Compensation. a. The civil justice coordinator shall provide designated organizations assigned pursuant to this chapter with fair compensation which will allow each organization to provide an organizational structure with appropriate supervision, caseloads and oversight of staff and service delivery to promote high quality representation and legal work.

b. Services performed by a designated organization pursuant to this chapter or any contract or other agreement entered into pursuant to this chapter shall not be used to satisfy any obligations or responsibilities of such designated organization pursuant to any other program or any other agreement or contract.

§2. If any provision of this local law is for any reason found to be invalid, in whole or in part, by any court of competent jurisdiction, such finding shall not affect the validity of the remaining provisions of this local law, which shall continue in full force and effect.

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

Referred to the Committee on Aging.

Res. No. 57

**Resolution urging the U.S. State Department to reverse its decision to no longer require foreign governments to pay property taxes on non-exempt diplomatic residences.**

By Council Members Nelson, Dickens, Fidler, Gentile, Williams and Rivera.

**Whereas**, New York City is home to the United Nations, consisting of 192 permanent missions and 110 consulates; and

**Whereas**, For many years, the U.S. State Department followed a policy that the United Nations missions must pay appropriate local taxes on property used for nonexempt purposes; and

**Whereas**, In accordance with the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations, property held in the name of a foreign government for use as its chancery, chancery annexes, consulates, or as the

residence of the chief of mission or the career head of a consular post is exempt from all national, regional, and municipal dues and taxes; and

**Whereas**, Under the New York State tax law, real property owned by a foreign government that is a member of the United Nations or any world-wide international organization is exempt from paying property tax if such property is used exclusively for diplomatic offices or as housing for an ambassador or foreign minister; and

**Whereas**, If only a portion of the property is used for such exempt purposes, only that portion will be exempt from property taxes; and

**Whereas**, For years, the City has levied property taxes against foreign governments for that portion of their diplomatic office buildings used to house lower level employees and their families; and

**Whereas**, New York City has experienced difficulty in getting countries to pay taxes for housing their U.N. mission and consulate employees in the same buildings where they operate diplomatic offices; and

**Whereas**, In recent years, the City filed lawsuits against Turkey, India, Mongolia and the Philippines seeking reimbursement of the outstanding taxes, and has actively sought back payments from other nations; and

**Whereas**, In 2008, a federal court ordered India, Mongolia and the Philippines to pay New York City more than \$57.6 million in back property taxes and interest for using their consulates and missions for non-diplomatic purposes; and

**Whereas**, India was ordered to pay \$42.4 million, Mongolia to pay \$4.3 million, and the Philippines to pay \$10.9 million; and

**Whereas**, Turkey settled the litigation earlier for \$5.1 million; and

**Whereas**, On June 23, 2009, the U.S. Department of State reversed the longstanding policy requiring foreign governments to pay property taxes on diplomatic residences; and

**Whereas**, As a result of this ruling, the City is expected to lose approximately \$260 million in back taxes and about \$7 million a year in current tax revenues; and

**Whereas**, The State Department’s decision to reverse its policy on foreign governments paying property taxes for the use of property for non-diplomatic purposes is especially detrimental to New York City during these harsh economic times; now, therefore, be it

**Resolved**, That the Council of the City of New York urges the U.S. State Department to reverse its decision to no longer require foreign governments to pay property taxes on non-exempt diplomatic residences.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Int. No. 91

By Council Members Oddo, Ignizio, Koo, Ulrich, Halloran, Fidler, James, Nelson, Rivera, Reyna and Vacca.

**A Local Law to amend the New York city charter, in relation to small business regulatory flexibility.**

Be it enacted by the Council as follows:

Section 1. Chapter 45 of the New York city charter is amended by adding a new section 1044.1 to read as follows:

§1044.1 Small Business Regulatory Flexibility. a. Definitions. For the purposes of this section:

(1) “Proposed rule” shall mean a proposal by an agency for a new rule or a change or repeal of an existing rule.

(2) “Small business” shall mean a business entity that is located in the city of New York, and employs one hundred persons or less or has gross annual revenue of six million dollars or less.

b. Notification. At least sixty days prior to the initial publication of any proposed rule that may have an economic impact on small businesses by the department of buildings, department of consumer affairs, department of environmental protection, department of health and mental hygiene, department of sanitation, department of transportation, fire department, police department or environmental control board, such agencies shall, in writing, notify the department of small business services of their intent to adopt such proposed rule. The department of small business services shall advise and assist agencies in complying with the provisions of this section.

c. Small Business Regulatory Impact Analysis. At least thirty days prior to the initial publication of any proposed rule identified pursuant to subdivision b of this section, the department of small business services and the agency considering the adoption of the proposed rule, shall jointly prepare a small business regulatory impact analysis pursuant to the provisions of this subdivision. The regulatory impact analysis shall include, but not be limited to, the following:

(1) An identification and estimate of the number of small businesses subject to the proposed rule;

(2) The projected reporting, record keeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;

(3) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule.

(4) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses; and

(5) The consolidation or simplification of compliance or reporting requirements for small businesses or the exemption of small businesses from all or any part of the requirements contained in the proposed rule.

d. If the estimates, projections, or descriptions of potential impacts are inaccurate, such inaccuracies shall not affect, impair or invalidate the final rule.

e. Each agency that proposes a rule subject to the provisions of this section shall, in addition to the requirements set forth in section 1043 of the New York city charter, submit a copy of the small business regulatory impact analysis to the City Record and the designees described in subdivision (b) (2) of section 1043 of the New York city charter when the proposed rule is being submitted for publication.

f. At least thirty days prior to the date set for a public hearing for any proposed rule for which a small business regulatory impact analysis is required, the department of small business services shall provide notice and information regarding the proposed rule including, but not limited to:

(1) The publication of a general notice on the proposed rule in publications likely to be obtained by small businesses, chambers of commerce, local economic development corporations, trade associations and other business and advocacy organizations that are likely to be affected by the proposed rule;

(2) The direct notification of chambers of commerce, local economic development corporations, trade associations and other business and advocacy organizations that are likely to be affected by the proposed rule;

(3) The publication of the proposed rule along with such small business regulatory impact analysis on the department of small business services' website.

g. Small business rule guides. For each rule that has an economic impact on small businesses, the agency which adopted the rule shall post on its website one or more guides explaining the actions a small business may take to comply with such rule or set of rules if the agency determines, in conjunction with the department of small business services, that such guide or guides will assist small businesses in complying with the rule, and shall designate each such posting as a small business rule guide. The department of small business services shall coordinate the preparation of such small business rule guides with the appropriate agency or agencies.

h. The provisions of this section shall not apply where an agency must propose a rule on an emergency basis. However, where a proposed rule has been enacted on an emergency basis, the agency that proposed the rule and the department of small business services shall, pursuant to the substantive requirements of subdivisions b, c, d, e and f of this section, issue a small business regulatory impact analysis, provide notice of such analysis and prepare any such small business rule guides within sixty days subsequent to the date of enactment of such proposed rule.

i. The provisions of this section shall not apply to proposed rules that do not have an economic impact on small businesses.

§2. If any subdivision, sentence, clause, phrase or other portion of the local law that added this section is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of the local law that added this section, which remaining portions shall remain in full force and effect.

§3. This local law shall take effect ninety days after its enactment into law, provided however, that prior to such date, the commissioner of the department of small business services shall promulgate such rules as may be necessary to implement its provisions.

Referred to the Committee on Small Business.

Int. No. 92

By Council Members Palma and Brewer.

**A Local Law to amend the administrative code of the city of New York, in relation to repealing all provisions allowing for the operation of horse drawn cabs.**

Be it enacted by the Council as follows:

Section 1. Sections 17-326 to 17-330 of subchapter 3 of chapter 3 of title 17 of the administrative code of the city of New York are amended to read as follows:

§17-326. Definitions. Whenever used in this subchapter the following terms shall have the following meanings: (a) "Person" means an individual, partnership, corporation, association or other legal entity.

(b) "Veterinarian" means a person licensed to practice veterinary medicine in the state of New York.

