

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
THURSDAY, MARCH 25, 2010

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## THE COUNCIL

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*Minutes of the  
STATED MEETING*

*of*  
Thursday, March 25, 2010, 2:50 p.m.

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

### Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	James S. Oddo
Charles Barron	Daniel J. Halloran III	Annabel Palma
Gale A. Brewer	Vincent M. Ignizio	Domenic M. Recchia, Jr.
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	Jumaane D. Williams

Excused: Council Members Foster, Gonzalez, Reyna and White.

**Editor's Note:** *There is presently a vacancy in the Council pending the swearing-in of Council Member-elect David Greenfield who is the winner of the Tuesday, March 23, 2010 Special Election for the 44th Council District seat in 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 46 Council Members present at this Stated Meeting.*

## INVOCATION

The Invocation was delivered by Rev. Princess Thorbs, Assisting Minister, New Jerusalem Baptist Church, 122-05 Smith Street, Jamaica, New York, 11433.

Let us pray.

Gracious God, God of Abraham, Isaac and Jacob,  
We thank You, God, for another day.

Now Lord, we ask that You would enter into this chamber.

We welcome you, Father

that you would allow Your anointing

and Your wisdom to be upon Your people.

God bless those with Your wisdom

that are going to be ruling over Your people.

Give them your divine guidance according to Your will.

Amen.

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

At a later point in the Meeting, the Speaker (Council Member Quinn) acknowledged the presence of former Council Member David Yassky and Council Member-elect David Greenfield (44<sup>th</sup> Council District, Brooklyn) in the Chambers.

## ADOPTION OF MINUTES

Council Member Chin moved that the Minutes of the Stated Meetings of January 6, 2010 and January 21, 2010 be adopted as printed.

## MESSAGES & PAPERS FROM THE MAYOR

M-30

**Communication from the Mayor - Submitting the name of Matthew W. Daus to the Council for its advice and consent regarding his appointment to the New York City Civil Service Commission, Pursuant to Sections 31 and 813 of the City Charter.**

March 16, 2010

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 813 of the City Charter, I am pleased to present the name of Matthew W. Daus to the City Council for advice and consent prior to his appointment to the New York City Civil Service Commission.

Commissioner Daus was appointed Chair of the Taxi and Limousine Commission in 2001. He earned a BA. in Political Science, Magna Cum Laude, from Brooklyn College, a J.D. from the Touro College Law Center, and a Master of Laws degree from the New York University School of Law. When appointed to the Commission, he will fill a vacancy and serve for the remainder of a six-year term expiring on March 21, 2013.

I send my thanks to you and the City Council for considering this appointment

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges & Elections.

M-31

**Communication from the Mayor - Submitting the name of David Yassky to the Council for its advice and consent regarding his appointment to the New York City Taxi and Limousine Commission, Pursuant to Sections 31 and 2301 of the City Charter.**

March 11, 2010

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 2301 of the City Charter, I am pleased to present the name of David Yassky to the City Council for advice and consent regarding his appointment as a member of the New York City Taxi and Limousine Commission.

When appointed to the Commission, Mr. Yassky will serve for the remainder of a seven-year term which began on February 1, 2010 and will expire on January 31, 2017.

I thank you and the members of the City Council for considering this nomination.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges & Elections.

M-32

**Communication from the Mayor - Submitting the name of Diana Chapin to the Council for its advice and consent regarding her reappointment to the Landmarks Preservation Commission, Pursuant to Sections 31 and 3020 of the City Charter.**

March 17, 2010

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 3020 of the New York City Charter, I am pleased to present the names of Diana Chapin, Elizabeth Ryan and Pablo Vengoechea to the City Council for advice and consent prior to their reappointments to the Landmarks Preservation Commission.

When reappointed, Ms. Chapin and Mr. Vengoechea will serve for the remainder of three-year terms expiring on June 28, 2012. Ms. Ryan will serve for a term expiring on June 28, 2011,

Thank you for reviewing these reappointments.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges & Elections.

M-33

**Communication from the Mayor - Submitting the name of Elizabeth Ryan to the Council for its advice and consent regarding her reappointment to the Landmarks Preservation Commission, Pursuant to Sections 31 and 3020 of the City Charter.**

March 17, 2010

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 3020 of the New York City Charter, I am pleased to present the names of Diana Chapin, Elizabeth Ryan and Pablo Vengoechea to the City Council for advice and consent prior to their reappointments to the Landmarks Presentation Commission.

When reappointed, Ms. Chapin and Mr. Vengoechea will serve for the remainder of three-year terms expiring on June 28, 2012. Ms. Ryan will serve for a term expiring on June 28, 2011.

Thank you for reviewing these reappointments.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges & Elections.

M-34

**Communication from the Mayor - Submitting the name of Pablo Vengoechea to the Council for its advice and consent regarding his reappointment to the Landmarks Preservation Commission, Pursuant to Sections 31 and 3020 of the City Charter.**

March 17, 2010

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

Dear Speaker Quinn:

Pursuant to Sections 31 and 3020 of the New York City Charter, I am pleased to present the names of Diana Chapin, Elizabeth Ryan and Pablo Vengoechea to the City Council for advice and consent prior to their reappointments to the Landmarks Preservation Commission.

When reappointed, Ms. Chapin and Mr. Vengoechea will serve for the remainder of three-year terms expiring on June 28, 2012. Ms. Ryan will serve for a term expiring on June 28, 2011.

Thank you for reviewing these reappointments.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges & Elections.

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

M-35

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Azteca Car Service Inc., Council District 17, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

March 19, 2010

The Honorable Speaker Christine C. Quinn  
 Attention: Mr. John Lisianskiy  
 Council of the City of New York  
 City Hall  
 New York, New York 10007

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

Dear Speaker Quinn:

Please be advised that on March 18, 2010 the Taxi & Limousine Commission voted to approve the following 42 for-hire-vehicle base license applications:

<b>NEW (2):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
Azteca Car Service Inc.	B02367	17
New Shacks Car Service, Inc.	B02370	24
<b>RENEWALS (28):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
All People Car Service Inc.	B01343	45
Best Deal Private Car Service Inc.	B01239	12
Black Sea Car & Limousine Service Inc.	B01495	43
Chelsea Express Car Inc.	B01868	26
Continental Car & Limousine Service	B01327	39
Encore Car & Limo. Service Inc.	B02185	40
Flamingo Transportation & Limo. Services Inc.	B01485	40
Gateway Inc. D/b/a Gateway Car & Limo. Service	B01129	46
Globe Car Service Inc.	B01625	32
Har-Sinay Car & Limo. Service Inc.	B01635	44
Ivette Car Service	B01465	37
Kingsdale Dispatch Inc.	B02037	11
KLS Transportation Inc.	B01978	26

La Poblanita Car Service Corp.	B02206	34
New Golden Horse Car & Limousine Service Inc.	B01667	20
New Laconia Radio Dispatcher Inc.	B01233	12
New Relampago Car Service Corp.	B01487	34
Number 1 Mexicaly Car Services Corp.	B02080	34
Number 1 Transportation Inc.	B02194	31
Ogden Car Services Inc.	B02195	16
PF Management Inc.	B00991	32
Porttal Car Service, Corp.	B01963	42
Pratt Car Service	B01497	20
R & B Car Limo. Corp.	B01565	48
Samia Car & Limo. Service Inc.	B01918	43
St. George Express Car Service Inc.	B01453	49
T.J. Q. Car Service Inc. D/b/a Quality Car Service	B00975	45
V.I.T. Car Service Inc.	B01315	18
<b>RENEWAL &amp; NAME CHANGE (2):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
Always On Time Car Service Corp. (To be changed to Midwood VS, Inc.)	B01475	44
SLMK D/b/a New Richmon (To be changed to D/b/a AA PDQ Car & Limousine Service)	B01177	49
<b>RENEWAL, OWNERSHIP CHANGE &amp; NAME CHANGE (1)</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
North Shore Car & Limo. Corp. D/b/a U.S. One Car Service	B01461	49
<b>RENEWAL &amp; OWNERSHIP CHANGE (7):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
Brothers Car Service, Inc.	B01469	37
Crossbay Car Service Inc.	B00881	32
Monaco Limo. & Car Services Inc.	B01741	35
New Ridgewood Car Service Inc.	B01187	37
NY Mex Uno Executive Sedan's Inc.	B01995	26
Sun Fat Tat Exp Corp.	B00977	1
Ultra Radio Disp Service Inc.	B01145	16
<b>RENEWAL, RELOCATION &amp; OWNERSHIP CHANGE (1):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
DMD, Inc.	B00957	38
<b>RELOCATION (1):</b>	<b>LICENSE #</b>	<b>COUNCIL DISTRICT</b>
D & J Service Inc. D/b/a Citicar Private Car Service	B01277	13

The complete application package compiled for each of the above bases is available for your review upon request.

If you wish to receive a copy please contact Ms. Michelle Lange, Business Licensing Unit, at 718-391-5697.

Please find enclosed herein the original application for each of the approved base stations.

Very truly yours,

Georgia Steele-Radway  
Director of Applicant Licensing  
Taxi & Limousine Commission

Referred to the Committee on Transportation.

M-36

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

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-37

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

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-38

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Best Deal Private Car Service Inc., Council District 12, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-39

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Black Sea Car & Limousine Service Inc., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-40

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

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-41

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

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-42

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Encore Car & Limo. Service Inc., Council District 40, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-43

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Flamingo Transportation & Limo. Services Inc., Council District 40, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-44

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Gateway Inc., Council District 46, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-45

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

Service Inc., Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-46

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

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-47

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Ivette Car Service., Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-48

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Kingsdale Dispatch Inc., Council District 11, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-49

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

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-50

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license La Poblanita Car Service Corp., Council District 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-51

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

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-52

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Laconia Radio Dispatcher Inc., Council District 12, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-53

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Relampago Car Service Corp., Council District 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-54

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Number 1 Mexicaly Car Services Corp., Council District 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-55

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Number 1 Transportation Inc., Council District 31, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-56

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Ogden Car Services Inc., Council District 16, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-57

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license PF Management Inc., Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-58

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

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-59

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

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-60

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

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-61

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Samia Car & Limo. Service Inc., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-62

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license St. George Express Car Service Inc., Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-63

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

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-64

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license V.I.T. Car Service Inc., Council District 18, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-65

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and name change base station license Always On Time Car Service Corp., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).**

Referred to the Committee on Transportation.

M-66

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and name change base station license SLMK., Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).**

Referred to the Committee on Transportation.

M-67

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal, ownership and name change base station license North Shore Car & Limo. Corp., Council District 49, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).**

Referred to the Committee on Transportation.

M-68

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Brothers Car Service, Inc., Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).**

Referred to the Committee on Transportation.

M-69

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Crossbay Car Service Inc., Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).**

Referred to the Committee on Transportation.

M-70

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

**(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).**

Referred to the Committee on Transportation.

M-71

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license New Ridgewood Car Service Inc., Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).**

Referred to the Committee on Transportation.

M-72

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license NY Mex Uno Executive Sedan's Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).**

Referred to the Committee on Transportation.

M-73

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Sun Fat Tat Exp Corp., Council District 1, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).**

Referred to the Committee on Transportation.

M-74

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Ultra Radio Disp Service Inc., Council District 16, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

**(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).**

Referred to the Committee on Transportation.

M-75

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

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-76

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation change base station license D & J Service Inc., Council District 13, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-35 printed above in this Communication from City, County and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

#### LAND USE CALL UPS

M-77

By the Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an enclosed sidewalk café located at 303 West 48<sup>th</sup> Street, Community Board 4, Application 20095372 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-78

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 683 Broadway, Community Board 2, Application 20105189 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-79

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

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Applications no. C 080340 ZSK and shall be subject to Council review. This application is related to application no. C 080339 ZMK and N 100056 ZRK that is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

M-82

By Council Member Vallone:

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 36-19 30<sup>th</sup> Ave, Council District no. 22. Application 20105281 TCQ 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, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera and the Speaker (Council Member Quinn) – **46**.

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

##### Report of the Committee on Consumer Affairs

Report for Int. No. 6-A

**Report of the Committee on Consumer Affairs in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to process servers.**

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on February 3, 2010 (Minutes, page 187), respectfully

#### REPORTS:

##### I. INTRODUCTION

On Wednesday, March 24, 2010, the Committee on Consumer Affairs, chaired by Council Member Karen Koslowitz, will vote on Proposed Introductory Bill Number 6-A (“Proposed Intro. 6-A”), a Local Law to amend the administrative code of the city of New York, in relation to process servers. Those who testified at the first hearing included the Department of Consumer Affairs (“DCA”), advocacy groups, representatives from the process server industry and other interested parties.

##### II. BACKGROUND

According to a 2008 study by MFY Legal Services, the number of consumer debt cases filed in the New York City Civil Court has increased rapidly in recent years. In 2007, there were about 598,000 cases brought in New York City Civil Court, nearly 300,000 of which were consumer debt collection filings. This represents a threefold increase from the number of cases brought in 2000.<sup>1</sup> According to the Urban Justice Center, consumer debt collection cases filed against New Yorkers totaled almost \$1 billion in 2006 alone.<sup>2</sup> Despite the high number of cases, over 90 percent of defendants in consumer debt cases never appear in court, which invariably results in a default judgment in favor of the plaintiff.<sup>3</sup> Approximately 80 percent of the consumer debt cases filed in New York City Civil Court end in default judgments.<sup>4</sup> For the defendants, against whom the judgments are often made, their financial burden includes not only repayment of the debt owed but additional penalties, interest, attorney fees and other associated legal fees.<sup>5</sup> In

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<sup>1</sup> “Justice Disserved,” MFY Legal Services, Inc., June 2008, Available at [www.mfy.org/Justice\\_Disserved.pdf](http://www.mfy.org/Justice_Disserved.pdf), Accessed on November 3, 2009.

<sup>2</sup> Singh, A., “Debt Weight – The Consumer Credit Crisis in New York City and Its Impact on the Working Poor,” Urban Justice Center, October 2007, at 1.

<sup>3</sup> *Supra* note 2, at 9.

<sup>4</sup> *Supra* note 2, at 1.

<sup>5</sup> *Id.*, at 4.

order to recuperate this money, a creditor can garnish a debtor's wages or freeze his or her bank account for a sum totaling twice of that which is owed.<sup>6</sup>

While financial institutions may make the initial attempts to recover a debt from a client, these tasks are eventually contracted to debt collection agencies<sup>7</sup> that will often purchase the debt at heavily reduced rates and profit from the difference.<sup>8</sup> Though debt collection practices used to include such outreach to the debtor as phone calls, letters and offers to negotiate under a repayment plan, the new crop of collectors have opted instead to go directly to the New York City Civil Court.<sup>9</sup> Hence, proper service of process is integrally linked to the proliferation of debt collection cases in New York City. In many cases, improper or incomplete service of process may mean a defendant is unaware of a case filed against him or her. In fact, many New Yorkers only discover that they were involved in a claim once a default judgment is entered and their assets have been partially seized or frozen.<sup>10</sup>

According to New York State Law, a summons notice may be served upon a defendant in a number of ways, including (1) personal service, in which notice is delivered in person;<sup>11</sup> (2) substitute service, in which notice is delivered to a person of "suitable age and discretion" at the defendant's workplace, residence or dwelling in addition to being mailed to his or her place of business or last known residence;<sup>12</sup> and (3) so-called "nail and mail" service, in which, if the first two options are not feasible, a summons is both mailed and physically posted to the door of the person's workplace, home, or known dwelling.<sup>13</sup> Unfortunately for many New Yorkers, there is an increasing prevalence of illegal "sewer service" – the deliberate failure to deliver the notification of a court filing followed by a false affidavit of successful delivery.<sup>14</sup>

In a study of three randomly-selected process serving companies in consumer debt cases, MFY Legal Services found that personal service was only performed about 6 percent of the time, whereas substitute service and "nail and mail" service was performed 54 and 40 percent of the time, respectively.<sup>15</sup> Among 350 consumer debt cases handled by MFY Legal Services, only a few clients ever received personal service while the vast majority claimed to receive no notice whatsoever.<sup>16</sup> In some cases, court papers were delivered to old or inaccurate mailing addresses and in other cases, the summonses served via substitute service were left with individuals with whom the defendant either had no relationship or did not know.<sup>17</sup> Needless to say, the failure of a process server to successfully provide notice to a debtor of a court case against him can be devastating when he or she later finds his or her wages garnished and his assets frozen as a result of a default ruling. Individuals who believe they were improperly served, however, may exercise their right to a traverse hearing, in which the court determines whether or not an individual was properly served.<sup>18</sup> In those cases, the creditor or financial institution almost always chooses to terminate its case, suggesting that the creditor itself knows that it cannot defend the integrity of its process server affidavits.<sup>19</sup>

The problem of improper process serving practices has caught the attention of State Attorney General Andrew Cuomo who announced in April 2009 that he was filing criminal charges against American Legal Process, a Long Island-based process service company that allegedly failed to properly serve court summonses and then covered up its failures by falsifying sworn affidavits of service.<sup>20</sup> The Attorney General also announced his intention to sue the company's President and Chief Executive Officer, William Singler, as well as the law firm of Forster & Garbus, which he claims did not properly supervise American Legal Process and accepted affidavits it should have known were false.<sup>21</sup> According to the Attorney General's office, the company processed the majority of its 98,000 complaints through the "nail and mail" method, the least secure method of delivery.<sup>22</sup>

The relationship between improper service and default judgments in debt collection cases has recently been addressed by the Federal Trade Commission. In their February 2009 report, "Collecting Consumer Debts: The Challenges of Change- A Workshop Report", the FTC concurs that "that consumers frequently do not appear to contest debt collection lawsuits because they have not been properly served, and, if they do not appear, the court enters a default judgment."<sup>23</sup>

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<sup>6</sup> *Id.*

<sup>7</sup> *Supra* note 2, at 7.

<sup>8</sup> "Report by the Civil Court and Consumer Affairs Committees in Support of Intro. 0660-2007," New York City Bar, February 5, 2009.

<sup>9</sup> *Supra* note 1, at 3.

<sup>10</sup> *Id.*, at 6.

<sup>11</sup> CPLR § 308(1)

<sup>12</sup> CPLR § 308(2)

<sup>13</sup> CPLR § 308(4)

<sup>14</sup> Glater, J. D., "Cuomo Tries To Enforce Notification to Debtors," *N.Y. Times*, April 14, 2009, at B1

<sup>15</sup> *Supra* note 1, at 6.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 7.

<sup>18</sup> *Id.*, at 5.

<sup>19</sup> *Id.* at 7.

<sup>20</sup> Office of the New York State Attorney General, "Attorney General Cuomo Announces Arrest of Long Island Business Owner for Denying Thousands of New Yorkers Their Day in Court," Press Release, Available at [http://www.oag.state.ny.us/media\\_center/2009/apr/apr14a\\_09.html](http://www.oag.state.ny.us/media_center/2009/apr/apr14a_09.html), Accessed on November 6, 2009, at 1.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*, at 2.

<sup>23</sup> FTC Report, "Collecting Consumer Debts: The Challenges of Change- A Workshop Report" available at <http://www.ftc.gov/bcp/workshops/debtcollection/dcw.pdf> at 57.

Furthermore, participants in an FTC sponsored roundtable discussion series entitled "Protecting Consumers in Debt Collection Litigation and Arbitration" held in Chicago on August 5, 2009, noted that ineffective substitute service and fraudulent personal service by process servers is a major problem in many Midwestern states, including Illinois, Indiana, Iowa, and Minnesota.<sup>24</sup> In commenting on the recent suit filed against process servers by Attorney General Cuomo, one panelist noted that the discrepancies in servers' affidavits in the case were discovered by an audit of process server activities, highlighting the importance of external oversight of process servers.<sup>25</sup> The topics of improper process service and default judgments were revisited at the final roundtable discussion held on December 4, 2009 in Washington, DC.<sup>26</sup>

### III. EXISTING REGULATION

Local law requires anyone "doing business" as a process server in New York City to be licensed by the Department of Consumer Affairs.<sup>27</sup> A person is considered to be "doing business" as a process server if he or she serves five or more processes in one year,<sup>28</sup> although federal, state, and city employees and attorneys are exempt from the licensing requirement.<sup>29</sup> This definition has been interpreted to include process service agencies, not just individual process servers.<sup>30</sup> License applicants are required to be fingerprinted for purposes of performing a criminal background check.<sup>31</sup>

Other states and/or municipalities impose additional requirements on process servers including educational and insurance standards, and/or requiring that all servers post a bond, ranging from \$2,000 in California to \$100,000 in Montana.<sup>32</sup>

### IV. PROPOSED LEGISLATION

Proposed Intro. 6-A seeks to increase accountability for process servers and to ensure that service is properly effectuated by revising citywide regulations pertaining to process servers. The legislation would separate the current licensing category into two separate types of licenses- one for individual servers and one for process service agencies. A process service agency would be defined as, "any person, firm, partnership, association or corporation, other than an attorney or law firm located in this state, who maintains an office, bureau or agency the purpose of which is to assign or distribute process to individual process servers for actual service." The key purpose of Proposed Intro. 6-A is to ensure that individuals tasked with the responsibility of serving process do so correctly and that those who assign this task to such individuals are held responsible for their actions. To fully accomplish this goal, all process server agencies, regardless of where they are located, would be required to obtain a license from DCA if they assign process to individuals for service within New York City. Agencies located outside of New York City that assign process solely to other process service agencies would not be required to obtain licenses.

Applicants for a process server license or renewal would be required to pass an examination administered by DCA demonstrating an understanding of proper service of process in New York City.

Proposed Intro. 6-A would also add a bond requirement as a condition of licensure. Each individual process server licensee would be required to post a surety bond of \$10,000, payable to the city of New York, although an individual engaged in the business of serving process solely as the employee of a licensed process service agency would be exempt from this requirement. Any individual process server who is unable to obtain a surety bond would have the option of depositing no less than \$1000 into a trust fund established by DCA, which could be accessed to cover unpaid fines or judgments levied against a licensed process server. Each licensed process service agency would be required to post a surety bond for \$100,000. The bond or deposit would be conditioned upon the licensee's compliance with any rules and regulations issued pursuant to the section of the Administrative Code pertaining to process servers and could be used to cover the cost of any fine imposed upon the licensee or against any final judgment received by any person injured by the licensee's violation of any provision of the section.

During debate on the bill, the Council considered a concern that the requirement of a surety bond may pose an unwarranted barrier to entry for process servers. According to CNA Surety, a large, national insurance company with experience in writing surety bonds, there is an ample market for these types of license bonds, they are easy to apply for, and are not costly. However, the Council is concerned that individual process servers may, for reason unrelated to their ability to serve process, be unable to obtain a bond. As a result, the Council amended the bill to allow for a cash alternative to the bonding requirement for individual process servers who could not obtain a bond. The Council did not extend the alternative to process server agencies, however, because such agencies have broader responsibilities than individual process servers and the prerequisites for obtaining a bond are therefore appropriate. The Council recognizes the balancing of imperatives that must be met on this issue. On the one hand, the very purpose of the bill is to

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<sup>24</sup> FTC transcript, "Protecting Consumers in Debt Collection Litigation and Arbitration" available at <http://www.ftc.gov/bcp/workshops/debtcollectround/090805-CHIL/transcript-90805.pdf> at 28-34. (hereafter "FTC Transcript").

<sup>25</sup> FTC Transcript at pg 34-35

<sup>26</sup> <http://www.ftc.gov/bcp/workshops/debtcollectround/091204-DC/transcript.pdf>

<sup>27</sup> NYC Admin Code §20-403.

<sup>28</sup> Admin Code 20-404(b).

<sup>29</sup> Admin Code §20-405.

<sup>30</sup> *ABC Process Serving Bureau v. City of New York*, 310 N.Y.S.2d 859 (N.Y. Sup.Ct. 1970).

<sup>31</sup> Admin Code §20-406

<sup>32</sup> National Association of Process Servers, "State Laws Licensing Process Servers", [http://www.napps.org/laws\\_state\\_licensing.asp](http://www.napps.org/laws_state_licensing.asp)

protect consumers from the great harm that is caused by “sewer” service of process. On the other hand, the Council does not want to prevent otherwise fit agencies from being able to obtain a license to serve process. The Council, in consultation with the Department of Consumer Affairs, will therefore closely monitor the bonding requirement for agencies over the next 12 months and if it is determined that the bonding requirement poses an undue barrier for agencies then the Council will revisit the issue.

The legislation would create a presumption that in any prosecution arising out a violation of this section, any employee of a licensed process service agency is acting in the course of his or her employment when serving process as directed by the agency.

Proposed Intro. 6-A would also create additional requirements for process service agencies, including mandating that they:

- Comply with all applicable federal and state laws;
- Provide each employee with a written statement indicating the employee’s rights and the agency’s obligations under city, state, and federal law including statements about minimum wage, overtime, hours of work, record keeping, insurance requirements and worker’s compensation; and
- Maintain signed statements for each employee for three years indicating that he or she has received a copy of the written statement described above.

In an effort to ensure that proper records are maintained for the duration of the statute of limitations in debt collection suits, individual process servers and process service agencies would be required to maintain records for seven years for each process served. Individual process servers who work exclusively as employees of process service agencies would be exempt from the foregoing requirement, as their agency would be maintaining records on their behalf. The Commissioner of DCA would be able to periodically audit these records to ensure compliance.

The Commissioner of DCA would be required to develop a handbook of all laws and regulations pertaining to service of process in New York City. Such handbook would be distributed to all licensed process servers and process service agencies.

Proposed Intro. 6-A would also provide individuals who have suffered as a result of improper service of process with a civil cause of action against the process server or process serving agency to cover compensatory and punitive damages; injunctive and declaratory relief; attorneys’ fees and costs; and other appropriate relief.

Twenty-four months after the law has taken effect, the Commissioner of DCA would be required to submit to the Speaker of the City Council a report detailing the effectiveness of these provisions on proper service and on the process serving industry as a whole.

Finally, in order to ensure that a licensed process server has fulfilled his or her contracted responsibilities, he or she would be required to carry and operate an electronic device, such as a global positioning system, while serving process. Such device would record the time, date and location of service. Electronic records produced by this device would be retained for seven years.

The majority of the provisions of Proposed Intro. 6-A would take effect 180 days after enactment, although the regulations pertaining to the use of GPS would be effective sixty days after the adoption of rules promulgated by DCA pursuant to such section.

**(The following is from the text of the Fiscal Impact Statement for Int. No. 6-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 a potential impact on revenues through the collection of fines resulting from the enactment of this legislation. However, there is no way to estimate the actual impact at this time.

**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. 6 by Council and referred to the Committee on Consumer Affairs on February 3, 2010. On March 2, 2010, the Committee held a hearing on Proposed Int. 6 and it was laid over. An amendment has been proposed,

and the bill will be considered by Committee as Proposed Int. 6-A on March 24, 2010.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 6-A:)**

Int. No. 6-A

By Council Members Garodnick, Brewer, Gonzalez, James, Koslowitz, Lappin, Palma, Seabrook, Vallone Jr., Barron, Mendez, White, Jackson, Lander, Williams, Sanders, Levin and Vann.

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

*Be it enacted by the Council as follows:*

Section 1. Section 20-403 of the administrative code of the city of New York is amended to read as follows:

a. *Process server license.* It shall be unlawful for any person to *do business as*, be employed as or perform the services of a process server without a license therefor.

b. *Process serving agency license.* It shall be unlawful for any process serving agency to assign or distribute process to individual process servers for actual service in the city of New York without a license therefore.

§2. Section 20-404 of the administrative code of the city of New York is amended to read as follows:

a. A process server is a person engaged in the business of serving or one who purports to serve or one who serves personally or by substituted service upon any person, corporation, governmental or political subdivision or agency, a summons, subpoena, notice, citation or other process, directing an appearance or response to a legal action, legal proceeding or administrative proceedings.

b. *A process serving agency is any person, firm, partnership, association or corporation, other than an attorney or law firm located in this state, or city marshal, who maintains an office, bureau or agency, the purpose of which is to assign or distribute process to individual process servers for actual service in the city of New York.*

[b.] c. For the purposes of this subchapter the service of five or more process in any one year shall be deemed to constitute doing business as a process server.

§3. Section 20-406 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. *Each such applicant for a process server license or renewal thereof shall be required to pass an examination satisfactorily. Such examination shall be under the supervision of the commissioner and shall test the knowledge of the applicant concerning proper service of process within the city of New York and familiarity with relevant laws and rules.*

§4. Subchapter 23 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding new sections, 20-406.1, 20-406.2, 20-406.3 and 20-406.4 to read as follows:

20-406.1 *Bond required.* a. *As a condition of the issuance of a process server license, each applicant for such license or a renewal thereof shall furnish to the commissioner a surety bond executed by the applicant in the sum of ten thousand dollars, payable to the city of New York, and a surety approved by the commissioner. Such bond shall be conditioned upon the applicant's compliance with the provisions of this subchapter and any rules promulgated thereunder, and upon the further condition that the applicant will pay (i) to the city any fine, penalty or other obligation the city imposes relating to a violation of this subchapter and any rules promulgated thereunder, and (ii) to a plaintiff any final judgment recovered in an action arising out of the violation of any of the provisions of this subchapter within thirty days of its imposition. If an applicant is unable to obtain a surety bond as required by this section, and upon the provision of proof satisfactory to the commissioner of such inability, the individual applicant may, in lieu of furnishing such bond, deposit an amount of no less than one thousand dollars in a fund to be established by the commissioner to pay (i) to the city any fine, penalty or other obligation the city imposes relating to a violation of this subchapter and any rules promulgated thereunder, and (ii) to a plaintiff any final judgment recovered in an action arising out of the violation of any of the provisions of this subchapter within thirty days of its imposition.*

b. *A process server licensed under this subchapter who engages in the business of serving process exclusively as an employee of a process serving agency licensed under this subchapter shall not be required to furnish a surety bond.*

c. *As a condition of the issuance of a process serving agency license, each applicant for such license or a renewal thereof shall furnish to the commissioner a surety bond in the sum of one hundred thousand dollars executed by the applicant payable to the city of New York, and a surety approved by the commissioner. Such bond shall be conditioned upon the applicant's compliance with the provisions of this subchapter and any rules promulgated thereunder, and upon the further condition that the applicant will pay (i) to the city any fine, penalty or other*

obligation the city imposes relating to a violation of this subchapter and any rules promulgated thereunder, and (ii) to a plaintiff any final judgment recovered in an action arising out of the violation of any of the provisions of this subchapter within thirty days of its imposition.

§20-406.2 Responsibilities of process serving agencies. Every process serving agency licensed under this subchapter shall:

- a. Comply with all applicable state and federal laws;
- b. Be legally responsible for any failure to act in accordance with the laws and rules governing service of process by each process server to whom it has distributed, assigned or delivered process for service;
- c. Provide to each process server employed by such agency a written statement indicating the rights of such employee and the obligations of the process serving agency under city, state and federal law. Such statement of rights and obligations shall include, but not be limited to, a general description of employee rights and employer obligations pursuant to laws regarding minimum wage, overtime and hours of work, record keeping, social security payments, unemployment insurance coverage, disability insurance coverage and workers' compensation;
- d. Keep on file in its principal place of business for a period of three (3) years a statement for each employee, signed by such employee, indicating that the employee read and understood the statement of rights and obligations such employee received pursuant to subdivision (c) of this section.

§20-406.3 Records, Audits. a. Every process server and process serving agency licensed under this subchapter shall retain records in compliance with section 89-cc of the New York state general business law for no less than seven (7) years of each process served. Such records shall be retained in electronic form. Tampering with any such electronic records shall be prohibited.

b. A process server licensed under this subchapter who engages in the business of serving process exclusively as an employee of a process serving agency licensed under this subchapter shall not be subject to the provisions of subdivision (a) of this section, but shall be required to comply with all other applicable laws.

c. The commissioner may conduct audits of the information required to be kept pursuant to subdivision (a) of this section in order to monitor compliance with this subchapter.

§20-406.4 Educational materials. The commissioner shall develop educational materials to be provided to all process servers and process serving agencies licensed under this subchapter. Such materials shall at a minimum identify the laws and regulations pertaining to service of process in the city of New York.

§5. Section 20-409 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. Upon application for renewal of a license issued pursuant to this subchapter, applicants subject to subdivision (a) of section 20-406.3 of this subchapter shall certify in writing compliance with the record keeping provisions of such section.

§6. Subchapter 23 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding new sections 20-409.1 and 20-409.2 to read as follows:

§20-409.1 Violations and penalties. Any person who, after notice and hearing shall be found guilty of violating any provision of this subchapter, shall be punished in accordance with the provisions of chapter one of this title and shall be subject to a penalty of not less than seven hundred dollars nor more than one thousand dollars for each violation.

§20-409.2 Civil Cause of Action. Any person injured by the failure of a process server to act in accordance with the laws and rules governing service of process in New York state, including this subchapter and regulations promulgated thereunder, shall have a cause of action against such process server and process serving agency, which distributed or assigned process for service, in any court of competent jurisdiction for any or all of the following relief:

- a. compensatory and punitive damages, provided that punitive damages shall only be awarded in the case of willful failure to serve process;
- b. injunctive and declaratory relief;
- c. attorneys' fees and costs; and
- d. such other relief as a court may deem appropriate.

§20-409.3 Reporting. Twenty-four months after the local law that added this section becomes effective, the commissioner shall submit a report to the speaker of the council regarding the effectiveness of these provisions on effectuating proper service and improving oversight over the process service industry. Such report shall include, among other things, the results of audits the commissioner has completed of process servers and process serving agencies, including information regarding their compliance with the provisions of this subchapter.

§ 7. Subchapter 23 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-410 to read as follows:

§ 20-410 Electronic record of service. A process server licensed pursuant to this subchapter shall carry at all times during the commission of his or her licensed activities and operate at the time process is served or attempted an electronic device that uses a global positioning system, wi-fi device or other such technology as the Commissioner by rule shall prescribe to electronically establish and record the time, date, and location of service or attempted service. All records created by such electronic device shall be maintained in an electronic database by the process server, or if such process server is acting exclusively as an employee of a process service agency, by the process service agency, for seven (7) years from the date such record is created.

§8. This local law shall take effect one hundred eighty days after enactment provided, however that the commissioner of consumer affairs shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date and except that section 20-410 shall take effect sixty days after the adoption of rules promulgated pursuant to such section.

KAREN KOSLOWITZ, Chairperson; MICHAEL C. NELSON, CHARLES BARRON, LEROY G. COMRIE, JR., JAMES F. GENNARO, JULISSA FERRERAS, Committee on Consumer Affairs, March 24, 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 Education

Report for Int. No. 59-A

**Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to distribute information on obtaining a library card and a library card application to all students.**

The Committee on Education, to which the annexed amended proposed local law was referred on February 11, 2010 (Minutes, page 354), respectfully

### REPORTS:

#### INTRODUCTION

On Wednesday, March 24, 2010, the Committee on Education, chaired by Council Member Robert Jackson, held a hearing to consider Proposed Int. No. 59-A, a local law to amend the Administrative Code of the City of New York, in relation to requiring the Department of Education to distribute information on obtaining a library card and a library card application to all students. A copy of the introduction is attached.

#### BACKGROUND

The New York, Brooklyn and Queens Borough public libraries offer thousands of programs every year for children and teenagers, including after-school homework and research assistance, and arts and crafts. Exposure to reading and language at a young age is crucial to a child's education and every child should have access to and be encouraged to utilize their public library. Currently, the Queens Borough Public Library reports that 45% of school aged children in Queens do not have a library card, while the New York Public Library reports that it issued library cards to only 28% of eligible children under 18 in the five boroughs. The Department of Education has the capacity to provide every student with information about their local libraries.

Int. No. 59 was introduced and referred to the Committee on Education on February 11, 2010. The Committee held a hearing and laid the bill over on February 23, 2010. An amended version of this legislation, Proposed Intro. 59-A, was considered by the Committee on March 24, 2010.

#### ANALYSIS

Section one of Int. No. 59-A would add a new section 3-209.1 to the Administrative Code ("the Code") entitled, "Distribution of library card application materials." For the purposes of such section, subdivision (a) of section 3-209.1 would define the terms "department," "public library systems" and "school." Paragraph (1) of such subdivision would define "department" as the Department of Education ("DOE"). Paragraph (2) of such subdivision would define "public library systems" as the New York Public Library, the Brooklyn Public Library and the Queens Borough Public Library. Paragraph (3) of such subdivision would define "school" as any public school in the city of New York under the jurisdiction of the department of education that contains any combination of grades from and including kindergarten through grade twelve.

Subdivision (b) of section 3-209.1 of the Code would require DOE to develop written or electronic materials containing information regarding each public library system and how students can obtain a library card. Such subdivision (b) would also provide that at a minimum, such written or electronic materials include a comprehensive description of the public library system, an application for a library card and instructions on how to obtain a library card. In addition, this subdivision would further require such written or electronic materials be produced and distributed annually to every student upon his or her entry into kindergarten, grade

six and grade nine and to every student upon his or her entry into school as a new student.

Subdivision (c) of section 3-209.1 of the Code would mandate that the department ensure that the written or electronic materials developed pursuant to subdivision (b) of such section are provided to all schools in sufficient quantity to enable such schools to satisfy the requirements of subdivisions (b) and (d) of section 3-209.1.

Subdivision (d) of section 3-209.1 of the Code would require DOE ensure that such written materials are available in the main or central office in each school under the jurisdiction of the department for students and parents who wish to obtain such materials.

Finally, bill section two would provide that this local law would take effect one hundred and twenty days after its enactment.

**(The following is from the text of the Fiscal Impact Statement for Int. No. 59-A:)**

**FISCAL IMPACT STATEMENT:**

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** None.

**IMPACT ON EXPENDITURES:** None.

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

**SOURCE OF INFORMATION:** New York City Council staff.

**ESTIMATE PREPARED BY:** Regina Poreda Ryan

**HISTORY:** This bill was introduced and referred to the Committee on Education on February 11, 2010. The Committee held a hearing and laid the bill over on February 23, 2010. An amended version of this legislation, Proposed Intro. 59-A, is to be considered by the Committee on March 24, 2010.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 59-A:)**

Int. No. 59-A

By Council Members Van Bramer, Brewer, Chin, Dickens, Ferreras, Fidler, Gennaro, Gentile, James, Koppell, Koslowitz, Lander, Reyna, Rodriguez, Sanders, Williams, Nelson, Lappin, Jackson, Recchia, Cabrera, Rivera, Foster, Crowley, Vann, Ulrich, Halloran, Ignizio, Barron, Vacca and White.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to distribute information on obtaining a library card and a library card application to all students.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter one of chapter two of title three of the administrative code of the city of New York is amended by adding a new section 3-209.1 to read as follows:

§ 3-209.1 *Distribution of library card application materials.* a. *Definitions.* For the purposes of this section, the following terms shall be defined as follows:

1. "Department" shall mean the department of education.
2. "Public library systems" shall mean the New York Public Library, the Brooklyn Public Library and the Queens Borough Public Library.
3. "School" shall mean any public school in the city of New York under the jurisdiction of the department of education that contains any combination of grades from and including kindergarten through grade twelve.

b. The department, in consultation with the public library systems, shall develop written or electronic materials containing information regarding each public library system and how students can obtain a library card. At a minimum, such written or electronic materials shall include: (i) a description of the public library system; (ii) an application for a library card; and (iii) instructions on how to obtain a library card. Such written or electronic materials shall be produced and distributed by the

department to each school for distribution to every student of such school upon his or her entry into kindergarten, grade six and grade nine and to every student upon his or her entry into a school as a new student.

c. The department shall ensure that written or electronic materials developed pursuant to subdivision b of this section are provided to all schools in sufficient quantity to satisfy the requirements of subdivisions b and d of this section.

d. The department shall ensure that such written materials are available in the main or central office in each school for students and parents who wish to obtain such materials.

§2. This local law shall take effect one hundred twenty days after its enactment.

ROBERT JACKSON, Chairperson; CHARLES BARRON, LEWIS A. FIDLER, HELEN D. FOSTER, G. OLIVER KOPPELL, DOMENIC M. RECCHIA JR., ALBERT VANN, DANIEL R. GARODNICK, JESICA S. LAPPIN, JAMES VACCA, FERNANDO CABRERA, MARGARET S. CHIN, DANIEL DROMM, KAREN KOSLOWITZ, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK S. WEPRIN, VINCENT M. IGNIZIO, ERIC A. ULRICH, Committee on Education, March 24, 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 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. 127

**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 2010 Expense Budget.**

The Committee on Finance, to which the annexed resolution was referred on March 25, 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").

Analysis. This Resolution, dated March 25, 2010, amends the description for the Description/Scope of Services for the Friends and Family of Public School 11 - The PTA of PS 11 organization receiving local discretionary funding within the budget of the Human Resources Administration. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: "The PS 11 Chess Program is open to students for free. Children learn the fundamentals of chess and attend competitions. The PTA funded \$2,500 this year to cover costs of materials and instruction. For the program to service more students a total of \$6,000 is needed to hire Chess instructors and pay competition fees and materials." This Resolution now changes the Description/Scope of Services to read: "The PS 11 Chess Program is open to students free of charge. The funding will be used so that Children can learn the fundamentals of chess and attend competitions."

Also, this Resolution amends the description for the Description/Scope of Services for the Hispanic Federation organization receiving local discretionary funding within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: "Funds will be used to serve local cultural groups in the District 10 area and will expose youth to arts, sports, and recreational activities." This Resolution now changes the Description/Scope of Services to read: "Funds will be used to serve local cultural groups in the Council District 10 area and will expose youth to arts, sports, and recreational activities."

Additionally, this Resolution amends the description for the Description/Scope of Services for the Ridgewood Bushwick Senior Citizens Council, Inc. receiving local discretionary funding within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such program

listed in the Fiscal 2010 Expense Budget read: “To provide funding for the Ridgewood Bushwick Youth Center.” This Resolution now changes the Description/Scope of Services to read: “To provide funding for community organizing and legal assistance.”

Also, this Resolution amends the description for the Description/Scope of Services for the American Red Cross, an organization receiving funding through the Emergency Preparedness Initiative within the budget of the Office of Emergency Management. The Description/Scope of Services for such program listed in the Fiscal 2010 Expense Budget read: “This action restores \$1,000,000 to fund emergency preparedness services.” This Resolution now changes the Description/Scope of Services to read: “\$500,000 will be used for disaster assistance and support services. \$500,000 will be used for all hazards sheltering.”

Lastly, this Resolution 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. Additionally, 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.

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 2010 Expense Budget.

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; and 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 4-13, attached hereto as reflected in Exhibits D-M.

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; 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.

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. As indicated in Chart 5, funding to the Citizens Advice Bureau, Inc. in the amount of \$80,000 will be removed. This funding will be provided to BronxWorks, Inc. Additionally, Chart 5 indicates partial year funding for Bedford Stuyvesant Community Legal Services Corporation under the Immigrant Opportunities Initiative in the amount of \$20,559. Legal Services NYC will act as the fiscal conduit for this allocation.

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

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2010 Expense Budget.

Charts 8-13 indicate a name change. The Fiscal 2010 Expense Budget and subsequent Transparency Resolution provided funding in various amounts through

various Initiatives and agencies to the Citizens Advice Bureau, Inc. On November 6, 2009, the Citizens Advice Bureau, Inc. changed its name to BronxWorks, Inc. Accordingly, all funding provided to the Citizens Advice Bureau, Inc will be removed and provided to BronxWorks, Inc.

Chart 8 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative within the budget of the Department of Youth and Community Development in accordance with the Fiscal 2010 Expense Budget.

Chart 9 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Geriatric Mental Health Initiative within the budget of the Department of Health and Mental Hygiene in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 9, funding to the Citizens Advice Bureau, Inc. in the amount of \$100,000 will be removed. This funding will be provided to BronxWorks, Inc.

Chart 10 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative within the budget of the Department of Health and Mental Hygiene in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 10, funding to the Citizens Advice Bureau, Inc. in the amount of \$23,495.18 will be removed. This funding will be provided to BronxWorks, Inc.

Chart 11 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORC) Initiative within the budget of the Department for the Aging in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 11, funding to the Citizens Advice Bureau, Inc. in the amount of \$83,120.00 will be removed. This funding will be provided to BronxWorks, Inc.

Chart 12 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Neighborhood Youth Alliance/Street Outreach Initiative within the budget of the Department of Youth and Community Development in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 12, funding to the Citizens Advice Bureau, Inc. in the amount of \$14,709.68 will be removed. This funding will be provided to BronxWorks, Inc.

Chart 13 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Transportation Costs Initiative within the budget of the Department for the Aging in accordance with the Fiscal 2010 Expense Budget. As indicated in Chart 13, funding to the Citizens Advice Bureau, Inc. - Morris Senior Center, and the Citizens Advice Bureau, Inc. - Heights Senior Center, in the amount of \$6,100.48, each, will be removed. This funding will be provided to BronxWorks, Inc. - Morris Senior Center, and BronxWorks, Inc. - Heights Senior Center, respectively.

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 2010 Expense Budget. Such resolution would take effect as of the date of adoption.

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

Res. No. 127

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2010 Expense Budget.**

By Council Members Recchia and Comrie.

**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 Description/Scope of Services for an organization receiving local discretionary funding, the Friends and Family of Public School 11 - The PTA of PS 11, within the budget of the Department of Youth and Community Development; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new

Description/Scope of Services for an organization receiving local discretionary funding, the Hispanic Federation, Inc., within the budget of the Department of Youth and Community Development; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Ridgewood Bushwick Senior Citizens Council, Inc., within the budget of the Department of Youth and Community Development; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the American Red Cross, an organization receiving funding through the Emergency Preparedness Initiative within the budget of the Office of Emergency Management.

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving 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; now, therefore, be it

**Resolved,** That the City Council approves the new Description/Scope of Services for the Friends and Family of Public School 11 - The PTA of PS 11 organization receiving local discretionary funding within the budget of the Department of Youth and Community Development to read: "The PS 11 Chess Program is open to students free of charge. The funding will be used so that Children can learn the fundamentals of chess and attend competitions."; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Hispanic Federation, Inc. organization receiving local discretionary funding within the budget of the Department of Youth and Community Development to read: "Funds will be used to serve local cultural groups in the Council District 10 area and will expose youth to arts, sports, and recreational activities."; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the Ridgewood Bushwick Senior Citizens Council, Inc organization receiving local discretionary funding within the budget of the Department of Youth and Community Development to read: "To provide funding for community organizing and legal assistance."; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for the American Red Cross, an organization receiving funding through the Emergency Preparedness Initiative within the budget of the Office of Emergency Management to read: "\$500,000 will be used for disaster assistance and support services. \$500,000 will be used for all hazards sheltering."

**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 Healthy Aging 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 certain organizations receiving funding pursuant to the Food Pantries 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 Adult

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 and changes in the designation of a certain organization receiving funding pursuant to the Geriatric Mental Health 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 Infant Mortality Reduction 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 and changes in the designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORC) 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 a certain organization receiving funding pursuant to the Neighborhood Youth Alliance/Street Outreach 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 certain organizations receiving funding pursuant to the Transportation Costs Initiative, as set forth in Chart 13, attached hereto as Exhibit M.

