

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
WEDNESDAY, FEBRUARY 1, 2012

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**THE COUNCIL**

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*Minutes of the Proceedings for the  
STATED MEETING  
of*

Wednesday, February 1, 2012, 2:10 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Arroyo and Rose.

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

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

*There were 49 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, N.Y., N.Y. 10007.*

**INVOCATION**

The Invocation was delivered by Reverend T. Kenjitsu Nakagaki, Buddhist Council of New York City, The Interfaith Center of New York, 475 Riverside Drive, New York, NY 10115.

First of all, Happy New Year to everyone.  
A blessing to all of you.

I'm a Buddhist priest.

I'm going to lead today  
a little slightly different than you normally do,  
but I'll be leading some meditation  
so bring the peace within yourself  
and so if you can relax your body  
and try to close your eyes  
and then breathing in  
with your lower stomach  
and simply - - count the breath and feel the - -  
coming up from within yourself. [chimes]  
May all sentient beings  
be happy, well and peaceful.  
May we all be free from suffering.  
May we all be free from pain.  
May we all be free from attachment,  
from greed, anger and ignorance.  
May we all obtain ultimate happiness  
and peace and enlightenment.  
May the actions of the City Council  
bring happiness, peace to individuals,  
our community, our city  
and then, state and nation  
and the world.  
Blessings to all of you.  
Amen.

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

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

Richard Italiano, 59, longtime district manager of Community Board 4 in Queens, died on January 18, 2012 in Elmhurst Hospital after collapsing at his desk. Before becoming its district manager, he had served as chair of the Board from 1993 to 2005. Community Board 4 presently services parts of Council Members Ferreras's and Dromm's respective districts. He is survived by his wife, Carol, two children, and numerous grandchildren. At this point, the floor was yielded to Council Member Ferreras who spoke in honorable memory of Richard Italiano.

Reverend Dr. Timothy Mitchell, 81, proponent of social justice and long-time pastor of Ebenezer Memorial Baptist Church in Queens, N.Y., died on January 26, 2012. Dr. Mitchell was involved in the civil rights movement as the chair of Dr. King's Poor People's Campaign and fought against bigotry and hate as chair of the Commission for the Elimination of Racism in the Council of Churches. He oversaw the creation of the Dr. Martin Luther King Daycare Memorial Center. At a later point, the floor was yielded to Council Member Comrie and Council Member Vann who both spoke in honorable memory of Rev. Dr. Timothy Mitchell.

Richard J. Sheirer, 65, former director and commissioner of the New York City Office of Emergency Management from 2000 to 2002, died on January 19, 2012 after suffering an apparent heart attack while driving to work. He helped coordinate the massive OEM rescue and recovery efforts and subsequent clean-up operation at the World Trade Center following the 9/11 attacks. At this point, the floor was yielded to Council Member Oddo who spoke in honorable memory of Richard J. Sheirer.

During this Moment of Silence segment of the Meeting, the floor was yielded to Council Member Dickens who mentioned the February 1, 2012 death of Soul Train producer and host Don Cornelius, 75.

At this point, the Speaker (Council Member Quinn) announced that NYPD Police Officer Kevin Brennan, 29, was expected to survive and recover from a gunshot head wound he sustained on January 31, 2012 while responding to a call of a man with a gun. In addition, the Speaker (Council Member Quinn) asked those assembled to also remember the NYFD firefighter still recovering from injuries at the New York Presbyterian Hospital/Cornell Burn Unit (the firefighter, Robert Weidmann, 38, was critically burned at a December 19, 2011 Brooklyn townhouse fire).

#### ADOPTION OF MINUTES

Council Member Brewer moved that the Minutes of the Stated Meeting of January 4, 2012 be adopted as printed.

#### MESSAGES & PAPERS FROM THE MAYOR

M-741

**Communication from the Mayor - Submitting the name of Erika Thomas-Yuille to the Council for its advice and consent regarding her appointment to the New York City Conflicts of Interest Board, Pursuant to Section 2602 of the City Charter.**

January 24, 2012

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

Dear Speaker Quinn:

Pursuant to Section 2602 of the City Charter, I am pleased to present the name of Erika Thomas-Yuille to the City Council for advice and consent prior to her appointment to the New York City Conflicts of Interest Board.

Ms. Thomas-Yuille is a graduate of Harvard College and the University of Pennsylvania Law School. She is Associate General Counsel in the Corporate Legal Department of the McGraw-Hill Companies. When appointed to the Board, Ms. Thomas-Yuille will fill a vacancy to serve for the remainder of a six-year term expiring on March 31, 2016.

Thank you for reviewing the appointment of Erika Thomas-Yuille.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

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

M-742

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

January 20, 2011

The Honorable Speaker Christine C. Quinn  
Attention: Mr. Gary Altman  
Council of the City of New York

250 Broadway, 15<sup>th</sup> Floor  
New York, New York 10007

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

Dear Speaker Quinn:

Please be advised that on December 19, 2011 the Taxi & Limousine Commission voted to approve the following for-hire vehicle base license applications:

NEW (1):	LICENSE #	COUNCIL DISTRICT
La Corona Car Service Inc.	B02511	21
RELOCATION (1):	LICENSE #	COUNCIL DISTRICT
No. One Mexicaly Car Service Corp.	B02080	36

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

Very truly yours,

Christopher Tormey  
Director of Applicant Licensing  
Licensing & Standards Division  
Taxi & Limousine Commission

Referred to the Committee on Transportation.

M-743

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license No. One Mexicaly Car Service Corp., Council District 36, 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-742 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

#### LAND USE CALL UPS

M-744

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 nos. C 120029 ZSM, C 120030 ZSM, C 120031 ZSM, shall be subject to Council review. This application is related to application nos. N 120032 ZRM and C 120033 ZMM that are subject to Council review pursuant to Section 197-d of the New York City Charter.**

Coupled on Call-Up Vote

M-745

By Council Member Reyna:

**Pursuant to Rule 11.20(b) of the Council and Section 20-226 (g) or 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 unenclosed/enclosed sidewalk café located at Nitehawk Cinema 136**

Metropolitan Avenue, Borough of Brooklyn, Committee Board no.1, Application 20115825 TCK 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** – Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) – 49.

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Finance

Report for Int. No. 729-A

**Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the posting of material terms of contracts entered into by the city on a newly created public, online searchable database.**

The Committee on Finance, to which the annexed amended proposed local law was referred on December 8, 2011 (Minutes, page 5241), respectfully

REPORTS:

**I. Introduction**

On January 23, 2012, the Committee on Finance, chaired by Council Member Domenic M. Recchia, Jr. held a hearing on Proposed Int. No. 729-A, a bill to amend the administrative code of the city of New York, in relation to the posting of material terms of contracts entered into by the city on a newly created public, online searchable database.

**II. Background**

In Fiscal 2011, New York City procured over \$15 billion worth of supplies, services and construction, through more than 50,000 transactions.<sup>1</sup> New York City employs procurement as one of its essential tools to serve the public and accomplish critical governmental functions.<sup>2</sup> Agencies procure the goods and services they need to fulfill their missions— from trucks to sweep the streets, to architectural designs for new firehouses, from biodiesel fuel for City vehicles, to nonprofit service providers working in communities throughout the City.<sup>3</sup> The breadth and variety of City contracts reflect the breadth and variety of City services themselves.

The City’s procurement process is governed by Chapter 13 of the New York City Charter and the Rules of the Procurement Policy Board.<sup>4</sup> The Mayor’s Office

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<sup>1</sup> See Annual Procurement Indicator Reports for Fiscal 2011 Executive Summary, p. vi. available at [http://www.nyc.gov/html/mocs/downloads/pdf/procurement\\_indicators\\_2011.pdf](http://www.nyc.gov/html/mocs/downloads/pdf/procurement_indicators_2011.pdf) (last accessed on January 20, 2012).

<sup>2</sup> See id.

<sup>3</sup> See id.

<sup>4</sup> Pursuant to section 311 of the New York City Charter, the Procurement Policy Board (“PPB”) establishes the rules that govern the methods of selecting procurement types, soliciting bids and proposals, awarding and administering contracts, determining responsibility, retaining records and resolving contract disputes. The PPB must review its rules, policies and procedures on an annual basis and submit a report to the Mayor, Comptroller, and City Council with recommendations on agency organization and personnel qualifications in order to facilitate efficient procurement. The PPB consists of five members, three of whom are appointed by the Mayor and two of whom are appointed by the Comptroller.

of Contracts (“MOCs”) handles the administration of contracts, and the New York City Comptroller is responsible for contract registration. According to MOCs, the procurement process is designed to achieve three main goals: 1) provide necessary goods and services on time and at the best value for the taxpayer; 2) operate fairly and transparently; and 3) ensure the responsibility of vendors, including their business integrity.<sup>5</sup> MOCs tracks procurements according to six major industry categories: 1) architecture and engineering<sup>6</sup>; 2) construction services<sup>7</sup>; 3) goods<sup>8</sup>; 4) human services<sup>9</sup>; 5) professional services<sup>10</sup>; and 6) standardized services<sup>11</sup>.

Chart 1

MOCs Industry Type	No. of Contracts	Value of Contracts (millions)	Pct. of Contracts ≥\$100,000	Pct. of Value ≥\$100,000
Architecture/Engineering	310	\$518	70.3%	99.4%
Construction Services	2,831	\$2,214	41.0%	97.6%
Goods	19,512	\$1,532	3.0%	91.8%
Human Services	5,710	\$7,203	41.5%	98.9%
Professional Services	1,935	\$2,148	14.5%	99.1%
Standardized Services	23,239	\$1,846	1.9%	95.3%
<b>TOTAL</b>	<b>53,537</b>	<b>\$15,461</b>	<b>9.5%</b>	<b>97.6%</b>

Source: Council Finance Division

Many of the City’s contracts support major initiatives that affect the lives of millions of New Yorkers. The City regularly enters into individual contracts that are valued in the hundreds of millions of dollars, occasionally even billions. The table below shows the 25 largest contracts ranked by dollar value. Together, these contracts equal nearly 29% of the overall citywide procurement dollar volume during Fiscal 2011.

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<sup>5</sup> See supra n.1.

<sup>6</sup> Architecture/Engineering: A class of services specifically related to the preparation of plans and specifications for construction projects. This category does not include construction management or construction management and build contracts, nor the preparation of environmental studies. Contracts to hire licensed architects or professional engineers are included. See id. at 61.

<sup>7</sup> Construction Services: Construction services provide construction, rehabilitation and/or renovation of physical structures. This category includes Construction Management and Build contracts as well as other construction related services such as: painting, carpentry, plumbing and electrical installation, asbestos and lead abatement, carpet installation and removal, and demolition. See id. at 62.

<sup>8</sup> Goods: This category includes all purchases of physical items. Most purchases of goods above the small purchase limit of \$100,000 are made by the Department of Citywide Administrative Services (DCAS). See id. at 64.

<sup>9</sup> Human Services: A class of services that are provided directly to clients in various at-need groups. This category includes homeless shelters, counseling services, youth programs, after-school programs, homes for the aged, home care and other similar services. Vendors in this category are primarily nonprofit; some services, such as home care, also have for-profit providers. See id.

<sup>10</sup> Professional Services: Professional services are a class of services that require an individual to hold an advanced degree or have experience in a specialized field. Professional services are usually procured through a Request for Proposals, where emphasis is placed on the quality of the vendor’s approach as the service is likely to be highly individualized. Services of this type include: legal, management consulting, information technology, accounting, auditing, actuarial, advertising, health, architecture, pure construction management (without including construction) and environmental analysis. See Annual Procurement Indicator Reports for Fiscal 2009 at 70 available at [http://www.nyc.gov/html/mocs/downloads/pdf/procurement\\_indicators\\_2009.pdf](http://www.nyc.gov/html/mocs/downloads/pdf/procurement_indicators_2009.pdf) (last accessed January 20, 2012).

<sup>11</sup> Standardized Services: Standardized services typically do not require the provider to have experience in a specialized field or hold an advanced degree. A standardized service is clearly defined and highly commoditized; procurements for these services are generally awarded based on the lowest price. Examples include: security, janitorial, secretarial, transportation, collection and food related services. Contracts for services such as plumbing, electrical and HVAC for maintenance and repair not related to new construction also fall into this category. See id. at 68.

**Table I-1: Top 25 Contracts of Fiscal 2011**

#	Agency	Vendor	Purpose	Value
1	SBS	NYC Economic Development Corp.	Master contract: citywide economic development	\$818,026,000
2	DOHMH	Public Health Solutions	Master contract: HIV/AIDS Services	\$471,000,000
3	DSNY	Veolia Environmental Solutions	Remove, handle and process electronic waste	\$268,204,000
4	DoITT	Northrop Grumman Systems Corp.	Citywide mobile wireless network	\$207,388,000
5	DSNY	DeMatteis/Darcon, Joint Venture	Construction of lower Manhattan garage	\$194,844,500
6	DCAS	Castle Oil Corporation	Diesel and biodiesel fuel	\$192,435,645
7	DOHMH	PHS Medical Services	Medical/mental health services to inmates in custody	\$183,647,147
8	SBS	NYC Economic Development Corp.	Master contract: maritime economic development	\$180,000,000
9	DoITT	Telesector Resources Group Inc.	Voice and data services	\$175,000,000
10	DCAS	Sprague Energy Corporation	Reformulated gasoline blendstock and ethanol blends	\$164,727,958
11	ACS	SCO Family of Services	Family foster care program	\$145,833,024
12	DEP	Barnard - DA Collins JV	Gilboa Dam reconstruction	\$121,485,500
13	ACS	Catholic Guardian Soc. & Home Bur.	Family foster care program	\$113,120,889
14	CJC	The Legal Aid Society	Indigent legal defense services	\$105,874,999
15	ACS	New York Foundling Hospital	Family foster care program	\$102,571,421
16	ACS	Edwin Gould Serv. for Children & Fam.	Family foster care program	\$101,200,567
17	DCAS	Allied Barton Security Services	Unarmed security guard services	\$100,000,233
18	ACS	Graham-Windham, Inc.	Family foster care program	\$98,971,277
19	DHS	Housing Partners of New York Inc.	Provide shelter service for homeless families	\$95,403,541
20	DoITT	Northrop Grumman Systems Corp.	Emerg. Communications Transformation Program	\$95,000,000
21	DCAS	Castle Oil Corporation	Fuel, heating, and bioheating oil	\$90,439,400
22	DCAS	Allianz Sweeper Co./Johnston Sweeper	Street sweeper vehicles	\$88,725,910
23	ACS	Little Flower Children's & Fam. Serv.	Family foster care program	\$88,302,176
24	DCAS	The Brooklyn Union Gas Company	Natural gas	\$82,324,980
25	DCAS	Con Ed of New York, Inc.	Natural gas	\$80,902,849
<b>Total Value</b>				<b>\$4,365,430,016</b>

Source: Annual Procurement Indicator Reports for Fiscal 2011 at 2.

**A. Agency Tracking of City Contracts** (Source: OMB and MOCS)

The Financial Management System (“FMS”) is the suite of integrated computer applications that New York City uses for its accounting, budgeting and procurement functions. FMS is managed by the Financial Information Systems Agency (FISA) with oversight from the Office of Management and Budget (OMB) and the Office of the New York City Comptroller. The major components of FMS include accounting, budget, interfund agreement, VENDEX, and payee information portal. For purposes of relevancy, the next two paragraphs of this paper will only focus on the accounting and VENDEX functions of FMS.

Accounting manages the chain of events for all the City’s expenditures and revenues in accordance with internal controls and directives issued by the Comptroller. For expenses, the chain can include the requests of agencies for purchases, purchase orders or contracts with vendors and finally the disbursement of payments. All expense transactions are validated against the budget to ensure that there are funds available. The revenue chain records the receipt or anticipated receipt of revenue and the status of the revenue’s collection.

The Vendor Information Exchange System (VENDEX) is a database that provides information about vendors who do business with the City. This database is maintained by MOCs. City agencies, city-affiliated and other government entities use VENDEX to research vendors, principals and related entities and to communicate requests for background checks, tax status and agency requests. The public can access VENDEX through a public access terminal located at MOCs.

OMB, MOCs, and the NYC Comptroller use FMS to track all contracts between vendors and city agencies. All 3 agencies have access to FMS which allows them to enter information required by section 1064 of the Charter, as will be explained below, and other relevant contract information, such as comptroller registration status, service location, change orders, modification or amendments to contract amounts, and contract purpose.

**B. Public Access to Contract Information**

**1. Charter Mandates**

Pursuant to section 334 (c) of the New York City Charter, “The mayor shall ensure that copies of city contracts and other standard information regarding city contracts and contractors are reasonably available for public inspection in accordance with provisions of section one thousand sixty-four of this charter.”

Section 1064 (a) provides that: “The mayor shall maintain, in a central place which is accessible to the public, standard information regarding each city contract and contractor. Such information shall include: (1) a copy of the contract; (2) information regarding the method by which the contract was let; (3) such standard documents as the contractor is required to submit, which documents shall be updated regularly in accordance with rules of the procurement policy board; (4) information regarding the contractor's qualifications and performance; (5) any evaluations of the contractor and any contractor responses to such evaluations; (6) any audits of the contract and any contractor responses to such audits; and (7) any decisions regarding the suspension or debarment of the contractor.”

Pursuant to section 1064(c) of the New York City Charter, a computer terminal is available at the offices of MOCS to access computerized contract information, which allows the public “meaningful read-only access to such information by the agency name, contractor name, contract category, and contract number...”

**2. Annual Procurement Indicator Report**

Each year, MOCs publishes the Annual Procurement Indicator Report, which provides information on the procurement process and a general overview of the contracts let in the previous fiscal year.<sup>12</sup> Information provided in this report include:

- a. Purchase and Procurement Methods
- b. Competitiveness of letting contracts
- c. Procurement Timeliness
- d. Contract Administration
- e. Vendor responsibility; and
- f. Business opportunities with the City

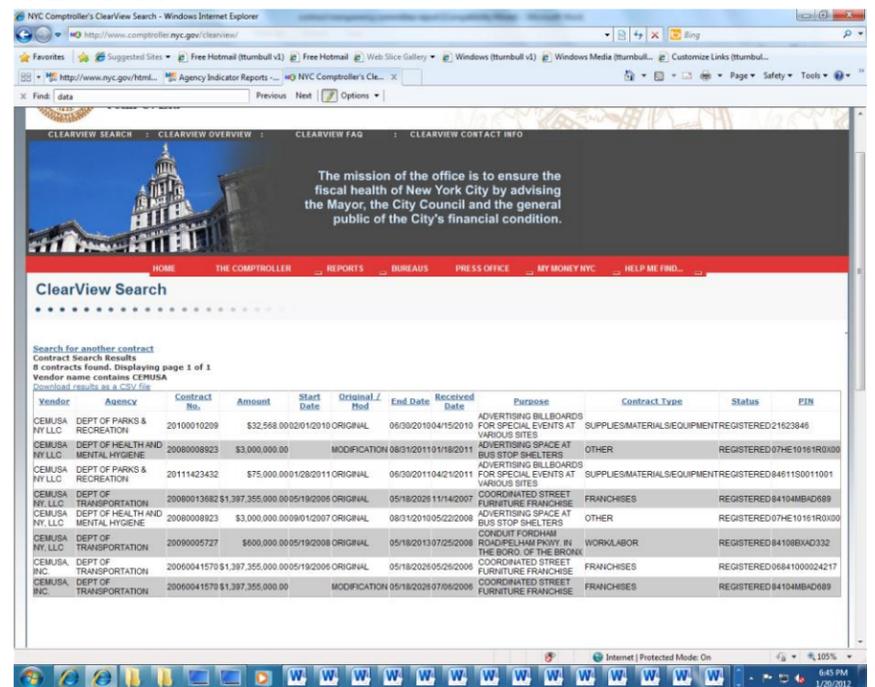
This report is available on-line on MOCs website located at: [http://www.nyc.gov/html/mocs/html/research/indicator\\_reports.shtml](http://www.nyc.gov/html/mocs/html/research/indicator_reports.shtml).

**3. ClearViewNYC<sup>13</sup>**

ClearView is an online database established by the NYC Comptroller that provides the public with access to general information regarding approximately 90,000 contracts that City agencies have with businesses, nonprofits, and other government entities. This database allows contract information to be searched for using a variety of different criteria, including:

- a. A City agency’s or vendor’s name;
- b. The nature of the services being provided;
- c. The contract’s amount;
- d. The contract’s number;
- e. The vendor’s Tax ID number; or
- f. The date the Comptroller’s Office received the contract.

\*\*Snapshot of ClearView screen when researching information on CEMUSA, a vendor doing business with the city to provide, among other things, bus shelters and snow removal services.



**C. Lack of Transparency in City Contracts**

While MOCs’ Annual Procurement Indicator Report provides statistics on city contracts, and VENDEX offers information regarding vendors who contract with the city, there is no centralized and easily accessible public database that allows public access to meaningful information relating to the city’s contracts. Currently, in order for the public to obtain a city contract, a request must be made to MOCS.<sup>14</sup> Further,

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<sup>12</sup> See Mayor’s Office of Contract Services’ website, available at [http://www.nyc.gov/html/mocs/html/research/indicator\\_reports.shtml](http://www.nyc.gov/html/mocs/html/research/indicator_reports.shtml) (last accessed January 20, 2012)

<sup>13</sup> See Office of the New York City Comptroller website, ClearView Overview, available at <http://www.comptroller.nyc.gov/Clearview/overview.shtml> (last accessed January 20, 2012).

<sup>14</sup> Section 334(c) of the New York City Charter provides that: “The mayor shall ensure that copies of city contracts and other standard information regarding city contracts and contractors are reasonably available for public inspection in accordance with provisions of section one thousand sixty-four of this charter.”

oftentimes city contracts are thousands of pages long, with dozens of appendices and exhibits, which make the contract difficult to navigate. Further, the language provided in the contracts are often replete with legal jargon or esoteric language, thereby rendering a complete and thorough understanding of a city contract nearly impossible.

While ClearView on the Comptroller's Office's website has key terms that make searching for contracts and specific provisions within such contracts easier, the information provided on ClearView is limited as it does not provide detailed summaries; the dollar amount of the revised maximum expenditure authorized under each contract; a description in plain language of the scope of services to be provided pursuant to the contract; the date and reason for any modification or amendment of the contract; the percentage change from original contract amount; the award method; nor the category, as defined by MOCS, in which the contract applies.

### **III. Proposed Int. 729-A**

#### **A. Legislative Intent**

The lack of clear, concise, and meaningful information available to the public regarding contracts between city agencies and vendors not only impedes the public's knowledge about the type of services for which the City contracts, but also impairs the Council from fully exercising its duties and responsibilities under the New York City Charter with respect to the contract budget.

In the 2011 State of the City Address by New York City Council Speaker Christine C. Quinn, she noted that she wanted the Council to fully exercise its duties and responsibilities under the New York City Charter with respect to the contract budget. She emphasized that fully exercising this role requires greater transparency of the procurement process, and she further emphasized that given the scope of City procurement and the reliance on contracts for the provision of goods and services in many areas of the budget, the Council and the public need and deserve easier access to information about City contracts and their terms than is currently available.

Proposed Int. 729-A, seeks to address the Speaker's concerns and the public's concerns regarding contract transparency, and would require the posting of material terms of contracts entered into by the city on a newly created public, online searchable database established by the mayor. The purpose of the legislation is to facilitate the access of contract information, and present such information in a way that allows the public at large to understand the services let by the City.

#### **B. Legislative Provisions of Proposed Int. 729-A**

1. Requires the mayor to establish by July 1, 2012, a searchable online database that would information on the material terms of city contracts. The website would be located on an official website of the city.
  - a. Material terms that would be summarized in the database include: (1) the legal name of the contractor, franchisee or concessionaire where available; (2) the dollar amount of the revised maximum expenditure authorized under each contract; (3) the dollar amount of the original maximum expenditure authorized under each contract; (4) a description in plain language of the scope of services to be provided pursuant to the contract; (5) the starting and scheduled completion date of the contract; (6) the name of the agency, elected official or the council that awarded the contract; (7) the contract, franchise or concession and the contract registration number, if any, assigned by the comptroller; (8) the date and reason for any modification or amendment of the contract; (9) the percentage change from original contract amount; (10) the award method; (11) the contract type; and (12) the contract category.
2. The bill would only apply to contracts between contractors and city agencies, as defined in the Charter. The bill would not apply to affiliated agencies, such as the Department of Education, NYCHA, the public libraries, or other non-city agencies.
3. The bill would only apply to contracts between city agencies and contractors with a value that exceeds the small purchase limit, currently set at \$100,000. As illustrated in Chart 1 on page 3 of this document, contracts that exceed \$100,000 account for over 97% of the value of contracted services by New York City.
4. The bill takes effect immediately, with the exception of the following provisions:
  - a. With respect to the categories of information of the searchable database relating to the dollar amount of the original maximum expenditure authorized under each contract; the date and reason for any modification or amendment of the contract; the percentage change from original contract amount; the contract type; and the contract category, the effective date will be on September 1, 2012, during which time DOITT must certify to the mayor and the city council either that the searchable database established is substantially complete with respect to the categories of information required by such paragraphs, or that such database is not yet substantially complete with respect to such categories, detailing the reasons therefor.

b. No later than July 1, 2013, DOITT must certify to the mayor and council, on an annual basis, that the searchable database is substantially complete with respect to all of the categories of information required by such section.

c. Prior to the dates cited above, DOITT may certify to the council and the mayor that the provisions required to be included in the searchable database are complete when DOITT has determined that each category has been established with reasonable completeness and accuracy.

d. Upon DOT's certification of completeness, DOITT must also submit to the mayor and the council an analysis of the steps taken to establish the category of information of the database and of the steps taken to ensure and test for reasonable completeness and accuracy. Such report shall also explain the process by which, and how often, the department of information technology and telecommunications will update the searchable database.

### **IV. Difference between Int. 729 and Proposed Int. 729-A**

On December 8, 2011, the Council introduced Int. 729. Since the bill's introduction, the legislation has since been amended for implementation purposes.

Proposed Int. 729-A reflects the following changes from Int. 729:

- A. **Implementation Date:** The amended bill changes the date of implementation of the online database from March 1, 2012 to July 1, 2012.
- B. **Database location:** The bill changes the location of where the online database will be located. The amended bill requires the database to be located on an official website of a city agency, rather than on *the* city's official website (nyc.gov) or the MOCS website.
- C. **Information included in the database:** The prior bill required the following information: (1) the name, address, and federal taxpayer's identification number of the contractor, franchisee or concessionaire; (2) the dollar amount of each contract including original maximum and revised maximum expenditure authorized, current encumbrance and actual expenditures; (3) the type of goods or services to be provided pursuant to the contract; (4) a detailed narrative in plain language of the purpose of the contract; (5) the term of the contract, or in the case of a construction contract the starting and scheduled completion date of the contract and the date final payment is authorized; (6) the agency, New York city affiliated agency, elected official or the council that awarded the contract, franchise or concession and the contract registration number, if any, assigned by the comptroller; (7) the manner in which the contractor, franchisee or concessionaire was selected; (8) price adjustment trigger, if any, whether automatic or periodic; (9) milestones or deliverables, if any; (10) payment schedule, and triggers, if any; (11) non-performance penalties, if any; and (12) bonus payments, if any. The amended bill requires: (1) the legal name of the contractor, franchisee or concessionaire where available; (2) the dollar amount of the revised maximum expenditure authorized under each contract; (3) the dollar amount of the original maximum expenditure authorized under each contract; (4) a description in plain language of the scope of services to be provided pursuant to the contract; (5) the starting and scheduled completion date of the contract; (6) the name of the agency, elected official or the council that awarded the contract; (7) the contract, franchise or concession and the contract registration number, if any, assigned by the comptroller; (8) the date and reason for any modification or amendment of the contract; (9) the percentage change from original contract amount; (10) the award method; (11) the contract type; and (12) the contract category.
- D. **Agency coverage:** The amended bill changes the scope of agency contracts to be included in the newly established database. The bill now only applies to city agencies, as defined in the charter, and does not apply to affiliated agencies, such as public authorities and state created entities, such as the department of education, and the economic development corporation.
- E. **Contractor definition:** The amended bill narrows the definition of contractor to exclude subcontractors.
- F. **Contracts definition:** The amended bill changes the definition of contracts to:
  1. Apply to all city contracts, rather than specifying contracts that fall within the six contract categories specified by MOCS.
  2. Agreements between an agency, elected official or the council and a contractor, rather than also taking into consideration contracts between contractors and subcontractors, when aggregated, total more than the small purchase limit.
- G. **Effective date:** The language of the previous bill required all provisions of the legislation to take immediately. The amended version requires the bill to take effect immediately, with the exception of several provisions, noted in paragraph 4 of Part III of this report.

H. Certification: Adds provisions to require DOITT to certify, at various times, to the mayor and the council on the status of completion of each category specified in this legislation, and provide an analysis of the steps taken to establish the categories, and tests used to determine accuracy of information.

**V. February 1, 2012**

After the Finance hearing, the Committee determined that the provisions of the bill reflected the Council’s intent: transparency in city contracts. Today, the Committee on Finance will meet to vote on Proposed Int. 729-A.

(The following is the text of the Fiscal Impact Statement for Int. No. 729-A:)



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

PROPOSED INTRO. NO: 729-A

COMMITTEE: Finance

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the posting of material terms of contracts entered into by the city on a newly created public, online searchable database.

**SPONSORS:** By Council Members Mealy, Wills, Barron, Chin, Fidler, Gentile, James, Koppell, Lander, Palma, Recchia, Rose, Sanders Jr., Vacca, Vann, Williams, Rodriguez, Brewer, Reyna and Koo

**SUMMARY OF LEGISLATION:** Requires the mayor to establish by July 1, 2012, a searchable online database that would provide information on the material terms of city contracts in excess of the small purchase limit (currently \$100,000), including: the legal name of the contractor, franchisee or concessionaire; the award method; the original and revised dollar amount of the maximum expenditure authorized; a description in plain language of the scope of services; the starting and scheduled completion date; the date and reason for any modifications or amendments, and others.

The bill would apply to contracts with city agencies, but not apply to affiliated agencies, such as the Department of Education, NYCHA, the public libraries, or other non-city agencies.

Most of the required information would be available when the database is first required to be operational (July 1, 2012), with certain other information to be added by Sept. 1, 2012, and by July 1, 2013. DOITT would be required to certify to the Council that it has completed phases as required under the law.

**EFFECTIVE DATE:** The amended version requires the bill to take effect immediately, with the exception of several provisions, which would require DOITT certification.

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

**FISCAL IMPACT STATEMENT:**

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY12
Revenues	\$0	\$0	\$0
Expenditures	<i>De minimis</i>	<i>De minimis</i>	<i>De minimis</i>
Net	\$0	\$0	\$0

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 729-A:)

Int. No. 729-A

By Council Members Mealy, Wills, Barron, Chin, Fidler, Gentile, James, Koppell, Lander, Palma, Recchia, Rose, Sanders, Vacca, Vann, Williams, Rodriguez, Brewer, Reyna, Jackson, Weprin, Levin, Dromm, Koo, Van Bramer, Lappin, Garodnick, Mark-Viverito, Ulrich and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to the posting of material terms of contracts entered into by the city on a newly created public, online searchable database.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 6 of title 1 of the administrative code of the city of New York is amended by adding a new section 6-131 to read as follows:

§6-131. *Public online database.* a. No later than July first two thousand twelve, the mayor shall establish a public online searchable database on an official website of the city, that shall include summaries of the material terms of city contracts. Such contract summaries shall include, but not be limited to, the following categories of information, where applicable: (1) the legal name of the contractor, franchisee or concessionaire where available, in accordance with applicable law; (2) the dollar amount of the revised maximum expenditure authorized under each contract; (3) the dollar amount of the original maximum expenditure authorized under each contract; (4) a description in plain language of the scope of services to be provided pursuant to the contract; (5) the starting and scheduled completion date of the contract; (6) the name of the agency, elected official or the council that awarded the contract; (7) the contract, franchise or concession and the contract registration number, if any, assigned by the comptroller; (8) the date and reason for any modification or amendment of the contract; (9) the percentage change from original contract amount; (10) the award method; (11) the contract type; and (12) the contract category.

b. *Except as otherwise provided, for the purposes of this section:*

(1) "agency" shall mean a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury, as defined in section eleven hundred fifty of the charter;

(2) "contract" shall mean and include any agreement between an agency, elected official or the council and a contractor, which has a value greater than the small purchase limit, as determined by the procurement policy board, pursuant to section three hundred fourteen of the charter;

(3) "contractor" shall mean and include any individual, sole proprietorship, partnership, joint venture or corporation who enters into a contract, as defined in paragraph two of this subdivision, with an agency, elected official or the council; and

§ 2. This local law shall take effect immediately; provided, however, that:

(1) With respect to the categories of information of the searchable database required by paragraphs (3), (8), (9), (11) and (12) of subdivision (a) of section 6-131 of the administrative code of the city of New York, as added by section one of this local law, the establishment of such categories shall occur as follows: (i) no later than September first, two thousand twelve, the department of information technology and telecommunications shall have certified to the mayor and the city council either that the searchable database established pursuant to such section 6-131 of the administrative code of the city of New York is substantially complete with respect to the categories of information required by such paragraphs, or that such database is not yet substantially complete with respect to such categories, detailing the reasons therefor; and (ii) no later than July first, two thousand thirteen, and annually thereafter, the department of information technology and telecommunications shall have certified to the mayor and the council that the searchable database established pursuant to section 6-131 of the administrative code of the city of New York, as added by section one of this local law, is substantially complete with respect to all of the categories of information required by such section.