(c) "Work", a horse is considered to be at work when it is out of its stable and presented to the public as being available for riding, [pulling carriages, vehicles or other devices,] or when it is saddled or in harness or when it is being ridden [or is pulling a carriage, vehicle or device].

(d) "Owner" means the owner of a horse which is required to be licensed pursuant to this subchapter and the owner of a rental horse business in which such horse is used.

(e) "Riding horse" means a horse which is available to the public for a fee for the purpose of riding.

(f) "Carriage horse" means any horse which is used by its owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or leased by its owner to another for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes of this subchapter.

(g) "Rental horse business" means a business enterprise which provides or offers the use of a horse to the public for a fee for the purpose of riding [or drawing a horse drawn vehicle or which operates a horse drawn vehicle for hire such as a horse drawn cab].

(h) "Rental horse" means a horse which is used in a rental horse business.

(i) "Under tack" means that a horse is equipped for riding [or driving].

(j) "ASPCA" means the American Society for the Prevention of Cruelty to Animals.

(k) "Stable" means any place, establishment or facility where one or more rental horses are housed or maintained.

§ 17-327 Carriage rides prohibited. It shall be unlawful to offer rides to the public on a vehicle drawn or pulled by a carriage horse.

§ 17-32[7]8 License required. a. On and after January first, nineteen hundred eighty-two no person shall use or offer the use of a horse in a rental horse business unless such horse is licensed pursuant to the provisions of this subchapter. For purposes of this subchapter the use of a horse in a rental horse business means that a horse is used or offered for use by the public for a fee for the purpose of riding [or drawing a horse drawn vehicle or is used in the operation of a horse drawn vehicle for hire such as a horse drawn cab].

b. A license shall be issued for a term of one year from the date of issuance thereof and shall be renewed prior to the expiration of such term.

c. The annual fee for a license or the renewal of a license shall be twenty-five dollars.

d. Application for a license or the renewal of a license shall be made to the department of health and mental hygiene. Such application shall contain the name and address of the owner of the horse and of the owner of the rental horse business in which such horse is to be used if such person is not the owner of the horse, the age, sex, color, markings and any other identifying marks such as brands or tattoos of the horse, the location of the stable where the horse is to be kept and any other information which the commissioner of health and mental hygiene may require. [An application with respect to a horse which is used in the operation of a "horse drawn cab" as defined in subchapter twenty-one of chapter two of title twenty of this code shall include the identification number required to be inscribed on such horses hoof pursuant to the rules and regulations of the department of consumer affairs.] The application shall be accompanied by the license or renewal fee.

e. No license shall be transferable. Upon the transfer of ownership of any horse to a new owner, the new owner shall obtain a license for such horse within fifteen days after the date of the transfer of ownership.

§ 17-32[8]9 Identification tag and certificate of license. a. Each horse licensed pursuant to the provisions of this subchapter shall be assigned an official identification number by the department. Such identification number shall be branded on the hoof of the horse in a manner to be prescribed by the commissioner and shall also be inscribed on a metal tag which shall be attached to the bridle of the horse in a conspicuous place to be specified by the commissioner at all times when the horse is at work. Such tag shall be issued to the owner with the certificate of license. The tag and certificate of license shall be of such form and design and shall contain such information as the commissioner shall prescribe. Duplicate tags and certificates of license shall be issued only upon proof of loss of the original and the payment of a fee of two dollars.

b. The certificate of license shall at all times remain at the stable where the horse is kept and shall be available for inspection by any police officer, agent of the department and the ASPCA, or to veterinarians employed or retained by the department or the ASPCA or employees of the department of consumer affairs or any persons designated by the commissioner to enforce this subchapter.

§ 17-3[29]30 Disposition of licensed horse. a. The department shall be notified of the transfer of ownership or other disposition of a licensed horse within [ten] five days thereafter. Such notice shall include the date of disposition and [if sold in New York city,] the name and address of the buyer or other transferee and such other information as the commissioner may prescribe.

b. A horse shall not be sold or disposed of except in a humane manner, which, for the purposes of this subchapter shall mean one of the following:

1. The owner shall sell or donate the horse to a private individual who signs an assurance that the horse will not be sold and shall be kept solely as a companion animal and not employed in another horse-drawn carriage business or as a work horse and will be cared for humanely for the remainder of the horse's natural life; or

2. The owner shall sell or donate the horse to a duly incorporated animal sanctuary or duly incorporated animal protection organization whose president or executive director signs an assurance that the horse will not be sold and shall be kept solely as a companion animal and not employed in another horse-drawn carriage business and will be cared for humanely for the remainder of the horse's natural life.

c. Records indicating the name, address and telephone number of the private individual, duly incorporated animal sanctuary or duly incorporated animal protection organization to whom the horse was sold or donated together with the assurance specified above shall be sent by the owner to the department within five days after such sale or donation. A copy of such record shall also be maintained at the stable.

§ 17-33[0] Regulations. a. The commissioner, with the advice of the advisory board as hereinafter established, shall promulgate such regulations as are necessary to carry out the provisions of this subchapter and to promote the health, safety and well being of the horses which are required to be licensed hereunder and of members of the public who hire such horses.

b. Horses shall not be left untethered or unattended except when confined in a stable or other enclosure.

c. Standing stalls in stables shall be of a size specified by regulation of the commissioner.

d. Horses shall be adequately quartered. Stables and stalls shall be clean and dry and sufficient bedding of straw, shavings or other suitable materials shall be furnished and changed as often as necessary to maintain them in a clean and dry condition. Adequate heating and ventilation shall be maintained in stables as prescribed by the commissioner.

e. Owners shall insure that appropriate and sufficient food and drinking water are available for each horse and that while working each horse is permitted to eat and drink at reasonable intervals.

f. Owners shall not allow a horse to be worked on a public highway, path or street during adverse weather or other dangerous conditions which are a threat to the health or safety of the horse. A horse being worked when such conditions develop shall be immediately returned to the stable by the most direct route.

g. [Carriage horses shall not be at work for more than nine hours in any continuous twenty-four hour period.] Riding horses shall not be at work for more than eight hours in any continuous twenty-four hour period. Rest periods for [carriage horses and] riding horses shall be of such duration and at such intervals as the commissioner shall prescribe [, but rest periods for carriage horses shall in no event be for less than fifteen minutes after each two hour working period, and the time of such rest period shall be included in calculating the number of hours the horse has worked in any twenty-four hour period. During such rest periods, the person in charge of such carriage horses shall make fresh water available to the horse].

h. [Carriage horses shall not be driven at a pace faster than a trot.] Riding horses may be ridden at a canter but shall not be galloped.

i. Horses shall be suitably trimmed or shod, and saddles, bridles, bits, road harnesses and any other equipment used on or with a horse at work shall be maintained and properly fitted as prescribed by regulation of the commissioner.

j. Stables in which horses used in a rental horse business are kept shall be open for inspection by authorized officers, veterinarians and employees of the department, and any persons designated by the commissioner to enforce the provisions of this subchapter, agents of the ASPCA, police officers, and employees of the department of consumer affairs.

k. An owner shall be jointly liable with the person to whom a horse is rented for any violation of this subchapter or of any regulations promulgated hereunder committed by such person if the owner had knowledge or notice of the act which gave rise to the violation at the time of or prior to its occurrence or under the circumstances should have had knowledge or notice of such act and did not attempt to prevent it from occurring.

l. An owner of a rental horse business shall keep such records as the commissioner of health shall prescribe including but not limited to a consecutive daily record of the movements of each licensed horse including the [driver's name and identification number, if applicable,] rider's name, the horse's identification number, [vehicle license plate number, if applicable,] time of leaving stable and time of return to stable. Such records shall be kept on the premises of the stable where the horses are kept and shall be available for inspection. The commissioner may, in his or her discretion, require a time clock, date stamp or time stamp where such commissioner believes it is appropriate.

m. A horse required to be licensed pursuant to this subchapter which is lame or suffers from a physical condition or illness making it unsuitable for work may be ordered to be removed from work by the commissioner or his or her designee or by an agent of the ASPCA or a veterinarian employed or retained by such commissioner or ASPCA to inspect licensed horses. A horse for which such an order has been issued shall not be returned to work until it has recovered from the condition which caused the issuance of the order or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. In any proceeding, under this section it shall be presumed that a horse which is found at work within forty-eight hours after the issuance of an order of removal and which is disabled by the same condition which caused such order to be issued has been returned to work in violation of this section. Such presumption may be rebutted by offering a certificate of a veterinarian indicating suitability to return to work prior to the expiration of the forty-eight hour period.

n. Every horse required to be licensed hereunder shall be examined by a veterinarian prior to its use in a rental horse business and thereafter at intervals of not more than one year. The examination shall include the general physical condition of the horse, its teeth, hoofs and shoes, and its stamina and physical ability to perform the work or duties required of it. The examination shall also include a record of any injury, disease, or deficiency observed by the veterinarian at the time, together with any prescription or humane correction or disposition of the same. A signed health certificate by the examining veterinarian shall be maintained at the stable premises at which such horse is located. A copy of said certificate shall be mailed by the examining veterinarian to the department of health and mental hygiene.