**ATTACHMENT:**

**EXHIBIT A**

CHART 1: Local Initiatives

Member	Organization	Organization Description	Agency	Amount	Agcy #	UJA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Rosa	Chicago Natl Chess Center	Our Daily, Inc.**	DYCD	\$1,000.00	260	312	United Activities Unlimited, Inc.	13-2921483
Rosa	New York Center for Transsexual Dialogue	Our Daily, Inc.**	DYCD	\$1,000.00	260	312	United Activities Unlimited, Inc.	13-2921483
Rosa	Port Richmond High School - Football Program**	13-8641607	DYCD	\$3,000.00	260	312	United Activities Unlimited, Inc.	13-2921483
Rosa	Port Richmond High School - Track Program**	13-8641607	DYCD	\$3,000.00	260	312	United Activities Unlimited, Inc.	13-2921483
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	United Activities Unlimited, Inc.	13-2921483
Rosa	St. Mary's Parochial Elementary School**	13-2686405	DYCD	\$3,000.00	260	312	United Activities Unlimited, Inc.	13-2921483
Levin	Council of Urban Professionals, Inc.**	01-0853413	DSBS	\$2,000.00	801	002	United Activities Unlimited, Inc.	13-2921483
Valone	Astoria Restoration Association, Inc.	11-2431334	DSBS	\$10,000.00	801	002	United Activities Unlimited, Inc.	13-2921483
Vann	Antioch Community Services, Inc.	11-3101610	DYCD	\$10,000.00	260	005	United Activities Unlimited, Inc.	13-2921483
CC	Commission on the Public's Health System, Inc.	13-4070690	HHC	\$50,000.00	819	001	United Activities Unlimited, Inc.	13-2921483
Recchia	Brooklyn Academy of Music	11-2201344	DCA	\$20,000.00	126	019	United Activities Unlimited, Inc.	13-2921483
CC	Fund for the City of New York, Inc.	13-2612524	DSBS	\$30,000.00	801	002	United Activities Unlimited, Inc.	13-2921483
Crowley	Kwanta Club of Glendale New York Foundation	11-3465930	DYCD	\$3,500.00	260	005	Greater Ridgewood Youth Council, Inc.	11-2516141
CC	Coalition for the Homeless	13-3073667	DHS	\$10,000.00	600	003	Greater Ridgewood Youth Council, Inc.	11-2516141
James	Emmanuel Baptist Church	11-1656232	DFTA	\$10,000.00	125	003	Greater Ridgewood Youth Council, Inc.	11-2516141
Vacca	Bronxcheater Little League Inc.	13-3267288	DYCD	\$1,000.00	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Vacca	Catholic Widows and Widowers	13-3715149	DYCD	\$1,000.00	260	005	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Vacca	City Island Baseball Club	13-3658978	DYCD	\$2,000.00	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Vacca	Hellenic American Neighborhood Action Committee, Inc. (HANAC)	11-2200832	DFTA	\$5,500.00	125	003	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Vacca	Pelham Bay Little League	51-0256113	DYCD	\$1,000.00	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Vacca	Preston Center of Compassion	57-1180937	DFTA	\$4,000.00	125	003	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Vacca	Throggs Neck Girls Softball League	80-0198302	DYCD	\$1,000.00	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Vacca	Throggs Neck Little League	62-1987987	DYCD	\$1,000.00	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Vacca	Directors For Our Youth, Inc.	06-1308851	DYCD	\$3,500.00	260	005	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Gonzalez	United Senior Citizen Center of Sunset Park, Inc.	11-2356277	DYCD	\$40,000.00	260	005	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Eugene	Crown Heights Jewish Community Council, Inc.	23-7300956	DYCD	\$20,000.00	260	005	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Eugene	Horsham Seventh Day Adventist Church	01-1326560	DYCD	\$20,000.00	260	005	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Eugene	Horsham French Seventh Day Adventist Church	25-1919336	DYCD	\$10,000.00	260	005	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Van Brumer	St. Pats for All	11-3146598	DYCD	\$3,500.00	260	005	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Van Brumer	Queens Lesbian and Gay Pride Committee, Inc. - St. Pats for All	11-3146598	DYCD	\$3,500.00	260	005	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Williams	Caribbean American Sports and Cultural Youth Movement (CASYM), Inc.	11-2776372	DYCD	\$5,000.00	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Williams	Mouring Mountains, Inc.	26-1407568	DYCD	\$5,000.00	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Williams	Vanderwever Park United Methodist Church	11-1667776	DYCD	\$4,500.00	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Williams	Sesame Flyers International, Inc.	11-2692485	DYCD	\$4,500.00	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811
Williams	Council of Peoples Organization, Inc.	75-3046951	DYCD	\$5,500.00	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811

\*\* Indicates a correction from the previous transparency resolution on 3/2/2010

EXHIBIT B

CHART 1: Local Initiatives (continued)

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Dickens	Community Works, Inc.	13-3580813	DYCD	\$3,500.00	260	312		
CC	Baiz Kav Tziporah	13-3044171	DYCD	\$2,000.00	260	312		
Rose	Choice Not Chance Determine Our Destiny, Inc.	58-2637888	DYCD	\$2,000.00	260	312	United Activities Unlimited, Inc.	13-2921483
Rose	New York Center for Interpersonal Development	23-7086239	DYCD	\$4,000.00	260	312		
Rose	Port Richmond High School - Football Program	13-6643607	DYCD	\$2,000.00	260	312	United Activities Unlimited, Inc.	13-2921483
Rose	Port Richmond High School - Track Program	13-6643607	DYCD	\$4,000.00	260	312	United Activities Unlimited, Inc.	13-2921483
Dromm	82nd Street Academics	20-0788352	DYCD	\$3,500.00	260	005		
Dromm	Queens Lesbian and Gay Pride Committee, Inc.	11-3146568	DYCD	\$3,500.00	260	005		
Reyna	People's Firehouse, Inc.	11-2470566	DYCD	\$5,000.00	260	005	People's Firehouse, Inc.	11-2470566
Reyna	Community Emergency Response Team	25-0290589	DYCD	\$5,000.00	260	005	Leifrak City Youth and Adult Activities Association, Inc.	11-3106422
Dromm	Leifrak City Tennis Association, Inc.	35-2338968	DYCD	\$3,500.00	260	005		
Dromm	Chhaya Community Development Corporation	11-3580935	DYCD	\$3,500.00	260	005		
Dromm	Wat Buddah Thai Thavornvanaram	11-3240508	DYCD	\$10,000.00	260	312		
Dromm	Make the Road New York	11-3344388	DYCD	\$10,000.00	260	005		
Dromm	Ralph's Educational and Recreational Computer Services, Inc.	74-3178406	DYCD	\$3,500.00	260	312		
Comrie	Ralph's Educational and Recreational Computer Services, Inc.	74-3178406	DYCD	\$3,500.00	260	312		
White, Jr	Haitian Americans United for Progress, Inc.	11-2423857	DYCD	\$3,500.00	260	005		
Comrie	Rochdale Village Social Services, Inc.	11-3397470	DYCD	\$5,000.00	260	005		
White, Jr				\$273,500.00				

\*\* Indicates a correction from the previous transparency resolution on 3/3/2010

\* Indicates pending completion of pre-qualification review.

CHART 1: Local Initiatives (continued)

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Williams	East 42nd Street Block Association	20-5778751	DYCD	\$4,000.00	260	312	Council of Jewish Organizations of Flushing, Inc.	11-2884728
Ferrelas	Mujeres Legales Unidas, Inc.	42-1644133	DYCD	\$3,500.00	260	005		
Ferrelas	Brothas Unidas Group	13-3585428	DYCD	\$3,500.00	260	005		
Comrie	New York City Top Speed Community Development Association	20-8984753	DYCD	\$6,000.00	260	312		
Comrie	New York City Free Basketball Academy, Inc.	20-0075673	DYCD	\$6,000.00	260	312	Child Center of New York, Inc.	11-1733454
Comrie	Kickers Youth Sports Association of South East Queens, Inc.	83-032474	DYCD	\$3,500.00	260	312	Child Center of New York, Inc.	11-1733454
Comrie	Child Center of New York, Inc.	11-2988605	DYCD	\$3,500.00	260	312		
Comrie	Behavioral Tax Professional Services, Inc.	11-7733454	DYCD	\$3,500.00	260	312		
Comrie	103rd Precinct Community Council	72-1597022	DYCD	\$3,500.00	260	005		
Comrie	103rd Precinct Community Council	20-5446565	DYCD	\$6,000.00	260	312		
Comrie	103rd Precinct Community Council	20-5446565	DYCD	\$3,500.00	260	312	Child Center of New York, Inc.	11-1733454
White, Jr	103rd Precinct Community Council	20-5446565	DYCD	\$3,500.00	260	312	Child Center of New York, Inc.	11-1733454
White, Jr	113th Precinct Community Council	11-3218377	DYCD	\$6,000.00	260	312		
White, Jr	113th Precinct Community Council	11-3218377	DYCD	\$6,000.00	260	312	Child Center of New York, Inc.	11-1733454
Eugene	Corleone Road Merchants Association	51-0188251	DSBS	\$10,000.00	801	002		
Eugene	Newark Area Merchants Association	51-0188251	DSBS	\$10,000.00	801	002		
Eugene	Milltown Development Corporation	13-3186583	DSBS	\$10,000.00	801	002		
Eugene	Milltown Development Corporation	13-3186583	DSBS	\$10,000.00	801	002		
Foster	Alarza Dominicana, Inc.	13-3402057	DYCD	\$4,500.00	260	312	Alarza Dominicana, Inc.	13-3402057
Gentile	Ridge Chorale, The	11-6264983	DYCD	\$1,000.00	260	005	St. Rosalia-Regina Paces Neighborhood Improvement Association, Inc.	11-2697931
Gentile	St. Rosalia-Regina Paces Neighborhood Improvement Association, Inc.	11-2697931	DYCD	\$1,000.00	260	005		
Eugene	New Life Center of Truth, Inc.	11-2896238	DYCD	\$3,000.00	260	005		
Eugene	Crown Heights Jewish Community Council, Inc.	23-7303995	DYCD	\$3,000.00	260	005		
Eugene	Prayer House of the Holy Spirit	13-3585428	DYCD	\$3,000.00	260	312		
Eugene	Madison Square Boys & Girls Club, Inc.	13-5586769	DYCD	\$3,000.00	260	312		
Ulrich	Gravards, Ltd.	11-3355631	DYCD	\$4,500.00	260	312		
Ulrich	Greater Woodhaven Development Corporation	11-2508190	DYCD	\$4,500.00	260	312		
Oddo	La Piedra Family Firefighters Memorial Fund, Inc.	52-2143928	DYCD	\$3,500.00	260	005		
Oddo	Helping Hands Initiative, Inc.	20-2615776	DYCD	\$3,500.00	260	312	United Activities Unlimited, Inc.	13-2827483
Oddo	Camelot of Staten Island, Inc.	23-7091329	DYCD	\$3,000.00	260	005		
Oddo	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-279818	DYCD	\$3,000.00	260	312		
Rodriguez	Committee for Prevention of Alcoholism and Drug Addiction, Inc.	05-1692368	DOHMH	\$16	816	122		
Rodriguez	Alarza Dominicana, Inc.	13-3402057	DOHMH	\$5,000.00	816	122		
Rodriguez	Community Association of Progressive Dominicans, Inc.	13-3266545	DYCD	\$25,000.00	260	005		
Rodriguez	Hispanic Federation, Inc.	13-3573652	DYCD	\$25,000.00	260	005		
Dickens	Make the Grade Foundation	14-1509228	DYCD	\$3,500.00	260	312		
Dickens	Children's Village, Inc. - Polo Grounds Project	13-1738845	DYCD	\$3,500.00	260	312		
Dickens	New Amsterdam Musical Association, Inc.	52-2333817	DYCD	\$3,500.00	260	312		

\*\* Indicates a correction from the previous transparency resolution on 3/3/2010

\* Indicates pending completion of pre-qualification review.

CHART 2: Aging Discretionary

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Arroyo	Citizens Advice Bureau, Inc. - E. Robert Moore Senior Center	13-3254484	DFTA	\$4,000.00	125	003		
Cabrera	Citizens Advice Bureau, Inc. - East Concourse Senior Center	13-3254484	DFTA	\$4,000.00	125	003		
Cabrera	Citizens Advice Bureau, Inc. - Morris Senior Center	13-3254484	DFTA	\$4,000.00	125	003		
Foster	Citizens Advice Bureau, Inc. - The Heights Center For Senior Citizens	13-3254484	DFTA	\$4,000.00	125	003		
Foster	NORC	13-3254484	DFTA	\$4,000.00	125	003		
Rivera	Citizens Advice Bureau, Inc. - The Roberto Clemente Senior Center	13-3254484	DFTA	\$4,000.00	125	003		
Arroyo	BronxWorks, Inc. - E. Robert Moore Senior Center	13-3254484	DFTA	\$17,000.00	125	003		
Cabrera	BronxWorks, Inc. - East Concourse Senior Center	13-3254484	DFTA	\$30,000.00	125	003		
Cabrera	BronxWorks, Inc. - Morris Senior Center	13-3254484	DFTA	\$4,000.00	125	003		
Foster	BronxWorks, Inc. - Roberto Clemente Senior Center	13-3254484	DFTA	\$4,000.00	125	003		
Rivera	BronxWorks, Inc. - Morris Senior Center	13-3254484	DFTA	\$10,000.00	125	003		
Dickens	SeniorLife Basketball Team	76-0761170	DFTA	\$4,000.00	125	003	Central Harlem Senior Citizens Coalition, Inc.	13-2754783
Dickens	SeniorLife Basketball Team	76-0761170	DFTA	\$4,000.00	125	003	Samuel Field Y.M. & Y.W.H.A., Inc.	11-3071518
Garnato	Lombard Shabbas of Queens (LSQ), Inc.	11-2683205	DFTA	\$10,000.00	125	003		
Rodriguez	Washington Heights-Inwood Preservation and Restoration Corporation	13-2844830	DFTA	\$5,000.00	125	003	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Rodriguez	Washington Heights-Inwood Preservation and Restoration Corporation	13-2844830	DFTA	\$5,000.00	125	003	Wayside Out-Reach Development, Inc.	11-3528660
Barron	Cypress Hills Fulson Street Senior Citizens Center, Inc.	11-2287847	DFTA	\$8,000.00	125	003		
Barron	Wayide Our-Reach Development, Inc. - Cypress Hills Senior Center	11-3528660	DFTA	\$8,000.00	125	003		
Ferrelas	Jackson Heights-Elinhurst Kiblah, Inc.	11-2643410	DFTA	\$25,000.00	125	003	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Ferrelas	Jackson Heights-Elinhurst Kiblah, Inc.	11-2643410	DFTA	\$25,000.00	125	003	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Vann	Louis Armstrong Senior Center	35-2339678	DFTA	\$3,000.00	125	003	Font Greene Senior Citizens Council, Inc.	11-2330840
Vann	Louis Armstrong Senior Center	35-2339678	DFTA	\$3,000.00	125	003		
Vivento	West Side Federation for Senior and Supportive Housing, Inc.	13-2926433	DFTA	\$5,500.00	125	003		
Vivento	West Side Federation for Senior and Supportive Housing, Inc.	13-2926433	DFTA	\$5,500.00	125	003		
Vann	Marcus Ganey Nursing Home	23-7376784	DFTA	\$5,000.00	125	003		
Vann	CABS Nursing Home Company, Inc.	11-2284472	DFTA	\$5,000.00	125	003		
Ferrelas	Latin American Immigrant Alliance	14-1947096	DFTA	\$10,000.00	125	003		
Ferrelas	Spanish Speaking Elderly Council-RAICES	11-2730462	DFTA	\$10,000.00	125	003		
Vann	Relay Dent Towers Senior Program	05-0488703	DFTA	\$3,000.00	125	003	Relay Dent Towers Senior Health Center, Inc.	11-2412205
Vann	Relay Dent Towers Senior Program	05-0488703	DFTA	\$3,000.00	125	003	Relay Dent Towers Senior Health Center, Inc.	11-2412205
Eugene	Don Dym Group	11-3033940	DFTA	\$3,250.00	125	003		
Eugene	Crown Heights Preservation Committee Corp.	11-2322490	DFTA	\$3,250.00	125	003		
Eugene	Dorchester Senior Citizens Center, Inc.	11-2305581	DFTA	\$3,250.00	125	003		
Eugene	Farmore Senior Center, Inc.	11-2772287	DFTA	\$3,250.00	125	003		

\*\* Indicates pending completion of pre-qualification review.

CHART 2: Aging Discretionary

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Arroyo	Citizens Advice Bureau, Inc. - E. Robert Moore Senior Center	13-3254484	DFTA	\$4,000.00	125	003		
Cabrera	Citizens Advice Bureau, Inc. - East Concourse Senior Center	13-3254484	DFTA	\$4,000.00	125	003		
Cabrera	Citizens Advice Bureau, Inc. - Morris Senior Center	13-3254484	DFTA	\$4,000.00	125	003		
Foster	Citizens Advice Bureau, Inc. - The Heights Center For Senior Citizens	13-3254484	DFTA	\$4,000.00	125	003		
Foster	NORC	13-3254484	DFTA	\$4,000.00	125	003		
Rivera	Citizens Advice Bureau, Inc. - The Roberto Clemente Senior Center	13-3254484	DFTA	\$4,000.00	125	003		
Arroyo	BronxWorks, Inc. - E. Robert Moore Senior Center	13-3254484	DFTA	\$17,000.00	125	003		
Cabrera	BronxWorks, Inc. - East Concourse Senior Center	13-3254484	DFTA	\$30,000.00	125	003		
Cabrera	BronxWorks, Inc. - Morris Senior Center	13-3254484	DFTA	\$4,000.00	125	003		
Foster	BronxWorks, Inc. - Roberto Clemente Senior Center	13-3254484	DFTA	\$4,000.00	125	003		
Rivera	BronxWorks, Inc. - Morris Senior Center	13-3254484	DFTA	\$10,000.00	125	003		
Dickens	SeniorLife Basketball Team	76-0761170	DFTA	\$4,000.00	125	003	Central Harlem Senior Citizens Coalition, Inc.	13-2754783
Dickens	SeniorLife Basketball Team	76-0761170	DFTA	\$4,000.00	125	003	Samuel Field Y.M. & Y.W.H.A., Inc.	11-3071518
Garnato	Lombard Shabbas of Queens (LSQ), Inc.	11-2683205	DFTA	\$10,000.00	125	003		
Rodriguez	Washington Heights-Inwood Preservation and Restoration Corporation	13-2844830	DFTA	\$5,000.00	125	003	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Rodriguez	Washington Heights-Inwood Preservation and Restoration Corporation	13-2844830	DFTA	\$5,000.00	125	003	Wayside Out-Reach Development, Inc.	11-3528660
Barron	Cypress Hills Fulson Street Senior Citizens Center, Inc.	11-2287847	DFTA	\$8,000.00	125	003		
Barron	Wayide Our-Reach Development, Inc. - Cypress Hills Senior Center	11-3528660	DFTA	\$8,000.00	125	003		
Ferrelas	Jackson Heights-Elinhurst Kiblah, Inc.	11-2643410	DFTA	\$25,000.00	125	003	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Ferrelas	Jackson Heights-Elinhurst Kiblah, Inc.	11-2643410	DFTA	\$25,000.00	125	003	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2738818
Vann	Louis Armstrong Senior Center	35-2339678	DFTA	\$3,000.00	125	003	Font Greene Senior Citizens Council, Inc.	11-2330840
Vann	Louis Armstrong Senior Center	3						

EXHIBIT C

CHART 3: Youth Discretionary

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Foster	Citizens Advice Bureau, Inc. The	13-3402057	DYCD		260	312	Citizens Advice Bureau, Inc. The	13-3402057
Foster	Citizens Advice Bureau, Inc. The	13-3254484	DYCD		260	312	Citizens Advice Bureau, Inc. The	13-3254484
Foster	BronxWorks, Inc.	13-3254484	DYCD	\$3,000.00	260	312	Alainza Dominicana, Inc.	13-3402057
Foster	BronxWorks, Inc.	13-3254484	DYCD	\$5,000.00	260	312	Alainza Dominicana, Inc.	13-3402057
Mendez	Gonella Community Center for Education	13-3735244	DYCD		260	312	Alainza Dominicana, Inc.	13-3402057
Mendez	Queens Lesbian and Gay Pride Committee, Inc.	11-3146598	DYCD	\$3,500.00	260	312	Council of Jewish Organizations of Flabush, Inc.	11-2864728
Williams	St. Paul's United Methodist	11-1775937	DYCD		260	312	Council of Jewish Organizations of Flabush, Inc.	11-2864728
Williams	Caribbean American Sports and Cultural Youth Movement (CASYM), Inc.	11-2778372	DYCD		260	312	Council of Jewish Organizations of Flabush, Inc.	11-2864728
Williams	Citizens for a Better Community	11-3930592	DYCD		260	312	Council of Jewish Organizations of Flabush, Inc.	11-2864728
Williams	67th Precinct Explorers	13-1624015	DYCD	\$4,000.00	260	312	Council of Jewish Organizations of Flabush, Inc.	11-2864728
Williams	67th Precinct Police Athletic League	13-1624015	DYCD	\$4,000.00	260	312	Council of Jewish Organizations of Flabush, Inc.	11-2864728
Williams	East 48th Street Block Association of Lenox, Linden and Clarkson	13-3782092	DYCD	\$4,000.00	260	312	Council of Jewish Organizations of Flabush, Inc.	11-2864728
Williams	Action ATE League, Inc.	20-4824654	DYCD	\$1,500.00	260	312	Council of Jewish Organizations of Flabush, Inc.	11-2864728
Williams	Mr. Bee's Hornets, Inc.	11-3624354	DYCD	\$1,500.00	260	312	Council of Jewish Organizations of Flabush, Inc.	11-2864728
Gentile	Brooklyn Generals Football, Inc.	26-0312488	DYCD		260	312	Bay Ridge Boroehurst Beautification and Preservation Alliance, Inc.	11-3233233
Gentile	Gallery 364	26-489624	DYCD		260	312	Bay Ridge Boroehurst Beautification and Preservation Alliance, Inc.	11-3233233
Gentile	Brooklyn ONE Theater	26-2177816	DYCD		260	312	Bay Ridge Boroehurst Beautification and Preservation Alliance, Inc.	11-3233233
Gentile	Brooklyn Extreme Flag Football, Inc.	26-0789698	DYCD		260	312	Bay Ridge Boroehurst Beautification and Preservation Alliance, Inc.	11-3233233
Gentile	St. Rosalie-Regina Facs Neighborhood Improvement Association, Inc.	11-2897831	DYCD	\$8,000.00	260	312		
Rodriguez	Fundacion Pro-Ayuda De La Ninez Hispano Americana	13-4028726	DYCD		260	312		
Rodriguez	Initiatives for Community Development, Inc	38-3887194	DYCD		260	312		
Rodriguez	Hispanic Federation, Inc.	13-3572852	DYCD	\$55,500.00	260	312		
Ferreira	Christ the King Church	11-2074463	DYCD		260	312		
Ferreira	Mount Holy Baptists Church	11-2074463	DYCD		260	312		
Ferreira	Make the Road New York	11-3344386	DYCD	\$19,000.00	260	312		
Comrie	103rd Precinct Community Council	20-5484668	DYCD		260	312		
Comrie	107th Precinct Community Council	11-3134719	DYCD	\$7,000.00	260	312		
Comrie	113th Precinct Community Council	11-3218377	DYCD		260	312		
Dickens	113th Precinct Community Council	11-3218377	DYCD	\$7,000.00	260	312	Child Center of New York, Inc. The	11-1733454
Dickens	Harlem Youth Marine, Inc.	13-3536498	DYCD		260	312		
Dickens	Community Works, Inc.	13-3908131	DYCD	\$10,000.00	260	312		

\* Indicates pending completion of pre-qualification review.

CHART 3: Youth Discretionary (continued)

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Nelson	Help Our Neighborhood Kids, Ltd. (HONK)	26-2183315	DYCD		260	312	Jewish Community Council of Greater Coney Island, Inc.	11-2665181
Nelson	Dynamic Youth Community, Inc.	11-2503506	DYCD	\$5,000.00	260	312	Jewish Community Council of Greater Coney Island, Inc.	11-2665181
Dromm	115th Precinct Explorers Post 215	23-748853	DYCD		260	312	Magdalen Town Hall, Inc.	23-725702
Dromm	Newtown Civic Association	11-2622003	DYCD	\$5,000.00	260	312		
Dromm	Committee for Hispanic Children and Families, Inc., The	13-3444193	DYCD	\$5,000.00	260	312		
Dromm	New York Cares, Inc.	11-3571696	DYCD		260	312		
Dromm	Corona Lions Universal Foundation, LTD.	13-2765465	DYCD	\$5,000.00	260	312		
Dromm	Council on the Environment of New York City, Inc. (CENYC)	13-2765465	DYCD	\$0.00	260	312		

\* Indicates pending completion of pre-qualification review.

EXHIBIT D

CHART 4: Cultural After School Adventure (CASA)

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Foster	Citizens Advice Bureau, Inc. The - Girls Prep Charter School of the Bronx	13-3254484	DCA		126	003
Foster	BronxWorks, Inc. - Girls Prep Charter School of the Bronx	13-3254484	DCA	\$20,000.00	126	003
Chin	Project City Kids, Inc. - Intermediate School 131M	13-3490214	DCA		126	003
Chin	H.T. Dance Company, Inc./Chen Dance Center - Intermediate School 131M	13-2968079	DCA	\$20,000.00	126	003
				\$0.00		

\* Indicates pending completion of pre-qualification review.

EXHIBIT E

EXHIBIT G

CHART 5: Immigrant Opportunities Initiative (OI)

Borough	Organization	EIN Number	Agency	Amount	Agy # UJA *
Bronx	Citizens Advice Bureau, Inc., The	13-3254484	DYCD	\$80,000.00	260 005 *
Bronx	BronxWorks, Inc.	13-3254484	DYCD	\$80,000.00	260 005 *
Brooklyn	Bedford Stuyvesant Community Legal Services Corporation	11-2149962	DYCD	\$20,559.00	260 005 *
Brooklyn	Bedford Stuyvesant Community Legal Services Corporation**	11-2149962	DYCD	\$20,559.00	260 005 *

\* Indicates pending completion of pre-qualification review.  
 \*\* Legal Services NYC will act as the fiscal conduit

EXHIBIT F

CHART 6: Healthy Aging

Member	Organization	EIN Number	Agency	Amount	Agy # UJA *
Cabrera	Citizens Advice Bureau, Inc., The - Morris Senior Center	13-3254484	DFTA	\$16,300.00	125 003
Barron	Wayside Out-Reach Development, Inc.	11-3528680	DFTA	\$2,445.00	125 003
Barron	Bergen Basin Community Development Corporation db/a Millennium Development - Abe Stark Senior Center	11-3199040	DFTA	\$2,445.00	125 003
Barron	Bergen Basin Community Development Corporation db/a Millennium Development - Vandalia Senior Center	11-3199040	DFTA	\$2,445.00	125 003
Barron	East New York Council for the Aging, Inc. - Louis H. Pirik Senior Center	11-3080634	DFTA	\$2,445.00	125 003
Barron	East New York Council for the Aging, Inc. - Fern Wortman Senior Center	11-3080634	DFTA	\$2,445.00	125 003
Barron	Wayside Out-Reach Development, Inc. - Boulevard Senior Center	11-3528680	DFTA	\$2,445.00	125 003
Barron	Wayside Out-Reach Development, Inc. - Roserita Gaston Senior Center	11-3528680	DFTA	\$2,445.00	125 003
Barron	Agudath Israel of America Community Services, Inc. - Brookdale Senior Residents	13-3975090	DFTA	\$2,445.00	125 003
Barron	Cypress Hills Fountain Avenue	13-6400571	DFTA	\$2,445.00	125 003
Barron	Spring Creek Senior Partners, Inc.	74-3158439	DFTA	\$2,445.00	125 003
Barron	Unity Plaza Long Island Baptist Senior Club	11-3556789	DFTA	\$2,445.00	125 003
Recchia	Jewish Community Council of Greater Coney Island, Inc.	11-2695181	DFTA	\$6,112.50	125 003
Recchia	Jewish Community Council of Greater Coney Island, Inc. - Ocean Parkway Senior Center	11-2695181	DFTA	\$6,112.50	125 003
Recchia	Jewish Community Council of Greater Coney Island, Inc. - Surf Solomon Senior Center	11-2695181	DFTA	\$6,112.50	125 003
Recchia	Jewish Community Council of Greater Coney Island, Inc. - Haber House Senior Center	11-2695181	DFTA	\$6,112.50	125 003
Recchia	Jewish Community Council of Greater Coney Island, Inc. - Marlboro Senior Center	11-2695181	DFTA	\$6,112.50	125 003

\* Indicates pending completion of pre-qualification review.

CHART 7: Food Pantries (continued)

Borough	Organization	EIN Number	Agency	Amount	Agy # UJA *
Queens	City Harvest, Inc. - First Church of God Golden Vessels	13-3170676	DYCD	\$5,000.00	260 005 *
Queens	City Harvest, Inc. - Jackson Heights-Eimhurst Kehillah, Inc.	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. - 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	\$5,000.00	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. - Tomchei Shabbos of Staten Island, Inc.	13-3170676	DYCD	\$5,000.00	260 005 *
Bronx	1600 Sedgwick Avenue Tenant Association	13-4099045	DYCD	\$5,000.00	260 005 *
Bronx	Aging in America Community Services, Inc.	13-4086427	DYCD	\$5,000.00	260 005 *
Bronx	Ark of Safety Fellowship Church, Inc.	13-3099520	DYCD	\$5,000.00	260 005 *
Bronx	Heavenly Vision Christian Center	13-3082521	DYCD	\$5,000.00	260 005 *
Bronx	Jewish Community Council of Pelham Parkway, Inc.	13-3082521	DYCD	\$5,000.00	260 005 *
Bronx	Love Gospel Assembly - Promise Land Community, Inc.	80-0010627	DYCD	\$5,000.00	260 005 *
Bronx	Momentum Project, Inc., The	13-3556789	DYCD	\$5,000.00	260 005 *
Bronx	Muslim Women's Institute for Research and Development (MWRD)	13-3695481	DYCD	\$5,000.00	260 005 *
Bronx	New Era Veterans, Inc.	13-4136007	DYCD	\$5,000.00	260 005 *
Bronx	St. Edmunds Episcopal Church	13-4136007	DYCD	\$5,000.00	260 005 *
Bronx	St. Luke & Senior Community Program	13-2747442	DYCD	\$5,000.00	260 005 *
Bronx	St. Margaret's Episcopal Church	11-1667600	DYCD	\$5,000.00	260 005 *
Brooklyn	Blessed Sacrament Church	51-0142296	DYCD	\$5,000.00	260 005 *
Brooklyn	Center for Family Life	31-1741545	DYCD	\$5,000.00	260 005 *
Brooklyn	Coney Island Gospel Assembly	20-9946554	DYCD	\$5,000.00	260 005 *
Brooklyn	End Times Pentecostal Church	11-2100335	DYCD	\$5,000.00	260 005 *
Brooklyn	Family Life Development Center, Inc.	36-4579309	DYCD	\$5,000.00	260 005 *
Brooklyn	Flatbush Reformed Church	11-1952301	DYCD	\$5,000.00	260 005 *
Brooklyn	Greenpoint Reformed Church	11-2752769	DYCD	\$5,000.00	260 005 *
Brooklyn	Holy Cross Church Food Pantry	11-3615625	DYCD	\$5,000.00	260 005 *
Brooklyn	Keren Zichron Yisroel Meier, Inc.	36-4579309	DYCD	\$5,000.00	260 005 *
Brooklyn	Love Peace and Joy Helping Hand	11-1952301	DYCD	\$5,000.00	260 005 *
Brooklyn	Mary Queen of Heaven	11-2752769	DYCD	\$5,000.00	260 005 *
Brooklyn	Miller Avenue Block Association, Inc.	11-3615625	DYCD	\$5,000.00	260 005 *
Brooklyn	Reaching-Out Community Services, Inc.	11-3615625	DYCD	\$5,000.00	260 005 *

\* Indicates pending completion of pre-qualification review.

CHART 7: Food Pantries

Borough	Organization	EIN Number	Agency	Amount	Agy # UJA *
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.	13-3170676	DYCD	\$5,000.00	260 005 *
Bronx	City Harvest, Inc. - Ark of Safety Fellowship Church, Inc.	13-3170676	DYCD	\$5,000.00	260 005 *
Bronx	City Harvest, Inc. - Heavenly Vision Christian Center	13-3170676	DYCD	\$5,000.00	260 005 *
Bronx	City Harvest, Inc. - Jewish Community Council of Pelham Parkway, Inc.	13-3170676	DYCD	\$5,000.00	260 005 *
Bronx	City Harvest, Inc. - Love Gospel Assembly - Promise Land Community, Inc.	13-3170676	DYCD	\$5,000.00	260 005 *
Bronx	City Harvest, Inc. - Momentum Project, Inc., The	13-3170676	DYCD	\$5,000.00	260 005 *
Bronx	City Harvest, Inc. - Muslim Women's Institute for Research and Development (MWRD)	13-3170676	DYCD	\$5,000.00	260 005 *
Bronx	City Harvest, Inc. - New Era Veterans, Inc.	13-3170676	DYCD	\$5,000.00	260 005 *
Bronx	City Harvest, Inc. - St. Edmunds Episcopal Church	13-3170676	DYCD	\$5,000.00	260 005 *
Bronx	City Harvest, Inc. - St. Luke's Senior Community Program	13-3170676	DYCD	\$5,000.00	260 005 *
Bronx	City Harvest, Inc. - St. Margaret's Episcopal Church	13-3170676	DYCD	\$5,000.00	260 005 *
Brooklyn	City Harvest, Inc. - Blessed Sacrament Church	13-3170676	DYCD	\$5,000.00	260 005 *
Brooklyn	City Harvest, Inc. - Center for Family Life	13-3170676	DYCD	\$5,000.00	260 005 *
Brooklyn	City Harvest, Inc. - Coney Island Gospel Assembly	13-3170676	DYCD	\$5,000.00	260 005 *
Brooklyn	City Harvest, Inc. - Erd 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. - Flatbush Reformed Church	13-3170676	DYCD	\$5,000.00	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	\$5,000.00	260 005 *
Brooklyn	City Harvest, Inc. - Love Peace and Joy Helping Hand	13-3170676	DYCD	\$5,000.00	260 005 *
Brooklyn	City Harvest, Inc. - Mary Queen of Heaven	13-3170676	DYCD	\$5,000.00	260 005 *
Brooklyn	City Harvest, Inc. - Miller Avenue Block Association, Inc.	13-3170676	DYCD	\$5,000.00	260 005 *
Brooklyn	City Harvest, Inc. - Reaching-Out Community Services, Inc.	13-3170676	DYCD	\$5,000.00	260 005 *
Brooklyn	City Harvest, Inc. - Sheepshead Bay Faith Based Initiative, Inc.	13-3170676	DYCD	\$5,000.00	260 005 *
Brooklyn	City Harvest, Inc. - St. Matthias Church	13-3170676	DYCD	\$5,000.00	260 005 *
Citywide	City Harvest, Inc. - Coalition for the Homeless	13-3170676	DYCD	\$5,000.00	260 005 *
Manhattan	City Harvest, Inc. - Bcherman Brethren Presbyterian Church a.k.a. Jan Hus Presbyterian Church	13-3170676	DYCD	\$5,000.00	260 005 *
Manhattan	City Harvest, Inc. - Broadway Temple	13-3170676	DYCD	\$5,000.00	260 005 *
Manhattan	City Harvest, Inc. - Convent Avenue Baptist Church	13-3170676	DYCD	\$5,000.00	260 005 *
Manhattan	City Harvest, Inc. - Evangelical Lutheran Church of the Advent	13-3170676	DYCD	\$5,000.00	260 005 *
Manhattan	City Harvest, Inc. - Mariness Temple Baptist Church	13-3170676	DYCD	\$5,000.00	260 005 *
Manhattan	City Harvest, Inc. - Our Lady of Sorrows	13-3170676	DYCD	\$5,000.00	260 005 *
Manhattan	City Harvest, Inc. - Stratford Arms Meal Program	13-3170676	DYCD	\$5,000.00	260 005 *
Queens	City Harvest, Inc. - Stratford Arms Meal Program	13-3170676	DYCD	\$5,000.00	260 005 *

\* Indicates pending completion of pre-qualification review.

CHART 7: Food Pantries (continued)

Borough	Organization	EIN Number	Agency	Amount	Agy #	UJA *
Brooklyn	Rugby Family Services	11-3223804	DYCD	\$5,000.00	260	005
Brooklyn	Sheepshead Bay Faith Based Initiative, Inc.	41-2130832	DYCD	\$5,000.00	260	005
Brooklyn	St. Matthias Church	11-1585826	DYCD	\$5,000.00	260	005
Citywide	Coalition for the Homeless	13-372967	DYCD	\$100,000.00	260	005
Manhattan	Bohemian Reformed Presbyterian Church a.k.a. Jan Hus Presbyterian Church	13-1535255	DYCD	\$8,889.00	260	005
Manhattan	Brooklyn Temple		DYCD	\$8,889.00	260	005
Manhattan	Convent Avenue Baptist Church	13-2780116	DYCD	\$5,778.00	260	005
Manhattan	Evangelical Lutheran Church of the Advent	13-1535284	DYCD	\$5,000.00	260	005
Manhattan	Mornings Temple Baptist Church	11-2594650	DYCD	\$8,889.00	260	005
Manhattan	Our Lady of Sorrows		DYCD	\$8,889.00	260	005
Manhattan	Stratford Arms Meal Program	90-0140023	DYCD	\$3,889.00	260	005
Queens	Battalion Pentecostal Assembly, Inc.	11-3548121	DYCD	\$5,000.00	260	005
Queens	First Church of God Golden Vessels	11-2873310	DYCD	\$5,000.00	260	005
Queens	Jackson Heights-Elmhurst Kenilworth, Inc.	11-2873310	DYCD	\$5,000.00	260	005
Queens	Mount Calvary Church of God in Christ	11-2843410	DYCD	\$5,000.00	260	005
Queens	New Day Christian Fellowship Church of Apostolic Faith		DYCD	\$5,000.00	260	005
Queens	Northeastern Conference of Seventh Day Adventists, Inc.	11-2383972	DYCD	\$5,000.00	260	005
Queens	Philippine Forum, Inc.	13-1852868	DYCD	\$5,000.00	260	005
Queens	Price Memorial Baptist Church	11-3499311	DYCD	\$5,000.00	260	005
Queens	Queens Jewish Community Council, Inc.	31-1762555	DYCD	\$5,000.00	260	005
Queens	Ridgewood Older Adult Center and Services, Inc.	23-7172152	DYCD	\$5,000.00	260	005
Queens	Samaritans Outreach Ministries, Inc.	05-007283	DYCD	\$5,000.00	260	005
Queens	Solid Rock Baptist Church	11-3397859	DYCD	\$10,000.00	260	005
Queens	St. Albans Baptist Church	11-2999373	DYCD	\$5,000.00	260	005
Queens	St. Paul the Apostle Church		DYCD	\$5,000.00	260	005
Staten Island	Tomchei Shabbos of Staten Island, Inc.	11-3519422	DYCD	\$5,000.00	260	005
		22-3301876	DYCD	\$5,000.00	260	005
				\$0.00		

\* Indicates pending completion of pre-qualification review.

## EXHIBIT H

CHART 8: Adult Literacy

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Citizens Advice Bureau, Inc., The	13-3254484	DYCD		260	005
Citizens Advice Bureau, Inc., The	13-3254484	DYCD		260	005
BronxWorks, Inc.	13-3254484	DYCD	\$30,952.38	260	005
BronxWorks, Inc.	13-3254484	DYCD	\$10,000.00	260	005
St. Rita's Roman Catholic Church	11-1711002	DYCD		260	005
Mixteca Organization, Inc.	11-3561651	DYCD	\$30,952.38	260	005
					\$0.00

\* Indicates pending completion of pre-qualification review.

## EXHIBIT I

CHART 9: Geriatric Mental Health Initiative

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Citizens Advice Bureau, Inc., The	13-3254484	DOHMH		816	120
BronxWorks, Inc.	13-3254484	DOHMH	\$100,000.00	816	120
					\$0.00

\* Indicates pending completion of pre-qualification review.

## EXHIBIT J

CHART 10: Infant Mortality Reduction

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Citizens Advice Bureau, Inc., The	13-3254484	DOHMH		816	113
BronxWorks, Inc.	13-3254484	DOHMH	\$23,495.18	816	113
Greater Southern Brooklyn Health Coalition	11-3484928	DOHMH		816	113
Greater Southern Brooklyn Health Coalition	11-3484928	DOHMH		816	113
Greater Brooklyn Health Coalition, Inc.	11-3484928	DOHMH	\$25,794.94	816	113
Greater Brooklyn Health Coalition, Inc.	11-3484928	DOHMH	\$4,896.56	816	113
			\$0.00		

\* Indicates pending completion of pre-qualification review.

## EXHIBIT K

CHART 11: Naturally Occurring Retirement Communities (NORC)

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Citizens Advice Bureau, Inc., The	13-3254484	DFTA		125	003
BronxWorks, Inc.	13-3254484	DFTA	\$83,120.00	125	003
			\$0.00		

\* Indicates pending completion of pre-qualification review.

## EXHIBIT L

CHART 12: Neighborhood Youth Alliance/Street Outreach

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Citizens Advice Bureau, Inc., The	13-3254484	DYOD		260	312
BronxWorks, Inc.	13-3254484	DYOD	\$14,709.68	260	312
			\$0.00		

\* Indicates pending completion of pre-qualification review.

## EXHIBIT M

CHART 13: Transportation Costs

Organization	EIN Number	Agency	Amount	Agry #	U/A *
Citizens Advice Bureau, Inc. - The - Morris Senior Center	13-3254484	DFTA		125	003
Citizens Advice Bureau, Inc. - The - Heights Senior Center	13-3254484	DFTA		125	003
BronxWorks, Inc. - Morris Senior Center	13-3254484	DFTA	\$6,100.48	125	003
BronxWorks, Inc. - Heights Senior Center	13-3254484	DFTA	\$6,100.48	125	003

\* Indicates pending completion of pre-qualification review.

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

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. 48

**Report of the Committee on Finance in favor of approving Medgar Evers Houses, Block 1629, Lot 1, Block 1816, 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 25, 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 25, 2010

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

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of March 25, 2010-Resolution approving a tax exemption for one preconsidered Land Use Item (Council District's 36).

HPD has submitted requests to the Council to approve a property tax exemption for the Medgar Evers Houses in Council Member Vann's District.

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. This item was passed by the Council as Resolution No. 64 on March 3, 2010, however that original resolution was missing a block and lot number. This new resolution has the entire block and lot numbers associated with this property and will therefore allow for the proper execution of the tax exemption.

This item has the approval of Council Member Vann.

Accordingly, this Committee recommends the adoption of L.U. No. 48.

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

Res. No. 129

**Resolution approving a partial exemption from real property taxes for property located at (Block 1629, Lot 1 and Block 1816, Lot 1) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No.48).**

By Council Member Weprin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated March 10, 2010 that the Council take the following action regarding a housing project to be located at (Block 1629, Lot 1 and Block 1816, 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 25, 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 HDPC 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 and Block 1816, 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, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, March 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).

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-80

**Report of the Committee on Finance in favor of approving the Operating Budget of the Council of the City of New York – Fiscal Year 2011.**

The Committee on Finance, to which the annexed communication was referred on March 25, 2010, respectfully

**REPORTS:**

**(The following text relates to the Fiscal 2011 Operating Budget of the Council of the City of New York:)**

**FISCAL YEAR 2011**

**THE OPERATING BUDGET**

**OF THE COUNCIL OF THE CITY OF NEW YORK**

Submitted pursuant to  
Section 243 of the  
Charter of the City of New York

March 25, 2010

**TO:** Honorable Christine C. Quinn  
Speaker  
Honorable Domenic Recchia Chairman, Finance Committee

**FROM:** Charles E. Meara Chief of Staff  
Marcello Testa Fiscal Officer

**SUBJECT:** **THE BUDGET OF THE COUNCIL OF THE CITY OF NEW YORK**

**Precon.** **(M-80) The Operating Budget of the Council of The City of New York**

**Precon.** **(M-81) Schedule Detailing the Lump-Sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York**

**INITIATION:** Pursuant to section 243 of the Charter of the City of New York, the Council is authorized to present, for inclusion in the executive budget without amendment by the Mayor, its operating budget. This document presents a summary description of the structure and presentation of the Council's budget, and sets forth the proposed Council budget for consideration and approval by the Finance Committee and the Council. Also included are a budget for Council contractual services, and a resolution for the approval of a lump-sum OTPS unit of appropriation.

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

Res. No. 130

**Resolution approving the Fiscal Year 2011 Operating Budget of the Council of the City of New York**

**Resolved,** by the City Council, pursuant to the provisions of section 243 of the New York City Charter, that the following amounts shall be submitted to the Mayor, for inclusion in the executive budget for the operating budget for the Council of the City of New York.

Summary:

Under the City Charter, the City Council is authorized to structure its own budget. This budget must be presented to the Mayor, for inclusion in the Executive Budget, after the Council approves it.

The Council's staff is described through divisions within three units of appropriation: Council Members and their aides, Committee Staffing, and Council Services. These and the standing committees each have a U/A for PS. OTPS is divided into two categories, one for members, one for central staff (see Appendix A) and one for each standing committee. A separate resolution approving the central staffs lump sum unit of appropriation is attached for Council approval pursuant to Section 100 (c) of the Charter.

Council Member office budgets are funded in U/A 001 object 021 (PS) and U/A 100 objects 400 and 414 (OTPS). Funds allocated for member budget total \$292,336, with Committee Chairs receiving \$332,336.

Staff from the Office of the General Counsel, Governmental Affairs, Finance, Land Use, Infrastructure, Human Services, and Policy & Investigations divisions are specifically assigned to each committee, subcommittee, select committee and task force. These analysts and attorneys in turn are supported by the Administrative Services Division, which functions as the central administration. (Please refer to the statements of programmatic objectives).

Staff from the following Divisions are assigned to these Committees,

Subcommittees, Select Committees and Task Forces:

<p><b>General Counsel</b> Rules, Privileges and Elections Standards &amp; Ethics State &amp; Federal Legislation <b>Governmental Affairs</b> Civil Rights Consumer Affairs Contracts Fire &amp; Criminal Justice Services General Welfare Governmental Operations Immigration Juvenile Justice Public Safety</p> <p><b>Finance</b> Finance</p> <p><b>Human Services</b> Aging Senior Centers (<i>Subcommittee</i>) Civil Services and Labor Cultural Affairs, Libraries &amp; International Intergroup Relations Libraries (<i>Select Committee</i>) Education Health Hospital Closings (<i>Task Force</i>) Higher Education Mental Health, Mental Retardation Alcoholism, Drug Abuse &amp; Disability Services Drug Abuse (<i>Subcommittee</i>)</p>	<p>Small Business Transportation Veterans Women's Issues Youth Services</p> <p><b>Infrastructure</b> Community Development Economic Development Environmental Protection Housing &amp; Buildings Public Housing Operations and Improvement of the Department of Buildings (<i>Task Force</i>) Lower Manhattan Redevelopment Parks &amp; Recreation Sanitation &amp; Waste Management Technology Waterfronts</p> <p><b>Land Use</b> Land Use Landmarks, Public Siting &amp; Maritime Uses (<i>Subcommittee</i>) Planning, Dispositions &amp; Concessions (<i>Subcommittee</i>) Zoning &amp; Franchises (<i>Subcommittee</i>)</p> <p><b>Policy &amp; Investigations</b> Oversight &amp; Investigations</p>
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**CITY COUNCIL BUDGET**

**Function:**

The New York City Council is the legislative branch of city government. Council members are elected every four years and each represents a district of approximately 157,000 people.

The Council is an equal partner with the Mayor in the governing of New York City. The Council monitors the operation and performance of city agencies. It has sole responsibility for analyzing and approving the city's budget which sets spending priorities and has decision-making powers over major land use issues. It is the city's lawmaking body.



CITY COUNCIL BUDGET  
FISCAL YEAR 2010  
OTHER THAN PERSONAL SERVICES

DESCRIPTION	U/A	FISCAL 2010 ADOPTED BUDGET		FISCAL 2010 UPDATED BUDGET		FISCAL 2011 ADOPTED BUDGET		CHANGE FROM ADOPTED
		\$ AMOUNT	\$ AMOUNT	\$ AMOUNT	\$ AMOUNT	\$ AMOUNT	\$ AMOUNT	
COUNCIL MEMBERS	100	\$5,139,811	\$5,139,811	\$5,139,811	\$5,139,811	\$5,139,811	\$5,139,811	\$0
COUNCIL STAFF	200	\$9,079,866	\$9,079,866	\$9,079,866	\$9,079,866	\$9,079,866	\$9,079,866	\$0
COMMITTEE ON THE AGING	800	\$1	\$1	\$1	\$1	\$1	\$1	\$0
CIVIL RIGHTS	802	\$1	\$1	\$1	\$1	\$1	\$1	\$0
CIVIL SERVICE & LABOR	805	\$1	\$1	\$1	\$1	\$1	\$1	\$0
CONSUMER AFFAIRS	810	\$1	\$1	\$1	\$1	\$1	\$1	\$0
CONTRACTS	815	\$1	\$1	\$1	\$1	\$1	\$1	\$0
CULTURAL AFFAIRS, LIBRARIES & INTL INTERGROUP RELATIONS	816	\$1	\$1	\$1	\$1	\$1	\$1	\$0
ECONOMIC DEVELOPMENT	820	\$1	\$1	\$1	\$1	\$1	\$1	\$0
EDUCATION	825	\$1	\$1	\$1	\$1	\$1	\$1	\$0
ENVIRONMENTAL PROTECTION	830	\$1	\$1	\$1	\$1	\$1	\$1	\$0
GENERAL WELFARE	835	\$1	\$1	\$1	\$1	\$1	\$1	\$0
GOVERNMENTAL OPERATIONS	840	\$1	\$1	\$1	\$1	\$1	\$1	\$0
HEALTH	845	\$1	\$1	\$1	\$1	\$1	\$1	\$0
HIGHER EDUCATION	847	\$1	\$1	\$1	\$1	\$1	\$1	\$0
HOUSING & BUILDINGS	850	\$1	\$1	\$1	\$1	\$1	\$1	\$0
IMMIGRATION	852	\$1	\$1	\$1	\$1	\$1	\$1	\$0
JUVENILE JUSTICE	854	\$1	\$1	\$1	\$1	\$1	\$1	\$0
LAND USE	855	\$1	\$1	\$1	\$1	\$1	\$1	\$0
LOWER MANHATTAN REDEVELOPMENT	856	\$1	\$1	\$1	\$1	\$1	\$1	\$0
MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE & DISABILITY SERVICES	857	\$1	\$1	\$1	\$1	\$1	\$1	\$0
OVERSIGHT AND INVESTIGATIONS	860	\$1	\$1	\$1	\$1	\$1	\$1	\$0
PARKS & RECREATION	865	\$1	\$1	\$1	\$1	\$1	\$1	\$0
PUBLIC HOUSING	866	\$1	\$1	\$1	\$1	\$1	\$1	\$0
RULES, PRIVILEGES AND ELECTIONS	870	\$1	\$1	\$1	\$1	\$1	\$1	\$0
SANITATION & SOLID WASTE MANAGEMENT	871	\$1	\$1	\$1	\$1	\$1	\$1	\$0
SMALL BUSINESS	873	\$1	\$1	\$1	\$1	\$1	\$1	\$0
STANDARDS & ETHICS	875	\$1	\$1	\$1	\$1	\$1	\$1	\$0
STATE & FEDERAL LEGISLATION	880	\$1	\$1	\$1	\$1	\$1	\$1	\$0
TECHNOLOGY IN GOVERNMENT	881	\$1	\$1	\$1	\$1	\$1	\$1	\$0
UNEMPLOYMENT	883	\$1	\$1	\$1	\$1	\$1	\$1	\$0
VETERANS	885	\$1	\$1	\$1	\$1	\$1	\$1	\$0
WATERFRONTS	887	\$1	\$1	\$1	\$1	\$1	\$1	\$0
WOMEN'S ISSUES	888	\$1	\$1	\$1	\$1	\$1	\$1	\$0
YOUTH SERVICES	890	\$1	\$1	\$1	\$1	\$1	\$1	\$0
<b>TOTAL</b>		<b>\$14,219,713</b>	<b>\$14,219,713</b>	<b>\$14,219,713</b>	<b>\$14,219,713</b>	<b>\$14,219,713</b>	<b>\$14,219,713</b>	<b>\$0</b>

OTPS DETAIL

U/A 100 COUNCIL MEMBERS		
DESCRIPTION	OBJ CODE	FY 2011 COUNCIL BUDGET
Newsletter (Printing)	101	\$896,451
Newsletter (Postage)	117	\$400,000
Council OTPS Procurement	400	\$2,082,270
Rent	414	\$1,761,090
<b>TOTAL U/A 100</b>		<b>\$5,139,811</b>

U/A 200 CENTRAL STAFF		
DESCRIPTION	OBJ CODE	FY 2011 COUNCIL BUDGET
Storehouse Supplies	10X	\$25,000
Supplies & Materials	100	\$125,100
Printing Supplies	101	\$20,000
Automotive Supplies	105	\$2,000
Automotive Fuel Supplies	106	\$19,000
Postage	117	\$65,000
Computer Supplies	199	\$289,500
Equipment - General	300	\$21,100
Telecommunications Equipment	302	\$9,000
Office Furniture	314	\$11,000
Office Equipment	315	\$8,000
Purchase DP Equipment	332	\$35,000
Books - Other	337	\$279,605
Library Books	338	\$40,580
Telephones - Data	40B	\$400,000
Maintenance Repairs Auto	40G	\$25,000
Contractual Services - Intra-City	40X	\$10,000
Contractual Services - General	400	\$25,000
Telephone & Other Comm.	402	\$160,000
Office Services	403	\$18,000
Rentals of Misc. Equip.	412	\$155,159
Rent	414	\$6,056,392
Advertising	417	\$3,500
Local Travel - General	451	\$12,000
Local Travel - Special	452	\$2,000
Nonlocal Travel - General	453	\$5,000
Nonlocal Travel - Special	454	\$3,000
Contractual Services - General	500	\$72,000
Telecommunications Maint.	602	\$90,895
Maintenance - Motor Vehicles	607	\$2,000
Maint. & Repairs	608	\$40,000
Office Equipment Maint.	612	\$74,100
DP Equipment	613	\$70,600
Printing Contracts	615	\$240,000
Temporary Services	622	\$130,000
Cleaning Services	624	\$12,000
Transportation Expenditures	633	\$30,000
Economic Development	660	\$32,500
Training City Employees	671	\$17,000
Prof. Svcs. - Accounting	681	\$12,000
Prof. Svcs. - Legal	682	\$200,000
Prof. Svcs. - Computer Services	684	\$139,835
Prof. Svcs. - Other	686	\$90,000
DCAS Training	79D	\$2,000
<b>TOTAL U/A 200</b>		<b>\$9,079,866</b>
<b>OTPS TOTALS</b>		<b>\$14,219,677</b>

Statements of Programmatic Objectives:

**001 Council Members (PS)** - To ensure the fair and effective representation of the people of the City of New York, there are fifty-one members of the Council who are currently elected from single member districts of approximately 157,000 persons per district. The members of the Council are responsible for executing the legislative, land use and budgetary responsibilities vested in this body through committees that meet to discuss and recommend legislation, as well as to oversee the performance of the executive body as a whole. The Council meets regularly throughout the year to take formal action. This Unit of Appropriation is comprised of the Council Members and Councilmanic Aides who work directly for the Council Members.