(2) Notwithstanding any provision of law to the contrary, the department of information technology and telecommunications may certify as complete any category of information of the searchable database set forth in paragraphs (1) through (12) of subdivision (a) of section 6-131 of the administrative code of the city of New York, as added by section one of this local law, when the department has determined that each category has been established with reasonable completeness and accuracy.

(3) Notwithstanding any provision of law to the contrary, immediately upon the certification of each category of information of the searchable database established pursuant to section 6-131 of the administrative code of the city of New York, as added by section one of this local law, the department of information technology and telecommunications shall submit to the mayor and the council an analysis of the steps taken to establish the category of information of the database and of the steps taken to ensure and test for reasonable completeness and accuracy. Such report shall also explain the process by which, and how often, the department of information technology and telecommunications will update the searchable database.

DOMENIC M. RECCHIA, JR., Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO. Committee on Finance, February 1, 2012.

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

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

Report for Res. No. 1209

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

The Committee on Finance, to which the annexed resolution was referred on February 1, 2012, 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 29, 2011, the Council adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget"). On June 29, 2010, the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget").

Analysis. This Resolution, dated February 1, 2012, amends the Description/Scope of Services for the Northern Manhattan Coalition for Immigrant Rights, an organization receiving funding in the amount of \$39,123 pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2012 Expense Budget within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "Immigrant Related Legal Services."

Additionally, this Resolution amends the description for the Description/Scope of Services for the Polonians Organized to Minister Our Community (POMOC), Inc. an organization receiving funding in the amount of \$45,000 pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2012 Expense Budget within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "\$35,000 for Legal Services and \$10,000 for ESL/CIVIC Services in Staten Island."

Also, this Resolution amends the description for the Description/Scope of Services for the Police Athletic League, an organization receiving local discretionary funding in the amount of \$5,000 in accordance with the Fiscal 2012 Expense Budget within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "\$2,870.50 will pay for the building usage, including security at PS 44. The remaining balance of \$2,129.50 will be allocated to PAL'S after school program at PS 14."

Moreover, this Resolution amends the description for the Description/Scope of Services for the Transfiguration Parish Federal Credit Union, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$10,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "In an effort to assist in stabilizing families with extremely limited income we will provide financial workshops that include: Credit management and reporting to low and moderate income residents within the 34th District."

Further, this Resolution amends the description for the Description/Scope of Services for the Greenpoint Manufacturing and Design Center Local Development Corporation, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$4,000 within the budget of the Department of Small Business Services. This Resolution changes the Description/Scope of services to read: "To support business services."

Additionally, this Resolution amends the description for the Description/Scope of Services for the Hartley House, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$10,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "After School Program - Children ages 5 to 12 are picked up at their schools and brought to Hartley House for activities including, reading, tutoring, supervised homework, computers, gym, art and outdoor play in our courtyard."

Also, this Resolution amends the description for the Description/Scope of Services for the Find Aid for the Aged, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$33,336 within the budget of the Department for the Aging. This Resolution changes the Description/Scope of services to read: "The Coffeehouse Senior Center has been in operation for more than 30 years, providing elderly people, including many homeless, with meals and supportive services that help them maintain their health, dignity and mental stability. We request a one-time emergency grant of (\$25,003) for rent during FY12. The remaining (\$8,333) will be used to cover operating expenses such as utilities, maintenance, supplies, and communications."

Further, this Resolution amends the description for the Description/Scope of Services for the Immigrant Social Service, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,214 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "To support ISS's afterschool program at PS 2 in order to provide a more enriched suite of activities."

Additionally, this Resolution amends the description for the Description/Scope of Services for the Young Men's and Young Women's Hebrew Association of the Bronx, an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$6,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "Riverdale YM-YWHA Simon Senior Center congregate meals program offers a freshly prepared hot kosher lunch daily and provides educational, social and recreational activities for senior citizens."

Also, this Resolution amends the description for the Description/Scope of Services for Ridgewood Older Adult Center and Services, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget in the amount of \$12,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "Purchase of food items for food pantry."

Also, this Resolution amends the description for the Description/Scope of Services for St. Stanislaus Kostka Church, an organization receiving funding in the amount of \$60,000 pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2011 Expense Budget within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "For legal services."

Moreover, this Resolution also approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2012 Expense Budget, and approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2012 Expense Budget.

Lastly, this Resolution also approves new designations and changes in the designation of certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, and approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2011 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 2012 and Fiscal 2011 Expense Budgets.

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding in accordance with the Fiscal 2012 Expense Budget, as described in Chart 1; sets forth new designations and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2012 Expense Budget, as described in Chart 2; sets forth new designations and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget, as described in Chart 3; sets forth the new designations and changes in the designation of a certain organization receiving funding pursuant certain initiatives in accordance with the Fiscal 2012 Expense Budget, as described in Charts 4-11; sets forth new designations and changes in the designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget, as described in Chart 12; sets forth new designations and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as described in Chart 13; sets forth the new designations and changes in the designation of certain organizations receiving funding pursuant certain initiatives in accordance with the Fiscal 2011 Expense Budget, as described in Charts 14-15.

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 CI Fiscal 2012 Expense Budget, dated June 29, 2011, and the Adjustments Summary/Schedule C/ Fiscal 2011 Expense Budget, dated June 29, 2010.

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 2012 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 2012 Expense Budget.

Chart 3 sets forth the new designation and changes in the designation of a certain organizations receiving youth discretionary funding in accordance with the Fiscal 2012 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 2012 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 2012 Expense Budget.

Chart 6 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries-DYCD Initiative in accordance with the Fiscal 2012 Expense Budget.

Chart 7 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2012 Expense Budget. Specifically, Chart 7 indicates an EIN correction. The correct EIN for the New York Asians Women's Center, Inc., an organization receiving funding in the amount of \$30,000 in accordance with the Fiscal 2012 Expense Budget is 13-3286250.

Chart 8 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Runaway and Homeless Youth Services PEG Restoration in accordance with the Fiscal 2012 Expense Budget.

Chart 9 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2012 Expense Budget.

Chart 10 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Jobs to Build On Initiative in accordance with the Fiscal 2012 Expense Budget. Funding in the amount of \$273,000 provided to the Consortium for Worker

Education will be removed and provided to the Department of Small Business Services-Administrative.

Chart 11 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Young Adult Literacy Services Initiative in accordance with the Fiscal 2012 Expense Budget. Specifically, Chart 11 indicates an EIN correction. The correct EIN for the Ecuadorian International Center, Inc., an organization receiving funding in the amount of \$30,000 in accordance with the Fiscal 2012 Expense Budget is 10-0627174

Chart 12 sets forth the new designation of a certain organization receiving local discretionary funding in the amount of \$15,000 in accordance with the Fiscal 2011 Expense Budget. The fiscal conduit, St. Nick's Alliance Cooperation, for Cooper Park Residents Council has been removed.

Chart 13 sets forth the new designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget.

Chart 14 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2011 Expense Budget. Chart 14 indicates an EIN correction. The correct EIN for the Northeastern Conference of Seventh Day Adventists, Inc., an organization receiving funding in the amount of \$5,000 is 02-0632575.

Chart 15 sets forth the new designation and changes in the designation of a certain organization receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2011 Expense Budget. Chart 15 indicates an EIN correction. The correct EIN for the Berean Baptist Church an organization receiving funding in the amount of \$6,400 is 11-1660857.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2012 and 2011 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

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

Res. No. 1209

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

By Council Members Recchia, Koo and Wills.

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

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

**Whereas,** On June 29, 2010 the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations receiving funding pursuant to certain initiatives in accordance therewith; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new

Description/Scope of Services for the Northern Manhattan Coalition for Immigrant Rights, an organization receiving funding in the amount of \$39,123 pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2012 Expense Budget within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "Immigrant Related Legal Services."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Polonians Organized to Minister Our Community (POMOC), Inc. an organization receiving funding in the amount of \$45,000 pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2012 Expense Budget within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "\$35,000 for Legal Services and \$10,000 for ESL/CIVIC Services in Staten Island."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Police Athletic League, an organization receiving local discretionary funding in the amount of \$5,000 in accordance with the Fiscal 2012 Expense Budget within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "\$2,870.50 will pay for the building usage, including security at PS 44. The remaining balance of \$2,129.50 will be allocated to PAL's after school program at PS 14."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Transfiguration Parish Federal Credit Union, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$10,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "In an effort to assist in stabilizing families with extremely limited income we will provide Financial workshops that include: Credit management and reporting to low and moderate income residents within the 34th District."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Greenpoint Manufacturing and Design Center Local Development Corporation, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$4,000 within the budget of the Department of Small Business Services. This Resolution changes the Description/Scope of services to read: "To support business services."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Hartley House, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$10,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "After School Program - Children ages 5 to 12 are picked up at their schools and brought to Hartley House for activities including, reading, tutoring, supervised homework, computers, gym art and outdoor play in our courtyard."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Find Aid for the Aged, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$33,336 within the budget of the Department for the Aging. This Resolution changes the Description/Scope of services to read: "The Coffeehouse Senior Center has been in operation for more than 30 years, providing elderly people, including many homeless, with meals and supportive services that help them maintain their health, dignity and mental stability. We request a one-time emergency grant of (\$25,003) for rent during FY12. The remaining (\$8,333) will be used to cover operating expenses such as utilities, maintenance, supplies, and communications."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Immigrant Social Service, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,214 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "To support ISS's afterschool program at PS 2 in order to provide a more enriched suite of activities."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Young Men's and Young Women's Hebrew Association of the Bronx, an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$6,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "Riverdale YM-YWHA Simon Senior Center congregate meals program offers a freshly prepared hot kosher lunch daily and provides educational, social and recreational activities for senior citizens."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for Ridgewood Older Adult Center and Services, Inc.,

an organization receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget in the amount of \$12,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "Purchase of food items for food pantry."; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for St. Stanislaus Kostka Church, an organization receiving funding in the amount of \$60,000 pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2011 Expense Budget within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "For legal services."; now, therefore be it

**Resolved,** That the City Council approves the new Description/Scope of Services for certain organizations receiving local and youth discretionary funding in the Fiscal 2012 Expense Budget; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for certain organizations receiving funding pursuant to Immigrant Opportunities Initiative in accordance with the Fiscal 2012 Expense Budget; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for certain organizations receiving local discretionary funding in the Fiscal 2011 Expense Budget; and be it further

**Resolved,** That the City Council approves the new Description/Scope of Services for a certain organization receiving funding pursuant to Immigrant Opportunities Initiative in accordance with the Fiscal 2011 Expense Budget; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 1; 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 in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organization receiving funding pursuant to the Food Pantries-DYCD Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 7; 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 Runaway and Homeless Youth Services PEG Restoration, in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 8; 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 HIV/AIDS Faith Based Initiative, in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 9; 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 Jobs to Build On Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 10; 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 Adult Literacy Services Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 14; 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 HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2011 Expense Budget, as set

forth in Chart 15.

**ATTACHMENT:**

CHART 1: Local Initiatives - Fiscal 2012

Member	Organization	EIN Number	Agency	Amount	App #	U/A	Fiscal Conducting/Sponsoring Organization	Fiscal Controlling EIN
Eugene	RECURSE HAND INC., THE **	39-2056125	DOHMH	(\$20,000.00)	816	122		
Williams	Feminore Senior Center, Inc. **	11-2772287	DFTA	\$20,000.00	125	003		
Williams	Flabush Development Corporation	51-0188251	DYCD	(\$5,500.00)	260	005		
Ulrich	East Flahbush Village, Inc.	80-0612019	DYCD	\$5,500.00	260	005		
Ulrich	Federation of Hindu Mandirs	13-6400434	DYCD	(\$5,000.00)	260	005		
Gentile	Federation of Hindu Mandirs	11-3277616	DYCD	\$5,000.00	260	005		
Gentile	BrooklynONEtheater **	26-2177816	DCA	(\$2,500.00)	126	003		
Levin	BrooklynONEtheater **	26-2177816	DYCD	\$2,500.00	260	005		
Levin	572574 Warren St Tenants Association **	80-0685710	NYCHA	(\$3,000.00)	098	002		
Levin	Berry Street South 9th Tenant Association **	23-0691815	NYCHA	(\$1,000.00)	098	002		
Levin	Heisen Keller Services for the Blind **	11-1630987	DFTA	\$4,000.00	125	003		
CC	East River Development Alliance, Inc. **	88-1068987	DFTA	\$200,000.00	125	003		
CC	East River Development Alliance, Inc. **	88-1068987	NYCHA	\$200,000.00	098	002		
Elder	Jewish Children's Museum	13-3798344	DYCD	(\$5,000.00)	260	312		
Elder	Jewish Children's Museum	13-3798344	DYCD	\$5,000.00	260	312		
Cabrera	Sauli Islam Masjid and community center	13-3810501	DYCD	(\$5,000.00)	260	005		
Cabrera	Goepel Mission Pentecostal Church, Inc.	32-7425524	DYCD	(\$5,000.00)	260	005		
Cabrera	Hipanic Federation, Inc.	13-3573852	DYCD	\$6,000.00	260	005		
Vann	New York City Christian Athletic League	80-0390499	DYCD	\$4,000.00	260	312		
Vann	NYS of Beyond-Styvesant Inc.	80-0615267	DYCD	(\$10,000.00)	260	005		
Drum	Neighborhood Housing Services of New York City	13-3689397	DYCD	\$10,000.00	260	005		
Drum	Neighborhood Housing Services of New York City	13-3689397	DYCD	(\$10,000.00)	260	005		
Ferreras	Ecuadorian International Center, Inc.	01-0627174	DYCD	(\$6,000.00)	260	005		
Ferreras	Ecuadorian International Center, Inc.	01-0627174	DYCD	\$6,000.00	260	005		
Ferreras	Ecuadorian International Center, Inc.	01-0627174	DYCD	(\$5,000.00)	260	005		
Koppell	Ecuadorian International Center, Inc.	13-8596811	DYCD	(\$5,000.00)	260	312		
Koppell	Asphalt Green, Inc. **	13-8596811	DYCD	(\$10,000.00)	260	312		
Koppell	Asphalt Green, Inc. **	13-8596811	DPR	\$10,000.00	846	006		
Koppell	Friends of Van Cortlandt Park **	13-8596182	DYCD	(\$5,000.00)	260	312		
Koppell	Young Men's and Young Women's Hebrew Association of the Bronx	13-1740507	DFTA	\$5,000.00	125	003		
Vallone	Variety Boys and Girls Club of Queens, Inc. **	11-6014770	DYCD	(\$5,000.00)	260	312		
Vallone	NYCHA Community Operations **	13-6400571	DFTA	\$5,000.00	125	003		
Williams	Open Space Institute doing business for Brooklyn Food Coalition	52-1053406	DYCD	(\$3,500.00)	260	005		
Williams	Open Space Institute	52-1053406	DYCD	\$3,500.00	260	005		
Ghirn	Queens Lesbian and Gay Pride Committee, Inc. **	11-3146596	DCA	(\$4,500.00)	126	003		
Ghirn	Queens Lesbian and Gay Pride Committee, Inc. **	11-3146596	DYCD	\$4,500.00	260	312		
CC	Bronx Business Alliance	20-4966322	DSBS	(\$25,000.00)	801	002		
CC	Bronx Business Alliance	13-4018887	DSBS	\$25,000.00	801	002		
CC	Emerald Isle Immigration Center	11-2922528	DYCD	(\$125,000.00)	260	005		
CC	Emerald Isle Immigration Center	11-2922528	DYCD	\$125,000.00	260	005		
CC	Emerald Isle Immigration Center	11-2922528	DFTA	(\$10,000.00)	125	003		



CHART 6: Food Pantries-DYCD - Fiscal 2012

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA *
Queens	Elmhurst Community Services	82-0570875	DYCD	(\$5,000.00)	260	005
Queens	Metropolitan Community Church of New York	51-01152961	DYCD	\$5,000.00	260	005
Queens	Battalion Pentecostal Assembly, Inc.	11-3548121	DYCD	(\$5,000.00)	260	005
Queens	Battalion Pentecostal Assembly, Inc.	35-4391337	DYCD	\$5,000.00	260	005

\* Indicates pending completion of pre-qualification review.

CHART 5: Immigrant Opportunities Initiative - Fiscal 2012

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA *
Queens	Research Foundation of The City University of New York	13-1988190	CUNY	(\$63,000.00)	042	001
Queens	City University of New York School of Law Foundations, Inc. The	11-32535349	CUNY	\$63,000.00	042	001
Brooklyn	Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	13-2981618	DYCD	(\$10,000.00)	260	005
Brooklyn	New York Legal Assistance Group	13-2981618	DYCD	\$10,000.00	260	005
Queens	Ecuadorian International Center, Inc.	01-8627124	DYCD	(\$25,000.00)	260	005
Queens	Ecuadorian International Center, Inc.	10-9627124	DYCD	\$25,000.00	260	005

\* Indicates pending completion of pre-qualification review.

CHART 8: Runaway and Homeless Youth Services PEG Restoration - Fiscal 2012

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA *
Queens	SCO Family of Services	11-2777067	DYCD	(\$70,000.00)	260	312
Queens	SCO Family of Services	11-2777066	DYCD	\$70,000.00	260	312
Queens	Safe Space, Inc.	11-1711016	DYCD	(\$70,000.00)	260	312
Queens	Safe Space, Inc.	11-1711014	DYCD	\$70,000.00	260	312
Queens	Safe Horizon, Inc.	13-2946971	DYCD	(\$6,633.00)	260	312
Queens	Safe Horizon, Inc.	13-2946970	DYCD	\$6,633.00	260	312
Queens	Safe Horizon, Inc.	13-2946972	DYCD	(\$200,000.00)	260	312
Queens	Safe Horizon, Inc.	13-2946970	DYCD	\$200,000.00	260	312
Queens	Safe Horizon, Inc.	13-2946971	DYCD	(\$200,000.00)	260	312
Queens	Safe Horizon, Inc.	13-2946970	DYCD	\$200,000.00	260	312

\* Indicates pending completion of pre-qualification review.

CHART 7: Domestic Violence and Empowerment (DoVE) Initiative - Fiscal 2012

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA *
Queens	New York Asians Women's Center	EIN is Needed	MISC	(\$30,000.00)	098	002
Queens	New York Asians Women's Center, Inc.	13-3266250	MISC	\$30,000.00	098	002

\* Indicates pending completion of pre-qualification review.

CHART 10: Jobs to Build On - Fiscal 2012

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Consortium for Worker Education (CWE)	13-3664313	DSBS	(\$273,000.00)	801	011
Department of Small Business Services-Administrative	13-6400434	DSBS	\$273,000.00	801	011

\* Indicates pending completion of pre-qualification review.

CHART 9: HIV/AIDS Faith Based Initiative - Fiscal 2012

Organization	EIN Number	Agency	Amount	Agy #	U/A *
St. Stephen's Outreach, Inc.	11-3116708	DOHMH	(\$6,400.00)	816	112
Stephen United Church of God, Inc.	11-2383004	DOHMH	\$6,400.00	816	112
Amethyst Women's Project, Inc.	11-3055513	DOHMH	(\$6,400.00)	816	112
Amethyst Women's Project, Inc.	11-3505513	DOHMH	\$6,400.00	816	112

\* Indicates pending completion of pre-qualification review.

CHART 12: Local Initiatives - Fiscal 2011

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Conduit EIN *
Reyna	Cooper Park Residents Council	11-3268877	DYCD	(\$15,000.00)	260	005	ISL Nick's Alliance Corporation	51-0192170
Reyna	Cooper Park Residents Council	11-3268877	DYCD	\$15,000.00	260	005		

\* Indicates pending completion of pre-qualification review.

CHART 11: Adult Literacy Services Initiative - Fiscal 2012

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Ecuadorian International Center, Inc.	01-0627174	DYCD	(\$30,000.00)	260	005
Ecuadorian International Center, Inc.	10-0627174	DYCD	\$30,000.00	260	005

\* Indicates pending completion of pre-qualification review.

CHART 14: Food Pantries - Fiscal 2011

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Queens	Northeastern Conference of Seventh Day Adventists, Inc.	13-1865286	DYCD	(\$5,000.00)	260	005
Queens	Northeastern Conference of Seventh Day Adventists, Inc.	02-0632575	DYCD	\$5,000.00	260	005

\* Indicates pending completion of pre-qualification review.

CHART 13: Youth Discretionary - Fiscal 2011

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *	Fiscal Conduit EIN
Hudson	Bayside Little League, Inc.	52-1234764	DYCD	(\$10,000.00)	260	312	
Hudson	Bayside Little League, Inc.	11-3279839	DYCD	\$10,000.00	260	312	
Hudson	Cooper Community Center Advisory Committee	11-3591650	DYCD	(\$10,000.00)	260	312	St. Nick's Alliance Corporation
Rosny	Cooper Park Community Center Advisory Committee	11-3591650	DYCD	\$10,000.00	260	312	

\* Indicates pending completion of pre-qualification review.

CHART 15: HIV/AIDS Faith Based Initiative - Fiscal 2011

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Berean Baptist Church	11-2870465	DOHMH	(\$6,400.00)	816	112
Berean Baptist Church	11-1660657	DOHMH	\$6,400.00	816	112

\* Indicates pending completion of pre-qualification review.

DOMENICM. RECCHIA, Jr., Chairperson; JOEL RIVERA, GALE A. BREWER, LEROYG.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KARENKOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, February 1, 2012.

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 Health**

Report for Int. No. 751-A

**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend local law number 115 for the year 2005, relating to child fatalities, in relation to a child fatality review advisory team.**

The Committee on Health, to which the annexed amended proposed local law was referred on January 18, 2012 (Minutes, page 184), respectfully

**REPORTS:**

**INTRODUCTION**

On January 31, 2012, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will vote on Proposed Int. No. 751-A, a local law to amend the administrative code of the City of New York, in relation to a child fatality review advisory team. A hearing on this legislation was previously held on January 24, 2012, jointly with the Committee on General Welfare. Representatives from the New York City Department of Health and Mental Hygiene ("DOHMH"), the Administration for Children's Services ("ACS") and advocates testified. After the hearing, amendments were made to the title of the legislation.

**Background on Local Law 115 of 2005**

Since 1997, ACS has led an independent oversight group, consisting of experts in law, medicine, social work, psychiatry, and representatives from assorted City agencies, who conduct investigations into deaths of children "known to" the child welfare system.<sup>1</sup> Additionally, the New York State Office of Children and Family Services (OCFS) is required to investigate the deaths of children who are in the custody or the guardianship of an authorized agency, or for whom a report has been made to the Statewide Central Register on Child Abuse and Maltreatment.<sup>2</sup> On December 29, 2005, the New York City Council enacted Local Law 115, which created a Child Fatality Review Advisory Team ("Advisory Team").<sup>3</sup> Prior to the enactment of Local Law 115, no local agencies investigated or reported on the unanticipated, traumatic or unexplained deaths of children not previously known to the child welfare system. Local law 115 therefore was enacted to establish a local, independent, multi-agency coordinated review of all child deaths in order to assist in understanding trends and patterns in New York City regarding child fatalities and to "identify preventable social and family circumstances that contribute to child fatalities; provide recommendations regarding the investigation and prevention of child deaths; and identify problems in practices and recommend solutions."<sup>4</sup>

By its own terms, Local Law 115 of 2005 was repealed as of January 30, 2012.

#### **Substance of Local Law 115**

As previously noted, Local Law 115 created a Child Fatality Advisory Team, tasked with examining the facts and circumstances pertaining to the death of any child in New York under the age of thirteen whose death is unanticipated, the result of trauma, or the result of suspicious, obscure, or otherwise unexplained circumstances.<sup>5</sup> The Advisory Team does not investigate deaths of children under thirteen that are the subject of pending criminal investigations or proceedings.<sup>6</sup> The Advisory Team is chaired by the Commissioner of DOH M H<sup>7</sup> and consists of representatives from ACS, the Police Department, the Office of the Chief Medical Examiner, two Mayoral Appointees (including a pediatrician and a child-welfare advocate), two City Council appointed individuals (including a pediatrician and a child-welfare advocate), and one individual appointed by the Public Advocate. A representative from the Department of Education may serve on the team at his/her discretion.<sup>8</sup> Advisory Team members serve for two years<sup>8</sup> and are required to meet at least four times annually.<sup>16</sup> The Advisory Team reviews aggregate data of child fatalities and formulates recommendations to improve child protection to decrease future incidents of child fatalities in New York City." In order to do this, members of the team request and review relevant materials (as permitted by applicable law, rules and regulations) from City and State agencies and non-profit organizations that provided services to victims or family members of victims.<sup>12</sup> The Advisory Team submits annual reports to the Mayor, the Council and the Public Advocate detailing, among other things:

- The number of child fatality cases in New York City in the previous year;
- Statistics on the causes of child fatalities;
- Non-identifying data on victims, including age, gender, race, religion, and ethnicity;
- Statistics on the location of child fatalities, disaggregated by borough; and
- Recommendations to decrease future incidents of child fatalities.<sup>13</sup>

#### **Child Fatality Review Advisory Team Reports**

- The Advisory Team's first annual report, published in 2007, included "an aggregate review of child injury deaths and an in-depth case review of all child deaths related to motor vehicle accidents, the leading cause of child injury deaths in NYC."<sup>14</sup> The 2008 Report focuses on fire- and burn-related deaths, the second leading cause of child injury deaths in NYC, while the 2009 Report focused on unintentional child injuries in the home environment.<sup>15</sup> In 2010, the Report examined "individual- and neighborhood-level disparities in child injury deaths that reflect both social and economic inequalities."<sup>16</sup>

The 2011 Report updates statistics reported for years 2001 to 2009, and expands the report to include information on injury deaths for one year olds or younger, whose deaths are primarily attributable to unsafe sleeping arrangements (i.e. unsafe sleeping positions and bed-sharing).<sup>17</sup> The 2011 Report also found that between 2001 and 2009, New York City's overall death rate for children aged one to twelve was 30 percent lower than in the nation as a whole between 2001 and 2007.<sup>18</sup> The City's lower death rate for children can be attributed to lower injury death rates due to accidents. For example, the national rate for transportation related deaths is 3.6 per 100,000 children, but 1.2 per 100,000 children in the City.<sup>19</sup> Injury deaths accounted for 28 percent of child deaths between 2001 and 2009 in the City.<sup>20</sup> Unintentional injuries comprised 69 percent of child injury deaths, of which 41 percent were transportation related.<sup>21</sup> Intentional injuries comprised 24 percent of child injury deaths. 91 percent of these deaths were categorized as certified homicides and 9 percent were suicides.<sup>22</sup> The Advisory Team found that between 2001 and 2009, there were higher injury death rates among younger children, boys, and black, non-

Hispanic children, but "girls experienced a higher proportion of intentional injury deaths than boys."<sup>23</sup>

The 2011 Report concludes with recommendations for decreasing injuries among children and decreasing the death rate. The Report suggests that policymakers can increase child safety through enforcement of existing laws and regulations, that parents and caregivers should

- watch children closely and learn about safety risks, and that health care and other providers should screen for safety risks.<sup>24</sup>

#### **Proposed Int. No. 751-A**

- Proposed Int. No. 751-A would not include a repeal date and would make Local Law 15 permanent to ensure the continued operation of the Child Fatality Review Advisory Team. There would be no substantive changes to the law as it was originally enacted in 2005. The law would take effect immediately and would be deemed to have been in full force and effect on and after January 30, 2012.

<sup>1</sup> To be considered known, a member of the household must have been the subject of a previous report to the Statewide Central Register on Child Abuse and Maltreatment, or must be receiving services from ACS at the time of the fatality.

<sup>2</sup> N.Y. SOCIAL SERVICES LAW § 20(5)(a).

<sup>3</sup> Local Law 115 of 2005.

<sup>4</sup> Legislative Findings and Intent, Local Law 115 of 2005.

<sup>5</sup> NYC Ad Code §17-191(a), (b).

<sup>6</sup> *Id.* §17-191(a).

<sup>7</sup> *Id.* §17-191(f).

<sup>8</sup> *Id.* §17-191 (b).

<sup>9</sup> *Id.* §17-191(c).

<sup>10</sup> *Id.* §17-191(f).

<sup>11</sup> *Id.* §17-191(g).

<sup>12</sup> *Id.* §17-191(h).

<sup>13</sup> *Id.* §17-191 (j).

<sup>14</sup> NYC Department of Health & Mental Hygiene, *2011 Report from the Child Fatality Review Team*, p3.

<sup>15</sup> *Id.*

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

<sup>17</sup> *Id.* at 1-3.

<sup>18</sup> *Id.* at 1.

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

<sup>20</sup> *Id.*

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

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at 22-23.

(The following is the text of the Fiscal Impact Statement for Int. No. 751-A:)



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

PROPOSED INTRO. NO: 751-A

COMMITTEE: Health

**TITLE:** A Local Law to amend law number 115 for the year 2005, relating to child fatalities, in relation to a child fatality review advisory team.

#### **SPONSORS:**

Council  
Members Arroyo, Palma, Cabrera, Comrie, Fidler, James, Koslowitz, Mark-Viverito, Mendez, Vacca, Williams, Gonzalez, Vann, Rodriguez, Eugene, Rose, Levin, Dromm, Recchia, Chin, Koo, Van Bramer, Jackson and Ferreras.

**SUMMARY OF LEGISLATION:** Proposed Intro. 751-A would make permanent the New York Child Fatality Review Advisory Team, which was originally created by Local Law number 115 in year 2005 and is due to sunset on January 30, 2012. The Advisory Team would continue to be responsible for identifying preventable social and family circumstances that contribute to child fatalities; providing recommendations regarding the investigation and prevent of child deaths; and identifying problems in practices and recommend solutions. This legislation preserves these services.

**EFFECTIVE DATE:** This legislation would take effect immediately and shall be deemed to have been in full force and effect on and after January 30, 2012.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** 2012

**FISCAL IMPACT STATEMENT:**

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	(\$190,000)	(\$190,000)	(\$190,000)
Net	(\$190,000)	(\$190,000)	(\$190,000)

**IMPACT ON REVENUES:** There is no direct impact on revenues in Fiscal 2012, nor in the outyears, resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** It is estimated that the annual personal service and other than personal service costs associated with the implementation of this legislation is approximately \$190,000. Since this legislation would prevent any lapse in services currently provided by the Advisory Team, expenditures for Fiscal 2012 are expected to remain at their estimated annual level.

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

**SOURCES OF INFORMATION:** Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Pamela Corbett, Legislative Financial Analyst  
Latonia Mckinney, Deputy Director  
City Council Finance Division

**HISTORY:** Int. 751 was introduced on January 18, 2012, and referred to the Committee on Health. On January 24, 2012, the Committee on Health held a hearing on Int. 751 and the bill was laid over. On January 31, 2012, the Committee on Health will consider amended version of the bill, Proposed Int. 751-A, and the legislation will be voted on by the Full Council on February 1, 2012.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 751-A:)**

Int. No. 751-A

By Council Members Arroyo, Palma, Cabrera, Comrie, Fidler, James, Koslowitz, Mark-Viverito, Mendez, Vacca, Williams, Gonzalez, Vann, Rodriguez, Eugene, Rose, Levin, Dromm, Recchia, Chin, Koo, Van Bramer, Jackson, Ferreras, Koppell, Mealy, Barron, Crowley and Garodnick.

**A Local Law to amend local law number 115 for the year 2005, relating to child fatalities, in relation to a child fatality review advisory team.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Child Fatality Review Advisory Team, created by Local Law 115 of 2005, conducts a comprehensive, multiagency and multidisciplinary review of all child deaths in New York City. Their work highlights trends and patterns regarding how and why children die in New York City, and helps the City create policies and take actions to prevent other such deaths and improve the health and safety of New York City's children. Local Law 115, by its own terms, was deemed repealed on January 30, 2012.

The Council finds that this review must occur at the City level to ensure that the characteristics of child protection that are unique to a large urban area such as New York City are appropriately identified and addressed. The Child Fatality Review Advisory Team promotes cooperation and communication among the various City agencies involved in investigating child fatalities and facilitates the provision of services needed by children and families. Therefore, the Council finds that making permanent the New York City Child Fatality Review Advisory Team is necessary to

identify preventable social and family circumstances that contribute to child fatalities; provide recommendations regarding the investigation and prevention of child deaths; and identify problems in practices and recommend solutions.

§2. Section 4 of local law no. 115 for the year 2005 is amended to read as follows:

§4. This local law shall take effect ninety days after its enactment into law [and shall be deemed repealed on January 30, 2012].

§3. This local law shall take effect immediately and shall be deemed to have been in full force and effect on and after January 30, 2012.

JOEL RIVERA, Acting Chairperson; HELEN D. FOSTER, PETER F. VALLONE, Jr., ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATTHIEU EUGENE, JULISSAFERRERAS, JAMES G. VAN BRAMER; Committee on Health, January 31, 2012.

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

Report for Int. No. 753-A

**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York and local law number 63 for the year 2005, relating to tracking and reporting by the department of health and mental hygiene, in relation to requiring such department to track and report deaths of homeless persons in the city of New York.**

The Committee on Health, to which the annexed amended proposed local law was referred on January 18, 2012 (Minutes, page 189), respectfully

**REPORTS:**

**INTRODUCTION**

On January 31, 2012, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will vote on Proposed Int. No. 753-A, a local law to amend the administrative code of the City of New York, in relation to requiring the Department of Health and Mental Hygiene to track and report deaths of homeless persons in the City of New York. A hearing was previously held on this legislation on January 24, 2012, in conjunction with the Committee on General Welfare. Representatives from the New York City Department of Health and Mental Hygiene ("DOHMH"), the Department of Homeless Services ("DHS") and advocates testified. Amendments were made to the legislation after the hearing.