§2. Subdivisions o and p of section 17-330 of the administrative code of the city of New York are REPEALED.

§3. Section 17-331, as added by local law 4 of 1982, is renumbered as section 17-332 of the administrative code of the city of New York and is amended to read as follows:

§ 17-33[1]2 Advisory board. a. The commissioner shall appoint an advisory board consisting of five members as follows:

1. Two members shall be appointed from among the owners of rental horse businesses operating within the city [, one of whom shall be representative of the interests of owners of riding horses and one of whom shall be representative of the interests of owners of carriage horses].

2. Two members shall be appointed from the public at large. However, in no event shall more than one person so appointed to the board be a member of the board of directors or an employee of any animal humane society or association.

3. One member shall be a veterinarian.

b. The terms of office of the members of the board shall be three years. [except that the terms of office of the members first appointed shall be as follows:

1. Two of such members first appointed shall serve for a term ending on the thirty-first day of December, nineteen hundred eighty-two.

2. Two of such members first appointed shall serve for a term ending on the thirty-first day of December, nineteen hundred eighty-three.

3. One of such members first appointed shall serve for a term ending on the thirty-first day of December, nineteen hundred eighty-four.]

c. The members of the board shall serve without compensation.

d. The board shall make recommendations to the commissioner on regulations necessary to carry out the provisions of this subchapter and to promote the health, safety and well-being of horses which are required to be licensed hereunder and of members of the public who hire such horses.

§4. Section 17-332, as added by local law 2 of 1994, is renumbered as section 17-333.

§5. Section 17-333, as amended by Local Law 2 of 1994, subdivision a of section 17-334, and section 17-344.1 of the administrative code of the city of New York are REPEALED.

§6. Sections 19-174 and 19-175 of the administrative code of the city of New York are REPEALED. §7. Sections 20-371 and 20-372 of the administrative code of the city of New York are amended to read as follows:

§20-371 Licensing of sight-seeing buses[, horse drawn cabs and horse drawn cab drivers]. Legislative findings. The legislative findings heretofore made in relation to the business of sight-seeing buses [and horse drawn cabs] in the city of New York and set forth in local law number ten of nineteen hundred sixty-four continue to be valid; such businesses are vested with a public interest and their regulation and control continue to be necessary and essential in order to cope with certain evils and hazards which existed in the absence of governmental supervision. The supervision formerly was reposed in the police commissioner, but recent experience and study indicate that jurisdiction over such businesses should be transferred to the commissioner. [It is further found that the present number of horse drawn cabs licensed in the city of New York is adequate to meet the public need and demand and should be preserved, unless the commissioner finds that additional licenses are necessary and advisable.]

§ 20-372 Definitions. Whenever used in this subchapter, the following terms shall mean:

1. "Owner" shall include any person, firm, partnership, corporation or association owning and operating a sight-seeing bus or buses, [or horse drawn cab or cabs,] and shall include a purchaser under a reserve title contract, conditional sales agreement or vendor's agreement and the lessee of such vehicle or vehicles under a written lease or similar contract provided such purchaser or lessee of sight-seeing bus or buses shall be entitled to obtain in his or her name a license or licenses therefor from the commissioner of motor vehicles of the state of New York.

2. "Sight-seeing bus license" shall designate the license issued by the commissioner for each sight-seeing bus.

3. "Inspection card" shall designate the card issued by the commissioner for the sight-seeing bus licensed [or horse drawn cab licensed,] which card shall display the license number and capacity of such vehicle.

4. "Sight-seeing bus" shall mean a motor vehicle designed to comfortably seat and carry eight or more passengers operating for hire from a fixed point in the city of New York to a place or places of interest or amusements, and shall also include a vehicle, designed as aforesaid which by oral or written contract is let and hired or otherwise engaged for its exclusive use for a specific or special trip or excursion from a starting point within the city of New York.

§8. Subdivisions 5, 6, 7 and 8 of section 20-372 of the administrative code of the city of New York are REPEALED.

§9. Subdivision 9 of section 20-372 of the administrative code of the city of New York is renumbered as subdivision 5 and subdivision 10 of 20-372 is renumbered as subdivision 6.

§10. Subdivisions c and d of section 20-373 of the administrative code of the city of New York are REPEALED and subdivisions a and b of section 20-373 are amended to read as follows:

§20-373 License required; fee; term. a. It shall be unlawful to operate or permit another to operate for hire a sight-seeing bus [or horse-drawn cab] within the city unless the owner shall have first obtained a license therefor from the commissioner. [An applicant for a horse-drawn cab license shall be at least eighteen years of age.]

b. Fees. The original and renewal license fee for each sight-seeing bus shall be fifty dollars [and for each horse-drawn cab shall be fifty dollars].

§11. Subdivision c of section 20-374 of the administrative code of the city of New York is REPEALED and subdivisions a and b of section 20-374 are amended to read as follows:

§20-374 Granting and transferring of licenses. a. Any person, firm, partnership, corporation or association, owning or operating a sight-seeing bus, or buses[, or horse-drawn cab, or cabs] engaging in the business of transporting passengers in, about, over and upon any of the streets, avenues, bridges, highways, boulevards or public places within the limits of the city of New York, shall be issued a license for each bus [or cab] so operating, provided, however any such person, firm, partnership, corporation or association owning or operating a sight-seeing bus or buses, shall first have obtained a license or licenses, as he or she shall be entitled to receive from the commissioner of motor vehicles of the state of New York as made and provided by law.

b. It shall be unlawful for a license, after being issued by the commissioner, to be transferred to any person, firm, partnership, corporation or association for any cause whatsoever[, except that licenses for horse-drawn cabs may be transferred with the approval of the commissioner. Upon voluntary sale or transfer of a licensed horse-drawn cab by the holder of a license or his or her legal representative, the licensee shall immediately notify the commissioner of his or her intention to replace such horse-drawn cab, or shall surrender his or her license. If the license is surrendered, the vendee or transferee may make application to the commissioner for the licensing of the horse-drawn cab so purchased. A new license shall then be issued by the commissioner in place of the license so surrendered, provided the applicant has demonstrated to the satisfaction of the commissioner that he or she is qualified to assume the duties and obligations of a horse-drawn cab license].