**002 Committee Staffing (PS)** - To ensure the adoption of sound legislative initiatives, Committee Staffing, with specialized expertise, is responsible for providing program analysis for all committees of the Council. Staff is comprised of attorneys, project managers, and financial and policy analysts from the following divisions: Office of the General Counsel, Governmental Affairs, Finance, Land Use, Infrastructure, Human Services, and Policy & Investigations.

**005 Council Services (PS)** - Responsible for the administrative functions of the Council including procurement of goods and services, payroll and personnel administration, and fiscal oversight of the Council's budget; production of printed materials and other member services; development and management of the Council computer network; scheduling of hearings, distribution of reports and materials, preparation of the agenda and schedule, maintaining and tracking the proceedings of the Council, ensuring notice and explanation of Council activities; maintain order on the Council floor, in the Council gallery, and at all Council meetings and hearings. All the above functions are provided by staff from the following divisions: Administrative Services, Member Services, Information Technology, Legislative Document Unit, Sergeant-at-Arms, Office of the Speaker, Office of the Minority Leader, and Communications.

**100 Council Members (OTPS)** - To ensure the fair and effective execution of the legislative responsibilities of the Council, funds are appropriated for the procurement of goods and services for the members of the City Council.

**200 Central Staff (OTPS)** - This unit of appropriation is a lump sum amount, the detail of which is included in the Resolution of the Council (back page of document), and the purpose for which is to allow procurement of goods and services necessary to the execution of Council responsibilities.

**600 Committee on the Aging** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department for the Aging and all federal, state and municipal programs pertinent to senior citizens. The committee has a subcommittee on Senior Centers.

**602 Committee on Civil Rights** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to incidences of discrimination, the Human Rights Commission and Equal Employment Practices Commission.

**605 Committee on Civil Service and Labor** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to municipal officers and employees, the Office of Labor Relations, Office of Collective Bargaining, municipal pensions, retirement systems and worker rights.

**607 Committee on Community Development** — Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to poverty and its reduction within the City, especially in low-income neighborhoods.

**610 Committee on Consumer Affairs** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Consumer Affairs and the Business Integrity Commission.

**615 Committee on Contracts** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting oversight on matters related generally to City procurement and specifically to the activities of the Mayor's Office of

Contracts, the Procurement Policy Board, City Procurement policies and procedures and specific city contracts.

**616 Committee on Cultural Affairs, Libraries & International Intergroup Relations** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Cultural Affairs, libraries, museums, the Art Commission, the New York City Commission for the United Nations, Consular Corps and Protocol, the Mayor's Office of Special Projects and Community Events and encouraging harmony among the citizens of New York City, promoting the image of New York City and enhancing the relationship of its citizens with the international community. There is a Select Committee on Libraries.

**620 Committee on Economic Development** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Economic Development Corporation and Department of Small Business Services.

**625 Committee on Education** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Education and the School Construction Authority.

**630 Committee on Environmental Protection** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Environmental Protection.

**632 Committee on Finance** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to budget review and budget modifications, the Banking Commission, the Comptroller's Office, Department of Design and Construction, the Department of Finance, Independent Budget Office and fiscal policy and revenue from any source.

**633 Committee on Fire and Criminal Justice Services** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to the Fire Department/Emergency Medical Service, Departments of Correction and Probation and Legal Aid.

**635 Committee on General Welfare** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Human Resources Administration/Department of Social Services, Administration for Children's Services, Department of Homeless Services and charitable institutions.

**640 Committee on Governmental Operations** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to municipal governmental structure and organization, the Department of Citywide Administrative Services, Community Boards, Tax Commission, Board of Standards and Appeals, Campaign Finance Board, Board of Elections, Voter Assistance Commission, Commission on Public Information and Communication, Department of Records and Information Services, Financial Information Services Agency and the Law Department.

**645 Committee on Health** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Health and Mental Hygiene, Emergency Medical Services (health related issues), the Health and Hospitals Corporation and the Office of the Chief Medical Examiner. The committee has a task force on Hospital Closings.

**647 Committee on Higher Education** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the City University of New York and issues related to Higher Education.

**650 Committee on Housing and Buildings** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Housing Preservation and Development, Department of Buildings, NYC Housing Authority and rent regulation.

**652 Committee on Immigration** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption and preparing committee reports on issues affecting immigrants in New York City and conducting legislative oversight on matters in relation to the Mayor's Office on Immigrant Affairs.

**653 Committee on Juvenile Justice** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Juvenile Justice.

**654 Committee on Land Use** - To ensure responsible use of City property, this committee considers and proposes to the full Council resolutions for adoption, prepares committee reports and conducts legislative oversight on matters in relation to the City Planning Commission, Department of City Planning, Department of Information Technology and Telecommunications (land use related issues), Landmarks Preservation Commission and Land Use and Landmarks Review. The committee has three subcommittees: Zoning and Franchises; Landmarks, Public Siting and Maritime Uses; and, Planning, Dispositions and Concessions.

**655 Committee on Lower Manhattan Redevelopment** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the physical, economic, social and cultural redevelopment of Lower Manhattan, including, but not restricted to, the World Trade Center site.

**656 Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to mental health, mental retardation, alcoholism services, drug abuse, disability services, the Department of Health and Mental Hygiene and the Mayor's Office for People with Disabilities. The committee has a subcommittee on Drug Abuse.

**657 Committee on Oversight and Investigations** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Investigation, and to investigate any matters within the jurisdiction of the Council relating to property, affairs or government of New York City.

**660 Committee on Parks and Recreation** - This committee is responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Parks and Recreation.

**665 Committee on Public Safety** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Police Department, Courts, District Attorneys, Special Narcotics Prosecutor, Civilian Complaint Review Board, Criminal Justice Coordinator and the Office of Emergency Management.

**667 Committee on Public Housing** — Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the New York City Housing Authority.

**670 Committee on Rules, Privileges and Elections** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption and preparing committee reports on matters in relation to Council structure and organization and appointments.

**671 Committee on Sanitation & Solid Waste Management** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Department of Sanitation.

**673 Committee on Small Business** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters that affect the creation and operation of retail businesses and emerging industries throughout the City.

**675 Committee on Standards and Ethics** - Responsible for considering and

proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Conflicts of Interest Board and for Council ethics.

**680 Committee on State and Federal Legislation** - Responsible for considering and proposing to the full Council legislation, state legislative requests and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to state and federal legislation and home rule requests.

**681 Committee on Technology** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to the use of technology for the management and dissemination of information, the non land use-related activities of the Department of Information Technology and Telecommunications, the Mayor's Office of Film, Theatre and Broadcasting and NYC TV.

**682 Committee on Transportation** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to mass transportation issues, agencies and facilities, the New York City Transit Authority, Department of Transportation and the Taxi and Limousine Commission.

**683 Committee on Veterans** — Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to public policy concerns of veterans and the Mayor's Office of Veterans Affairs.

**685 Committee on Waterfronts** — Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters relating to the use of the City's waterfront and waterfront-related activities.

**687 Committee on Women's Issues** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to public policy concerns of women, domestic violence, the Office to Combat Domestic Violence and Agency for Child Development.

**690 Committee on Youth Services** - Responsible for considering and proposing to the full Council legislation and resolutions for adoption, preparing committee reports and conducting legislative oversight on matters in relation to the Youth Board, the Department of Youth and Community Development, the Interagency Coordinating Council, and youth-related programs.

FISCAL YEAR 2011  
CITY COUNCIL CONTRACT BUDGET

OBJECT CODE	DESCRIPTION	#	AMOUNT
600	Contractual Services General	7	\$72,000
602	Telecommunications Maintenance	2	\$75,000
607	Maint. & Repair Motor Vehicle Equip.	1	\$2,000
608	Maintenance & Repair General	6	\$40,000
612	Office Equipment Maintenance	8	\$50,000
613	Data Processing Equipment	5	\$82,000
615	Printing Contracts	4	\$270,000
622	Temporary Services	2	\$160,000
624	Cleaning Services	1	\$12,000
633	Transportation Expenditures	1	\$30,000
660	Economic Development	25	\$32,500
671	Training Program For City Employees	2	\$17,000
681	Prof. Svcs. - Accounting & Auditing	1	\$12,000
682	Professional Services - Legal	6	\$200,000
684	Prof. Svces. - Computer Services	4	\$159,835
686	Professional Services - Other	3	\$120,000
		78	\$1,334,335

In connection herewith Council Member Recchia offered the following resolution:

Res. No. 131

**Resolution approving for Fiscal Year 2011 the schedule detailing the Lump Sum Other Than Personal Service Unit Of Appropriation of the Operating Budget of the Council of the City of New York**

Resolved by the Council, pursuant to the provisions of section 100 (c) of the New York City Charter, that the following spending shall be presented in a lump sum OTPS unit of appropriation, the allocation of which corresponds to the following PS units of appropriation.

COUNCIL BUDGET

PS U/A	DESCRIPTION	MEMO OTPS*
002	COMMITTEE STAFFING	\$3,788,721
005	COUNCIL SERVICES	\$5,291,145
	<b>TOTAL OTPS</b>	<b>\$9,079,866</b>

\* Set forth for informational purposes only in accordance with Charter Section 100 (c)

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

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-81

**Report of the Committee on Finance in favor of approving the Schedule Detailing the Lump-Sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York.**

The Committee on Finance, to which the annexed communication was referred on March 25, 2010, respectfully

**REPORTS:**

**(For text of report, please see the related Report of the Committee on Finance for M-80 as well as coupled Res No. 130 and its attachment printed above in these Minutes).**

Accordingly, this Committee recommends its adoption.

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

Res. No. 131

**Resolution approving for Fiscal Year 2011 the schedule detailing the Lump Sum other than personal service unit of appropriation of the operating budget of the Council of the city of New York.**

Resolved by the Council, pursuant to the provisions of section 100(c) of the New York City Charter, that the following spending shall be presented in a lump sum OTPS unit of appropriation, the allocation of which corresponds to the following PS units of appropriation.

## COUNCIL BUDGET

PS U/A	DESCRIPTION	MEMO OTPS*
002	COMMITTEE STAFFING	\$3,788,721
005	COUNCIL SERVICES	\$5,291,145
	<b>TOTAL OTPS</b>	<b>\$9,079,866</b>

\* Set forth for informational purposes only in accordance with Charter Section 100 (c)

DOMENIC M. RECCHIA, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, March 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 of the Committee on Immigration**

Report for Int. No. 3-A

**Report of the Committee on Immigration in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the Administration for Children's Services to review strategies and create a plan of action to protect children who qualify for Special Immigrant Juvenile Status.**

The Committee on Immigration, to which the annexed amended proposed local law was referred on February 3, 2010 (Minutes, page 180), respectfully

**REPORTS:****Introduction**

On Tuesday, March 2, 2010, the Committee on Immigration, chaired by Council Member Daniel Dromm, will hold a hearing on Introductory Bill Number Three ("Int. No. 3"), a Local Law to amend the administrative code of the city of New York, in relation to requiring the Administration for Children's Services to review strategies and create a plan of action to protect children who qualify for Special Immigrant Juvenile Status. The Committee invited the Mayor's Office of Immigrant Affairs, the Administration for Children's Services, and immigration advocates and interested members of the community to provide testimony at today's hearing.

**Background**

New York City's Administration for Children's Services (ACS) provides child welfare services to families and children in New York City regardless of citizenship status.<sup>1</sup> The child welfare services provided by ACS include child protective, preventive and foster care services.<sup>2</sup> According to ACS there were 15,965 children in the foster care system as of November 2009.<sup>3</sup> Some of the children placed into ACS's care are undocumented immigrants and may be eligible for Special Immigrant Juvenile Status ("SIJS"). ACS is responsible for aiding these children in obtaining SIJS in order for them to become eligible for adjustment of status and to obtain benefits, such as the ability to work and receive student loans. Determining which children may be undocumented and therefore eligible for SIJS is often difficult because undocumented youth, like undocumented adults, are hesitant to disclose their status for fear of deportation. Additionally, undocumented children may not know their status because they were brought to the United States at a young age. Because immigrant children pose a special challenge to ACS staff, ACS provides special training to all staffers, including child protective staff, attorneys and foster care directors.<sup>4</sup> The New York City Council has held hearings since 2006 on ACS's efforts to identify and assist children who qualify for SIJS. The Council received testimony from ACS as well as immigration and child welfare advocates who work with immigrant youths and ACS on a regular basis. Since the City Council's first hearing on this issue there have been some changes to the federal law that have expanded the class of young people who may be deemed SIJS-eligible. Additionally, on January 20, 2010, Mayor Bloomberg announced the merger of the City's Department of Juvenile Justice (DJJ) into ACS.<sup>5</sup> DJJ has custody of juvenile

offenders between the ages of 11 and 16 as they await trial and sentencing.<sup>6</sup> In FY2009, DJJ admitted 5,833 juveniles into its custody.<sup>7</sup> This has resulted in an increase in the general population that ACS must serve as well as a potential increase in the number of SIJS-eligible children within its care.

**Special Immigrant Juvenile Status**

The federal Immigration Act of 1990<sup>8</sup> established special immigrant status for non-citizens "declared dependent on a juvenile court in the United States."<sup>9</sup> This statute was most recently amended by the Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA"), expanding the definition of a special immigrant juvenile.<sup>10</sup> Prior to the amendments under the TVPRA, in order to qualify for SIJS, an applicant would have had to establish that he or she was (i) under 21 years of age; (ii) unmarried; (iii) declared dependent on a juvenile court; (iv) deemed eligible for long-term foster care by the juvenile court due to abuse, neglect, or abandonment; and (v) found best served by not being returned to his or her country of origin.<sup>11</sup> Now, an immigrant juvenile can be deemed eligible for SIJS if "reunification with [one] or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law" and he or she is either:

- (i) declared dependent on a juvenile court;
- (ii) legally committed to, or placed under the custody of, an agency or department of state by a juvenile court; or
- (iii) placed under the custody of an individual or entity appointed by a state or juvenile court.<sup>12</sup>

As a result of these changes, Family Courts have increased flexibility to make the appropriate findings for minors because they can rely on state law and because findings can be made against one parent, rather than both parents.<sup>13</sup> These changes will likely result in a larger number of children being eligible for SIJS.<sup>14</sup>

Based upon the receipt of SIJS classification, a young person becomes eligible for adjustment of status and may apply for lawful permanent residency, which confers additional rights to authorized employment within the United States and eligibility to naturalize after five years.<sup>15</sup> An immigrant child who successfully adjusts his or her status as a result of SIJS classification may receive all of the benefits of lawful permanent residence.<sup>16</sup>

**Local Treatment of SIJS-Eligible Children**

On August 19, 2008, the New York State Office of Children and Family Services, with the assistance of ACS,<sup>17</sup> issued an Administrative Directive notifying local departments of social services and voluntary authorized agencies that SIJS eligibility must be assessed for youth in foster care who are neither U.S. citizens nor lawful permanent residents.<sup>18</sup> The Administrative Directive indicates that SIJS should be pursued wherever appropriate and emphasizes the importance of filing a timely application.<sup>19</sup> The Administrative Directive further states that SIJS applications must be completed before youth leave foster care.<sup>20</sup>

Consistent with the Administrative Directive, ACS issued its own policy on SIJS in August 2009 in an effort to ensure that children do not leave foster care without being considered for SIJS.<sup>21</sup> This policy provides: (i) a list of indicators to be used by foster care provider agencies to determine immigration status of children; (ii) criteria for SIJS eligibility; and (iii) an outline of the SIJS application process.<sup>22</sup> Additionally, the policy explains that the fees associated with the SIJS application process are refundable by ACS.<sup>23</sup> In compliance with the State's Administrative Directive and ACS's policy, when an ACS employee encounters a foster child who is neither a United States citizen nor a lawful permanent resident, he or she is supposed to refer that child to a legal services provider that has the ability to determine the child's eligibility and provide assistance in legalizing the child's status through completion of an SIJS application.<sup>24</sup> ACS guidelines instruct employees to consult with immigration attorneys prior to a foster child's discharge from foster care to "independent living" because discharge from foster care can impact an SIJS application.<sup>25</sup>

In order to assist staff with the identifying and assisting undocumented children eligible for SIJS, ACS created the Director of Immigrant Services position in August 2005.<sup>26</sup> Subsequently, ACS hired an Immigrant Advocate in 2008 to assist the Director of Immigrant Services on SIJS matters as well as other immigration and language assistance issues.<sup>27</sup> In 2009, ACS hired a part-time Immigrant Youth Advocate to work with foster care agencies, immigrant youth in foster care and legal service providers on SIJS.<sup>28</sup> As a result of grant funding, ACS was also able to hire graduate students to review foster care cases in order to identify immigrants in foster care.<sup>29</sup> Students were able to review more than 1,500 cases and identified approximately 150 children in the care of ACS who might be eligible for SIJS benefits. In October of 2009, ACS stated that it planned to review "all cases of foster care youth ages 12 and above" by the end of 2009 in an effort "to ensure that all immigrant youth are identified and referred for legal services."<sup>30</sup> In an effort to ensure that staff at all levels are aware of SIJS and the importance of identifying eligible children as early as possible, ACS provides a variety of trainings. ACS includes information on SIJS in trainings prepared for child protective staff and new attorneys in its Family Court Legal Services division.<sup>31</sup> ACS makes trainings focused on immigrant issues available to all staff, including foster care agency staff.<sup>32</sup> Lastly, training specifically on SIJS is provided at quarterly meetings with foster care directors.<sup>33</sup>

**Concerns about the Treatment of SIJS-Eligible Children by ACS**

As recently as October 2009, advocates agreed that ACS needed to do more to help non-citizen children in its care. For example, advocates expressed the following concerns:

- Foster care contract service providers lack “information, knowledge, resources, technical assistance and support...in the area of immigration relief for their clients.”<sup>34</sup> Many have no knowledge of SIJS at all.<sup>35</sup>
- There is no reliable, systematic mechanism for identifying SIJS-eligible children.<sup>36</sup>
- Young people in foster care are often identified as being eligible for SIJS benefits only after they miss out on educational and work related opportunities or when they are about to age out of foster care.<sup>37</sup>
- Young people often sign themselves out of foster care at 18 years of age, unaware of their immigration status and/or unaware of the need to remain in foster care until their status has been adjusted through the SIJS application process.<sup>38</sup>

Advocates suggested that that ACS create an accurate and efficient system of identification to determine SIJS-eligible children in its care and to coordinate immigration services for those children.<sup>39</sup> Such a system would help prevent youths from being discharged or aging out of the system without applying for SUS or other immigration benefits.

**Testimony on Int. No. 3**

On March 2, 2010, the Committee on Immigration held a hearing on Int. No. 3. The Committee heard testimony from ACS and several advocacy organizations. Although ACS believes that the steps that it has taken in recent years to assist children in obtaining SUS and other immigration benefits are significant, it “recognizes that no systems are perfect and improvement is possible in how the child welfare system...addresses the needs of immigrant youth...”<sup>40</sup> As such, ACS supported the intent of Int. No. 3, to develop a comprehensive plan to identify and refer immigrant youth for SIJS legal services.<sup>41</sup> Immigrant and child welfare advocates provided testimony in support of Int. No. 3, but had recommendations to strengthen the legislation in order to ensure that immigrant youths are protected. Additionally, advocates wanted to make sure that the legislation required ACS to review their current practices and procedures relating to the identification and assistance of SIJS —eligible youth in its care in order to develop a new plan to serve this population. For example, Int. No. 3 called on ACS to systemize its efforts to identify and coordinate services for SIJS eligible children, advocates, however, were concerned that it did not provide any information on how to facilitate those services. As such, advocates recommended that the legislation explicitly require ACS to collect information on a child's country of birth in order to systemically screen and identify youth for SIJS eligibility.<sup>42</sup> To ensure that immigration issues be resolved before youth age out of foster care, testimony recommended that ACS ensure that each child in foster care have a birth certificate and to track such information.<sup>43</sup> Int. No. 3 also required ACS to systemize training programs for employees and contract foster care workers and attorneys regarding SUS. Advocates, however, were concerned that this training was not mandatory and front line workers would not receive the necessary information and guidance to protect immigrant children. As such, they recommended that ACS be required to systemize mandatory training.<sup>44</sup> Advocates also recommended that ACS be required to report on its own compliance with the plan and its ability to identify and aid immigrant youths.<sup>45</sup> The amended version of the legislation reflects these recommendations.

**Prop. Int. No. 3-A**

If enacted, Prop. Int. No. 3-A would require ACS to designate an individual or individuals to establish a comprehensive new plan to address the needs of children in contact with ACS who may be eligible for SIJS or other immigration benefits. The plan would systemize how ACS (i) identifies the country of birth, to the extent practicable, of children with whom it has contact; (ii) identifies children who may be eligible for SUS or other immigration benefits; (iii) tracks such children until the completion of their SUS or other immigration relief; (iv) assists such children, as soon as they are identified, in obtaining the immigration services needed, including birth certificates if they do not possess them; and (v) provides mandatory training programs on immigration benefits for appropriate ACS and contract agency case workers and staff. The plan must also include descriptions of ACS's internal structure and standards by which it will implement and sustain the plan. This plan would be due to the City Council six months from the effective date of the local law.

Starting one year after completion of the plan, ACS would be required to submit annual reports to the City Council. The reports would take account of ACS's (i) ability to identify, track and coordinate immigration services for youths with whom it has had contact; (ii) progress towards achieving the goals of the plan; and (iii) programs, procedures, memoranda or training materials concerning the implementation of the plan.

**Effective Date**

This local law would take effect ninety days after enactment into law and will sunset in 2015.

<sup>1</sup> Testimony of Deputy Commissioner Ronald Richter, New York City Administration for Children’s Services, before the Committees on Immigration and General Welfare, 12 (Jan. 29, 2007) (on file with Committee on Immigration staff).

<sup>2</sup> Testimony of Mark Lewis, Director of Immigration Services, New York City Administration for Children’s Services, before the City Council, Committee on Immigration, 1 (Oct. 26, 2009) (on file with Committee on Immigration Staff).

<sup>3</sup> New York City Administration for Children’s Services Flash Indicators January 2010, available at [http://www.nyc.gov/html/acs/downloads/pdf/stats\\_monthly\\_flash.pdf](http://www.nyc.gov/html/acs/downloads/pdf/stats_monthly_flash.pdf) (site visited Feb. 24, 2010).

<sup>4</sup> New York City Administration for Children’s Services Immigration and Language Guidelines for Child Welfare Staff (2nd Ed.); Richter Testimony (2007), 15-16.

<sup>5</sup> Mayor Bloomberg State of the City Address, Jan. 20, 2010, available at [http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pagelD=mayor\\_press\\_release&catID=1194&doc\\_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2010a%2Fpr029-10.html&cc=unused1978&rc=1194&ndi=1](http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pagelD=mayor_press_release&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2010a%2Fpr029-10.html&cc=unused1978&rc=1194&ndi=1).

<sup>6</sup> Julie Bosman, *City Signals Intent to Put Fewer Teenagers in Jail*, New York Times, Jan. 21, 2010.

<sup>7</sup> City of New York, Preliminary Mayor’s Management Report, Department of Juvenile Justice, 134 (Feb. 10, 2010) available at [http://home2.nyc.gov/html/ops/downloads/pdf/2010\\_mmr/0210\\_mmr.pdf](http://home2.nyc.gov/html/ops/downloads/pdf/2010_mmr/0210_mmr.pdf).

<sup>8</sup> Pub. L. No. 101-649, § 153, 104 Stat. 4978, 5005-06 (1990) (codified as amended at 8 U.S.C. § 1101).

<sup>9</sup> 8 U.S.C. § 1101(a)(27)(J) (2010).

<sup>10</sup> USCIS, Memorandum to Field Leadership, *Trafficking Victims Protection Reauthorization Act of 2008: Special Immigrant Juvenile Status Provisions*, 2 (Mar. 24, 2009).

<sup>11</sup> 8 CFR §204.11(c).

<sup>12</sup> INA §101(a)(27)(J)(i).

<sup>13</sup> Testimony by Myra Elgaby, Director, Immigration Rights Project, Lawyers for Children, Inc., before the New York City Council, Committee on Immigration, 2 (Oct. 26, 2009) (On file with Committee on Immigration Staff); USCIS, Memorandum to Field Leadership, *Trafficking Victims Protection Reauthorization Act of 2008: Special Immigrant Juvenile Status Provisions*, 2 (Mar. 24, 2009).

<sup>14</sup> Elgaby Testimony, 2.

<sup>15</sup> 8 C.F.R. § 245.2; <sup>1</sup> ILRC supra at 1; USCIS Interoffice Memorandum, *Memorandum #3 – Field Guidance on Special Immigrant Juvenile Status Petitions* (May 27, 2004) available at [http://www.uscis.gov/files/pressrelease/SIJ\\_Memo\\_052704.pdf](http://www.uscis.gov/files/pressrelease/SIJ_Memo_052704.pdf).

<sup>16</sup> USCIS Interoffice Memorandum (May 27, 2004).

<sup>17</sup> Lewis Testimony, 3.

<sup>18</sup> New York State Office of Children & Family Services, Administrative Directive, *Special Immigrant Juvenile Status* (Aug. 19, 2008).

<sup>19</sup> Id.

<sup>20</sup> Id.

<sup>21</sup> New York City Administration for Children’s Services, Guidance 2009/07 on Special Immigrant Juvenile Status (Aug. 13, 2009).

<sup>22</sup> Id.

<sup>23</sup> Id.

<sup>24</sup> NYC ACS Guidelines for Child Welfare Staff (Aug. 13, 2009).

<sup>25</sup> Id.

<sup>26</sup> Testimony of Deputy Commissioner Ronald Richter, New York City Administration for Children’s Services, before the Committee on Immigration, 8 (June 15, 2006).

<sup>27</sup> Lewis Testimony, 3.

<sup>28</sup> Id.

<sup>29</sup> Id.

<sup>30</sup> Id.

<sup>31</sup> Lewis Testimony, 4.

<sup>32</sup> Id.

<sup>33</sup> Id.

<sup>34</sup> Written Testimony of Ilze Eerner, Ph.D., Director, Immigrants and Child Welfare Project, Hunter College School of Social Work, before the New York City Council, Committee on Immigration, 3 (Oct. 26, 2009); Written testimony of Katherine Fleet, Staff Attorney, Immigration Law Unit, The Legal Aid Society, before the New York City Council Committee on Immigration, 4 (Oct. 26, 2009).

<sup>35</sup> Elgaby Testimony, 4.

<sup>36</sup> Fleet Testimony, 4.

<sup>37</sup> Id.

<sup>38</sup> Written Testimony of Nancy Downing, Director of Advocacy, Covenant House New York, before the New York City Council Committee on Immigration, 2 (Oct. 26, 2009).

<sup>39</sup> Elgaby Testimony, 3.

<sup>40</sup> Testimony of Mark Lewis, Director of Immigration Services, New York City Administration for Children’s Services, before the City Council, Committee on Immigration, 5 (March 2, 2010) (on file with Committee on Immigration Staff).

<sup>41</sup> Id.

<sup>42</sup> Testimony of The Legal Aid Society, before the City Council, Committee on Immigration, 5 (March 2, 2010) (on file with Committee on Immigration Staff); Testimony of Lawyers for Children, before the City Council, Committee on Immigration, 2-3 (March 2, 2010) (on file with Committee on Immigration Staff).

<sup>43</sup> Testimony of The Legal Aid Society, 5.

<sup>44</sup> Testimony of The Legal Aid Society, 6 (March 2, 2010); Testimony of Lawyers for Children, 3 (March 2, 2010); Oral Testimony of Nancy Downing, Covenant House, before the City Council, Committee on Immigration, 5 (March 2, 2010).

<sup>45</sup> Testimony of The Legal Aid Society, 7 (March 2, 2010); Testimony of Lawyers for Children, 4 (March 2, 2010);

**(The following is from the text of the Fiscal Impact Statement for Int. No. 3-A:)**

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** There would be no impact on expenses resulting from the enactment of this legislation due to the Administration for Children’s Services (ACS) using existing resources and personnel to carry out this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Administration for Children’s Services

**SOURCE OF INFORMATION:** Administration for Children’s Services

**ESTIMATE PREPARED BY:** Latonia McKinney, Deputy Director  
Rocco D’Angelo, Supervising Legislative Financial Analyst

**HISTORY:** Int. 3 was introduced on February 3, 2010, and referred to the Committee on Immigration. On March 2, 2010, the Committee on Immigration held a hearing on Int. 0003, and the legislation was laid over. An amended version of this bill, Proposed Int. 3-A, will be considered by the Committee on March 24, 2010.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 3-A:)**

Int. No. 3-A

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

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the Administration for Children’s Services to review strategies and create a plan of action to protect children who qualify for Special Immigrant Juvenile Status.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. Special Immigrant Juvenile Status (SIJS) is available for undocumented children involved in the child welfare system. SIJS is a statutory provision included in the Federal Immigration Act of 1990, which, if applied for in a timely manner, enables certain undocumented young people to become permanent residents and to obtain green cards. SIJS presents the opportunity for immigrant children to live in the United States and take advantage of the various opportunities available to lawful United States residents. Based on information provided to the Council by the Administration for Children’s Services (ACS) as well as immigration and child welfare advocates, ACS could improve its procedures for serving the population of undocumented immigrant children that are under its care.

The Council finds that it is necessary for ACS to ensure that immigration relief is a factor in permanency planning for non-citizen youth. The Council further finds that, although ACS has made great strides to address the immigration needs of children in its care, there is a need for additional information, knowledge, resources, technical assistance and support to be provided to contract service providers in the area of immigration benefits for their clients. The Council finds that the creation of a new plan within ACS is necessary in order to create an accurate and efficient identification and tracking system in order to coordinate immigration services so that ACS can meet its obligation to protect immigrant children in the child welfare system. This will help ensure that all SIJS-eligible children have the opportunities that they deserve.

§2. Chapter nine of title 21 of the administrative code of the city of New York is amended by adding a new section 21-904 to read as follows:

§ 21-904 *Special Immigrant Juvenile Status Plan within the Administration for Children’s Services.* a. ACS shall designate an individual or individuals responsible for creating and implementing a new comprehensive plan to provide services to children in contact with ACS who may be deemed eligible for Special Immigrant Juvenile Status (“SIJS”) or other immigration benefits. Such plan shall, at a minimum, systemize how ACS, with assistance from foster care agencies, (i) identifies the country of birth, to the extent practicable, of children in contact with ACS; (ii) identifies all children within ACS, as early as possible, who may qualify for SIJS or other immigration benefits; (iii) tracks such children, to the extent practicable and consistent with client confidentiality requirements, until the completion of their SIJS or other immigration relief; (iv) assists such children, as soon as they are identified, in obtaining the immigration services they need, including birth certificates if they do not possess them; and (v) provides mandatory

training programs on immigration benefits, including SIJS, for appropriate ACS and contract agency case workers and staff.

b. Reporting. 1. Six months from the effective date of this local law, ACS shall submit the plan to the city council. 2. The plan shall include detailed descriptions of (i) how ACS will accomplish a(i)-(v) above; (ii) the structure and operation of the ACS offices that will have responsibility for identifying, tracking and ensuring the referral of youths for SIJS or other immigration benefits; (iii) the number and type of positions within ACS that will have responsibility for identifying, tracking and ensuring the referral of youths for SIJS or other immigration benefits, including whether each such position is full or part time and temporary or permanent; (iv) program standards for contract agencies regarding SIJS identification and coordination of immigration services; (v) ACS’s mechanisms and indicators for monitoring its own and contract agencies’ compliance with and achievements under the plan; and (vi) ACS’s method(s) for collecting data and evaluating outcomes for immigrant youth that it has made contact with under the new plan. 3. No later than one year after completion and submission of the plan, ACS shall prepare and submit to the city council a report (i) regarding its ability to identify, track and coordinate immigration services for youths with whom it has had contact; (ii) containing indicators sufficient to show the agency’s progress towards achieving the goals of the plan; and (iii) containing such programs, procedures, memoranda, or training materials as concern the implementation and goals of the plan. Subsequent reports shall be submitted annually on the first of April thereafter.

§3. This local law shall take effect 90 days after its enactment into law and will sunset in 2015.

DANIEL DROMM, Chairperson; CHARLES BARRON, MATHIEU EUGENE, YDANIS RODRIGUEZ, JUMAANE D. WILLIAMS, Committee on Immigration, March 24, 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. 21

**Report of the Committee on Land Use in favor of approving Application no. 20105214 HAM, an Urban Development Action Area Project located at 310-312 West 122nd Street, Council District no. 9, Borough of Manhattan. 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 577 of the Private Housing Finance Law for an exemption from real property taxes.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on February 3, 2010 (Minutes, page 251), 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>
310-312 W. 122 <sup>nd</sup> Street Manhattan	1948/43/44	20105214 HAM	21	Tenant Interim Lease
50 West 132 <sup>nd</sup> Street Manhattan	1729/52	20105416 HAM	49	HUD Multi-family Loan

**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. 21.

Report Summary

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 9, 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. 132

**Resolution approving an Urban Development Action Area Project located at 310 West 122nd Street (Block 1948, Lot 43) and 312 West 122nd Street (Block 1948, Lot 44), 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. 21; 20105214 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 310 West 122nd Street (Block 1948, Lot 43) and 312 West 122nd Street (Block 1948, Lot 44), Community District 10, 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 March 9, 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.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, 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, March 11, 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. 41

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

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 3, 2010 (Minutes, page 744), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 3**

**20105293 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of The Downtown LLC, d/b/a Thor Lounge, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 107 Rivington Street.

**INTENT**

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

*Report Summary*

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 9, 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. 133

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 107 Rivington Street, Borough of Manhattan (20105293 TCM; L.U. No. 41).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on February 17, 2010 its approval dated February 16, 2010 of the petition of The Downtown LLC, d/b/a Thor Lounge, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 107 Rivington Street, Community District 3, 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 March 9, 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; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, 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, March 11, 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. 42

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

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on March 3, 2010 (Minutes, page 744), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 1**

**20105319 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 136 West Broadway, Inc., d/b/a Edwards, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 136 West Broadway.

**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:** March 9, 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. 134

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 136 West Broadway, Borough of Manhattan (20105319 TCM; L.U. No. 42).**



To change the text of the Zoning Resolution to address current parking issues in R6 and R7-1 zoning districts in Community District 10, the Bronx.

Report Summary

**COMMITTEE RECOMMENDATION AND ACTION**

**DATE:** March 9, 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. 136

**Resolution approving the decision of the City Planning Commission on Application No. N 100134 ZRX, for an amendment of the Zoning Resolution of the City of New York, concerning Article II, Chapter 5 (Accessory Off-Street Parking and Loading Regulations) and Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), relating to off-street parking regulations in Community District 10, Borough of the Bronx (L.U. No. 44).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on February 12, 2010 its decision dated February 10, 2010 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment of the Zoning Resolution of the City of New York, concerning Article II, Chapter 5 (Accessory Off-Street Parking and Loading Regulations) and Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), relating to off-street parking regulations in Community District 10 (Application No. N 100134 ZRX), Borough of the Bronx (the "Application");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 9, 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 Negative Declaration, issued on November 2, 2009 (CEQR No. 10DCP012X);

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 100134 ZRX, incorporated by reference herein, the Council approves the Decision.

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

- Matter in underline is new, to be added;
- Matter in strikeout is to be deleted;
- Matter with # # is defined in Section 12-10;
- \* \* \* indicates where unchanged text appears in the Zoning Resolution

Article I  
General Provisions

\* \* \*

Chapter 2

Construction of Language and Definitions

\* \* \*

12-10 DEFINITIONS

Words in the text or tables of this Resolution which are #italicized# shall be interpreted in accordance with the provisions set forth in this Section.

\* \* \*

Lower density growth management area

A "lower density growth management area" is any R1, R2, R3, R4A, R4-1 or C3A District in the following designated areas, and any #development# accessed by #private roads# in R1, R2, R3, R4, R5 or C3A Districts within such areas:

The Borough of Staten Island  
Community District 10 in the Borough of the Bronx

In the Borough of Staten Island, #lower density growth management areas# shall also include any C1, C2, or C4 District.

In the Borough of the Bronx, in Community District 10, #lower density growth management areas# shall also include any R6, R7, C1 or C2 Districts for the purposes of applying the parking provisions of Article II, Chapter 5, and Article III, Chapter 6.

\* \* \*

Chapter 5  
Accessory Off-Street Parking and Loading Regulations

\* \* \*

25-24  
Modification of Requirements for Small Zoning Lots

R6 R7 R8 R9 R10

In the districts indicated, for small #zoning lots#, the requirements set forth in Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified in accordance with the provisions of this Section.

25-241  
Reduced requirements

R6 R7 R8 R9 R10

In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off-street parking spaces is as set forth in the following table:

REDUCED REQUIREMENTS FOR SMALL ZONING LOTS

#Lot Area#	Parking Spaces Required as a Percent of Total #Dwelling	District within which C1 or C2 District is Mapped
10,000 square feet or less	50	R6 R7-1*R7B
	30	R7-1 R7A R7D R7X
10,001 to 15,000 square feet	30	R7-2
	20	R8** R9 R10

\* Within #lower density growth management areas# in Community District 10, Borough of the Bronx

\*\* In R8B Districts, the parking requirements may not be reduced.

\* \* \*

25-26

Waiver of Requirements for Small Number of Spaces

R4B R5B R5D R6 R7 R8 R9 R10

In the districts indicated, the requirements set forth in Section 25-21 (General Provisions) shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is no greater than the maximum number as set forth in this Section, except that the requirements shall not be waived for #non-profit residences for the elderly#.

However, the following provisions shall apply:

- (a) in R5D Districts, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on June 29, 2006 and on the date of application for a building permit; and
- (b) in R6 and R7 Districts in #lower density growth management areas# in Community District 10 in the Borough of the Bronx, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on (effective date of amendment) and on the date of application for a building permit.

\* \* \*

Chapter 6

Accessory Off-Street Parking and Loading Regulations

\* \* \*

36-30

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS

36-34

Modification of Requirements for Small Zoning Lots

C1 C2 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6

In the districts indicated for small #zoning lots#, the requirements set forth in Section 36-33 (Requirements Where Group Parking Facilities are Provided), shall be modified in accordance with the provisions set forth in this Section.

36-341

Reduced requirements in C1 or C2 Districts governed by surrounding Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off-street parking spaces is determined by the #Residence District# within which such #Commercial District# is mapped, in accordance with the following table:

REDUCED REQUIREMENTS FOR SMALL ZONING LOTS

#Lot Area#	Parking Spaces Required as a Percent of Total #Dwelling	District within which C1 or C2 District is Mapped
10,000 square feet or less	50	R6 R7-1*R7B
	30	R7-1 R7A R7D R7X
10,001 to 15,000 square feet	30	R7-2
	20	R8** R9 R10

\* In C1 or C2 Districts mapped within R7-1 Districts within #lower density growth management areas# in Community District 10, Borough of the Bronx

\*\* In R8B Districts, the parking requirements may not be reduced.

\* \* \*

36-361

For new development or enlargements in C1 or C2 Districts governed by surrounding Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, where such districts are mapped within R6, R7, R8, R9 or R10 Districts, the requirements set forth in Section 36-31 (General Provisions) for new #development# or #enlargements# shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is no greater than the maximum number as set forth in the following table. The maximum number is determined by the #Residence District# within which the #Commercial District# is mapped.

NUMBER OF SPACES FOR WHICH REQUIREMENTS ARE WAIVED

#Residence District# within which C1 or C2 District is Mapped	Maximum Number of Spaces Waived
R5D	1
R6 R7-1 R7B	5
R7-2 R7A R7D R7X R8 R9 R10	15

However, the following provisions shall apply:

- (a) in C1 or C2 Districts mapped within R5D Districts, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on June 29, 2006 and on the date of application for a building permit; and
- (b) in C1 or C2 Districts mapped within R6 and R7 Districts in #lower density growth management areas# in Community District 10 in the Borough of the Bronx, the provisions of this Section, inclusive, shall

only apply to #zoning lots# existing both on (effective date of amendment) and on the date of application for a building permit.





Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;

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

3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law; and

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

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on March 9, 2010;

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

**RESOLVED:**

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

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

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

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

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, 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, March 11, 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 Rules, Privileges and Elections**

Report for M-25

**Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of Michael J. Ryan as the Richmond County Democratic Commissioner of Elections.**

The Committee on Rules, Privileges & Elections, to which the annexed communication was referred on March 3, 2010 (Minutes, page 377), respectfully

**REPORTS:**

(For text of Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-31 printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 3-204 of the *New York State Election Law*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Council of Michael J. Ryan as the Richmond County Democratic Commissioner of Elections to serve the remainder of a four-year term that ends on December 31, 2012.

This matter was referred to the Committee on March 25, 2010.

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

Res. No. 141

**Resolution approving the appointment by the Council of Michael J. Ryan as the Richmond County Democratic Commissioner of Elections.**

By Council Member Rivera.

**RESOLVED**, that pursuant to § 3-204 of the *New York State Election Law*, the Council does hereby approve the appointment of Michael J. Ryan as the Richmond County Democratic Commissioner of Elections to serve the remainder of a four-year term that ends on December 31, 2012.

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 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).

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 M-31

**Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of David S. Yassky as a member of the New York City Taxi and Limousine Commission.**

The Committee on Rules, Privileges & Elections, to which the annexed communication was referred on March 25, 2010, respectfully

**REPORTS:**

**Topic I: New York City Taxi and Limousine Commission – (Candidate for appointment upon advice and consent review by the Council)**

- **David Yassky, [Pre-considered-M-31]**

The New York City Taxi and Limousine Commission (“TLC”) was created pursuant to Local Law 12 of 1971. Section 2300 of Chapter 65 of the *New York City Charter* (“*Charter*”) states that there shall be a TLC, the purposes of which shall be, *inter alia*, the “continuance, further development and improvement of taxi and limousine service in the City. It shall be the further purpose of the [TLC], consonant with the promotion and protection of the public comfort and convenience, to adopt and establish an overall public transportation policy governing taxi, coach, limousine and wheelchair accessible van services as it relates to the overall public transportation network of the City.” The TLC is also responsible for establishing certain rates, standards and criteria for the licensing of vehicles, drivers and chauffeurs, owners and operators engaged in such services, and for providing “authorization” to persons to operate commuter van services within the City. [*Rules of the City of New York*, Title 35, § 9-02.]

The TLC consists of nine members appointed by the Mayor, all with the advice and consent of the New York City Council. Five of said members, one resident from each of the five boroughs of the City, are recommended for appointment by a majority vote of the Council Members of the respective borough. TLC members are appointed for terms of seven years, and can serve until the appointment and

qualification of a successor. Vacancies, other than those that occur at the expiration of a term, shall be filled for the unexpired term. The Mayor may remove any such member for cause, upon stated charges.

The Mayor designates one member of the TLC to act as the Chairperson and Chief Executive Officer. The Chairperson shall have charge of the organization of his/her office and have authority to employ, assign and superintend the duties of such officers and employees as may be necessary to carry out the provisions of Chapter 65 of the *Charter*. The *Charter* provides that the Chairperson shall devote his/her full time to this position and, as such, receive compensation as set by the Mayor. The Chair currently receives \$192, 198.00 annually. Other members of the TLC are not entitled to compensation.

Pursuant to the *Charter*, all proceedings of the TLC and all documents and records in its possession shall be public records and the TLC shall make an annual report to the City Council on or before the second Monday of January in each year.

Upon appointment by the Mayor with the advice and consent of the Council, Mr. Yassky, a resident of Brooklyn, will be eligible to serve as Chair of the TLC for the remainder of a seven-year term that expires on January 31, 2017. Mr. Yassky will replace Matthew Daus, who has been sitting as a holdover since January 31, 2010. A copy of Mr. Yassky's résumé and Committee report/ resolution is annexed to this briefing paper.

**Topic II: New York City Board of Elections – (Richmond County Democratic Commissioner candidate for appointment by the Council)**

• **Michael J. Ryan [M-25]**

The New York City Board of Elections ("BOE") consists of ten commissioners, two from each of the City's five counties, who are directly appointed by the New York City Council. Not more than two commissioners shall be registered voters of the same county. Each commissioner serves a term of four years or until a successor is appointed. Commissioners shall be registered voters from each of the major parties in the county for which they are appointed. [*New York State Election Law* § 3-200(3).]

Party recommendations for election commissioner shall be made by the County Committee, or in such fashion as the rules of a party may provide. Each of the major political parties shall be eligible to recommend appointment of an equal number of commissioners. [*New York State Election Law* § 3-200(2).] The BOE and its commissioners are responsible for the maintenance and administration of voting records and elections. The BOE also exercises quasi-judicial powers by conducting hearings to validate nominating petitions of candidates for nomination to elective office. The BOE is required to make an annual report<sup>1</sup> of its affairs and proceedings to the New York City Council once every twelve months and no later than the last day of January in any year. A copy of said annual report shall be filed with the New York State Board of Elections. [*New York State Election Law* § 3-212(4)(a).]

At least thirty days before the first day of January of any year on which an elections commissioner is to be appointed, the Chair or Secretary of the appropriate party County Committee shall file a *Certificate of Party Recommendation* with the Clerk of the appropriate local legislative body. [*New York State Election Law* § 3-204(1).] In New York City, the City Clerk serves as the Clerk of the Council. If the Council fails to appoint an individual recommended by a party for appointment as a Commissioner within thirty days after the filing of a *Certificate of Party Recommendation* with the Council, then members of the Council who are members of the political party that filed the certificate may appoint such person. If none of the persons named in any of the certificates filed by a party are appointed within sixty days of the filing of the designating certificate, then such party may file another certificate within thirty days after the expiration of any such sixty day period recommending a different person for such appointment. If the party fails to file a *Certificate of Party Recommendation* within the time prescribed, the members of the Council who are members of such party may appoint any eligible person to such office. [*New York State Election Law* § 3-204(4).]

If at any time a vacancy occurs in the office of any election commissioner other than by expiration of term of office, party recommendations to fill such vacancy shall be made by the county committee in such fashion as the rules of the party may provide.<sup>2</sup> *Certificates of Party Recommendation* to fill such vacancy shall be filed no later than forty-five days after the creation of a vacancy. Anyone who fills a vacancy shall hold such office during the remainder of the term of the commissioner in whose place he/she shall serve. [*New York State Election Law* § 3-204(5).]

BOE elects a President and a Secretary who cannot belong to the same political party. [*New York State Election Law* § 3-312(1).] The commissioners receive a \$300 per-diem for each day's attendance at meetings of the BOE or any of its committees, with a maximum of \$30,000 per year. [*New York State Election Law* § 3-208.]

A *Certificate of Party Recommendation* referencing Mr. Ryan was filed with the Office of the Clerk on March 1, 2010 at 10:18 a.m. The Chair of the Richmond County Democratic Committee signed this document, titled *Election Commissioner Certification* (see attachment). Mr. Ryan, a registered Democrat from Richmond County, is being recommended for appointment to serve the remainder of a four-year term that expires on December 31, 2012. Copies of Mr. Ryan's résumé and Committee report/resolution are annexed to this briefing paper.

<sup>1</sup> The annual report shall include a detailed description of existing programs designed to enhance voter registration. The report shall also include a voter registration action plan to increase registration opportunities. [*New York State Election Law* § 3-212(4)(b).]

<sup>2</sup> According to *New York State Public Officers Law* § 5, every officer except a judicial officer, a notary public, a commissioner of deeds and an officer whose term is fixed by the Constitution, having duly entered on the duties of his office, shall unless the office shall terminate or be abolished, hold over and continue to discharge the duties of his office after the expiration of the term for which he shall have been chosen, until his successor shall be chosen and qualified; but after the expiration of such term, the office shall be deemed vacant for the purpose of choosing his successor.

*After interviewing the candidate and reviewing the relevant material, this Committee decided to approve the appointment of the nominees (for nominee Michael J. Ryan, please see the Report of the Committee on Rules, Privileges and Elections for M-25 printed above in these Minutes; for nominee David S. Yassky, please see below: )*

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 2301 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of David S. Yassky as a member of the New York City Taxi and Limousine Commission to serve for the remainder of a seven-year term expiring on January 31, 2017.