**Background on Local Law 63 of 2005**

Pursuant to Local Law 63 of 2005, DOHMH, DHS, the Department of Housing Preservation and Development ("HPD"), the Human Resources Administration ("HRA"), and the Office of the Chief Medical Examiner ("OCME") must provide quarterly reports to the Council that summarize the occurrence of homeless deaths in New York City. At the time that Local Law 63 was enacted, no City agency tracked the number or causes of death among the homeless population)1 Immediately prior to the bill's introduction, the number of homeless people staying in shelters had reached a record high.2 The law was intended to assist policymakers, service providers and government agencies with identifying gaps in service, as well as assess the impact of policy decisions on the homeless population in New York City.3

**Substance of Local Law 63 of 2005**

As previously noted, Local Law 63 mandates DOHMH to submit quarterly reports to the Council pertaining to the incidence of deaths among homeless people and residents of homeless shelters. The reports must include, at a minimum, the following information:

- the number of homeless persons who died during the reporting quarter (1) for whom there was an investigation by the OCME, (2) who were residents of a shelter and (3) any other homeless persons who died during such quarter;
- the community board district where each such decedent died, disaggregated within each such district by location of death (i.e. outdoors, in a shelter, nursing home, etc.);4
- an indication as to whether the decedent was known to be living in a homeless shelter at the time of death and the community board district in which such homeless shelter is located;5 and
- the age or approximate age and gender of each such decedent.6

For the purposes of the law, "homeless shelter" includes only residences operated by or on behalf of DHS, those operated by HRA for homeless

people with HIV/AIDS, or those operated by HPD. Residences available primarily for victims of domestic violence are not included in the reporting.<sup>7</sup>

Quarterly reports are to be submitted to the Council by the first day of every January, April, July and October and should contain information on deaths which occurred during the quarter beginning six months prior.<sup>8</sup> In addition to the quarterly reports, DOHMH must submit an annual report to the Council and the Mayor by every January 15<sup>th</sup> summarizing, and updating as necessary, the findings of the quarterly reports and disaggregating the causes of all deaths contained in the reports, including how many deaths were related to outdoor exposure.<sup>9</sup> Quarterly and annual reports must describe the methodologies used to identify homeless people and analyze the reliability of the methodologies used.<sup>10</sup> All reports are available to the public upon request.<sup>11</sup>

By its own terms, Local law 115 of 2005 was repealed as of January 30, 2012.

#### **Homeless Death Reports**

In order to generate these reports, DHS, HPD and HRA maintain records on deaths of people to whom they provide temporary housing. Additionally, OCME investigates the deaths of some homeless individuals, including those who die in a suspicious or unusual manner, alone, in apparent good health, in a correctional facility, from criminal violence, or suicide. All data is then compiled and analyzed by the DOHMH Office of Vital Statistics. Per Article 27-F of the New York State Public Health Law, HRA cannot disclose information that could identify someone as having an HIV related illness or AIDS. As a result, HRA homeless deaths are not combined with DHS, HPD and OCME deaths and are therefore not included in the total number of deaths among homeless individuals in New York City.

The latest report, Quarterly Report #24, provides data on deaths that occurred from April 1, 2011 through June 30, 2011.<sup>12</sup> According to the report, there were a total of 42 homeless deaths reported by DHS, HPD and OCME.<sup>13</sup> Quarterly Report #23 reported that there was an average of 41 deaths in the previous quarter (January 1, 2011 — March 31, 2011).<sup>14</sup> Out of the 42 deaths reported in Quarterly Report #24, 62 percent were non-sheltered homeless individuals and 38 percent were sheltered,<sup>15</sup> which is a significant increase from the previous quarter, where on average, 53 percent of the deaths reported were non-sheltered and 47 percent were sheltered.<sup>16</sup> OCME investigated 81 percent of the deaths in the latest report<sup>17</sup> compared to 76 percent in the previous report.<sup>18</sup> According to Quarterly Report #24, 57 percent of the deaths occurred in hospitals, 21 percent occurred in other locations, 17 percent occurred outdoors and 5 percent occurred in homeless shelters.<sup>19</sup> By comparison, in the previous quarter, 49 percent occurred in hospitals, 21 percent occurred outdoors, 14 percent in homeless shelters and 17 percent in other locations.<sup>20</sup> Other locations are defined as a friend or family member's apartment, subway car, subway platform, subway station, an abandoned building, public space in a building, a hotel room, drop-in center, building vestibule, or place of employment.<sup>21</sup>

HRA reported a total of 10 homeless deaths in Quarterly Report #24.<sup>22</sup> All 10 were residents of single room occupancy units ("SRO housing"), which is supportive housing provided to individuals and families coping with mental illness, trauma, abuse, addiction, or chronic illness. Similarly, in the previous quarter, 9 homeless deaths were reported by HRA and all were residents of SRO housing.<sup>23</sup> Residents of SRO housing are defined as sheltered and therefore not defined as homeless at the time of their death.<sup>24</sup>

Since the reports were first issued in July 2005, an average of 41 deaths were reported each quarter.<sup>25</sup> On average per quarter, deaths among non-sheltered decedents were slightly higher than sheltered decedents (53 percent versus 47 percent).<sup>26</sup> Lastly, on average per quarter from July 1, 2005 through June 30, 2011, nearly half of all deaths of homeless individuals occurred in hospitals, 21 percent outdoors, 14 percent occurred in homeless shelters, and 17 percent occurred in other locations.<sup>27</sup>

#### **Proposed Int. No. 753-A**

Proposed Int. No. 753-A would reauthorize Local Law 63 of 2005, would not include a repeal date, and would make the reporting permanent. The proposed legislation would require that rather than creating a quarterly report, as is currently mandated, DOHMH would compile information pertaining to deaths of homeless people (both unsheltered and homeless shelter residents) on a quarterly basis and make it available to the public upon request. The collected information would be summarized in an annual report and would be disaggregated by month. The substance of the annual report would be identical to what is currently reported. The law would take effect immediately and would be deemed to have been in full force and effect on and after January 30, 2012.

<sup>1</sup>New York City Council Committee Report of the Health and General Welfare Committees, Feb 12, 2004, pg. 3. available <http://legistar.council.nyc.gov/Legislati onD etail.aspx ?1 D=441346& GU I D =3C319FE5-E2E8-464A-A A 9F-B 5206110FD EB & Opt i onAdvanced& Search=>.

<sup>2</sup>Local Law 63 of 2005, Legislative Findings.

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

<sup>4</sup>Information on people who die in a residence for homeless people with HIV/AIDS is disaggregated by borough.

<sup>5</sup>Information on people who die in a shelter for homeless people with HIV/AIDS is disaggregated by borough.

<sup>6</sup>NYC Ad Code §17-190 (b)(1).

<sup>7</sup>*Id.* §17-190 (a)(3).

<sup>8</sup>*Id.* §17-190 (b)(1).

<sup>9</sup>*Id.* §17-190(b)(2).

<sup>10</sup>*Id.* §17-190(b)(4).

<sup>11</sup>*Id.* §17-190(b)(5).

<sup>12</sup>New York City Department of Health and Mental Hygiene Bureau of Vital Statistics, Quarterly Report on Homeless Deaths #24. (Report on file with the Committee on General Welfare) [hereinafter Quarterly Report on Homeless Deaths #24].

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

<sup>14</sup>New York City Department of Health and Mental Hygiene Bureau of Vital Statistics, Quarterly Report on Homeless Deaths #23. (Report on file with the Committee on General Welfare) [hereinafter Quarterly Report on Homeless Deaths #23].

<sup>15</sup>Quarterly Report on Homeless Deaths #24, *supra* note 12.

<sup>16</sup>Quarterly Report on Homeless Deaths #23, *supra* note 14.

<sup>17</sup>Quarterly Report on Homeless Deaths #24, *supra* note 12.

<sup>18</sup>Quarterly Report on Homeless Deaths #23, *supra* note 14.

<sup>19</sup>Quarterly Report on Homeless Deaths #24, *supra* note 12.

<sup>20</sup>Quarterly Report on Homeless Deaths #23, *supra* note 14.

<sup>21</sup>Quarterly Report on Homeless Deaths #24, *supra* note 12.

<sup>22</sup>Quarterly Report on Homeless Deaths #24, *supra* note 12.

<sup>23</sup>Quarterly Report on Homeless Deaths #23, *supra* note 14.

<sup>24</sup>Quarterly Report on Homeless Deaths #24, *supra* note 12.

<sup>25</sup>*Id.*

<sup>26</sup>*Id.*

<sup>27</sup>*Id.*

(The following is the text of the Fiscal Impact Statement for Int. No. 753-A:)



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

PROPOSED INTRO. NO: 753-A

COMMITTEE: Health

**TITLE:** A Local Law to amend the administrative code of the City of New York and Local Law number 63 for the year 2005, relating to tracking and reporting by the department of Health and Mental Hygiene, in relation to requiring such Department to track and report deaths of homeless persons in the city of New York.

#### **SPONSORS:**

Council  
Members Palma, Brewer, Cabrera, Chin, Comrie Jr., Crowley, Dickens, Dromm, Fidler, James, Koslowitz, Lander, Levin, Mark-Viverito, Mendez, Vacca, Williams, Wills, Gonzalez, Vann, Rodriguez, Eugene, Rose, Arroyo, Recchia, Van Bramer, Jackson, Ferreras and Lappin.

**SUMMARY OF LEGISLATION:** Proposed Intro. 753-A removes the sunset provision of Local Law 63, which is currently set to be repealed on January 30, 2012, thereby making its provisions permanent. Local Law 63 requires the Department of Health and Mental Hygiene to gather information regarding the incidence of deaths of homeless persons and homeless shelter residents on a quarterly basis and to issue annual reports detailing those findings to the Council and the Mayor. Tracking and reporting these deaths helps the City better understand the challenges faced by homeless persons in New York City and assists in the creation of policies and programs designed to safeguard such persons and prevent future unnecessary deaths.

Local Law 63 requires the Department to disaggregate reported homeless death incidence by: (1) whether there was Medical Examiner investigation into decedent's death; (2) community board district and more specified location where the decedent passed; (3) last known residence of the decedent; and (4) decedent age and gender. In addition to extending the life of Local Law 63, Proposed Intro. 753-A also adds a new requirement to include prior year reported information in the annual report.

**EFFECTIVE DATE:** This legislation would take effect immediately and shall be deemed to have been in full force and effect on and after January 30, 2012.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** 2012

**FISCAL IMPACT STATEMENT:**

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	(\$24,000)	(\$24,000)	(\$24,000)
Net	(\$24,000)	(\$24,000)	(\$24,000)

**IMPACT ON REVENUES:** There is no direct impact on revenues in Fiscal 2012, nor in the outyears, resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** A staff analyst is responsible for the periodic review and analysis of data while a supervisor oversees the analyst's work. The portion of combined staff salaries dedicated toward fulfilling these responsibilities is approximately \$24,000 annually.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** City tax levy

**SOURCES OF INFORMATION:** Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Pamela Corbett, Legislative Financial Analyst  
Latonia Mckinney, Deputy Director  
City Council Finance Division

**HISTORY:** Int. 753 was introduced on January 18, 2012, and referred to the Committee on Health. On January 24, 2012, the Committee on Health held a hearing on Int. 753 and the bill was laid over. On January 31, 2012, the Committee on Health will consider amended version of the bill, Proposed Int. 753-A, and the legislation will be voted on by the Full Council on February 1, 2012.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 753-A:)**

Int. No. 753-A

By Council Members Palma, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dromm, Fidler, James, Koslowitz, Lander, Levin, Mark-Viverito, Mendez, Vacca, Williams, Wills, Gonzalez, Vann, Rodriguez, Eugene, Rose, Arroyo, Recchia, Van Bramer, Jackson, Ferreras, Lappin, Koppell, Mealy, Barron, Garodnick and Sanders.

**A Local Law to amend the administrative code of the city of New York and local law number 63 for the year 2005, relating to tracking and reporting by the department of health and mental hygiene, in relation to requiring such department to track and report deaths of homeless persons in the city of New York.**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative findings and intent. In 2005, at the time Local Law 63 was enacted, Department of Homeless Services (DHS) reports indicated that there were approximately 35,000 people living in the shelter system. According to DHS data from December 2011, nearly 40,000 homeless men, women and children were residing in the shelter system, including approximately 17,000 children. Furthermore, according to DHS's most recent estimate, as of January 2011 more than 2,600 people were unsheltered. Prior to the enactment of Local Law 63, the City did not report how many deaths occur within the homeless population, where they occur, or the causes behind them. Local Law 63, by its own terms, was deemed repealed on January 30, 2012. The Council finds that in order to meet the needs of homeless New Yorkers, whose numbers have increased in recent years, the City needs to extend existing legislation requiring the periodic gathering of information regarding deaths of homeless people. Tracking and reporting these deaths helps the City better understand the challenges faced by homeless persons in New York City, and assists in the creation of policies and programs designed to safeguard such persons and prevent future unnecessary deaths.

§ 2. Subdivisions b and c of section 17-190 of the administrative code of the city of New York are amended to read as follows:

b. [Reports] *Annual report* regarding deaths of homeless persons and homeless shelter residents. 1. The department shall, [on] by January first, April first, July first and October first of each year[, beginning on January first, two thousand six, submit a report to the council indicating] *collect information as necessary to comply with the provisions of paragraph 3 of this subdivision regarding the incidence of deaths of homeless persons and homeless shelter residents during the quarter year which began*

on the first day of the sixth month preceding the month [in] by which the [report] *information* is required to be [filed] *collected*. [Subject to paragraph 3 of this subdivision, such quarterly report shall include, at a minimum, (i) the number of homeless persons who died during the reporting quarter for whom there was an investigation by the office of the chief medical examiner as required pursuant to section 557 of the charter, the number of homeless shelter residents who died during such quarter and, to the extent such information is readily available, the number of other homeless persons who died during such quarter; (ii) the community board district where each such decedent died, disaggregated within each such district by whether the death occurred outdoors, in a hospital, in a nursing home and/or other residential health care facility, in a homeless shelter, or, to the extent such information is available, in another facility, residence or other type of location, provided, however, that the location of decedents who died in a residence operated by or on behalf of the department of social services/human resources administration which is available primarily for homeless persons with HIV or AIDS related illness shall be provided by borough; (iii) an indication as to whether the decedent was known to be living in a homeless shelter at the time of death and the community board district in which such homeless shelter is located, provided however, that the location of the residence of decedents known to be living in a homeless shelter operated by or on behalf of the department of social services/human resources administration which is available primarily for homeless persons with HIV or AIDS related illness shall be provided by borough; and (iv) the age or approximate age and gender of each such decedent; provided, however, that in cases where the identity of a decedent is unknown or in cases where it is unknown whether such decedent was a homeless person or a homeless shelter resident, the department shall provide the information required by this paragraph during the quarter that such information becomes available, as well as the date or approximate date such death occurred.]

2. In addition to the *collection of quarterly [reports] information* required pursuant to this subdivision, the department shall, subject to paragraph [3] 4 of this subdivision, submit an annual report to the council and the mayor by January fifteenth of each year, (i) summarizing and aggregating, as well as updating and amending if necessary, the information *collected* in the immediately preceding four [quarterly reports] *quarter years for which information was collected pursuant to paragraph 1 of this subdivision*; and (ii) indicating the causes of death for all deaths in such report disaggregated by cause, including, but not limited to, how many such deaths were related to exposure to outdoor conditions.

3. *Such report shall also include, at a minimum, (i) the number of homeless persons who died during the preceding year, disaggregated by month, for whom there was an investigation by the office of chief medical examiner as required pursuant to section 557 of the charter, the number of homeless shelter residents who died during the preceding year, disaggregated by month, and, to the extent such information is readily available, the number of other homeless persons who died during the preceding year, disaggregated by month; (ii) the community board district where each such decedent died, disaggregated within each such district by whether the death occurred outdoors, in a hospital, in a nursing home and/or other residential health care facility, in a homeless shelter, or, to the extent such information is available, in another facility, residence or other type of location, provided, however, that the location of decedents who died in a residence operated by or on behalf of the department of social services/human resources administration which is available primarily for homeless persons with HIV or AIDS related illness shall be provided by borough; (iii) an indication as to whether the decedent was known to be living in a homeless shelter at the time of death and the community board district in which such homeless shelter is located, provided, however, that the location of the residence of decedents known to be living in a homeless shelter operated by or on behalf of the department of social services/human resources administration which is available primarily for homeless persons with HIV or AIDS related illness shall be provided by borough; and (iv) the age or approximate age and gender of each such decedent; provided, however, that in cases where the identity of a decedent is unknown or in cases where it is unknown whether such decedent was a homeless person or a homeless shelter resident, the department shall provide the information required by this paragraph during the year that such information becomes available, as well as the date or approximate date such death occurred.*

4. The department may withhold information from [a quarterly or] *an* annual report about an individual decedent otherwise required pursuant to this subdivision to the extent that such withholding is necessary to avoid disclosing the identity of such decedent, provided that the department shall specify when such information is withheld and shall report all other information about such decedent that will not reveal the identity of such decedent.

[4.] 5. In each [quarterly and] annual report required pursuant to this subdivision, the department shall describe the methodologies used to identify homeless persons and homeless shelter residents and provide an analysis of the reliability and validity of such methodologies.

[5.] 6. The quarterly *information* and annual reports required pursuant to this subdivision shall be made available to any member of the public upon request.

c. Rules. [By December fifteenth, 2005, the] *The* department after public hearings shall promulgate such rules as are necessary to implement the provisions of this section.

§ 3. Section 4 of local law number 63 for the year 2005 is amended to read as follows:

§ 4. Effective date. This local law shall take effect immediately after its enactment into law [and shall be deemed repealed on January 30, 2012].

§ 4. This local law shall take effect immediately and shall be deemed to have been in full force and effect on and after January 30, 2012.

JOEL RIVERA, Acting Chairperson; HELEN D. FOSTER, PETER F. VALLONE, Jr., ALBERT VANN, INEZ E. DICKENS, ROSIE MENDEZ, MATTHIEU EUGENE, JULISSAFERRERAS, JAMES G. VAN BRAMER; Committee on Health, January 31, 2012.

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 Land Use**

Report for L.U. No. 536

**Report of the Committee on Land Use in favor of approving and adopting Application no. 20125120 HKK (N 120069 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Borough Hall Skyscraper Historic District (List No.447, LP-2449), Council District no. 33, as an historic landmark.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 29, 2011 (Minutes, page 5116), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 2 20125120 HKK (N 120069 HKK)**

Designation by the Landmarks Preservation Commission (List No. 447/LP-2449), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Borough Hall Skyscraper Historic District, as an historic district.

**PUBLIC HEARING**

DATE: December 14, 2011

Witnesses in Favor: Eleven  
Fourteen

Witnesses Against:

**SUBCOMMITTEE RECOMMENDATION**

DATE: January 24, 2012

The Subcommittee recommends that the Land Use Committee affirm the designation.

In Favor:	Against:	Abstain:
Lander	None	Williams
Sanders, Jr.		Halloran
Palma		
Arroyo		

**COMMITTEE ACTION**

DATE: January 26, 2012

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	Barron Williams	
Rivera	Halloran	
Reyna		
Jackson		
Sanders, Jr.		
Seabrook		
Gonzalez		

Palma  
Dickens  
Garodnick  
Lappin  
Vacca  
Lander  
Levin  
Weprin  
Koo

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

Res. No. 1210

**Resolution affirming the designation by the Landmarks Preservation Commission of the Borough Hall Skyscraper Historic District, Borough of Brooklyn, Designation List No. 447, LP-2449 (L.U. No. 536; 20125120 HKK; N 120069 HKK).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on September 21, 2011 a copy of its designation dated September 13, 2011 (the "Designation"), of the Borough Hall Skyscraper Historic District, Community District 2, Borough of Brooklyn.

The historic district boundaries consist of:

Property bounded by a line beginning at the intersection of the southern curblin of Montague Street and the western curblin of Court Street, continuing southerly along the western curblin of Court Street to a point formed by its intersection with a line extending westerly from and parallel with the lowest stair riser of the front steps of Brooklyn Borough Hall at 209 Joralemon Street (aka 209-245 Joralemon Street, 1-43 Court Street, and 384 Adams Street), easterly along said line to a point formed by its intersection with a line extending northerly from and parallel to the eastern outside wall of Brooklyn Borough Hall at 209 Joralemon Street (aka 209-245 Joralemon Street, 1-43 Court Street, and 384 Adams Street), southerly along said line and across the roadbed of Joralemon Street to the southern curblin of Joralemon Street, easterly along said curblin to a point formed with its intersection with a line extending northerly along a portion of the eastern property line of 210 Joralemon Street (aka 208-230 Joralemon Street and 45-63 Court Street), southerly along a portion of said property line, easterly along a portion of the northern property line of 210 Joralemon Street (aka 208-230 Joralemon Street and 45-63 Court Street), southerly along a portion of the eastern property line of 210 Joralemon Street (aka 208-230 Joralemon Street and 45-63 Court Street) to a point formed by its intersection with a line extending easterly from a portion of the southern property line of 210 Joralemon Street (aka 208-230 Joralemon Street and 45-63 Court Street), westerly along said line and a portion of the southern property line of 210 Joralemon Street (aka 208-230 Joralemon Street and 45-63 Court Street), southerly along a portion of the eastern property line of 210 Joralemon Street (aka 208-230 Joralemon Street and 45-63 Court Street), westerly along a portion of the southerly property line of 210 Joralemon Street (aka 208-230 Joralemon Street and 45-63 Court Street) to the eastern curblin of Court Street, southerly along said curblin to the northern curblin of Livingston Street, across the roadbed of Court Street and along the northern curblin of Livingston Street to a point formed by its intersection with a line extending southerly from the western property line of 75 Livingston Street (aka 71-75 Livingston Street and 66 Court Street), northerly along said property line and a portion of the western property line of 62 Court Street (aka 58-64 Court Street), westerly along a portion of the southern property line of 62 Court Street (aka 58-64 Court Street), a portion of the southern property line of 50 Court Street (aka 46-50 Court Street and 194-204 Joralemon Street), and a portion of the southern property line of 186 Joralemon Street (aka 186-190 Joralemon Street), northerly along a portion of the western property line of 186 Joralemon Street (aka 186-190 Joralemon Street), westerly along a portion of the southern property line of 186 Joralemon Street (aka 186-190 Joralemon Street) and along a portion of the southern property line of 184 Joralemon Street, southerly along a portion of the eastern property line of 184 Joralemon Street, westerly along a portion of the southern property line of 184 Joralemon Street, northerly along the western property line of 184 Joralemon Street, across the roadbed of Joralemon Street, and along the western property line of 191 Joralemon Street (aka 187-191 Joralemon Street), easterly along the northern property lines of 191 Joralemon Street (aka 187-191 Joralemon Street) and 193 Joralemon Street and a portion of the northern property line of 44 Court Street (aka 38-44 Court Street and 195-207 Joralemon Street), northerly along the western property line of 186 Remsen Street (aka 184-188 Remsen Street) and across the roadbed of Remsen Street to the northern curblin of Remsen Street, westerly along said curblin of to a point formed by its intersection with a line extending southerly from a portion of the western property line of 188 Montague Street (aka 188-190 Montague Street and 165 Remsen Street), northerly along said property line, westerly along a portion of the southern property line of 188 Montague Street (aka 188-190 Montague Street and 165 Remsen Street) and the southern property line of 186 Montague Street (aka 184-186 Montague Street), northerly along the western



STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, January 26, 2011.

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. 548

**Report of the Committee on Land Use in favor of approving and adopting Application no. 20125189 HKK (N 120099 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of St. Casimir's Roman Catholic Church a.k.a The Paul Robeson Theater, located at 40 Greene Avenue (Block 1957, Lot 28) (List No.449, LP-2476), Council District no. 35, as an historic landmark.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 29, 2011 (Minutes, page 5386), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 2                      20125189 HKK (N 120099 HKK)**

Designation by the Landmarks Preservation Commission (List No. 449/LP-2476), pursuant to Section 3020 of the New York City Charter, of the landmark designation of St. Casimir's Roman Catholic Church (now The Paul Robeson Theater), located at 40 Greene Avenue (aka 40-44 Greene Avenue) (Tax Map Block 1957, Lot 28), as an historic landmark.

**PUBLIC HEARING**

**DATE:** January 24, 2012

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

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 24, 2012

The Subcommittee recommends that the Land Use Committee affirm the designation.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Lander	None	None
Sanders, Jr.		
Palma		
Arroyo		
Williams		
Halloran		

**COMMITTEE ACTION**

**DATE:** January 26, 2012

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Gonzalez		
Palma		
Dickens		

Garodnick  
Lappin  
Vacca  
Lander  
Levin  
Weprin  
Williams  
Halloran  
Koo

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

Res. No. 1212

**Resolution affirming the designation by the Landmarks Preservation Commission of St. Casimir's Roman Catholic Church (now The Paul Robeson Theater), located at 40 Greene Avenue (aka 40-44 Greene Avenue), Tax Map Block 1957, Lot 28), Borough of Brooklyn, Designation List No. 449, LP-2476 (L.U. No. 548; 20125189 HKK; N 120099 HKK).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on November 4, 2011 a copy of its designation dated October 25, 2011 (the "Designation"), of St. Casimir's Roman Catholic Church (now The Paul Robeson Theater), located at 40 Greene Avenue (aka 40-44 Greene Avenue), Community District 2, Borough of Brooklyn as a landmark and Tax Map Block 1957, Lot 28, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

**WHEREAS**, the City Planning Commission submitted to the Council on December 20, 2011, its report on the Designation dated December 12, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on January 24, 2012; and

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

**RESOLVED:**

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Jr., Chairperson; JOELRIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, January 26, 2011.

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. 549

**Report of the Committee on Land Use in favor of approving and adopting Application no. 20125190 HKX (N 120100 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Grand Concourse Historic District (List No.449, LP-2403), Council District nos.16 and17, as an historic landmark.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 29, 2011 (Minutes, page 5387), respectfully

**REPORTS:**







Levin  
Weprin  
Williams  
Halloran  
Koo

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

Res. No. 1215

**Resolution affirming the designation by the Landmarks Preservation Commission of the Bell Telephone Laboratories Complex (including the former Western Electric Company and Hook’s Steam-powered Factory Buildings) (now Westbeth Artists’ Housing) located at 445-465 West Street, 137-169 Bank Street, 51-77 Bethune Street, and 734-754 Washington Street (Tax Map Block 639, Lot 1), Borough of Manhattan, Designation List No. 449, LP-2391 (L.U. No. 551; 20125192 HKM; N 120098 HKM).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on November 4, 2011 a copy of its designation dated October 25, 2011 (the "Designation"), of the Bell Telephone Laboratories Complex (including the former Western Electric Company and Hook’s Steam-powered Factory Buildings) (now Westbeth Artists’ Housing) located at 445-465 West Street, 137-169 Bank Street, 51-77 Bethune Street, and 734-754 Washington Street, Community District 2, Borough of Manhattan as a landmark and Tax Map Block 639, Lot 1, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

**WHEREAS**, the City Planning Commission submitted to the Council on December 20, 2011, its report on the Designation dated December 12, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on January 24, 2012; and

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

**RESOLVED:**

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Jr., Chairperson; JOELRIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, January 26, 2011.

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. 556

**Report of the Committee on Land Use in favor of approving and adopting Application no. 20125304 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to the Private Housing Finance Law Section 114 for approval of an amendment to the Regulatory Agreement for property located at 1600 Sedgwick Avenue, Block 2880, Lot 29 in the Borough of the Bronx, Community Board 5, Council District no. 16.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 18, 2012 (Minutes, page 200), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB – 5**

**20125304 HAX**

Application submitted by the New York City Department of Housing Preservation and Development for the approval of a proposed Amended and Restated Redevelopment Agreement pursuant to Section 114 of Private Housing Finance Law for property located at 1600 Sedgwick Avenue (Block 2880/Lot 29) in Council District No. 16.

**INTENT**

To amend and restate a previously approved redevelopment agreement and reflect the changes in the status of the Project.

**PUBLIC HEARING**

**DATE:** January 24, 2012

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 24, 2012

The Subcommittee recommends that the Land Use Committee approve the request made by HPD for the Amended and Restated Redevelopment Agreement.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Levin	None	None
Barron		
Gonzalez		
Dickens		
Koo		

**COMMITTEE ACTION**

**DATE:** January 26, 2012

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Seabrook		
Gonzalez		
Palma		
Dickens		
Garodnick		
Lappin		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Halloran		
Koo		

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

Res. No. 1216

**Resolution approving the Amended and Restated Redevelopment Agreement for the project located at 1600 Sedgwick Avenue (Block 2880, Lot 29), Borough of the Bronx (L.U. No. 556; 20125304 HAX).**

By Council Members Comrie and Levin.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 4, 2012 its request dated December 6, 2011 that the Council take the following actions regarding the following Amended and Restated Redevelopment Agreement for the project located at 1600 Sedgwick Avenue (Block 2880, Lot 29), for the approval of revisions to the Amended and Restated Redevelopment Agreement, Community District 5, Council District 16, Borough of the Bronx (the "Amended and Restated Redevelopment Agreement"):

1. Approve pursuant to Section 114 of the PHFL, the Redevelopment Agreement granted by the Board of Estimate on March 9, 1972 (Cal. No. 231), the Original Agreement, which amended Original Agreement was amended by a first amendatory agreement dated as of February 3, 1975 by the Board of Estimate (Cal. No. 189) dated December 19, 1974 (together with the Original Agreement, collectively referred to as the Original Amended Redevelopment Agreement);

2. Approve pursuant to Section 114 of the PHFL, the Amended and Restated Agreement and authorize the Commissioner of HPD to execute the Amended and Restated Agreement in substantially the form submitted, when approved as to form by the Corporation Counsel.

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on January 24, 2012;

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

**RESOLVED:**

The Council approves the Amended and Restated Redevelopment Agreement pursuant to Section 114 of the PHFL as to conformity with the provisions and purposes of Article V of the PHFL, a copy of which is attached hereto.

The Council approves pursuant to Section 114 of the PHFL, the Amended and Restated Agreement substantially in the form attached hereto and authorizes the Commissioner of HPD to execute the Amended and Restated Redevelopment Agreement in substantially the form submitted, when approved as to form by the Corporation Counsel.

LEROY G. COMRIE, Jr., Chairperson; JOELRIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, SARA M. GONZALEZ, ANNABEL PALMA, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, January 26, 2011.

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**

Report for Int. No. 301-A

**Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to parking violations issued for the failure to display a muni-meter receipt.**

The Committee on Transportation, to which the annexed proposed amended local law was referred on July 29, 2010 (Minutes, page 3506), and which was laid over by the Council on January 18, 2012 (Minutes, page 164), respectfully

**REPORTS:**

**INTRODUCTION**

On January 17, 2012, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 301-A, a Local Law to amend the Administrative Code of the City of New York, in relation to parking violations issued for the failure to display a muni-meter receipt. This legislation would establish that presenting a valid muni-meter receipt for no later than five minutes after the issuance of a notice of violation in response to such notice of violation for the failure to display such a receipt is an affirmative defense to such violation. The first hearing on this bill was held on June 22, 2011. Among others, representatives from the Department of Finance testified. Amendments were made to the bill after the hearing on June 22.

**BACKGROUND**

The Department of Transportation ("DOT") is responsible for the condition of approximately 5,800 miles of streets, highways and 790 bridges structures, including six tunnels. DOT is also responsible for installing street parking meters and currently there are approximately 63,000 parking meters in New York City.<sup>1</sup> In order to improve the operability of parking meters and to reduce vandalism against parking meters, DOT has initiated the process of installing multi-space parking meters, also known as muni-meters. Muni-meters are known to have fewer breakdowns and are less susceptible to vandalism and damage.<sup>2</sup>

Since FY 2007 the percentage of parking spaces that have muni-meters has risen from 25.5 percent in FY 2007 to 42.3 percent in FY 2011.<sup>3</sup> While the use of muni-meters is expected to reduce the problem of inoperable and damaged parking meters, there are still complaints of broken muni-meters. In 2011, there were 9,334 reports to 311 of damaged or defective muni-meters.<sup>4</sup>

Proposed Int. No. 301-A is intended to protect motorists who are issued parking tickets for inadvertently not displaying a muni-meter receipt. The bill would establish that showing a valid muni-meter receipt or other proof of payment of the metered fare as an affirmative defense at the Parking Violations Bureau to a charge of failing to display a muni-meter receipt.

**ANALYSIS**

Section 1 of Proposed Int. No. 301-A would add a new section 19-214 to chapter 2 of title 19 of the Administrative Code.

Subdivision a of new section 19-214 would define "muni-meter receipt" as the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter.

Subdivision b of new section 19-214 provide that subject to the provisions of the Vehicle and Traffic Law, where a notice of violation was issued for failure to display a muni-meter receipt, the presentation of a valid muni-meter receipt, in person or by mail, for the time the notice of violation was issued or for no later than five minutes after such notice was issued, or other suitable evidence as determined by the hearing officer, is an affirmative defense to such a violation.

Section 2 of Proposed Int. No. 301-A would provide that this local law take effect immediately.