§11. Section 20-375 of the administrative code of the city of New York is amended to read as follows:

§20-375 License plate. Upon the payment of the license fee the commissioner shall issue a license to the owner of the sightseeing bus [or horse drawn cab] together with a license plate to be securely affixed to a conspicuous and indispensable part of such sightseeing bus [or securely and conspicuously affixed to the rear axle of such horse drawn cab,] on which shall be clearly set forth the license number of such sightseeing bus [ or horse drawn cab]. The license plate issued to the licensee may, in the discretion of the commissioner, be a plate of a permanent nature with a replaceable date tag attached thereto, indicating the expiration date of the plate during each license year and the issuance of such a plate with such date tag to a person possessing such a plate, shall be deemed issuance of a license plate. Such license plate and the replaceable date tag to be issued from year to year to be attached thereto, shall be of such material, form, design and dimension and set forth such distinguishing number or other identification marks as the commissioner shall prescribe. The commissioner upon renewal of the license hereunder, may continue the use of the license plate for as many additional license years as he or she in his or her discretion may determine, in which event he or she shall issue and deliver to the licensee a replaceable date tag as evidence of renewal of the license, which shall be attached or affixed in such manner as he or she may prescribe by rule. The failure to affix or display such date tag in a manner prescribed by the commissioner shall constitute a violation of this section. In the event of the loss, mutilation or destruction of any license plate or date tag issued hereunder, the owner may file such statement and proof of facts as the commissioner shall require, with a fee of twenty-five dollars, at the department, and the department shall issue a duplicate or substitute license plate or date tag.

§12. Sections 20-377 and 20.377.1 of the administrative code of the city of New York are REPEALED.

§13. Section 20-378 of the administrative code of the city of New York is renumbered section 20-377 and amended to read as follows:

§20-37[8]7 Periodic inspection. The license department shall cause all sight-seeing buses [and horse-drawn cabs] now, or hereafter licensed, to be inspected at least once every four months. The date of such inspection and the signature of the person making the inspection shall be recorded upon the inspection card in the spaces provided therefor.

§14. Section 20-379 of the administrative code of the city of New York is renumbered section 20-378 and amended to read as follows:

§20-37[9]8 Form of inspection card. The commissioner shall prescribe an appropriate form of inspection card for sight-seeing buses [and horse-drawn cabs] and the manner in which such card and the sight-seeing bus driver's [and horse-drawn cab driver's] identification cards shall be displayed.

§15. Sections 20-380, 20-381, 20-381.1 and 20-382 and subdivisions b, c, and d of section 20-383 of the administrative code of the city of New York are REPEALED.

§16. Section 20-383 of the administrative code of the city of New York is renumbered as section 20-379 and amended to read as follows:

§20-3[83]79 Suspensions and revocations. [a.] After notice and opportunity to be heard, the commissioner may suspend or revoke any sight-seeing bus license where the holder has failed to comply with any provisions of this subchapter or of the rules promulgated thereunder, or with any other laws or rules governing sight-seeing buses, or which sight-seeing bus is otherwise found to be unfit for operation. Such suspension shall remain in effect until compliance and fitness have been established by the licensee and accepted by the department. Grounds for suspension or revocation shall include, but not be limited to, installation of an engine which does not meet the requirements of subdivision b of section 20-376 of this subchapter, being found to have violated the requirements for diesel fuel-

powered sight-seeing buses contained in section 24-163.6 of the administrative code, failure to submit a bus for inspection, installation of an engine not covered by a certificate of conformity in a vehicle which was originally manufactured with such an engine and installation of an engine of any model year preceding the year of manufacture in a vehicle which was originally manufactured with an engine covered by a certificate of conformity.

§17. Section 20-384 of the administrative code of the city of New York is renumbered as section 20-380.

§18. This local law shall take effect 180 days after enactment.

Referred to the Committee on Consumer Affairs.

Int. No. 93

By Council Members Palma and Brewer.

**A Local Law to amend the administrative code of the city of New York, in relation to horse drawn cabs.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. Due to the large population and heavy commerce of New York City, the public roadways are congested with countless vehicles for transporting consumer goods and individuals. Horse drawn cabs offer a unique allure for residents and tourists, and are often seen among the traffic on City streets.

However, opponents of horse drawn cabs assert that the additional congestion caused by these slow moving vehicles traversing public roads creates an unwarranted hazard. When combined with cars, taxis, buses, pedestrians, bikers, fire trucks, ambulances and police cars, horse drawn cab collisions are inevitable. Accordingly, City streets are dangerous to the animals, riders and people driving or walking nearby.

As an example of such dangers, a horse pulling a cab in Manhattan on January 2, 2006, was suddenly startled and dashed down 9th Avenue, galloping for several blocks before colliding with a station wagon at 50th Street. The cab driver was critically injured and taken to the hospital along with the two passengers of the automobile. The horse, five years old and working among City traffic for only a few months, was also injured and later euthanized.

Such accidents are preventable and, therefore, the Council finds that restricting horse-drawn cabs from operating on City streets is warranted in the interests of public safety and welfare.

§2. Subdivisions a and b of section 20-381.1 of the administrative code of the city of New York, as amended by local law 22 of 2002, are hereby amended, and a new subdivision c is hereby added, to read as follows:

**§20-381.1 Area and time restrictions on the operation of horse drawn cabs.**

a. It shall be unlawful for a driver of a horse drawn cab to operate such cab at any time [when and where such operation is prohibited] *on or in any street, highway, bridge or tunnel within the city of New York, unless otherwise provided in this section.*

b. (1) [Horse drawn cabs shall not be driven or operated in the borough of Manhattan between the hours of 7:00 a.m. and 10:00 a.m. on Monday through Friday. Horse drawn cabs shall not be driven or operated in the borough of Manhattan between the hours of 10:00 a.m. and 9:00 p.m. on Monday through Friday except for that area inside or immediately adjacent to Central Park.] *On Monday through Friday, horse drawn cabs shall only be driven or operated between the hours of 10:00 a.m. and 9:00 p.m. and shall only be so driven or operated in the area inside or immediately adjacent to Central Park in the borough of Manhattan.*

(2) [Between the hours of 9:00 p.m. and 11:30 p.m. on Monday through Friday, between the hours of 12:30 p.m. and 11:30 p.m. on Saturday, and between the hours of 1:30 p.m. and 7:00 p.m. on Sunday, horse drawn cabs shall not be driven or operated in the borough of Manhattan in the areas bounded by and including the following streets: on the north by West Fifty-Seventh Street, on the east by Seventh Avenue, on the south by West Forty-Second Street and on the west by Ninth Avenue; and on the north by West Sixty-Fifth Street, on the east by Columbus Avenue, on the south by West Fifty-Seventh Street and on the west by Amsterdam Avenue.] *On Saturday and Sunday, horse drawn cabs may be driven or operated at all hours, but shall only be so driven or operated in the area inside or immediately adjacent to Central Park in the borough of Manhattan.*

[(3) On Saturday between the hours of 10:00 a.m. and 8:00 p.m. throughout the year and on Sunday between the hours of 10:00 a.m. and 7:00 p.m. during the period commencing with the Sunday preceding Thanksgiving until the sixth day of January immediately thereafter, horse drawn cabs shall not be driven or operated in the borough of Manhattan in the area bounded by and including the following streets: on the north by West Fifty-Seventh Street, on the east by Fifth Avenue, on the south by West Forty-Second Street and on the west by Avenue of the Americas.

(4) On New Year's Day, Thanksgiving Day and Christmas Day, the restrictions set forth in paragraphs one, two and three of this subdivision shall not apply. On the aforementioned days between the hours of 10:00 a.m. and 11:30 p.m., horse drawn cabs shall not be driven or operated in the borough of Manhattan in the areas bounded by and including the following streets: on the north by West Fifty-Seventh Street, on the east by Seventh Avenue, on the south by West Forty-Second Street

and on the west by Ninth Avenue; and on the north by West Sixty-Fifth Street, on the east by Columbus Avenue, on the south by West Fifty-Seventh Street and on the west by Amsterdam Avenue.

(5) At no time shall any horse drawn cab be driven or operated on or in any bridge or tunnel within the city of New York.]

*c. It shall be unlawful for a driver of a horse drawn cab to drive or operate such cab at any time or in any place as may be prohibited by law, rule, policy or regulation governing the area inside or immediately adjacent to Central Park in the borough of Manhattan.*

§3. Subdivisions c, d, e and f of section 20-381.1 of the administrative code of the city of New York, as amended by local law 22 of 2002, are relettered as subdivisions d, e, f and g, respectively.