The matter was referred to the Committee on March 25, 2010

**ATTACHMENT to Committee Report:**

State of New York  
State Board of Elections

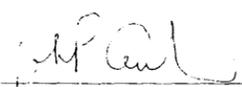
Election Commissioner Certification

To the Clerk of the Council of the City of New York:

*I certify that:*

At a meeting of the Executive Democratic County Committee of the County of Richmond held on the 24<sup>th</sup> day of February, 2010, at 50 Bay Street, Staten Island, NY 10301 under the provisions of the Election Law and rules of the County Committee, a quorum being present, Michael J. Ryan, residing at 36 McKee Avenue, Staten Island, NY 10308, was recommended by a majority of said committee as a suitable and qualified person for appointment to the office of Commissioner of Elections to fill an existing vacancy in said office for the remainder of the current term, and that said designee is a registered voter of the County of Richmond and a duly enrolled member of the Democratic Party.

Dated at: Staten Island, New York  
February 24, 2010

  
John P. Gulino, Chair  
Executive Committee  
Richmond County Democratic County Committee

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

Res. No. 142

**Resolution approving the appointment by the Mayor of David S. Yassky as a member of the New York City Taxi and Limousine Commission.**

By Council Member Rivera.

**RESOLVED**, that pursuant to §§ 31 and 2301 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of David S. Yassky as a member of the New York City Taxi and Limousine Commission for the remainder of a seven-year term expiring on January 31, 2017.

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 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).

**GENERAL ORDER CALENDAR**

**Resolution approving various persons Commissioners of Deeds**

**By the Presiding Officer –**

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

*Approved New Applicant's Report*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Michael Broun Jr.	2873 Coddington Avenue Bronx, NY 10461	13
Albert Camacho	340 Cherry Street #2E New York, NY 10002	1
Alexandra P. Coronel	25-08 83rd Street East Elmhurst, NY 11370	21
Laura Cruz	955 Underhill Avenue #1502 Bronx, NY 10473	18
Brian Freeman	480 East 188th Street Bronx, NY 10458	15
Carmen Velez	856 East 175th Street Bronx, NY 10460	15
Cynthia R Klein	45 Bay 35th Street #1A Brooklyn, NY 11214	47
Roberta Lipner	4727 Hylan Blvd Staten Island, NY 10312	51
Perry Luquis	70 Chester Avenue Brooklyn, NY 11215	39
Doreen Richardson	1491 Grand Concourse #2B Bronx, NY 10452	14
Nachman Yaakov Ziskind	551 Brooklyn Avenue Brooklyn, NY 11225	40

*Approved New Applicants and Reapplicants*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Hazeez O. Adebayo	1368 Sheridan Avenue #1B Bronx, NY 10456	16
Alisa Poindexter	1360 Clinton Avenue Bronx, NY 10456	16
Senaida Monica Arguelles	65-29 70th Avenue Queens, NY 11385	30
Jasmine Collado	7021 69th Place Glendale, NY 11385	30
Barbara J. Pizarro	87-37 96th Street	30

Catherine P. Banks	Woodhaven, NY 11421 135 Kingsborough 1st Walk #5B Brooklyn, NY 11233	41
Julia Easley-Dunn	976 Gates Avenue Brooklyn, NY 11221	41
Lillian Ingram	1607 Prospect Place #20 Brooklyn, NY 11233	41
Theodore Salley, Jr.	638 MacDonough Street Brooklyn, NY 11233	41
Yvette Berry	455 Fountain Avenue Brooklyn, NY 11208	42
Sonia Espinoza	1371 Linden Blvd #1A Brooklyn, NY 11212	42
Gwendolyn Hernandez	744 Pennsylvania Avenue #B6 Brooklyn, NY 11207	42
Belinda McDowell	10307 Flatlands Avenue #6C Brooklyn, NY 11236	42
Joseph Walker	615 Hegeman Avenue Brooklyn, NY 11207	42
Linda E. Best	800 Soundview Avenue Bronx, NY 10473	18
Teresa E. Powe	641 St. Lawrence Avenue Bronx, NY 10473	18
Beryl M. Wright	820 Boynton Avenue #14H Bronx, NY 10473	18
Carmen Bizardi	539 Fox Street Bronx, NY 10455	17
Geisle T. Herring	340 Moths Avenue #3F Bronx, NY 10451	17
John A. Boduch	223-50 56th Avenue #2 Oakland Gardens, NY 11364	23
Lois M. Sutherland	211-02 73rd Avenue Queens, NY 11364	23
Eugene Burko	20 Father Capodanno Blvd Staten Island, NY 10305	50
Donna L. Caldwell	333 Beach 32nd Street #7K Far Rockaway, NY 11691	31
Josianne Dieudonne	253-11 149th Avenue Queens, NY 11422	31
Marlene McGee	131-65 225th Street Queens, NY 11413	31
Ellen Campbell	5721 Avenue H #6D Brooklyn, NY 11234	45
Stephanie Cavanagh	96 Walbrooke Avenue Staten Island, NY 10301	49
Joanne Nelson-Williams	35 Long Pond Lane Staten Island, NY 10304	49
Joanne Collins	1343 East 57th Street Brooklyn, NY 11234 ,	46
Valerie P. Williams	18 Paerdegat 9th Street Brooklyn, NY 11236	46
Jose L. Diaz	89-48 Gold Road Queens, NY 11417	32
Mohanie Naraine	115-08 111 Avenue Ozone Park, NY 11420	32
Arturo Diaz Morales	147-21 71st Avenue Queens, NY 11373	24
Peter J. Sammarco	82-40 166th Street Queens, NY 11432	24
Gladys Echevarria	666 West 188th Street #5H New York, NY 10040	10
Evan Edwards	175 West 93rd Street #6F New York, NY 10025	6
Cole Ettman	3841 Cypress Avenue Brooklyn, NY 11224	47
Joseph Fontana	44 Bay 38th Street Brooklyn, NY 11214	47
Kathryn Ojeda	1230 Avenue Y #D18 Brooklyn, NY 11235	47

Michele Pinto	1794 West 6th Street Brooklyn, NY 11223	47
Jesusita Fernandez	14-23 31st Road Queens, NY 11106	22
Cynthia V. Foster	280 Longstreet Avenue Bronx, NY 10465	13
Brenda Savino	1959 Colden Avenue Bronx, NY 10462	13
Wilfredo Vazquez	204 Hosmer Avenue Bronx, NY 10465	13
Mary R. Frazier	700 Lenox Avenue #8G New York, NY 10039	9
Donna Outlaw	262-264 West 123rd Street New York, NY 10027	9
Susan Freund	1825 55th Street Brooklyn, NY 11204	44
Carmen Gonzalez	75 East 116th Street New York, NY 10029	8
Albion Libund	120 West 109th Street New York, NY 10025	8
Donna McGrane	206 West 104th Street #57 New York, NY 10025	8
Barbara Gorman	7907 14th Avenue Brooklyn, NY 11228	43
Victoria Kobylevskaya	8403 19th Avenue #2 Brooklyn, NY 11214	43
Daisy Joan Otero	1239 72nd Street #1F Brooklyn, NY 11228	43
Iris Padillo	179 Gelston Avenue #4C Brooklyn, NY 11209	43
Anthony Hagood	167 Glen Street Brooklyn, NY 11208	37
Sheila Hooper	769 St. Marks Avenue #3 SD Brooklyn, NY 11213	36
Lorna Hughes	48-56 44th Street #2F .Queens, NY 11377	26
Sharon James	212 Crown Street #3F Brooklyn, NY 11225	35
Judith L. Outlaw	77 Sullivan Place #210 Brooklyn, NY 11225	35
Patricia Outlaw	220 Montgomery Street #18F Brooklyn, NY 11225	35
Annette Kale	140 Carver Loop #8E Bronx, NY 10475	12
Judy L. Kendrick	4 Adler Place #4B Bronx, NY 10475	12
Izara Lopez	667 East 224 Street #2 Bronx, NY 10466	12
Henrietta L. Williams	120-25 De Kruif Place #25L Bronx, NY 10475	12
Alana Landa	145 Waverly Place #5E New York, NY 10014	3
Patricia Leonardelli	30 Third Avenue #845 Brooklyn, NY 11209	33
Narcisa Valdez	541 Wythe Avenue #2 3 Brooklyn, NY 11211	33
Tommy Lin	286 South Street #61 New York, NY 10002	1
Kathryn Main	305 East 24th Street #17M New York, NY 10010	2
Paula Mancinelli	81 Abingdon Avenue Staten Island, NY 10308	51
Anne Marie Schmidt	374 Lyndale Avenue Staten Island, NY 10312	51
Mildred (Aka Mimi) Minier	1334 Riverside Drive #51 New York, NY 10033	7
Jose A. Peguero, Jr.	530 West 136th Street #24 New York, NY 10031	7
Caroline Rowan	2569 7th Avenue #24C New York, NY 10039	7

Raymond A. Negron	20-24 146th Street #C Queens, NY 11357	19
Dory L. Quiroz	40-70 Hampton Street #2Q Queens, NY 11373	21
Bernard Sampson	193 Martense Street #5D Brooklyn, NY 11226	40
Simone Smith	116-19 168th Street Queens, NY 11434	27
Mildred Varela	651 48th Street Brooklyn, NY 11220	38

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)	<b>M 25 &amp; Res 141 --</b>	<b>Michael J. Ryan</b> - Richmond County Democratic Commissioner of Elections.
(2)	<b>M 31 &amp; Res 142 --</b>	<b>David S. Yassky</b> - New York City Taxi and Limousine Commission.
(3)	<b>M 80 &amp; Res 130 --</b>	The Operating Budget of the Council of The City of New York - Fiscal Year 2011.
(4)	<b>M 81 &amp; Res 131 --</b>	Schedule Detailing the Lump-Sum OTPS Unit of Appropriation of the Operating Budget of the Council of the City of New York.
(5)	<b>Int 3-A --</b>	Requiring the Administration for Children's Services to review strategies and create a plan of action to protect children who qualify for Special Immigrant Juvenile Status.
(6)	<b>Int 6-A -</b>	Process servers.
(7)	<b>Int 59-A --</b>	Requiring the department of education to distribute information on obtaining a library card and a library card application to all students.
(8)	<b>Res 127 --</b>	Approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2010 Expense Budget ( <b>Transparency Resolution, March 25, 2010</b> ).
(9)	<b>L.U. 21 &amp; Res 132 --</b>	App. <b>20105214 HAM</b> , UDAAP, 310-312 West 122nd Street, Council District no. 9, Borough of Manhattan.
(10)	<b>L.U. 41 &amp; Res 133 --</b>	App. <b>20105319 TCM</b> , 136 West Broadway Inc. unenclosed sidewalk café 136 West Broadway, Manhattan, Council District no. 1.
(11)	<b>L.U. 42 &amp; Res 134 --</b>	App. <b>20105293 TCM</b> , The Downtown LLC. d.b.a. Thor Lounge to unenclosed sidewalk café 107 Rivington Street, Manhattan, CD 1.
(12)	<b>L.U. 43 &amp; Res 135 --</b>	App. <b>20095496 TCM</b> , Becaf LLC unenclosed sidewalk café located at 33 Avenue B, Manhattan, Council District no. 2.
(13)	<b>L.U. 44 &amp; Res 136 --</b>	App. <b>N 100134 ZRX</b> off-street regulations in Community District 10, Borough of the Bronx.
(14)	<b>L.U. 45 &amp; Res 137 --</b>	App. <b>20105275 HKX</b> (N 100193 HKX), Perry Avenue Historic District as a historic district, Council District no.11.
(15)	<b>L.U. 46 &amp; Res 138 --</b>	App. <b>20095377 TCM</b> , Q Chelsea, LLC, unenclosed sidewalk café 216 Eighth Avenue, Manhattan, Council District no. 3.
(16)	<b>L.U. 47 &amp; Res 139 --</b>	App. <b>20105401 PXK</b> , 2 MetroTech, Borough of Brooklyn, Council District no. 33 (but see the Editor's Note printed after the Report for LU No. 47 & Res 139 in these Minutes).

- (17) **L.U. 48 & Res 129 --** Medgar Evers Houses, Brooklyn, Council District No. 36, Section 577 of the Private Housing Finance Law.
- (18) **L.U. 49 & Res 140 --** App. **20105416 HAM** UDAAP, 50 West 132nd Street, Council District no. 9, Borough of Manhattan.
- (19) **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, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **46**.

**The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **M-31 & Res No. 142:**

**Affirmative** – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **45**.

**Abstention** – Barron – **1**.

The following was the vote recorded for **Int No. 3-A:**

**Affirmative** – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **45**.

**Abstention** – Vallone, Jr. – **1**.

The following was the vote recorded for **Int No. 6-A:**

**Affirmative** –Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Halloran, Ignizio, Jackson, James, Koo, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **45**.

**Abstention** – Koppell – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 3-A, 6-A, and 59-A.*

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

## RESOLUTIONS

*Presented for voice-vote*

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

Report for voice-vote Res. No. 17-A

**Report of the Committee on Community Development in favor of approving, as amended, a Resolution calling upon the New York State Legislature to adopt and the Governor to sign legislation which would allow credit unions, savings banks, and savings and loan associations to accept and secure deposits from municipal corporations.**

The Committee on Community Development, to which the annexed resolution was referred on February 3, 2010 (Minutes, page 240), respectfully

## REPORTS:

### Introduction

On Wednesday, March 24, 2010, the New York City Council's Committee on Community Development, chaired by Council Member Albert Vann, will convene and vote on *Proposed Res. No. 17-A*, calling upon the New York State Legislature to adopt and the Governor to sign legislation which would allow credit unions, savings banks, and savings and loan associations to accept and secure deposits from municipal corporations. Specifically, the Committee will discuss the merits of formally resolving to support current legislative proposals introduced by both the New York State Assembly and New York State Senate and the Governor's proposed budget for 2010-11 which permits municipal corporations to deposit funds in credit unions, savings banks and savings and loan associations in addition to commercial banks and trust companies.

### PRIOR COMMITTEE TESTIMONY

On February 22, 2010, during an oversight hearing on Res. 17 (the original, unamended predecessor to the current Proposed Res. 17-A) the Committee on Community Development considered for the second time in three (3) months, the prospect of credit unions, savings banks and savings and loan associations being permitted to receive municipal deposits. The oversight hearing addressed whether to adopt the Res., which called upon the State Legislature and Governor to enact legislation allowing credit unions, savings banks and savings and loan associations to receive municipal deposits.

At this hearing, in-depth testimony from divergent perspectives was given by representatives of the New York Bankers Association (NYBA) and the Credit Union Association of New York (CUANY) and other interested stakeholders.

On December 15, 2009, the Committee on Community Development held a hearing entitled, "Community-Based Financial Institutions and Their Impact on Community Development." Among the issues addressed at the hearing was New York state's prohibition of municipalities (including New York City) depositing public funds in non-commercial banking institutions. Cathie Mahon, the Assistant Commissioner and Executive Director of the Department of Consumer Affairs, testified that credit unions and savings banks were "absolutely as safe a place to deposit money as a bank, New York is one of only five states that require municipal funds to reside solely in banks."<sup>1</sup> Ms. Mahon further added that "the infusion of even a small amount from our point of view of municipal deposits could actually dramatically increase their ability to lend in their communities."

The Committee received other testimony concerning the significance and effectiveness of non-commercial banking institutions, such as community development financial institutions (CDFI's), in facilitating funding and development in disadvantaged communities.<sup>2</sup>

### EFFECTS OF PASSAGE OF PROPOSED RES. 17-A

Proposed Res. 17-A supports legislative efforts in Albany, both in the legislature and in the Governor's proposed budget, to permit credit unions, savings banks and savings and loan associations, to accept and secure municipal deposits in the same manner as commercial banks and trust companies. While not identical, each bill cited in the proposed resolution and the Governor's proposed budget permit a variety of the state's financial institutions to serve as a marketplace in which municipalities have a choice in the deposit of their funds.

The effect of enactment of either legislative proposal would allow community development financial institutions, such as community development credit unions and community development banks, to receive municipal deposits as well.

### Banks and Disadvantaged Communities

For decades, advocates for low-income communities and disadvantaged minorities have argued that these groups have been disproportionately underrepresented by the mainstream banking industry. The contention is that the large mainstream banking institutions severely limit the funding of entrepreneurs, small businesses and homeowners in low income and minority populated communities and as a result, legislation on the national level was required.<sup>3</sup>

In 1977, Congress addressed the perceived “redlining” and other discriminatory and disparate practices of the banking industry, that left entire communities lacking funding resources. Congress enacted the Community Reinvestment Act (CRA).<sup>4</sup> The CRA was intended to encourage financial institutions, most notably banks and thrifts, to provide credit and other financial services to the communities from which these financial institutions received their deposits. The text of the CRA reads “regulated financial institutions have a continuing and affirmative obligation to help meet the credit needs of the local communities in which they are chartered.”<sup>5</sup> If and when funding resources were available to these communities, the lenders were typically credit unions, community development banks and other such institutions, later to be known as CDFI’s.<sup>6</sup>

#### Background on Community Development Financial Institutions

Community Development Financial Institutions (CDFI’s) are financial entities such as banks, credit unions, loan and venture funds that focus on low-income communities. CDFI’s primary purpose is to provide funding and assistance (technical and administrative) to residents, businesses and other institutions within local communities historically lacking receipt of similar services from mainstream financial entities like commercial banks. CDFI’s in general represent the bulk of direct funding sources for community development in low and middle income communities not serviced by nationally centered institutions.

#### CDFI’s Gaining Prominence

President Obama, in recognition of the role CDFI’s play in disadvantaged and distressed communities, authorized up to \$1 billion in Troubled Asset Relief Program Funds (TARP) money for Community Development Financial Institutions to lend to businesses in distressed communities.<sup>7</sup> Treasury Secretary Tim Geithner, following the President’s announcement, stated “These institutions operate in parts of the country where unemployment is way above the national average and where there’s been a huge amount of damage to people’s faith and confidence in the system - This program is a very powerful way to try to make sure that we’re starting to open up some of the credit channels for businesses in parts of the country where it’s most needed, and we think there’s going to be a very high return.”<sup>8</sup>

The U.S. Treasury stated that its mission in funding CDFI’s was “to expand the capacity of financial institutions to provide credit, capital, and financial services to underserved populations and communities in the United States.”<sup>9</sup> In describing the unique status and role of CDFI’s, the Treasury department said CDFI’s:

- fill a gap in the market through their focus on low-to-moderate income (LMI) communities
- Serve communities that traditional banks often find unattractive, and many CDFI’s provide non-conforming financial services and products at below-market pricing.
- Maintain a significant focus on small business lending, and in the current economic environment, CDFI’s are registering greater demand for loans as traditional lenders have curtailed lending activities in many LMI communities.

There are generally five types of CDFI’s and of these, credit unions and development banks supply the majority of funding in disadvantaged communities.<sup>10</sup> New York City has dozens of CDFI’s and a handful of certified CDFI’s.

#### Credit Unions Generally

Credit unions are “member-owned, not-for-profit, cooperative financial institutions.” Credit unions are established federally, by state government or privately. In the U.S. there are 8,101 federally insured credit unions and 5,036 state chartered and insured credit unions<sup>11</sup>. Credit unions have long served low-income communities. In fact, the first credit union, established in 1908 in New Hampshire, called “St. Mary’s Bank”, was “set up to serve low-income people.”<sup>12</sup>

In New York State, there are 461 credit unions, representing over 4.3 million New Yorkers. New York City has 72 of these credit unions, representing over 698,067 members.<sup>13</sup>

In 2007, the Filene Research Institute published a report entitled, “Who Uses Credit Unions?” and the report demonstrated that the least affluent group of U.S. households utilizing banks and credit unions were those who used credit unions exclusively.<sup>14</sup>

#### Community Development Credit Unions

There are 25 community development credit unions in New York City and of this group, 6 are certified community development financial institutions.<sup>15</sup>

Community Development Credit Unions (CDCU) are credit unions serving specific neighborhoods. They are generally non-profit, and regulated by state and federal agencies. CDCU’s provide affordable credit card and retail financial services, consumer banking services and loans to member-residents of lower income communities. Financial literacy, credit counseling and business planning services are provided for its members.

Typically, membership is available to those who work, live, worship, attend school and volunteer in the neighborhood.<sup>16</sup> These credit unions began more than 60 years ago with a specific mission to serve low-income and minority communities “beyond the reach of banks and mainstream credit unions - they specialize in populations considered “hardest to serve, including low-income wage earners, recent immigrants and people with disabilities.”<sup>17</sup>

#### Community Development Banks

Community Development Banks are financial institutions that provide capital, in the form of mortgage financing, home improvement, loans to businesses, non-profits and students. Through targeted lending and investment, most of the capital received by these banks comes from deposits from individuals, institutions and governmental sources. These banks are generally for-profit corporations, regulated by state and federal agencies, which maintain a level of community representation on its board of directors.

In the late 1990s, it was demonstrated that there is a strong connection between financial affiliation and demographic neighborhood characteristics.<sup>18</sup> Individuals who were elderly or very young, self-employed, less educated, and who made less money tended to use credit unions and community banks.

#### Conclusion

At today’s hearing the Committee will vote on Proposed Res. 17-A.

<sup>1</sup> Testimony, Mahon, Cathie, Hearing before the Committee on Community Development, December 15, 2009, pgs 16-19

<sup>2</sup> Testimony, Harman, Gina, Hearing before the Committee on Community Development, December 15, 2009, pgs 30-52.

<sup>3</sup> Policy Link, [http://www.policylink.org/site/c.lkIXLbMNjRE/b.5136939/k.8577/Community\\_Reinvestment\\_Act.htm](http://www.policylink.org/site/c.lkIXLbMNjRE/b.5136939/k.8577/Community_Reinvestment_Act.htm), as of February 22, 2010

<sup>4</sup> The Community Reinvestment Act (CRA), enacted by Congress in 1977 (12 U.S.C. 2901) and implemented by Regulations 12 CFR parts 25, 228, 345, and 563e

<sup>5</sup> Ellen Seidman, testimony before the Committee on Financial Services, U.S. House of Representatives, February 13, 2008

<sup>6</sup> Testimony, Harman and Mahon, Hearing before the Committee on Community Development, December 15, 2009.

<sup>7</sup> Black Enterprise, <http://www.blackenterprise.com/business/2010/02/cdfi-small-business-lending-program-finally-a-go/> As of February 18, 2010

<sup>8</sup> Id.

<sup>9</sup> U.S. Treasury, <http://www.ustreas.gov/offices/management/budget/budget-documents/cj/2011/CDFI%20CJ%20508.pdf#1> as of February 17, 2009

<sup>10</sup> Id.

<sup>11</sup> National Credit Union Association, <http://www.ncua.gov/Default.aspx>

<sup>12</sup> Community Development Credit Unions: An Emerging Player in Low Income Communities, Tansey, Charles D., September 2001, <http://www.brookings.edu/es/urban/CapitalXchange/tansey.pdf>, as of February 18, 2010

<sup>13</sup> Credit Union Association of New York, 2010

<sup>14</sup> Lee, Jinkook. “Who Uses Credit Unions.” 4<sup>th</sup> ed. Filene Research Institute, 2007, <http://filene.org/publications/detail/who-uses-credit-unions-iv> as of February 18, 2010

<sup>15</sup> National Federation of Community Development Credit Unions 2010 and Community Development Financial Institution Fund, <http://www.cdfifund.gov/docs/certification/cdfi/CDFIbyOrgType.pdf> as of February 22, 2010

<sup>16</sup> Neighborhood Economic Development Advocacy Project, <http://nedap.org/resources/documents/NYCCDCUs-6.07.pdf> as of February 19, 2010

<sup>17</sup> Id.

<sup>18</sup> Lee, Jinkook. “Who Uses Credit Unions.” 4<sup>th</sup> ed. Filene Research Institute. 17 Feb. 2010.

Accordingly, this Committee recommends its adoption, as amended.

#### **(The following is the text of Res. No. 17-A:)**

#### Res. No. 17-A

**Resolution calling upon the New York State Legislature to adopt and the Governor to sign legislation which would allow credit unions, savings banks, and savings and loan associations to accept and secure deposits from municipal corporations.**

By Council Members Vann, Barron, Brewer, Fidler, James, Koppell, Lander, Mark-Viverito, Sanders, Williams, Rivera, Ferreras, Reyna, Levin, Gentile, Mendez, Jackson, Mealy, Dromm, White, Cabrera, Eugene, Gonzalez, Foster and Arroyo.

**Whereas**, Credit unions, savings banks, and savings and loan associations, were originally established to promote the encouragement of thrift by mutuality of ownership; and

**Whereas**, These thrift institutions, which are usually locally owned, play an active role in a community by encouraging personal savings through savings accounts and homeownership through mortgage lending; and

**Whereas**, The majority of states and large cities throughout the United States expressly allow for the deposit of public funds in credit unions, savings banks, and savings and loan associations; and

**Whereas**, In New York State, however, thrift institutions, pursuant to Section 237 of the State Banking Law and Section 10 of the General Municipal Law, are specifically prohibited from accepting deposits of public money; and

**Whereas**, Under current law, only commercial banks and trust companies are allowed to accept municipal deposits; and

**Whereas**, As a result, commercial banks enjoy a virtual monopoly over the deposits of State and local funds in New York State; and

**Whereas**, In the past, credit unions, savings banks, and savings and loan associations, were smaller and less secure entities that primarily served individual investors by providing investment opportunities and offering loans, particularly mortgages to residents of the communities they served; and

**Whereas**, Now, these institutions are now on par with commercial banks in many of the services they provide as well as the security they offer to their investors; and

**Whereas**, Allowing credit unions, savings banks, and savings and loan associations to accept municipal deposits would be beneficial to the communities they are serving by offering a competitive alternative to commercial banks, which are often a large corporate entity with no real affiliation or commitment to the community they serve; and

**Whereas**, There are currently pending in the New York legislature: A.8386/S.6221 and A.4370/S.1872 that authorize the deposit of municipal funds in credit unions, savings banks and savings and loan associations, in addition to commercial banks and trust companies; and

**Whereas**, The Governor, in his amended Proposed 2010-11 New York State Executive Budget, has also included a provision that municipalities be given the option of placing municipal deposits in credit unions, savings banks and savings and loan associations, in addition to commercial banks and trusts companies.

**Whereas**, By enacting legislation to permit the deposit of municipal funds in such institutions, the State will be helping local and State governments by expanding their financial options, while at the same time providing these important institutions with significant amounts of capital, thereby allowing them to increase their financial support of the communities in which they are located; now therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to adopt and the Governor to sign legislation which would allow credit unions, savings banks, and savings and loan associations to accept and secure deposits from municipal corporations.

ALBERT VANN, Chairperson; DIANA REYNA, HELEN D. FOSTER, G. OLIVER KOPPELL, JAMES SANDERS JR., MELISSA MARK-VIVERITO, Committee on Community Development, March 24, 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. 17-A** to be adopted.

Adopted unanimously by the Council by voice vote.

#### INTRODUCTION AND READING OF BILLS

Res. No. 79

**Resolution calling on the United States Congress to renew and strengthen the Child Nutrition and WIC Reauthorization Act.**

By The Speaker (Council Member Quinn) and Council Members Foster, Fidler, Jackson, Palma, Arroyo, Barron, Brewer, Cabrera, Chin, Dromm, Gonzalez, James, Koppell, Lander, Mark-Viverito, Sanders, Van Bramer, Vann, White, Mendez, Comrie, Dickens, Mealy, Williams and Koo.

**Whereas**, In 1946, President Harry S. Truman signed the Richard B. Russell National School Lunch Act into law, which created a federal school lunch program devoted to protecting the health of children throughout the country; and

**Whereas**, President Lyndon B. Johnson signed the Child Nutrition Act into law in 1966, in part, to complement the existing school lunch program by creating a national school breakfast program; and

**Whereas**, These major pieces of legislation symbolized the importance of keeping children safe and adequately nourished with nutritious meals, along with other programs that followed such as the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP) and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); and

**Whereas**, According to the Food Research and Action Center, a national nutrition and anti-hunger advocacy organization, the Child Nutrition Act is slated for reauthorization every five years and most recently, in 2004, the program increased the availability of nutritious food to after-school and child care programs, provided for simplified application processes, required higher nutritional quality for school meals and mandated that schools formulate local wellness policies; and

**Whereas**, Despite recent reforms and an increase in the variety of food programs, far too many children and families continue to live in hunger within the United States (U.S.); and

**Whereas**, According to the U.S. Department of Agriculture, approximately 12.6 million children live in households facing a “constant struggle against hunger” and in 2007, 13.3 million children lived in poverty; and

**Whereas**, Recently, President Barack H. Obama announced a plan to combat domestic hunger by eliminating child hunger by 2015 through various anti-poverty and food assistance initiatives; and

**Whereas**, In New York City the problem of child hunger is painstakingly clear as one in five children rely on emergency food programs, according to the Food Bank for New York City, a major hunger-relief organization; and

**Whereas**, One in four children under the age of 18 in New York City live below the federal poverty line, 50 percent higher than the national average; and

**Whereas**, Additionally, the Food Bank of New York City estimates that approximately 1.2 million city residents are food insecure, which indicates that these individuals experienced a reduced quality in their diet or disrupted eating patterns and reduced food intake; and

**Whereas**, Regarding low-income students, data sources show that only two-thirds of eligible students participate in the National School Lunch Program, one-fifth in the free Universal School Breakfast Program and less than one-quarter in the SFSP; and

**Whereas**, Changes to the Child Nutrition Act would make significant progress towards the President’s goal of ending child hunger by 2015, ensure that all children have access to high quality and nutritious foods, reduce obesity-related diseases, as well as support and expand local and regional farm and food economies; and

**Whereas**, The New York City Council (Council) believes strongly that the reauthorization must also include several items which will result in reducing food insecurity and child hunger while also supporting the local economy; and

**Whereas**, The Council’s priorities for the reauthorization of the Child Nutrition Act include an increase in the reimbursement rates for meals by \$0.70 to allow healthier meals to be purchased and served; and

**Whereas**, Ensuring that the greatest number of individuals can benefit from this program is a high priority and the Council advocates for streamlining the eligibility determination and enrollment for school meals; and

**Whereas**, The Council urges Congress to pass the LUNCHES (Lowering Urban Nutrition Costs for Healthy Eating at Schools) Act, sponsored by U.S. Senator Kirsten Gillibrand, which would expand free meals to children living under 185 percent of the federal poverty line or \$40,792 for a family of four in high cost cities like New York City; and

**Whereas**, The Council urges Congress to pass legislation allowing schools or school districts to determine reimbursement for school meals based on estimates of eligibility rates, such as proposed by S.1343, sponsored by U.S. Senator Sherrod Brown; and

**Whereas**, The Council also recommends that the reauthorization allow for higher local nutritional standards, which would allow New York City to continue to exceed the federal nutritional standards; and

**Whereas**, Accessibility to healthy foods is a major part of any nutrition program and the Council advocates for programs that develop fresh, local food for New York’s families and support programs providing technical assistance, training, and equipment for the procurement of local foods in our schools; and

**Whereas**, Lastly, the Council calls for the improvement of the Women, Infants and Children (“WIC”) program certification process by changing the certification process to one year for children and removing the hematology requirement for children over one and postpartum women which would reduce this burden and potential barrier of additional costs and fees; and

**Whereas**, Through implementing these recommendations the Child Nutrition Act will be able to fulfill its mission of ensuring that children have access to healthy and nutritious foods, while considering the needs of New York City to protect some of its most vulnerable citizens; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to renew and strengthen the Child Nutrition and WIC Reauthorization Act.

Referred to the Committee on State and Federal Legislation

Res. No. 80

**Resolution calling upon the United States Food and Drug Administration to reverse their longstanding prohibition on homosexual men donating blood.**

By The Speaker (Council Member Quinn) and Council Members Arroyo, Mendez, Dromm, Van Bramer, Rose, Brewer, Fidler, Jackson, Koppell, Koslowitz, Lander, Mark-Viverito, Palma, Rodriguez, Rivera, Dickens and Ferreras.

**Whereas**, The United States Food and Drug Administration (FDA) is responsible for protecting the public health; and

**Whereas**, Inasmuch, the FDA regulates blood donation in the United States and explicitly bars any man who has had sex with another man, at any time since 1977, from donating blood; and

**Whereas**, The FDA justifies this policy by citing that 1977 was the beginning of the United States' AIDS epidemic and that men who have sex with men (MSM) are at a greater risk of HIV, hepatitis B and other infections that can be transmitted by transfusion; and

**Whereas**, This lifetime restriction on men who have had sex with men even once since 1977, from donating blood fails to consider the individual's HIV status and represents the FDA's policy since 1982; and

**Whereas**, The only other groups on the FDA's lifetime deferral list for blood donation are intravenous drug users, people who have received animal tissue or organs, people who traveled to or live in certain countries due to the risk of transmitting malaria or variant Creutzfeldt-Jakob Disease (vCJD) and people who had sex for drugs or money; and

**Whereas**, The FDA last reconsidered this issue in 2006 but decided not to alter its existing policy; and

**Whereas**, Despite the FDA's lifetime ban on MSM, nationally, an individual needs a life-saving blood transfusion once every 3 seconds; and

**Whereas**, Yet, while 60 percent of Americans are eligible to donate blood, on average less than 5 percent of people actually donate; and

**Whereas**, This figure is less in New York and New Jersey, where it is estimated that less than 2 percent of the eligible population donate blood; and

**Whereas**, Each day in New York City, the New York Blood Center (NYBC) estimates that 4.5 million Americans benefit from life-saving blood transfusions each year; and

**Whereas**, The NYBC requires more than 2,000 donors every day to meet the existing need of patients in approximately 200 hospitals in New York and New Jersey; and

**Whereas**, A single blood donation can save 3 lives, following component separation; and

**Whereas**, Recipients of blood donation include cancer patients, accident, burn and trauma victims, new born babies, transplant patients, mothers delivering babies, surgery patients, chronically transfused patients suffering from sickle cell disease or thalassemia, among others in need; and

**Whereas**, Limiting the population of potential blood donors leaves numerous vulnerable individuals in need of receiving life-saving blood; and

**Whereas**, The Gay Men's Health Crisis (GMHC) recently released a report entitled "A Drive for Change: Reforming U.S. Blood Donation Policies;" and

**Whereas**, This report advocates for a revision on the lifetime restriction of MSM from donating blood and cite both action taken by other countries and advances in medicine and blood screening; and

**Whereas**, South Africa, Argentina, Australia, Hungary, Japan, Sweden, New Zealand have all imposed a time period in which an MSM must wait before being allowed to donate, while Russia completely lifted the ban; and

**Whereas**, Other countries, such as Italy, Spain and France screen potential donors for high-risk sexual practices, rather than MSM behavior, and as such these countries defer all individuals who have engaged in risky sexual behavior; and

**Whereas**, GMHC's report also indicates that advancements in medical technology and blood screening lend further credence that the risk is minimal; and

**Whereas**, There are two methods of testing for HIV, the antibody test and the nucleic acid test; and

**Whereas**, Both tests seek to determine whether the individual is infected with HIV and the nucleic test allows for a significantly shorter window period, the period when HIV is undetectable, of approximately 9 to 11 days; and

**Whereas**, The FDA recently announced that they will reexamine the restrictions on blood donation by gay men and that the United States Department of Health and Human Services' blood safety committee will look into this issue in June; and

**Whereas**, Numerous public health groups including the American Red Cross, the American Association of Blood Banks, America's Blood Centers, the American Medical Association and the GMHC and leading LGBT organizations have urged that the FDA's lifetime restriction be revised; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Food and Drug Administration to reverse their longstanding prohibition on homosexual men donating blood.

Referred to the Committee on Health.

Int. No. 96

By Council Members Arroyo, Brewer, Koppell, Lander, Mark-Viverito, Mealy, Palma, Rodriguez and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to permitting senior citizens residing in multiple dwellings the right to maintain pets in such dwellings.**

*Be it enacted by the Council as follows:*

Section 1. a. Legislative intent. The City Council hereby finds that pet companionship can have a beneficial impact on the physical and mental health of pet owners. Studies have demonstrated that senior citizens with pets live longer, visit the doctor less often, cope better with stressful life situations such as the loss of a spouse, and recover more quickly from illnesses. There exists a significant public interest and purpose in preserving and enhancing the quality of life of the City's senior citizens. Such citizens should not be compelled to choose between remaining in their homes and having the benefit of pet companionship. The City continues to experience an affordable housing crisis and the shortage of such housing offers senior citizens, many with limited incomes, few options if they are forced to leave their homes due to their need for pet companionship. Eviction of senior citizens from multiple dwellings or the failure to grant housing due to pet ownership is harmful to the public welfare.

§2. Article 1 of subchapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2009.2 to read as follows:

§27-2009.2. *Rights of senior citizens to maintain pets in multiple dwellings. Notwithstanding the provisions of any lease, rental agreement, or contract to the contrary, or any other applicable provision of law, no person aged sixty-two years or older or who will attain such age during the term of such lease, rental agreement or contract, shall be denied occupancy in a dwelling unit in a multiple dwelling or be subject to eviction from any such dwelling unit solely on the ground that such person owns or maintains a household pet, of such type or species that the harboring of which is not prohibited by this code, the multiple dwelling law or any other applicable law, where the keeping of such pet is recommended by a health care professional such as, but not limited to, a physician, physician assistant, nurse practitioner, mental health practitioner, licensed master social worker or clinical social worker. The provisions of this section shall also not apply where the maintenance of such pet causes damage to the subject premises, creates a nuisance or interferes substantially with the health, safety or welfare of other lawful occupants of the multiple dwelling.*

§3. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 81

**Resolution calling on the City of New York to compensate the six men who were wrongly accused and incarcerated in the Central Park Jogger Case.**

By Council Members Barron, Comrie, Dilan, Dromm, Jackson, Mealy, Palma, Vann and Rodriguez

**Whereas**, The tragic case of Trisha Meili, who is also known as the Central Park Jogger, stunned the city of New York during the spring of 1989; and

**Whereas**, Five innocent teenagers, Antron McCray, Kevin Richardson, Raymond Santana, Yusef Salaam and Corey Wise, were arrested and coerced by authorities into confessing to the rape and beating of Ms. Meili; and

**Whereas**, Steven Lopez, another innocent teenager, was also separately arrested, falsely accused, and tried with the group for taking part in the crime; and

**Whereas**, With little evidence against Mr. Lopez, prosecutors agreed to drop the charges against him if he pled guilty to an unrelated robbery in Central Park; and

**Whereas**, Following his guilty plea, Mr. Lopez was sentenced to one and a half to four and a half years in prison; and

**Whereas**, The five other falsely convicted teenagers each spent between 7 and 16 years in prison; and

**Whereas**, In 2002 The Central Park Jogger case was re-opened when DNA left at the scene of the crime was matched to Matias Reyes, a convicted serial rapist and murderer, who ultimately confessed to being the lone attacker of Ms. Meili; and

**Whereas**, The new DNA evidence and Reyes's confession eventually led the convictions of the teenagers to be overturned; and

**Whereas**, This revelation came too late; the teenagers, now men, had their adolescence stolen from them as they spent those years in prison; and

**Whereas**, The burden falls on the City of New York to financially compensate them for these lost years and their wrongful imprisonment; and

**Whereas**, Although no monetary award could fully repay them, the city must make an effort to try and correct this monumental miscarriage of justice; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the City of New York to compensate the six men who were wrongly accused and incarcerated in the Central Park Jogger Case.

Referred to the Committee on Governmental Operations

Int. No. 97

By Council Members Brewer, Lappin, Mendez, Palma, Gonzalez, Ferreras, Koppell, Recchia, Gentile, Mark-Viverito, Rodriguez, James, Williams, Levin, Rose, Jackson, Chin, Seabrook, Barron, Ulrich, Mealy, Nelson, White, Vann, Crowley, Foster, Lander, Van Bramer, Dromm, Garodnick, Rivera, Cabrera, Eugene, Koslowitz, Vacca and the Public Advocate (Mr. de Blasio).

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

*Be it enacted by the Council as follows:*

Section 1. Legislative intent. The Council finds that nearly every worker in New York City will at some time during the year need temporary time off from work to take care of his or her own health needs or the health needs of members of their families. The Council recognizes that a sizeable number of workers in New York City are not entitled to any paid sick time to care for their own health needs or the health needs of members of their families. Low income workers, in particular, are significantly less likely to have paid sick time than other members of the workforce.

Providing workers time off to attend to their own health care and the health care of family members will ensure a healthier and more productive work force in New York City. Paid sick time will have a positive effect on the public health of New York City by allowing sick workers the occasional option of staying at home to care for themselves when ill, thus lessening their recovery time and reducing the likelihood of spreading illness to other members of the workforce. As a high proportion of the New York City workforce travels to work by public transportation, enabling sick workers to stay at home when they are ill will also help to contain the spread of contagious illnesses among the general public. Paid sick time will, in addition, allow parents to provide personal care for their sick children. Parental care helps children to recover faster, prevents more serious illnesses, and improves children's overall mental and physical health. It will also protect workers and their children who are not sick but who must stay home to care for children when public officials close schools or when their businesses are closed due to public health emergencies.

The Council finds that providing minimal paid sick time is affordable for employers and good for business. Employers who provide paid sick time have greater employee retention and reduce the problem of workers coming to work sick. Studies have shown that costs from on-the-job productivity losses resulting from sick workers on the job exceed the cost of absenteeism among employees.

The Council therefore finds and declares that providing workers with paid sick time is important for public health, safety and productivity.

§2. Title 22 of the administrative code of the city of New York is amended by adding a new section 22-507 to read as follows:

§22-507 *Paid sick time. a. Short title. This section shall be known and may be cited as the "Paid Sick Time Act".*

*b. Definitions. As used in this section, the following terms shall be defined as follows:*

(1) "Administering agency" shall mean any city agency, office, department, division, bureau or institution of government, the expenses of which are paid in whole or in part from the city treasury, as the mayor shall designate.

(2) "Child" shall mean a biological, adopted or foster child, a stepchild, a legal ward, or a child of an employee standing in loco parentis.

(3) "City" shall mean the city of New York.

(4) "Domestic partner" shall mean persons who have a registered domestic partnership pursuant to section 3-240 of the administrative code, a domestic partnership registered in accordance with executive order number 123, dated August 7, 1989, or a domestic partnership registered in accordance with executive order number 48, dated January 7, 1993.

(5) "Employee" shall mean any "employee" as defined in labor law section 190(2) who is employed for hire within the city for more than eighty hours in a calendar year who performs work on a full-time or part-time basis for any employer.

(6) "Employer" shall mean any "employer" as defined in labor law section 190(3). For purposes of this section, "employer" does not include (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207.

(7) "Family member" shall mean an employee's child, spouse, domestic partner, parent, grandchild, grandparent, mother-in-law, father-in-law, mother of domestic partner or father of domestic partner.

(8) "Grandparent" shall mean a parent of a parent.

(9) "Health care professional" shall mean any person licensed under federal or New York state law to provide medical or emergency services, including but not limited to doctors, nurses and emergency room personnel.

(10) "Paid sick time" shall mean time that is provided by an employer to an employee that can be used for the purposes described in subdivision (d) of this section and is compensated at the same hourly rate as the employee earns from his or her employment at the time the employee uses the paid sick time, except that an employee who volunteers or agrees to work hours or shifts in addition to their normal schedule will not receive more in paid sick time compensation than they would from their normal hourly wage if such employee is not able to work the hours or shifts for which he or she has volunteered or agreed even if the reason for such

inability to work is one of the reasons in such subdivision (d). In no case shall an employer be required to pay more to an employee in paid sick time than the employee's normal base compensation at the time the employee uses such paid sick time, except that in no case shall the paid sick time hourly rate be less than the hourly rate provided in labor law section 652(1).

(11) "Parent" shall mean a biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee was a minor child.

(12) "Public health emergency" shall mean a declaration made by the commissioner of health and mental hygiene pursuant to section 3.01(d) of the New York city health code or by the mayor pursuant to section 24 of article 2-B of the New York state executive law.

(13) "Retaliatory personnel action" shall mean the discharge, suspension or demotion by an employer of an employee or any other adverse employment action.

(14) "Small business" shall mean any private individual, firm, partnership, institution, corporation, or association for which fewer than twenty persons work full-time for compensation during a given week or where the total number of hours worked for compensation during a given week by persons in that business are fewer than the equivalent of the total number of hours that would be worked by twenty persons working full-time for compensation in such business during a given week. In determining the number of persons performing work for compensation during a given week, all persons performing work for compensation on a full-time, part-time, or temporary basis shall be counted. In situations in which the number of persons who work for compensation per week fluctuates above and below twenty persons per week over the course of a year, business size will be determined for the current calendar year based upon the average number of persons who worked for compensation per week during the preceding calendar year.

(15) "Spouse" shall mean a person to whom the employee is legally married under the laws of the state of New York.

*c. Accrual of paid sick time. (1) All employees have the right to paid sick time as provided in this section.*

(2) All employers shall provide a minimum of one hour of paid sick time for every thirty hours worked by an employee. Employers shall not be required under this section to provide more than seventy-two hours of paid sick time for an employee in a calendar year.

(3) Small businesses shall not be required under this section to provide more than forty hours of paid sick time in a calendar year.

(4) Employees who are exempt from requirements under section 13(a)(1) of the federal fair labor standards act with respect to payment of overtime shall be assumed to work forty hours in each work week for purposes of paid sick time accrual unless their regular work week is less than forty hours, in which case paid sick time accrues based upon that regular work week.

(5) Paid sick time shall accrue in hour unit increments.

(6) Paid sick time as provided in this section shall begin to accrue at the commencement of employment.

(7) Employees shall be entitled to use accrued paid sick time beginning on the 90th calendar day following commencement of their employment. After the 90th calendar day of employment, employees may use sick time as such time is accrued.

(8) Unused paid sick time shall be carried over to the following calendar year; however, no employer shall be required to allow use of more than seventy-two hours of paid sick time in a calendar year or more than forty hours of paid sick time in a calendar year if such employer is a small business.

(9) Any employer with a paid leave policy, such as a paid time off policy, who provides an employee with an amount of paid leave sufficient to meet the accrual requirements of this section and who allows such paid leave to be used for the same purposes and under the same conditions as paid sick time accrued under this section, is not required to provide additional paid sick leave or paid sick time for such employee.

(10) Nothing in this section shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued paid sick time that has not been used.

(11) If an employee is transferred to a separate division, entity or location, but remains employed by the same employer, the employee is entitled to all paid sick time accrued at the prior division, entity or location and is entitled to use all paid sick time as provided in this section. When there is a separation from employment and the employee is rehired within six months of separation by the same employer, previously accrued paid sick time that had not been used shall be reinstated. Such employee shall be entitled to use accrued paid sick time at the commencement of employment following a separation from employment of six months or less.

*d. Use of paid sick time. (1) An employer shall permit an employee to use paid sick time for absence from work due to:*

(i) An employee's mental or physical illness, injury or health condition or need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition or need for preventive medical care;

(ii) Care of a family member with a mental or physical illness, injury or health condition who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition or who needs preventive medical care; or

(iii) Closure of the employee's place of business by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency.

(2) An employer may require reasonable notice of the need to use paid sick time. Where such need is foreseeable, an employer may require advance notice of

the intention to use such paid sick time, not to exceed seven days prior to the date such paid sick time is to begin. Where such need is not foreseeable, an employer may require an employee to provide notice of the need for the use of paid sick time as soon as practicable.

(3) For leave of more than three consecutive days, an employer may require reasonable documentation that the paid sick time is covered by paragraph one of subdivision (d) of this section. For paid sick time used pursuant to paragraphs one and two of subdivision (d) of this section, documentation signed by a licensed health care provider indicating the need for the number of paid sick time days shall be considered reasonable documentation.

(4) An employer may not require, as a condition of an employee's taking paid sick time, that such employee search for or find a replacement worker to cover the hours during which the employee is utilizing paid sick time.

e. *Retaliation prohibited.* (1) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this section.

(2) An employer shall not take retaliatory personnel action or discriminate against an employee because the employee has exercised rights protected under this section. Such rights include but are not limited to the right to use paid sick time pursuant to this section; the right to file a complaint or inform any person about any employer's alleged violation of this section; the right to cooperate with the administering agency in its investigations of alleged violations of this section; and the right to inform any person of his or her potential rights under this section.

(3) It shall be unlawful for an employer's absence control policy to count paid sick time taken under this section as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action; however, the protections of this section are not meant to interfere with employer disciplinary procedures.

(4) Protections of this section shall apply to any person who mistakenly but in good faith alleges violations of this section.

f. *Notice and posting.* (1) Employers shall give notice that employees are entitled to paid sick time, the amount of paid sick time, and the terms of its use guaranteed under this section, that retaliation against employees who request or use paid sick time is prohibited and that each employee has the right to file a complaint or bring a civil action if sick time as required by this section is denied by the employer or the employee is retaliated against for requesting or taking paid sick time.

(2) Employers shall comply with this subdivision by:

(i) supplying each of their employees with a notice in English and in any language that is the first language spoken by at least five percent of the employer's workforce that contains the information required in paragraph one of this subdivision and by adding the information contained in paragraph one of this subdivision to any personnel policies or manuals maintained by the employer and any orientation materials supplied to new employees; or

(ii) by displaying a poster or posters in places conspicuous and accessible to all employees in each establishment where such employees are employed which contains in English and in any language that is the first language spoken by at least five percent of the employer's workforce, all information required under paragraph one of this subdivision, provided, however, that any employer that does not have and maintain written personnel policies or manuals for employees shall be required to display such poster or posters pursuant to the requirements of this subparagraph.

(3) The administering agency shall create and make available to employers posters that contain the information required under paragraph one of this subdivision for their use in complying with the notice provisions of this subdivision. Such posters shall be available from the administering agency in person or in a downloadable format from the website of such agency in Chinese, English, Korean, Russian and Spanish, and any other language determined by such agency.