<sup>1</sup> "Preliminary Mayor's Management Report" p. 63 (September, 2011)

<sup>2</sup> "Preliminary Mayor's Management Report" p. 55 (February, 2010)

<sup>3</sup> "Preliminary Mayor's Management Report" p. 64 (September, 2011)

<sup>4</sup> Ibid. 67

**(The following is the text of the Fiscal Impact Statement for Int. No. 301-A:)**



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

**PROPOSED INTRO. NO: 301-A**

**COMMITTEE: TRANSPORTATION**

**TITLE: A Local Law to amend the administrative code of the city of New York, in relation to parking violations issued for the failure to display a muni-meter receipt.**

**SPONSORS:** Council Members Garodnick, Rodriguez, Brewer, Chin, Dromm, Eugene, Fidler, Gennaro, Gentile, James, Lander, Mealy, Nelson, Palma, Van Bramer, Williams, Foster, Lappin, Vacca, Reyna, Cabrera, Rose, Vallone, Halloran, Koo and Ulrich

**SUMMARY OF LEGISLATION:** This legislation would amend chapter 2 of title 19 of the Administrative Code by adding a new section 19-214 entitled “Failure to display a muni-meter receipt” to require that where a notice of violation was issued to an owner or operator of a vehicle for the failure to display a muni-meter receipt, the presentation, in person or by mail, of a valid muni-meter receipt, defined as “the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter” with an official start time stamp and such start time is no later than five minutes after the time of the issuance of such notice, or other suitable evidence as determined by the hearing officer that such a receipt was purchased, shall be an affirmative defense to such a violation.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2013.

**FISCAL IMPACT STATEMENT:**

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be minimal to no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation.

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

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

**ESTIMATE PREPARED BY:** Nathan Toth, Deputy Director  
Chima Obichere, Unit Head

**HISTORY:** Introduced as Intro. 301 by the Council on July 29, 2010 and referred to the Committee on Transportation and later re-referred to the Committee on February 23, 2011. A hearing was held and the legislation was laid over by the Committee on June 22, 2011. Intro. 301 has been amended, and the amended version, Proposed Int. 301-A, will be considered by the Committee on January 17, 2012 and by the full Council on February 1, 2012.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 301-A:)**

Int. No. 301-A

By Council Members Garodnick, Rodriguez, Brewer, Chin, Dromm, Eugene, Fidler, Gennaro, Gentile, James, Lander, Mealy, Nelson, Palma, Van Bramer, Williams, Foster, Lappin, Vacca, Reyna, Cabrera, Rose, Vallone, Jr., Halloran, Koo, Ulrich, Arroyo, Jackson, Levin, Gonzalez, Recchia, Greenfield, Koppell, Dickens, Barron, Vann, Wills, Comrie and Sanders.

**A Local Law to amend the administrative code of the city of New York, in relation to parking violations issued for the failure to display a muni-meter receipt.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-214 to read as follows:

*§19-214 Failure to display a muni-meter receipt. a. For purposes of this section, the term “muni-meter receipt” shall mean the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter.*

*b. Notwithstanding any rule or regulation to the contrary, but subject to the provisions of the vehicle and traffic law, where a notice of violation was issued to an owner or operator of a vehicle for the failure to display a muni-meter receipt, the presentation, in person or by mail, of a valid muni-meter receipt with an official start time stamp and such start time is no later than five minutes after the time of the issuance of such notice, or other suitable evidence as determined by the hearing officer that such a receipt was purchased, shall be an affirmative defense to such a violation.*

§2. This local law shall take effect immediately.

JAMES VACCA, Chairperson; GALE A. BREWER, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS RODRIGUEZ, JAMES G. VANBRAMER, DAVID G. GREENFIELD, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, January 17, 2012.

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

Report for Int. No. 501-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to notification by a mortgagee commencing an action to recover residential real property.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on March 23, 2011 (Minutes, page 776), and which was laid over by the Council on January 18, 2012 (Minutes, page 158) respectfully

**REPORTS:**

**INTRODUCTION:**

On January 18, 2012, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 501-A, A Local Law to amend the administrative code of the city of New York, in relation to notification by a mortgagee commencing an action to recover residential real property. On April 14, 2011, the Committee held a hearing on an earlier version of this bill and received testimony on it from representatives of the Department of Housing Preservation and Development (HPD or Department), housing advocates, representatives of the real estate and banking industry and other persons.

**BACKGROUND**

According to a report published by the New York State Comptroller’s office, between 2006 and 2009 the number of foreclosure filings in New York City rose by 31.7 percent to 22,886.<sup>1</sup> Queens had the largest number of foreclosure filings (8,964), followed by Brooklyn (7,108), the Bronx (3,000), Staten Island (2,646), and Manhattan (1,168).<sup>2</sup> In its 2010 State of the City’s Housing and Neighborhoods Report, New York University’s Furman Center for Real Estate and Urban Policy stated that “foreclosures are associated with a substantial uptick in housing code violations, which indicates that tenants are likely to experience deteriorating building maintenance and physical conditions while building finances are in distress.”

The legislation before the Committee today would help ensure that HPD has access to accurate and up-to-date information regarding the status of residential properties in foreclosure. Because properties in foreclosure are more likely than financially healthy properties to fall into physical disrepair and require complaint-based inspections, it is important for HPD to have accurate information on such properties. By providing HPD with notice shortly after a foreclosure action is commenced, the bill will allow the Department to focus its resources on providing support to certain financially distressed properties before they begin to deteriorate.

Specifically, the information required to be provided pursuant to the bill would include: the name, mailing address, telephone number and e-mail address of the mortgagee plaintiff that is commencing the foreclosure action, including, when applicable, the corporate officer’s name and contact information; the name of the defendant in the action; the identification of the residential property subject to the action identified by street address and block and lot number; the date the action was commenced; the court in which the action was commenced; and other information HPD may require by rule. In the event that HPD requires additional information, the Council will work with HPD and other stakeholders to ensure that any such additional information is necessary to achieve the goals set forth in the law and is not unduly burdensome. The definition of “mortgagee” was also amended to reflect the concern that the prior definition could be read to require redundant filings.

The bill would also require that the foreclosure information provided to HPD be made available to other agencies, such as the Department of Buildings, that are responsible for the investigation and enforcement of illegal conversions of residential properties to house more than the permitted number of tenants. Financial health is an important indicator used by such agencies when determining where to focus their inspections. Having direct access to foreclosure-related information will aid the agencies in their efforts to prioritize illegal conversion complaints.

The bill’s reporting requirements aim to keep the public aware of which neighborhoods have suffered the most from the foreclosure crisis. Pursuant to the bill HPD must post on its website every quarter the number of foreclosure actions commenced in the preceding quarter in each Community District as well as the total number of pending actions in each Community District. The bill would also require HPD to post basic information on its website about properties with twenty or more units for which the Department receives notice.

Proposed Int. No. 501-A

Bill section one would add a new section 27-2109.1, entitled “Notice by a mortgagee commencing an action to foreclose a mortgage on residential real property,” to Article 2 of Subchapter 4 of the Housing Maintenance Code of the City of New York (Chapter 2 of Title 27 of the City’s Administrative Code).

Paragraph one of subdivision (a) of new section 27-2109.1 would require any mortgagee that commences an action in a court of competent jurisdiction within New York State to foreclose a mortgage on residential real property within New York City to provide notice to HPD, in a form prescribed by HPD, within fifteen days of service of the pleadings initiating the action on the property owner. If the action was commenced before the effective date of Proposed Int. No. 501-A and remains pending as of such effective date then the required notification must be made within thirty days of the effective date. However, notice is not required to be given to HPD for actions commenced prior to February 13, 2010, regardless of whether or not they remain pending as of the effective date of Proposed Int. No. 501-A. The notice must include the name of the mortgagee plaintiff bringing the action, along with the mailing address, telephone number and email address of such mortgagee plaintiff and, when applicable, the name of a principal or corporate officer of such mortgagee plaintiff, along with the mailing address, telephone number and email address of such principal or corporate officer; the person or entity against whom such action has been brought; the identification of the real property by street address, block and lot number; and the date of the commencement of the action to recover the real property; the court in which the action was commenced; and any other information that HPD may require by rule.

Paragraph one also states that the definition of “mortgagee” shall mean any person that commences an action to foreclose a mortgage on residential real property including, but not limited to, a lender, assignee or mortgage loan service provider that commences such an action.

Paragraph two of subdivision (a) of new section 27-2109.1 would require a mortgagee to notify the Department within fifteen days of either the discontinuance of the action, the issuance of a judgment in the foreclosure action or the sale of the real property as a result of the action.

Paragraph three of subdivision (a) of new section 27-2109.1 would require the Department to report on its website every month a list of all properties with twenty or more units, identified by block and lot number, along with the name, mailing address and telephone number of the mortgagee plaintiff and the name of the defendant for which notice has been received by the Department. HPD must also report on its website each three months the total number of foreclosure actions commenced during the previous three months for which HPD has received the required notice, disaggregated by Community District; and the total number of foreclosure actions pending, for which HPD has received the required notice, disaggregated by Community District. The Department must also provide the information included in the notice to one or more city agencies for which the Department determines that such information furthers such agency or agencies’ duties, including but not limited to the enforcement of section 28-210.1, the section of the Administrative Code regarding the illegal conversion of residential property. The notice information must be provided to any other City Agency by request of such agency.

Subdivision (b) of new section 27-2109.1 of the bill would provide that any mortgagee who fails to provide notice to the Department would be liable for a civil penalty not to exceed \$1,000 for each week that there is a failure to notify. The failure to provide notice to the Department shall not be deemed to affect in any way any pending legal proceeding related to such residential real property.

Subdivision (c) of new section 27-2109.1, provides that the notice requirement set forth in paragraph one shall not be applicable to any foreclosure action brought by a governmental agency.

Bill section two contains the enactment clause and states that this local law shall take effect 120 days after its enactment, except that the Commissioner of Housing Preservation and Development shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Amendments to Int. No. 501

- The registration requirement was changed throughout the bill to a notice requirement.
- The amount of time given to mortgagees to provide notice of the commencement or discontinuance of a foreclosure action was increased from ten to fifteen days.
- Pending actions that were commenced before February 13, 2010 were excluded from the bill’s notice requirement.
- The list of information required in the foreclosure notice to HPD was expanded to include such other information as the Department may require by rule.
- The definition of mortgagee was amended to mean “any person that commences an action to foreclose a mortgage on residential real property including, but not limited to, a lender, assignee or mortgage loan service provider that commences such action.”
- Former paragraph (ii) which required the Department to maintain on its website a list of all properties identified by block and lot number for which registration statement is received was renumbered paragraph

three and was amended to only require information regarding residential properties with 20 or more units to be posted online.

- A provision was added to new paragraph three requiring HPD to report each three months on its website the total number of foreclosure actions commenced in the preceding three months disaggregated by community district, as well as the total number of actions pending in each community district was added.
- Another provision was added to new paragraph three which requires HPD to provide the notice information it receives from mortgagees to one or more agencies for which HPD determines that such information furthers the agency or agencies’ duties, including the enforcement of section 38-210.1, or the illegal conversion of residential property, and to any other city upon request by such agency.
- A provision requiring HPD to share the notification information it receives with other city agencies was added.
- A new subdivision (c) was added excluding foreclosure actions brought by governmental entities from the bill’s coverage.
- Other technical amendments were made throughout the bill.

Update

On Wednesday, January 18, 2012 the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

<sup>1</sup> Foreclosures in New York City. Report 13-2011. New York State Comptroller. Accessed online at: <http://www.osc.state.ny.us/osdc/rpt13-2011.pdf>

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

(The following is the text of the Fiscal Impact Statement for Int. No. 501-A:)



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

PROPOSED INTRO. NO: 501-A

COMMITTEE: Housing and Buildings

**TITLE:** To amend the administrative code of the city of New York, in relation to registration by a mortgagee commencing an action to recover residential real property.

**SPONSOR:** Dilan, Cabrera, Comrie, James, Lander, Mendez, Palma, Vann, Mark-Viverito and Williams

**SUMMARY OF LEGISLATION:** This legislation states that any mortgagee (not including government entities) that commences a foreclosure action in a court of competent jurisdiction in the state of New York to foreclose a mortgage on residential real property within the city of New York, shall provide notice to the Department of Housing Preservation and Development (HPD) within fifteen days of service of the pleadings commencing such action. If the action predates the effective date of the local law that added this section, and remains pending as of such effective date, notification shall be provided within thirty days of such effective date. No notice shall be required for actions commenced prior to February 13, 2010, regardless of whether such action remains pending as of such effective date.

Notices should include the following information: the name of the mortgagee plaintiff commencing such action along with the mailing address, telephone number and e-mail address of such mortgagee plaintiff, and, when applicable, the name of a principal or corporate officer of such mortgagee plaintiff, along with the mailing address, telephone number and e-mail address of such principal or corporate officer; the name of the defendant in such action; the identification of such residential real property by street address and block and lot number, the date of the commencement of such action, the court in which such action was commenced, and such other information as the department may require by rule. The mortgagee must also notify HPD within fifteen days of the discontinuance of such action, the issuance of a judgment in such action, or the sale of the real property as a result of such action.

The department shall report on its website each three months the total number of foreclosure actions commenced during the immediately preceding three months and the total number of foreclosure actions pending. Any mortgagee who fails to notify HPD shall be liable for a civil penalty not to exceed one thousand dollars for each week that there is a failure to notify.

**EFFECTIVE DATE:** This local law shall take effect one hundred twenty days after its enactment, except that the Commissioner of Housing Preservation and Development shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2012**

**FISCAL IMPACT STATEMENT:**

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net Revenues	\$0	\$0	\$0

**IMPACT ON REVENUES:** While there is a provision for a civil penalty in this legislation the City is assuming full compliance with minimal impact to revenue.

**IMPACT ON EXPENDITURES:** HPD will incur no additional costs associated with this legislation.

**SOURCE OF INFORMATION:** Department of Housing Preservation and Development

**Estimate Prepared By:** Nathaniel Toth, Deputy Director

**HISTORY:** Introduced by City Council and referred to Housing and Buildings Committee as Int. No. 501 on March 3, 2011. Hearing held by Committee on April 14, 2011, and the bill was laid over. Subsequent to the hearing, the bill was amended on December 27, 2011, the committee voted on and approved the amended version as Proposed Int. 501-A on January 18, 2012. The full Council will vote on this legislation on February 1, 2012.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 501-A:)**

Int. No. 501-A

By Council Members Dilan, Cabrera, Comrie, James, Lander, Mendez, Palma, Vann, Mark-Viverito, Williams, Jackson, Levin, Dromm, Rodriguez, Gonzalez, Brewer, Crowley, Eugene, Gennaro, Chin, Wills, Mealy, Barron, Garodnick, Sanders and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to notification by a mortgagee commencing an action to recover residential real property.**

*Be it enacted by the Council as follows:*

Section 1. Title 27 of the administrative code of the city of New York is amended by adding a new section 27-2109.1 to read as follows:

§27-2109.1 *Notice by a mortgagee commencing an action to foreclose a mortgage on residential real property.* (a) 1. Any mortgagee that commences an action in a court of competent jurisdiction in the state of New York to foreclose a mortgage on residential real property within the city of New York shall provide notice to the department, in a form prescribed by the department, within fifteen days of service of the pleadings commencing such action. If such action was commenced before the effective date of the local law that added this section, and remains pending as of such effective date, notification shall be provided within thirty days of such effective date, provided, however, that no notice shall be required for actions commenced prior to February 13, 2010, regardless of whether such action remains pending as of such effective date. Such notice shall include, but need not be limited to, the following information: (i) the name of the mortgagee plaintiff commencing such action and the mailing address, telephone number and e-mail address of such mortgagee plaintiff, and, when applicable, the name of a principal or corporate officer of such mortgagee plaintiff, and the mailing address, telephone number and e-mail address of such principal or corporate officer; (ii) the name of the defendant in such action; (iii) the identification of such residential real property by street address and block and lot number, (iv) the date of the commencement of such action, (v) the court in which such action was commenced, and (vi) such other information as the department may require by rule. For the purposes of this section, "mortgagee" shall mean any person that commences an action to foreclose a mortgage on

residential real property including, but not limited to, a lender, assignee or mortgage loan service provider that commences such an action.

2. A mortgagee shall notify the department within fifteen days of the discontinuance of an action for which notice pursuant to paragraph one of this subdivision has been received by the department, the issuance of a judgment in such action, or the sale of the real property as a result of such action.

3. The department shall maintain on its website a list of all properties with twenty or more units, identified by block and lot number along with the name, mailing address and telephone number of the mortgagee plaintiff and the name of the defendant for which notice pursuant to paragraph one of this subdivision has been received. Such list shall be updated at a minimum on the first business day of each month. The department shall report on its website each three months: (i) the total number of foreclosure actions commenced during the immediately preceding three months for which notice pursuant to paragraph one of this subdivision has been received by the department, disaggregated by community district; and (ii) the total number of foreclosure actions pending, for which notice pursuant to paragraphs one and two of this subdivision has been received by the department, disaggregated by community district. The department shall provide the information provided to it pursuant to paragraphs one and two of this subdivision to one or more agencies for which the department determines that such information furthers such agency or agencies' duties, including but not limited to the enforcement of section 28-210.1 of this code or related provisions, and to any other city agency upon request by such agency.

b. Any mortgagee who fails to notify the department in accordance with subdivision a of this section shall be liable for a civil penalty enforceable by the department. Such civil penalty shall not exceed one thousand dollars for each week that there is a failure to notify. The failure to notify shall not be deemed to affect in any way any pending legal proceeding related to such residential real property.

c. The provisions of this section shall not apply to any foreclosure actions brought by a governmental entity.

§2. This local law shall take effect one hundred twenty days after its enactment, except that the commissioner of housing preservation and development shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, ERIC A. ULRICH, JAMES S. ODDO; Committee on Housing and Buildings, January 18, 2012.

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).

**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*

Name	Address	District #
Yolanda S. Wilson	2181 Wallace Avenue #2M Bronx, N.Y. 10462	13
Pandora Sanders	277 Malcolm X Blvd #3 Brooklyn, N.Y. 11233	41
Brandon Taylor	5115 Avenue L Brooklyn, N.Y. 11234	45
Marvario Ulmasova	1414 East 14 <sup>th</sup> Street #4D Brooklyn, N.Y. 11230	48

*Approved New Applicants and Reapplicants*

Lucy Eng	40 First Avenue #11C New York, N.Y. 10009	2
Mark K. Steinhauer	345 8 <sup>th</sup> Avenue #14J New York, N.Y. 10001	3
Bruce Brandwen	20 West 76 <sup>th</sup> Street #5A New York, N.Y. 10023	6

Robert Brizel	333 West 86 <sup>th</sup> Street #1206 New York, N.Y. 10024	6
Ana Payamps	618 West 142 <sup>nd</sup> Street #3E New York, N.Y. 10031	7
Kenneth Corprew	50 West 131 <sup>st</sup> Street New York, N.Y. 10037	9
Linda A. Angueira	120 Asch Loop #11F Bronx, N.Y. 10475	12
Lilia Dwyer	3309 Hunter Avenue Bronx, N.Y. 10475	12
Linda Brown	2050 Seward Avenue #3N Bronx, N.Y. 10473	14
Loretta Thomas	1477 Townsend Avenue #5R Bronx, N.Y. 10452	14
Lillian Robles-Lebron	2015 Marmion Avenue Bronx, N.Y. 10460	15
Wayne Cunningham	800 Concourse Village West #24L Bronx, N.Y. 10451	16
Luis M. Made	961 Elder Avenue Bronx, N.Y. 10473	17
Caterina Skalaski	18-35 Corporal Kennedy Street #2B Bayside, N.Y. 11360	19
Mai Xuan Huynh	142-05 Roosevelt Avenue #210 Flushing, N.Y. 11345	20
Antoinette Waite	143-50 Hoover Avenue #412 Jamaica, N.Y. 11435	24
Ameena M. Hanif	94-11 59 <sup>th</sup> Avenue #C23 Elmhurst, N.Y. 11373	25
Wilmen Joa	53-11 97 <sup>th</sup> Street Corona, N.Y. 11368	25
Myrna Ortiz	62-09 62 <sup>nd</sup> Avenue Queens, N.Y. 11379	30
Janice Jackson	125 Beach 17 <sup>th</sup> Street #23A Far Rockaway, N.Y. 11691	31
Maria J. Sepulveda	105-25 88 <sup>th</sup> Street #B2 Ozone Park, N.Y. 11417	32
Paulette Daniels	1194 Greene Avenue Brooklyn, N.Y. 11221	34
Ruth M. Fulcher Benjamin	475 Carlton Avenue #12F Brooklyn, N.Y. 11238	35
Ada N. Munoz	1350 Bedford Avenue #6F Brooklyn, N.Y. 11216	35
William Rodriguez	115 Ashland Place #16C Brooklyn, N.Y. 11201	35
Carolyn Sanders-James	1062 Lincoln Place Brooklyn, N.Y. 11213	35
Ina Freeman	373 Wyona Street Brooklyn, N.Y. 11207	37
Jesus M. Soriano	125 New Jersey Avenue Brooklyn, N.Y. 11207	37
Ajah S. Griffin	548 Decatur Street #3 Brooklyn, N.Y. 11233	41
Denise DeLagarde	1411 Linden Blvd #9F Brooklyn, N.Y. 11212	42
Trevor S. Williams	1326 Blake Avenue #2 Brooklyn, N.Y. 11208	42
Mary A. Carbone	675 86 <sup>th</sup> Street Brooklyn, N.Y. 11228	43
Dorothy A. Croce	1962 78 <sup>th</sup> Street Brooklyn, N.Y. 11214	43
Robert J. Romano	7201 185 <sup>th</sup> Avenue Brooklyn, N.Y. 11228	43
Jacqueline J. Jackson	1489 East 46 <sup>th</sup> Street Brooklyn, N.Y. 11234	45
Mary Carbonaro	2073 East 38 <sup>th</sup> Street Brooklyn, N.Y. 11234	46
Piotr Shklover	440 Neptune Avenue #17C Brooklyn, N.Y. 11224	47
Zhanna Yakob	194 Stonegate Drive	50

	Staten Island, N.Y. 10304	
Cindy Marie Benenati	598 Yetman Avenue	51
	Staten Island, N.Y. 10307	
Vincent DeGeorge	74 Sandalwood Drive	51
	Staten Island, N.Y. 10308	
Barbra S. Fischetti	24 Blue Heron Court	51
	Staten Island, N.Y. 10312	
Helen J. McHugh	111 Montreal Avenue	51
	Staten Island, N.Y. 10306	
Denise Perretti	25 Woodvale Loop	51
	Staten Island, N.Y. 10309	
Joan A. Santore	684 Rensselaer Avenue	51
	Staten Island, N.Y. 10312	
Jason Sherman	27 Ivy Court	51
	Staten Island, N.Y. 10309	
John Stringile	298 Maybury Avenue	51
	Staten Island, N.Y. 10308	

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

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

- (1) **Int 301-A --** Parking violations issued for the failure to display a muni-meter receipt.
- (2) **Int 501-A --** Notification by a mortgagee commencing an action to recover residential real property.
- (3) **Int 729-A --** In relation to the posting of material terms of contracts entered into by the city on a newly created public, online searchable database.
- (4) **Int 751-A --** In relation to a child fatality review advisory team.
- (5) **Int 753-A --** In relation to requiring such department to track and report deaths of homeless persons in the city of New York.
- (6) **Res 1209 --** Designation of funding in the Expense Budget (**Transparency Resolution**).
- (7) **L.U. 536 & Res 1210 --** App. **20125120 HKK (N 120069 HKK)**, Borough Hall Skyscraper Historic District (List No.447, LP-2449), Council District no. 33, as an historic landmark.
- (8) **L.U. 547 & Res 1211 --** App. **20125188 HKM (N 120101 HKM)**, 38 East 37th Street (Block 866, Lot 42) (List No.449, LP-2389), Council District no. 3, as an historic landmark .
- (9) **L.U. 548 & Res 1212 --** App. **20125189 HKK (N 120099 HKK)**, 40 Greene Avenue ( Block 1957, Lot 28) (List No.449, LP-2476), Council District no. 35, as an historic landmark.
- (10) **L.U. 549 & Res 1213 --** App. **20125190 HKX (N 120100 HKX)**, Grand Concourse Historic District (List No.449, LP-2403), Council District nos.16 and17, as an historic landmark.
- (11) **L.U. 550 & Res 1214 --** App. **20125191 HKR (N 120097 HKR)**, 29 Cottage Place (Block 1012, Lot 10) (List No.449, LP-2447), Council District no. 49, as an historic landmark.
- (12) **L.U. 551 & Res 1215 --** App. **20125192 HKM (N 120098 HKM)**, 445-465 West Street, 137-169 Bank Street, 51-77 Bethune Street and 734-754 Washington Street (Block 639, Lot 1) (List No.449, LP-2391), Council District no. 3, as an historic landmark.
- (13) **L.U. 556 & Res 1216 --** App. **20125304 HAX**, 1600 Sedgwick Avenue, Block 2880, Lot 29 in the Borough of the Bronx, Community Board 5, Council District no. 16.
- (14) **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** –Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **49**.

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

The following was the vote recorded for **LU No. 536 & Res No. 1210**:

**Affirmative** – Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **46**.

**Negative** –Barron – **1**.

**Abstention** – Fidler and Williams - **2**.

The following was the vote recorded for **LU No. 548 & Res No. 1212**:

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

**Abstention** – Fidler – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 301-A, 501-A, 729-A, 751-A, and 753-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. Res 871-A

**Report of the Committee on Community Development in favor of approving and adopting, as amended, a Resolution calling upon the New York State Legislature to codify subdivision (f) of section 202.12-a of the Uniform Rules for the New York State Trial Courts, addressing the accuracy of filings in residential mortgage foreclosure actions.**

The Committee on Community Development, to which the annexed amended resolution was referred on June 14, 2011 (Minutes, page 1989), respectfully

## REPORTS:

### I. INTRODUCTION

On January 31, 2012, the Committee on Community Development, chaired by Council Member Albert Vann, met and voted on proposed resolutions 871-A, 872-A, 988-A and 989-A. The resolutions were voted out of the Committee with the majority vote recorded as 5-0. The Committee previously held a hearing on these resolutions on Monday, January 30, 2012.

### II. BACKGROUND

Almost every person in America who purchases a home does so with a loan, or promissory note, that is evidenced by a mortgage containing a security interest in the home itself, as collateral for the loan.<sup>1</sup> If a homeowner fails to repay the mortgaged loan as agreed, the lender, usually a bank or another entity the lender has transferred the right of collection to, enforces the security interest provisions of the mortgage by having the home sold to satisfy the loan's outstanding balance. This enforcement process is known as foreclosure.<sup>2</sup>

During the past four years, millions of American homeowners in every region of the nation suffered the loss of homes to mortgage foreclosure.<sup>3</sup> From 2005 through 2009, the foreclosure and default rates for the country reached their highest level in three decades.<sup>4</sup> Currently, there are approximately two million residential mortgage foreclosure cases pending across the country and approximately two million additional cases, in pre-foreclosure circumstances, waiting to be foreclosed.<sup>5</sup> Based on the number of residential mortgage foreclosures, the geographic expanse of foreclosure activity and the impact of foreclosures across economic and demographic groups, many describe the current activity of foreclosure cases a crisis and further describe it as 'depression-like' in its severity.<sup>6</sup>

It is generally noted that the impact of the foreclosure crisis on New York City is less severe than other metropolitan areas of the nation. Notwithstanding, the foreclosure crisis has affected New York City generally, and has had a significant impact in particular communities in the City.<sup>7</sup> Since 2007, more than 53,000 foreclosure notices have been filed in the City.<sup>8</sup> City neighborhoods most affected by foreclosures are non-white neighborhoods where foreclosures are "due to factors such as subprime lending, unemployment, and declining home values. Neighborhoods in Southeast Queens, Central Brooklyn and the Bronx, with large numbers of African American and Latino residents, are hardest hit.<sup>9</sup> These neighborhoods, are "at risk neighborhoods", as defined by the United States Department of Housing and Urban Development.<sup>10</sup>

Although homeowners typically earn higher incomes and are more educated than non-homeowners,<sup>11</sup> it has become urgently clear to court officials and social and economic justice advocates that homeowners of all income levels, and particularly low-income homeowners, require significant assistance in defending and exercising legal rights when the complex processes of foreclosure procedures begin.<sup>12</sup> New York State is one of twenty-two states that require banks and lenders to exercise their contractual right to foreclosure under the laws and procedures of the civil court system.<sup>13</sup>

Often, homeowners defending against foreclosure suits are not only without attorney representation but, due to the complexity of laws and court rules, they are generally incapable of adequately representing their legal interest in the case. In contrast, the foreclosing party is almost always represented by an attorney. Legal and consumer advocates have demonstrated numerous instances where homeowners were frustrated or outright denied either the opportunity or ability to enforce their rights when defending against mortgage foreclosure law suits.

### III. ANALYSIS OF RESOLUTIONS

#### Proposed Res. No. 871-A

During the recent residential mortgage foreclosure crisis affecting the nation, some lawyers representing financial institutions and investors filed documents with the courts that contained legally significant statements of purported fact that were often inaccurate and potentially fraudulent. These documents frequently went unnoticed by homeowners without legal representation and by overburdened judges and court staff until it was too late for legal remedies to address the problem.

Recently, Chief Judge Jonathan Lippman, Chief Judge of the State of New York, has required that every attorney practicing law in New York State file an affidavit or affirmation affirming the "scope of inquiry" and the "accuracy of papers" when filing court documents in residential mortgage foreclosure cases.

As the Chief Judge of the State of New York, Chief Judge Lippman has the authority to require this rule with the advice and consent of the Administrative Board of the Courts. However, the rule may be reversed by a future Chief Judge.

Proposed Resolution 871-A calls upon the State Legislature to make this rule permanent by enacting legislation to codify it.

#### Proposed Res. No. 872-A

New York homeowners that are subject to foreclosure are often unable to afford legal representation, have little idea how to defend themselves in court,

and frequently face experienced, well-paid attorneys who represent the interests of financial institutions.

Proposed Resolution 872-A calls on the New York State Legislature and the Governor to support the continuation of Subprime Foreclosure Prevention Services Program in the 2012-2013 Executive Budget. The Subprime Foreclosure Prevention Services Program supports foreclosure prevention by providing direct service grants and foreclosure prevention training to local non-profit organizations across the State. The Subprime Foreclosure Prevention Services Program also provides funding to legal service providers for the representation of needy homeowners facing foreclosure.

In the December 2011 tax reform agreement, \$1 million in State funds were allocated to allow the Subprime Foreclosure Prevention Services Program to continue to operate until the end of the State's fiscal year.

The Governor's 2012-2013 Executive Budget released this week did not include funds for the program, and while the Governor has proposed the creation of a new Foreclosure Relief Unit, there are no funds allocated in the budget for legal services for homeowners.

#### Proposed Res. No. 988-A

In order to proceed with a foreclosure suit, a foreclosing party must own or represent the owner of the mortgage on the property against which they are filing. If a homeowner can demonstrate that there is insufficient evidence that the foreclosing party owns or represents the owner of the mortgage, they can file an Answer with the court asserting a defense to the suit based on the lack of standing of the foreclosing party.

Unfortunately, because individual mortgages are often pooled with hundreds of other mortgages and packaged as investments, it has become extraordinarily difficult for homeowners and attorneys to discover whether the foreclosing party owns or represents the owner of the mortgage on the property or not. These bundled mortgages can be transferred from one investor to another dozens of times, without reliable record keeping to document the owners of particular mortgages. Once a mortgage foreclosure case has been filed in court, a homeowner typically has between 20 and 40 days to determine if the plaintiff has standing. If they cannot do so within that time, they may lose their right to assert this defense.

Pooling and Servicing Agreements (PSAs) are contracts between a mortgage loan originator, a loan servicer, who collects payments and sends them to investors, and a legal trust, the entity having legal ownership of the pool of mortgages. These PSA contracts have specific rules that allow the owner of an individual mortgage on a property to be properly tracked.

Proposed Resolution 988-A calls on the Legislature and Governor to enact legislation that would require a foreclosing party to produce the pooling and service agreement when the law suit is initially filed.

#### Proposed Res. No. 989-A

The Mortgage Electronic Registration System (MERS) is an electronic registry system that was created by financial institutions to record mortgages. It was intended to streamline the mortgage process and track mortgage loans for the benefit of the financial institutions holding the loans. The MERS works by becoming the owner of record for the mortgages of its member financial institutions. When a member financial institution sells its ownership interest in a particular mortgage to another member, the transaction is recorded with MERS. No mortgage recording fees are required by the State because the owner of record does not change.

The MERS system makes it difficult to discover who actually owns the mortgage on a property being foreclosed. This information is important because a homeowner should have the ability to require proof of a claim before their property is foreclosed upon. Under the MERS system, the actual owner of the mortgage is often too difficult to locate within the time limits of a law suit.

A United States Bankruptcy Judge in the United States District Court for the Eastern District of New York issued an opinion in February 2011 questioning the rules and procedures MERS uses to transfer mortgages and handle foreclosures for the largest United States banks.

This resolution calls for the Legislature and Governor to enact legislation that would increase transparency of the MERS system, thereby protecting homeowners from foreclosure by parties without the legal right to enforce a mortgage.

#### IV. "PREVIOUS HEARINGS"

The Committee previously held a hearing on January 30, 2012 on these resolutions. At this hearing, the Committee received testimony in support of these resolutions from Legal Services NYC, Brennan Center for Justice at the New York University School of Law, Urban Justice Center, New York University's Furman Center for Real Estate and Urban Policy, The Legal Aid Society, the New York Legal Assistance Group, the New York Mortgage Coalition, the Center for New York City Neighborhoods and the Neighborhood Economic Development Advocacy Project.