§4. This local law shall take effect 60 days after it shall have been enacted into law; provided that the commissioners of the appropriate agencies may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, establishing guidelines and promulgating rules.

Referred to the Committee on Consumer Affairs.

Int. No. 94

By The Public Advocate (Mr. de Blasio) and Council Members Dromm, James, Koppell and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a division of LGBT youth services within the department of health and mental hygiene.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-196 to read as follows:

*§17-196 Division of LGBT Youth Services. a. There shall be a division within the department tailored to the unique needs of lesbian, gay, bisexual and transgender (LGBT) youth up to age 24. This division shall address the physical and mental health needs of the LGBT youth community. The division shall also research and develop programs and initiatives including, but not limited to, the prevention of suicide, depression, violence, and the spread of sexually transmitted diseases within the LGBT youth community of the city.*

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

Referred to the Committee on Youth Services

Int. No. 95

By The Public Advocate (Mr. de Blasio), and Council Members Gentile, James, Lander, Jackson and Rodriguez.

**A Local Law to amend the New York city charter in relation to the budgets of the Public Advocate, Comptroller, Conflict of Interest Board, and the Civilian Complaint Review Board.**

*Be it enacted by the Council as follows:*

Section 1. Section 24 of the New York city charter is amended by adding a new subdivision (o) to read as follows:

*o. The public advocate shall, not later than March tenth of each year, approve and submit to the mayor detailed itemized estimates of the financial needs of the public advocate for the ensuing fiscal year. Such estimates shall be comprised of at least one personal service unit of appropriation and at least one other than personal service unit of appropriation. The mayor shall include such estimates in the executive budget without revision, but with such recommendations as the mayor may deem proper. Upon inclusion in the executive budget, the budget submitted by the public advocate shall be adopted pursuant to such provisions of chapter ten of this charter as are applicable to the operating budget of the council.*

§2. Chapter 5 of the New York city charter is amended by adding a new section 91-a to read as follows:

*91-a. Operating budget of the comptroller. The comptroller shall, not later than March tenth of each year, approve and submit to the mayor detailed itemized estimates of the financial needs of the comptroller for the ensuing fiscal year. Such estimates shall be comprised of at least one personal service unit of appropriation and at least one other than personal service unit of appropriation. The mayor shall include such estimates in the executive budget without revision, but with such recommendations as the mayor may deem proper. Upon inclusion in the executive budget, the budget submitted by the comptroller shall be adopted pursuant to such provisions of chapter ten of this charter as are applicable to the operating budget of the council.*

§3. Section 2602 of the New York city charter is amended by adding a new subdivision (i) to read as follows:

*i. The board shall, not later than March tenth of each year, approve and submit to the mayor detailed itemized estimates of the financial needs of the board for the ensuing fiscal year. Such estimates shall be comprised of at least one personal service unit of appropriation and at least one other than personal service unit of appropriation. The mayor shall include such estimates in the executive budget without revision, but with such recommendations as the mayor may deem proper. Upon inclusion in the executive budget, the budget submitted by the board shall be adopted pursuant to such provisions of chapter ten of this charter as are applicable to the operating budget of the council.*

§4. Paragraph 5 of subdivision c of section 440 of the New York city charter, as amended by vote of the electors on November 7, 1989, is amended to read as follows:

*5. The appropriations available to pay for the expenses of the civilian complaint review board during each fiscal year shall not be less than thirty six hundredths percentum of the appropriations available to pay for the expenses of the police department during such fiscal year. The board is authorized, within appropriations available therefor, to appoint such employees as are necessary to exercise its powers and fulfill its duties. The board shall employ civilian investigators to investigate all complaints.*

§5. This local law shall become effective immediately after it shall be approved by the voters of the city at the next general election held after its enactment.

Referred to the Committee on Finance

Res. No. 58

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2007, Fiscal 2008, Fiscal 2009 and Fiscal 2010 Expense Budgets.**

By Council Member Recchia.

**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 Adopted Fiscal 2010 Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, On June 29, 2008, the City Council adopted the expense budget for fiscal year 2009 with various programs and initiatives (the "Fiscal 2009 Expense Budget"); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2009 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding, and by approving the changes in the designation of an organization receiving funding pursuant to a certain initiative in accordance therewith; and

**Whereas**, On June 15, 2007, the City Council adopted the expense budget for fiscal year 2008 with various programs and initiatives (the "Fiscal 2008 Expense Budget"); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2008 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving youth discretionary funding; and

**Whereas**, On June 29, 2006, the City Council adopted the expense budget for fiscal year 2007 with various programs and initiatives (the "Fiscal 2007 Expense Budget"); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2007 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving youth discretionary funding; 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 as set forth in Chart 1, attached hereto as Exhibit A; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding as set forth in Chart 2, attached hereto as Exhibit B; 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 as set forth in Chart 3, attached hereto as Exhibit C; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative, as set forth in Chart 4, attached hereto as Exhibit D; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunity Initiative, as set forth in Chart 5, attached hereto as Exhibit E; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative, as set forth in Chart 6, attached hereto as Exhibit F; 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 MWBE Leadership Association Initiative, as set forth in Chart 7, attached hereto as Exhibit G; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Small Business and Job Development/Financial Literacy Initiative, as set forth in Chart 8, attached hereto as Exhibit H; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Discharge Planning Initiative, as set forth in Chart 9, attached hereto as Exhibit I; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Legal Services/Anti-Eviction Initiative, as set forth in Chart 10, attached hereto as Exhibit J; 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, as set forth in Chart 11, attached hereto as Exhibit K; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Primary Care Initiative, as set forth in Chart 12, attached hereto as Exhibit L; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of an organization receiving local discretionary funding in accordance with the Fiscal 2009 Expense Budget, as set forth in Chart 13, attached hereto as Exhibit M; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of organizations receiving youth discretionary funding in accordance with the Fiscal 2009 Expense Budget, as set forth in Chart 14, attached hereto as Exhibit N.

**Resolved,** That the City Council approves the new designation and changes in the designation of organizations receiving youth discretionary funding in accordance with the Fiscal 2008 Expense Budget, as set forth in Chart 15, attached hereto as Exhibit O.

**Resolved,** That the City Council approves the new designation and changes in the designation of organizations receiving youth discretionary funding in accordance with the Fiscal 2007 Expense Budget, as set forth in Chart 16, attached hereto as Exhibit P.

**Resolved,** That the City Council approves changes in the designation of an organization receiving funding pursuant to the Shelter Beds for At-Risk/LGBT Youth Initiative in accordance with the Fiscal 2009 Expense Budget, as set forth in Chart 17, attached hereto as Exhibit Q.

Adopted by the Council (preconsidered and approved by the Committee of Finance; for text of the Exhibits, please see the Attachment to the resolution after the Report of the Committee on Finance for Res No. 58 printed in these Minutes).

Res. No. 59

**Resolution in support of legislation pending in the New York State Legislature that seeks to penalize businesses that are not licensed by the State Liquor Authority for selling alcohol to minors.**

By Council Members Rodriguez, Fidler, Rivera, Vann, Mendez, Chin, Ferreras, James, Lander, Mealy, Sanders, Williams, Halloran and Koo.