(4) An employer who willfully violates the notice and posting requirements of this section shall be subject to a civil fine in an amount not to exceed \$100 for each separate offense.

g. *Employer records.* Employers shall retain records documenting hours worked by employees and paid sick time accrued and taken by employees, for a period of three years unless otherwise required pursuant to any other law, rules or regulations, and shall allow the administering agency access to such records, with appropriate notice and at a mutually agreeable time, to monitor compliance with the requirements of this section. An employer shall not be required to modify its record keeping policies to comply with this section if such employer's records reasonably indicate employee hours worked, paid sick time accrued and paid sick time taken. When an issue arises as to an employee's entitlement to paid sick time under this section, if the employer does not maintain or retain adequate records documenting hours worked by the employee and paid sick time taken by the employee, or does not allow the administering agency reasonable access to such records, it shall be presumed that the employer has violated this section, absent clear and convincing evidence otherwise.

h. *Rules.* The administering agency shall be authorized to coordinate implementation and enforcement of this section and promulgate appropriate guidelines or rules for such purposes. Such rules shall include, but not be limited to, the creation of an on-line system to assist businesses with timekeeping and record keeping consistent with the requirements of this section, provided, however, that such rules shall permit an employer with a paid leave policy, such as paid time off policy, who makes available an amount of paid leave sufficient to meet the accrual requirements of this section, that may be used for the same purposes and under the same conditions as paid sick time under this section, to maintain its existing timekeeping practices.

i. *Confidentiality and nondisclosure.* An employer may not require disclosure of

details relating to an employee's medical condition as a condition of providing paid sick time under this section. If an employer possesses health information about an employee or employee's family member, such information shall be treated as confidential and not disclosed except to the affected employee or with the permission of the affected employee.

j. *Encouragement of more generous policies; no effect on more generous policies.* (1) Nothing in this section shall be construed to discourage or prohibit an employer from the adoption or retention of a paid sick time policy or paid time off policy more generous than the one required herein.

(2) Nothing in this section shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan or other agreement providing more generous sick time to an employee than required herein.

(3) Nothing in this section shall be construed as diminishing the rights of public employees regarding paid sick time as provided in federal, New York state or city law.

k. *Collective bargaining agreements.* (1) The provisions of this section shall not apply to any employee covered by a bona fide collective bargaining agreement if (i) such provisions are expressly waived in such collective bargaining agreement and (ii) the agreement provides for a comparable benefit for the employees covered by the agreement, in the form of paid days off; said paid days off shall be in the form of leave, compensation, other employee benefits, or some combination thereof. Comparable benefits shall include, but are not limited to, vacation time, personal time, sick time, holiday pay and holiday and Sunday time paid at premium rates.

(2) The provisions of this section shall not apply to any employee in the building and construction industry covered by a bona fide collective bargaining agreement if such provisions are expressly waived in such collective bargaining agreement.

l. *Enforcement.* (1) Any employer found to be in violation of any of the provisions of this section shall be liable for a civil penalty of not less than one thousand dollars for each violation.

(2) Penalties imposed pursuant to this section shall not affect any right or remedy available or civil or criminal penalty applicable under law to any individual or entity, or in any way diminish or reduce the remedy or damages recoverable in any action in equity or law before a court of competent jurisdiction.

(3) Upon a determination that a violation of any of the provisions of this section has occurred, a court may award any appropriate equitable relief to secure compliance with this section and may award reasonable attorney's fees and costs incurred in maintaining the action to any prevailing complaining party.

(4) Any proceeding to recover a civil penalty authorized pursuant to this section shall be commenced by the service of a notice of violation which shall be returnable to the administering agency. The commissioner or other designated person of such administering agency shall, after due notice and an opportunity for a hearing, be authorized to impose the civil penalties prescribed by this section.

(5) The administering agency shall take appropriate action to enforce this section, including, but not limited to, establishing a system to receive complaints from any person charging that a violation has occurred pursuant to this section, investigating any such complaints received, and making findings of violations and civil penalties in accordance with the provisions of this section.

(6) Any action or proceeding that may be appropriate or necessary for the correction of any violation issued pursuant to this section including, but not limited to, actions to secure permanent injunctions, enjoining any acts or practices which constitute such violation, mandating compliance with the provisions of this section or such other relief as may be appropriate, may be initiated in any court of competent jurisdiction by the corporation counsel or such other persons designated by the corporation counsel on behalf of the administering agency.

(7) Any aggrieved person may bring an action in any court of competent jurisdiction against an employer for a violation of the provisions of this section within three years of the date the alleged violation occurred. Upon a determination that a violation of any of the provisions of this section has occurred, a court may award damages to the aggrieved person and any other appropriate relief including but not limited to reinstatement of employment and may award reasonable attorney's fees and costs incurred in maintaining the action to any prevailing party.

m. *Other legal requirements.* (1) This section provides minimum requirements pertaining to paid sick time and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater accrual or use by employees of sick leave or time, whether paid or unpaid, or that extends other protections to employees.

(2) Nothing in this section shall be construed as creating or imposing any requirement in conflict with any federal or state law, rule or regulation, nor shall anything in this section be construed to diminish or impair the rights of an employee or employer under any valid collective bargaining agreement.

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

§4. This local law shall take effect one hundred and eighty days after enactment, provided, however, that the administering agency shall promulgate rules and take such other measures as may be necessary for the purposes of implementing and carrying out the provisions of this local law prior to such effective date, and provided further that in the case of employees covered by a collective bargaining agreement in effect on the effective date prescribed herein, this local law shall apply

on the date of the termination of such agreement.

Referred to the Committee on Civil Service and Labor.

Int. No. 98

By Council Members Brewer, Chin, Comrie, Dickens, Dromm, Jackson, Koppell, Lander, Palma, Vann, Williams, Rodriguez, Lappin, Halloran and Nelson.

**A Local Law to amend the New York City charter, in relation to the creation of an annual report to assess the city's indigent legal representation.**

*Be it enacted by the Council as follows:*

Section 1. Statement of findings and purpose. Countless numbers of New Yorkers who cannot afford private legal counsel in criminal cases rely on a system of attorneys funded primarily by the city with some contribution from the state. These attorneys represent adults in matters before Criminal and Supreme Courts, children and adults in Family Court, and children and adults in appeals from these courts. The representation provided by the city's indigent legal providers affects life-altering issues, ranging from whether someone goes to jail for a murder charge to whether a child is separated from her parent. Since this representation is so important and since the city is providing the majority of the funding, it is important to evaluate the quality of the representation beyond the traditional cost per case evaluation frequently referenced by administration representatives at yearly Council budget hearings.

It is difficult to apply objective criteria to legal representation, however, where the characteristics of a particular case may have greater affect on the outcome of the case than the quality of representation. Moreover, "success" can have very different meanings in different cases. For example, in some cases on termination of parental rights, the welfare of a child may be best protected if the child is separated from his or her parents; in other such cases, a child may be better off remaining with his or her parents. Such concerns counsel caution before using objective criteria to assess any particular attorney, especially based on an organization's work in a small number of cases.

The Council finds that the lack of information available to the Council beyond cost per case spent by the various legal providers limits the Council's ability to understand and assess the quality of indigent legal representation in the city. The Council further finds that the overwhelming emphasis on cost per case as a measure of quality discourages these legal providers from focusing on what they do and should care most about: providing the best possible defense for their clients. Accordingly, the Council declares that it is reasonable and necessary to mandate the creation of an annual report to assess the city's indigent legal representation.

§2. Section 13 of chapter one of the New York City Charter is amended to read as follows:

§13. **Coordinator of criminal justice.** *a.* There is established in the executive office of the mayor a position of coordinator of criminal justice, to be appointed by the mayor. The coordinator shall:

(1) advise and assist the mayor in planning for increased coordination and cooperation among agencies under the jurisdiction of the mayor that are involved in criminal justice programs and activities;

(2) review the budget requests of all agencies for programs related to criminal justice and recommend to the mayor budget priorities among such programs; and,

(3) perform such other duties as the mayor may assign.

*b.* By October 1 of each year, the coordinator of criminal justice shall submit a report to the council and mayor providing quantitative data assessing, for criminal court, supreme court, family court and appellate courts, the cost and quality of representation provided by any organization funded by the city to provide indigent legal defense, including the panel of 18-b attorneys of the appellate division first judicial department and the panel of 18-b attorneys of the appellate division second judicial department. Where applicable, such assessment shall include information on the disposition of any assignment.

§3. This local law shall take effect immediately upon enactment.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 82

**Resolution calling upon the New York City Department of Education to amend Chancellor's Regulation A-812, in order to repeal the City's ban on the sale of home-baked goods, and other "non-approved" food items from schools, school yards, or school fundraisers.**

By Council Member Brewers, Chin, Comrie, Dromm, Fidler, Gentile, Jackson, Lappin, Palma, Recchia, Vann, Rodriguez, Halloran, Nelson and Dickens.

**Whereas,** A Department of Education (DOE) regulation, Chancellor's Regulation A-812, amended February 2010, states that only food and beverages approved by the Office of School Food and/or purchased through central contracts may be offered for sale to students through vending machines, school stores, student fundraising, and/or other school fundraising activities from the beginning of the school day until 6 PM; and

**Whereas,** The regulation further states that the rule respecting the sale of non-approved food items may only be lifted to permit Parent Associations and Parent-Teacher Associations (PA/PTA) to raise funds using food sales once per month, as long as their sale of any non-approved food items occurs outside the cafeteria; and

**Whereas,** While the exception for Parent Associations and Parent-Teacher Associations (PA/PTA) would allow them to sell home-baked goods once per month, as long as their sale occurs outside the cafeteria, no such exception exists for school or student fundraisers; and

**Whereas,** The list of food and beverages approved by the Office of School Food includes snack items of questionable nutritional value including cookies, "pop-tarts" and an assortment of chips; and

**Whereas,** The deputy chancellor who oversees the regulation was quoted as saying that the approved snacks were not "necessarily foods we recommend that students eat" according to a February 25, 2010 *New York Times* City Room article; and

**Whereas,** The *New York Times* noted in an October 3, 2009 article that bake sales have consistently been lucrative fundraising tools for school clubs and teams, and serve to help finance many extracurricular functions and charitable contributions as well; and

**Whereas,** The *Village Voice* commented on October 27, 2009 that the Beacon School in Manhattan and several other schools, use the profits from bake sales to fund scholarships for selected or needy students each year; and

**Whereas,** In January 2010 Chancellor Klein waived the restrictions on bake sales to allow schools and students to raise funds for earthquake relief in Haiti; and

**Whereas,** *Gotham Schools*, an online periodical that chronicles the New York City public school system, reported on November 13, 2009 that students from high schools citywide staged a protest of the DOE regulation at City Hall in early November, arguing that enforcing the ban detracts attention from much more disparaging problems in the city's schools; and,

**Whereas,** Public schools in New York City have already had to absorb budget cuts of approximately 4% in FY10, forcing the elimination of some staff positions and many extracurricular programs; and

**Whereas,** Both the Mayor and Governor are projecting additional education cuts due to the ongoing fiscal crisis; and

**Whereas,** Student extracurricular activities are often among the first programs to be cut in response to school budget reductions, thereby contributing to the need for students to raise funds to support such activities; and

**Whereas,** A diabetes researcher at the Albert Einstein College of Medicine stated in an article in the *Village Voice* on October 27, 2009 that increased physical education programs would contribute much more to the health and well-being of students than the bake sale ban, and that the ban will be ineffective in solving the issues of childhood obesity; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York City Department of Education to amend Chancellor's Regulation A-812, in order to repeal the City's ban on the sale of home-baked goods, and other "non-approved" food items from schools, school yards, or school fundraisers.

Referred to the Committee on Education.

Int. No. 99

By Council Member Comrie (by request of the Mayor).

**A Local Law to amend the New York city charter, in relation to authorizing the department of transportation to extend the expiration date of the operating authority of certain unsubsidized private bus services.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 378 of the New York city charter, as amended by local law 34 for the year 2009, is amended to read as follows:

b. Not later than the first day of March, nineteen hundred ninety, the mayor shall designate a single agency as the responsible agency for each type of franchise currently granted by the city. If such an agency intends to continue granting any such type of franchise, the agency shall submit to the council a proposed authorizing resolution for such type of franchise at least two years, or such shorter period as may be approved by the franchise and concession review committee, prior to the earliest expiration date of any existing franchise of that type; provided, however, that the department of transportation, with the approval of the franchise and concession review committee, may extend the expiration date of the operating authority of any private bus company that does not receive a subsidy from the city to a date not later than the thirtieth day of June, two thousand and [ten] eleven. Notwithstanding the provisions of section three hundred seventy-one, the public notice and hearing

requirements of the franchise and concession review committee with respect to an approval of an extension of the operating authority of a private bus company shall be fully satisfied by a public hearing held after notice of such hearing shall have been published at least one day prior thereto in the City Record.

§2. This local law shall take effect immediately and shall be deemed to have been in full force and effect on and after June 30, 2010.

Referred to the Committee on Land Use.

Res. No. 83

**Resolution calling upon the New York State legislature to pass legislation requiring insurance companies to cover other types of cancer screening testing including genetics testing, ultrasounds and magnetic resonance imaging and mandating that insurance companies dedicate a portion of their profits to researching and developing new early detection screening measures for cancer.**

By Council Members Crowley, Brewer, Comrie, Dickens, Dromm, Fidler, Koppell, Koslowitz, Palma, Van Bramer, Halloran and Koo.

**Whereas**, Breast and ovarian cancer are two types of cancer that substantially affect women; and

**Whereas**, According to the American Cancer Society, a leading public health organization, in 2009, approximately 192,370 women were diagnosed with breast cancer in the United States; and

**Whereas**, In addition, an estimated 40,170 women lost their battle to breast cancer in 2009; and

**Whereas**, While the cause of breast cancer remains unknown, individuals can make certain lifestyle changes to lower their risk of developing the disease including reducing alcohol use, breastfeeding, engaging in physical activity, maintaining a healthy weight and a proper diet; and

**Whereas**, Yet, there are many factors that contribute to breast cancer including age, race, ethnicity, family history and reproductive history which cannot be modified; and

**Whereas**, Therefore, the most important tool in reducing the risk of breast cancer is early detection as the earlier the disease is detected, the better the chance for successful treatment; and

**Whereas**, Doctors attribute breast cancer screening and early detection to saving thousands of women's lives each year; and

**Whereas**, There are many screening tools including mammography, clinical breast exam, breast self exam, magnetic resonance imaging (MRI) which can all help detect cancer at an earlier and more treatable stage; and

**Whereas**, Mammography is one of the most effective screening tools at finding breast cancer at an early stage; and

**Whereas**, Yet, mammograms do have some limitations where a small percentage of cancers can be missed by the test and in other cases, an abnormal mammogram may require a biopsy which later turns out to be negative for breast cancer; and

**Whereas**, Currently, New York State law mandates that insurance companies provide mammograms for a person of any age who has a close relative with a history of cancer, a baseline reading between the ages 30 to 35 years and annually at age 40 and older; and

**Whereas**, While this is significant, coverage should be expanded to cover other types of screening tools including MRI, genetics testing and other developing technologies; and

**Whereas**, MRI is generally recommended for women who are at high-risk of developing breast cancer, those that have a family history or prior radiation treatment, as it is able to detect cancer that may be missed by a mammogram; and

**Whereas**, Ultrasound, also known as sonography, is another screening tool which allows the physician to use sound waves to look into the patient's body and further examine a mass in a less invasive manner; and

**Whereas**, Genetics testing is also available as a tool to screen for breast cancer, as this technique examines the genes looking for alterations that may increase risk of cancer; and

**Whereas**, In addition to breast cancer, ovarian cancer is also a substantial public health problem facing women, accounting for the leading cause of death from cancer of the female reproductive system; and

**Whereas**, In the United States, in 2009, there were an estimated 21,550 new cases of ovarian cancer in women and approximately 14,600 women died as a result of this disease; and

**Whereas**, Certain behavioral and lifestyle changes can lower a woman's risk of being diagnosed with ovarian cancer; and

**Whereas**, Approximately 20 percent of ovarian cancers are found at an early stage and this improves the woman's chance of successful treatment and survival; and

**Whereas**, Early detection tools for ovarian cancer include pelvic exams and ultrasounds and blood tests for women who are at high risk of developing ovarian cancer; and

**Whereas**, Additionally, there are other tests to help determine if a woman has ovarian cancer including computed tomography, barium enema x-rays, MRI, positron emission tomography, laparoscopy, colonoscopy and biopsy; and

**Whereas**, While New York State law created an ovarian cancer information program and ovarian cancer is part of the state's cancer control plan, insurance coverage of ovarian cancer testing is not mandated and ovarian cancer clinical trials are not covered by insurance; and

**Whereas**, Many of these advanced screening technologies for breast and ovarian cancer are widely available but unfortunately, they are not all covered by health insurance programs; and

**Whereas**, Any test that a physician believes will be useful in detecting cancer at an earlier stage should be covered as part of an individual's health insurance coverage; and

**Whereas**, Insurance companies should be at the forefront of improving and investing in medical technologies that could detect cancers earlier, as this would further reduce health care costs; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State legislature to pass legislation requiring insurance companies to cover other types of cancer screening testing including genetics testing, ultrasounds and magnetic resonance imaging and mandating that insurance companies dedicate a portion of their profits to researching and developing new early detection screening measures for cancer.

Referred to the Committee on Health.

Res. No. 84

**Resolution calling upon the New York State Insurance Department and the New York State Department of Health to address the high cost of malpractice insurance for general practitioners, obstetricians, gynecologists and radiologists.**

By Council Members Crowley, Brewer, Comrie, Dromm, Jackson, Koslowitz, Williams, Lappin, Halloran and Koo.

**Whereas**, Throughout the United States, medical liability insurance premiums have risen significantly for certain types of physicians over the past decade; and

**Whereas**, In March of 2003, New York State was one of twenty-three states declared to be a medical liability insurance "crisis" state by the American Medical Association; and

**Whereas**, Hospitals in downstate New York City have seen a 147 percent cumulative increase in the cost of liability premiums between 1999 and 2004; and

**Whereas**, According to the Henry J. Kaiser Family Foundation, in 2008, New York State led the country in payments of malpractice claims totaling \$640,383,000, or an average of \$466,412 per claim; and

**Whereas**, One field of medical professionals that saw their malpractice rates rise are obstetricians and gynecologists (ob-gyns) who have particular expertise in pregnancy, childbirth, and disorders of the reproductive system and provide medical and surgical care to women, including preventive care, prenatal care, detection of sexually transmitted diseases, pap test screening and family planning; and

**Whereas**, The medical liability insurance crisis has made it difficult for ob-gyn physicians to find or afford medical liability insurance and has forced some ob-gyn physicians to cut back on the scope of their business; and

**Whereas**, Ob-gyn physicians are most commonly sued as a result of brain damage to infants, specifically in the occurrence of cerebral palsy, however 90 percent of cerebral palsy cases are not influenced by obstetrical interventions; and

**Whereas**, The liability crisis has forced many ob-gyn physicians to take drastic steps, including leaving New York State and providing their services in a state with lower liability premiums; and

**Whereas**, Since 2003, 8.7 percent of ob-gyn physicians in New York State have stopped practicing obstetrics, 12.6 percent have decreased the number of deliveries they perform as a result of high medical liability premiums, and 66.3 percent have made one or more changes to their practice due to the affordability and/or availability of professional liability coverage; and

**Whereas**, In 2007, ob-gyn physicians paid the fourth-highest amount for medical malpractice insurance in the nation, according to the Medical Liability Monitor; and

**Whereas**, The insufficient number of available ob-gyn physicians willing to perform necessary procedures has sometimes forced women to travel longer distances to find a doctor, created longer waiting periods for appointments, and has led some patients to believe physicians devote less time to their appointments; and

**Whereas**, According to the Journal of the National Cancer Institute, the field of radiology and mammography has also experienced exorbitant malpractice costs; and

**Whereas**, Nationally, missed diagnosis of breast cancer is the number one reason for malpractice claims with average indemnity payments of more than

\$438,000, the second highest payment after malpractice claims for neurologically impaired newborns; and

**Whereas**, Additionally, juries are more likely to find in favor of claimants for missed diagnosis of breast cancer than all other medical malpractice suits; and

**Whereas**, The high rate of malpractice insurance, coupled with low reimbursement rates have contributed to a decline in the number of radiologists and mammography facilities; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Insurance Department and the New York State Department of Health to address the high cost of malpractice insurance for general practitioners, obstetricians, gynecologists and radiologists.

Referred to the Committee on Health.

Int. No. 100

By Council Members Dickens, Comrie, Fidler, Gentile, Jackson, Koslowitz, Mealy, Palma, Vann, Williams and Nelson.

**A Local Law to amend the New York city building code, in relation to inspection of cranes.**

*Be it enacted by the Council as follows:*

Section 1. Section 3319 of chapter 33 of the New York city building code as added by local law number 33 for the year 2007, is amended by adding a new subsection 3319.6.1 to read as follows:

*3319.6.1 On-site crane inspections and reporting. Any crane in operation in the city shall be inspected no less often than once every three months by a department inspector or a person qualified to conduct such inspections, as determined by the department. A report of such inspections shall be submitted to the commissioner and maintained at the site where the crane is located. Such inspections shall be comprehensive in accordance with the rules promulgated by the commissioner and shall include all aspects of inspection required for certification pursuant to subsection 3319.6.*

§2. This local law shall take effect sixty days after its enactment, except that the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 85

**Resolution calling upon the New York State Legislature to amend the State Education Law, in relation to charter schools, to mandate that charter schools accept students from schools that have been displaced by newly sited charter schools and accept students from within the same local neighborhood, or alternatively, to pass legislation allowing New York City to enact such a law locally.**

By Council Members Dickens, Brewer, Chin, Comrie, Fidler, Jackson, Palma, Recchia, Vann, Williams and Rodriguez.

**Whereas**, In 1998, the New York Charter Schools Act allowed the creation of independent public schools; and

**Whereas**, According to the New York City Department of Education (DOE), as of September 2009, New York City has 99 charter schools which serve more than 30,000 students; and

**Whereas**, According to the New York City Charter School Center, during the 2008-2009 school year charter schools received a direct per pupil allocation of \$12,443 in government funding; and

**Whereas**, A February 2010 report by the New York City Independent Budget Office (IBO) revealed that, in addition to the direct per pupil allocation, charter schools also receive public support for textbooks, software, food, classroom supplies, transportation and other in-kind services; and

**Whereas**, The IBO report found that, for the 2008-2009 school year, the total amount of per student public support for charter schools that occupy space in DOE school buildings was \$16,373; and

**Whereas**, By contrast, the IBO report found that, for the 2008-2009 school year, the total amount of per student public support was \$13,661 for charter schools not located in DOE school buildings; and

**Whereas**, Like all public schools, charter schools must meet state standards and Regents requirements as well as state and federal laws regarding health, safety and civil rights; and

**Whereas**, According to the New York State Education Law ("SEL"), a charter school may be located in part of an existing school building, in space provided on a private work site, in a public building or in any other suitable location; and

**Whereas**, The SEL requires that before a charter school may be located in any part of an existing school building, the charter entity must provide notice to the parents or guardians of the students then enrolled in the existing school building; and

**Whereas**, The SEL also requires that a public hearing be held for the purposes of discussing the location of the charter school; and

**Whereas**, the SEL gives Community Education Councils the power to approve zoning lines applicable to schools under the jurisdiction of the community district; and

**Whereas**, A lawsuit filed in March 2009 by the United Federation of Teacher, the New York Civil Liberties Union and the Public Advocate, alleged that the DOE abused its power by eliminating attendance zones without the involvement of the school community; and

**Whereas**, A plan proposed by DOE in 2008-2009 to close PS 194, a traditional public school in Manhattan and replace it with a charter school caused severe conflict within the Harlem community; and

**Whereas**, A plan proposed by DOE in 2008-2009 to close P.S. 241 in Manhattan and replace it with a charter school would have left children in that community without a locally zoned elementary school; and

**Whereas**, A plan proposed by the DOE in 2008-2009 to close PS 150 in Brooklyn would have required students to seek admission to schools outside of their attendance zones or seek admission to a charter school with no assurance of admission; and

**Whereas**, DOE intends to expand on the number of charter schools in New York City; and

**Whereas**, A majority of New York City schools are severely overcrowded; and

**Whereas**, DOE has stated that identifying sites for new seat capacity in the areas of highest need is difficult; and

**Whereas**, Requiring that a charter school make accommodations for school aged children that have been otherwise displaced by the location of such charter school will ensure that all New York City school aged children are able to attend a locally zoned school or neighborhood school; now, therefore, be it

**Resolved**, That the New York City Council calls upon the New York State Legislature to amend the State Education Law, in relation to charter schools, to mandate that charter schools accept students from schools that have been displaced by newly sited charter schools and accept students from within the same local neighborhood, or alternatively, to pass legislation allowing New York City to enact such a law locally.

Referred to the Committee on Education.

Res. No. 86

**Resolution calling upon the New York State Legislature to amend the State Education Law, in relation to charter schools, by limiting the number of charter schools that can be operated by a single organization to no more than 10% of the charters in the state and by requiring that no more than 10% of the organization's charters may be located in any one school district, or alternatively to pass legislation allowing New York City to enact local limits.**

By Council Members Dickens, Brewer, Comrie, Dromm, Fidler, Jackson, Mealy, Palma, Recchia, Vann, Williams and Rodriguez.

**Whereas**, The New York Charter Schools Act ("the Act") of 1998, also known as Article 56 of the State Education Law, authorized the creation of charter schools "that operate independently of existing schools and school districts;" and

**Whereas**, As stated in the Act, one of the primary objectives for creation of charter schools is to "provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system;" and

**Whereas**, Charter schools are publicly financed through local, state and federal funds; and

**Whereas**, The authority for a charter school to operate and provide education services is through a contract or "charter" issued by the State Board of Regents; and

**Whereas**, Charters may be issued for a term of up to five years and, upon application, may be renewed for additional five-year periods; and

**Whereas**, The Act also states that an application to establish a charter school may be submitted by teachers, parents, school administrators, community residents or any combination thereof; and

**Whereas**, In addition, such application may be filed in conjunction with a college, university, museum, educational institution, not-for-profit corporation or corporate entity authorized to do business in New York State; and

**Whereas**, The Act further specifies that, for charter schools established in conjunction with a for-profit business or corporate entity, the charter shall specify

the extent of the entity's participation in the management and operation of the school; and

**Whereas**, The Act is silent on the issue of how many charter schools can be established or operated by a single organization or entity; and

**Whereas**, Initially, the Act authorized the creation of no more than 100 charter schools statewide; and

**Whereas**, Subsequently, as part of budget legislation enacted on April 1, 2007, the Act was amended, increasing the cap on new charter schools allowed to open in the state from 100 to 200; and

**Whereas**, The amendment to the Act further provided that at least 50 of the new charters be reserved for New York City; and

**Whereas**, According to the New York State Education Department, there are currently 141 charter schools operating statewide during the 2009-2010 school year; and

**Whereas**, The New York City Department of Education (DOE) reports that, as of September 2009, there are 99 charter schools, approximately 6% of all public schools, operating in the City; and

**Whereas**, The vast majority of the state's charter schools, more than two-thirds, are located in New York City; and

**Whereas**, Some communities in the City have a high concentration of charter schools, such as Harlem which has 24, according to a recent *New York Times* article; and

**Whereas**, A number of operators have established multiple charter schools in New York City, including Achievement First, KIPP, Icahn and Success Charter Network among others; and

**Whereas**, According to news reports, several of these operators plan to further expand their chain of charter schools in the City, including the Success Charter Network which plans to expand from the present four Harlem Success Academies to 40 over the next decade; and

**Whereas**, Establishing limits on the number of charter schools that can be operated by a single organization will maximize choices and educational opportunities for students while preventing domination by one group's philosophy and methods in any community; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to amend the State Education Law, in relation to charter schools, by limiting the number of charter schools that can be operated by a single organization to no more than 10% of the charters in the state and by requiring that no more than 10% of the organization's charters may be located in any one school district, or alternatively to pass legislation allowing New York City to enact local limits.

Referred to the Committee on Education.

Res. No. 87

**Resolution honoring the life of the Honorable Percy E. Sutton by proclaiming Sunday, July 25, 2010, as "Percy E. Sutton Day."**

By Council Members Dickens, Brewer, Chin, Comrie, Dromm, Fidler, Jackson, Koppell, Koslowitz, Lander, Mark-Viverito, Mealy, Nelson, Palma, Recchia, Williams, Rodriguez, Halloran and Koo.

**Whereas**, Percy Ellis Sutton was born on November 24, 1920, the youngest of 15 children, in San Antonio, Texas and moved to New York when he was 12 years old; and

**Whereas**, He served valiantly in both World War II with the Tuskegee Airmen and in the Korean War; and

**Whereas**, After completing law school at Brooklyn Law in 1950, Mr. Sutton opened a law practice in Harlem; and

**Whereas**, He used his legal expertise to represent over 200 civil rights activists arrested in protests in the South; and

**Whereas**, Mr. Sutton also represented Malcolm X during the Civil Rights Movement, and after Malcolm X passed away, Mr. Sutton successfully secured burial rights for him; and

**Whereas**, Mr. Sutton worked on political campaigns, for himself and others, beginning in the 1950's, and was elected to the New York State Assembly in 1964; and

**Whereas**, He served on the New York City Council from 1966-1977, helping the City through the fiscal crisis of the mid 1970's; and

**Whereas**, Mr. Sutton also invested heavily in the *New York Amsterdam News*, the largest black-run newspaper in the City, and co-owned 18 radio stations throughout the Northeast; and

**Whereas**, He also purchased, renovated, and revitalized the Apollo Theater in 1981, leading to the production of the nationally-syndicated, "It's Showtime at the Apollo" program; and

**Whereas**, Countless prominent African-American leaders, including Governor David Paterson and President Barack Obama, have hailed Mr. Sutton as a hero to African-Americans in New York City and around the country; and

**Whereas**, July 25, 2010 will mark the beginning of Harlem week, which began in 1974 as Harlem Day, and is a period of time during which Harlem celebrates and showcases its rich history and important contributions of its culture and people; and

**Whereas**, This would be a fitting day to honor Percy Sutton and his numerous contributions to his beloved Village of Harlem; now, therefore, be it

**Resolved**, That the Council of the City of New York honors the life of the Honorable Percy E. Sutton by proclaiming Sunday, July 25, 2010, as "Percy E. Sutton Day."

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Res. No. 88

**Resolution declaring the first week of October as "Arts Advocacy Week in Harlem."**

By Council Members Dickens, Comrie, Jackson, Mark-Viverito, Palma, Recchia, Van Bramer, Rodriguez and Koo.

**Whereas**, Harlem is an arts and cultural center of New York City and is also considered the cultural capital of Black America; and

**Whereas**, The Harlem Arts Alliance, an arts advocacy organization comprised of 400 individual artist and arts organizations, launched the first annual advocacy event called "Arts Advocacy in Harlem" in September 2007; and

**Whereas**, Arts Advocacy in Harlem is a week long event addressing critical issues and challenges that face arts and cultural institutions as well as creative artists in Harlem and in communities of color across the City; and

**Whereas**, According to the Harlem Alliance, individual artists and arts organizations in Harlem are struggling, smaller arts groups are fighting for survival, and the cultural legacy of Harlem is at stake; and

**Whereas**, The Harlem Arts Alliance indicates that although news headlines report robust real estate sales in Harlem and the impact on individuals that have been longtime residents of the neighborhood, the reports fail to address the impact such developments have had on the arts and culture of Harlem; and

**Whereas**, Through the collaboration of artists, arts and cultural organizations, arts enthusiasts, arts advocates, and elected officials, Arts Advocacy in Harlem provides an opportunity and forum for the concerns of the Harlem arts community to be heard; and

**Whereas**, It is imperative to sustain the historical, present, and future cultural integrity of Harlem; and

**Whereas**, Arts Advocacy in Harlem coincides with National Arts and Humanities month, which is celebrated in October; and

**Whereas**, The Harlem Arts Alliance will hold the next "Arts Advocacy in Harlem" in October 2010; now, therefore, be it

**Resolved**, That the Council of the City of New York declares the first week of October as "Arts Advocacy Week in Harlem."

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Res. No. 89

**Resolution calling upon the President and the United States Congress to ban the practice of placing prison inmates in solitary confinement and provide supportive services to all inmates leaving solitary confinement from federally operated prison systems.**

By Council Members Dickens, Brewer, Comrie, Palma and Rodriguez.

**Whereas**, The use of solitary confinement in United States (US) prisons began in the early 19<sup>th</sup> century to provide prisoners an environment in which to repent, pray, and find time for introspection; and

**Whereas**, Today solitary confinement is used as a tool to punish inmates for infractions committed while serving sentences in federal prison; and

**Whereas**, Conservative estimates show that there are more than 25,000 inmates in US federal and state prisons serving their sentences in solitary confinement; and

**Whereas**, According to the US Census Bureau's data from 2000, there were 2,600 people imprisoned in federal prisons and detention centers located in New York City; and

**Whereas**, Solitary confinement typically constitutes segregating an inmate for 23 hours a day, allowing the inmate out only to shower or get outdoor exercise in a small caged space, and disallowing any contact with the outside world; and

**Whereas**, Studies have shown that solitary confinement can cause severe psychiatric distress to inmates as well as cause long-standing social disorders; and

**Whereas**, Inmates are more apt to commit suicide when they are in or have experienced prolonged periods of solitary confinement; and

**Whereas**, An increasing number of jurists throughout the world have concluded that solitary confinement constitutes cruel and unusual punishment and view solitary confinement as torture; and

**Whereas**, US Senator John McCain of Arizona, who spent five and a half years tortured as a prisoner of war stated “solitary confinement is an awful thing... it crushes your spirit and weakens your resistance more effectively than any other form of mistreatment;” and

**Whereas**, Almost 95 percent of the inmates in isolation in the US will be released back to society and many of them will receive little, if any, assistance with their transition; and

**Whereas**, It is imperative for federally operated prisons to offer mental support services and reentry services for those isolated inmates reentering society from solitary confinement in light of the difficulties they will face; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the President and the United States Congress to ban the practice of placing prison inmates in solitary confinement and provide supportive services to all inmates leaving solitary confinement from federally operated prison systems.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 90

**Resolution calling upon the New York State Legislature and the Governor to ban the practice of placing prison inmates in solitary confinement and provide supportive services to all inmates leaving solitary confinement from New York State operated prison systems.**

By Council Members Dickens, Brewer, Comrie, Palma and Rodriguez.

**Whereas**, Solitary confinement is generally used as a tool to punish inmates who continually violate rules in state run correction facilities; and

**Whereas**, The criteria for the isolation of prisoners vary by state but typically include not only the commission of violent infractions, but also violation of prison rules or association with gang members; and

**Whereas**, Solitary confinement generally constitutes segregating an inmate for 23 hours per day, allowing the inmate out only to shower or get outdoor exercise in a small caged space, and disallowing any contact with the outside world; and

**Whereas**, Studies have shown that solitary confinement can cause severe psychiatric distress to an inmate as well as cause long-standing social disorders; and

**Whereas**, An increasing number of jurists throughout the world have concluded that solitary confinement constitutes cruel and unusual punishment and view solitary confinement as torture; and

**Whereas**, According to a recent study, about 44,000 New York state prisoners, or two-thirds of the entire New York state prison population, are from New York City; and

**Whereas**, Between 1998 and 2001, over half of New York State’s correctional system suicides occurred in 23 hour lockdown, although inmates in these units comprised less than 10 percent of the general population; and

**Whereas**, Several states, including Oregon and Colorado, offer progressive programs, such as inmate therapy sessions and anger management classes, to prisoners scheduled to be released to society from solitary confinement; and

**Whereas**, It is paramount that New York State prisons offer similar services to help inmates who have been held in solitary confinement transition back into society, so that they may contribute to their community; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature and the Governor to ban the practice of placing prison inmates in solitary confinement and provide supportive services to all inmates leaving solitary confinement from New York State operated prison systems.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 91

**Resolution calling upon the President of the United States and Congress to develop a comprehensive national approach to combating HIV/AIDS, including prevention, education and treatment strategies.**

By Council Members Dickens, Chin, Comrie, Dromm, Fidler, Palma, Van Bramer, Vann, Rodriguez and Nelson.

**Whereas**, According to the United States Centers for Disease Control and Prevention (CDC), approximately 56,300 new HIV infections occurred in 2006, more than 40% higher than its previous estimate of 40,000; and

**Whereas**, The CDC made this more accurate estimate by using a new methodology that distinguishes between recent and long-standing HIV infections, and this new technique represents the first national surveillance system of its kind based on direct measurement of new HIV infections; and

**Whereas**, According to the New York City Department of Health and Mental Hygiene, more than 100,000 New Yorkers are living with HIV and New York City has the highest AIDS case rate in the country; and

**Whereas**, The findings using the new methodology are alarming because they show that the AIDS epidemic is worse than officials originally thought; and

**Whereas**, Domestically, the United States has spent more than \$74 billion on treatment and care for individuals living with HIV/AIDS and more than \$15 billion in research from 2001 to 2006, according to the White House; and

**Whereas**, In 2003, President Bush launched the United States President’s Emergency Plan for AIDS Relief (PEPFAR) to combat global HIV/AIDS, which represented the largest commitment by any nation to combat a single disease in history; and

**Whereas**, The goal of the emergency plan is to support worldwide integrated prevention, treatment and care programs through a multi-sector response in host nations under the principles known as the “Three Ones,” which require nations to create one national plan, one national coordinating authority and one national monitoring and evaluation system; and

**Whereas**, PEPFAR was reauthorized on July 30, 2008, and will commit the United States to spend up to \$48 billion to combat worldwide HIV/AIDS, tuberculosis and malaria through 2013; and

**Whereas**, PEPFAR has a goal to provide treatment for at least 3 million people, prevent 12 million new infections and care for 12 million people over five years by expanding health care systems, training new workers and providing life-saving antiretroviral treatment; and

**Whereas**, Participating international countries are required to have a national strategy to combat HIV/AIDS before they can receive any PEPFAR funding; and

**Whereas**, Despite this requirement in PEPFAR, the United States itself does not have a national strategy to combat HIV/AIDS domestically and, adding to the confusion, there are ten separate federal agencies that service individuals living with HIV/AIDS; and

**Whereas**, In August 2008, over 30 national HIV/AIDS organizations representing African American, Latino, Native American/Alaskan Native and Asian Pacific Islander communities, came together in an unprecedented manner and called for the United States to develop and implement a national strategy to combat HIV/AIDS; and

**Whereas**, One of the leading organizations was the National Black Leadership Commission on AIDS (NBLCA), a major HIV/AIDS advocacy and coordinating organization established in 1987, who have long advocated for targeted HIV research, treatment access, medical care and prevention for communities of color; and

**Whereas**, NBLCA has highlighted the disparities in HIV/AIDS amongst minority groups, underscored by the new CDC report which estimates that communities of color account for 65% of the new HIV infections occurring in the United States in 2006 using the new methodology; and

**Whereas**, The United States should adopt a national strategy that could establish goals and timetables, as well as coordinate needed resources to the most needy areas and groups; and

**Whereas**, The White House Office of National AIDS Policy and the Office of Public Health and Science at the United States Department of Health and Human Services recently convened an interagency working group to help develop a National HIV/AIDS Strategy; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the President of the United States and Congress to develop a comprehensive national approach to combating HIV/AIDS, including prevention, education and treatment strategies.

Referred to the Committee on Health.

Res. No. 92

**Resolution calling upon the Governor and the Mayor to discontinue the practice of finger imaging food stamp applicants.**

Council Members Dickens, Brewer, Comrie, Dromm, Mark-Viverito, Mealy, Palma, Vann, Williams and Rodriguez.

**Whereas**, Milo Perkins, the first federal administrator of the food stamp program, stated that food stamps were designed to bridge the gap between “farm surpluses” and “under-nourished city folks”; and

**Whereas**, Today the federal food stamp program serves the same purpose of providing resources to “under-nourished” Americans; and

**Whereas**, Ensuring that people have the resources that they need to survive, thrive, and eat healthy food is one step towards preserving the city’s well being; and

**Whereas**, Imposing unnecessary barriers to enrollment on low-income individuals takes us away from the goal of providing services to the “under-nourished;” and

**Whereas**, Requiring that food stamp applicants undergo finger imaging stands in the way of the original goal of assisting those in need; and

**Whereas**, When individuals are arrested they are fingerprinted to determine their criminal history and to prepare for their arraignments; and

**Whereas**, Subjecting people who are merely applying for food stamps to the same process reflects a failure on the part of the city to verify, document, and track people’s identity in a nonintrusive manner; and

**Whereas**, A report issued by the Government Accountability Office titled “Food Stamp Program: use of alternative methods to apply for and maintain benefits could be enhanced by additional evaluation and information on promising practices” found that finger imaging does not enhance program integrity and that it may have a negative effect on program access by deterring certain households from applying; and

**Whereas**, Additional federal studies have also found that finger imaging is a deterrent to applying for food stamps; and

**Whereas**, Federal guidelines for the food stamp program do not require food stamp applicants to be finger imaged; and

**Whereas**, Forty-six states do not subject food stamp applicants to a finger imaging requirement; and

**Whereas**, Under Secretary Kevin Concannon of the United States Department of Agriculture (USDA) testified at a City Council hearing in November 2009 that the USDA would no longer approve applications to implement finger imaging as a form of biometric identification because the evidence is mixed on its success to prevent fraud and it has the “unintended consequences” of dissuading participants from enrollment; and

**Whereas**, New York State (NYS) and New York City (NYC) should move to change their current laws and policies to fully mirror the intent and purpose of the federal programs that they administer; and

**Whereas**, The NYS Office of Temporary Disability Assistance (OTDA) launched the “working families initiative,” which waived the requirement of finger imaging for working families, seniors, and families that have a member with disabilities; and

**Whereas**, NYC’s boroughs are the only five counties in the State of New York that continue to require that these populations be finger imaged; and

**Whereas**, NYC is reimbursed for administrative costs for every single resident who participates in the food stamp program and draws down additional federal monies based on additional participants enrolled; and

**Whereas**, This funding stream provided directly to needy and qualifying individuals creates an economic stimulus in the city overall; and

**Whereas**, HRA has the responsibility to administer the federal food stamp program for individuals and families who meet the eligibility requirements and to determine that they are eligible; and

**Whereas**, The requirement to finger image food stamp applicants is an unnecessary obstacle for food stamp participation; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Governor and the Mayor to discontinue the practice of finger imaging food stamp applicants.

Referred to the Committee on General Welfare.

Res. No. 93

**Resolution calling upon the 111<sup>th</sup> Congress to pass, and the President to sign, H. R. 225, the Emergency Home Ownership and Mortgage Equity Protection Act, which would modify federal bankruptcy laws to provide relief to homeowners at risk of foreclosure.**

By Council Members Dickens, Chin, Comrie, Fidler, Jackson, Palma, Vann, Williams, Rodriguez and Koo.

**Whereas**, According to the Mortgage Bankers Association, approximately 6 million foreclosures have been initiated since 2007, and approximately 6.5 million homes are currently at risk; and

**Whereas**, Credit Suisse estimates that at least 8.1 million families will lose their homes to foreclosure in the next four years; and

**Whereas**, Holders of mortgages verging on foreclosure may sometimes seek to file for bankruptcy in order to be relieved of their debts; and

**Whereas**, In a bankruptcy filed under chapter 13, a debtor typically undergoes a reorganization of his or her financial obligations under the supervision of a federal bankruptcy court and retains his or her property; and

**Whereas**, The U.S. Bankruptcy Code currently denies bankruptcy judges authority to modify secured debts on homeowners’ primary residences, but permits them to modify loan obligations to corporations or on investment properties, vacation homes and boats; and

**Whereas**, Unable to modify the terms of their mortgages, many homeowners will end up losing their homes; and

**Whereas**, The Center for Responsible Lending has projected that from 2009 to 2012, foreclosures will have caused approximately 92 million homes to lose a cumulative \$1.9 trillion in property value; and

**Whereas**, Despite the downturn in the housing market and declining property values, lenders remain hesitant to allow delinquent borrowers to sell their homes at values lower than those of the mortgages on the properties; and

**Whereas**, Many in the lending industry have been reluctant to meaningfully engage in voluntary loan modifications of mortgages; and

**Whereas**, In January 2009, United States Representatives Brad Miller introduced H.R. 225, the Emergency Home Ownership and Mortgage Equity Protection Act, which would permit judicial modification of the terms of home mortgages for borrowers who enter into chapter 13 bankruptcy; and

**Whereas**, If passed, H.R. 225 would permit judicial modification of debts secured by debtors’ primary residences and would modify, in certain circumstances, the credit counseling requirement for debtors who file for chapter 13 bankruptcy; and

**Whereas**, By including primary residences in the jurisdiction of the bankruptcy court, H.R. 225 would empower a bankruptcy judge to reduce the value of a lien owed on a principal residence to its fair market value without the necessity of a creditor’s cooperation; and

**Whereas**, H.R. 225 would also enable bankruptcy judges to modify prepayment penalties and to relax the timeframe within which claims secured by a debtor’s primary residence could be repaid; and

**Whereas**, H.R. 225 would also allow bankruptcy courts to reduce interest rates to current fair market levels; and

**Whereas**, H.R. 225 would help maintain property values in neighborhoods with homes at risk of foreclosure, and would guarantee that lenders receive at least the market value of the home; and

**Whereas**, H.R. 225 would also benefit homeowners whose property values might decrease if their neighbors enter into foreclosure; and

**Whereas**, In order to maintain homeownership in this country and to avoid any further economic devastation, homeowners facing bankruptcy must be given a reasonable opportunity to modify the terms of their mortgage and remain in their homes; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the 111<sup>th</sup> Congress to pass, and the President to sign, H. R. 225, the Emergency Home Ownership and Mortgage Equity Protection Act, which would modify federal bankruptcy laws to provide relief to homeowners at risk of foreclosure.

Referred to the Committee on Consumer Affairs.

Res. No. 94

**Resolution calling upon the New York State Legislature to pass A.9016/S.4041-B, legislation that would legalize the medicinal use of marijuana.**

By Council Members Dromm, James, Vann, Brewer, Comrie, Jackson, Koppell, Koslowitz, Mark-Viverito, Nelson, Williams, Mealy, Mendez, Rodriguez, Lander, Rivera, Crowley, Sanders, Reyna and Koo.

**Whereas**, Marijuana refers to all parts of the plant *Cannabis sativa L.*; and

**Whereas**, The primary active ingredient in marijuana is THC (delta-9-tetrahydrocannabinol), which reacts to nerve cells in the brain and leads to a euphoric high that users generally experience when smoking marijuana; and

**Whereas**, Proponents of medical marijuana point to a large body of reports and journal articles that support the therapeutic value of marijuana; and

**Whereas**, These written works address the ability of marijuana in the treatment of a variety of disease-related problems, including relieving nausea, increasing appetite, reducing muscle spasms and spasticity, relieving chronic pain, reducing intraocular pressure, and relieving anxiety; and

**Whereas**, Nationally, 14 states, Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont and Washington, have enacted laws or passed ballot measures which have authorized the use of medical marijuana; and

**Whereas**, On October 19, 2009, the United States Department of Justice issued formal guidelines for federal prosecutors in states that have enacted medical marijuana laws; and

**Whereas**, The guidelines contain in pertinent part that, “[p]riorities should not focus federal resources in your States on individuals whose actions are in clear and unambiguous compliance with existing state laws providing for the medical use of marijuana;” and

**Whereas**, Marijuana remains a Schedule I substance under the Controlled Substances Act and the United States Drug Enforcement Association asserts that this classification means that marijuana has a high potential for abuse, currently has no accepted medical use in treatment, and lacks accepted safety for use of the drug or other substance under medical supervision; and

**Whereas**, Yet, advocates of medical marijuana laws view the Department of Justice’s policy as an important acknowledgement that patients and medical professionals should not fear prosecution as a result of adhering to state law; and

**Whereas**, In New York State, Assembly Member Richard Gottfried and Senator Thomas Duane, both Chair of their respective chamber’s Health Committees, introduced A.9016/S.4041-B, legislation that would legalize the medicinal use of marijuana; and

**Whereas**, This legislation would accomplish this task by legalizing the possession, manufacture, use, delivery, transfer, transport or administration of marijuana by a certified patient or designated caregiver for certified use; and

**Whereas**, The bills also create procedures for allowing practitioner’s to certify that their patients’ serious medical condition should be treated by the medical use of marijuana; and

**Whereas**, Pursuant to the legislation, the New York State Department of Health is required to monitor the use of medical marijuana, promulgate rules and regulations for registry identification cards and provide reports to the Governor and the Legislature on the medical use of marijuana; and

**Whereas**, Multiple public health and advocacy organizations support this legislation including the Medical Society of the State of New York <<http://www.mssny.org/>>, the New York State Nurses Association <<http://www.nysna.org/>>, the Hospice and Palliative Care Association of New York <<http://www.hpcanys.org/index.asp>>, the StateWide Senior Action Council <<http://www.nysenior.org/>> and the ‘Gay Mens Health Crisis <<http://www.gmhc.org/>>; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass A.9016/S.4041-B, legislation that would legalize the medicinal use of marijuana.

Referred to the Committee on Health.

Res. No. 95

**Resolution declaring the first Tuesday in May as World Asthma Day in New York City.**

By Council Members Eugene, Fidler, Jackson, Koslowitz, Palma, Rodriguez and Nelson.

**Whereas**, According to the United States Centers for Disease Control and Prevention (CDC), asthma is a disease that affects the lungs and may cause wheezing, chest tightness, coughing and breathlessness; and

**Whereas**, Every year, approximately 504,000 Americans are hospitalized for asthma-related symptoms; and

**Whereas**, In 2004 asthma contributed to 13.6 million doctor visits, 1.1 million hospital outpatient visits and 1.8 million emergency room visits; and

**Whereas**, It is estimated that asthma affects 22 million people throughout the United States, including 6.5 million children; and

**Whereas**, Asthma is one of the most common long-term diseases in children and accounts for approximately 14.7 million missed school days; and

**Whereas**, This disease disproportionately affects minorities, low-income populations and children living in inner cities; and

**Whereas**, Asthma can be controlled by adhering to a medical management plan and by avoiding contact with certain environmental triggers, including dust, mold, smoke, insects, and other chemicals; and

**Whereas**, According to the Department of Health and Mental Hygiene (DOHMH), approximately one million New Yorkers have been diagnosed with asthma at some point in their lifetime; and

**Whereas**, DOHMH recommends that patients and providers partner to create a treatment plan, and that providers follow the recently updated National Asthma Education and Prevention Program Guidelines to promote self-management including education and the joint development of treatment goals; and

**Whereas**, DOHMH administers multiple programs to combat asthma including the New York City Asthma Initiative which is working to improve medical standards to treat asthma patients, reduce triggers in homes and communities, enhance individuals’ ability to self-manage their condition, enhance citywide

education, create asthma friendly schools and day care centers and monitor individuals with asthma; and

**Whereas**, Due to the impact of asthma throughout the City and the country, many advocacy groups both nationally and internationally have emerged to reduce the negative impact of this disease; and

**Whereas**, The Global Initiative for Asthma (GINA) began in 1993, in collaboration with the National Heart, Lung, and Blood Institute, the United States National Institutes of Health and the World Health Organization, to partner with health care officials and professionals throughout the world to reduce asthma prevalence, morbidity and mortality; and

**Whereas**, Notably, GINA commemorates World Asthma Day, a day to raise awareness and advocate for ways in which asthma can be better treated and managed; and

**Whereas**, 2010 marks the 12<sup>th</sup> year anniversary for World Asthma Day and this year’s theme is “You Can Control Your Asthma,” with GINA kicking off a campaign to decrease asthma-related hospitalizations by 50 percent in five years; and

**Whereas**, Given the prevalence and impact of asthma, specifically on children, New York City should increase all public and private efforts to expand education to ensure that more individuals have an asthma management plan and to reduce the factors that trigger or contribute to asthma; now, therefore, be it

**Resolved**, That the Council of the City of New York declares the first Tuesday in May as World Asthma Day in New York City.