On January 31, 2012, the Committee held a hearing to vote on proposed resolutions 871-A, 872-A, 988-A and 989-A. The resolutions were voted out of the Committee with the majority vote recorded as 5-0.

<sup>1</sup> See Black's Law Dictionary, mortgage.

<sup>2</sup> Id., foreclosure.

<sup>3</sup> New York Times, "Foreclosures", January 24, 2012 (updated).

<sup>4</sup> United States Government Accountability Office, "Troubled Asset Relief Program, Further Actions Needed to Fully and Equitably Implement Foreclosure Mitigation Programs", June 2010, page 4.

<sup>5</sup> New York Times, "Foreclosures", January 24, 2012 (updated).

<sup>6</sup> US REO Properties online blog, "Present Foreclosure Crisis Causes Seniors To Recall Memories of the Great Depression", <http://www.usreoproperties.com/blog/present> foreclosure crisis causes seniors to recall memories of the great depression, accessed January 26, 2012.

<sup>7</sup> New York State Comptroller, report 13-2011, "Foreclosures in New York City", March 2011

<sup>8</sup> Brazill, Caitlyn, Prepared testimony before the New York State Assembly,

Committees on Housing, Judiciary and Banks, "Mortgage Foreclosures in New York: An Evolving Crisis", November 7, 2011.

<sup>9</sup> See generally, NY Communities for Change, "Foreclosure Crisis: Disproportionate Impact on African-American and Latino Households and Neighborhoods", January 2011; Brazill, Caitlyn, Prepared testimony before the New York State Assembly; New York State Comptroller, report 13-2011, "Foreclosures in New York City", March 2011

Committees on Housing, Judiciary and Banks, "Mortgage Foreclosures in New York: An Evolving Crisis", November 7, 2011.

<sup>10</sup> Michael Jacobs, New York City Independent Budget Office before the New York City Council Committee on Community Development, October 28, 2010.

<sup>11</sup> The Park Place Economist, "The Determinants of Home Ownership", by Hood, Jaclyn K, vol. VII, 1998.

<sup>12</sup> See State of New York Unified Court System, 2011 Report of the Chief Administrator of the Courts, Pfau, Ann, Chief Administrative Judge; New York State Comptroller, Report 13-2011, "Foreclosures in New York City"; Brazill, Caitlyn, prepared testimony before the New York State Assembly, Committees on Housing, Judiciary and Banks.

<sup>13</sup> Mortgage Bankers Association, [www.mbaa.org/files/ResourceCenter/ForeclosureProcess/JudicialVersusNon-JudicialForeclosure.pdf](http://www.mbaa.org/files/ResourceCenter/ForeclosureProcess/JudicialVersusNon-JudicialForeclosure.pdf)

Accordingly, this Committee recommends the adoption of Res Nos. 871-A, 872-A, 988-A, and 989-A (for text of Res No. 871-A, please see immediately below; for text of the other resolutions please see, respectively, the Reports of the Committee on Community Development for Res Nos. 872-A, 988-A, and 989-A printed in this voice-vote Resolutions section of these Minutes)

#### (The following is the text of Res. No. 871-A:)

Res. No. 871-A

**Resolution calling upon the New York State Legislature to codify subdivision (f) of section 202.12-a of the Uniform Rules for the New York State Trial Courts, addressing the accuracy of filings in residential mortgage foreclosure actions.**

By Council Members Vann, Arroyo, Brewer, James, Rose, Seabrook, Williams, Wills, Comrie, Levin, Barron, Dromm, Chin, Palma, Jackson, Foster, Dickens, Reyna, Mealy, Mark-Viverito, Ferreras, Gentile, Sanders, Koppell, Eugene, Rodriguez, Gennaro and Halloran.

**Whereas**, During the past three years, millions of American homeowners have suffered the loss of their homes to mortgage foreclosure; and

**Whereas**, According to the United States Government Accountability Office, from 2005 through 2009, the foreclosure and default rates for the country reached their highest level in three decades; and

**Whereas**, While it has been broadly reported that New York City has not suffered the depth and severity of the mortgage foreclosure crisis to the extent that other areas of the county have and since 2005, foreclosure filings in the City have more than doubled; and

**Whereas**, A New York Times article from January 10, 2011, reported that some foreclosure filings have been based on incorrect information, and New York State Supreme Court judges have attempted to combat false filings by attorneys for the financial institutions seeking to foreclose on mortgages; and

**Whereas**, For example, the article mentioned how an upstate New York law firm was ordered to pay nearly \$20,000 in fines and penalties because an attorney for the firm filed numerous documents that contained "falsities;" and

**Whereas**, For example, with regards to the upstate New York firm, judges have called the due diligence of the firm "slipshod work," which has resulted in some cases in the dismissal of the foreclosure action; and

**Whereas**, In light of this problem the Chief Administrative Judge of the Courts of New York promulgated a new section of the Uniform Rules for the New York State Trial Courts which requires counsel to attest to the accuracy of court filings by filing an affidavit or affirmation; and

**Whereas**, Since the Chief Administrative Judge has promulgated a rule subject only to the advice and consent of the Administrative Board of the Courts and a future Chief Administrative judge who may seek to amend or repeal the rule, and because the validity of the rule is now subject to legal challenge before the appellate courts of

the State of New York, it would be beneficial for the New York State Legislature to codify the rule, now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to codify subdivision (f) of section 202.12-a of the Uniform Rules for the New York State Trial Courts, addressing the accuracy of filings in residential mortgage foreclosure actions.

ALBERT VANN Chairperson; HELEN D. FOSTER, G. OLIVER KOPPELL, JAMES SANDERS, JR., MELISSA MARK-VIVERITO; Committee on Community Development, January 31, 2012.

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. 872-A** to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote Res. No. 872-A

**Report of the Committee on Community Development in favor of approving and adopting, as amended, a Resolution calling upon the New York State Legislature and the Governor to support the continuation of New York's Foreclosure Prevention Services Program in the 2012-2013 Executive Budget.**

The Committee on Community Development, to which the annexed amended resolution was referred on June 14, 2011 (Minutes, page 1990), respectfully

#### REPORTS:

(For text of report, please see the Report of the Committee on Community Development for Res No. 871-A printed above in this voice-vote Resolution section of these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 872-A:)

Res. No. 872-A

**Resolution calling upon the New York State Legislature and the Governor to support the continuation of New York's Foreclosure Prevention Services Program in the 2012-2013 Executive Budget.**

By Council Members Vann, Comrie, Arroyo, Eugene, Gentile, Koppell, Lander, Mendez, Rose, Williams, Nelson, Wills, Levin, Barron, Dromm, Chin, Palma, Jackson, Foster, Dickens, Reyna, Mealy, Gonzalez, Mark-Viverito, Ferreras, Sanders, Rodriguez, Gennaro and Halloran.

**Whereas,** Over the past several years, the United States housing market has experienced a crisis due to historic foreclosure rates; and

**Whereas,** According to the Empire Justice Center, ten percent of mortgage loans in New York City are either delinquent by 90 days or more or in foreclosure; and

**Whereas,** According to the Federal Reserve Bank of New York (the Fed), in September of 2011, approximately seven percent of mortgage loans in Queens, approximately eight percent of mortgage loans in Brooklyn, approximately seven percent of mortgage loans in the Bronx, approximately five percent of loans in Staten Island and approximately one percent of the loans in Manhattan were in foreclosure; and

**Whereas,** According to the Fed, in September of 2011, approximately six percent of the mortgage loans in Queens, approximately five percent of the mortgage loans in Brooklyn, approximately six percent of the mortgage loans in the Bronx, approximately five percent of the mortgage loans in Staten Island and approximately one percent of the mortgage loans in Manhattan were sixty or more days delinquent on their mortgage payments and were in danger of being foreclosed; and

**Whereas,** A report entitled "Do Foreclosures Cause Crime?" by the Furman Center for Real Estate and Urban Policy at New York University found that violent crime increases about two percent on blocks where a home becomes foreclosed and by approximately six percent if a second home is foreclosed on the same block; and

**Whereas,** According to the report entitled "Neighborhood Effects of Concentrated Mortgage Foreclosures," a single foreclosure can reduce the price of nearby homes by one to two percent and three foreclosures can reduce the price of nearby homes by about three percent; and

**Whereas,** According to a report by the Task Force to Expand Access to Civil Legal Services, forty-four percent of New York homeowners are unrepresented in foreclosure cases throughout New York State; and

**Whereas,** According to the New York Times, there have been instances where certain financial institutions used improper methods in hastening foreclosures, negatively impacting the homeowners' chances of keeping their property; and

**Whereas,** Many families who encounter foreclosure cannot afford legal representation, resulting in homeowners having little idea how to defend themselves, and it is important that individuals who cannot afford legal representation in foreclosure proceedings receive assistance; and

**Whereas,** The Foreclosure Prevention Services Program provides a continuum of foreclosure prevention services such as outreach and education, counseling, legal representation and court-based services through direct service grants to not-for-profit providers and legal service providers; and

**Whereas,** A recent change to the Uniform Rules for the New York State Trial Courts which requires counsel to attest to the accuracy of paperwork by filing an affidavit or affirmation attesting to the accuracy of foreclosure documents they submit, coupled with the growing number of foreclosure filings, may have slowed the foreclosure resolution process and created a backlog in the court system, thereby creating a need for foreclosure mitigation services, which may be needed for several years to come, 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 support the continuation and increased funding of New York's Foreclosure Prevention Services Program in the 2012-2013 Executive Budget.

ALBERT VANN Chairperson; HELEN D. FOSTER, G. OLIVER KOPPELL, JAMES SANDERS, JR., MELISSA MARK-VIVERITO; Committee on Community Development, January 31, 2012.

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. 872-A** to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote Res. No. 988-A

**Report of the Committee on Community Development in favor of approving and adopting, as amended, a Resolution calling on the New York State Legislature and the Governor to enact legislation that would require the foreclosing party in a mortgage foreclosure action to produce the pooling and service agreement at the commencement of a mortgage foreclosure action.**

The Committee on Community Development, to which the annexed amended resolution was referred on August 17, 2011 (Minutes, page 3956), respectfully

#### REPORTS:

(For text of report, please see the Report of the Committee on Community Development for Res No. 871-A printed above in this voice-vote Resolution section of these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 988-A:)

Res. No. 988-A

**Resolution calling on the New York State Legislature and the Governor to enact legislation that would require the foreclosing party in a mortgage foreclosure action to produce the pooling and service agreement at the commencement of a mortgage foreclosure action.**

By Council Members Vann, Brewer, Fidler, James, Lander, Mendez, Williams, Mark-Viverito, Rose, Wills, Comrie, Levin, Barron, Dromm, Chin, Palma, Jackson, Foster, Dickens, Reyna, Mealy, Gonzalez, Ferreras, Gentile, Sanders, Koppell, Garodnick, Rodriguez, Gennaro and Halloran.

**Whereas,** According to the Center for Responsible Lending, after a dramatic rise in foreclosures from 2008, foreclosure activity is expected to increase again as lenders and servicers gradually process the backlog of thousands of foreclosures that have been delayed due to improperly processed paperwork; and

**Whereas,** Mortgages are often bundled and sold as mortgage backed securities involving the transfer of the mortgages between several parties, which allow mortgage lenders to disperse exposure to credit risk, and the proliferation of these securities have made it difficult for judges and lawyers to determine who actually owns the underlying properties in a typical securitized mortgage pool; and

**Whereas,** The Pooling and Servicing Agreement (PSA) is the primary contractual document between all parties involving the transfer of mortgages from the originator to the servicer and ultimately to a trust, which then becomes the legal owner of a pool of mortgages; and

**Whereas,** The Pooling and Servicing Agreement prescribes how the trust must oversee the disbursement of the cash flows, monitors compliance with appropriate covenants by other parties to the agreement, and details the specific loan documents contained in each loan file that will be delivered to the Trustee or Document Custodian on behalf of the trust, establishing who holds the original note and where it may be found; and

**Whereas,** In New York State, in order for a homeowner in a mortgage foreclosure action to assert that the party initiating the foreclosure does not have a legal right to do so, he or she must include that claim in a written answer in the foreclosure proceeding and many homeowners do not file a written answer or do not have enough information to make that assertion; and

**Whereas,** The homeowner's time to serve and file an answer is only approximately 20 to 40 days after they receive the initial foreclosure papers, depending on the method of service; and

**Whereas,** After the time to answer has expired, a defendant may not later assert the standing defense unless he or she receives permission from the court to allow the filing of a late or amended answer, which generally requires that the defendant show 1) a reasonable excuse for the delay and 2) a meritorious defense to the foreclosure; and

**Whereas,** These motions are not easily made by pro se defendants, so the absence of legal representation for homeowners means that very few such motions are being made despite the difficulties in determining who owns the underlying property in a securitized mortgage pool; and

**Whereas,** The process of reversing a wrongful foreclosure is difficult once an auction has taken place and is almost impossible once the property is purchased by a third party; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the New York State Legislature and the Governor to enact legislation that would require the foreclosing party in a mortgage foreclosure action to produce the pooling and service agreement at the commencement of a mortgage foreclosure action.

ALBERT VANN Chairperson; HELEN D. FOSTER, G. OLIVER KOPPELL, JAMES SANDERS, JR., MELISSA MARK-VIVERITO; Committee on Community Development, January 31, 2012.

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. 988-A** to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote Res. No. 989-A

**Report of the Committee on Community Development in favor of approving and adopting, as amended, a Resolution calling on the New York State Legislature and the Governor to enact legislation that would prohibit lenders from concealing mortgage assignments through the use of the Mortgage Electronic Registration System, Inc., known as MERS.**

The Committee on Community Development, to which the annexed amended resolution was referred on August 17, 2011 (Minutes, page 3957), respectfully

#### REPORTS:

(For text of report, please see the Report of the Committee on Community Development for Res No. 871-A printed above in this voice-vote Resolution section of these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 989-A:)

Res. No. 989-A

**Resolution calling on the New York State Legislature and the Governor to enact legislation that would prohibit lenders from concealing mortgage assignments through the use of the Mortgage Electronic Registration System, Inc., known as MERS.**

By Council Member Vann, Brewer, James, Lander, Mendez, Williams, Rose, Wills, Garodnick, Comrie, Levin, Barron, Dromm, Palma, Jackson, Foster, Dickens,

Reyna, Mark-Viverito, Ferreras, Gentile, Sanders, Koppell, Rodriguez, Gennaro and Halloran.

**Whereas,** In the mid-1990s, Fannie Mae, Freddie Mac and several large banks in the United States created the Mortgage Electronic Registration System, Inc. (MERS), an electronic-lien registry system built by the housing finance industry, to streamline the mortgage process; and

**Whereas,** Each mortgage that is entered into the MERS system has a unique mortgage identification number (MIN) used to track a mortgage loan throughout its life, from its origination through securitization; and

**Whereas,** Critics claim the decision to create MERS was made mostly to avoid paying recording fees charged by government agencies, which required that all mortgage transfers and assignments be properly recorded and indexed in publicly available registries of deeds; and

**Whereas,** MERS works by registering as the owner of record in the public filings for all mortgages originated or acquired by its members and tracking the owner of the beneficial and legal interest in those mortgages with its own mortgage identification number; and

**Whereas,** MERS has become as a privately run, national registry of deeds under which they act as the depository of all mortgages entered into the system and the mortgage notes and loans themselves are freely bought and sold on a secondary market; and

**Whereas,** According to Legal Services NYC, ownership of mortgages have been obscured by lenders through the frequent use of the MERS to avoid the need to re-record mortgages each time a loan is assigned; and

**Whereas,** United States Bankruptcy Judge Robert E. Grossman, serving in the Eastern District of New York, issued an opinion in February 2011 calling into question the rules and procedures that MERS uses to transfer mortgages and handle foreclosures on behalf of the largest United States banks; and

**Whereas,** Judge Grossman concluded that "MERS and its partners made the decision to create and operate under a business model that was designed in large part to avoid the requirements of the traditional mortgage recording process" thus rejecting any argument that because "MERS may be involved with fifty (50) percent of all residential mortgages in the county ... it should receive favorable treatment from the judiciary and turn a blind eye to the fact that this process does not comply with the law"; and now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the New York State Legislature and the Governor to enact legislation that would prohibit lenders from concealing mortgage assignments through the use of the Mortgage Electronic Registration System, Inc., known as MERS.

ALBERT VANN Chairperson; HELEN D. FOSTER, G. OLIVER KOPPELL, JAMES SANDERS, JR., MELISSA MARK-VIVERITO; Committee on Community Development, January 31, 2012.

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. 989-A** to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote Res. No. 1188

**Report of the Committee on Civil Rights in favor of approving and adopting, a Resolution calling upon the United States Department of Defense to closely examine its policies around cultural diversity and sensitivity and to impose more effective and comprehensive training regiments for military personnel in cultural awareness, diversity and sensitivity to prevent the discrimination and harassment of all military personnel, including servicemen and women within its ranks.**

The Committee on Civil Rights, to which the annexed amended resolution was referred on January 4, 2012 (Minutes, page 111), respectfully

#### REPORTS:

##### I. Introduction

On Friday, January 27, 2012, the Committee on Civil Rights, chaired by Council Member Julissa Ferreras, and the Committee on Veterans, chaired by Council Member Mathieu Eugene, will hear Resolution Number 1188 ("Res. No. 1188"), which calls upon the United States Department of Defense to closely examine its policies around cultural diversity and sensitivity and to impose more effective and comprehensive training regiments for military personnel in cultural awareness, diversity and sensitivity to prevent the discrimination and harassment of all military personnel, including servicemen and women within its ranks. Those invited to attend include the Commission on Human Rights, the Mayor's Office of Veterans Affairs, the United States Department of Defense, veterans associations, civil rights organizations, and other interested parties.

##### II. Background

The military prides itself in its racial and ethnic diversity. The population of service men and women, when grouped as a whole, mirrors the racial demographics of the nation,<sup>1</sup> with whites representing nearly 69 percent of those enlisted in the military and people of color representing more than 25 percent of those enlisted in the military in 2010.<sup>2</sup> This diversity does not extend to military leadership where, in most cases, people of color are underrepresented.<sup>3</sup> Further, this representation does not translate to the gender breakdown within the military, with women representing only 16.6 percent of those in active duty in 2010.<sup>4</sup> In an effort to encourage diversity, and to enforce the mantra that service men and women treat others with “dignity and respect,” each branch of the military has established extensive cultural competency, anti-discrimination and anti-harassment protocols. Despite military policies prohibiting discrimination and harassment, in 2010, nearly two percent of military suicides and nearly five percent of military suicide attempts were the result, at least in part, of hazing, a form of harassment, in the unit or in the military workplace.<sup>5</sup>

### III. Policies on Harassment and Discrimination within the Military

#### *U.S. Army*

The Army’s anti-harassment policy defines “hazing” as “any conduct whereby one military member or employee, regardless of Service or rank, unnecessarily causes another military member or employee, regardless of Service or rank, to suffer or be exposed to an activity that is cruel, abusive, oppressive, or harmful.”<sup>6</sup> Commanders at all levels are required to enforce the anti-harassment policy.<sup>7</sup> Members of the Army that disregard the anti-harassment policy could receive an official charge with violations of the Code of Military Justice, and civilian employees who violate this policy may be subject to adverse action or discipline in accordance with applicable laws and regulations.<sup>8</sup> Although the Army’s anti-harassment policy does not provide for specific training, the Army’s regulations establish “Human Relations Readiness Training” (“HRRT”).<sup>9</sup> The Army’s position is that “[t]raining commanders and Soldiers to treat one another with dignity and respect achieves better morale, greater commitment, increased trust and cohesion and better performance.”<sup>10</sup> Accordingly, the key HRRT training elements include insuring that trainees know and understand the Army’s human relations policy, identifying high risk populations, having commanders assess their unit’s human relations readiness, and incorporating “Dignity and Respect for All” as the fundamental human relations value.<sup>11</sup> In addition, the Army has a distinct sexual harassment policy establishing that sexual harassment is unacceptable and will not be tolerated.<sup>12</sup> The sexual harassment policy requires training twice a year and provides for a complaint procedure.<sup>13</sup>

The Army’s anti-discrimination policy explicitly prohibits discrimination on the basis of race, color, gender, national origin, or religion and includes the use of terms, whether expressed as verbal statements, printed material, visual material, signs, symbols, posters, or insignia, used to degrade or connote negative statements pertaining to race, color, gender, national origin, or religion.<sup>14</sup> High ranking military officers are responsible for the oversight and assessment of the policy and its implementation, including complaint and training procedures.<sup>15</sup> At a minimum local training units must incorporate training on the anti-discrimination policy into the unit’s overall training and must be conducted quarterly. Additionally, anti-discrimination training must include information and instructions on the objectives of the policy, what behaviors are and are not appropriate, acceptable behaviors leading to unit cohesion and teamwork, the impact of individual and institutional discrimination on mission accomplishment, and the legal and administrative consequences of participating in acts of unlawful discrimination and sexual harassment.<sup>16</sup>

#### *U.S. Navy*

The Department of the Navy also has both anti-harassment and anti-discrimination policies. These policies are either contained in the United States Navy Regulations, or in Instructions issued by the Secretary of the Navy. The Navy is comprised of both the United States Navy and the United States Marines Corp, and the anti-harassment and anti-discrimination policies are binding on both branches, unless specified. Navy regulations prohibit discrimination on the basis of race, color, religion, creed, sex or national origin.<sup>17</sup> It is the responsibility of every service member to make sure that unlawful discrimination does not occur on any level. The Navy’s hazing policy went into effect on July 15, 2005. It defines hazing and outlines specific prohibited behaviors and reporting requirements. Under this policy, “hazing” is defined as any conduct whereby a military member causes another military member to suffer or be exposed to any activity that is cruel, abusive, humiliating, oppressive, demeaning, or harmful.<sup>18</sup> Under this policy, people cannot condone or ignore hazing, or agree to acts of hazing done upon them, and each member has the responsibility to make the appropriate authorities aware of hazing. Retaliation against victims or witnesses of hazing is also prohibited. The policy further details prohibited conduct as well as reporting requirements.<sup>19</sup> There is also a specific sexual harassment policy that went into effect on January 3, 2006.<sup>20</sup> Under this policy, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. The sexual harassment policy outlines certain behaviors that may constitute sexual harassment in addition to required training. Navy personnel are required to go through annual sexual harassment training sessions, designed to identify, prevent, resolve, and eliminate sexual harassment.<sup>21</sup>

#### *U.S. Air Force*

The Air Force recognizes that harassment, including sexual harassment, and discrimination are damaging and harmful workforce behaviors.<sup>22</sup> The Air Force policy prohibits discrimination based on race, color, national origin, religion, or sex that is not otherwise authorized by statute or policy. According to the Air Force, unlawful discrimination degrades human beings, negatively impacts the mission, and violates Air Force policy.<sup>23</sup> Consequently, the Air Force has set as policy a “zero tolerance” for discrimination, sexual harassment, and sexual assault.<sup>24</sup> The Air Force considers sexual harassment as a form of sexual discrimination that involves unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.<sup>25</sup> The Air Force has established a “Military Equal Opportunity” (“MEO”) Program, the purpose of which is to eliminate unlawful discrimination and sexual harassment against military members, family members, and retirees based on race, color, sex, national origin, or religion.<sup>26</sup> The MEO office assists commanders at all levels by conducting equal opportunity programs and teaching human relations education (HRE) classes at every Air Force installation.<sup>27</sup>

#### IV. Recent Events

Unfortunately, there have been several notable suicides in the military which resulted from relentless hazing:

- On October 3, 2011, Private Danny Chen, an Asian-American man from New York City, was found dead in his military base in Afghanistan from an apparent self-inflicted wound.<sup>28</sup> In correspondence with his family, Private Chen disclosed that he was frequently the target of mockery on the basis of his Chinese ancestry.<sup>29</sup> While stationed in Afghanistan, Private Chen was referred to as “gook,” “chink,” and “dragon lady” and ordered to shout orders to fellow soldiers in Chinese.<sup>30</sup> In addition to the verbal taunts, he was also the victim of physical abuse: on one occasion, Private Chen was dragged across the floor, pelted with rocks and forced to perform pull-ups with a mouth full of water without spitting it out.<sup>31</sup> On December 21, 2011, the military announced that it was charging eight soldiers in connection with Private Chen’s death with charges that included involuntary manslaughter, negligent homicide and assault consummated by battery.<sup>32</sup>
- On April 3, 2011, Lance Corporal Harry Lew, an Asian-American Marine from California, fatally shot himself after being hazed by three fellow Marines while serving in Afghanistan.<sup>33</sup> According to a military investigation report, Lance Corporal Lew had fallen asleep while manning a guard post and was punished for four hours by two fellow lance corporals, who kicked him, punched him, and forced him to engage in strenuous exercises while in body armor.<sup>34</sup> During this hazing, Lance Corporal Lew was also subject to ethnic slurs.<sup>35</sup> The soldiers were later charged with “wrongfully humiliating and demeaning” Lance Corporal Lew by a military court.<sup>36</sup>
- On May, 1, 2011, Marine Private Hamson McPherson, an African American native of Staten Island stationed in Japan, set himself on fire after enduring racially-tinged hazing and succumbed to his injuries less than three weeks later.<sup>37</sup> According to his family, Private McPherson was the target of racist taunts and repeatedly referred to as a “cotton-picking nigger” by his peers.<sup>38</sup> The Marine Corps has not yet completed its investigation into the circumstances surrounding Private McPherson’s death.<sup>39</sup>
- On August 4, 2009, Private Kieffer Wilhelm committed suicide by a self-inflicted gunshot on a military base in southern Iraq.<sup>40</sup> Private Wilhelm, who was overweight, was allegedly subject to verbal abuse because of his size as well as physical hazing,<sup>41</sup> which included being forced run through the dessert while weighed down with rocks until his legs were bloody.<sup>42</sup> Of the four soldiers that were accused of mistreating Private Wilhelm, two were convicted of cruelty and maltreatment, one of obstruction of justice, and one had the charges dropped in exchange for testifying against his peers.<sup>43</sup>

Following the tragic death of Private Danny Chen, several senior officials from the Department of Defense spoke out to clarify the military’s stance against hazing and abuse. Leon Panetta, Secretary of Defense, stated that he would not, “tolerate any instances where one service member inflicts any form of physical or psychological abuse that degrades, insults, dehumanizes or injures another service member,” and ordered military commanders to review policies and prevent any hazing incidents in the future.<sup>44</sup> Martin Dempsey, chairman of the Joint Chiefs of Staff, also issued a statement reaffirming the military’s policy against hazing and bullying.<sup>45</sup>

#### V. Res. No. 1188

Resolution Number 1188 calls on the United States Department of Defense to examine its policies around cultural diversity and sensitivity. Despite the existence of anti-discrimination and anti-hazing policies, discrimination and harassment occur within the military. The recent and tragic circumstances surrounding the death of New York City Army Private Danny Chen highlights the need for greater initial scrutiny and periodic evaluations of those men and women who seek to serve and those who are already serving in the military. Resolution Number

1188 calls for the Department of Defense to conduct regular and ongoing anti-discrimination and anti-harassment training to heighten cultural awareness, cultural sensitivity, and cultural diversity. The hope is that such enhanced training will prevent future tragedies that result from discrimination and harassment within the military.

<sup>1</sup> Military Leadership Diversity Commission, *From Representation to Inclusion: Diversity Leadership for the 21<sup>st</sup>-Century Military*, 41(2011).

<sup>2</sup> Office of the Under Secretary of Defense, Personnel and Readiness, *Population Representation in Military Services, Active Component Enlisted Members FY2010, by Service, Gender, and Race/Ethnicity with Civilian Comparison Group*, [http://prhome.defense.gov/MPP/ACCESSION%20POLICY/PopRep2010/appendixb/b\\_17.html](http://prhome.defense.gov/MPP/ACCESSION%20POLICY/PopRep2010/appendixb/b_17.html) (last visited Jan. 26, 2012).

<sup>3</sup> *Supra*, note 1, at 40.

<sup>4</sup> Office of the Under Secretary of Defense, Personnel and Readiness, *Population Representation in Military Services, Table D-5. Female Non-Prior Service (NPS) Active Component Enlisted Accessions by Service with Civilian Comparison Group, FYs 1970-2010*, [http://prhome.defense.gov/MPP/ACCESSION%20POLICY/PopRep2010/appendixd/d\\_05.html](http://prhome.defense.gov/MPP/ACCESSION%20POLICY/PopRep2010/appendixd/d_05.html) (last visited Jan. 26, 2012).

<sup>5</sup> National Center for Telehealth and Technology, *Department of Defense Suicide Event Report: Calendar Year 2010 Annual Report*, 29, 46 (Sept. 20, 2011), [http://t2health.org/sites/default/files/dodser/DoDSER\\_2010\\_Annual\\_Report.pdf](http://t2health.org/sites/default/files/dodser/DoDSER_2010_Annual_Report.pdf) (last visited Jan. 26, 2012).

<sup>6</sup> Army Regulation (“AR”) 600-20, 4-20 (a), available at [http://www.apd.army.mil/AdminPubs/series\\_range\\_regs.asp?search=600](http://www.apd.army.mil/AdminPubs/series_range_regs.asp?search=600) (last visited Jan. 26, 2012).

<sup>7</sup> AR 600-20, 4-20 (c).

<sup>8</sup> AR §600-20, 4-20 (d).

<sup>9</sup> AR §600-20, 5-13.

<sup>10</sup> AR §600-20, 5-13.

<sup>11</sup> AR §600-20, 5-13 (a) and (b).

<sup>12</sup> AR §600-20, Chapter 7.

<sup>13</sup> AR §600-20, 7-8 and 7-9.

<sup>14</sup> AR §600-20, 6-2 (c).

<sup>15</sup> AR §600-20, 6-3.

<sup>16</sup> AR §600-20, 6-15.

<sup>17</sup> Department of the Navy, Office of the Secretary, SECNAVINST §5350.16A(7), <http://doni.daps.dla.mil/Directives/05000%20General%20Management%20Security%20and%20Safety%20Services/05-300%20Manpower%20Personnel%20Support/5350.16A.pdf> (last visited Jan. 26, 2012).

<sup>18</sup> Department of the Navy, Office of the Secretary, SECNAVINST §1610.2A(6)(a), <http://doni.daps.dla.mil/Directives/01000%20Military%20Personnel%20Support/01-600%20Performance%20and%20Discipline%20Programs/1610.2A.pdf> (last visited Jan. 26, 2012).

<sup>19</sup> *Id.* at §1610.2A(7).

<sup>20</sup> NAVREGS §1166, <http://doni.daps.dla.mil/US%20Navy%20Regulations/Chapter%2011%20-%20General%20Regulations.pdf> (last visited Jan. 26, 2012).

<sup>21</sup> Department of the Navy, Office of the Secretary, SECNAV INSTRUCTION §5300.26D, <http://doni.daps.dla.mil/Directives/05000%20General%20Management%20Security%20and%20Safety%20Services/05-300%20Manpower%20Personnel%20Support/5300.26D.pdf> (last visited Jan. 26, 2012).

<sup>22</sup> Department of the Air Force, *Air Force Follow-on Review – Protecting the Force: Lessons from Fort Hood*, x-xi, <http://www.af.mil/shared/media/document/AFD-100930-060.pdf> (last visited Jan. 26, 2012); Air Force Instruction (“AFI”) §26-2618, 3.1.4.3 (Feb. 27, 2009), <http://www.af.mil/shared/media/epubs/AFI36-2618.pdf> (last visited Jan. 26, 2012).

<sup>23</sup> See, Secretary of the Air Force, Memorandum for All Air Force Personnel, Discrimination and Sexual Harassment, [http://www.uscg.mil/hq/cg00/cg00h/History\\_files/afpam36-2705.pdf](http://www.uscg.mil/hq/cg00/cg00h/History_files/afpam36-2705.pdf) (last visited Jan. 26, 2012).

<sup>24</sup> AFI §36-2618, 3.1.5.3, <http://www.af.mil/shared/media/epubs/AFI36-2618.pdf> (last visited Jan. 26, 2012).

<sup>25</sup> *Id.*

<sup>26</sup> AFI §36-2706, <http://www.e-publishing.af.mil/shared/media/epubs/AFI36-2706.pdf> (last visited Jan. 26, 2012).

<sup>27</sup> *Id.*

<sup>28</sup> Bennet, C., “BRASS WARNS HAZERS NYer death jolts DoD,” *N.Y. Post*, December 24, 2011, at 19.

<sup>29</sup> Semple, K., “Soldier’s Death Raises Suspicions in Chinatown,” *N.Y. Times*, October, 31, 2011, at 1.

<sup>30</sup> Chen, D., “Private Chen’s Family Learns More About Hazing by Fellow G.I.’s,” *N.Y. Times*, January 5, 2012.

<sup>31</sup> Semple, K., “Army Charges 8 in Wake of Death of a Fellow G.I.,” *N.Y. Times*, December 21, 2011.

<sup>32</sup> Semple, K., “Army Charges 8 in Wake of Death of a Fellow G.I.,” *N.Y. Times*, December 21, 2011.

<sup>33</sup> Lamothe, D., “Marine suicide tied to hazing in Afghanistan,” *Marine Corps Times*, August 23, 2011.

<sup>34</sup> Lamothe, D., “Marine suicide tied to hazing in Afghanistan,” *Marine Corps Times*, August 23, 2011.