**Whereas,** Underage alcohol use among youth is widespread and poses a problem to our communities in New York City; and

**Whereas,** Alcohol abuse among youths can lead to dangerous consequences including drunk driving and alcohol addiction; and

**Whereas,** We must protect our children and deter underage alcohol consumption as much as possible; and

**Whereas,** Laws do exist prohibiting underage drinking, including the New York State penal law, which prohibits adults from buying for or selling alcohol to minors who are below the age of 21; any adult who violates this law is charged with an A misdemeanor resulting in a fine of no more than \$1,000 and the possibility of up to one year in jail; and

**Whereas,** Despite these laws, reports have surfaced that bodegas and barbershops have been illegally selling a drink called “nutcracker” to children as young as 14; and

**Whereas,** Nutcracker drinks are sold in cups and contain flavored juice mixed with a shot of vodka; some people claim that nutcracker drinks are strong enough to give minors a strong “buzz” and provide an entree into alcoholism; and

**Whereas,** There are five stores-bodegas and barbershops-in Upper Manhattan and the Bronx that allegedly sold nutcracker drinks to minors during the 2009 holiday season; and

**Whereas,** Adults and store owners who blatantly violate our laws and who facilitate teenage drinking should be punished; and

**Whereas,** State Senator Schneiderman and Assemblymember Espaillat have introduced legislation in the state legislature that is specifically focused on stopping bodegas and barbershops in New York City and New York State from selling alcohol to minors; and

**Whereas,** The bill (S6442/ A9533), sponsored by State Senator Schneiderman and Assemblymember Espaillat, seeks to amend the general business law (which pertains to barbershops) and the alcoholic beverage control (ABC) law: the bill would establish penalties for barbershops who sell alcohol to persons under the age of twenty-one years which would entail possible suspension or revocation of the barbershop license, and increase fines and length of imprisonment consisting of at least 60 days in jail for the sale of alcoholic beverages without having the appropriate liquor license; and

**Whereas,** In light of the increasing reports of underage drinking facilitated by bodegas and barbershops and the lack of adequate deterrence by current laws, this legislation provides a necessary enhancement to the penalties that exist for adults and store owners who sell alcohol to our children; now, therefore, be it

**Resolved,** That the Council of the City of New York supports legislation pending in the New York State Legislature that seeks to penalize businesses that are not licensed by the State Liquor Authority for selling alcohol to minors.

Referred to the Committee on Public Safety.

Res. No. 60

**Resolution in support of bringing World Cup Soccer to the United States and New York City.**

By Council Members White, Chin, Fidler, James, Koppell, Mealy, Nelson, Sanders, Williams, Halloran, Koo and Rodriguez.

**Whereas,** Soccer has increasingly grown in popularity in the United States in recent years; and

**Whereas,** According to information of the U.S. Department of State, about 16 million people play soccer in the United States, a number that is growing as a result of increased participation of youth and women in the sport; and

**Whereas,** Increasing immigration from Latin America, where soccer is widely popular, has also bolstered the popularity of soccer in the United States; and

**Whereas,** The United States is seeking to be named the host site for the 2018 or 2022 World Cup Soccer games; and

**Whereas,** The USA Bid Committee is a non-profit organization created to prepare an application to host the FIFA (Fédération Internationale de Football Association) World Cup in 2018 or 2022 on behalf of the United States Soccer Federation; and

**Whereas,** The USA Bid Committee will submit its comprehensive bid to FIFA by May 2010, with FIFA’s 24 member Executive Committee making a decision in December 2010; and

**Whereas,** FIFA’s criterion requires a candidate host nation to provide a minimum of 12 stadiums and a maximum of 18 capable of seating 40,000 or more spectators; and

**Whereas,** To host the Opening and Final Matches, FIFA requires stadiums have a minimum capacity of 80,000; and

**Whereas,** The USA Bid Committee recently released a study conducted by an independent consulting firm that estimates a conservative domestic economic impact of \$5 billion if the United States is chosen to host the FIFA World Cup in 2018 or 2022; and

**Whereas,** The findings of the study indicate that the total economic impact projected for any host city ranges from approximately \$400 million to \$600 million at today’s dollar value; and

**Whereas**, The analysis also estimates that between 65,000 and 100,000 new jobs would be created throughout various host cities during the preparation and operation of the tournament in the year of the event; and

**Whereas**, The United States previously hosted the 1994 FIFA World Cup, which holds the record for the highest attendance (3.6 million) in World Cup history; and

**Whereas**, It was also the highest attended single sporting event in U.S. history; and

**Whereas**, The United States used stadiums in nine cities, including Giants Stadium, when it hosted the 1994 FIFA World Cup; and

**Whereas**, On January 12, 2010, the USA Bid Committee concluded an eight-month city selection process and announced 18 cities to be included in its official bid to host the FIFA World Cup in 2018 or 2022; and

**Whereas**, Each city could see World Cup matches in their venues if the United States is awarded the honor of hosting the world's largest sporting event; and

**Whereas**, New York City was selected as one of the host cities in the U.S. bid for the FIFA World Cup; and

**Whereas**, New York City is the nation's most populous and diverse city and the home of Major League Soccer; and

**Whereas**, New York City hopes to host World Cup matches at the new stadium being built for the New York Giants and New York Jets, which opens in 2011; and

**Whereas**, New York City would also qualify to host the Opening and Final matches since that stadium would meet FIFA's capacity requirement; and

**Whereas**, Mayor Michael R. Bloomberg has joined the USA Bid Committee's Board of Directors in its effort to bring the FIFA World Cup to the United States in 2018 or 2022; and

**Whereas**, Hosting the FIFA World Cup in 2018 or 2022 would be a wonderful opportunity to bring back World Cup Soccer to the United States and New York City and would increase tourism, bolster the economy, and enable our nation and City to be recognized as the epicenter of major international sporting events; now, therefore, be it

**Resolved**, That the Council of the City of New York supports bringing World Cup Soccer to the United States and New York City.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Res. No. 61

**Resolution calling upon the New York State Legislature to allow New York City to create a seed stage investment tax credit for technology companies.**

By Council Members White, Fidler, James, Sanders, Nelson, Halloran and Koo.

**Whereas**, A seed stage company is typically in its early operational stage where it has little or no revenue and has not yet fully established commercial operations, and may also require continued research and product development; and

**Whereas**, The availability of seed stage capital is critical to the growth of a startup business; and

**Whereas**, During the seed investment stage, sources of funding may come from grants, loans, corporations, family, and friends; and

**Whereas**, Despite the critical importance of seed stage capital, the national trend has been for investors with larger investments of \$2 million or more, such as angel investors and venture capitalists, to fund startup companies in the later stage of development; and

**Whereas**, Among small businesses, technology startups, of which many are in the seed stage, can be especially valuable as a source of job creation, due to their potentially fast trajectory of growth; and

**Whereas**, The increase in post-seed investment funding for technology startup companies has become a notable trend within the past decade, and ultimately, has created a significant gap in funding for such seed stage companies; and

**Whereas**, In addition to seed funds and loan programs, states throughout the country have implemented tax credits to attract or retain investment capital for startups; and

**Whereas**, Tax credits encourage more entrepreneurial activity for small businesses and startups; and

**Whereas**, Seed stage investment tax credits would help to increase the availability of early stage capital, particularly for technology startups; and

**Whereas**, A seed stage investment tax credit in New York City would encourage investors to fund technology startups in the early stage and increase early stage capital for such companies; and

**Whereas**, Often times, small investments in this sector can reap significant benefits in terms of job growth in the City; and

**Whereas**, Tax credits would benefit early stage investors with smaller investments who contribute to startup technology businesses based in New York City; and

**Whereas**, New York City requires a strong infrastructure for entrepreneurship in the technology sector; and

**Whereas**, State legislation allowing New York City to create a seed stage investment tax credit would help to increase the number of technology startups and enable the City to create competitive markets in existing and emerging technologies; and

**Whereas**, If the number of technology startups is severely constricted due to the lack of early stage funding, then it is unlikely that such companies will emerge in New York City as major contributors to the local and global economy; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to allow New York City to create a seed stage investment tax credit for technology companies.

Referred to the Committee on Economic Development.

Res. No. 62

**Resolution calling upon the New York State Legislature to pass Assembly Bill A.4496 and Senate Bill S.1667, which would eliminate the publication requirements for limited liability companies.**

By Council Members White and Koppell.