Referred to the Committee on Health.

Res. No. 96

**Resolution calling upon the federal government to partner with the Haitian community on Haiti relief efforts in response to the January 12, 2010 earthquake.**

By Council Members Eugene, Dickens, Dromm, Fidler, Jackson, Koslowitz, Nelson, Palma, Williams and Rodriguez.

**Whereas**, On January 12, 2010, Haiti was devastated by an earthquake with a 7.0 magnitude on the Richter scale, significantly damaging the densely populated capital of Port-au-Prince and the surrounding areas; and

**Whereas**, The immediate aftermath of the earthquake left approximately 230,000 people dead, more than 300,000 people injured and in need of medical assistance, and more than one million people without adequate shelter, access to potable water or food; and

**Whereas**, Haiti will need a long-term rebuilding plan that requires ongoing humanitarian aid from the United States and other nations across the world; and

**Whereas**, Haitians and Haitian-Americans living in the United States contribute a large part of the more than one billion dollars in remittances sent to Haiti from around the world; and

**Whereas**, According to the United States Census Bureau, there are nearly 800,000 Haitians living in the United States and New York City is home to the second largest Haitian population in the nation; and

**Whereas**, The Haitian community in New York City is made up of professionals and other individuals who may be qualified to assist in Haiti’s recovery and rebuilding efforts and who have expressed a strong interest in contributing their skills to help rebuild Haiti; and

**Whereas**, Following the earthquake in Haiti, New America Media (NAM), an ethnic media group representing more than 2000 ethnic news organizations, sponsored a national poll on the impact of the earthquake on the Haitian community in the United States; and

**Whereas**, The NAM poll found that 59% of Haitians living in the United States lost “loved ones” to the earthquake and 62% would be willing to take in a Haitian orphan through adoption or foster care procedures in order to alleviate stress on the Haitian government; and

**Whereas**, Although Haitians living in the United States, in particular in New York City, are eager to support Haiti in its rebuilding efforts, they do not know what relief efforts to organize and participate in; and

**Whereas**, On March 10, 2010, President Obama pledged to continue to provide aid and assistance to Haiti as it tries to recover from the devastating January earthquake; and

**Whereas**, With the many nongovernmental organizations and uniformed Armed forces pulling out of Haiti, the federal government should call on Haitians living in the United States to continue to provide aid and assistance; and

**Whereas**, In order to ensure full recovery, Haiti may benefit from a large number of volunteers, with diverse backgrounds, who can take part in the rebuilding process, offering expertise in a variety of areas, which could include emergency medical care, construction, civil engineering, and urban planning; and

**Whereas**, The Haitian community in New York City is deeply affected by this tragedy and wishes to take a leading role in Haiti's disaster relief and ongoing rebuilding efforts; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the federal government to partner with the Haitian community on Haiti relief efforts in response to the January 12, 2010 earthquake.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Res. No. 97

**Resolution calling on Congress to pass and President Obama to sign the Haitian Emergency Life Protection Act of 2010, also known as the H.E.L.P. Act, to temporarily expand the V nonimmigrant visa category to include Haitians whose petitions for family-sponsored immigrant visas were approved on or before January 12, 2010.**

By Council Members Eugene, Brewer, Dickens, Jackson, Koppell, Mark-Viverito, Palma, Williams, Rodriguez and Nelson.

**Whereas**, on January 12, 2010, Haiti experienced a 7.0 magnitude earthquake, the worst that the country had experienced in more than 200 years; and

**Whereas**, The earthquake killed more than 230,000 people, injured more than 300,000 people, and left more than one million people homeless; and

**Whereas**, As a result of the earthquake, more than one million children are orphaned or are left with only one parent; and

**Whereas**, Schools, hospitals, government buildings and prisons in Port-au-Prince and the surrounding areas have been destroyed causing the breakdown of daily life in Haiti, including the processing of Haitian Visa applications to the United States; and

**Whereas**, The Legal Immigration Family Equity Act (LIFE Act), signed into law by President Clinton on December 21, 2000, established several immigration benefits that encouraged family reunification, including the V nonimmigrant visa status; and

**Whereas**, The V nonimmigrant visa was created so that spouses and unmarried children, under the age of 21, of lawful permanent residents could reside and work in the United States while waiting to obtain legal immigration status; and

**Whereas**, In response to the crisis in Haiti, The Haitian Emergency Life Protection Act of 2010, or the H.E.L.P. Act (S.2998/H.R.4616) was introduced in the Senate by Senators Kristin Gillibrand (D/NY) and Robert Menendez (D/NJ) and in the House of Representatives by Representative Yvette Clarke (D/NY) in February 2010; and

**Whereas**, The H.E.L.P. Act would temporarily expand the V nonimmigrant visa status to include Haitians whose completed petitions for family sponsored immigrant visas were approved on or before January 12, 2010; and

**Whereas**, The H.E.L.P. Act would increase federal funds that go towards processing V nonimmigrant visa applications; and

**Whereas**, If enacted, the H.E.L.P. Act would give an estimated 55,000 Haitians, currently living outside of the United States, but with approved immigration petitions, the opportunity to join their relatives in the United States while their immigration petitions are processed; and

**Whereas**, Under the H.E.L.P. Act, those who would be allowed to come to the United States would also be permitted to apply for work in order to send money back to Haiti; and

**Whereas**, New York City has the second largest Haitian population in the United States; and

**Whereas**, Haitians living throughout the United States, including New York City, contribute to the rebuilding of Haiti by sending money and supplies to relatives and friends still living in Haiti; and

**Whereas**, The United States has committed itself to the rebuilding of Haiti, and if enacted, this legislation would aid in these rebuilding efforts; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on Congress to pass and President Obama to sign the Haitian Emergency Life Protection Act of 2010, also known as the H.E.L.P. Act, to temporarily expand the V nonimmigrant visa category to include Haitians whose petitions for family-sponsored immigrant visas were approved on or before January 12, 2010.

Referred to the Committee on Immigration.

Int. No. 101

By Council Members Fidler, Chin, Comrie, Dickens, Jackson, Koslowitz, Williams and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the number of all-weather taxicab stands within the central business district of the borough of Manhattan.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-538 to read as follows:

§ 19-538 *All-weather taxicab stands.* a. *For the purposes of this section, the following term shall be defined as follows:*

“All-weather taxicab stand” shall mean a designated structure with a roof, three walls, and bench seating where taxicabs stop for the purpose of picking up passengers.

b. *The department, in consultation with the taxi and limousine commission and the taxi and limousine commission advisory board shall establish a minimum of fifty new all-weather taxicab stands within the central business district of the borough of Manhattan no later than three years after the effective date of this section.*

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

Referred to the Committee on Transportation.

Int. No. 102

By Council Members Fidler, Dickens, Jackson and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the number and rate of metered parking spots within the non-residential areas of the central business district of the borough of Manhattan.**

*Be it enacted by the Council as follows:*

Section 1. Chapter two of title 19 of the administrative code of the city of New York is amended by adding a new section 19-167.2 to read as follows:

§19-167.2 *Metered parking spots.* a. *For the purposes of this section, the following term shall be defined as follows:*

“Central business district of the borough of Manhattan” shall have the same meaning as defined in section 19-502 of the code.

b. *The commissioner shall increase the rate for metered parking within the central business district to three dollars and fifty cents (\$3.50) an hour.*

c. *Within two years of the effective date of the local law that added this section, the department shall replace the 10,000 currently-free on street parking spaces in the central business district of the borough of Manhattan with metered parking spaces.*

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

Referred to the Committee on Transportation.

Int. No. 103

By Council Members Fidler, Comrie, Gentile, Jackson, Lander, Mark-Viverito, Mealy, Palma, Recchia, Van Bramer and Nelson.

**A Local Law to amend the charter of the city of New York, in relation to creating an ombudsman position within the New York city department of youth and community development.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 30 of the New York city charter is amended by adding a new section 737 to read as follows:

§737. *Ombudsman.* a. *Establishment of ombudsman position and duties. There shall be in the department the position of ombudsman whose duties shall include, but not be limited to:*

1. *establishing a system to receive comments and complaints with respect to any emergency shelter, transitional independent living program, drop-in center and any other program or facility that receives funding from the department to serve the city's runaway and homeless youth population, including but not limited to establishing and publicizing the availability of a telephone number to receive such comments and complaints;*

2. *monitoring all emergency shelters, transitional independent living programs, drop-in centers and any other programs or facilities that receive funding from the department to serve the city's runaway and homeless youth population, including but not limited to making site visits to such programs or facilities, in order to ascertain whether such programs or facilities are operating in compliance with any*

contract with the department and in a manner that respects the rights of all youth under the jurisdiction of the department;

3. investigating complaints received pursuant to paragraph 1 of this subdivision and taking any appropriate action regarding such complaints; provided that the ombudsman shall immediately notify all appropriate agency officials of any incident that indicates that an act has occurred that may be the basis for disciplinary action and/or criminal prosecution; and

4. making recommendations to the commissioner with respect to improving programs and facilities that receive funding from the department to serve the city's runaway and homeless youth population.

b. Reporting 1. The ombudsman shall submit monthly reports to the commissioner indicating the number and nature of any comments and complaints received regarding any emergency shelter, transitional independent living program, drop-in center or other program or facility that receives funding from the department to serve the city's runaway and homeless youth population; steps undertaken to monitor such programs or facilities and the results of such monitoring; any investigation undertaken pursuant to paragraph 3 of subdivision a of this section and the results of such investigation; and recommendations made pursuant to paragraph 4 of subdivision a of this section.

2. The department shall submit a yearly report to the mayor and the speaker of the city council which shall include a compilation of the monthly reports submitted pursuant to subdivision b of this section and indicate any action taken by the department as a result of any complaint or recommendation received or monitoring or investigation undertaken pursuant to subdivision a of this section.

c. Posting of ombudsman information. All emergency shelters, transitional independent living programs, drop-in centers and other programs or facilities that receive funding from the department to serve the city's runaway and homeless youth population shall post in a conspicuous location a sign indicating the phone number of the ombudsman established pursuant to paragraph 1 of subdivision a of this section and a statement indicating that any person may contact such ombudsman if such person has a comment or complaint regarding such program or facility.

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

Int. No. 104

By Council Members Fidler, Vacca, Comrie, Dromm, Gentile, Jackson, Koslowitz, Mark-Viverito, Nelson, Palma, Van Bramer, Williams, Rodriguez, Lappin, Halloran and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring notification to community boards and council members of applications for issuance of alteration permits for cellular telephone antennas and equipment.**

Be it enacted by the Council as follows:

Section 1. Article 104 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-104.2.4.1 as follows:

28-104.2.4.1 *Comment period for approval of cellular telephone permits. When the department receives an application for issuance of an alteration permit for the erection or placement of an antenna used to provide cellular telephone or similar service or any structure related to such service, the department shall, within five business days of receipt of such application, notify in writing the community board and council member in whose respective districts the property in question is located of the receipt of such application. Such community board and council member shall have thirty days within which to make comments to the department on such application and no permit may be issued by the department during such comment period.*

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

Referred to the Committee on Housing and Buildings.

Res. No. 98

**Resolution calling upon the Federal Highway Administration (FHWA) to amend the Manual on Uniform Traffic Control Devices (MUTCD) to allow for large American cities such as New York City to implement more restrictive traffic guidelines than those prescribed in the MUTCD, in order to better preserve resident safety.**

By Council Members Fidler, Comrie and Rodriguez.

**Whereas**, The Federal Highway Administration (FHWA) publishes the Manual on Uniform Traffic Control Devices (MUTCD), which contains all national design, application, and placement standards for traffic control devices; and

**Whereas**, The purpose of these devices, which include signs, signals, and pavement markings, is to promote highway safety and uniformity so that traffic can move safely and efficiently on streets and highways throughout the nation; and

**Whereas**, The MUTCD is adopted in accordance with Title 23 of the United States code, Section 109(d) and Title 23 of the code of federal regulations, part 655.603, and is also approved as the national standard for designing, applying, and planning traffic control devices; and

**Whereas**, While the FHWA adopts the standards, the individual state and local highway agencies nationwide select, install, operate, and maintain traffic control devices on all roadways (including the interstate and the U.S. numbered systems), complying with the MUTCD standards for all traffic control devices without exception; and

**Whereas**, While the standards of the MUTCD are flexible and change in response to travel patterns and road conditions and incorporate technology and advancements in materials, the manual itself is completely rewritten only once every ten to twenty years and has historically only relied on periodic updates, occurring every two to three years; and

**Whereas**, The process for changing or updating a MUTCD standard requires submitting a written request to the FHWA of the Office of Transportation Operations (HOTO), which is a lengthy and arguably inefficient process for affecting change for traffic conditions that may require more immediate solutions in the interest of public safety; and

**Whereas**, Traffic control devices can help ensure that fewer pedestrians and drivers will be killed or injured by regulating the flow of traffic in a busy neighborhood and alert drivers and pedestrians as to who has the right of way; and

**Whereas**, A traffic control device is currently prohibited from being placed at a given location if it does not meet the criteria set by the MUTCD despite a community's potential desire for such a device at that location; and

**Whereas**, Sometimes, where MUTCD does not allow a traffic control device to be placed, one should be placed there anyway based on objective history of frequent traffic accidents; and

**Whereas**, The City's Department of Transportation (DOT) accepts letters of request and provides an online form from people who believe the conditions at an intersection meet the requirements set in the MUTCD for a traffic control device, but such expressions of need do not guarantee that a request will be granted; and

**Whereas**, DOT refers the request to its Traffic Engineering Unit for the respective borough, which in turn makes a preliminary study of the street corner in question, including traffic and pedestrian volumes, vehicular speeds, accident history and sign spacing; and

**Whereas**, The Traffic Engineering Unit conducts a field investigation to observe traffic on the street corner at various times and on different days of the week, over approximately six weeks, to determine whether conditions at the intersection meet the federal standards for traffic lights and signals set out in the MUTCD; and

**Whereas**, After an analysis, the department may approve the request, in which case DOT will schedule an installation to occur within three or four months; and

**Whereas**, In deciding between a stop sign and a traffic light, DOT considers the number of vehicles that go through an intersection, how fast they are traveling, and the visibility and presence of other traffic lights nearby; and

**Whereas**, New York City is unique in the size and density of its population and in its proportion of pedestrians to motorists compared to other cities in the United States, which raises questions about whether the criteria set forth in the MUTCD properly address traffic conditions particular to New York City; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Federal Highway Administration (FHWA) to amend the Manual on Uniform Traffic Control Devices (MUTCD) to allow for large American cities such as New York City to implement more restrictive traffic guidelines than those prescribed in the MUTCD, in order to better preserve resident safety.

Referred to the Committee on Transportation.

Res. No. 99

**Resolution calling upon the Mayor of the City of New York, the New York City Department of Transportation and the Metropolitan Transportation Authority to approve and institute a plan for the construction of a Trans-Narrows Tunnel between the boroughs of Brooklyn and Staten Island for the purposes of connecting the Staten Island railway to the New York City subway system.**

By Council Members Fidler, Comrie, Williams, Rodriguez and Nelson.

**Whereas**, The construction of a Trans-Narrows Tunnel between the boroughs of Brooklyn and Staten Island would connect the Staten Island Railway to the New York City subway system; and

**Whereas**, According to the 2000 census, the percentage of residents who commute to work by car from Staten Island exceeds that of all other boroughs; and

**Whereas**, Residents of Staten Island currently have no direct access to the City's subway system; and

**Whereas**, The concomitant air pollution created by exhaust from gasoline engines is currently an obtrusive, unhealthy part of almost every Staten Island resident's commute to work; and

**Whereas**, It is impossible to estimate how many Staten Islanders would opt to commute to work by subway instead of automobile if given the opportunity to do so, thereby reducing air pollution and asthma rates, and reducing congestion on Staten Island's roads, the Verrazano Narrows Bridge, many arterial roads entering Manhattan and in the Central Business District itself; and

**Whereas**, According to an article in the June 17, 2007 *Staten Island Advance*, the Trans-Narrows Tunnel was first proposed in 1912, with construction started and aborted in the 1920's, and is now clearly an overdue promise to the City's fastest growing borough; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Mayor of the City of New York, the New York City Department of Transportation and the Metropolitan Transportation Authority to approve and institute a plan for the construction of a Trans-Narrows Tunnel between the boroughs of Brooklyn and Staten Island for the purposes of connecting the Staten Island railway to the New York City subway system.

Referred to the Committee on Transportation.

Res. No. 100

**Resolution calling upon the Mayor of the City of New York, the New York State Department of Transportation and the New York City Department of Transportation to approve and institute a plan for the construction of a Gowanus Expressway Tunnel to replace the elevated Gowanus Expressway.**

By Council Members Fidler, Comrie and Nelson.

**Whereas**, The replacement of the Gowanus Expressway by a Gowanus Tunnel would result in improved traffic flow, reduced congestion, and the opportunity to open the West Brooklyn waterfront to economic development, housing and parkland; and

**Whereas**, There is some concern that the Gowanus Expressway has long been one of the nation's most overtaxed and overused roads; and

**Whereas**, Some people believe that the Gowanus Expressway is one of the City's greatest sources of congestion and air pollution; and

**Whereas**, The cost of maintaining and repairing the ill-designed elevated roadway results in wasteful spending and a continuous stream of traffic-impairing roadway projects; and

**Whereas**, The Gowanus Expressway cuts off the West Brooklyn waterfront from the residential communities to its east, severely diminishing the value of the magnificent asset of the West Brooklyn waterfront; and

**Whereas**, Hundreds of millions of dollars have been invested in both the Hudson Yards area of Manhattan and in the development of the western shore of Manhattan while not enough has been done to develop this vast area of Brooklyn's waterfront; and

**Whereas**, The benefits arising from the creation of new housing, businesses and waterfront parks on the West Brooklyn waterfront would more than offset the costs of a Gowanus Expressway Tunnel over time; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Mayor of the City of New York, the New York State Department of Transportation and the New York City Department of Transportation to approve and institute a plan for the construction of a Gowanus Expressway Tunnel to replace the elevated Gowanus Expressway.

Referred to the Committee on Transportation.

Res. No. 101

**Resolution calling upon the appropriate Committee of the Council of the City of New York to hold a hearing on the efficiency of air filtration technologies with respect to Local Law 47 of 2002 (The Smoke Free Air Act) and the New York State Clean Indoor Air Act.**

By Council Members Fidler, Chin, Comrie and Rodriguez.

**Whereas**, The Council of the City of New York passed the Smoke Free Air Act (SFAA), which was signed into law by the Mayor on December 30, 2002, with the intent to afford a safe, smoke-free environment for all workers in New York City; and

**Whereas**, New York State passed the Clean Indoor Air Act, which was intended to provide such an environment for all workers in New York State and became effective on July 24, 2003; and

**Whereas**, Some believe that air filtration technologies were not fully researched as an alternative to the prohibition of smoking in bars, restaurants and other workplaces prior to the passage of the SFAA and the Clean Indoor Air Act; and

**Whereas**, Experts seem to disagree as to whether air filtration systems are sufficiently effective to provide a safe workplace; and

**Whereas**, Air filtration systems are designed to remove low level contaminants and odors, such as tobacco smoke, and, in particular, the High Efficiency Gas Absorption (HEGA) media filter is a patent-pending air filtration system which affirms to be 95% effective for specified contaminants, including tobacco smoke; and

**Whereas**, If it is found that air filtration systems are effective in providing a safe work environment, then the SFAA and Clean Indoor Air Act should be amended to allow for certain exceptions to the prohibition of smoking in certain enclosed areas when air filtration systems are established in those areas; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the appropriate Committee of the Council of the City of New York to hold a hearing on the efficiency of air filtration technologies with respect to Local Law 47 of 2002 (The Smoke Free Air Act) and the New York State Clean Indoor Air Act.

Referred to the Committee on Health.

Res. No. 102

**Resolution calling upon the Mayor of the City of New York, the Port Authority of New York and New Jersey and the Federal government to approve and institute a plan for the construction of the Cross Harbor Freight Tunnel.**

By Council Members Fidler, Brewer, Comrie, Jackson, Koppell, Lander, Mark-Viverito and Nelson.

**Whereas**, The construction of the Cross Harbor Freight Tunnel, spanning the New York Harbor, would, according to the Pratt Center for Community Development, take approximately one million truck runs off the streets of New York City every year; and

**Whereas**, The most noxious vehicular traffic in the City comes from trucks; and

**Whereas**, Many trucks occupy the same space as approximately three to four passenger vehicles, emit considerably more pollution and are responsible for the vast majority of wear and tear on our existing roadways and bridges; and

**Whereas**, The New York Economic Development Corporation, in conjunction with the Federal Highway Administration and the Federal Railroad Administration have completed a draft report studying the environmental impacts of such a project; and

**Whereas**, According to Move NY & NJ, a transportation advocacy group, numerous other benefits of the Cross Harbor Tunnel include the creation of 23,000 permanent long-term jobs and 6,500 construction jobs, savings in road repair and maintenance, and the creation of a third arterial to bring freight into the City; and

**Whereas**, The reduced number of trucks traveling through the City resulting from construction of the Cross Harbor Tunnel would bring with it the innumerable environmental, ecological and health benefits of cleaner air; and

**Whereas**, Sound dampening materials and other ameliorating landscaping can be used along the right of way to ensure that neighboring communities are not adversely affected by the increased use of the train line; and

**Whereas**, There are a number of possible unloading areas along the right of way, including, but not limited to, the Brooklyn Terminal Market, Maspeth, and the East New York Industrial Park, that would enjoy the economic benefits associated with the unloading of the rail freight; and

**Whereas**, The use of the rail freight line would create numerous economic development opportunities throughout the City of New York; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Mayor of the City of New York, the Port Authority of New York and New Jersey and the Federal government to approve and institute a plan for the construction of the Cross Harbor Freight Tunnel.

Referred to the Committee on State and Federal Legislation.

Res. No. 103

**Resolution calling upon the Port Authority of New York and New Jersey to impose two-way tolls for trucks on all crossings into and out of the City that are under its control for the purposes of removing the incentives for trucks to travel unnecessarily through the central business district of Manhattan to avoid the payment of tolls.**

By Council Members Fidler, Chin, Comrie, Jackson and Lander.

**Whereas**, In 2008 the Department of Transportation (DOT) estimated that trucks still made over 10,000 trips daily through Manhattan; and

**Whereas**, It is estimated many of these daily 10,000 trips are made through Manhattan in order to avoid tolls; and

**Whereas**, According to Federal Highway Administration projections, the amount of traffic is increasing rapidly with Brooklyn and Staten Island seeing the greatest increase in truck traffic by 2020, with 93% and 95% increases, respectively, over 1998 levels, while the projected increases for The Bronx, Queens and Manhattan are 75%, 83% and 80%, respectively; and

**Whereas**, According to the New York City Economic Development Corporation's Cross Harbor Freight Movement Project Draft Environmental Impact Statement, truck traffic was projected to grow by some 48 percent over the next two decades; and

**Whereas**, Trucks traveling westbound out of the City are not subject to a toll on the George Washington Bridge, nor the Holland Tunnel or the Lincoln Tunnel; and

**Whereas**, Trucks constitute the most noxious component of vehicular traffic, leading to increased air pollution, roadway wear and tear and traffic congestion; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Port Authority of New York and New Jersey to impose two-way tolls for trucks on all crossings into and out of the City that are under its control for the purposes of removing the incentives for trucks to travel unnecessarily through the central business district of Manhattan to avoid the payment of tolls.

Referred to the Committee on Transportation.

Res. No. 104

**Resolution calling upon the Mayor of the City of New York to relocate those City agencies that do not need to be in the central business district of Manhattan to outer borough neighborhoods.**

By Council Members Fidler, Chin, Comrie, Nelson, Rodriguez and Halloran.

**Whereas**, According to the *The Green Book*, the official directory of the City of New York, the majority of the City's 101 municipal agencies are based in the primary business district of Manhattan or in similarly commercially developed areas in other boroughs; and

**Whereas**, The Mayor should relocate the City agencies whose bases of location are not essential to these highly-trafficked areas to less commercially developed neighborhoods throughout the five boroughs; and

**Whereas**, The relocation of these agencies and the subsequent influx of workers that would follow has the potential to boost the economies of areas outside of Manhattan; and

**Whereas**, The City also stands to save money on such relocations since operating costs for offices are often less expensive outside of Manhattan; and

**Whereas**, Relocating City agencies outside of Manhattan would likely ease congestion during rush hour because there will not be as many City employees commuting towards and away from the crowded business districts in Manhattan, thereby improving the efficiency of the City's mass transit system; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Mayor of the City of New York to relocate those City agencies that do not need to be in the central business district of Manhattan to outer borough neighborhoods.

Referred to the Committee on Governmental Operations.

State Legislation Res. No. 1

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Savino, S.6784, and Assembly Member Abbate, A.9885, "AN ACT to amend the general municipal law, in relation to the training of fire officers in cities of one million or more".**

By Council Members Foster, Comrie and Rodriguez.

**Whereas**, bills have been introduced in the New York State Legislature by Senator Savino, S.6784, and Assembly Member Abbate, A.9885, "AN ACT to amend the general municipal law, in relation to the training of fire officers in cities of one million or more"; and

**Whereas**, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

**Resolved**, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Referred to the Committee on State and Federal Legislation.

Int. No. 105

By Council Members Garodnick, Williams and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to posting the most recent inspection results placard.**

*Be it enacted by the Council as follows:*

Section 1. Section 17-306 of the Administrative Code of the city of New York is amended by adding a new subsection t to read as follows:

*t. "Inspection results placard". A laminated placard, the form and manner of which shall be determined by rule of the commissioner, issued by the department to the vendor within 72 hours after the completion of a food service establishment inspection. Such placard shall contain a letter grade corresponding to the results of the inspection.*

§2. Section 17-311 of the Administrative Code of the city of New York is amended by adding a new subsection e to read as follows:

*e. The most recent inspection results placard received by the vendor shall be posted conspicuously on the vending vehicle or pushcart at all times.*

§3. This local law shall take effect 120 days after its enactment into law, provided, however, that the commissioner 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 Health.

Int. No. 106

By Council Members Garodnick, Jackson, Rodriguez and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring certain qualified transportation benefits.**

*Be it enacted by the Council as follows:*

Section 1. Section 12-139 of the administrative code of the city of New York is amended to read as follows:

§12-139 Election of qualified transportation benefits in lieu of taxable dollar compensation. *a. Employees of the city of New York shall be permitted to use pre-tax earnings to purchase qualified transportation benefits, other than qualified parking, in accordance with federal law and shall thereupon be entitled to such personal income tax benefits as may be authorized by such law.*

*b. Every individual, corporation or other entity with twenty or more employees in the city of New York shall offer such employees the opportunity to use pre-tax earnings to purchase qualified transportation benefits, other than qualified parking, in accordance with federal law. The minimum amount of pre-tax earnings that shall be made available monthly by such individual, corporation or other entity to such employees for such qualified transportation benefits shall be the lesser of the cost of a monthly thirty day unlimited ride metrocard or the employee's actual monthly qualifying transportation expenses.*

§2. This local law shall take effect one hundred twenty days after it is enacted into law.

Referred to the Committee on Transportation.

Int. No. 107

By Council Members Garodnick, Brewer, Gentile, Jackson, Williams, Rodriguez and Lappin.

**A Local Law to amend the administrative code of the City of New York, in relation to creating a public online database regarding violations incurred by businesses that operate delivery bicycles.**

*Be it enacted by the Council as follows:*

Section 1. Section 10-157 of title 10 of the administrative code of the city of New York is amended by adding a new subdivision (i) to read as follows:

*i. The police commissioner shall create a publicly viewable database, available on the police department's website, that lists every person, firm, partnership, joint venture, association or corporation that has violated any provision of this section. The database shall list every violation each person, firm, partnership, joint venture, association or corporation has incurred under this section and the status and disposition of such violation, if known. Such database shall be searchable by the name or business address of such person, firm, partnership, joint venture, association or corporation.*

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

Referred to the Committee on Public Safety.

Res. No. 105

**Resolution calling upon the Metropolitan Transportation Authority to investigate the benefits and costs of providing bicycle access on express and regular bus routes in New York City and conduct a pilot study on certain express bus routes between Manhattan and the other boroughs.**

By Council Members Garodnick, Brewer, Fidler, Lander, Rodriguez and Koo.

**Whereas**, The Metropolitan Transportation Authority (MTA), New York State's public transportation entity, provides 2.6 billion trips for New Yorkers each year; and

**Whereas**, In New York City, two MTA subsidiaries, the New York City Transit Authority (NYCTA) and the MTA Bus Company, provide bus service throughout the five boroughs; and

**Whereas**, The NYCTA is the largest agency within MTA's regional network, transporting more than 7 million people on an average weekday by both bus and subway; and

**Whereas**, In 2008, the NYCTA operated 208 local and 36 express bus routes throughout the five boroughs using 4,578 buses; and

**Whereas**, The MTA Bus Company was created in September 2004, to assume the operations of the seven bus companies that previously operated private bus services under franchises granted by the New York City Department of Transportation; and

**Whereas**, As of 2009, the MTA Bus Company operates a fleet of 1,323 buses that serve approximately 400,000 riders daily on 45 local bus routes in the City, and 35 express routes between Manhattan and the Bronx, Brooklyn and Queens; and

**Whereas**, The NYCTA alone provided 747 million bus rides in 2008, giving it the largest ridership figures among all bus systems in North America; and

**Whereas**, The MTA encourages the use of bicycles, permitting them on its subways and allowing folding bicycles on its buses; and

**Whereas**, Additionally, bicycle parking is available adjacent to certain subway stations, in an attempt to integrate bicycles with the MTA's transportation network; and

**Whereas**, While the MTA has bicycle friendly policies, transportation and bicycle advocates allege that the MTA can do more to foster bicycle riding amongst its ridership; and

**Whereas**, According to the United States Department of Transportation's Federal Highway Administration, a benefit of integrating the mass transit network and bicycles include increased transit ridership because of improved accessibility to the transit network; and

**Whereas**, Many jurisdictions have integrated bicycles into their mass transportation networks by installing bike racks on the front of buses, which allow passengers to load a bicycle on such a rack, board the bus, and then remove the bicycle from the rack once they arrive at their destination; and

**Whereas**, This equipment had been used since the mid-1970s and was improved and became more prevalent in the 1990s, according to the United States Department of Transportation; and

**Whereas**, Among major cities across the United States with bike racks on their public buses are Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Los Angeles, California; Phoenix, Arizona; Portland, Oregon; Seattle, Washington; St. Louis, Missouri; Washington, D.C., and other urban areas; and

**Whereas**, In Albuquerque, New Mexico, public buses transported approximately 330,000 bicycles in fiscal year 2008, underscoring the success and overall usefulness of this program; and

**Whereas**, Given the viability and low costs of the program, the MTA should analyze the feasibility of such program and other programs to accommodate bicycle access on express and regular bus routes in New York City and institute a pilot program on express bus routes travelling to and from Manhattan, as these routes generally connect consumers traveling across boroughs and provide a necessary link to transportation for the communities they serve; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to investigate the benefits and costs of providing bicycle access on express and regular bus routes in New York City and conduct a pilot study on certain express bus routes between Manhattan and the other boroughs.

Referred to the Committee on Transportation.

Int. No. 108

By Council Members Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to the parking of doctors' and dentists' vehicles.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of Title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.3 to read as follows:

*§19-162.3 Permissible parking for doctors' and dentists' vehicles. Where parking is prohibited by signs, but not where stopping or standing is prohibited, a duly licensed physician or dentist may park his/her motor vehicle, identified by "MD", "OD", "DDS" or "DPM" New York registration plates, on a roadway adjacent to hospitals or clinics for a period not to exceed three hours. At other locations where parking is prohibited by signs, but not where stopping or standing is prohibited, a duly licensed physician may park his/her motor vehicle, identified by "MD", "OD" or "DPM" New York registration plates for a period not to exceed one hour while actually attending to a patient in the immediate vicinity. For purposes of this section, the term "adjacent" shall be determined by rules promulgated by the commissioner.*

§2. This local law shall take effect ninety days after it is enacted into law.

Referred to the Committee on Transportation.

Res. No. 106

**Resolution calling upon the United States and the United Nations General Assembly to implement an interim moratorium on industrial longline fishing in the Pacific Ocean and take other measures critical to the protection of endangered sea turtles and other threatened and endangered marine species.**

By Council Members Gennaro, Brewer, Fidler, Koppell, Nelson and Palma.

**Whereas**, According to the Sea Turtle Restoration Project, the practice of longline fishing employs fishing lines that stretch up to 60 miles and dangle thousands of baited hooks, such that over one billion hooks are set worldwide annually that can and do catch and often kill many animals that are not used for any commercial purpose, a consequence known as "bycatch"; and

**Whereas**, Bycatch from longline fishing accounts for 25% to 40% of animals captured and often killed; and

**Whereas**, As a result of bycatch, commercial longline fishing seriously adversely impacts a broad range of species of mammals, birds, and fish, many of which are threatened or endangered, including an estimated 4.4 million porpoises, whales, sea lions, seals, seabirds, billfish, dolphins, and sharks each year; and

**Whereas**, According to a recent study by Duke University titled "Quantifying the effects of fisheries on threatened species: the impacts of pelagic longlines on loggerhead and leatherback sea turtles," global bycatch on average each year also includes over 250,000 loggerhead turtles and 60,000 leatherback turtles, many of which are breeding-age females; and

**Whereas**, According to an article from the journal *Nature* titled "Pacific leatherback turtles face extinction," Pacific female leatherback turtle populations

have been decimated in recent years, plummeting from 91,000 individuals in 1980 to less than 3,000 in 2002—a total decline of 95%—such that it is now estimated that the species, which has survived for 100 million years, will be driven to extinction in the next 5 to 30 years without active intervention; and

**Whereas**, Several measures taken together, including an interim moratorium on high seas commercial longline fishing, the establishment of sustainable Marine Protected Areas, better education of those using longlines to reduce bycatch mortality, better international cooperation, and increased monitoring, compliance, and enforcement of penalties for violations in the Marine Protected Areas, are essential to combating the ecological devastation caused by longline fishing and for ensuring the recovery of endangered sea turtles and other threatened and endangered species; and

**Whereas**, The 1982 United Nations (UN) Convention on the Law of the Sea allows for international efforts to conserve and manage our ocean resources; and

**Whereas**, The Convention on Biological Diversity's Conference of the Parties (COP) 7 Decision VII/5 and the 59<sup>th</sup> session of the Informal Consultative Process on Oceans and the Law of the Sea of June 2004 both call on the UN General Assembly to urge states to take action, where necessary, to prevent vessels under their jurisdiction from engaging in practices that adversely impact vulnerable marine habitats; and

**Whereas**, Treaties such as the Convention on Biodiversity, the Convention on the Conservation of Migratory Species of Wild Animals, the Inter-American Convention for the Protection and Conservation of Sea Turtles, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and the United Nations Convention on the Law of the Sea have established international codes and principles for the protection of our common marine resources; and

**Whereas**, In May 2005, one thousand seven (1,007) scientists from ninety-seven (97) countries and representatives of two hundred eighty-one (281) Non-Government Organizations from sixty-two (62) countries petitioned the UN to implement a moratorium on high seas commercial longline fishing in the Pacific Ocean until such practices can be done without harming leatherback turtles; and

**Whereas**, The United Nations General Assembly passed a resolution on November 24, 2003, requesting that efforts be taken by member states to solve the problem of bycatch of sea turtles; and

**Whereas**, The COP 7 Decision VII/28 of the Convention on Biodiversity recommended the establishment of a network of high seas Marine Protected Areas for the permanent protection of threatened and endangered species from longline fishing and other threats; and

**Whereas**, Pacific Ocean longlining vessels originate from many United Nations member states; and

**Whereas**, Pacific leatherback sea turtles migrate throughout the world's oceans, and other species that fall victim to longline fishing, such as dolphins, whales, sea lions, seals, seabirds, billfish, and sharks, also may migrate or cover great distances, so that international cooperation is required to successfully conserve these species; and

**Whereas**, The establishment of a network of high seas Marine Protected Areas in migration corridors could provide permanent protection for the target species, and these areas could be left open to recreational fishing, marine tourism, and non-motorized near-shore fishing as long as it does not harm protected species, and the effort could include transitional resources for affected fishermen and fisherwomen to help them shift to sustainable practices; and

**Whereas**, Any interim moratorium must be backed up with compliance monitoring, enforcement, and penalties for violators, where needed, and should be maintained until there is scientific evidence that endangered sea turtles and other threatened and endangered species impacted by longline fishing have adequately recovered; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States and the United Nations General Assembly to implement an interim moratorium on industrial longline fishing in the Pacific Ocean and take other measures critical to the protection of endangered sea turtles and other threatened and endangered marine species.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Res. No. 107

**Resolution urging the United States and the United Nations General Assembly to call for an immediate interim prohibition on all bottom trawl fishing on the high seas until such measures are in place and effectively implemented to ensure sustainable use of high seas living marine resources and protect deep-sea biodiversity.**

By Council Members Gennaro, Brewer, Fidler, Koppell, Nelson and Palma.

**Whereas**, It is of paramount importance to the United States to ensure the protection, restoration, and sustainable management of living marine resources in the high seas, i.e., those areas of the ocean beyond the zones of national jurisdiction; and

**Whereas**, Fisheries of the high seas annually generate hundreds of millions of dollars in economic activity and support thousands of jobs in the United States and its territories; and

**Whereas**, The high seas constitute a globally significant reservoir of marine biodiversity, and compounds derived from organisms found on the high seas show promise for the treatment of deadly diseases, such as cancer and asthma; and

**Whereas**, "Bottom trawling" means using a bottom trawl or similar towed nets operating in contact with the bottom of the sea; and

**Whereas** Today's trawlers are even capable of fishing in deep-sea canyons with rough seafloors, which were once avoided for fear of damaging nets; and

**Whereas**, To capture certain commercially valuable species, deep-sea bottom trawl fishing vessels drag huge nets weighted with steel plates and heavy rollers across the seabed, razing the existing ocean habitats and indiscriminately scooping up all marine life in their path; and

**Whereas**, Bottom trawl nets can contact the sea floor almost continuously, and often dig into it, destroying up to 98 percent of the coral cover of undersea mountains as well as encouraging the depletion of the targeted fish stocks, and impacting those organisms that rely on these habitats and species; and

**Whereas**, Once destroyed, many of the slow-growing species found in these habitats are either lost forever, or take decades or centuries to recover; and

**Whereas**, Vast numbers of non-target species are captured as bycatch in the nets and thrown back dead or dying as a waste product of the bottom trawl fishing process; and

**Whereas**, The United Nations Food and Agriculture Organization (FAO) reports that a growing number of high seas fish stocks important to the United States are overfished or depleted; and

**Whereas**, The United Nations has called for urgent action to address the impact of high seas fishing practices that have adverse impacts on vulnerable marine species and habitats; and

**Whereas**, Bottom trawling is an important factor contributing to the decline of important high seas fisheries, and has adverse impacts on vulnerable marine species and ecosystems; and

**Whereas**, Relevant provisions of the United Nations Law of the Sea, the Convention on Biological Diversity, the Fish Stocks Agreement, the FAO's Compliance Agreement, the FAO Code of Conduct for Responsible Fishing, and other relevant legal instruments were created for the purpose of strengthening international and national efforts to improve the management of fisheries in the high seas and coastal areas, and ensure the conservation of marine biodiversity; and

**Whereas**, Readily available and practical steps, including catch quotas, use of selective and environmentally-sound fishing gear, protection of vulnerable marine ecosystems such as deep sea corals and sponge fields, and other measures, can be taken to ensure that bottom trawling protection does not adversely impact vulnerable marine species and ecosystems; and

**Whereas**, Immediate international cooperation and action are essential to addressing and reforming current bottom trawling procedures, and ensuring the protection, restoration, and sustainability of high seas living marine resources; now, therefore, be it

**Resolved**, That the Council of the City of New York urges the United States and the United Nations General Assembly to call for an immediate interim prohibition on all bottom trawl fishing on the high seas until such measures are in place and effectively implemented to ensure sustainable use of high seas living marine resources and protect deep-sea biodiversity.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Res. No. 108

**Resolution calling on the New York City Department of Environmental Protection to implement and encourage the use of advanced thermal technologies as part of its program to manage the conversion of biosolids and organic waste.**

By Council Members Gennaro, Brewer, Fidler, Nelson, Palma, Recchia and Van Bramer.

**Whereas**, New York City's water pollution control plants treat an average of 1.4 billion gallons of wastewater every day; and

**Whereas**, The wastewater treatment process produces approximately 1200 tons of biosolids each day; and

**Whereas**, Pursuant to Section 1401 of the New York City Charter, the New York City Department of Environmental Protection may decide on and implement the process for the removal and conversion of biosolids and fats, oils, and greases; and

**Whereas**, The Department of Environmental Protection currently treats its biosolids in a variety of ways, with the largest portion dried and converted into pellets that are used as fertilizer in agriculture, and smaller portions composted or stabilized with lime for agricultural use; and

**Whereas**, Fertilizer pellets and other biosolid products are then transported throughout the country, requiring the use of fuel and generating greenhouse gas emissions; and

**Whereas**, The Department of Environmental Protection removes fats, oils, and greases from sewage during the wastewater treatment process; and

**Whereas**, The fats, oils, and greases removed during this process are transported to landfills to be disposed of as solid waste; and

**Whereas**, The decomposition of fats, oils, and greases in landfills produces methane, a potent greenhouse gas; and

**Whereas**, Heat drying and incineration processes have proven to be environmentally unsuitable and energy inefficient and further contribute to greenhouse gas levels; and

**Whereas**, Thermal processes are currently available to convert both biosolids as well as fats, oils, and greases into renewable fuel; and

**Whereas**, This fuel does not need to be transported long distances and can be used to generate power, thereby reducing New York City's reliance on coal-fired power plants and further reducing greenhouse gas emissions; and

**Whereas**, Fuels produced through thermal processes produce twice the amount of energy that is needed to create them; and

**Whereas**, New York City should take advantage of all opportunities to use its waste products as resources; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Environmental Protection to implement and encourage the use of advanced thermal technologies as part of its program to manage the conversion of biosolids and organic waste.

Referred to the Committee on Environmental Protection.

Res. No. 109

**Resolution calling on the United States Senate to pass and President Obama to sign into law the American Clean Energy and Security Act, mandating major reductions in greenhouse gas emissions in the United States.**

By Council Members Gennaro, Brewer, Gentile, Koppell, Lander, Nelson, Palma, Recchia, Van Bramer and Rodriguez.

**Whereas**, The United States produces approximately twenty percent of global carbon emissions and has one of the highest per-capita carbon emissions levels in the world; and

**Whereas**, Climate change resulting from high levels of greenhouse gases is an environmental crisis that threatens public health, the global economy, and natural resources; and

**Whereas**, As one of the largest emitters of greenhouse gases, the United States must take action to prevent the worst potential impacts of climate change; and

**Whereas**, New York City has already instituted a mandatory carbon emissions reduction target through the enactment of Local Law 22 of 2008, intending to foster creative strategies for reducing emissions; and

**Whereas**, The efforts of municipal governments, however bold, cannot equal the power of the federal government to take broad action to reduce emissions; and

**Whereas**, The American Clean Energy and Security Act of 2009 would, for the first time, establish a schedule of emissions caps for greenhouse gases in the United States, with an ultimate target of 83% below 2005 emissions levels by the year 2050; and

**Whereas**, The Act would institute a "cap-and-trade" system for achieving greenhouse gas emissions targets, putting a price on emissions and allowing market forces to determine how to transition to a low-carbon economy; and

**Whereas**, The limited number of emissions allowances created by the Act's "cap-and-trade" system would be distributed in a variety of ways, with some permits given away and others auctioned to companies producing high levels of carbon emissions; and

**Whereas**, The majority of the allowances' value would be used to protect consumers from spikes in energy costs through such mechanisms as using revenue from emissions auctions to fund tax rebates for investments in energy efficiency and providing free allowances to energy companies with the stipulation that savings must be passed on to energy consumers; and

**Whereas**, The Act would foster renewable energy development, encourage energy efficiency, and help create a green economy that is far less dependent on fossil fuels; and

**Whereas**, The Act would take a major step towards creating a healthier and more sustainable economy and preventing the worst impacts of climate change; and

**Whereas**, The United States House of Representatives passed the American Clean Energy and Security Act on June 26, 2009; and

**Whereas**, The Act is now under consideration by the United States Senate; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Senate to pass and President Obama to sign into law the American Clean Energy and

Security Act, mandating major reductions greenhouse gas emissions in the United States.

Referred to the Committee on Environmental Protection.

Res. No. 110

**Resolution urging the New York State Legislature to pass and the Governor to sign A.8407 and S.5597, which would make all buildings and structures located in the city of New York that are owned, leased or operated by the state of New York subject to New York City Building Code and the New York City Fire Code.**

By Council Members Gennaro, Gentile, Brewer, Jackson, Nelson, Recchia, Williams and Koo.

**Whereas**, The safety of residents, workers, and emergency personnel in and around construction sites is of utmost importance to both New York City and New York State; and

**Whereas**, The tragic death of two firefighters at the Deutsche Bank building on August 18, 2007 led the City of New York to comprehensively reevaluate safety procedures at construction, demolition, and asbestos abatement sites; and

**Whereas**, A package of twelve bills will make substantive changes to improve construction, demolition, and asbestos abatement safety practices in the City of New York; and

**Whereas**, A significant portion of buildings in New York City, however, are owned, leased, or operated by the State of New York, the Federal Government, and other governmental entities; and

**Whereas**, Currently, the New York City Department of Buildings (DOB) and the New York City Fire Department (FDNY) have limited enforcement powers over buildings and properties owned, leased, or operated by the state, depending on the enabling statute of the state entities or whether they have entered into a memorandum of understanding with the City; and

**Whereas**, DOB exercises its enforcement powers upon state entities mainly through the voluntary filing of construction and demolition projects by those entities; and

**Whereas**, FDNY exercises its enforcement powers mainly through courtesy inspections and liaison relationships; and

**Whereas**, The voluntary nature of State buildings' compliance with City building and fire codes may allow hazardous conditions to exist without City agencies' knowledge; and

**Whereas**, The City's inability to impose and enforce its code and the potential lack of pertinent information about the conditions within State buildings may hamper the ability of emergency service providers to appropriately respond to and handle an emergency, and may place emergency service personnel, the public and building occupants in danger; and

**Whereas**, A.8407, currently pending in the New York State Assembly, and companion bill S. 5597, currently pending in the New York State Senate, would make all buildings and structures located in the City of New York that are owned, leased or operated by the State of New York subject to New York City Building Code and the New York City Fire Code; and

**Whereas**, The New York State Legislature and the Governor of the State of New York will enhance the safety of the public and emergency personnel and allow first responders to operate more effectively by passing and signing this legislation; now, therefore, be it

**Resolved**, That the Council of the City of New York urges the New York State Legislature to pass and the Governor to sign A.8407 and S.5597, which would make all buildings and structures located in the city of New York that are owned, leased or operated by the state of New York subject to New York City Building Code and the New York City Fire Code.

Referred to the Committee on Housing and Buildings.

Res. No. 111

**Resolution calling on the City of New York and the New York State Attorney General to renew for a period not less than eight additional years the Memorandum of Agreement set to expire in September 2010 which established a protocol for the preservation and development of City-owned community gardens.**

By Council Members Gennaro, Brewer, Dromm, Lander, Mark-Viverito, Nelson, Palma, Williams and Rodriguez.

**Whereas**, For decades, volunteers from many communities have cleaned up hundreds of vacant lots throughout New York City and transformed these areas of urban blight into garden areas of beauty and respite for local residents; and

**Whereas**, Community Gardens play a vital role for New Yorkers who lack easy access to green spaces; and

**Whereas**, Community Gardens provide underserved neighborhoods with fresh fruits and vegetables, serve as community building activities and are used to provide after school activities for local children; and

**Whereas**, The City of New York announced in 1998 that it would begin selling more than 700 city-owned lots used as Greenthumb community gardens at auction; and

**Whereas**, The City scheduled 114 of these lots to be sold at public auction on May 13, 1999; and

**Whereas**, Many of these lots had already been transformed into Greenthumb community gardens by local residents and had, therefore, become sources of community pride and beauty; and

**Whereas**, Local communities and gardeners overwhelmingly opposed the sale of these Greenthumb community gardens and demonstrated their opposition through testimony at public hearings, public demonstrations, civil disobedience and through the filing of lawsuits challenging the legality of the proposed auction; and

**Whereas**, At the time, the City of New York maintained its resolve to continue with the sale by public auction of these “oases” despite the considerable and passionate opposition to it; and

**Whereas**, In April of 1998, jurisdiction over 741 lots (273 gardens) was transferred from the Department of Parks and Recreation (DPR) to the Department of Housing Preservation and Development (HPD) with the intent of selling them at auction; and

**Whereas**, Participants in the GreenThumb program challenged this transfer, and after a hearing held by the New York City Council’s Committee on Parks and Recreation on January 15, 1999, and requests by former City Council Speaker Peter F. Vallone, the City reached agreements with the New York Restoration Project and the Trust for Public Land to sell 114 garden lots that had been scheduled for public auction; and

**Whereas**, Sixty-two sites went to the New York Restoration Project and 51 lots to the Trust for Public Land for a total price of \$4.2 million; and

**Whereas**, Litigation was commenced by the New York State Attorney General (NYAG) in May 1999, to stop the sale of the other parcels scheduled for auction and a restraining order was imposed which froze the sale of all garden lots; and

**Whereas**, The lawsuit charged the City with: (1) a lack of compliance with the State Environmental Quality Review Act (SEQRA); and (2) violations of the Public Trust Doctrine; and

**Whereas**, On September 17, 2002 the NYAG and the City signed a settlement agreement (the “2002 agreement”) and an order reflecting that settlement was entered on September 18, 2002 and will expire on September 17, 2010; and

**Whereas**, Although pursuant to the 2002 agreement a protocol for the preservation and development of City-owned GreenThumb Community Gardens was established, such gardens were not designated as city parkland; and

**Whereas**, Approximately 86 existing GreenThumb Community Gardens on 225 lots are currently under the jurisdiction of the New York City Parks Department; and

**Whereas**, Although GreenThumb has been a program of the New York City Parks Department since 1995, the gardens lack the protection given to mapped City parkland, including a prohibition on the alienation of parkland except through state authorizing legislation; and

**Whereas**, Community gardens and parks are very important to the quality of life in an urban area and are, therefore, worthy of legal protection; and

**Whereas**, Without an extension of the agreement between NYAG and the City, mapping of the gardens as parkland or providing other similar protection, the existence of many community gardens will always be at risk of sale to developers; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the City of New York and the New York State Attorney General to renew for a period not less than eight additional years the Memorandum of Agreement set to expire in September 2010 which established a protocol for the preservation and development of City-owned community gardens.