<sup>35</sup> Bennet, C., “BRASS WARNS HAZERS NYer death jolts DoD,” *N.Y. Post*, December 24, 2011, at 19.

<sup>36</sup> Mandell, N., “Three Marines charged with hazing after Lance Cpl. Commits suicide in Afghanistan,” *N.Y. Daily News*, September 9, 2011.

<sup>37</sup> “Staten Island dad questions account of his Marine’s grisly suicide,” *Staten Island Advance*, December 28, 2011.

<sup>38</sup> Siemaszo, C., “S.I. dad says marine was victim of hate, just like Chen,” *N.Y. Daily News*, December 24, 2011.

<sup>39</sup> “Father of Staten Island Marine Private Says Corps Lied About Circumstances Surrounding Son’s Death,” *CBS New York*, available at <http://newyork.cbslocal.com/2011/12/27/father-of->

[staten-island-marine-private-says-corps-lied-about-circumstances-surrounding-sons-death/](http://newyork.cbslocal.com/2011/12/27/father-of-staten-island-marine-private-says-corps-lied-about-circumstances-surrounding-sons-death/) (last visited Jan. 18, 2012).

<sup>40</sup> Madhani, A., “Court-martial weighed in discipline cases; 2 soldiers in Iraq get hearing on abuse allegations,” *USA Today*, October 12, 2009, at 9A

<sup>41</sup> Madhani, A., “Court-martial weighed in discipline cases; 2 soldiers in Iraq get hearing on abuse allegations,” *USA Today*, October 12, 2009, at 9A

<sup>42</sup> Smith, R. L., “Hazing trial verdict upsets tormented family,” *Plain Dealer*, April 13, 2010, at A1.

<sup>43</sup> Smith, R. L., “Hazing trial verdict upsets tormented family,” *Plain Dealer*, April 13, 2010, at A1.

<sup>44</sup> Parrish, K., “Panetta ‘Will Not Tolerate’ Bullying, Hazing,” *American Forces Press Service*, December 27, 2011.

<sup>45</sup> Parrish, K., “Panetta ‘Will Not Tolerate’ Bullying, Hazing,” *American Forces Press Service*, December 27, 2011.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1188:)

Res. No. 1188

**Resolution calling upon the United States Department of Defense to closely examine its policies around cultural diversity and sensitivity and to impose more effective and comprehensive training regiments for military personnel in cultural awareness, diversity and sensitivity to prevent the discrimination and harassment of all military personnel, including servicemen and women within its ranks.**

By Council Members Chin, the Speaker (Council Member Quinn), Eugene, Rose, Weprin, Wills, Vann, Dromm, Arroyo, Barron, Brewer, Comrie, Dickens, Garodnick, Gonzalez, Jackson, James, Koppell, Koslowitz, Lander, Mealy, Mendez, Nelson, Palma, Recchia, Sanders, Seabrook, Williams, Lappin, Rodriguez, Rivera, Levin, Vacca, Reyna, Ferreras, Crowley, Fidler, Van Brammer, Mark-Viverito, Gentile, Cabrera, Greenfield, Koo, Foster, Dilan, Gennaro, Ignizio and the Public Advocate (Mr. de Blasio).

**Whereas**, The United States Army encompasses 1.5 million personnel across the active, reserve, civilian and contractor sectors; and

**Whereas**, One of its central sources of strength is the diversity of its workforce; and

**Whereas**, While the Army was at the forefront of racial integration in the 1950s and today is reputed to be one of the most diverse organizations in the United States, further progress needs to be made to prevent discrimination and harassment within its ranks; and

**Whereas**, While race is often the sole focus when the subject of diversity is addressed, diversity includes a wide spectrum of an individual’s primary features, including race, ethnicity, gender, age, religion, disability, and sexual orientation, and the term also encompasses secondary features, including communication style, work style, socio-economic status, and geographic origin; and

**Whereas**, According to Army regulations, military personnel are encouraged to treat others with dignity and respect; and

**Whereas**, Hazing is defined in Army regulations as any conduct whereby one military member or employee, regardless of service or rank, unnecessarily causes another military member or employee, regardless of service or rank, to suffer or be exposed to an activity that is cruel, abusive, oppressive, or harmful, and any such hazing is prohibited; and

**Whereas**, Families of American servicemen and women have an expectation that their loved ones will be adequately protected from any and all forms of discrimination and harassment, including, but not limited to, hazing while serving in the military both domestically and when outside of the confines of the territory of the United States; and

**Whereas**, The military must do more to protect the lives of its enlisted servicemen and women who trust that their selfless acts, commitment and sacrifices to serve and protect the ideas and principles of democracy domestically and abroad, during times of peace and times of war will be regarded with respect and fair treatment; and

**Whereas**, The recent and tragic circumstances surrounding the death of New York City Army Private Danny Chen highlights the need for greater initial scrutiny and periodic evaluations of those men and women who seek to serve and those who are already serving in the armed forces, to aid in the identification of those individuals who are more prone to behave in a reprehensible manner; and

**Whereas**, Regular and ongoing anti-discrimination and anti-harassment training, specifically geared towards enhancing and heightening cultural awareness, cultural sensitivity and cultural diversity is needed in all branches of the military; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Department of Defense to closely examine its policies around cultural diversity and sensitivity and to impose more effective and comprehensive training regiments for military personnel in cultural awareness, diversity and sensitivity to prevent the discrimination and harassment of all military personnel, including servicemen and women within its ranks.

LARRY B. SEABROOK, Acting Chairperson; JULISSA FERRERAS, MARGARET S. CHIN, JAMES G. VAN BRAMER; Committee on Civil Rights, January 27, 2012.

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. 1188** to be adopted.

Adopted unanimously by the Council by voice-vote.

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

Report for voice-vote Res. No. 1206

**Report of the Committee on Environmental Protection in favor of approving and adopting, a Resolution authorizing the Council to file an amicus brief at each stage of the litigation captioned *State of New York v. United States Army Corps of Engineers, et al.*, Index No. CV-11-2599, currently pending in the Eastern District of New York, in support of the State Attorney General's position that the court should enjoin the Delaware River Basin Commission from issuing regulations governing natural gas development until the Commission prepares a draft environmental impact statement.**

The Committee on Environmental Protection, to which the annexed amended resolution was referred on February 1, 2012, respectfully

**REPORTS:**

**INTRODUCTION:**

On January 31, 2012, the Committee on Environmental Protection, chaired by Council Member James Gennaro, will hold a hearing on a Preconsidered Resolution authorizing the Council to file an amicus brief at each stage of the litigation captioned *State of New York v. United States Army Corps of Engineers, et al.*, Index No. CV-11- 2599, currently pending in the Eastern District of New York, in support of the State Attorney General's position that the court should enjoin the Delaware River Basin Commission from issuing regulations governing natural gas development until the Commission prepares a draft environmental impact statement.

**BACKGROUND:**

This resolution authorizes the Council to file amicus briefs at any stage of a lawsuit challenging proposed regulations issued by the Delaware River Basin Commission ("DRBC"). The DRBC is a regional entity that oversees management of the water resources of the Delaware River Basin ("Basin"), and is comprised of five commissioners representing New York, New Jersey, Pennsylvania, Delaware, and the federal government. The DRBC's proposed regulations would authorize natural gas drilling in the Basin, which is expected to be performed via high-volume hydraulic fracturing, or "hydrofracking".

On May 31, 2011, the New York State Office of the Attorney General ("OAG") filed a complaint in the Eastern District of New York alleging, among other things, that DRBC violated the provisions of the National Environmental Policy Act of 1969 ("NEPA") by issuing proposed regulations without undertaking environmental review or preparing a draft environmental impact statement ("EIS") for public review and comment. Under NEPA, a draft EIS must include a detailed statement of the environmental impacts of a proposed action, adverse environmental effects that cannot be avoided, alternatives to the proposed action, including the "no action" alternative, and mitigation measures.

The amicus brief(s) will argue that environmental review of the impact of the proposed regulations is important due to the high likelihood that hydraulic fracturing in the Basin will lead to an increase in City air pollution. Specifically, the briefs will cite evidence demonstrating the connection between hydraulic fracturing and air pollution, the harmful effects of such pollutants on human health, and the evidence that such pollutants can travel hundreds of miles. The brief will then argue that because the City already suffers from pollutants being blown downwind from Pennsylvania, there is a high probability of hydrofracking-related pollutants affecting City residents. Given the potential risks to the public's health, safety, and quality of life that may result if the proposed regulations are enacted without any environmental review, the brief will argue that there is a compelling public interest weighing in favor of undertaking such a review.

**PRECONSIDERED RESOLUTION:**

This Preconsidered Resolution authorizes the Council to file an amicus brief

at each stage of the litigation captioned *State of New York v. United States Army Corps of Engineers, et al.*, Index No. CV-11-2599, currently pending in the Eastern District of New York, in support of the State Attorney General's position that the court should enjoin the Delaware River Basin Commission from issuing regulations governing natural gas development until the Commission prepares a draft environmental impact statement.

Accordingly, this Committee recommends its adoption,.

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

JAMES F. GENNARO, Chairperson; G. OLIVERKOPPELL, ELIZABETH S. CROWLEY, BRADFORD S. LANDER, STEPHEN T. LEVIN; Committee on Environmental Protection, January 31, 2012.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore(Council Member Rivera) declared the Resolution to be adopted.

The following Council Members formally abstained to vote on this item: Council Members Halloran, Ignizio, Oddo and Ulrich.

Adopted by the Council by voice-vote.

**INTRODUCTION AND READING OF BILLS**

Int. No. 761

By Council Members Arroyo, Barron, Cabrera, Comrie, Crowley, Dickens, Dilan, Fidler, Foster, Gentile, Greenfield, Halloran, James, Koo, Koppell, Koslowitz, Lander, Levin, Mendez, Oddo, Rodriguez, Rose, Vacca, Van Bramer, Vann, Wills, Gonzalez and Williams.

**A Local Law in relation to the naming of 33 thoroughfares and public places, Dra. Evelina Antonetty Way, Borough of the Bronx, Lenny Kobren Circle, Borough of Brooklyn, Ozzie Brown Triangle, Borough of the Bronx, Dr. Michael Lancelot Marcano Way, Borough of the Bronx, Detective Kevin Czartoryski Place, Borough of Queens, Cheyenne Baez Way, Borough of Manhattan, Rev. John B. Elliott Way, Borough of Brooklyn, Jim Buckley Way, Borough of Brooklyn, Meg Charlop Way, Borough of the Bronx, The Chords-Hit Record "Sh-Boom" 1954, Borough of the Bronx, Frank Griffin Way, Borough of Brooklyn, Joe 'The Great' Rollino Corner, Borough of Brooklyn, Raoul Wallenberg Way, Borough of Brooklyn, Lt. Peter J. Farrenkopf Place, Borough of Queens, Reginald Nero's Way, Borough of Brooklyn, First United Methodist Church Way, Borough of Queens, Police Officer Eric Hernandez Memorial Corner, Borough of the Bronx, Thomas X. Winberry Way, Borough of Queens, Julian Brennan Way, Borough of Brooklyn, John Davenport Way, Borough of Brooklyn, Alain Schaberger Way, Borough of Brooklyn, Sgt. Nicholas Aleman Way, Borough of Brooklyn, Miriam Friedlander Way, Borough of Manhattan, Officer Glenn Pettit Corner, Borough of Manhattan, Jonathan M. Acierno Way, Borough of Staten Island, Manolo Tavaréz Justo Way, Borough of Manhattan, Joseph Mandarino Way, Borough of Staten Island, Det. Raymond "Pally" Taylor Way, Borough of Staten Island, Peggy Braverman Way, Borough of the Bronx, Bishop Moses Taylor Way, Borough of Queens, Charles C. Pinn Triangle, Borough of Brooklyn, Shirley N. Moore Street, Borough of Queens, Correction Officer Gregory Gerard Goff II, Borough of Queens and the repeal of sections 27 and 52 of local law number 47 for the year 2011 and section 22 of local law number 3 for the year 2011.**

*Be it enacted by the Council as follows:*

Section 1. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dra. Evelina Antonetty Way	None	At the southwest corner of East 156 <sup>th</sup> Street and Prospect Avenue

§2. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lenny Kobren Circle	East 94 <sup>th</sup> Street	Between Linden

		Boulevard and Church Avenue
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§3. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Ozzie Brown Triangle	None	At the intersection of Sedgwick Avenue and Fordham Road

§4. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dr. Michael Lancelot Marcano Way	None	At the intersection of 188 <sup>th</sup> Street and Fordham Road

§5. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Detective Kevin Czartoryski Place	59 <sup>th</sup> Road	Between 60 <sup>th</sup> Street and 60 <sup>th</sup> Lane

§6. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Cheyenne Baez Way	West side of Lexington Avenue	Between 127 <sup>th</sup> Street and 128 <sup>th</sup> Street

§7. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rev. John B. Elliott Way	Schaefer Street	Between Broadway and Bushwick Avenue

§8. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Jim Buckley Way	Avenue S	Between Nostrand Avenue and East 29 <sup>th</sup> Street

§9. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Meg Charlop Way	Fulton Avenue	Between East 166 <sup>th</sup> Street and East 167 <sup>th</sup> Street

§10. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
The Chords-Hit Record "Sh-Boom" 1954	Jennings Street	Between Prospect Avenue and Union Avenue

§11. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Frank Griffin Way	None	At the intersection of 88 <sup>th</sup> Street and Third Avenue

§12. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Joe 'The Great' Rollino Corner	None	At the intersection of Bay Ridge Parkway and 14 <sup>th</sup> Avenue

§13. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Raoul Wallenberg Way	13 <sup>th</sup> Avenue	Between 36 <sup>th</sup> Street and 60 <sup>th</sup> Street

§14. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lt. Peter J. Farrenkopf Place	207 <sup>th</sup> Street	Between 23 <sup>rd</sup> Avenue and 26 <sup>th</sup> Avenue

§15. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Reginald Nero's Way	McKeever Place	Between Montgomery Street and Empire Boulevard

§16. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
First United Methodist Church Way	None	At the northwest corner of 149 <sup>th</sup> Street and Roosevelt Avenue

§17. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Police Officer Eric Hernandez Memorial Corner	None	At the southwest corner of East Mosholu Parkway North and Webster Avenue

§18. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Thomas X. Winberry Way	None	At the intersection of Metropolitan Avenue and Ascan Avenue

§19. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Julian Brennan Way	Prospect Park West	Between 14 <sup>th</sup> Street and the circle on the southwest corner of Prospect Park

§20. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
John Davenport Way	17 <sup>th</sup> Street	Between 10 <sup>th</sup> Avenue and Prospect Park

§21. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Alain Schaberger Way	Gold Street	Between Tillary Street and Tech Place

§22. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Sgt. Nicholas Aleman Way	Manhattan Avenue	Between Java Street and Green Street

§23. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Miriam Friedlander Way	East 6 <sup>th</sup> Street	Between 1 <sup>st</sup> Avenue and 2 <sup>nd</sup> Avenue

§24. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Officer Glenn Pettit Corner	None	At the northwest corner of East 21 <sup>st</sup> Street and 2 <sup>nd</sup> Avenue

§25. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Jonathan M. Acierno Way	None	At the intersection of Overlook Terrace and Windemere Road

§26. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Manolo Tavarez Justo Way	West 181 <sup>st</sup> Street	Between Amsterdam Avenue and Broadway

§27. The following intersection, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Joseph Mandarin Way	None	On the southeast corner of Ausable Avenue and Conyningham Avenue

§28. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Det. Raymond "Pally" Taylor Way	None	At the northwest corner of Forest Avenue and Pelton Avenue

§29. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Peggy Braverman Way	None	At the intersection of Matthews Avenue and Astor Avenue

§30. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Bishop Moses Taylor Way	None	Between 40 <sup>th</sup> Avenue and 12 <sup>th</sup> Street

§31. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Charles C. Pinn Triangle	None	The Lewis Avenue Triangle at Fulton Street and the Green Street

		space located at Fulton Street and Lewis Avenue
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§32. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Shirley N. Moore Street	150 <sup>th</sup> Street	Between Rockaway Boulevard and North Conduit Avenue

§33. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Correction Officer Gregory Gerard Goff II	148 <sup>th</sup> Street	Between Sutter Avenue and 130 <sup>th</sup> Avenue

§34. Sections 27 and 52 of local law number 47 for the year

2011 are hereby REPEALED.

§35. Section 22 of local law number 3 for the year 2011 is hereby

REPEALED.

§36. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 762

By Council Members Barron, James, Levin, Vann, Williams, Wills and Foster.

**A Local Law to amend the administrative code of the city of New York, in relation to permissible standing near schools and child day care centers.**

*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 19-175.4 to read as follows:

§19-175.4 *Permissible standing near schools and day care centers.* (a) For purposes of this section, "child day care center" shall be defined as set forth in subdivision d of section 17-502 of this code.

(b) Notwithstanding any provisions of this code or the rules of the city of New York, it shall be permissible for an individual to stand a motor vehicle with its engine off for up to five minutes against the curb immediately adjacent to any school or child day care center where such person operating the motor vehicle or a passenger in such motor vehicle is waiting for a person to enter or exit such school or child day care center. This section shall not apply where movement of such vehicle is required by an on duty emergency service vehicle, nor shall this section apply to locations within fifteen feet of a fire hydrant.

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

Referred to the Committee on Transportation.

Res. No. 1203

**Resolution calling upon the New York State Legislature to prohibit police officers and other public officials from handcuffing special needs and emotionally distraught students who are twelve years old or younger in New York City schools.**

By Council Members Barron, James, Levin, Mark-Viverito, Mendez, Vann, Williams, Wills and Foster.

**Whereas,** In the past twenty years, there have been over a thousand incidents of special needs students, as young as five years old, who suffer from autism and/or other mental disabilities, asthma and/or other physical impairments, or emotional instability that have been handcuffed by police officers and school officials in schools in the United States; and

**Whereas,** In the past five years, there have been numerous incidents of handcuffing by police officers and school officials in New York City of special needs

students, as young as seven years old, who suffer from autism and/or other mental disabilities, asthma and/or other physical impairments, or emotional instability which have been reported and/or publicized; and

**Whereas**, In some of the aforementioned handcuffing incidents, both in New York City and in the United States, these young students were physically restrained and/or isolated for many hours; and

**Whereas**, Sadly, during some of these handcuffing occurrences the youth were physically harmed and/or injured; and

**Whereas**, Tragically, at least one of these handcuffing incidents led to the death of a student; and

**Whereas**, In a significant portion of the incidents, the students were emotionally traumatized and/or otherwise negatively affected; and

**Whereas**, In light of such risks of harm, it is incumbent upon police officers, school safety agents and other officials to exercise utmost restraint and care when dealing with young students; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to prohibit police officers and other public officials from handcuffing special needs and emotionally distraught students who are twelve years old or younger in New York City schools.

Referred to the Committee on Public Safety.

Int. No. 763

By Council Members Brewer, James, Koo, Levin, Mendez, Williams and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a pilot program for issuing warning notifications for first-time offenders of certain litter laws.**

*Be it enacted by the Council as follows:*

Section 1. Section 16-118 of the administrative code of the city of New York is amended by adding new subdivision 12 to read as follows:

12. *No later than ninety days after effective date of this subdivision, the department shall implement a pilot program, for a period of six months within a community district to be selected by the department, in which it shall issue warning notifications with respect to one- and two-family dwellings for a first violation of subdivision two of this section, as such subdivision relates to cleaning of sidewalks, flagging, curbstones and roadway areas by owners, lessees, tenants, occupants or persons in charge of any such premises instead of issuing a notice of violation or summons. The department shall report to the mayor and the council, no later than nine months after its inception, the results of such program, which report shall include but not be limited to, the number of warning notifications issued, the number of violations issued to a dwelling after a warning notification was issued for such dwelling, the cleanliness ratings for the community district selected for the pilot period and for the same six-month period during the previous year, loss of revenue as a result of issuing warnings rather than notices of violation or summonses, if any, and any other information the department deems appropriate to the evaluation of such pilot program.*

§2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 764

By Council Members Brewer, Cabrera, Dromm, Ferreras, James, Lander, Levin, Mark-Viverito, Mendez, Recchia, Sanders, Van Bramer and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing for political contributions via text message.**

*Be it enacted by the Council as follows:*

Section 1. Section 3-702 of the administrative code of the city of New York is amended by adding a new subdivision 22 to read as follows:

22. *The term "text message contribution" shall mean a contribution to a political committee made in connection with the nomination for election, or election of a candidate, made via a text message sent over a mobile network, and paid by the sender to his or her wireless service provider via such provider's normal billing procedure.*

§2. Subdivision eight of section 3-702 of the administrative code of the city of New York, as amended by local law number 60 of 2004, is amended to read as follows:

8. The term "contribution" shall mean: (a) any gift, subscription, advance, or deposit of money, *including via text message contribution*, or any thing of value,

made in connection with the nomination for election, or election, of any candidate; (b) any funds received by a political committee from another political committee to the extent such funds do not constitute a transfer; (c) any payment, by any person other than a candidate or a political committee authorized by the candidate, made in connection with the nomination for election, or election, of any candidate, including but not limited to compensation for the personal services of any individual which are rendered in connection with a candidate's election or nomination without charge; provided however, that none of the foregoing shall be deemed a contribution if it is made, taken or performed by a person or a political committee independent of the candidate or his or her agents or political committees authorized by such candidate pursuant to section 14-112 of the New York state election law. For purposes of this subdivision, the term "independent of the candidate or his or her agents or political committees authorized by such candidate pursuant to section 14-112 of the New York state election law" shall mean that the candidate or his or her agents or political committees so authorized by such candidate did not authorize, request, suggest, foster or cooperate in any such activity; and provided further, that the term "contribution" shall not include:

(i) the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee,

(ii) the use of real or personal property and the cost of invitations, food and beverages voluntarily provided by an individual to a candidate or political committee on the individual's residential premises for candidate-related activities to the extent such services do not exceed five hundred dollars in value, and

(iii) the travel expenses of any individual who on his or her own behalf volunteers his or her personal services to any candidate or political committee to the extent such expenses are unreimbursed and do not exceed five hundred dollars in value.

A loan made to a participating candidate or his or her principal committee, or a non-participating candidate or his or her authorized committees other than in the regular course of the lender's business shall be deemed, to the extent not repaid by the date of the first covered election in which such candidate is governed by this chapter following the date of the loan, a contribution by the lender. A loan made to a participating candidate or his or her principal committee, or a non-participating candidate or his or her authorized committees in the regular course of the lender's business shall be deemed, to the extent not repaid by the date of the first covered election in which the candidate is governed by this chapter following the date of the loan, a contribution by the obligor on the loan and by any other person endorsing, cosigning, guaranteeing, collateralizing or otherwise providing security for the loan.

§3. Section 3-703 of the administrative code of the city of New York is amended by adding a new subdivision 1-c to read as follows:

1-c. *Notwithstanding any inconsistent provision of this section, candidates and their committees may accept text message contributions not to exceed one-hundred dollars per contributor; provided, however, that the contributor of such contribution shall certify via text message that he or she will personally pay the amount specified to the wireless service provider in personal, unreimbursed funds; that he or she is not a foreign national; and any such other certifications as the board shall require. A text message contribution shall be attributed to the individual who is the registered user of the mobile device from which the contribution originated; shall be a matchable contribution, provided it meets the requirements of subdivision three of section 3-702; and shall be reported in accordance with the requirements of subdivision six of this section.*

§4. This local law shall take effect ninety days following the date of enactment; provided, however, that the board shall promulgate rules in accordance with the provisions of this local law and such other rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Governmental Operations.

Int. No. 765

By Council Members Cabrera, Ferreras, Gonzalez, James and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to providing for-hire vehicles with an initial thirty day inspection grace period.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-503 of the administrative code of the city of New York is amended by adding a new section 19-503.2 to read as follows:

§ 19-503.2 *Initial inspection of for-hire vehicles. Notwithstanding any law, rule or provision to the contrary, for-hire vehicles shall be permitted to operate for up to thirty days prior to an initial inspection by the commission required by this code or the rules of the commission, provided that passengers in said vehicles are informed that the vehicle has not yet been inspected by the commission, in accordance with a procedure to be established by the commission, and the vehicle adheres to all other laws and rules applicable to for-hire vehicles.*

§2. This local law shall take effect ninety 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 Transportation.

Res. No. 1204

**Resolution in support of A.6062/S.3809, which would amend the Penal Law by increasing the penalties for assaulting a New York City sanitation worker.**

By Council Members Crowley, Wills, Williams, Dromm, Ferreras, Fidler, Gentile, Gonzalez, James, Koo, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mendez, Recchia, Rose, Sanders, Van Bramer, Foster and Halloran.

**Whereas**, New York City sanitation workers perform crucial services for the city, ensuring its cleanliness and enhancing the quality of life of all New Yorkers; and

**Whereas**, While performing their assigned duties, sanitation workers can be subject to assaults, verbal and physical abuse; and

**Whereas**, The dangers of these jobs have been demonstrated in recent incidents; and

**Whereas**, In September of 2008, a motorist assaulted Juan Ramos, a 74 year-old sanitation worker, with a shovel because Mr. Ramos's sanitation truck obstructed his path down the street; and

**Whereas**, Mr. Ramos, who was a 22 year veteran of the sanitation department at the time, suffered many broken ribs due to this attack; and

**Whereas**, In light of this incident and others like it, there must be tools in place to punish those who harm New York City sanitation workers in the line of duty; and

**Whereas**, Under current law, the penalty for assaulting an on-duty New York City sanitation workers does not carry the same penalties as crimes of assault against police officers, peace officers, firefighters and emergency medical services professionals; and

**Whereas**, In order to prevent assaults against New York City sanitation workers, Senator Martin Golden and Assemblymember Joseph Lentol have introduced S.3809 and A.6062, respectively, which would amend the Penal Law in relation to assaults on a New York City sanitation worker; and

**Whereas**, S.3809/A.6062 would amend two subdivisions within the crime of assault in the second degree, a class D felony, by enabling New York City sanitation workers performing an assigned duty to receive the same protections presently afforded to peace officers and police officers, among others, in the course of assaults which: (1) are caused by releasing or failing to control an animal in order to obstruct the lawful activity of such worker with the intent to prevent a New York City sanitation worker from performing a lawful duty; and (2) lead to physical injury as a result of someone trying to prevent a sanitation worker from performing his or her duties; and

**Whereas**, It should be recognized that New York City sanitation workers confront substantial risks as they serve the people of the City, and that they are entitled to the same protections as peace officers and police officers; now, therefore, be it

**Resolved**, That the Council of the City of New York supports A.6062/S.3809, which would amend the Penal Law by increasing the penalties for assaulting a New York City sanitation worker.

Referred to the Committee on Public Safety.

Int. No. 766

By Council Members Dickens, Dromm, Ferreras, Garodnick, Gonzalez, Jackson, Koo, Koslowitz, Mendez and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to license requirements for newsstands.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 7 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-229.1 to read as follows:

§ 20-229.1 *Notice. Within five business days of approving a newsstand license, the commissioner shall notify the affected community board and council member within whose respective district a newsstand shall be located.*

§2. Subdivision a of section 20-231 of the administrative code of the city of New York is amended to read as follows:

a. 1. No newsstand shall be within three feet of private property without the consent of the owner of that property.

2. No newsstand applying for a new license on or after March 1, 2012 shall be within twenty-five feet of any existing newsstand.

§3. This local law shall take effect immediately upon its enactment.

Referred to the Committee on Consumer Affairs.

Int. No. 767

By Council Members Dilan, Chin, Gonzalez, Jackson, Lander, Levin, Mark-Viverito, Mendez, Vann, Williams and Koppell.

**A Local Law to amend the administrative code of the city of New York, in relation to services to persons temporarily displaced by vacate orders.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph a of subdivision one of section 26-301 of the administrative code of the city of New York is amended to read as follows:

(v) for tenants of any privately owned building where the displacement of such tenants results from the enforcement of any law, regulation, order or requirement pertaining to the maintenance or operation of such building or the health, safety and welfare of its occupants.

*For those tenants relocated in accordance with subparagraphs (i), (ii), (iii) and (iv), [Such] such services shall consist of such activities as he or she may deem necessary, useful or appropriate for the relocation of such tenants, including but not limited to the gathering and furnishing of information as to suitable vacant accommodations, the making of studies and surveys for the purpose of locating such accommodations and the provision of facilities for the registration of such accommodations with the department by owners, lessors and managing agents of real property and others. For tenants relocated in accordance with subparagraph (v) the department must provide relocation services according to section 26-306.*

§2. Chapter two of Title 26 of the administrative code of the city of New York is amended by adding a new section 26-306 to read as follows:

26-306. *Services to tenants temporarily displaced by vacate orders.*

1. *Definitions. The following terms used in this section shall have the meanings stated below.*

(a) *“Agency or department” shall mean the Division of Relocation Operations, of the Department of Housing Preservation and Development (HPD).*

(b) *“Prepared for occupancy” shall mean that premises are prepared for occupancy when freed of all hazardous violations classified as hazardous by the Office of Rent and Housing Maintenance pursuant to Article 2 of Subchapter 5 of Chapter 2 of Title 27 of the Housing Maintenance Code, supplied with all appropriate fixtures and appliances, painted, and reasonably cleansed and available for occupancy.*

(c) *“Relocatee” shall mean an individual or a head of household and his or her family, deprived of a permanent residence rented by him or her in the City of New York as a direct result of the enforcement of a Vacate Order imposed in accordance with section 26-301(a)(v) of the administrative code and not ineligible for relocation services or benefits under any provision of these regulations or of law.*

(d) *“Family” shall include those persons who permanently resided with a head of household at the time the Vacate Order was issued.*

(e) *“Relocation Manager” shall mean an employee of the Department assigned to coordinate and direct the furnishing of relocation services to a particular relocatee.*

(f) *“Site occupancy record” shall mean a written file concerning each relocatee, maintained by the Relocation manager, recording all pertinent agency actions concerning the relocatee.*

(g) *“Standard apartment” shall mean an apartment satisfying the following criteria:*

(i) *There may not be more than three hazardous violations associated with the apartment as classified by the Office of Rent and Housing Maintenance pursuant to Article 2 of Subchapter 5 of Chapter 2 of Title 27 of the Housing Maintenance Code.*

(ii) *Floor area of rooms must be adequate for all resident family members as defined in the Administrative Code.*

(iii) *Absence of vermin infestation, mice, or other pests or a letter from a licensed exterminator certifying that the building is under contract to be serviced monthly.*

(iv) *Apartment must be self-contained; it may not have any rooms or facilities which can be reached only by going through a public area.*

(v) *The building must have central heat and hot water.*

(vi) *There must be a private kitchen or kitchenette within the apartment for the exclusive use of the tenant.*

(vii) *There must be private and fully enclosed toilet and bathing facilities within the apartment for the exclusive use of the tenant.*

(viii) *Each room must have a window or adequate light and ventilation.*

(h) *“Suitable accommodation” shall mean accommodations adequate in size to meet the needs of relocatee and his/her family as defined by section 27-2075 of the Administrative Code.*

(i) *“Uninhabitable” shall mean substantial structural or other damage due to fire, smoke or water that cannot be or is not remedied within a reasonable time.*

(j) *“Vacate order” shall mean any order of a governmental agency requiring occupants of a structure to depart therefrom pursuant to the following:*

(i) *Health Department vacate orders issued pursuant to section 17-159 Administrative Code (relating to orders for housing defects likely to cause disease) or other provision of law;*

(ii) *Buildings Department vacate orders issued pursuant to section 26-101 et seq. of the Administrative Code or other provision of law.*

(iii) *Fire Department vacate orders issued pursuant to section 15-227 of the Administrative Code or other provision of law.*

(iv) *Code enforcement vacate order issued by the Division of Code Enforcement of HPD.*

2. *Department duties upon issuance of vacate order. (a) Upon receiving notice of a vacate order, the department shall offer temporary shelter to a relocatee. The department may order a relocatee to move from one temporary shelter to another if in the judgment of the department such movement would facilitate the work of the department or reduce the costs to the department associated with the temporary shelter.*

(b) *after offering such temporary shelter to a relocatee, the department shall:*

(i) *provide the relocatee with a copy of this section in English and Spanish and notify him or her of the name, office address and telephone number of the Relocation Manager assigned to the relocatee;*

(ii) *submit an application to the New York City Housing Authority on behalf of the relocatee within seven days of the relocatee's entry into temporary shelter; and*

(iii) *refer relocatee to at least three Standard Apartments in the borough of relocatee's choice, if available. Copies of this section in English and Spanish shall be posted in the offices of relocation managers.*

3. *Refusal to relocate; termination of benefits. Relocatee's temporary shelter benefits shall be terminated after notice and hearing as provided in subdivisions (6)-(9) of this section, upon his or her unjustified refusal of three standard apartments or, if the relocatee is to be relocated to a rooming unit, three rooming units which are suitable accommodations, to which the relocatee has been referred by the department, unless any of the following is true:*

(a) *the relocatee has been offered and has agreed to rent an accommodation from New York City Housing Authority, and such accommodation is not yet prepared for occupancy;*

(b) *an accommodation previously accepted by the relocatee and not withdrawn by the department is not prepared for occupancy;*

(c) *the department has failed to process a public housing application expeditiously; or*

(d) *physical incapacity or illness of the relocatee or member of his or her household prevents the relocatee from complying with his or her obligations under subdivision 6 hereof.*

4. *Adjournment of termination hearing. A termination hearing pursuant to subdivisions (6) through (9) of this section based on relocatee's unjustified refusal as provided in subdivision (3) above, shall be adjourned for seven days if:*

(a) *the relocatee has an application for public housing pending with the New York City Housing Authority; and the Authority, through no fault or delay of the relocatee, has not certified, rejected, or given notice of deferral of certification regarding such application; or;*

(b) *other good cause is shown.*

5. *Other grounds of termination. Relocatee's temporary shelter benefits may be terminated immediately, after notice and hearing pursuant to subdivisions (6) through (9) of this section upon occurrence of any of the following:*

(a) *the relocatee refuses, without good cause, to accept an offer to rent suitable accommodations made by the New York City Housing Authority;*

(b) *the relocatee refuses, without good cause, to move into accommodations which the relocatee has agreed to rent from the New York City Housing Authority and which are prepared for occupancy;*

(c) *the relocatee refuses, without good cause, to move into accommodations which were offered through the efforts of the department which the relocatee has agreed to accept, and which have been prepared for occupancy;*

(d) *The relocatee has refused without good cause, a request by the department or by the New York City Housing Authority to provide pertinent information relevant to the agency's relocation efforts or the relocatee's eligibility for benefits and services;*

(e) *the relocatee has failed without good cause, to comply with the obligation to actively seek out suitable accommodations; or*

(f) *the relocatee or any member of his or her household dwelling in temporary shelter has engaged in conduct which threatens the health, safety or property of other residents, guests or visitors in the facility; city personnel, agents or employees; or of the proprietor of the facility, his or her agents or employees.*

(g) *the relocatee has made material misstatements or concealed material facts from the department concerning his or her initial or continued eligibility for relocation services.*

(h) *the relocatee has available to him or her suitable and habitable permanent accommodations at the time of notice of the intention to terminate.*

(i) *the relocatee has failed to respond to a notice for appointment with employees of the department, as required under subdivisions (6) through (9) of this section.*

(j) *the relocatee is ineligible for relocation benefits or services:*

(i) *because the relocatee did not in fact dwell in the vacated premises;*

(ii) *because the vacated premises were not uninhabitable, unless the prior accommodations are no longer available to the relocatee through no fault of his or her own; or*

(iii) *because the relocatee is otherwise ineligible.*

6. *Hearing procedures; notice of hearing. Prior to the termination of temporary shelter benefits paid on behalf of any relocatee, the department shall give such relocatee notice of the intended termination and an opportunity to be heard, according to the procedures stated in this subdivision and the following subdivisions.*

(a) *notice of intention to terminate benefits shall be delivered to relocatee in the manner provided in subdivision (12) of this section for the giving of notice and within the time stated in paragraph (b) below. This notice shall be given in Spanish and English and shall advise relocatee:*

(i) *of the date upon which the department intends to terminate temporary shelter benefits and of the factual and legal basis upon which the department intends to terminate temporary shelter benefits;*

(ii) *of the time, date and place which the department will make available for a hearing if requested.*

(iii) *that if the relocatee desires a hearing, he or she must make a written request therefor which must be received by the department at least three days before the date which the department has indicated it will make available for a hearing; except, in the case of a termination under paragraph (b) below, relocatee's request for a hearing must be received by the department at least one day before the date which the department has indicated it will make available for a hearing.*

(iv) *that for good cause the relocatee may request a change in the time, date and/or place which the department has indicated it will make available for a hearing;*

(v) *that a timely request for a hearing and appearance at the hearing will stay any intended termination until at least seven days after a hearing officer's decision;*

(vi) *that, if the relocatee requests a hearing, he or she has the right to be represented by an attorney or other representative, to provide a translator, to testify, to produce witnesses to testify, to offer documentary evidence, to cross-examine opposing witnesses, and to examine the site occupancy record prior to or at the hearing.*

(b) *notice of the hearing shall be served no fewer than seven days prior to the scheduled date of the hearing except that notice of the hearing shall be served no fewer than three days prior to the scheduled date of the hearing when termination is intended by reason of:*

(i) threatening conduct of the relocatee or member of his or her family as described in paragraph (f) of subdivision (5) above;

(ii) the fact that relocatee did not dwell in the vacated premises, as provided in subparagraph (i) of subdivision (5) above; or

(iii) the fact that the vacate premises were not uninhabitable, as provided in subparagraph (ii) of subdivision (5) above.