**Whereas**, A.4496, sponsored by New York State Assembly Member Micah Kellner, and S.1667, sponsored by New York State Senator Liz Krueger, would eliminate the requirement that limited liability companies (LLC) publish their articles of organization in print publications; and

**Whereas**, Such legislation would also remove the publication requirements for conversions of partnerships or limited partnerships to limited liability companies and would eliminate the filing fees for the affidavits of publication; and

**Whereas**, In addition, A. 4496 and S.1667 would create an online filing fee requirement with the New York Department of State of \$50.00; and

**Whereas**, The intent of the New York State Legislature when enacting the limited liability company law (LLCL), in 1994, was to allow businesses, particularly small businesses, to enjoy the advantages of incorporation, without requiring them to adopt the organizational constraints of the business corporation law; and

**Whereas**, Currently, Section 206 of the LLCL requires that after the articles of organization have been filed, the LLC must publish a copy of the articles or a notice of their substance, once a week, for six consecutive weeks, in two newspapers from the county where the LLC is located; and

**Whereas**, The LLC is then required to file affidavits of publication within 120 days and pay a fee of \$50.00; and

**Whereas**, No such requirements apply to business corporations; and

**Whereas**, The current publication requirements for LLCs are therefore both unnecessary and very expensive, sometimes prohibitively so; and

**Whereas**, The proposed online publication requirement with the Department of State is much less burdensome and more affordable for LLCs; and

**Whereas**, This proposed online publication requirement also makes publishing information easily accessible to the public, as it is currently very difficult to find published information on a LLC when or after it has appeared in print in a daily or weekly local publication; and

**Whereas**, The enactment of A. 4496 and S.1667 would encourage more LLCs to become established in New York City, thereby creating more jobs that would boost the City's economy and significantly increase City and State revenue; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass Assembly Bill A.4496 and Senate Bill S.1667, which would eliminate the publication requirements for limited liability companies.

Referred to the Committee on Small Business.

L.U. No. 37

By Council Member Recchia:

**Medgar Evers Houses, Block 1629, Lot 1, Brooklyn, Council District No. 36, Section 577 of the Private Housing Finance Law.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 38

By Council Member Recchia:

**Dr. Betty Shabazz Houses, Block 1634, Lot 1, Brooklyn, Council District No. 36, Section 577 of the Private Housing Finance Law.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 39

By Council Member Recchia:

**Myrtle News, 101 Myrtle Avenue, Staten Island, Council District No.49, Section 577 of the Private Housing Finance Law.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 40

By Council Member Comrie:

**Application no. 20105364 HAK, an Urban Development Action Area Project located at 917 Gates Avenue, Council District no. 41, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 696 of the General Municipal Law for a tax exemption.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 41

By Council Member Comrie:

**Application no. 20105319 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 136 West Broadway Inc. d.b.a. Edward's to continue, to maintain and operate an unenclosed sidewalk café located at 136 West Broadway, Borough of Manhattan, Council District no. 1.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 42

By Council Member Comrie:

**Application no. 20105293 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of The Downtown LLC. d.b.a. Thor Lounge to continue, to maintain and operate an unenclosed sidewalk café located at 107 Rivington Street, Borough of Manhattan, Council District no. 1.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 43

By Council Member Comrie:

**Application no. 20095496 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Becaf LLC d/b/a Poco NYC to continue, to maintain and operate an unenclosed sidewalk café located at 33 Avenue B, Borough of Manhattan, Council District no. 2.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 44

By Council Member Comrie:

**Application no. N 100134 ZRX by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York concerning Article II, Chapter 5 and Article III, Chapter 6, relating to off-street regulations in Community District 10, Borough of the Bronx.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 45

By Council Member Comrie:

**Application no. 20105275 HKX (N 100193 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.424, LP-2339) by the Landmarks Preservation Commission of the Perry Avenue Historic District as a historic district, Council District no.11.**

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

L.U. No. 46

By Council Member Comrie:

**Application no. 20095377 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Q Chelsea, LLC, to establish, maintain and operate an unenclosed sidewalk café located at 216 Eighth Avenue, Borough of Manhattan, Council District no. 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 47

By Council Member Comrie:

**Application no. 20105401 P XK, submitted by the Department of Citywide Administrative Services pursuant to §195 of the New York City Charter, a Notice of Intent to acquire office space, for property located at 2 MetroTech, Borough of Brooklyn, Council District no. 33.**

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

At this point the Speaker (Council Member Quinn) made the following announcements:

**ANNOUNCEMENTS:**

**New York City Council Fiscal Year 2011 Preliminary Budget,  
Mayor's FY '10 Preliminary Management Report and  
Agency Oversight Hearings**

**Thursday, March 4, 2010**

**10:00 a.m. Finance Committee – Council Chambers – City Hall**  
10:00 a.m. Office of Management and Budget  
◆ Capital Budget  
◆ Expense Budget

12:45 p.m. ♦ Revenue Budget
Contract Budget (Joint with Committee on Contracts)
1:15 p.m. Department of Finance
2:15 p.m. Department of Design and Construction
3:15 p.m. Comptroller
3:45 p.m. Independent Budget Office
4:00 p.m. Public

★ Addition
Committee on STANDARDS AND ETHICS.....10:30 A.M.
Pending Committee Business
Hearing Room – 250 Broadway, 14th Floor ..... Inez Dickens, Chairperson

Friday, March 5, 2010

10:00 a.m. Sanitation & Solid Waste Management Committee – Council Chambers – City Hall
10:00 a.m. Department of Sanitation
12:00 p.m. Public

12:00 p.m. Higher Education Committee – Hearing Room – 250 Broadway, 14th Floor
12:00 p.m. City University of New York
1:30 p.m. Public

Monday, March 8, 2010

10:00 a.m. General Welfare Committee – Council Chambers – City Hall
10:00 a.m. Department of Homeless Services
12:00 p.m. Human Resources Administration / Department of Social Services
1:30 p.m. Administration for Children’s Services (Agency for Child Development) joint with Women’s Issues Committee
3:30 p.m. Public

10:00 a.m. Environmental Protection Committee – Hearing Room – 250 Broadway, 14th Floor
10:00 a.m. Department of Environmental Protection (Capital)
11:15 a.m. Department of Environmental Protection (Expense)
12:30 p.m. Public

1:00 p.m. Oversight & Investigations Committee – Hearing Room – 250 Broadway, 16th Floor
1:00 p.m. Department of Investigation
2:15 p.m. Public

Tuesday, March 9, 2010

Subcommittee on ZONING & FRANCHISES .....9:30 A.M.
See Land Use Calendar Available Wednesday, March 3, 2010, in Room 5 City Hall
Hearing Room – 250 Broadway, 16th Floor .....Mark Weprin, Chairperson

Subcommittee on LANDMARKS, PUBLIC SITING & MARITIME USES.....11:00 A.M.
See Land Use Calendar Available Wednesday, March 3, 2010, in Room 5 City Hall
Hearing Room – 250 Broadway, 16th Floor ..... Brad Lander, Chairperson

Subcommittee on PLANNING, DISPOSITIONS & CONCESSIONS. 1:00 P.M.
See Land Use Calendar Available Wednesday, March 3, 2010, in Room 5 City Hall
Hearing Room – 250 Broadway, 16th ..... Stephen Levin, Chairperson

10:00 a.m. Aging Committee – Council Chambers – City Hall
10:00 a.m. Department for the Aging (joint with the Subcommittee on Senior Centers)
11:00 a.m. Public

11:00 a.m. Juvenile Justice Committee – Hearing Room – 250 Broadway, 14th Floor
11:00 a.m. Department of Juvenile Justice
11:45 p.m. Public

Wednesday, March 10, 2010

10:00 a.m. Fire & Criminal Justice Services Committee – Council Chambers – City Hall
10:00 a.m. Fire/Emergency Medical Service
12:00 p.m. Department of Probation
12:30 p.m. Department of Correction
1:00 p.m. Criminal Justice Coordinator (Indigent Defense Services)
2:00 p.m. Legal Aid
3:00 p.m. Public

Thursday, March 11, 2010

Committee on LAND USE.....10:00 A.M.
All items reported out of the subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Hearing Room – 250 Broadway, 14th Floor .....Leroy Comrie, Chairperson

★ Note Time Changes

10:00 a.m. Public Safety Committee – Council Chambers – City Hall
10:00 a.m. Police Department
★ 12:00 p.m. District Attorneys/Special Narcotics Prosecutor
★ 1:15 p.m. Office of Emergency Management
2:00 p.m. Civilian Complaint Review Board
3:00 p.m. Public