Referred to the Committee on Parks and Recreation.

Int. No. 109

By Council Members Gentile, Koo, Rivera, Cabrera, Oddo, Halloran, Foster, Comrie, Fidler, Lander, Nelson and Ulrich.

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

*Be it enacted by the Council as follows:*

Section 1. Section FC 117.2.1 of chapter 2 of title 29 of the administrative code of the city of New York, as added by local law number 26 for the year 2008, is amended to read as follows:

117.2.1 Permit, inspection and performance test fee exemption. The provisions of this code as to the payment of fees for permits, inspections or witnessing of required system performance tests shall not apply to premises used and owned or operated by a *veterans’ organization that is qualified as an exempt organization pursuant to United States Internal Revenue Code Section 501(c)(19) or Section 501(c)(23), or that is qualified as an exempt organization pursuant to United States Internal Revenue Code Section 501(c)(3) and operates for one or more of the purposes enumerated in United States Treasury Regulation Section 1.501(c)(19)-1(c), provided that this exemption shall apply only to such portions of the premises used by such veterans’ organization for charitable purposes, purposes enumerated in United States Treasury Regulation Section 1.501(c)(19)-1(c), or purposes enumerated in United States Internal Revenue Code Section 501(c)(23); or a religious or educational institution, corporation or association organized and operated exclusively for religious or educational purposes that is qualified as an exempt organization pursuant to United States Internal Revenue Code Section 501(c)(3), provided that no part of the net earnings inures to the benefit of any private shareholder or individual; and provided further, that this exemption shall apply only to such portions of the premises used by such religious or educational institution, corporation or association predominantly as one of the following:*

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

2. A school accredited by the state of New York providing kindergarten through twelfth grade education.

§2. This local law shall take effect immediately.

Referred to the Committee on Finance.

Int. No. 110

By Council Members Gentile, Koo, Rivera, Cabrera, Oddo, Halloran, Foster, Sanders, Ulrich, Comrie, Fidler, Lander, Nelson, Vacca, Williams and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing certain religious, fraternal or charitable organizations to remedy certain health code violations before a fine is issued.**

*Be it enacted by the Council as follows:*

Section 1. Section 17-133 of chapter 1 of title 17 of the administrative code of the city of New York is amended by lettering the existing text as subdivision a and adding a new subdivision b to read as follows:

*b. The department shall promulgate rules providing non-profit entities, including but not limited to charitable, educational, religious, fraternal or other such associations or organizations, with a specified reasonable period of time to remediate certain violations of the health code of the city of New York without receiving fines for such violations. Such health code violations shall include, at a minimum, general violations of condition levels I, II, III, or IV, as those terms are defined in section 23-02 of the health code, and violations of sections 17-506 and 17-507 of the administrative code of the city of New York and any rules promulgated thereunder. A fine may be imposed if such violations are not remediated within such period of time.*

§ 2. This local law shall take effect ninety days after its enactment into law, provided that the department may promulgate any rules necessary for implementing and carrying out the provisions of this section prior to its effective date.

Referred to the Committee on Health.

Int. No. 111

By Council Members Gentile, Koslowitz, Koo, Sanders Jr., Rivera, Cabrera, Oddo, Halloran, Foster, Palma, Crowley, Ulrich, Comrie, Dromm, Jackson, Lander, Mark-Viverito, Nelson, Vacca, Vann and Williams.

**A Local Law to amend the New York city charter, in relation to creating military veteran resource centers where veterans can receive information on programs and services helpful to veterans.**

*Be it enacted by the Council as follows:*

Section 1. Section 14 of the New York city charter is amended by adding a new subdivision e to read as follows:

*e. Veterans resource centers. 1. The director of veterans' affairs shall ensure that at least one veteran resource center is established and operational in each borough of the city of New York by no later than January 1, 2011. Each such center shall be located, in accordance with all applicable law, rules and regulations, in a geographic area that is easily accessible and in close proximity to public transportation. Each such center shall provide veterans with up-to-date information, free of charge, regarding (i) matters within its purview pursuant to this section and state executive law section 358, including but not limited to matters described in subparagraphs (a) through (d) of paragraph (1) of subdivision c of this section; (ii) housing; (iii) social services offered by public agencies and charitable and private organizations, including but not limited to the provision of specific contact information with respect to such agencies and organizations; and (iv) financial assistance and tax exemptions available to veterans.*

*2. The director of veterans' affairs shall, beginning June 30, 2011 and every six months thereafter, submit a report to the mayor and the speaker of the council regarding the operation of the veterans resource centers established pursuant to this subdivision. Such report shall include but not be limited to the following information, disaggregated by each such center: (i) number of veterans utilizing such center; (ii) a summary of the services offered by such center; (iii) a description of the services and/or information most frequently requested by veterans utilizing such center; (iv) the number of full-time and part-time staff persons working at such center; (v) the amount of funding allocated to such center; and (vi) the number of complaints received by such center from veterans regarding the services offered by such center, and a general description of the nature of such complaints.*

§ 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 Veterans.

Int. No. 112

By Council Members Gonzalez, Chin, Dickens, Dromm, Fidler, Gentile, Mark-Viverito, Palma, Recchia, Williams and Nelson.

**A Local Law to amend the administrative code of the city of New York in relation to requiring adolescent development training for correction officers.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-131 to read as follows:

*§9-131 Adolescent development training. The department shall furnish eight hours of training in adolescent development to all correction officer staff. Correction officers must complete this training prior to their appointment or within one year after appointment. The training shall be provided at the expense of the department and by an instructor with an advanced academic degree in adolescent development or related subject as well as at least two years experience in providing instruction. The department shall furnish the training curriculum to the Council once it is established and anytime thereafter when it is substantially updated or changed. For the purposes of this section, adolescent development shall be defined as the process through which adolescents acquire cognitive, physical, psychological and emotional abilities.*

§2. This local law shall take effect sixty days after enactment.

Referred to the Committee on Juvenile Justice.

Int. No. 113

By Council Members Gonzalez, Comrie, Lander, Nelson, Vann, Williams and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to limiting the days that alternate side of the street parking is in effect in residentially zoned districts.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-163.2 to read as follows:

*§19-163.2 Limitations on alternate side of the street parking days. Alternate side of the street parking regulations shall be in effect no more than two days per week in any zoning district designated as residential under the New York city zoning resolution; provided, however, that this section shall not apply to any street with a roadway width greater than thirty feet or on any street where meters regulate parking on such street.*

§2. This local law shall take effect thirty days after it is enacted into law.

Referred to the Committee on Transportation.

Res. No. 112

**Resolution urging the New York City Department of Correction to increase staffing levels in adolescent facilities at Rikers Island.**

By Council Members Gonzalez, Brewer, Dromm, Vann and Rodriguez.

**Whereas**, The Department of Correction (“DOC”) categorizes an adolescent as an individual between the ages of 16 and 18; and

**Whereas**, DOC has jurisdiction over New York City’s incarcerated adolescent population and mainly houses the male adolescent population in its Robert N. Davoren Center and the female adolescent population at the Rose M. Singer Center, which are both located on Rikers Island; and

**Whereas**, The adolescent population includes: defendants awaiting trial, persons convicted of a crime and sentenced to one year or less, parole and probation violators, and persons sentenced to more than one year who are awaiting transfer to the New York state prison system; and

**Whereas**, According to research conducted by the MacArthur Foundation’s Research Network on Adolescent Development, incarcerating youth in adult facilities increases adolescents’ likelihood of recidivating; and

**Whereas**, Reports show that youth have the highest suicide rates of all inmates in jails and have much higher rates of victimization - including rape - than adult inmates; and

**Whereas**, Sufficient supervision must be given to incarcerated adolescents by DOC staff in order to help protect this vulnerable population; and

**Whereas**, Currently, DOC has a staff-to-adolescent ratio of 25-to-1 in most facilities housing adolescents; and

**Whereas**, Advocates report that the current staff-to-adolescent ratio is inadequate to provide the safety and proper monitoring needed by incarcerated adolescents; and

**Whereas**, This inadequacy is evident in the current rate of violence among the incarcerated adolescent population at Rikers Island; and

**Whereas**, New York City’s Department of Juvenile Justice’s current staff-to-juvenile ratio in secure detention facilities is 8-to-1 during the daytime hours and 12-to-1 during nighttime hours; and

**Whereas**, DOC’s current staff-to-adolescent ratio should reflect similar ratios in order to provide better safety for incarcerated youth; and

**Whereas**, Increasing the number of staff to serve the adolescent population would assist in decreasing the number of violent incidents within adolescent facilities at Rikers Island and provide a safer environment for incarcerated youth; now, therefore, be it

**Resolved**, That the Council of the City of New York urges the New York City Department of Correction to increase staffing levels in adolescent facilities at Rikers Island.

Referred to the Committee on Juvenile Justice.

Res. No. 113

**Resolution calling upon the New York State Legislature to pass A.1495/S5452, legislation that would amend the State Education Law, in relation to the display and distribution of the Parent’s Bill of Rights and Responsibilities in the city school district of the City of New York.**

By Council Members Jackson, Brewer, Dickens, Dromm, Fidler, Gentile, Mark-Viverito, Van Bramer, Williams, Rodriguez and Nelson.

**Whereas**, Currently, the New York City Department of Education produces a Parent’s Bill of Rights and Responsibilities, which outlines parental rights with respect to the City’s public schools; and

**Whereas**, This document explains the rights of parents regarding access to information about their children and their input into their children's education, and describes children's rights to an education, as well as parental responsibilities in ensuring that their children receive an education; and

**Whereas**, The New York State Legislature is considering A.1495/S.5452, legislation that would amend the State Education Law to require that all New York City public schools, including charter schools, display and distribute the Parent's Bill of Rights and Responsibilities; and

**Whereas**, This legislation would require that the Parent's Bill of Rights and Responsibilities be displayed in a prominent place of the lobby area of each school, and that the display be in both English and Spanish; and

**Whereas**, The legislation would also provide that the Chancellor must require that all schools distribute the Parent's Bill of Rights and Responsibilities annually to parents of or persons in parental relation to children attending the City's public schools; and

**Whereas**, Copies of the Parent's Bill of Rights and Responsibilities would also be made available in individual schools in languages spoken by parents or persons in parental relation to children attending such schools, and such languages would include, but not be limited to, Russian, Chinese, Mandarin, Cantonese, Korean, Italian, Greek, Yiddish, Creole, Hausa, Yoruba, Arabic, Farsi, Pashtun, Urdu and Portuguese; and

**Whereas**, Currently, the Parent's Bill of Rights and Responsibilities is available to parents or guardians who request the publication or find it through research on their own, and therefore is not being provided to parents or guardians who are unfamiliar with the New York City school system and/or who have a language barrier; and

**Whereas**, Requiring the distribution and posting of the Parent's Bill of Rights and Responsibilities would empower parents by providing them with information to insure that their children have access to a quality education; and

**Whereas**, Such empowerment would, in particular, help provide the children of immigrant families, who are most vulnerable due to the information gap their families often experience, with a greater opportunity to receive a quality education; now, therefore, be it

**Resolved**, That the New York City Council calls upon the New York State Legislature to pass A.1495/S.5452, legislation that would amend the State Education Law, in relation to the display and distribution of the Parent's Bill of Rights and Responsibilities in the city school district of the City of New York.

Referred to the Committee on Education.

Res. No. 114

**Resolution calling upon the Commissioner of Housing and Community Renewal to amend the Rent Stabilization Code by creating a review process for rent increases for individual apartments based upon increased services, new equipment installation or improvements to an apartment, and change the structure of Major Capital Improvement and Individual Apartment Increases from being charged in perpetuity to being charged for only five years.**

By Council Members Jackson, Brewer, Chin, Dromm, Lander, Mark-Viverito, Williams and Rodriguez.

**Whereas**, According to New York State law, the Commissioner who heads the State Division of Housing and Community Renewal, (DHCR) has the power to promulgate amendments to the Rent Stabilization Code (RSC) for apartments occupied by approximately more than one million New Yorkers; and

**Whereas**, DHCR serves the important public duty of establishing safeguards for tenants against unsubstantiated rent increases; and

**Whereas**, Currently, Section 2522.4(a) of the RSC provides for rent increases based on two categories of improvements made to the apartment or building; and

**Whereas**, One method of increasing rent is an application based on a Major Capital Improvement (MCI), which is usually a building-wide improvement with rent increases being applied across all apartments, provided for in Section 2522.4(a)(2) of the RSC; and

**Whereas**, Such increase depends upon an extensive, documented application subject to the review and approval of DHCR; and

**Whereas**, Any MCI increase is added to the base rent for all future rent increases; and

**Whereas**, Rent increases pursuant to Section 2522.4(a)(2) of the RSC may substantially increase the monthly rent for rent stabilized units, since an MCI increase is not based on the life of the capital improvement; and

**Whereas**, By not having the MCI increase terminate at any point, some tenants may be charged for an improvement long after the landlord has been reimbursed for the cost of the improvement; and

**Whereas**, The second method of increasing rent is exercised at the landlord's discretion for increased services or installation of new equipment or improvements to individual apartments (IAI), as provided for in Section 2522.4(a)(1) of the RSC; and

**Whereas**, Such increases require the filing of a notice with DHCR only if the apartment is occupied by a tenant, but otherwise requires no application review or approval by DHCR; and

**Whereas**, Similar to MCI increases, an IAI is also added to the base rent for all future rent increases; and

**Whereas**, It is unfair to charge tenants for improvements long after the landlord has recouped his or her cost; and

**Whereas**, The Commissioner of DHCR should create a review and approval process in the RSC for individual apartment rent increases analogous to those applied to MCIs, in order to reduce the risk of unwarranted rent increases; and

**Whereas**, Such a review and approval process may result in apartments with more affordable rents which remain in the Rent Stabilization system for a longer period of time; and

**Whereas**, A five-year cap for both MCIs and IAIs should also be imposed to help ensure that tenants are not charged for improvements long after the landlord has been compensated for the cost of the improvements; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Commissioner of Housing and Community Renewal to amend the Rent Stabilization Code by creating a review process for rent increases for individual apartments based upon increased services, new equipment installation or improvements to an apartment, and change the structure of Major Capital Improvement and Individual Apartment Increases from being charged in perpetuity to being charged for only five years.

Referred to the Committee on Housing and Buildings.

Res. No. 115

**Resolution in support of H.R. 3771, which amends the Small Business Act to establish mentorship and assistance programs designed to help minority, veteran-owned, and women-owned small businesses operate in the construction industry.**

By Council Members James, Brewer, Chin, Comrie, Dickens, Dromm, Fidler, Vann, Williams, Rodriguez and Koo.

**Whereas**, The construction industry often serves as an entry point for minority, women and veteran small business owners; and

**Whereas**, Small businesses serving the needs of the construction industry include

contractors, specialty trade contractors, suppliers, fabricators, and vendors; and

**Whereas**, The construction industry provides rewarding careers, but remains a challenging and competitive business environment that demands specialized knowledge and skill sets from small businesses owned by minorities, women, and veterans; and

**Whereas**, The City of New York Disparity Study of 2005 revealed a disparity between the availability and the utilization of Minority/Women Business Enterprises (M/WBEs) when awarding local government procurement contracts, and

**Whereas**, in 2005, New York City passed Local Law 129, which created a M/WBE program to expand government contracting opportunities for minority and women owned businesses, and

**Whereas**, According to the Mayor's Office of Contract Services' Fiscal Year 2009 Agency Procurement Indicators Report M/WBEs were awarded \$96,826,183, which represents only 3.9% of the total dollar volume of \$2.5 billion in prime construction contracts awarded in fiscal year 2009; and

**Whereas**, Minority, veteran-owned, and women-owned small businesses continue to need capacity building services to improve their ability to compete in the construction industry in New York City and elsewhere; and

**Whereas**, H.R. 3711, amends the Small Business Act by charging the United States Small Business Administration ("SBA") with the task of establishing mentorship programs to assist minority, women-owned and veteran-owned small businesses and establishing grant programs to enhance access to specialized education and resources; and

**Whereas**, H.R. 3711 requires SBA to disburse grants to state and local governments in order to: (i) establish or expand mentorship and assistance programs, (ii) identify problems and solutions small businesses are experiencing in the construction industry, (iii) establish performance criteria and objectives related to the mentoring and assistance programs, (iv) encourage participation from relevant trade associations to partner with State and local government entities, (v) establish and fund State and local grant programs for higher education institutions and entities that conduct business or executive trainings to develop and administer a standing curriculum benefitting owners and executives of eligible small business concerns and focus on financial accounting, business, and risk management best practices in the construction industry, and (vi) establish and fund State and local grant programs to award grants at a maximum of \$15,000 to eligible small businesses to pay for legal, accounting and other business services to prepare the businesses to qualify for financial and surety credit; and

**Whereas**, H.R. 3771 is designed to assist small businesses owned and controlled by women, minorities, and veterans operate in the construction industry; now, therefore, be it

**Resolved**, That the Council of the City of New York supports H.R. 3771, which amends the Small Business Act to establish mentorship and assistance programs designed to help minority, veteran-owned, and women-owned small businesses operate in the construction industry.

Referred to the Committee on Contracts.

Res. No. 116

**Resolution calling upon the Mayor of The City of New York to issue an Executive Order to require all New York City agencies to perform a cost-effective analysis before contracting for personnel and professional service contracts.**

By Council Members James, Chin, Comrie, Dromm, Gentile, Williams and Dickens.

**Whereas**, Pursuant to Section 310 of the City Charter, procurement is the method that the City of New York uses to buy goods, human services, professional services, and construction services that are paid for either by the city treasury, or out of money that is in the control of or accessed or collected by the City of New York; and

**Whereas**, The Procurement Policy Board (PPB) sets forth the rules for procurement in the City of New York and according to the PPB, one of the goals of these rules is to provide increased efficiency, economy, and flexibility in city procurement activities and to maximize to the fullest extent the purchasing power of the City; and

**Whereas**, New York City agencies are not mandated by the City Charter, the Administrative Code or the PPB rules to engage in cost-effective analysis prior to entering into personnel and professional service contracts; and

**Whereas**, Personnel and professional service contracts are a large percentage of New York City's budget; and

**Whereas**, According to a report by District Council 37, since fiscal year 2005, overall City spending for these service contracts has increased by an estimated 36% from \$6.7 billion to \$9.2 billion; and

**Whereas**, In July 2008, Governor Paterson signed Executive Order No. 6 ("Order"), in which state agencies can only enter into "Qualified Personal Services Contracts" (QPSC) if the agency has first determined that the contractor can carry out the task more efficiently or effectively than state employees, or the contractor can carry out the task at a lower cost than such state employees, or the contract is necessary to protect public health or safety, or for some other compelling reason; and

**Whereas**, Requiring state agencies to perform a cost-effective analysis has successfully saved New York State over an estimated \$100 million in personnel and professional service contracts; and

**Whereas**, According to District Council 37, city agencies such as the New York City Fire Department can save an estimated \$5.4 million by employing city workers to perform bookkeeping and accounting work rather than contracting out; and

**Whereas**, District Council 37 also found that the Human Resources Administration and the Department of Education can save an estimated \$2.4 million by limiting temporary clerical staff contracts; and

**Whereas**, According to District Council 37, if city agencies are required to perform a cost-effective analysis prior to entering into personnel and professional services contracts, similar to that imposed on state agencies, the City of New York will save an estimated \$130 million over the next three years; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Mayor of the City of New York to issue an Executive Order to require all New York City agencies to perform a cost-effective analysis before contracting for personnel and professional service contracts.

Referred to the Committee on Contracts.

Int. No. 114

By Council Members Koppell, Brewer, Fidler, Williams, Rodriguez and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring businesses that sell or rent skiing or snow boarding equipment to post notice that wearing a helmet while skiing or snowboarding may reduce risk of injury.**

*Be it enacted by the Council as follows:*

Section 1. Legislative intent. Many novice skiers and snowboarders who purchase or rent skiing or snowboarding equipment for themselves or their children are not aware of, or may seriously underrate, the inherent risks of these activities, including the threat of serious head trauma from falls or collisions. At ski areas in New York state and indeed throughout the nation, the use of protective helmets to prevent head trauma is not generally required, and there is currently no state law requiring the use of ski helmets.

In a 1999 report, the staff of the Consumer Product Safety Commission recommended that skiers and snowboarders wear helmets to prevent injuries from falls or collisions. Numerous recent studies have found wearing a helmet while skiing or snowboarding can reduce the risk of brain injury by up to 80%. Although the National Ski Areas Association found that 48% of all skiers and snowboarders wore helmets in the 2008-2009 season, up from just 25% in the 2002-2003 season, many skiers and snowboarders still choose not to wear helmets. This is especially true amongst beginning skiers and snowboarders, only 26% of whom wear helmets. As evidenced by the tragic death of actress Natasha Richardson, who died from a traumatic brain injury after falling during a beginning ski lesson in March 2009 and who was not wearing a helmet at the time of her accident, even novice skiers and snowboarders are at risk for injury while on the slopes. Despite the available evidence that ski helmets dramatically reduce head trauma, the State Legislature has not acted to require their use during downhill skiing and snowboarding.

This legislation will call attention to the importance of helmets by requiring businesses that sell or rent ski or snowboarding equipment to post notice that the use of properly fitted ski helmets during downhill skiing and snowboarding is recommended to prevent head injuries from falls or collisions. This local law is necessary to give consumers who purchase or rent skiing and snowboarding equipment in the city the information they need to make informed choices for their own and their children's safety.

§ 2. Chapter 5 of title 20 of the administrative code of the city of New York is amended by the addition of a new subchapter 16, to read as follows:

**SUBCHAPTER 16**

**SKIING AND SNOWBOARDING SAFETY, POSTING REQUIRED**

**§ 20-850 Definitions.**

**§ 20-851 Notice Terms.**

**§ 20-852 Violations.**

§ 20-850 **Definitions.** For the purposes of this subchapter the following terms shall have the following meanings:

a. The term "ski shop" shall mean all premises where skiing paraphernalia, including but not limited to, downhill skis, snowboards and related equipment, including but not limited to, ski boots, poles, ski helmets and snowboard helmets are offered for sale, lease or rental to consumers. Such term shall not include premises that sell, lease or rent only clothing designed for use while skiing.

b. The term "ski equipment service" shall mean the provision of skiing equipment to consumers as a part of or in conjunction with the sale of a tour, vacation or travel package to a ski area.

§ 20-851 **Notice Terms.** Any person, firm, corporation or other business entity that operates as a ski shop or otherwise offers ski equipment service to consumers shall conspicuously post a notice, in a form and manner to be provided by rule of the commissioner, containing the following information:

a. Wearing a properly fitted helmet, specifically designed and certified for skiing or snowboarding in accordance with the Consumer Product Safety Commission recommendations, may reduce the risk of head trauma from a fall or collision during downhill skiing or snowboarding.

b. Where and how a consumer may obtain an appropriate ski or snowboarding helmet if such helmets are not available for sale or rental at such ski shop.

§ 20-852 **Violations.** Any person, firm, corporation or other business entity that violates any provisions of this subchapter, or any rule promulgated by the commissioner pursuant to this subchapter, shall be liable for a civil penalty of not more than one hundred dollars for each violation. In the case of a continuing violation, each day's continuance shall be a separate and distinct offense. Such civil penalties may be imposed by the commissioner after notice and a hearing or may be recovered in an action in any court of appropriate jurisdiction.

§3. This local law shall take effect six months after it shall have been enacted into law except that prior to such effective date the commissioner of consumer affairs may promulgate rules or take any other action necessary for implementation of this local law.

Referred to the Committee on Consumer Affairs.

Int. No. 115

By Council Members Koppell, Comrie, Fidler, Gentile, Vacca, Halloran and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing New York City's community based volunteer ambulance companies to purchase gasoline or diesel fuel, for their ambulances, directly from the New York City Fire Department or New York City Police Department.**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative findings and intent. New York City's community based volunteer ambulance companies provide essential medical services in the city's five boroughs, supplementing the care provided by the New York City Fire Department (FDNY) and hospital based ambulances.

Accordingly, the Council declares it reasonable and necessary to require the Fire Department and Police Department to sell gasoline and diesel fuel to New York City's community based volunteer ambulance companies at cost plus five percent in order to assist the community based volunteer ambulance companies with their operations.

§2. Chapter one of title 15 of the administrative code of the city of New York is amended by adding a new paragraph (3) to subdivision a of section 15-101 to read as follows:

(3) "Voluntary ambulance service" shall mean a voluntary ambulance service as such term is defined in section three thousand one of the public health law that is registered or certified in compliance with section three thousand five of the public health law.

§3. Chapter one of title 15 of the administrative code of the city of New York is amended by adding a new section 15-129 to read as follows:

**§15-129 Voluntary ambulance service.** a. The new york city police department and the new york city fire department shall make gasoline and diesel fuel available for sale to voluntary ambulance service providers, for use in their ambulances, at the cost at which the police department and fire department purchased the gasoline or diesel fuel plus five percent.

§4. This local law shall take effect 90 days after its enactment into law.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 116

By Council Members Koppell, Brewer, Dromm, Fidler, Williams and Nelson.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale or possession of pistols or revolvers that do not meet safety and quality standards established by the Police Commissioner.**

*Be it enacted by the Council as follows:*

Section 1. Legislative Findings and Intent.

The Council finds that a certain type of handgun, known to some as a Saturday Night Special (SNS) or, alternatively, as a "junk gun," is a non-sporting, low-quality "handgun," lacking essential safety features. These guns were once largely manufactured in California by a group known as the "Ring of Fire," most of whom declared bankruptcy by 2003 after moving out of state due to the enactment of California handgun safety standards. Due to their low cost and the ease with which they are concealed, junk guns are preferred by criminals. They have no place in New York City.

The Council further finds that junk guns continue to be and have been a long-standing public safety problem. In 2006, the Legal Community Against Violence reported that, "...because so many of the junk guns [the Ring of Fire] produced are still in circulation, five of the 10 crime guns most frequently traced by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in 2000 were manufactured by Ring of Fire companies." In 1997, four out of the top six illegal firearms traced by the ATF, including the top three guns used in crimes, were SNS handguns. This is consistent with a May, 1995 ATF report that found that of the ten guns most frequently traced to crime by ATF in 1994, seven were SNS handguns. Handgun traces by ATF between September 1989 to September 1991, performed on guns connected to crimes, found that guns manufactured by the Ring of Fire manufacturers were found 6,300 times, compared to 4,300 guns traced to reputable companies such as Colt, Smith & Wesson and Sturm Ruger, even though the reputable companies manufactured more than twice as many handguns as the Ring of Fire companies during that period. The Council finds that despite bankruptcy problems for Ring of Fire companies, the owners behind them have managed to continue their businesses through other companies that exist today.

In addition, the Council finds that the low quality of SNS handguns makes them dangerous not only to the general public, but also to the gun owner. According to Gun Tests Magazine, these guns are "unreliable" and "self-destructing."

It is the Council's intention that the Police Commissioner and the expert committee proposed by this bill carefully study all handguns and determine which guns are not safe for sale or possession in New York City. These experts will examine the ease with which the guns may be concealed, the ballistic accuracy, the quality of materials, the reliability as to safety, caliber and the ability of standard equipment to detect these handguns. The Committee will also advise on the utility of these handguns for legitimate sporting activities, self-protection, or law enforcement and give the Police Commissioner advice which will enable the Commissioner to make the best decision for the safety of the citizens of New York City. The list of unsafe handguns will be published as often as necessary, but no less

than twice a year, sent to all firearms dealers, and be made readily available to the public via the New York City Police Department website.

§2. Section 10-131 of chapter one of title ten of the administrative code of the city of New York is amended to add a new subdivision k, to read as follows:

k. 1. It shall be unlawful for any person to sell, offer for sale, donate, give, lend, purchase or possess in the city of New York any pistol or revolver that does not meet safety and quality standards as determined by rule of the Police Commissioner pursuant to paragraph four.

2. Any pistol or revolver that does not meet safety and quality standards as determined by rule of the Police Commissioner pursuant to paragraph four shall not be licensed for use or possession in the city of New York.

3. The Police Commissioner shall appoint a Pistol and Revolver Advisory Committee to advise him on the types of pistols and revolvers that fail to meet such quality and safety standards. Such advisory committee shall consist of seven members, and must include a representative of the Police Department, a representative of gun manufacturers, and such other members as the Police Commissioner deems appropriate. Such members shall serve at the pleasure of the Police Commissioner. In advising the Police Commissioner, the Committee shall consider, among other things, the ease with which a pistol or revolver may be concealed, the ballistic accuracy, quality of materials, quality of manufacture, safety, caliber, the ability of standard equipment to detect the pistol or revolver, and the utility for legitimate sporting activities, self protection or law enforcement of the pistol or revolver. The Committee shall submit its recommendations in writing to the Police Commissioner.

4. The Police Commissioner shall review the recommendations of the Committee and such other information as the Police Commissioner deems appropriate and compile a list of the pistols and revolvers that do not meet the safety and quality standards and include on such list, where practicable, the name of the manufacturer and model number of the pistols and revolvers on the list. Such list shall be established in a rule or rules promulgated by the Police Commissioner within one hundred eighty days of the effective date of the local law that added this subdivision. Such list shall be published as often as the Police Commissioner deems necessary, but in no event less frequently than biannually, distributed to all firearms dealers in New York City, be posted on the police department's web site and be filed in the office of the city clerk.

5. Any person who shall violate paragraph one of this subdivision shall be guilty of a misdemeanor, punishable by a fine of not more than one-thousand dollars (\$1,000) or imprisonment not exceeding one (1) year or both.

§3. This local law shall take effect sixty days after its enactment.

Referred to the Committee on Public Safety.

Int. No. 117

By Council Members Koppell, Chin, Gentile and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to obligating the city of New York to perform repairs upon sidewalks that remain in disrepair following the issuance of a notice of violation.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-152 of the administrative code of the city of New York, as amended by local law number 64 for the year 1995, is amended by adding thereto a new subdivision o to read as follows:

o. Notwithstanding any inconsistent provision of this section, the city of New York shall be required to reinstall, reconstruct, repave or repair an existing sidewalk flag at legal grade when such sidewalk remains in disrepair for ninety days following the issuance of a notice of violation by the department to the property owner responsible for such work. The city shall:

(i) not acquire the liability for any accident or harm related to or caused by such sidewalk flag during and after repair performed by the department or its contractors; such liability shall remain with the property owner;

(ii) mail a letter of request for payment to the property owner within thirty days of the completion of repair and require payment within thirty days of the date of the letter of request;

(iii) file a lien with respect to such property for the actual cost to the city for the repair, including the cost of labor, until the property owner pays the amount owed plus interest;

(iv) reserve the right to initiate a civil action against such property owner for the purposes of collecting the unpaid amount owed to the city for costs associated with repair by the department or its contractors.

§2 This local law shall take effect immediately after it is enactment into law.

Referred to the Committee on Transportation.

Int. No. 118

By Council Members Koslowitz, Comrie, Dromm, Fidler, Nelson, Reyna and Arroyo.

**A Local Law to amend the New York City charter, in relation to requiring the mayor's office of operations to develop and disseminate a business owner's bill of rights.**

*Be it enacted by the Council as follows:*

Section 1. Section 15 of Chapter 1 of the New York City charter is amended by adding a new subdivision f to read as follows:

*f. 1. The office of operations shall develop a business owner's bill of rights. The bill of rights shall be in the form of a written document, drafted in plain language, that advises business owners of their rights as they relate to agency inspections. The bill of rights shall include, but not be limited to, notice of every business owner's right to: i) consistent enforcement of agency rules; ii) compliment or complain about an inspector or inspectors, and information sufficient to allow a business owner to do so; iii) contest a notice of violation before the relevant tribunal; iv) an inspector who behaves in a professional and courteous manner; v) an inspector who can answer reasonable questions relating to the inspection, or promptly makes an appropriate referral; and vi) an inspector with a sound knowledge of the applicable laws, rules and regulations.*

*2. To the extent practicable, the office of operations shall develop and implement a plan to distribute the bill of rights to all relevant business owners, including via electronic publication on the internet, and to notify such business owners if the bill of rights is subsequently updated or revised. The office of operations shall also develop and implement a plan in cooperation with all relevant agencies to facilitate distribution of the bill of rights to business owners or managers immediately prior to, or during, an inspection.*

*3. The bill of rights shall serve as an informational document only and nothing in this subparagraph or in such document shall be construed so as to constitute a defense in any legal, administrative, or other proceeding.*

§2. This local law shall take effect sixty days following enactment.

Referred to the Committee on Small Business.

Int. No. 119

By Council Members Lappin and Chin.

**A Local Law to amend the New York city charter in relation to establishing a Mayor's Office of Skills and Education and the repeal of paragraphs a and c of subdivision 5 of Section 1301 of the New York city charter.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-a to read as follows:

*§20-a. Office of skills and education. a. The mayor shall establish an office of skills and education within the executive office of the mayor, which shall be responsible for coordinating the implementation of all workforce development initiatives administered by city agencies. Such office shall be headed by a director who shall be appointed by the mayor. For the purposes of this section only, "director" shall mean the director of skills and education.*

*b. Powers and duties. The director shall have the power and the duty to:*

*1. advise and assist the mayor in developing policies designed to meet the job training and employment needs of the residents of the city of New York who are in need of employment and employment training, as well as the labor needs of private industry;*

*2. oversee the city's efforts to advocate for and to obtain funding from the federal and state governments for workforce development initiatives;*

*3. disburse available city, state and federal funds for job training and employment programs throughout the city, and, when practical, to coordinate such funds with available funding from the private sector;*

*4. coordinate with workforce development programs administered by the health and hospitals corporation, city university of New York, New York city housing authority and federal and state governments to ensure that the goals of the city's workforce development programs are met;*

*5. require any city agency that administers any workforce development programs to provide quarterly reports to the office of skills and education on the status of such agency's workforce development programs;*

*6. maintain a comprehensive and publicly accessible website that provides information on every publicly funded workforce development program in the city and which contains information including, but not limited to, a description of each program, each program's eligibility standards, contact information for personnel administering each program, and the location where each program is offered; and*

*7. advise and assist the New York city workforce investment board in its mission and the implementation of its initiatives.*

§2. Paragraphs a and c of subdivision 5 of section 1301 of the New York city charter are REPEALED.

§3. This local law shall take effect one hundred eighty days after enactment.

Referred to the Committee on Economic Development (preconsidered but laid over by the Committee on Economic Development).

Int. No. 120

By Council Members Lappin, Brewer, Fidler, Gentile, Koppell, Lander, Williams, Van Bramer, Garodnick, Dromm, Foster, Levin, Crowley, James, Mark-Viverito, Barron, Vacca, Gonzalez and Jackson.

**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 traffic-related 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. Traffic related data to be placed on the world wide web. (a) The department shall make available to the public, through its website, the following traffic-related data: (1) the number of moving violation summonses issued, disaggregated by type of summons; (2) the number of traffic accidents, disaggregated by the type of vehicle or vehicles involved and by the number of motorists, passengers, bicyclists, and pedestrians involved; (3) the number of traffic fatalities disaggregated by (i) the number of motorists, passengers, bicyclists, and pedestrians involved and (ii) the apparent human contributing factor or factors involved in the accident, including, but not limited to, alcohol involvement, driver inattention/distraction, cell phone (hand-held) and cell phone (hands-free).*

*(b) The data, as defined in subdivision a, above, shall be displayed on the department's webpage, and disaggregated by precinct in the same manner, and updated as frequently as the department's publicly available crime statistics for the seven major felonies.*

§2. This local law shall take effect 120 days after its enactment into law.

Referred to the Committee on Public Safety.

Int. No. 121

By Council Members Lappin, Gentile and Lander .

**A Local Law to amend the administrative code of the city of New York, in relation to the use of bicycles for commercial purposes.**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions b, c, d, and g of section 10-157 of chapter 1 of title 10 of the administrative code of the city of New York are amended and a new subdivision i is added to read as follows:

*b. Every person, firm, partnership, joint venture, association [or], corporation or similar entity engaged in providing or arranging for the provision of a service as authorized herein must issue to every bicycle operator a numbered identification card which contains the name, residence address and photo of the bicycle operator and the name, address and telephone number of the company for whom the bicycle operator is [employed] affiliated. Such identification card must be carried by the bicycle operator while the cyclist is making deliveries, or otherwise riding a bicycle on behalf of the business, and must be produced upon the demand of a police officer or any other law enforcement officer.*

*c. Every person, firm, partnership, joint venture, association [or], corporation or similar entity engaged in providing or arranging for the provision of a service as authorized herein shall maintain in a log book to be kept for such purpose, the name and place of residence address of every [employee operating a] bicycle operator, the date of employment or association and discharge of each person in said service, and every messenger or delivery person's identification number. The owner of any business engaged in providing or arranging for the provision of a service as authorized in this section shall be responsible for maintaining in the log book a daily trip record in which all entries shall be made legibly in ink and each entry shall be dated and include the bicycle identification number, the operator's name and place of origin and destination for each trip. No entry shall be rewritten either in whole or in part except in such manner as may be provided by regulation of the commissioner; any such unauthorized rewriting shall give rise to a rebuttable presumption of an act of fraud, deceit or misrepresentation. Such log book shall be made available for inspection during regular and usual business hours upon request of an agent of the police commissioner or any police officer or any other person authorized by law.*

d. The owner of any business engaged in providing *or arranging for the provision of* a service as authorized in this section shall file an annual report in such form as shall be designated by the police commissioner by rule or regulations. Said report shall include, inter alia, the number of bicycles it owns and the number and identity of any [employees it may retain] *bicycle operators employed by or otherwise affiliated with such business*. Any business engaged in providing *or arranging for the provision of* a service as authorized in this section shall be responsible for the compliance with the provisions of the section of any [employees it shall retain] *bicycle operators employed by or otherwise affiliated with such business*. Nothing contained in this section shall be construed as applying to persons under the age of sixteen who use a bicycle to deliver daily newspapers or circulars.

g. Except as otherwise provided in subdivision h of this section, the *person, firm, partnership, joint venture, association, corporation or other similar entity engaged in providing or arranging for the provision of a service as authorized in this section shall be liable for any violation of any of the provisions of this section, or of any of the rules or regulations that may be promulgated pursuant hereto[.]. Such violation 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 or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition to or as an alternative to the penalties provided for a violation of any of the provisions of this section, or of any of the rules or regulations promulgated pursuant hereto, any person who shall violate any such provisions shall be liable for a civil penalty of not less than one hundred dollars nor more than two hundred and fifty dollars for each violation. Such civil penalty may be recovered in an action or proceeding in any court of competent jurisdiction.*

i. *In any prosecution of a person, firm, partnership, joint venture, association, corporation or other similar entity for a violation of this section, there shall be a rebuttable presumption that such person, firm, partnership, joint venture, association, corporation or other similar entity utilizing the services of the bicycling operator had knowledge that the bicycle operator was in violation of any subdivision of this section or any other section of the code governing the operation of bicycles.*

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

Referred to the Committee on Transportation.

Res. No. 117

**Resolution calling on the New York State Legislature to pass S.1385/A.3956, an act to amend the elder law, in relation to adding a requirement for the state office for the aging to report on the delivery of services to and the needs of traditionally underserved populations in their annual report to the governor and legislature.**

By Council Members Lappin, Brewer, Chin, Dickens, Fidler, Vann, Williams and Rodriguez

**Whereas**, S.1385/A.3956 would amend the elder law, in relation to adding a requirement for the State Office For the Aging (SOFA) to report on the delivery of services to and needs of traditionally underserved populations in their annual report to the Governor and Legislature; and

**Whereas**, S.1385/A.3956 requires that the SOFA, in its annual report to the Governor and the Legislature, include recommendations for expanding or replicating service programs to populations including, but not limited to, actual or perceived race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, marital status, disability, familial status, and language; and

**Whereas**, The bill also requires that the SOFA, in its annual report to the Governor and the Legislature, assess the progress, problems, and effectiveness of provisions or services to seniors including, but not limited to, actual or perceived race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, marital status, disability, familial status, and language, or people associated with an individual who is or is perceived to be a member of any of these traditionally underserved populations; and

**Whereas**, The bill calls for SOFA, in its annual report to the Governor and the Legislature, to report on the needs of traditionally underserved senior populations including, but not limited to, populations based on actual or perceived race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, marital status, disability, familial status, and language; and

**Whereas**, The bill authorizes the director of the Office of the Aging to make grants-in-aid available, through a request for proposals process, for the purpose of providing training, outreach, and education to appropriate entities who provide services to the lesbian, gay, bisexual, and transgender (LGBT) senior populations; and

**Whereas**, Lesbian, gay, bisexual, and transgender seniors, in particular, often lack social and familial support networks that are more commonly available to non-LGBT seniors; and

**Whereas**, LGBT seniors face stigma from many senior care providers who do not consider that their older clients may be LGBT, and thus as a result, LGBT seniors may be as much as five times less likely to access needed health and social services because of fear of discrimination; and

**Whereas**, Only a handful of state and federal demographic and health surveys collect data on LGBT seniors which forces conclusions to be drawn from a limited pool of research and qualitative data; and

**Whereas**, Making grants available from SOFA will provide important assistance to individuals, agencies, and other appropriate entities to improve their delivery of services to LGBT senior populations; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass S.1385/A.3956, an act to amend the elder law, in relation to adding a requirement for the state office for the aging to report on the delivery of services to and the needs of traditionally underserved populations in their annual report to the governor and legislature.

Referred to the Committee on Aging

Res. No. 118

**Resolution calling upon the New York City Transit Authority to improve Access-A-Ride performance monitoring by establishing a standardized complaint tracking system for Access-A-Ride vendors and to make such information transparent and accessible to the public.**

By Council Members Lappin, Brewer, Chin, Dickens, Dromm, Fidler, Gentile, Lander, Williams, Rodriguez and Koo.

**Whereas**, The New York City Transit Authority's (NYCTA) Access-A-Ride (AAR) program provides transportation for people with disabilities who are unable to utilize bus and train service; and

**Whereas**, AAR serves millions of people each year and operates 24 hours a day, seven days a week; and

**Whereas**, AAR provides door-to-door service and transports individuals throughout the five boroughs and to and from some locations within Nassau and Westchester counties; and

**Whereas**, On July 28, 2009, New York City Comptroller William Thompson released an audit, Audit Report on Vendor Contracts with New York City Transit to Provide Access-A-Ride Services, examining whether the NYCTA adequately monitored AAR vendor compliance with contract provisions; and

**Whereas**, While the audit revealed that the NYCTA generally performed well and vendors met key contract indicators, there were several shortfalls stemming from the manner that AAR complaints were tracked; and

**Whereas**, In fiscal year 2009, the NYCTA contracted with 14 private companies to provide AAR services at a cost of \$242.5 million; and

**Whereas**, Over the same period of time, the NYCTA's Customer Relations Unit received 16,978 complaints from AAR customers regarding the service provided by the 14 vendors; and

**Whereas**, The major complaints included no-shows, late pickups, driver-related complaints, unreasonable ride times and various issues with the vehicles; and

**Whereas**, No-show complaints are critically important to review and assess; and

**Whereas**, Of the recorded 5.8 million scheduled trips, AAR data indicates a no-show rate of 6.3 percent; and

**Whereas**, However, reasons for no-shows can vary greatly and while the causes can generally be attributed to either vendors or customers, in some instances, neither party is at fault; and

**Whereas**, Despite the importance of no-show complaints, the NYCTA does not have a formal policy for monitoring no-shows and there is some concern about whether the contractors are properly classifying them; and

**Whereas**, NYCTA is therefore unable to determine the full extent of no-shows and whether the vendors are mischaracterizing their performance results in an attempt to receive incentive payments or avoid being penalized with fees for lackluster performance; and

**Whereas**, In the audit, the Comptroller recommended that NYCTA take necessary steps to increase accountability in this area by preparing formal written guidelines to ensure that no-shows are reviewed in a systematic and consistent manner, enhancing and continuously monitoring no-show reviews and determining the error rates for no-show classifications; and

**Whereas**, Further, the Comptroller's audit also recommended improving the discussion between contract managers and vendors by requiring corrective action in response to negative trends and other identified problems; and

**Whereas**, Implementing these recommendations, as well as improving the monitoring and tracking of complaints and providing public access to such information would allow the public to have more faith in the AAR system and enable it to become a better performing and higher functioning service; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Transit Authority to improve Access-A-Ride performance monitoring by establishing a standardized complaint tracking system for Access-A-Ride vendors and to make such information transparent and accessible to the public.

Referred to the Committee on Transportation

Int. No. 122

By Council Members Mark-Viverito, Dromm and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to a pilot program for the performance of commercial waste audits.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-306.1 to read as follows:

§16-306.1 *Commercial waste audit demonstration projects.* a. No later than six months from the effective date of this section, the commissioner shall select at least one business from each of the following sectors to perform, or fund the performance of, a waste audit consistent with the requirements of this section, (i) a restaurant or food service establishment; (ii) a company engaged primarily in the construction and demolition of buildings; (iii) a company engaged primarily in manufacturing products at a factory or other facility located in the city; (iv) a school or university; (v) a dry cleaning establishment; (vi) a business with fewer than twenty-five employees occupying office space; and (vii) a business with greater than two hundred employees occupying office space.

b. No later than eighteen months after effective date of this section, the department shall complete, or require the completion of, demonstration waste audits for the entities designated by the commissioner pursuant to subdivision a of this section.

c. The commissioner shall adopt and implement rules establishing criteria for the waste audits required pursuant to this section including, but not limited to, the following, (i) an observation of the waste management practices of the designated entities; (ii) a survey of each designated entity's waste composition; (iii) a review of each designated entity's waste removal contracts; (iv) an assessment of each designated entity's needs with respect to waste management and an evaluation of options available to such entity; and, (v) based upon the results of these waste audits, recommendations to increase recycling, decrease waste and decrease waste management costs for each designated entity including, but not limited to, improving the availability of recycling infrastructure for entity employees; substituting non-recyclable materials with recyclable alternatives; substituting disposable materials with reusable alternatives; opportunities to reuse, donate, recycle or compost common materials otherwise placed into the waste stream; purchasing of materials that contain recycled content; opportunities to employ technology to decrease waste and manage resources more effectively; recommendations for other environmentally preferable purchasing; and any other recommendations the commissioner deems important to sustainability and improved waste management practices.

d. Within six months of completing such waste audits, the department shall report the recommendations and other relevant information resulting from each of the waste audit demonstration projects to the Council and the Mayor, omitting any proprietary information of a participating entity, and shall make such information available to other businesses and entities in the same sectors as those participating in such demonstration audits via the department website.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 123

By Council Members Mark-Viverito, Dromm, Koppell, Lander, Rodriguez, Nelson, Van Bramer, Crowley and Arroyo.

**A Local Law to amend the administrative code of the city of New York, in relation to the surface areas of playgrounds and playing fields.**

*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is hereby amended by adding a new section 17-194 to read as follows:

§17-194 *Advisory committee for new surfaces* a. Prior to any materials being used as surfacing materials that have not been previously used for any playgrounds or playing fields by any city agency, the department, in conjunction with the department of parks and recreation, shall conduct a review of such surfacing material in order to ascertain and to develop ways to minimize any potential health, safety and/or environmental risks. Such review shall include an assessment regarding whether or not such materials may present any health, safety or environmental risk, including whether and which of such materials retain high levels of heat, contain known carcinogens and/or toxic substances, or would have adverse environmental impacts. Such review shall be presented to an advisory committee and released consistent with the provisions of subdivision b and c of this section.

b. The department shall convene an advisory committee to assist it in conducting the reviews required by subdivision a of this section. The advisory committee shall consist of at least five members, all of whom shall be appointed jointly by the mayor and the speaker of the city council. The members shall choose a chairperson from among the members. Such advisory committee shall meet with the commissioner or a designee and the commissioner of parks and recreation or a designee on at least a bi-annual basis. A meeting of the advisory committee must be held prior to the finalization of the review required in subdivision a. Within thirty days of such meeting, such advisory committee may submit written recommendations to the department and the department of parks and recreation on such draft review.

c. The commissioner shall either accept and utilize the recommendations of the advisory committee or shall give written reasons as to why such recommendations were not accepted and utilized within sixty days of receipt of any such recommendations from the advisory committee. Such response by the commissioner along with the recommendations of the advisory committee and the final review as required by subdivision a shall be sent to the speaker of the city council and shall be made available on the city of new york's website. Installation of any such surfacing material referenced in such review shall not occur less than sixty days prior to the release of the final report to the speaker of the city council and the posting on the city of new york's website.

§2. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Res. No. 119

**Resolution calling upon the New York State Legislature to create a tax incentive program for green businesses.**

Council Members Mark-Viverito, Dromm, Lander, Van Bramer, Vann, Williams, Rodriguez and Koo.