(c) relocatee or his or her attorney or representative shall be entitled upon request to examine his or her site occupancy records at a reasonable time before the hearing.

#### 7. Hearing procedures; conduct of hearing.

(a) the hearing shall be conducted by an impartial hearing officer appointed by the department in accordance with the Manual for Administrative Law Judges and Hearing Officers published by the state department of civil service. The hearing officer shall have the power to administer oaths and shall have no prior personal knowledge of the facts concerning the proposed termination of the relocatee.

(b) the hearing shall be informal, all relevant and material evidence shall be admissible and the legal rules of evidence shall not apply. The site occupancy record shall be part of the evidence at any hearing whether or not the relocation manager is or can be present. The hearing shall be confined to the factual and legal issues raised in the notice of intention to terminate benefits.

(c) the relocatee shall have a right to be represented by counsel or other representative, to testify, to produce witnesses to testify, to offer documentary evidence, to cross-examine opposing witnesses and to examine the site occupancy record.

(d) for good cause, the hearing may be adjourned by the hearing officer on his or her own motion or at the request of a relocatee or the department.

(e) the hearing officer shall make a written summary of the proceedings including a statement of the relocatee's oral and written position and shall annex any documentary evidence offered at the hearing in support thereof. The relocatee shall be shown this summary and given the opportunity to object. In the case of a Spanish-speaking relocatee the summary shall be read to the relocatee in Spanish. In the event the objection is not **Resolved** at the hearing, that objection shall be made part of the summary. The relocatee shall promptly be provided with a copy of the completed summary. The hearing officer may, in his discretion, combine this summary with his findings of fact.

(f) the department will provide adequate translation services for Spanish-speaking relocatees.

#### 8. Hearing procedures: decision.

(a) the hearing officer shall render a decision which shall include written findings of fact and shall state the legal basis for any decision to terminate and shall set the termination date in the event that termination is ordered. The decision shall be final absent a timely appeal as described in subdivision (10) below.

(b) a copy of the decision shall be delivered to the relocatee no fewer than seven days prior to the termination date set by the hearing officer, except in the case of termination under paragraph (b) of subdivision (6) of this section delivery shall be at least 24 hours before termination. Delivery shall be effected in the manner for giving notice provided in subdivision (12) of this section.

(c) in setting a termination date the hearing officer shall take into consideration all the surrounding circumstances, including in appropriate cases:

(i) the grounds for the termination;

(ii) the number of offerings of standard apartments to relocatee;

(iii) the relocatee's cooperation with the department;

(iv) the status of any public housing application;

(v) any delay in the processing of such application that may be due to the department or the relocatee; and

(vi) the hardship which will result to the relocatee or his or her family.

(d) notwithstanding any other provision of this section, the hearing officer may not stay termination for a period greater than 14 days after the date of his or her decision, unless the relocatee establishes that the termination would result in exceptional hardship to the relocatee or his/her household.

9. Hearing procedures; default. Failure to appear at the scheduled termination hearing shall result in termination of temporary shelter benefits unless upon written application to the Department, the relocatee establishes either that: (a) the relocatee was not properly served with a notice of intention to terminate an opportunity for a hearing; or

(b) the default was excusable and that relocatee has a meritorious defense to the intended termination.

Termination shall be stayed if such written application is made prior to the scheduled date of termination. If termination has occurred, the relocatee may make written application to the department within four days of termination for temporary accommodations which shall be granted if the relocatee set forth facts establishing either of the grounds set forth above. The department shall issue and serve the relocatee a notice of intention to terminate and opportunity for a hearing, in accordance with the provisions of subdivision (6) above, except that the hearing shall be scheduled on the third business day after service of such notice and that the relocatee need not make a separate request for such hearing.

10. Appeal. An appeal from a decision of a hearing officer may be made in writing to the Assistant Commissioner of Division of Relocation Services or his designee provided it is received by the department no later than five business days after the delivery of the hearing officer's decision. The record before the Assistant Commissioner shall consist of the summary of proceedings, the site occupancy record, the hearing officer's decision and any affidavits or documentary evidence or written arguments which the appellant may wish to submit. Termination shall be stayed pending a determination of the appeal. A copy of the decision on appeal will be delivered in the manner for giving notice provided in subdivision (12) of this section. In no event shall termination be ordered during the seven-day period immediately following the delivery of the decision on appeal, except in the case of termination under paragraph (b) of subdivision (6) of this section, termination shall occur within 24 hours after delivery of notice of an adverse decision on appeal.

(11) Application for relief. If, at any time, a relocatee believes he has been or will be harmed by any action of the department which he believes is in violation of any law or regulation and if no other provision of this section provides an opportunity for a hearing, he may make application for a hearing to the commissioner or his designee in writing setting forth the department's action and the manner in which he will be harmed. Notice of the time, date, and place of the hearing and the hearing procedures will be as set forth in subdivisions (6) through (9) of this section.

(12) Notice. Any notice required under this section to be given by the department shall be: (a) personally served on relocatee; or

(b) left with a person of suitable age and discretion in relocatee's place of residence, including temporary shelter; or

(c) placed under the door of relocatee's place of residence and a copy with the desk clerk or other responsible representative of the proprietor or lessee of temporary shelter.

§3. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 768

By Council Members Eugene, Cabrera, Chin, Fidler, Gonzalez, Jackson, James, Koo, Vann, Williams, Wills and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to distribute material on emergency preparedness to high school 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 3-209.2 to read as follows:

§3-209.2 Distribution of emergency preparedness materials. a. For the purposes of this section, the following terms shall have the following meanings.

1. "Department" shall mean the New York city department of education.

2. "High school" shall mean any school in a building owned or leased by the department, including charter schools, that contains any combination of grade nine through grade twelve.

b. The department shall ensure that the publication "Get Ready NY" or any subsequent written or electronic publication or material prepared by the office of emergency management for use by high school students designed to help prepare such students for all types of emergencies is made available: (i) to each high school for distribution to every student upon his or her entry into grade nine and to each new student upon his or her entry into a high school; (ii) in the main administrative office in each high school for students, parents and employees who wish to obtain such materials; and (iii) on the individual web portal of each high school in electronic format.

§ 2. This local law shall take effect 120 days after its enactment into law.

Referred to the Committee on Education.

Int. No. 769

By Council Members Eugene, Jackson, James, Koo, Koppell, Lander, Williams, Foster, Vann and Halloran.

**A Local Law to amend the New York city charter, in relation to including information about candidates for federal, state, and county offices in the New York City voters guide.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 1052 of the New York city charter is amended to read as follows:

b. The board shall take such actions as it deems necessary and appropriate to improve public awareness of the candidates, proposals or referenda in all elections in which there are contested elections for the *federal offices of president and vice president of the United States, United States senator for the state of New York, and representative of congress for districts wholly or partly in the city of New York; the state offices of governor, lieutenant governor, comptroller, attorney general, member of the state senate and member of the state assembly for districts wholly or partly in the city of New York, delegate to a constitutional convention, or ballot proposals or referenda pursuant to the state constitution; the city offices of mayor, public advocate, borough presidents, comptroller, or city council or ballot proposals or referenda pursuant to this charter or the municipal home rule law[.]; the county offices within the city of New York of district attorney, justice of the supreme court, judge of the civil court, judge of the surrogate court; and the party offices within the city of New York including delegates to judicial conventions, state committee, county committee and district leader*, including but not necessarily limited to the publication of a non-partisan, impartial voters guide providing information on candidates, ballot proposals and referenda, and the distribution of one copy of such guide to each household in which there is at least one registered voter eligible to vote in the election involved; *except that, the board shall establish procedures to enable households to opt out of receiving such guide via hard copy and to receive such guide electronically instead. Such guide shall also be provided in an online interactive format that allows a user to locate his or her poll site, a sample ballot, and any other information on voting or candidates that the board determines to be necessary or useful to improve public awareness of upcoming elections.* In any year in which the board publishes a voters guide, if the board determines that the amount of money in its budget is insufficient or likely to be insufficient for the publication and distribution of the voters guide, it shall report such determination to the director of the office of management and budget, who, after consultation with the board, shall, without an appropriation, transfer to the board a reasonable amount, as the director shall determine, to cover the cost of publishing and distributing the voters guide.

§ 2. Section 1052 of the New York city charter is amended to read as follows:

§ 1053. Voters guide. Each voters guide published by the board shall contain: (a) material explaining the date and hours during which the polls will be open for that election *and how to find the location of poll sites*; when, where, and how to register to vote; when a citizen is required to reregister; when, where, and how absentee ballots are obtained and used; instructions on how to vote; maps showing the boundaries of *congressional districts, state senate districts, state assembly districts and council districts, as appropriate*; and any other general information on voting deemed by the board to be necessary or useful to the electorate or otherwise consistent with the goals of this charter; (b) such tables of contents, graphics, and other materials which the board determines will make the voters guide easier to understand or more useful for the average voter; (c) biographical information on each candidate, including but not limited to name, party affiliation, present and previous public offices held, present occupation and employer, prior employment and other public service experience, educational background, and a listing of major organizational affiliations and endorsements; (d) concise statements by each candidate of his or her principles, platform or views; and (e) where there is a ballot proposal or referendum, concise statements explaining such proposal or referendum and an abstract of each such proposal or referendum. The guide shall be prepared in plain language using words with common and everyday meanings. No later than the first day of [January]July of [nineteen hundred eighty nine]two thousand twelve, the board shall promulgate such rules as it deems necessary for the preparation and publication of the guide in English, Spanish and any other languages the board determines to be necessary and appropriate, and for the distribution of the guide. The purpose of such rules shall be to ensure that the guide and its distribution will serve to fully, fairly and impartially inform the public about the issues and candidates appearing on the ballot.

§ 3. This local law shall take effect ninety days following enactment.

Referred to the Committee on Governmental Operations.

Res. No. 1205

**Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation to amend the Education Law to require more than one school staff person to be trained to administer CPR at all schools during regular school hours.**

By Council Members Eugene, Jackson, James, Koo, Mark-Viverito, Nelson, Recchia, Vann, Williams, Wills, Foster, Halloran and Ulrich.

**Whereas**, The New York City Department of Mental Health and Hygiene states that “cardiopulmonary resuscitation (CPR) is a rescue and basic life-support technique for someone whose heart or breathing has stopped”; and

**Whereas**, The treatment for cardiac arrest is CPR, followed by the use of an Automated External Defibrillator (AED); and

**Whereas, Whereas**, The U.S. National Library of Medicine describes CPR as an emergency technique that combines rescue breathing and chest compressions to manually keep blood and oxygen flowing through the body until further advanced measures can be taken; and

**Whereas**, Cardiac arrest can occur because of heart disease, heart attacks, respiratory arrest, drowning or choking; and

**Whereas**, More than 17,000 infants and children are treated in hospitals each year for choking-related incidents, according to healthline.com; and

**Whereas**, According to statistics from the Centers for Disease Control and Prevention, “60% of the 17,000 cases of pediatric choking in 2001 were caused by food”; and

**Whereas**, If a victim is not treated within four to five minutes of going into cardiac arrest, his or her chance of survival drops as much as 40%, according to the New York State Red Cross website; and

**Whereas**, According to the American Heart Association, a bystander who performs CPR immediately after a sudden cardiac arrest can double or triple a victim’s chance of survival; and

**Whereas**, On Friday, December 17, 2011, a fourth grade student at Public School 47 in the Bronx choked on a meatball, which resulted in cardiac arrest; and

**Whereas**, Various media accounts of the incident raise concerns that school staff did not respond appropriately or in a timely fashion; and

**Whereas**, Ultimately, the child was unable to be resuscitated and died; and

**Whereas**, Currently, section 917 of the New York State Education Law requires that at least one staff person who is trained in using an AED be in each public school during school-sponsored curricular or extra-curricular events; and

**Whereas**, However, the law should be amended to require staff members to be certified not only in using an AED, but also in CPR, and to require more than one staff member to be certified in CPR; and

**Whereas**, The American Heart Association and the American Red Cross offer combination courses in CPR/ First Aid/ AED training; and

**Whereas**, The State of New York should take precautionary measures to avoid delays in emergency treatment to ensure the health and well-being of students in public schools; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation to amend the Education Law to require more than one school staff person to be trained to administer CPR at all schools during regular school hours.

Referred to the Committee on Health.

Int. No. 770

By Council Members Garodnick, Vacca, Cabrera, Chin, Dromm, Ferreras, Fidler, Jackson, James, Koppell, Lander, Levin, Mark-Viverito, Mendez, Nelson, Recchia, Sanders, Van Bramer, Vann, Williams and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that local government websites are accessible to persons with disabilities.**

*Be it enacted by the Council as follows:*

Section 1. Title 8 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

**CHAPTER 12**

**Accessible City Websites**

**§ 8-1104 Definitions**

**§ 8-1105 Accessible Websites**

**§ 8-1106 Reporting**

§8-1104 Definitions. *For the purposes of this chapter, the following terms shall have the following meanings:*

a. “Accessible software applications and operating systems” shall mean:

1. When software is designed to run on a system that has a keyboard, product functions are executable from a keyboard where the function itself or the result of

performing a function can be discerned textually;

2. applications do not disrupt or disable activated features of other products that are identified as accessibility features, where those features are developed and documented according to industry standards. Applications also do not disrupt or disable activated features of any operating system that are identified as accessibility features where the application programming interface for those accessibility features has been documented by the manufacturer of the operating system and is available to the product developer;

3. a well-defined on-screen indication of the current focus is provided that moves among interactive interface elements as the input focus changes. The focus is programmatically exposed so that assistive technology can track focus and focus changes;

4. sufficient information about a user interface element including the identity, operation and state of the element is available to assistive technology. When an image represents a program element, the information conveyed by the image is also available in text;

5. when bitmap images are used to identify controls, status indicators, or other programmatic elements, the meaning assigned to those images is consistent throughout an applications performance;

6. textual information is provided through operating system functions for displaying text. The minimum information made available is text content, text input caret location, and text attributes.;

7. applications do not override user selected contrast and color selections and other individual display attributes;

8. when animation is displayed, the information is displayable in at least one non-animated presentation mode at the option of the user;

9. color coding is not used as the only means of conveying information, indicating an action, prompting a response, or distinguishing a visual element;

10. when a product permits a user to adjust color and contrast settings, a variety of color selections capable of producing a range of contrast levels is provided;

11. software does not use flashing or blinking text, objects, or other elements having a flash or blink frequency greater than 2 Hz and lower than 55Hz; and

12. when electronic forms are used, the form allows people using assistive technology to access the information, field elements, and functionality required for completion of submission of the form, including all directions and cues.

b. "Accessible to persons with disabilities" shall mean:

1. A text equivalent for every non-text element is provided;

2. equivalent alternatives for any multimedia presentation are synchronized with the presentation;

3. web pages are designed so that all information conveyed with color is also available without color;

4. documents are organized so they are readable without requiring an associated style sheet;

5. redundant text links are provided for each active region of a server-side image map;

6. client-side image maps are provided instead of server-side image maps except where the regions cannot be defined with an available geometric shape;

7. row and column headers are identified for data tables;

8. markup is used to associate data cells and header cells for data tables that have two or more logical levels of row or column headers;

9. frames are titled with text that facilitates frame identification and navigation;

10. pages are designed to avoid causing the screen to flicker with a frequency greater than 2 HZ and lower than 55 Hz;

11. when pages utilize scripting languages to display content, or to create interface elements, the information provided by the script is identified with functional text that can be read by assistive technology;

12. when a web page requires an applet, plug-in or other application be present on the client system to interpret page content, the page must provide a link to a plug-in or applet that meets the definition of accessible software applications and operating systems;

13. when electronic forms are designed to be completed on-line the form shall allow people using assistive technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues;

14. a method shall be provided that permits users to skip repetitive navigation links;

15. when a timed response is required, the user is alerted and given sufficient time to indicate more time is required; and

16. a text-only page, with equivalent information or functionality shall be provided to make a web site comply with the provisions of this part, when compliance cannot be accomplished in any other way. The content of the text-only page shall be updated whenever the primary page updates.

c. "Department" shall mean the New York city department of information technology and telecommunications.

§8-1105 Accessible websites. The department shall ensure that all New York city agency websites are accessible to persons with disabilities.

§8-1106 Reporting. Within one year of the effective date of this section, the department shall submit to the council a written report analyzing the accessibility of New York city agency websites which shall include, but not be limited to, a list of city websites which are not in compliance with this chapter and a list of and an explanation for city websites that have chosen to create a separate text-only page, with equivalent information or functionality.

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

Referred to the Committee on Technology.

Int. No. 771

By Council Members Garodnick, Fidler, Gentile, Jackson, James, Lander and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that city issued permits, licenses, notices of inspection and registrations that are required to be publicly posted have a quick response code printed on them.**

Be it enacted by the Council as follows:

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 5 to read as follows:

**CHAPTER 5**

**CITY ISSUED PERMITS, LICENSES, NOTICES OF INSPECTION AND REGISTRATIONS**

§23-501 Quick response codes required. All permits, licenses, notices of inspection and registrations that are issued by any city agency that are required by any law or rule to be conspicuously posted or otherwise visible to the public shall have printed on them a quick response code encoding a link to a website containing additional information specific to such permit, license, notices of inspection or registration.

§2. This local law shall take effect one year after its enactment.

Referred to the Committee on Technology.

Res. No. 1206

**Resolution authorizing the Council to file an amicus brief at each stage of the litigation captioned *State of New York v. United States Army Corps of Engineers, et al.*, Index No. CV-11-2599, currently pending in the Eastern District of New York, in support of the State Attorney General's position that the court should enjoin the Delaware River Basin Commission from issuing regulations governing natural gas development until the Commission prepares a draft environmental impact statement.**

By Council Members Gennaro, Jackson, Barron, Chin, Dromm, Fidler, Lander, Levin, Mark-Viverito, Mendez, Sanders, Van Bramer and Wills.

**Whereas**, The Delaware River Basin is an area of 13,359 square miles, draining parts of Pennsylvania, New Jersey, New York, and Delaware; and

**Whereas**, The Upper Delaware River within the Basin is renowned for its pristine waters, which serve as a popular recreation area for New York City residents, offering activities such as fishing, boating, birding, hiking, camping and sightseeing; and

**Whereas**, New York City gets approximately half its water from four large reservoirs located on tributaries to the Delaware; and

**Whereas**, The Delaware River Basin Commission ("DRBC" or "Commission") was established in 1961 when the federal government and the states of Delaware, New Jersey, and New York and the Commonwealth of Pennsylvania enacted concurrent legislation creating the Commission, which is responsible for overseeing a unified approach to managing the water resources of the Delaware River; and

**Whereas**, The DRBC is comprised of five commissioners: one appointed by each governor of the member states and one appointed by the President of the United States; and

**Whereas**, The DRBC's purpose is to "develop and effectuate plans, policies and projects relating to the water resources of the basin" and to "adopt and promote uniform and coordinated policies for water conservation, control, use and management in the basin"; and

**Whereas**, The Commission issued draft proposed regulations on December 9, 2010, and revised draft proposed regulations on November 8, 2011, which would allow natural gas companies to drill within the Delaware River Basin; and

**Whereas**, There is currently a de facto moratorium on natural gas drilling in New York State, and the New York State Department of Environmental Conservation ("NYSCDEC") has issued a draft supplemental environmental impact statement and draft regulations which would prohibit drilling for natural gas in the New York City and Syracuse watersheds; and

**Whereas**, However, if DRBC's regulations are approved then natural gas development will be allowed to proceed in other areas of the Basin, including in Pennsylvania, which is likely to significantly affect both the Upper Delaware River and New York City's air supply; and

**Whereas,** Natural gas development in the Basin is expected to employ high volume hydraulic fracturing or "hydrofracking," which entails pumping large quantities of water, sand and chemicals deep underground to cause fractures along a horizontal well bore within the shale to release the natural gas trapped within; and

**Whereas,** The potential contamination of the Delaware River Basin from gas exploration and production using hydraulic fracturing could include air pollution emissions, which would likely pose a significant risk to the health and safety of the residents of New York City; and

**Whereas,** Hydrofracking in the Basin will also threaten the pristine conditions of the Upper Delaware River and its appeal as a recreational area for City residents; and

**Whereas,** The DRBC's issuance of proposed regulations without undertaking environmental review or issuing an environmental impact statement ignores the strong concerns expressed by the U.S. Environmental Protection Agency, the NYSDEC, the New York City Department of Environmental Protection ("NYCDEP") and the Council; and

**Whereas,** On May 31, 2011, the New York State Office of the Attorney General ("OAG") filed a complaint in the Eastern District of New York against several federal agencies to whom the federal member of the DRBC reports; and

**Whereas,** On November 12, 2011, the OAG filed an amended complaint, adding the DRBC and its executive director as defendants; and

**Whereas,** The Amended Complaint alleges, among other things, that DRBC violated the provisions of the National Environmental Policy Act of 1969 ("NEPA") by issuing proposed regulations without undertaking environmental review or preparing a draft environmental impact statement ("EIS") for public review and comment; and

**Whereas,** Under NEPA, a draft EIS must include a detailed statement of the environmental impacts of a proposed action, adverse environmental effects that cannot be avoided, alternatives to the proposed action, including the "no action" alternative, and mitigation measures; and

**Whereas,** Given the potential risks to the public's health, safety, and quality of life that may result if the proposed regulations are enacted without any environmental review, there is a compelling public interest weighing in favor of undertaking such an review; now, therefore, be it

**RESOLVED,** That the Council of the City of New York is authorized to file an amicus brief at each stage of the litigation captioned *State of New York v. United States Army Corps of Engineers, et al.*, Index No. CV-11-2599, currently pending in the Eastern District of New York, in support of the State Attorney General's position that the court should enjoin the Delaware River Basin Commission from issuing regulations governing natural gas development until the Commission prepares a draft environmental impact statement.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Environmental Protection).

Int. No. 772

By Council Members Greenfield, Cabrera, Fidler, Koo, Koslowitz, Levin, Nelson, Recchia, Williams and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the frequency of collection of waste and recyclables from non-public schools by the department of sanitation.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 title 16 of the administrative code of the city of New York is amended by adding a new section 16-136 to read as follows:

§ 16-136 *Removal of waste from non-public schools. The department shall collect waste and recyclables from non-public schools with the same frequency of collection provided to any public school with a comparable student population that is located within the same community district or section as such non-public school. Where no such similarly-sized school exists, the department shall provide collection with frequency commensurate with the majority of public schools located within the community district or section where any such non-public school is located.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 1207

**Resolution calling upon the New York State Legislature to pass and the Governor to sign A.2969, the GED Program Accountability Act, an Act that would provide more accountability and reporting of data regarding GED enrollment.**

By Council Members Jackson, Brewer, Cabrera, Chin, Fidler, James, Koppell, Koslowitz, Levin, Mendez, Vann, Williams, Wills and Halloran.

**Whereas,** According to the American Civil Liberties Union (ACLU), in 2008-2009, the New York City Department of Education (DOE) discharged nearly 50,000 students; and

**Whereas,** There are many reasons that a student may be discharged by the DOE, such as aging out of the system, moving out of New York City, admission to a parochial or private school, admission to parenting programs due to pregnancy, admission to a high school equivalency program, or death; and

**Whereas,** According to the Office of the New York State Comptroller, the DOE is classifying some students as discharged without sufficient documentation to support a discharge classification, causing the DOE's reported graduation rate to appear to be higher than the actual graduation rate; and

**Whereas,** In New York City, discharged students are not counted when a school's graduation or dropout rates are calculated; and

**Whereas,** High school graduation and dropout rates are publicly reported and are regarded as important indicators of a school's effectiveness; and

**Whereas,** Advocates and elected officials have questioned whether discharging students has become a quick solution to address problematic students; and

**Whereas,** In New York City, students who are failing academically, have poor attendance, or behavioral issues are pushed out of the school system without being offered support services first; and

**Whereas,** High school equivalency programs allow individuals who have not been awarded a high school diploma the ability to obtain a general equivalency diploma (GED); and

**Whereas,** In order to obtain a GED, the individual is tested on five subject areas: reading, writing, social studies, science, and mathematics; and

**Whereas,** According to the American Council on Education (ACE), the GED tests are field-tested on graduating high school seniors before reaching their final test form; and

**Whereas,** According to ACE, only 60 percent of graduating high schools seniors pass the GED tests on their first attempt; and

**Whereas,** The number of students discharged into GED programs is unclear, as is the number of discharged students who successfully complete such programs; and

**Whereas,** It is important that all students discharged to GED programs as well as any other discharge classifications be appropriately documented in order to maintain accurate graduation and dropout rates; and

**Whereas,** Legislation has been introduced in the New York State Legislature that would require such reporting; and

**Whereas,** On January 21, 2011, Assembly Member Keith Wright (D-Manhattan) introduced A.2969, legislation that would authorize the State Commissioner of Education to require the New York State Education Department to report on the number and percentage of New York City high school students discharged to GED programs and the number and percentage of successful completions of all GED programs that the DOE discharges students into; and

**Whereas,** Such report would be provided to the New York State Legislature and the New York City Council on an annual basis; and

**Whereas,** Such data could be further utilized to help determine appropriate policies to ensure that every student is given the opportunity to succeed, and to help increase graduation rates in both high schools and GED programs; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.2969, the GED Program Accountability Act, an Act which would provide more accountability and reporting of data regarding GED enrollment.

Referred to the Committee on Education.

Int. No. 773

By Council Members Koppell, James, Lander, Mark-Viverito, Mendez and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to eco-friendly plumbers.**

*Be it enacted by the Council as follows:*

Section 1. Findings and Intent. Environmentally conscious consumers are increasingly seeking out businesses and products they believe to be "organic," "green," or "environmentally friendly." Reducing potentially harmful impact on the environment is a laudable and important goal, yet in many industries there are no standards to define environmentally friendly products. Numerous plumbers throughout New York City have "greenwashed" their businesses, claiming in advertising that they are "eco-friendly" or "green" and however, currently there is no codified definition of what these terms mean in the plumbing industry.

Accordingly, the Council finds that it is in the best interest of consumers to increase awareness of the methods and supplies an eco-friendly plumber uses and to

create standards to prevent deceptive advertising by plumbers who may baselessly claim to be environmentally friendly.

§2. Chapter 4 of title 28 of the administrative code of the city of New York is amended by adding a new article 421 to read as follows:

**ARTICLE 421**

**ECO-FRIENDLY PLUMBER REGISTRATION**

**§28-421.1 Eco-Friendly plumber registration.**

**§28-421.2 Term.**

**§28-421.3 Regulations.**

**§28-421.4 Effect on other licensing requirements.**

**§28-421.1 Eco-friendly plumber registration.** Upon receiving proof satisfactory to the commissioner that an applicant operates in accordance with internationally recognized standards for eco-friendly plumbers, the commissioner shall register the applicant as an eco-friendly plumber. Such standards shall be set forth in rules promulgated by the department, and may include those adopted by the International Association for Plumbing and Mechanical Operators. Such proof shall reflect a progressive understanding, proficiency and competence in the plumbing trade regarding the use of eco-friendly methods and supplies.

**§28-421.2 Term.** The registration as an eco-friendly plumber shall expire on the third anniversary that such registration was issued.

**§28-421.3 Regulations.** The commissioner may promulgate such rules and regulations as may be necessary to carry out the provisions of this article.

**§28-421.4 Effect on other licensing requirements.** The provisions of this article, and any rules promulgated thereunder, shall have no effect on any other city, state or federal requirements pertaining to plumbers or the regulation of substances or methods used by plumbers in New York city.

§3. This local law shall take effect one hundred and twenty (120) days after it shall have been enacted into law, provided that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on Housing and Buildings.

Int. No. 774

By Council Members Koslowitz, Ulrich, Vallone, Jr., Dromm, Ferreras, Gentile, James, Mendez, Recchia, Rose, Van Bramer, Williams and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing fines for the depositing of residential or commercial refuse into public litter baskets.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision f of section 16-120 of the administrative code of the city of New York is amended to read as follows:

f. Any person violating the provisions of this section, except subdivision e, shall be liable for a civil penalty of not less than twenty-five nor more than one hundred dollars for the first violation, not less than one hundred dollars nor more than two hundred dollars for a second violation within any twelve-month period, and not less than two hundred dollars nor more than three hundred dollars for a third or subsequent violation with any twelve-month period. Any person violating the provisions of subdivision e of this section shall be liable for a civil penalty of [not less than one hundred dollars nor more than three hundred] *two hundred* dollars for the first violation, [not less than two hundred fifty dollars nor more than three hundred fifty] *five hundred* dollars for a second violation within any twelve-month period, and [not less than three hundred fifty dollars nor more than four hundred] *six hundred* dollars for a third or subsequent violation within any twelve month period.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 775

By Council Members Lander, Dromm, James and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to penalties for obstruction of sidewalks and courtyards.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-136 of chapter one of title 19 of the administrative code of the city of New York is amended by amending subdivision b to read as follows:

b. 1. It shall be unlawful for any person, directly or indirectly, to use any portion of a sidewalk or courtyard, established by law, between building line and then the curb line for the parking, storage, display or sale of motor vehicles.

2. A first or second violation of paragraph one of this subdivision shall be

*subject to a fine of not less than two hundred sixty-five dollars.*

3. A third or subsequent violation of paragraph one of this subdivision shall be subject to a fine of not less than five hundred fifteen dollars.

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

Referred to the Committee on Transportation.

Int. No. 776

By Council Members Lander, Brewer, James, Koo, Koppell and Sanders.