11:00 a.m. Land Use Committee – Hearing Room – 250 Broadway, 14th Floor
11:00 a.m. Landmarks Preservation Commission
12:00 p.m. Department of City Planning
1:00 p.m. Department of Information, Technology & Telecommunications (joint with the Technology Committee)
2:00 p.m. Public

1:30 p.m. Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services Committee – Hearing Room – 250 Broadway, 16th Floor
1:30 p.m. Department of Health & Mental Hygiene (joint with Subcommittee on Drug Abuse)
3:00 p.m. Public

Friday, March 12, 2010

★ Note Following Changes

Committee on CONSUMER AFFAIRS jointly with the
★ Committee on PARKS AND RECREATION.....10:00 A.M.
Int 35 - By Council Members Gennaro, Crowley, Koslowitz, James, Koppell and White - A Local Law - To amend the administrative code of the city of New York, in relation to the regulation of horse drawn cabs.
Int 86 - By Council Member Mark Viverito - A Local Law - To amend the administrative code of the city of New York, in relation to replacing horse drawn carriages with alternative fuel powered classic cars and repealing sections 20-377, 20-377.1, 20-380, 20-381, 20-381.1, 20-382 and 20-383(b-d) of such code.
Int 92 - By Council Member Palma - A Local Law - To amend the administrative code of the city of New York, in relation to repealing all provisions allowing for the operation of horse drawn cabs.
Int 93 - By Council Member Palma - A Local Law to amend the administrative code of the city of New York, in relation to horse drawn cabs.
Council Chambers – City Hall..... Karen Koslowitz, Chairperson
..... ★ Melissa Mark Viverito, Chairperson

Committee on TRANSPORTATION jointly with the
Committee on EDUCATION ..... 1:00 P.M.
Oversight – How will cutting metrocards impact student access to education?
Council Chambers – City Hall .....James Vacca, Chairperson

.....Robert Jackson, Chairperson

**Monday, March 15, 2010**

**10:00 a.m. Youth Services Committee – Council Chambers – City Hall**  
 10:00 a.m. Department of Youth and Community Development ( ★ Joint with  
 Community Development Committee)  
 11:30 a.m. Public

**10:00 a.m. Governmental Operations Committee – Hearing Room – 250  
 Broadway, 14<sup>th</sup> Floor**  
 10:00 a.m. Campaign Finance Board  
 10:45 a.m. Board of Elections  
 11:30 a.m. Law Department  
 12:15 p.m. Department of Citywide Administrative Services  
 12:45 p.m. Department of Records and Information Services  
 1:15 p.m. Community Boards  
 1:45 p.m. Public

**1:30 p.m. Public Housing Committee – Hearing Room – 250 Broadway,  
 16<sup>th</sup> Floor**  
 1:30 p.m. NYC Housing Authority  
 2:30 p.m. Public

**Tuesday, March 16, 2010**

**10:00 a.m. Cultural Affairs, Libraries & International Intergroup  
 Relations Committee – Council Chambers – City Hall**  
 10:00 a.m. Department of Cultural Affairs  
 11:30 a.m. Libraries (joint with Select Committee on Libraries)  
 1:00 p.m. Public

**10:30 a.m. Housing and Buildings Committee – Hearing Room – 250  
 Broadway, 14<sup>th</sup> Floor**  
 10:30 a.m. Department of Housing Preservation and Development (Expense)  
 11:00 a.m. Department of Housing Preservation and Development (Capital)  
 12:30 p.m. Department of Buildings  
 1:15 p.m. Public  
 2:00 p.m. Consumer Affairs Committee – Hearing Room – 250 Broadway,  
 16<sup>th</sup> Floor  
 2:00 p.m. Department of Consumer Affairs  
 3:00 p.m. Business Integrity Commission  
 3:30 p.m. Public

**Thursday, March 18, 2010**

**10:30 a.m. Health Committee – Council Chambers – City Hall**  
 10:30 a.m. Medical Examiner  
 11:00 a.m. Department of Health & Mental Hygiene  
 1:00 p.m. Health & Hospitals Corporation  
 2:30 p.m. Public

**10:00 a.m. Standards and Ethics Committee – Hearing Room – 250  
 Broadway, 14<sup>th</sup> Floor**  
 10:00 a.m. Conflicts of Interest Board  
 10:45 a.m. Public

**12:00 p.m. Economic Development Committee – Hearing Room – 250  
 Broadway, 14<sup>th</sup> Floor**  
 12:00 p.m. Economic Development Corporation (Capital)  
 1:30 p.m. Department of Small Business Services (joint with Small Business  
 Committee)  
 2:30 p.m. Public

**Friday, March 19, 2010**

**10:00 a.m. Education Committee – Council Chambers – City Hall**  
 10:00 a.m. Department of Education and School Construction Authority (   
 Capital)  
 12:00 p.m. Public

**Monday, March 22, 2010**

**10:00 a.m. Transportation Committee – Council Chambers – City Hall**  
 10:00 a.m. Taxi and Limousine Commission  
 10:45 a.m. MTA/NYC Transit (Expense)  
 11:15 a.m. MTA/NYC Transit (Capital)  
 11:45 a.m. Department of Transportation (Capital)  
 12:45 p.m. Department of Transportation (Expense)  
 1:15 p.m. Public

**11:00 a.m. Civil Rights Committee – Hearing Room – 250 Broadway, 14<sup>th</sup>  
 Floor**  
 11:00 a.m. Equal Employment Practices Commission  
 11:30 a.m. Public

**Tuesday, March 23, 2010**

**★ Addition**

Committee on **SANITATION AND SOLID WASTE MANAGEMENT .... 10:00  
 A.M.**

Int 63 - By Council Member Crowley - A LOCAL LAW - To amend the  
 administrative code of the city of New York, in relation to notices of violation issued  
 by the department of sanitation for illegal postings.

Hearing Room – 250 Broadway, 16<sup>th</sup> Floor..... Letitia James, Chairperson

Committee on **VETERANS ..... 10:00 A.M.**

Oversight - Mayor’s Office of Veterans Affairs

Hearing Room – 250 Broadway, 14<sup>th</sup> Floor Mathieu Eugene, Chairperson

Committee on **CIVIL SERVICE AND LABOR..... 1:00 P.M.**

Agenda to be announced

Hearing Room – 250 Broadway, 14<sup>th</sup> Floor ..... James Sanders, Chairperson

Committee on **WATERFRONTS..... 1:00 P.M.**

Agenda to be announced

Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Michael Nelson, Chairperson

**★ Addition**

Committee on **TRANSPORTATION** jointly with the  
 Committee on **MENTAL HEALTH, MENTAL RETARDATION,  
 ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES** and

Committee on **AGING ..... 1:00 P.M.**

Oversight – Will the MTA’s proposed Access-A-Ride cuts have a negative impact  
 on disabled New Yorkers?

Council Chambers – City Hall ..... James Vacca, Chairperson

..... G. Oliver Koppell, Chairperson

..... Jessica Lappin, Chairperson

**Wednesday, March 24, 2010**

**10:00 a.m. Education Committee – Council Chambers – City Hall**  
 10:00 a.m. Department of Education (Expense)  
 12:00 p.m. Public

**2:00 p.m. Parks & Recreation Committee – Council Chambers – City  
 Hall**

2:00 p.m. Department of Parks & Recreation (Expense)

3:30 p.m. Department of Parks & Recreation (Capital)

4:00 p.m. Public

**Thursday, March 25, 2010**

**★ Addition**

Committee on **FINANCE..... 10:00 A.M.**

Agenda to be announced

Council Chambers – City Hall..... Domenic M. Recchia, Chairperson

*Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.*

..... Agenda – 1:30 p.m.

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 Thursday, March 25, 2010.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

***Editor's Local Law Note:*** *Int Nos. 1 and 5-A, both adopted by the Council on February 11, 2010, were signed by the Mayor into law on March 2, 2010, as respectively, Local Laws Nos. 1 and 2 of 2010.*