**Whereas**, Green businesses contribute to both economic growth and environmental improvement in the City of New York; and

**Whereas**, A recent study by the New York City Economic Development Corporation found that the Green Sector is ripe for growth in New York City; and

**Whereas**, The New York City Council has recently passed legislation requiring lighting upgrades, energy audits, and other improvements in many of the City's buildings, and continues to work to upgrade building codes and encourage renewable energy, energy efficiency projects, and the use of environmentally responsible products and services; and

**Whereas**, The benefits of using environmentally friendly products and services are multiplied when the providers of those products and services are located nearby, reducing transportation impacts and supporting the local economy; and

**Whereas**, Tax incentives may give green businesses much-needed help in establishing themselves in the City; and

**Whereas**, New York State may establish tax incentive programs designed to benefit green businesses and create a center of environmentally responsible business in New York City; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to create a tax incentive program for green businesses.

Referred to the Committee on Environmental Protection.

Res. No. 120

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation which would provide tax incentives for food-service businesses to use environmentally-friendly alternatives to disposable food ware made from polystyrene foam and other non-recyclable or non-biodegradable materials.**

By Council Members Mark-Viverito, Dromm, Fidler, Williams, Rodriguez and Nelson.

**Whereas**, The City of New York has a duty to protect the natural environment, the health of its citizens, and the economy; and

**Whereas**, Using environmentally-friendly biodegradable, compostable, or recyclable disposable food service ware is an effective way of reducing the negative environmental impact of such food ware; and

**Whereas**, Polystyrene foam, also known as Styrofoam, and other non-biodegradable or non-recyclable materials, are commonly used in food ware in New York City; and

**Whereas**, Polystyrene foam is a non-biodegradable and virtually non-recyclable pollutant that stays in landfills and waterways for centuries; and

**Whereas**, Polystyrene foam is a notorious pollutant that breaks down into smaller, non-biodegradable pieces that are ingested by marine life and other wildlife thus injuring or killing them; and

**Whereas**, Styrene, a component of polystyrene foam, is a suspected carcinogen and neurotoxin that medical evidence suggests leaches from polystyrene foam containers into food and drink; and

**Whereas**, Disposable food service ware made from non-biodegradable materials other than Styrofoam, such as certain plastics, is made from non-renewable sources and often not accepted for recycling, also leading to substantial environmental pollution; and

**Whereas**, Due to these concerns, many municipalities, including San Francisco and Seattle, have banned the use of Styrofoam food containers and required the use of biodegradable/compostable or recyclable alternatives, and businesses in those cities have successfully adopted safer and more environmentally-friendly alternatives; and

**Whereas**, Separate legislation, Bill No. A.0428/S.02832, has been introduced to prohibit the use of disposable Styrofoam food service ware by any person or entity that has a contract with a state agency or municipality; and

**Whereas**, There are substitutes for, or alternatives to, polystyrene foam and other environmentally-harmful food service ware that adequately serve the needs of the food service industries and the consumer, and these substitutes or alternatives are readily obtainable and recyclable or biodegradable; and

**Whereas**, Environmentally-friendly alternatives are typically priced about 5 percent to 40 percent more than less environmentally-friendly options; and

**Whereas**, Food-related businesses and consumers in New York City are already struggling in the current economy and unable to absorb significant additional food costs; and

**Whereas**, Providing food-service businesses with incentives to restrict the use of polystyrene foam and other environmentally-harmful food service containers and encourage the use of biodegradable, compostable or recyclable alternatives in New York City will further protect the public health and safety of its residents, natural environment and wildlife; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation which would provide tax incentives for food-service businesses to use environmentally-friendly alternatives to disposable food ware made from polystyrene foam and other non-recyclable or non-biodegradable materials.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 124

By Council Members Mendez, Brewer, Dromm, Lander and Mark-Viverito.

**A Local Law to amend the administrative code of the city of New York in relation to the information required on the building information system.**

*Be it enacted by the Council as follows:*

Section 1. Title 28 of the administrative code of the city of New York is amended by adding a new section 28-103.14.2 to read as follows:

*28-103.14.2 Building information system. The commissioner shall make all department records created or submitted after July 1, 2010 available to the public for inspection over the Internet, except that the commissioner may deny access to records or portions thereof in compliance with article six of the public officers law. Such records shall include, but not be limited to, electronic copies of all applications received, construction documents, permits and certificates issued, fees collected, reports of inspections, notices and orders issued, objection sheets, reconsiderations and variances.*

§ 2. This local law shall take effect on July 1, 2010, except that the department of buildings shall take such measures as are necessary to implement its provisions, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 121

**Resolution calling upon the New York State Assembly to pass and the Governor to sign A.9044, which would amend the criminal procedure law to enable judges, if so requested, to instruct juries in criminal proceedings to disregard appeals made to bias and prejudice through courtroom tactics such as "panic strategies."**

By Council Members Mendez, Brewer, Dromm and Williams

**Whereas**, It is the right of every person regardless of actual or perceived race, color, national origin, ancestry, gender, religion, religious practice, age, disability, gender identity or gender expression, or sexual orientation, or association with a person or group with these actual or perceived characteristics, to be secure and protected from fear, intimidation, and physical harm caused by the actions of violent groups and individuals; and

**Whereas**, It is against public policy for members of the judiciary or lawyers in judicial proceedings to exhibit bias toward a crime victim based on his or her actual or perceived characteristics such as race, color, national origin, ancestry, gender, religion, religious practice, age, disability, gender identity or gender expression, or sexual orientation; and

**Whereas**, "Panic strategies" appeal to bias and stereotypes that may be held by juries by attempting to explain a defendant's violent actions or emotional reactions as reasonable based on the knowledge or discovery of the fact that the victim possess one or more of the characteristics listed above or associates with a person or group with one or more of the characteristics listed above; and

**Whereas**, "Panic strategies" encourage juries to decide cases based on bias and prejudice rather than on the facts and laws involved in a case; and

**Whereas**, The use of so-called "panic strategies" by defendants in criminal trials opens the door for bias against victims based on one or more of the characteristics listed above or an association with a person or group with one or more of those characteristics; and

**Whereas**, It is against public policy for a defendant to be acquitted of a charged offense or convicted of a lesser included offense based upon an appeal to the societal bias that may be possessed by members of a jury; and

**Whereas**, A.9044, currently pending in the New York State Assembly, would amend the criminal procedure law to enable judges in criminal proceedings, if a party so requests, to instruct juries to disregard appeals made to bias and prejudice through courtroom tactics such as "panic strategies;" and

**Whereas**, A.9044 is modeled on the "Gwen Araujo Justice for Victims Act," signed into law in California in 2006 and enacted following the murder of a transgender teenager because the defendants in her murder trial attempted to employ a panic strategy defense as justification for reducing the charges; and

**Whereas**, No statute in New York currently addresses the use of panic defenses or other strategies that attempt to convince juries that criminal actions can be reasonable responses to characteristics of the victim, such as his or her race, national origin, sexual orientation, gender identify or gender expression, among others; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Assembly to pass and the Governor to sign A.9044, which would amend the criminal procedure law to enable judges, if so requested, to instruct juries in criminal proceedings to disregard appeals made to bias and prejudice through courtroom tactics such as "panic strategies."

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 122

**Resolution calling upon the New York State Legislature to enact A.2558B/S.3854B, in relation to the renewal of Rent Stabilized leases in cases of proposed demolitions of buildings**

By Council Members Mendez, Brewer, Chin, Dromm, Lander, Williams and Rodriguez

**Whereas**, According to §26-511(9)(a) of the Administrative Code of the City of New York, an owner may refuse to renew a rent-stabilized lease when "he or she intends in good faith to demolish the building and has obtained a permit therefore from the department of buildings;" and

**Whereas**, The demolition of a Rent Stabilized apartment permanently removes that apartment and any replacement from the rent regulation system; and

**Whereas**, Some owners are applying to the New York State Department of Housing and Community Renewal (DHCR) for permission to evict tenants and not renew the Rent Stabilized leases of these tenants based upon a claim of an impending demolition; and

**Whereas**, The Rent Stabilization Code and the Administrative Code of the City of New York do not contain a definition of demolition; and

**Whereas**, Some owners may be applying to DHCR for permission to not renew Rent Stabilized leases under the guise of demolition but are only seeking the substantial rehabilitation or alteration of their property; and

**Whereas**, A.2558B/S.3854B would clarify the meaning of "demolition" in this context to require the complete demolition of the existing property, including the exterior walls, in order to lawfully terminate the leases of Rent Stabilized tenants; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to enact A.2558B/S.3854B, in relation to the renewal of Rent Stabilized leases in cases of proposed demolitions of buildings.

Referred to the Committee on Housing and Buildings

Int. No. 125

By Council Members Nelson, Comrie, Fidler and Vacca.

**A Local Law to amend the administrative code of the city of New York, in relation to notices of violation of the litter law issued to residents in residential buildings that abut officially designated bus stops.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph a of subdivision 2 of section 16-118 of the administrative code of the city of New York is amended to read as follows:

2. (a) Every owner, lessee, tenant, occupant or person in charge of any building or premises shall keep and cause to be kept the sidewalk, flagging and curbstone abutting said building or premises free from obstruction and nuisances of every kind, and shall keep said sidewalks, flagging, curbstones, and air shafts, areaways, backyards, courts and alleys free from garbage, refuse, rubbish, litter, debris and other offensive material. Such persons shall also remove garbage, refuse, rubbish, litter, debris and other offensive material between the curbstone abutting the building or premises and the roadway area extending one and one-half feet from the curbstone into the street on which the building or premises front. Such persons shall not, however, be responsible for cleaning the garbage, refuse, rubbish, litter, debris and other offensive material which accumulates at catch basins located within the one and one-half foot distance from the curbstone into the street, *nor shall a notice of violation of this section be issued to any person subject to the provisions of section 16-118.2 of this chapter.*

§2. Chapter one of title 16 of the administrative code of the city of New York is amended to add new sections 16-118.2 and 16-118.3 to read as follows:

§16-118.2. *Exception for liability for litter at officially designated bus stops. a. No owner of a dwelling containing fewer than nine dwelling units that abuts an officially designated bus stop shall be liable for a violation of paragraph a of subdivision two of section 16-118 of this chapter, provided that no portion of such dwelling is subject to the provisions of subdivision a of section 16-118.1 concerning commercial premises.*

*b. The commissioner shall, in conjunction with the commissioner of transportation, establish a complete list of officially designated bus stops which, for purposes of this chapter, shall mean those locations established as bus stops for use by (i) the metropolitan transportation authority or any subsidiary thereof, (ii) a private bus company which has been granted a franchise by the city, or (iii) any other entity authorized by the city. Such list shall be posted on the department's website. In addition, the commissioner shall, in conjunction with the commissioner of transportation, promulgate rules to delineate the boundaries of officially designated bus stops, which shall, where applicable, extend between the sign post designating the bus stop and the end of any curb marking.*

*c. The commissioner shall, in conjunction with the commissioners of environmental protection, buildings and health and mental hygiene, the police commissioner, the fire commissioner, and the chief administrative law judge of the office of administrative trials and hearings, promulgate rules establishing requirements that an owner of a dwelling who receives a notice of violation for a violation of paragraph a of subdivision 2 of section 16-118 of this chapter must satisfy in order to prove that such dwelling meets the requirements of subdivision b of this section. Such rules, whenever possible, shall permit owners of a dwelling to present such proof of residence by mail.*

§16-118.3. *Litter baskets at officially designated bus stops. The commissioner shall permit residents living in buildings that abut officially designated bus stops to apply for the placement of street litter baskets at or near such officially designated bus stops. In determining whether or not to site such litter baskets, the commissioner shall consider the following factors, (i) the ease of arranging collection for such a litter basket based on existing department collection routes; (ii) the amount of litter generated at such designated bus stop; (iii) concerns that such a litter basket would present a sidewalk obstruction; and (iv) opportunities to make use of non-department litter basket maintenance service, such as that provided by business improvement districts, not-for-profit organizations, or owners of buildings abutting such officially designated bus stops.*

§3. This local law shall take effect ninety days from enactment except that the commissioner of sanitation shall take such steps as are necessary for the implementation of this local law including the promulgation of rules, prior to such effective date.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 123

**Resolution urging the United States Congress to pass H.R. 3155, the Caregiver Assistance and Resource Enhancement Act, to provide certain caregivers of veterans with training, support, and medical services.**

By Council Members Nelson, Brewer, Fidler, Williams and Rodriguez.

**Whereas**, According to Iraq and Afghanistan Veterans of America (IAVA), it is estimated that approximately 1.4 million American troops have served in Iraq or Afghanistan at one time or another; and

**Whereas**, According to the Department of Defense (DoD), as of October 1, 2009, there have been almost 34,000 troops physically wounded in action in Iraq and Afghanistan; and

**Whereas**, In addition, the RAND corporation has estimated that as of last year, nearly 20% of returning veterans of Iraq and Afghanistan (about 300,000 total) reported mental symptoms of Post Traumatic Stress Disorder; and

**Whereas**, The American Association for Geriatric Psychiatry (AAGP) predicts that there will be 1.2 million veterans over 85 years old by 2010, and that there is a great danger that the coming swell in the number of elderly veterans will overwhelm existing services; and

**Whereas**, The United States Department of Veterans Affairs (VA), the federal agency charged with overseeing services for veterans, and the Disabled American Veterans (DAVA), an agency offering special services for those veterans who have handicaps or disabilities, will both likely experience a greater straining of resources for inpatient care as the current operations in Iraq and Afghanistan proceed; and

**Whereas**, The President's Commission on Care for America's Returning Wounded Warriors found that 21 percent of active duty service members, 15 percent of the reserve, and 24 percent of retired or separated service members had friends or family who gave up a job to be a caregiver; and

**Whereas**, H.R. 3155, the "Caregiver Assistance and Resource Enhancement Act", was introduced in the United States Congress by Representative Michael Michaud in July 2009, to give support to those providing non-institutionalized extended care to disabled veterans, both family and non-family; and

**Whereas**, H.R. 3155 would provide caregivers with educational sessions teaching caring techniques and skills, and offer them respite care, nursing care, counseling and mental health services, medical care, lodging and subsistence; and

**Whereas**, Caregivers' needs would be addressed in H.R. 3155 by expanding eligibility for the Civilian Health and Medical Program of the VA (CHAMPVA) to primary family caregivers of eligible veterans who are without health insurance and not eligible for any other public health insurance; and

**Whereas**, To facilitate this, H.R. 3155 would provide a monthly stipend to primary family caregivers of eligible veterans; and

**Whereas**, H.R. 3155 would also require that the Secretary of Veterans Affairs to survey and report to specified congressional committees on issues relating to such caregivers; and

**Whereas**, By focusing on the needs of caregivers, such legislation would help ensure essential and valuable support for our nation's veterans; and

**Whereas**, According to the VA, there are approximately 270,000 military veterans of all ages residing in New York City; and

**Whereas**, H.R. 3155 would not affect the budgets of state, local, or tribal governments; and

**Whereas**, It is our obligation to ensure the best possible care for the brave men and women who sacrifice so greatly on behalf of our country; now, therefore, be it

**Resolved**, That the Council of the City of New York urges the United States Congress to pass H.R. 3155, the Caregiver Assistance and Resource Enhancement Act, to provide certain caregivers of veterans with training, support, and medical services.

Referred to the Committee on Veterans.

Res. No. 124

**Resolution urging the U.S. Congress to pass and President Barack Obama to sign legislation that would require the Federal Communications Commission to monitor the volume of advertisements in television programming and to determine acceptable levels.**

By Council Members Nelson, Brewer and Mealy.

**Whereas**, For many years, television viewers have expressed their displeasure with the volume of television commercials being raised far above the average level of regular television programming to promote products; and

**Whereas**, Numerous complaints have been made to the Federal Communications Commission (FCC) about the loud commercials, however, the FCC does not currently regulate the volume of programs or commercials; and

**Whereas**, H.R.1084 and S.2847, also known as the Commercial Advertisement Loudness Mitigation (CALM) Act, would require the FCC to set standards that would prevent television commercials from being broadcast at louder volumes than the programs they accompany; and

**Whereas**, H.R.1084 was passed in the House of Representatives on December 15, 2009, but S.2847 has not been passed in the Senate; and

**Whereas**, Viewers have been complaining to the FCC about this issue since the 1960's, according to recent testimony from the Consumers Union, before the House

Energy and Commerce Committee and Subcommittee on Communications, Technology and the Internet; and

**Whereas**, The FCC has contended in years past that there was no way to measure the volume level of commercials, but concluded that loud commercials were contrary to the public interest and should be avoided; and

**Whereas**, Despite the many technological advances over the years that measure the volume level of television commercials, the FCC has not established a standard of acceptable volume levels; and

**Whereas**, The FCC has argued that determining acceptable volume levels would be difficult because the loudness of commercials is subjective and varies among listeners; and

**Whereas**, According to the FCC's website, more television receivers are now equipped with circuits that are designed to stabilize loudness differences between programs and commercials; and

**Whereas**, The FCC also indicates that these functions usually need to be enabled or turned on through the television receiver's "Set up/Audio" menu; and

**Whereas**, The FCC also maintains that manually controlling the volumes with the remote remains the simplest approach to reducing excessive volume levels; and

**Whereas**, The Library of Congress has noted that legislation addressing this matter has already been adopted in Australia, Brazil, France, Israel, Russia and the United Kingdom; and

**Whereas**, Additionally, the International Telecommunications Union (ITU), which is the leading United Nations agency for information and communication technology issues, has adopted standards that offer guidance for measuring audio program loudness; and

**Whereas**, For decades, viewers have expressed to the FCC their dissatisfaction with the volume of commercials being significantly higher than regular programming; and

**Whereas**, According to the Consumers Union, of the twenty-five quarterly reports on consumer complaints that have been released since 2002, twenty-one have listed complaints about the "abrupt changes in volume during transition from regular programming to commercials", as among the top consumer grievances regarding radio and television broadcasting; and

**Whereas**, The sudden high volume in commercials can be startling and unsettling for viewers; and

**Whereas**, The loud commercials can also be imposing and intrusive; and

**Whereas**, Moreover, viewers should not have to be subjected to frequently adjusting the volume of their televisions; and

**Whereas**, It has been long overdue for the FCC to regulate the volume of commercials so that viewers can have a better television watching experience; now, therefore, be it

**Resolved**, That the Council of the City of New York urges the U.S. Congress to pass and President Barack Obama to sign legislation that would require the Federal Communications Commission to monitor the volume of advertisements in television programming and to determine acceptable levels.

Referred to the Committee on State and Federal Legislation.

Res. No. 125

**Resolution calling upon President Obama to rescind a plan that would transfer New York City's Coast Guard Maritime Safety and Security Team to Boston.**

By Council Members Nelson, Vallone Jr., Brewer, Comrie, Fidler, Vacca and Halloran.

**Whereas**, In his fiscal year 2011 budget proposal released on February 1, 2010, President Barack Obama outlined various budget priorities including his decision to transfer New York City's Coast Guard Maritime Safety and Security Team (MSST) to Boston, Massachusetts; and

**Whereas**, The New York City MSST, created by Congress in 2002, has been stationed at the Port of New York and New Jersey (the nation's second largest port) since the September 11 terrorist attacks; and

**Whereas**, The MSST team consists of 90 coast guard personnel who are specially trained in anti-terrorism work; and

**Whereas**, The scope of their work extends beyond responding to terrorist activities; their other vital responsibilities include port security and harbor security missions, including guarding landmarks such as the Brooklyn Bridge and the Statue of Liberty; and

**Whereas**, In addition, the MSST is responsible for boarding suspect vessels, patrolling important infrastructure, escorting potentially hazardous material (such as liquid natural gas vessels, liquid propane gas vessels) and responding to natural disasters; and

**Whereas**, U.S. Senator Charles Schumer is concerned with the plan stating, "it would take too long to deploy an MSST team from Boston in cases of extreme threat, disaster or attack" and has even threatened to block the proposal in Congress; and

**Whereas**, The New York based MSST is not the only one to be impacted under the President's budget proposal-other teams will be eliminated in locations across the United States: San Francisco; New Orleans; Anchorage, Alaska; and Kings Bay, GA; and

**Whereas**, New York City continues to be a target for terrorists and is the only major U.S. city to sustain the brunt of global terrorism for two decades since the first terrorist attacks on the World Trade Center in the 1990s; and

**Whereas**, Moving the MSST from New York City, given New York's strategic importance to national security, will likely prove to be a costly mistake as American lives in New York will be put at greater risk; and

**Whereas**; The safety of New Yorkers should be a crucial factor in the current debates on fiscal belt tightening in Washington; Americans, and especially New Yorkers who know first-hand the trauma inflicted by terrorists, must be protected with all means available by the government charged with their safety; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon President Obama to rescind a plan that would transfer New York City's Coast Guard Maritime Safety and Security Team to Boston.

Referred to the Committee on Public Safety.

Int. No. 126

By Council Members Oddo, Ignizio, Koo, Comrie, Halloran and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to city contracts with not-for-profit organizations in the amount of \$100,000 or more.**

*Be it enacted by the Council as follows:*

Section 1. Title 6 of the administrative code of the city of New York is hereby amended to add a new section 6-116.3 to read as follows:

§6-116.3 *City contracts with not-for-profit organizations.* a. *No city agency shall contract for the supply of goods, services or construction in the amount of one hundred thousand dollars or more with a not-for-profit organization unless such organization stipulates to the following:*

1) *the organization shall file with the city comptroller, the city council and the city clerk a report listing the compensation of each officer of such not-for-profit organization and the compensation of the three highest paid employees. Such compensation shall include salary, bonuses and any other type of remuneration for services to the organizations;*

2) *the most recent completed Federal 990 form with regard to the organization and any form required and approved by the city council shall be filed with the city comptroller, city council and city clerk.*

b. *The comptroller shall prepare a report at the end of each fiscal year of the one hundred most highly compensated officers or employees of such not-for-profit organizations that have filed the required reports pursuant to subdivision a of this section.*

c. *After having so stipulated, if a not-for-profit organization fails to adhere to the provisions of subdivision a of this section such organization shall be prohibited from performing the remainder of the services in the affected contract and shall be disqualified from bidding on any contracts with the city for a period of one year after such prohibition.*

§2. This law shall take effect forty-five days after its enactment into law and shall apply to contracts for which a request for bids or proposals is issued on or after the effective date.

Referred to the Committee on Contracts.

Int. No. 127

By Council Members Oddo, Ignizio, Koo, Comrie, Halloran and Ulrich.

**A Local Law to amend the New York City charter in relation to the review of patterns of contractual spending by city agencies with not-for-profit organizations.**

*Be it enacted by the Council as follows:*

Section 1. Section 30 of the charter of the city of New York is amended by adding a new subdivision 3 to read as follows and renumbering subdivisions 3, 4 and 5 respectfully:

3. *patterns of contractual spending by city agencies with not-for-profit organizations and patterns of spending by not-for-profit organizations that receive city funding comprising one hundred thousand dollars or more of the budget of such organization;*

§2. This local law shall become effective immediately.

Referred to the Committee on Contracts.

Res. No. 126

**Resolution calling upon the Metropolitan Transportation Authority to adopt a Subway Riders Bill of Rights.**

By The Public Advocate (Mr. de Blasio) and Council Members Dromm, Gentile, Williams, Rodriguez and Nelson.

**Whereas**, The subway system is a critical part of New York City's infrastructure, economy, and quality of life that maintains the City's place as a world center of finance, commerce, culture and entertainment; and

**Whereas**, New Yorkers rely on the subway system to make approximately 5.2 million trips per day, according to the Metropolitan Transportation Authority (MTA); and

**Whereas**, Rider fares generate approximately 68.3% of subway system operating revenues, compared to a national average of 40% of operating revenues from such sources in other large transit systems, according to the New York Public Interest Research Group's Straphangers Campaign ("Straphangers Campaign"); and

**Whereas**, A subway system that relies so heavily on rider fees should be held more accountable for meeting the expectations of its riders; and

**Whereas**, The subway system exhibits numerous problems posing serious safety and quality of life implications for millions of New Yorkers, including deficient communication systems and inadequate levels and dependability of service; and

**Whereas**, The storm that struck New York City on August 8, 2007, caused numerous service disruptions that revealed failures in planning and response, as highlighted in a September 20, 2007 report issued by the MTA task force commissioned by then-Governor Eliot Spitzer (the "Storm Task Force"); and

**Whereas**, There exist significant deficiencies in the ability of subway officials to communicate with riders, including, according to The New York Times, the fact that 92 of the 468 subway stations lack a public address system and station agents are often expected to rely on primitive means of communication such as dry-erase boards and bullhorns to convey service advisories to passengers; and

**Whereas**, The Times goes on to state that agents are not always able to provide riders with information on alternative means of transportation during service interruptions, and subway system e-mail alerts can take up to 1.5 hours to be transmitted to recipients; and

**Whereas**, A February 2007 report released by the Straphangers Campaign found that approximately one in four pay phones in New York City Transit stations do not fully work and Verizon's current contract with the MTA does not require any minimum number of pay phones to be kept in working order; and

**Whereas**, Installation of cell phone service in all subway stations is expected to still be at least six years away, which, when combined with non-functional pay phones in stations results in a diminished capacity for riders to remain in contact with the outside world; and

**Whereas**, Subway riders have voiced their service priorities and expectations as well as their dissatisfaction with the levels at which several of these expectations are being met in the annual subway system report cards assembled by MTA New York City Transit and the Straphangers Campaign; and

**Whereas**, Of the 22 rider report card results released by the MTA, riders gave four of the subway lines D-plus ratings and gave the remaining 18 lines grades of C or C-minus, and indicated that top priorities for improvement included reasonable wait times for trains, minimal delays during trips, adequate room on board, and improved clarity of station and train announcements; and

**Whereas**, The MTA has indicated its commitment to improving service and responding proactively to the recommendations of the Storm Task Force and subway riders, but lacks an overarching framework defining the common priorities of subway riders by which the MTA can be held accountable and its efforts assessed; and

**Whereas**, Subway riders deserve a bill of rights that will guarantee the right to fares that are affordable and attract riders to use mass transit; regular, on-time subway service; immediate and real-time notification of service changes and advisories available to passengers on platforms, in train cars, and via internet and text message with accurate information; accurate and user-friendly assistance for riders to find alternative means of transportation in situations where service is interrupted; trains and platforms that are kept clean; and working and understandable public address system on all platforms and in all trains, with in-car announcements alerting passengers to upcoming train stops and platform notifications telling riders how far away trains are; and

**Whereas**, A subway riders bill of rights should also guarantee well-trained, helpful station and train personnel to provide information and directions, as well as maintain a human presence in the subways; working pay phones in all stations and access to cellular phone service while on platforms; an MTA website that is user-friendly and can support heavy traffic such as that which may be experienced during an emergency; and an environment as safe and secure as possible from crime and terrorism, with such features as a strong presence of uniformed police officers and bright lighting; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to adopt a Subway Riders Bill of Rights.

Referred to the Committee on Transportation.

Int. No. 128

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

**A Local Law in relation to the date of submission by the Mayor of the proposed executive budget and budget message, the date of submission by the Borough Presidents of recommendations in response to the Mayor's executive budget, the date of publication of a report by the director of the independent budget office analyzing the executive budget, the date by which the Council hearings pertaining to the executive budget shall conclude, the date by which if the expense budget has not been adopted, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted, the date by which if a capital budget and a capital program have not been adopted, the unutilized portion of all prior capital appropriations shall be deemed reappropriated, the date of submission by the Mayor of an estimate of the probable amount of receipts, the date by which any person or organization may submit an official alternative estimate of revenues, the date by which if the Council has not fixed the tax rates for the ensuing fiscal year, the commissioner of finance shall be authorized to complete the assessment rolls using estimated rates, and related matters, relating to the fiscal year two thousand eleven.**

*Be it enacted by the Council as follows:*

Section 1. During the calendar year 2010 and in relation to the 2011 fiscal year:

1. Notwithstanding any inconsistent provisions of section 249 of the New York city charter, as added by vote of the electors on November 7, 1989, subdivision a of section 249 as amended by local law number 25 for the year 1998, the Mayor shall pursuant to such section submit a proposed executive budget and budget message as therein described not later than May 6, 2010.

2. Notwithstanding any inconsistent provisions of section 251 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit recommendations in response to the Mayor's executive budget as therein described not later than May 14, 2010.

3. Notwithstanding any inconsistent provisions of section 252 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the executive budget as therein described not later than May 24, 2010.

4. Notwithstanding any inconsistent provisions of section 253 of the New York city charter, as added by vote of the electors on November 7, 1989, the Council shall pursuant to such section hold hearings on the executive budget as therein described which shall conclude by June 10, 2010.

5. Notwithstanding any inconsistent provisions of subdivision d of section 254 of the New York city charter, as added by vote of the electors on November 7, 1989, and subdivision b of section 1516 of the New York city charter, as amended by vote of the electors on November 7, 1989, if an expense budget has not been adopted by June 18, 2010 pursuant to subdivisions a and b of section 254 of the New York city charter, the expense budget and tax rate adopted as modified for the current fiscal year shall be deemed to have been extended for the new fiscal year until such time as a new expense budget has been adopted.

6. Notwithstanding any inconsistent provisions of subdivision e of section 254 of the New York city charter, as added by vote of the electors on November 7, 1989, if a capital budget and a capital program have not been adopted by June 18, 2010 pursuant to subdivisions a and b of such section, the unutilized portion of all prior capital appropriations shall be deemed reappropriated.

7. Notwithstanding any inconsistent provisions of subdivision a of section 1515 of the New York city charter, as amended by vote of the electors on November 7, 1989, the Mayor shall pursuant to such subdivision prepare and submit to the Council an estimate of the probable amount of receipts as therein described not later than June 18, 2010.

8. Notwithstanding any inconsistent provisions of subdivision d of section 1515 of the New York city charter, as added by vote of the electors on November 7, 1989, any person or organization may pursuant to such subdivision submit an official alternative estimate of revenues as described therein at any time prior to May 24, 2010.

9. Notwithstanding any inconsistent provisions of subdivision a of section 1516-a of the New York city charter, as amended by vote of the electors on November 7, 1989, if the Council has not fixed the tax rates for the ensuing fiscal year on or before June 18, 2010, the commissioner of finance shall pursuant to such subdivision be authorized to complete the assessment rolls using estimated rates and to collect the sums therein mentioned according to law. The estimated rates shall equal the tax rates for the current fiscal year.

10. Notwithstanding any inconsistent provisions of subdivision b of section 1516-a of the New York city charter, as amended by vote of the electors on November 7, 1989, if, subsequent to June 18, 2010, the Council shall, pursuant to

section 1516 of the New York city charter, fix the tax rates for the ensuing fiscal year at percentages differing from the estimated rates, real estate tax payments shall nevertheless be payable in accordance with subdivision a of section 1516-a of such charter at the estimated rates, where the commissioner of finance has exercised the authority granted by subdivision a of section 1516-a of such charter to complete the assessment rolls using estimated rates and to collect the sums therein mentioned according to law. However, in such event, prior to the first day of January in such fiscal year, the commissioner of finance shall cause the completed assessment rolls to be revised to reflect the tax rates fixed by the Council pursuant to section 1516 of such charter, and an amended bill for the installment or installments for such fiscal year due and payable on or after the first day of January shall be submitted to each taxpayer in which whatever adjustment may be required as a result of the estimated bill previously submitted to the taxpayer shall be reflected.

§2. This local law shall take effect immediately.

Referred to the Committee on Finance.

Res. No. 127

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2010 Expense Budget.**

By Council Members Recchia and Comrie.

**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 Description/Scope of Services for an organization receiving local discretionary funding, the Friends and Family of Public School 11 - The PTA of PS 11, within the budget of the Department of Youth and Community Development; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Hispanic Federation, Inc., within the budget of the Department of Youth and Community Development; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for an organization receiving local discretionary funding, the Ridgewood Bushwick Senior Citizens Council, Inc., within the budget of the Department of Youth and Community Development; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Adopted Fiscal 2010 Budget by approving the new Description/Scope of Services for the American Red Cross, an organization receiving funding through the Emergency Preparedness Initiative within the budget of the Office of Emergency Management.

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2010 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving 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; now, therefore, be it

**Resolved**, That the City Council approves the new Description/Scope of Services for the Friends and Family of Public School 11 - The PTA of PS 11 organization receiving local discretionary funding within the budget of the Department of Youth and Community Development to read: "The PS 11 Chess Program is open to students free of charge. The funding will be used so that Children can learn the fundamentals of chess and attend competitions."; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the Hispanic Federation, Inc. organization receiving local discretionary funding within the budget of the Department of Youth and Community Development to read: "Funds will be used to serve local cultural groups in the Council District 10 area and will expose youth to arts, sports, and recreational activities."; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the Ridgewood Bushwick Senior Citizens Council, Inc organization receiving local discretionary funding within the budget of the Department of Youth and Community Development to read: "To provide funding for community organizing and legal assistance."; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for the American Red Cross, an organization receiving funding through the Emergency Preparedness Initiative within the budget of the Office of Emergency Management to read: "\$500,000 will be used for disaster assistance and support services. \$500,000 will be used for all hazards sheltering."

**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 Healthy Aging 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 certain organizations receiving funding pursuant to the Food Pantries 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 Adult 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 and changes in the designation of a certain organization receiving funding pursuant to the Geriatric Mental Health 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 Infant Mortality Reduction 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 and changes in the designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORC) 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 a certain organization receiving funding pursuant to the Neighborhood Youth Alliance/Street Outreach 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 certain organizations receiving funding pursuant to the Transportation Costs Initiative, as set forth in Chart 13, attached hereto as Exhibit M.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of Exhibits, please see the Attachment to Res No. 127 following the Report of the Committee on Finance for Res No. 127 printed in these Minutes).

Int. No. 129

By Council Members Rose, Comrie, Fidler, Van Bramer, Williams and Nelson.

**A Local Law in relation to the creation of a Staten Island hospital bed task force.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and declaration. Staten Island is the fastest growing county in New York State. Yet, despite that growth, the Island's health care infrastructure has not kept pace with the expanding needs of the borough.

There are nearly 500,000 residents on Staten Island, but there are only two hospitals. In addition, Staten Island remains the only borough without a Health and Hospitals Corporation (HHC) full service hospital.

While studies have found that the numbers of beds per population is about average, wait times at Staten Island emergency rooms are notoriously long. Hospitals report that 90 percent of the hospital beds on Staten Island are filled on an average day. Staten Island emergency rooms are often filled with patients waiting for beds to become available in other hospital units.

The Council finds that there is a hospital crisis on Staten Island. Based on this finding, the Council determines that it is necessary to create a task force to study individual unit bed availability for hospitals on Staten Island and draft recommendations for a more effective allocation of hospital beds per unit to alleviate elements of the hospital crisis.

§2. *Staten Island Hospitals Task Force.* a. *There shall be a task force to study individual unit bed availability in Staten Island hospitals and to make specific recommendations to the mayor and council for the effective allocation of resources on Staten Island.*

b. *Such advisory board shall consist of seven members as follows:*

i. *Two members shall be appointed by the mayor, provided that at least one such member shall be a medical professional and shall have experience in hospital administration.*

ii. *Three members shall be appointed by the speaker of the council, provided that at least one member shall be an employee of a Staten Island hospital.*

iii. *The commissioner of health and the director of city planning, or their designees, shall serve ex officio.*

iv. *The members shall be appointed within sixty days of the enactment of this local law.*

v. *At its first meeting, the advisory board shall select a chairperson from among its members by majority vote of the advisory board.*

c. *Each member, other than members serving in an ex officio capacity, shall serve for a term of twelve months, to commence after the final member of the advisory board is appointed. Any vacancies in the membership of the advisory board shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.*

d. *The department of health and the department of city planning may provide staff to assist the task force.*

e. *No member of the advisory board shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.*

f. *Members of the advisory board shall serve without compensation and shall meet no less than one a month.*

g. *No later than twelve months from the date all seven members of the task force are appointed, the task force shall submit to the mayor and the speaker of the council a report that shall include the findings, legislative and policy recommendations of the task force based upon its review.*

§3. This local law shall take effect immediately after its enactment into law.

Referred to the Committee on Health.

Int. No. 130

By Council Members Vallone, Jr., Comrie, Fidler, Gentile, Koppell, Lander, Vacca, Rodriguez, Halloran and Nelson.

**A Local Law to amend the administrative code of the City of New York, in relation to requiring the Corporation Counsel to submit quarterly reports to the City Council, Comptroller and Civilian Complaint Review Board detailing the number and disposition of civil actions filed against the New York City Police Department.**

*Be it enacted by the Council as follows:*

Section 1. Section 109 of Title 7 of the Administrative Code of the City of New York is amended and new paragraphs b and c are added to read as follows:

§7-109 Corporation counsel; when the corporation counsel may appear for officer, subordinate, or employee of an agency; *reports of the corporation counsel to the city council on civil actions filed against the police department.*

a. The corporation counsel, in his or her discretion may appear, or direct any of his or her assistants to appear, in any action or proceeding, whether criminal or civil, which may be brought against any officer, subordinate or employee in the service of the city, or of any of the counties contained therein, by reason of any acts done or omitted by such officer, subordinate or employee, while in the performance of his or her duty, whenever such appearance is requested by the head of the agency in which such officer, subordinate or employee is employed or whenever the interests of the city require the appearance of the corporation counsel. The head of the agency in which such officer, subordinate or employee is employed shall submit all pertinent papers and other documents to the corporation counsel.

b. *Beginning in the year following the enactment of the local law that added this subdivision, the corporation counsel shall commence the submission of a*

*quarterly report to the council, comptroller and civilian complaint review board of all civil actions filed against the police department and/or individual police officers during the preceding quarter in which the corporation counsel or any of his or her assistants appeared or agreed to represent one or more parties. If a civil action was filed against the police department or individual police officers in which the corporation counsel or any of his or her assistants declined to represent one or more parties, the reasons for such determination shall be included in the report. Such report shall include, but not be limited to: (i) the number of actions pending; (ii) the number of claims in each action; (iii) the nature of each claim; (iv) the amount of time each action has been pending; (v) the resolution of each claim; (vi) whether the resolution was achieved through settlement or trial; (vii) the amount of any settlement; (viii) whether each action was filed in state or federal court; (ix) whether each action alleges a civil rights violation under section 1983 of title 42 of the united states code; and (x) for each action: (a) the precinct affiliation, rank, and number of years of service to the department of each police officer against whom a claim is asserted; (b) whether the police officer against whom a claim is asserted was on-duty or off-duty at the time of the incident that is the subject of the claim; (c) whether any police officer against whom a claim is asserted has previously been the subject of a civil action or actions alleging police misconduct; and (d), if so, the disposition of such civil action or actions. Actions pending resolution shall be noted in each report and their final resolutions noted in a subsequent report.*

c. *The report required by this section shall be submitted in accordance with the following schedule, except that if the due date specified below falls on a saturday, sunday or federal or city holiday, the report shall be submitted on or before the next day that is a business day: For the first calendar quarter (January 1 through March 31), on or before April 30; For the second calendar quarter (April 1 through June 30), on or before July 30; For the third calendar quarter (July 1 through September 30), on or before October 30; and for the fourth calendar quarter (October 1 through December 31), on or before January 30.*

§2. This local law shall take effect upon enactment.

Referred to the Committee on Public Safety.

Res. No. 128

**Resolution strongly urging the Metropolitan Transportation Authority to provide greater advance notification for planned service disruptions.**

By Council Members Van Bramer, Comrie, Dromm, Fidler, Gentile, Lander, Williams, Rodriguez and Nelson.

**Whereas**, According to the Metropolitan Transportation Authority (MTA), the New York City Transit subway system transported over 1.6 billion people in 2008 alone; and

**Whereas**, The MTA also indicates that in the same timeframe, the New York City Transit bus routes carried almost 750 million passengers; and

**Whereas**, New York is the only city in the United States where over half of all households do not own a car, according to data from the U.S. Census Bureau; and

**Whereas**, The U.S. Department of Transportation indicates that in Manhattan, nearly 75 percent of all households do not own an automobile; and

**Whereas**, The *Queens Chronicle* reports that many small businesses around the City depend on the reliability of mass transit to ensure that patrons can visit their stores; and

**Whereas**, According to the *New York Daily News*, nearly 600,000 students are dependent upon the subway and bus systems to get them to and from school every day; and

**Whereas**, The Straphangers Campaign, a New York Public Interest Research Group that advocates for public transportation passengers, notes that various communities around the City have protested that the MTA does not provide them with enough notice in advance of service disruptions; and

**Whereas**, The latest examples of this are recent service disruptions to the number 7 train and the G train, which resulted in riders adamantly claiming that they were not given sufficient notice and maintaining that the alternate service provided was inadequate; and

**Whereas**, The number 7 train alone connects to the two busiest train stations in the entire City, according to information from the MTA; and

**Whereas**, A lack of notice of service disruptions causes disorder in the work, school, business, and personal lives of many riders; now, therefore, be it

**Resolved**, That the Council of the City of New York strongly urges the Metropolitan Transportation Authority to provide greater advance notification for planned service disruptions.

Referred to the Committee on Transportation.

L.U. No. 48

By Council Member Recchia:

**Medgar Evers Houses, Block 1629, Lot 1, Block 1816, 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. 49

By Council Member Comrie:

**Application no. 20105416 HAM an Urban Development Action Area Project located at 50 West 132nd Street, Council District no. 9, Borough of Manhattan. 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.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

L.U. No. 50

By Council Member Comrie:

**Application no. 20105189 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Le Basket Inc. d/b/a Le Basket, to establish maintain and operate an unenclosed sidewalk café located at 683 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. 51

By Council Member Comrie:

**Application no. C 080339 ZMK submitted by Rose Plaza on River LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 12d, changing from an M3-1 District to an R7-3 District and establishing within the proposed R7-3 District a C2-4 District.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 52

By Council Member Comrie:

**Application no. C 080340 ZSK submitted by Rose Plaza on the River LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 62-736 of the Zoning Resolution to modify the requirements of former Section 62-34 to facilitate the construction of a mixed use development on property located at 470-490 Kent Avenue. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 53

By Council Member Comrie:

**Application no. N 100056 ZRK submitted by Rose Plaza on the River LLC 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 Appendix F, relating to the extension of the Inclusionary Housing Program to proposed R7-3 districts, Borough of Brooklyn, Community District 1.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 54

By Council Member Comrie:

**Application no. N 100124 ZRQ submitted by Skanska USA Civil Northeast Inc., 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 XII, Special Purpose Districts, Chapter 6 (Special College Point District) relating to Section 126-233 (b), Borough of Queens, Community District 7..**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 55

By Council Member Comrie:

**Application no. C 100120 ZMR submitted by Clove Lakes Civic Association pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section no. 21b.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 56

By Council Member Comrie:

**Application no. N 100119 ZRM submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District).**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 57

By Council Member Comrie:

**Application no. N 100139 ZRY submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article I, II, III, VII and XII and other related Sections concerning front yard planting, parking location and curb cut regulations for residential uses.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 58

By Council Member Comrie:

**Application no. 20105348 HKX (N 100226 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 425, LP-2370) by the Landmarks Preservation Commission of the Dollar Savings Bank located at 2792 Third Avenue, as a historic landmark, Council District no. 17.**

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

L.U. No. 59

By Council Member Comrie:

**Application no. 20105350 HKM (N 100223 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.425, LP-2343) by the Landmarks Preservation Commission of the 311 Broadway Building located at 311 Broadway, as a historic landmark, Council District no. 1.**

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

L.U. No. 60

By Council Member Comrie:

**Application no. 20105349 HKM (N 100224 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.425, LP-2338) by the Landmarks Preservation Commission of the West Park Presbyterian Church located at 165 West 86<sup>th</sup> Street, as a historic landmark, Council District no. 6.**

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

L.U. No. 61

By Council Member Comrie:

**Application no. 20105352 HKQ (N 100222 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.425, LP-2325) by the Landmarks Preservation Commission of the Ridgewood Theater Building located at 55-27 Myrtle Avenue, as a historic landmark, Council District no. 34.**

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

L.U. No. 62

By Council Member Comrie:

**Application no. 20105351 HKQ (N 100221 HKQ), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.425, LP-2317) by the Landmarks Preservation Commission of Public School 66 located at 85-11 102<sup>nd</sup> Street, as a historic landmark, Council District no. 30.**

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

L.U. No. 63

By Council Member Comrie:

**Application no. 20105353 HKR (N 100225 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.425, LP-2367) by the Landmarks Preservation Commission of Mary and David Burgher House located at 63 William Street, as a historic landmark, Council District no. 49.**

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

L.U. No. 64

By Council Member Comrie:

**Application no. 20095372 TCM, pursuant to §20-225 (g) of the Administrative Code of the City of New York, concerning the petition of C.A.P. Restaurant Corp. d/b/a Sombrero, to construct, maintain and use an enclosed sidewalk café located at 303 West 48<sup>th</sup> Street, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land**

**Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 65

By Council Member Comrie:

**Application no. 20105281 TCQ, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 36-19 30<sup>th</sup> Ave. d/b/a El Greco, to establish, maintain and operate an unenclosed sidewalk café located at 36-19 30<sup>th</sup> Ave., Borough of Queens, Council District no. 22. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 66

By Council Member Comrie:

**Application no. 20105424 HAM, an Urban Development Action Area Designation and Project, located at 98-108 East 118<sup>th</sup> Street, Borough of Manhattan, Council District no. 8. This matter is subject to Council Review and action pursuant to Article 16 of the General Municipal Law.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 67

By Council Member Comrie:

**Uniform land use review procedure application no. C 100162 HAK, an Urban Development Action Area Designation and Project located at 797-801 Knickerbocker Avenue and 295 Eldert Street, and the disposition of such property, Borough of Brooklyn, Council District no. 37. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 68

By Council Member Comrie:

**Uniform land use review procedure application no. C 100173 HAM, an Urban Development Action Area Designation and Project located at 302-304 East 2<sup>nd</sup> Street and the disposition of such property, Borough of Manhattan, Council District no. 2. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 69

By Council Member Comrie:

**Application no. 20105415 HAM, an Urban Development Action Area Project located at 163 Lenox Avenue, Council District no. 9, Borough of Manhattan. 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 577 of the Private Housing Finance Law for a partial tax exemption.**

Referred to the Committee on Land Use and the Subcommittee on Planning,  
Dispositions and Concessions.

At this point the Speaker (Council Member Quinn) made the following announcements:

**ANNOUNCEMENTS:**

**Monday, March 29, 2010**

★ *Addition*

Committee on **CIVIL SERVICE AND LABOR**.....**10:00 A.M.**  
Proposed Int 24-A - By Council Member Sanders (by request of the Mayor), James and Seabrook - A Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for certain persons retired from employment by the board of education.  
Council Chambers – City Hall.....James Sanders, Chairperson

**Wednesday, April 7, 2010**

Subcommittee on **ZONING & FRANCHISES** .....**9:30 A.M.**  
See Land Use Calendar Available Thursday, April 1, 2010, in Room 5 City Hall  
Council Chambers – City Hall.....Mark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....**11:00 A.M.**  
See Land Use Calendar Available Thursday, April 1, 2010, in Room 5 City Hall  
Hearing Room – 250 Broadway, 16<sup>th</sup> Floor..... Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... **1:00 P.M.**  
See Land Use Calendar Available Thursday, April 1, 2010, in Room 5 City Hall  
Hearing Room – 250 Broadway, 16<sup>th</sup> Floor..... Stephen Levin, Chairperson

Committee on **TRANSPORTATION** ..... **1:00 P.M.**  
Oversight - Are taxi riders being taken for a ride?  
Council Chambers – City Hall.....James Vacca, Chairperson

Committee on **HOUSING AND BUILDINGS**..... **1:00 P.M.**  
Agenda to be announced  
Hearing Room – 250 Broadway, 14<sup>th</sup> Floor..... Erik Martin-Dilan, Chairperson

**Thursday, April 8, 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, 16<sup>th</sup> Floor.....Leroy Comrie, Chairperson

Committee on **SMALL BUSINESS** .....**10:00 A.M.**  
Agenda to be announced  
Council Chambers – City Hall.....Diana Reyna, Chairperson

**Monday, April 12, 2010**

Committee on **CONSUMER AFFAIRS** .....**10:00 A.M.**  
Agenda to be announced  
Council Chambers – City Hall..... Karen Koslowitz, Chairperson

Committee on **ENVIRONMENTAL PROTECTION**..... **1:00 P.M.**

Agenda to be announced  
Council Chambers – City Hall.....James F. Gennaro, Chairperson

Committee on **GOVERNMENTAL OPERATIONS** ..... **1:00 P.M.**  
Agenda to be announced  
Hearing Room – 250 Broadway, 14<sup>th</sup> Floor ..... Gale Brewer, Chairperson

**Tuesday, April 13, 2010**

Committee on **PUBLIC HOUSING** .....**10:00 A.M.**  
Agenda to be announced  
Hearing Room – 250 Broadway, 14<sup>th</sup> Floor..... Rosie Mendez, Chairperson

Committee on **WOMEN’S ISSUES** ..... **10:00 A.M.**  
Agenda to be announced  
Council Chambers – City Hall Julissa Ferreras, Chairperson

Committee on **CONTRACTS**..... **1:00P.M.**  
Agenda to be announced  
Hearing Room – 250 Broadway, 14<sup>th</sup> Floor..... Darlene Mealy, Chairperson

Committee on **HEALTH**..... **1:00 P.M.**  
Agenda to be announced  
Hearing Room – 250 Broadway, 16<sup>th</sup> Floor  
.....Maria del Carmen Arroyo, Chairperson

Committee on **SANITATION AND SOLID WASTE MANAGEMENT** ..... **1:00 P.M.**  
Agenda to be announced  
Council Chambers – City Hall..... Letitia James, Chairperson

**Wednesday, April 14, 2010**

*Stated Council Meeting*..... *Ceremonial Tributes – 1:00 p.m.*  
..... *Agenda – 1:30 p.m.*

**Thursday, April 29, 2010**

*Stated Council Meeting*..... *Ceremonial Tributes – 1:00 p.m.*  
..... *Agenda – 1:30 p.m.*

**THE STATED MEETINGS IN APRIL**

**WILL TAKE PLACE ON**

**WEDNESDAY, APRIL 14, 2010**

**&**

**THURSDAY, APRIL 29, 2010**

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, April 14, 2010.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

***Editor's Local Law Note:** Int Nos. 4-A, 54-A, and 75, all adopted by the Council at the March 3, 2010 Stated Council Meeting, were signed by the Mayor into law on March 18, 2010 as, respectively, Local Law Nos. 3, 4, and 5 of 2010.*