**A Local Law to amend the administrative code of New York City, in relation to creating a land bank.**

*Be it enacted by the Council as follows:*

Section 1. Title 25 of the administrative code of the city of New York is amended to add a new chapter 7 to read as follows:

**CHAPTER 7**

**NEW YORK CITY LAND CORPORATION**

§25-605 Definitions.

§25-606 Land bank established; purpose.

§25-607 Members.

§25-608 Board of directors.

§25-609 Priority order for conveyances.

§25-610 Review by urban development corporation.

§25-611 Timeframe for certification and initial appointments.

Appendix A Certificate of Incorporation of New York City Land Corporation.

Appendix B Bylaws of the New York City Land Corporation.

§25-605 Definitions. For the purposes of this chapter, the following terms shall be defined as follows:

(1) "Accessory use" shall mean "accessory use" as defined by section 12-10 of the zoning resolution.

(2) "Approved redevelopment plan" shall mean a plan as described by section 197-a of the charter that has been properly noticed, reviewed and approved pursuant to sections 197-a through 197-d of the charter and any other law, rule or regulation governing the notice, review or approval of such plans.

(3) "Area median income" shall mean the New York metropolitan area median income, adjusted for family size, as determined by the United States department of housing and urban development.

(4) "Building area" shall mean "building area" as defined in section BC 502.1 of the New York city building code.

(5) "Census tract" shall mean a census tract delineated by the United States bureau of the census in the most recent decennial census.

(6) "Director" shall mean "director" as defined in paragraph six of section one hundred two of the not-for-profit corporation law and shall refer herein to directors of the land corporation.

(7) "FRESH food store" shall mean a "FRESH food store" as defined by section 63-01 of the zoning resolution.

(8) "Industrial business zone" shall mean an "industrial business zone" established pursuant to section 22-626 of this code.

(9) "Land corporation" shall mean the New York City Land Corporation established in accordance with this chapter.

(10) "Low income dwelling unit" shall mean a dwelling unit, other than a very low income dwelling unit, that is affordable to and occupied or available for occupancy by individuals or families whose incomes at the time of initial occupancy do not exceed eighty percent (80%) of the area median income.

(11) "Low income housing" shall mean mixed income housing where:

(i) at least fifty percent (50%) of the dwelling units in such housing are low income dwelling units and at least fifty percent (50%) of the building area contains low income dwelling units; and

(ii) a valid and legally enforceable possibility of reverter or other provision in an agreement, contract, deed or other instrument requires that such mixed income housing perpetually satisfy the requirements described in subparagraph (i) of this paragraph.

(12) "Lowest priority use" shall mean commercial, entertainment or office use except where such use is an accessory use at a property that is low income housing or very low income housing.

(13) "Member" shall mean "member" as defined in paragraph nine of section one hundred two of the not-for-profit corporation law and shall refer herein to members of the land corporation.

(14) "Mixed income housing" shall mean a property where:

(i) at least ten percent (10%) of the total number of dwelling units are very low income dwelling units and at least ten percent (10%) of the building area contains very low income dwelling units;

(ii) at least ten percent (10%) of the total number of dwelling units are low income dwelling units and at least ten percent (10%) of the building area contains

low income dwelling units;

(iii) at least ten percent (10%) of the total number of dwelling units are moderate income dwelling units and at least ten percent (10%) of the building area contains moderate income dwelling units; and

(iv) a valid and legally enforceable possibility of reverter or other provision in an agreement, contract, deed or other instrument requires that such property perpetually satisfy the requirements described in subparagraphs (i), (ii) and (iii) of this paragraph.

(15) "Moderate income dwelling unit" shall mean a dwelling unit, other than a low income dwelling unit or very low income dwelling unit, that is affordable to and occupied or available for occupancy by individuals or families whose incomes at the time of initial occupancy do not exceed one hundred twenty percent (120%) of the area median income.

(16) "Off-street parking factor" shall mean the number obtained for a property by adding one (1) for each off-street motor vehicle parking space located at such property.

(17) "Property affordability factor" shall mean the number obtained for a property by adding three (3) for each very low income dwelling unit at such property, two (2) for each low income dwelling unit at such property and one (1) for each moderate income dwelling unit at such property.

(18) "Uses" shall mean lawful uses of property that comply with all applicable laws, rules and regulations including, but not limited to, laws, rules and regulations related to zoning.

(19) "Very low income community" shall mean a census tract in which the median family income for such tract does not exceed sixty percent (60%) of the area median income as of the last decennial census.

(20) "Very low income dwelling unit" shall mean a dwelling unit that is affordable to and occupied or available for occupancy by individuals or families whose incomes at the time of initial occupancy do not exceed sixty percent (60%) of the area median income.

(21) "Very low income housing" shall mean mixed income housing where:

(i) at least fifty percent (50%) of the dwelling units in such housing are very low income dwelling units and at least fifty percent (50%) of the building area contains very low income dwelling units; and

(ii) a valid and legally enforceable possibility of reverter or other provision in an agreement, contract, deed or other instrument requires that such mixed income housing perpetually satisfy the requirements described in subparagraph (i) of this paragraph; provided however that such possibility of reverter or other provision in an agreement, contract, deed or other instrument may provide that, if the census tract in which such housing is located ceases to be a very low income community, such housing need only satisfy the requirements for low income housing.

§25-606 Land bank established; purpose.

a. There is hereby established a type C not-for-profit corporation to be known as the New York City Land Corporation which shall be a land bank pursuant to article sixteen of the not-for-profit corporation law; provided however that the land corporation shall not be deemed created until the certificate of incorporation of the land corporation has been filed with the department of state as described in subdivision b of section 25-611 of this chapter.

b. The purpose of the land corporation shall be to encourage property uses that best serve the interests of the community but which are not sufficiently provided for by the free market, which uses include the construction and development of affordable housing; industrial, manufacturing and maritime activities; fresh food stores; and public and open spaces.

§25-607 Members. There shall be thirty seven members divided into three classes designated class A, class B and class C. Members shall be appointed every four years as follows: the mayor shall appoint nineteen members for class A, the speaker of the council shall appoint thirteen members for class B and the borough presidents shall each appoint one member for class C, for a total of five members in class C.

§25-608 Board of directors.

a. The five initial directors shall serve until the first meeting of the members whereupon the members shall elect new directors. The initial directors shall be:

(1) the president of the New York city economic development corporation;

(2) the department of housing preservation and development's associate commissioner for management and disposition of property;

(3) the department of city planning's director of sustainability;

(4) the department of design and construction's deputy commissioner for the infrastructure division; and

(5) the director of the mayor's office of environmental remediation.

b. The directors other than the initial directors shall be elected annually as follows:

(1) if the total number of directors is eleven, then the class A members shall elect six directors, the class B members shall elect four directors and the class C members shall elect one director; or

(2) if the total number of directors is greater or less than eleven, then the class A members shall elect a number of directors equal to one half of the total number of directors, rounded down to the nearest whole number, and shall elect one director upon nomination by the class C members; and the class B members shall elect a number of directors equal to one half of the total number of directors, rounded down to the nearest whole number.

c. No person shall be eligible to serve or continue serving as a director unless he or she is:

(1) a person of ability and integrity;

(2) a person with appropriate experience in real estate, finance, property

management, community planning and development, organized community-based activities or other relevant field of endeavor;

(3) a registered voter of the city throughout his or her service on the board of directors; and

(4) a "public officer" under paragraph (c) of section sixteen hundred five of the not-for-profit corporation law.

§25-609 Priority order for conveyances.

a. When conveying property located within an industrial business zone, the land corporation shall convey such property in the following order of priority unless such conveyance is pursuant to an approved redevelopment plan:

(1) for uses related to industrial or maritime activities;

(2) for use as a public space or place;

(3) for use as a wildlife conservation area;

(4) for all other uses except lowest priority uses;

(5) for lowest priority uses.

b. When conveying property that is (i) zoned for residential use or otherwise zoned to permit dwelling units whether solely or in combination with other uses and (ii) not located within an industrial business zone, the land corporation shall convey such property in the following order of priority unless such conveyance is pursuant to an approved redevelopment plan:

(1) if such property is located in a very low income community, then for use as very low income housing;

(2) for use as low income housing;

(3) for use as mixed income housing;

(4) for use as housing other than mixed income housing;

(5) for all other uses except lowest priority uses;

(6) for lowest priority uses.

c. When conveying property that is (i) located in a FRESH food store designated area as described in paragraph (a) of section 63-02 of the zoning resolution, (ii) not zoned for manufacturing use whether solely or in combination with other uses, (iii) not zoned for residential use or otherwise zoned to permit dwelling units whether solely or in combination with other uses and (iv) not located in an industrial business zone, the land corporation shall convey such property in the following order of priority unless such conveyance is pursuant to an approved redevelopment plan:

(1) for use as a FRESH food store;

(2) for all other uses except lowest priority uses;

(3) for lowest priority uses.

d. When considering uses of the same priority level, the land corporation shall:

(1) in the case of housing uses, give higher priority to uses with higher property affordability factors and lower priority to uses with lower property affordability factors;

(2) in the case of non-housing uses or housing uses with equal property affordability factors, where the underlying property is located within one half mile of a subway or commuter rail station, give higher priority to uses with lower off-street parking factors and lower priority to uses with higher off-street parking factors; and

(3) in the case of non-housing uses or housing uses with equal property affordability factors, where the underlying property is located more than one half mile from a subway or commuter rail station or where such uses have equal off-street parking factors, give higher priority to uses which the land corporation determines shall best serve the interests of the community.

e. The land corporation shall not convey property for a use other than the use with highest priority in accordance with this section unless such conveyance is pursuant to an approved redevelopment plan or the land corporation does the following:

(1) no less than one hundred eighty days and no more than one year before such conveyance, the land corporation holds a public hearing, solicits public comment with respect to the conveyance and considers the results of such public hearing and comments;

(2) no more than ninety days after the public hearing described in paragraph (1) of this subdivision, the land corporation finds that conveying such property for such use will best serve the interests of the community and prepares and makes available online a report, signed by at least two thirds of the directors, setting forth all information supporting such finding including but not limited to:

(i) all benefits that such use will provide for the community;

(ii) all negative impacts that such use will have on the community

(iii) a description of each public comment received and how such comment has been or will be addressed;

(iv) how such use will better serve the community than uses with higher priority;

(3) no more than sixty days and no less than thirty days after publication of the report described in paragraph (2) of this subdivision, the land corporation holds a public hearing with respect to such report and such conveyance, solicits public comment with respect to the conveyance and considers the results of such public hearing and comments;

(4) no more than twenty days after the public hearing described in paragraph (3) of this subdivision, at least two thirds of the directors vote to approve such conveyance; and

(5) no more than thirty days after such conveyance, the land corporation prepares and makes available online the following information with respect to such conveyance:

(i) the address of the property conveyed;

(ii) the name, address and telephone number of the person to whom the property was conveyed; and

(iii) the use for which the property was conveyed.

f. All information that the land corporation must make available online pursuant to subdivision e of this section shall remain available online for at least ten years after the date of conveyance.

§25-610 Review by urban development corporation. No later than thirty days after the effective date of this chapter, the mayor shall prepare, as necessary, and forward the following information to the urban development corporation for review and approval pursuant to subdivision (g) of section sixteen hundred three of the not-for-profit corporation law:

(1) a copy of this chapter; and

(2) all other materials and information required by the urban development corporation.

§25-611 Timeframe for certification and initial appointments.

a. No later than one year after the effective date of this chapter, initial members shall be appointed in accordance with section 25-607 of this chapter.

b. No later than thirty days after the last appointment made pursuant to subdivision a of this section, the speaker of the council shall properly execute the certificate of incorporation for the land corporation, as approved by the urban development corporation, and shall file such certificate with the department of state pursuant to article one of the not-for-profit corporation law.

Appendix A Certificate of Incorporation of New York City Land Corporation. The certificate of incorporation of the land corporation shall read as follows until amended in accordance with this certificate of incorporation, any later certificate of incorporation or applicable law:

**CERTIFICATE OF INCORPORATION  
OF**

**NEW YORK CITY LAND CORPORATION**

(Under section 402 of the Not-for-Profit Corporation Law)

1. Name. The name of the corporation is **NEW YORK CITY LAND CORPORATION** (the "Corporation").

2. Type of Corporation. The Corporation is a "corporation" as defined in Subparagraph (a)(5) of Section 102 of the Not-for-Profit Corporation Law and is a Type C corporation under Section 201 of said law. The Corporation is also a "land bank" pursuant to Section 1602 of the Not-for-Profit Corporation Law.

3. Purposes. The Corporation is formed for the following purposes and to achieve the following lawful public or quasi-public objectives:

a. to perform the functions of a land bank as described in Article 16 of the Not-for-Profit Corporation Law;

b. to encourage property uses that best serve the interests of the community but which are not sufficiently provided for by the free market, which uses include the construction and development of affordable housing; industrial, manufacturing, and maritime activities; fresh food stores; and public and open spaces;

c. to conduct regular inventories of vacant properties and provide the public with efficient access to a listing of these inventories;

d. to aggregate and responsibly hold properties for future productive use;

e. to eliminate blight by the removal of barriers to returning vacant properties to productive use;

f. to effectively market and strategically convey properties of the Corporation; and

g. notwithstanding any other provision of this Certificate, the Corporation is organized exclusively for charitable, educational, and nonprofit purposes, and not for pecuniary or financial gain, as specified in Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future tax code.

4. Powers. In furtherance of the purposes and objectives described in Article 3, the Corporation shall have all of the powers now or hereafter set forth in Section 1607 of the Not-for-Profit Corporation Law.

5. Office. The office of the Corporation is to be located in the County of New York, State of New York.

6. Registered Agent. The Secretary of the State of New York is hereby designated the agent of the Corporation upon whom process against it may be served. The Secretary of State shall mail a copy of any process against the Corporation served upon the Secretary of State as agent of the Corporation to the Mayor of the City of New York at City Hall, New York City, New York 10007.

Appendix B Bylaws of New York City Land Corporation. The bylaws of the land corporation shall read as follows until amended in accordance with these bylaws, the certificate of incorporation of the land corporation or any applicable law:

**BYLAWS  
OF**

**NEW YORK CITY LAND CORPORATION**

1. Members. Members shall be appointed in accordance with Section 25-607 of the Administrative Code of the City.

2. Directors. The powers of the Corporation shall be exercised by a board of directors.

a. Number of directors. The Corporation shall have five (5) initial directors and thereafter shall have eleven (11) directors.

b. Election. The directors shall be elected in accordance with subdivision b of Section 25-608 of the Administrative Code of the City.

c. Amendments to Certificate and Bylaws; Selling Substantially All Assets. The board of directors may amend the Certificate and these Bylaws without approval of the members, except that approval of two-thirds (2/3) of the members shall be required for any proposed amendment to (i) this Paragraph, (ii) Paragraph b of this Article, or (iii) Article 1. In the event that the Corporation undertakes to sell or otherwise dispose of substantially all of its assets, such action must be approved by the members in accordance with Section 510 of the Not-for-Profit Corporation Law.

3. Strategic Plan. The Corporation shall develop a strategic plan to address the purposes for which it has been formed and shall update such plan from time to time as needed. The Corporation shall provide a copy of such plan, and any updates thereto, to each member.

4. Nondiscrimination and Affirmative Action Policy. The Corporation shall have a nondiscrimination and affirmative action policy which shall read as follows:

**"NEW YORK CITY LAND CORPORATION  
NONDISCRIMINATION AND AFFIRMATIVE ACTION POLICY**

The New York City Land Corporation (NYCLC) shall not discriminate against any person upon the basis of race, color, religion, national origin, sex, disability, sexual orientation, gender identity, age, familial status, marital status, partnership status, lawful occupation, lawful source of income, military status, alienage or citizenship status, or on the grounds that a person is a victim of domestic violence, dating violence, or stalking. This policy also prohibits retaliation.

NYCLC shall also ensure that any transferee or purchaser of any property from NYCLC, and any successor in interest thereto, abides by this policy in the sale, lease or rental, or in the use of occupancy of the property or improvements erected or to be erected thereon or any part thereof."

§2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 777

By Council Members Lander, Cabrera, Dromm, Ferreras, Fidler, Jackson, James, Koo, Koppell, Koslowitz, Levin, Mark-Viverito, Nelson, Sanders, Van Bramer, Vann, Williams and Foster.

**A Local Law to create a senior housing task force.**

Be it enacted by the Council as follows:

Section 1. a. There is hereby established a senior housing task force that shall develop and recommend changes to the laws, rules, regulations and policies related to the building code, housing development, housing maintenance, taxation and zoning in order to increase the availability and affordability of safe, appropriate housing for older New Yorkers both present and future.

b. The senior housing task force shall perform the following actions and propose changes to the laws, rules, regulations and policies where appropriate:

(i) identify and evaluate the public and private financing sources available for the construction or rehabilitation of housing for older New Yorkers;

(ii) identify and evaluate options for converting, rehabilitating or altering existing structures to better accommodate older New Yorkers;

(iii) identify and evaluate the public and private financing sources available to promote independent living, shared or communal housing, supportive housing or assisted living among older New Yorkers;

(iv) identify and evaluate the policies related to encouraging healthy aging behaviors or aging in place;

(v) identify and evaluate the public and private financing sources available for the maintenance and repair of housing for older New Yorkers;

(vi) identify and evaluate the policies related to older New Yorkers' access to home improvement contractors and other means of maintenance and repair, including

but not limited to weatherization programs;

(vii) identify and evaluate current tax exemptions, tax abatements and other financial programs that would affect the rent, maintenance costs or other housing costs for older New Yorkers;

(viii) identify and evaluate the legal assistance, social services, crisis intervention and financial assistance options available for older New Yorkers facing eviction or at risk of eviction;

(ix) identify and evaluate the current parking requirements for affordable housing and determine whether such requirements create a bar to the construction of affordable housing for older New Yorkers;

(x) identify, evaluate and encourage the coordination of and partnerships among housing unit managers, housing managers, residents and providers of health and social services in naturally occurring retirement communities and other communities with significant populations of older New Yorkers;

(xi) identify and evaluate efforts in other jurisdictions to address the issues described in paragraphs (i) through (x) above in order to identify best practices; and

(xii) consult with senior housing advocacy groups.

c. The senior housing task force shall have nineteen members which shall be:

(i) the commissioner of buildings or his/her representative;

(ii) the commissioner of housing preservation and development or his/her representative;

(iii) the director of city planning or his/her representative;

(iv) the commissioner of aging or his/her representative;

(v) the commissioner of design and construction or his/her representative;

(vi) the commissioner of finance or his/her representative;

(vii) the chairperson of the New York city housing authority or his/her representative;

(viii) the commissioner of health and mental hygiene or his representative;

(ix) the commissioner of the mayor's office for people with disabilities or his/her representative;

(x) nine members appointed by the speaker of the council no later than thirty days after the effective date of this chapter; and

(xi) one additional member to serve as chairperson of the senior housing task force no later than thirty days after the effective date of this chapter.

d. The senior housing task force shall have a duration of three years and thirty days.

e. The senior housing task force shall meet at least quarterly and every six months shall issue a report to the mayor and the council detailing its activities and recommendations.

§2. This local law shall take effect immediately.

Referred to the Committee on Aging.

Int. No. 778

By Council Members Lander, James, Williams, Halloran and Ulrich.

**A Local Law to amend the New York city charter, in relation to additional reporting by the board of elections to the council regarding performance.**

*Be it enacted by the Council as follows:*

Section 1. Section 12 of chapter one of the New York city charter is amended by adding a new subsection f to read as follows:

*f. (1) Not later than December 15 each year, the board of elections of the city of New York shall provide to the council information regarding its actual performance for the first four months of the current fiscal year relative to the program performance goals and measures established for such year by the council in consultation with the mayor, which the council may, at its discretion, provide to the mayor for inclusion in the preliminary management report.*

*(2) Not later than August 1 each year, the board of elections of the city of New York shall provide to the council information regarding its actual performance for the entire previous fiscal year relative to the program performance goals and measures established for such year by the council in consultation with the mayor, which the council may, at its discretion, provide to the mayor for inclusion in the management report.*

§2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 779

By Council Member Mark-Viverito, the Speaker (Council Member Quinn) and Council Members Brewer, Fidler, Jackson, James, Lander, Mendez, Recchia and Williams.

**A Local Law to amend the New York city building code, in relation to special provisions for renewal of permit for a sidewalk shed or scaffolding.**

*Be it enacted by the Council as follows:*

Section 1. Section BC 105.8.3 of the New York city building code is amended to read as follows:

105.8.3 Special provisions for renewal of permit for a sidewalk shed *or scaffolding*. An application for the renewal of a construction equipment permit for a sidewalk shed *or scaffolding* used in connection with the alteration of a building shall be accompanied by a report, acceptable to the department, prepared by a registered design professional who has examined that part of the premises on which the work requiring the use of a sidewalk shed *or scaffolding* is being performed. Such report shall document the condition of the applicable part of the premises and the scope of work that has been performed thereon since the issuance of the permit and shall provide an estimate of the additional time needed to complete the work.

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

Referred to the Committee on Housing and Buildings.

Res. No. 1208

**Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that would make the New York City Department of Education's purchasing decisions more transparent and the Department more accountable to New York City residents by requiring that the New York City Department of Education abide by all the procurement provisions in Section 312(a) of the New York City Charter.**

By Council Members Mealy, Brewer, Fidler, Jackson, James, Koppell, Levin, Mark-Viverito, Mendez, Sanders, Vann, Williams, Wills and Halloran.

**Whereas**, In Fiscal Year 2012 the New York City Department of Education's procurement budget is set at approximately \$4.5 billion; and

**Whereas**, A large portion of this procurement budget will be spent on professional and standard services; and

**Whereas**, In 1994 the New York City Council passed Local Law 35, which amended the New York City Charter to include Section 312(a), which requires that mayoral agencies complete cost/benefit comparisons when outsourcing City work in cases where such outsourcing causes the displacement of City workers; and

**Whereas**, Local Law 35's purpose is ensuring that: (i) New York City taxpayer dollars are spent as efficiently and effectively as possible; and (ii) City agencies are held accountable for their spending decisions; the law does this by requiring that the cost/benefit analyses be submitted to the New York City Council; and

**Whereas**, After it was determined that no such analyses had been completed under the Bloomberg Administration, in 2011 the New York City Council strengthened this law to ensure that City agencies completed cost/benefit analyses on a more frequent basis; and

**Whereas**, At that time the law was also amended to require City agencies to publish an annual procurement plan of all anticipated major procurements at the beginning of each fiscal year; this annual procurement plan will allow municipal unions a chance to bid on this work, and give private vendors more time to complete their bids, thereby increasing competition for City contracts; and

**Whereas**, Although the New York City Department of Education is required to publish an annual procurement plan under the amended law, under current New York State law the Council cannot condition its ability to enter contracts on the completion of cost benefit analyses, despite the fact that the Department of Education receives a majority of its funding from the City of New York; and

**Whereas**, This hinders the Council's ability to have proper oversight over New York City's budget and to ensure that New York City taxpayer dollars are wisely spent; 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 that would make the New York City Department of Education's purchasing decisions more transparent and the Department more accountable to New York City residents by requiring that the New York City Department of Education abide by all the procurement provisions in Section 312(a) of the New York City Charter.

Referred to the Committee on Contracts.

Int. No. 780

By Council Member Oddo, James, Koo, Williams and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to disclosure requirements for operators of private pumping stations.**

Be it enacted by the Council as follows:

Section 1. Chapter five of title 24 of the administrative code of the city of New York is amended by adding a new section 24-529 to read as follows:

§24-529 *Private pumping stations. a. Definitions. For the purposes of this section*

*the following terms shall have the following meanings:*

1. *“Private pumping station” means a privately owned, operated, and maintained wastewater collection facility required for the pumping of sanitary or stormwater runoff or combined sewage.*

2. *“Owner” means any individual, firm, corporation, company, association, society, institution or any other legal entity that owns a private pumping station and the property, appurtenances, and sewer easements on which a private pumping station is located.*

3. *“Operator” means any individual, firm, corporation, company, association, society, institution or other legal entity that has responsibility for the daily operation of a private pumping station.*

*b. The owner of a private pumping station shall on the first day of every month provide to the department documentation that such private pumping station is not more than thirty days in arrears of any charges for utility services related to the operation of such private pumping station.*

*c. By December thirty-first of each year, the owner of a private pumping station shall provide, in writing, the business address, phone number and email address of such private pumping station’s owners and operators to the department, the council member in whose district the private pumping station is located and the community board for the community district in which the private pumping station is located.*

*d. The owner of any private pumping station shall post a sign on the main entrance of such private pumping station that indicates the business address, phone number and email address of such private pumping station’s owners and operators.*

*e. By December thirty-first of each year, the owner of such private pumping station shall also provide to the department an affidavit that such private pumping station is in good working order and shall provide a copy of such affidavit to the council member in whose district the private pumping station is located and the community board for the community district in which the private pumping station is located. Such affidavit shall include documentation of any inspections that were performed by any individual or entity during the year and the results of such inspections.*

*f. An owner of a private pumping station who violates any provision of this section shall be liable for a civil penalty of not less than two hundred fifty dollars for the first violation and five hundred dollars for each subsequent violation.*

§2. This local law shall take effect ninety days after its enactment into law, except that the department shall take such actions as are necessary for the implementation of this local law, including promulgating rules, prior to such effective date.

Referred to the Committee on Environmental Protection.

Res. No. 1209

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

By Council Members Recchia, Koo and Wills.

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

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

**Whereas,** On June 29, 2010 the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the “Fiscal 2011 Expense Budget”); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations receiving funding pursuant to certain initiatives in accordance therewith; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Northern Manhattan Coalition for Immigrant Rights, an organization receiving funding in the amount of \$39,123 pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2012 Expense Budget within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: “Immigrant

Related Legal Services.”; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Polonians Organized to Minister Our Community (POMOC), Inc. an organization receiving funding in the amount of \$45,000 pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2012 Expense Budget within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: “\$35,000 for Legal Services and \$10,000 for ESL/CIVIC Services in Staten Island.”; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for

the Police Athletic League, an organization receiving local discretionary funding in the amount of \$5,000 in accordance with the Fiscal 2012 Expense Budget within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: “\$2,870.50 will pay for the building usage, including security at PS 44. The remaining balance of \$2,129.50 will be allocated to PAL’s after school program at PS 14.”; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Transfiguration Parish Federal Credit Union, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$10,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: “In an effort to assist in stabilizing families with extremely limited income we will provide Financial workshops that include: Credit management and reporting to low and moderate income residents within the 34th District.”; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Greenpoint Manufacturing and Design Center Local Development Corporation, an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$4,000 within the budget of the Department of Small Business Services. This Resolution changes the Description/Scope of services to read: “To support business services.”; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Hartley House, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$10,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: “After School Program - Children ages 5 to 12 are picked up at their schools and brought to Hartley House for activities including, reading, tutoring, supervised homework, computers, gym art and outdoor play in our courtyard.”; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Find Aid for the Aged, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$33,336 within the budget of the Department for the Aging. This Resolution changes the Description/Scope of services to read: “The Coffeehouse Senior Center has been in operation for more than 30 years, providing elderly people, including many homeless, with meals and supportive services that help them maintain their health, dignity and mental stability. We request a one-time emergency grant of (\$25,003) for rent during FY12. The remaining (\$8,333) will be used to cover operating expenses such as utilities, maintenance, supplies, and communications.”; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Immigrant Social Service, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,214 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: “To support ISS’s afterschool program at PS 2 in order to provide a more enriched suite of activities.”; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Young Men's and Young Women's Hebrew Association of the Bronx, an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$6,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: “Riverdale YM-YWHA Simon Senior Center congregate meals program offers a freshly prepared hot kosher lunch daily and provides educational, social and recreational activities for senior citizens.”; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for Ridgewood Older Adult Center and Services, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget in the amount of \$12,000 within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: “Purchase of food items for food pantry.”; and

**Whereas,** The City Council is hereby implementing and furthering the

appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for St. Stanislaus Kostka Church, an organization receiving funding in the amount of \$60,000 pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2011 Expense Budget within the budget of the Department of Youth and Community Development. This Resolution changes the Description/Scope of services to read: "For legal services."; now, therefore be it

**Resolved**, That the City Council approves the new Description/Scope of Services for certain organizations receiving local and youth discretionary funding in the Fiscal 2012 Expense Budget; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for certain organizations receiving funding pursuant to Immigrant Opportunities Initiative in accordance with the Fiscal 2012 Expense Budget; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for certain organizations receiving local discretionary funding in the Fiscal 2011 Expense Budget; and be it further

**Resolved**, That the City Council approves the new Description/Scope of Services for a certain organization receiving funding pursuant to Immigrant Opportunities Initiative in accordance with the Fiscal 2011 Expense Budget; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 1; 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 in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organization receiving funding pursuant to the Food Pantries-DYCD Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 7; 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 Runaway and Homeless Youth Services PEG Restoration, in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 8; 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 HIV/AIDS Faith Based Initiative, in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 9; 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 Jobs to Build On Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 10; 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 Adult Literacy Services Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 11; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of a certain organization receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 12; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 13; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 14; 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 HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 15.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res No. 1209 printed in these Minutes).

Int. No. 781

By Council Members Rodriguez, James, Williams and Wills.

**A Local Law to amend the administrative code of the city of New York, in relation to staggered inspections of taxicabs and for-hire vehicles.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision f of section 19-504 of the administrative code of the city of New York is amended to read as follows:

f. All taxicabs now or hereafter licensed pursuant to the provisions of this chapter shall be inspected at an inspection facility operated by the commission at least once every four months, in accordance with a procedure to be established by the commission. *On or before July 1, 2012, the commission shall by rule establish staggered inspection cycles for taxicabs required to comply with this section and for-hire vehicles required to be inspected pursuant to any law, rule or regulation that requires such inspection.* All other vehicles now or hereafter licensed pursuant to the provisions of this chapter other than commuter vans shall be inspected at official inspection stations licensed by the commissioner of motor vehicles pursuant to section three hundred three of the vehicle and traffic law at least once every four months in accordance with the regulations of the commissioner of motor vehicles, codified in part seventy-nine of title fifteen of the official compilation of codes, rules and regulations of the state of New York (15 N.Y.C.R.R. part 79). All commuter vans now or hereafter licensed pursuant to the provisions of this chapter shall be inspected and shall meet safety standards as provided in paragraph two of subdivision a of section 19-504.3 of this chapter. If any taxicab fails to pass its inspection for any reason relating to the requirements established by the New York state department of motor vehicles, it shall be reinspected. The fee payable to the commission for each inspection and each reinspection required for the issuance of a certificate of inspection for a taxicab, inclusive of the issuance of such certificate, shall not exceed ninety dollars for the first inspection and fifty dollars for each reinspection. The fees payable to the official inspection station for the inspection and the issuance of a certificate of inspection for all other licensed vehicles other than commuter vans shall be the fees charged and collected pursuant to section three hundred five of the vehicle and traffic law. The commission or any other agency authorized by law may conduct on-street inspections of vehicles licensed pursuant to the provisions of this chapter. The date of the inspection of a taxicab and the signature of the persons making the inspection shall be recorded upon the rate card in the space provided therefor. An owner shall be ordered by the commission to repair or replace his or her licensed vehicle where it appears that it no longer meets the reasonable standards for safe operation prescribed by the commission. Upon failure of such owner to have his or her vehicle inspected or to comply with any such order within ten days after service thereof, the license shall be suspended; upon failure of such owner to comply with any such order within one hundred twenty days after service thereof, the license may, at the discretion of the commission, be deemed to have been abandoned by nonuser.

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 782

By Council Members Ulrich, Chin, Dromm, Ferreras, Fidler, Gentile, Jackson, James, Koo, Koppell, Koslowitz, Lander, Levin, Rivera, Rose, Sanders, Van Bramer, Vann, Williams, Wills, Foster, Halloran and Oddo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring 311 to provide information for victims seeking assistance with identity theft and consumer fraud.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-303 to read as follows:

§ 23-303. *Identity Theft and Consumer Fraud Assistance.*

a. *Definitions. For the purposes of this section:*

1. "Consumer fraud" shall mean fraudulent, misleading, deceptive or illegal trade practices, including but not limited to those proscribed by Article 22-A of the New York State General Business Law;

2. "Identity theft" shall mean the unlawful use of an individual's personal identification information, including but not limited to the unlawful acts proscribed by sections one hundred and ninety point seventy-eight through one hundred and ninety point eighty-three of the New York State Penal Law; and

3. "Personal identification information" shall mean a person's name, address, telephone number, date of birth, driver's license number, social security number,

mother's maiden name, financial services account number or code, savings account number or code, checking account number or code, credit card account number or code, debit card number or code, automated teller machine number or code, taxpayer identification number, signature or copy of a signature, electronic signature, fingerprint, retinal image or iris image, or any other information that may be used alone or in conjunction with other such information to assume the identity of another person.

b. *Assistance Requirement.* Operators of the 311 system shall inform any caller seeking assistance as a victim of identity theft or consumer fraud of the number of the caller's local police precinct and local district attorney office.

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

Referred to the Committee on Governmental Operations.

Int. No. 783

By Council Members Vacca, Ferreras, Gentile, Jackson, James, Koo, Koslowitz, Mendez, Van Bramer and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring commercial bicyclists to complete bicycle safety courses.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph e of section 10-157 of the administrative code of the city of New York is amended to add a new paragraph 3 as follows:

(3) *Each bicycle operator shall be required to complete a bicycle safety course. The term "bicycle safety course" means a course given or approved by the department of transportation, regarding safe bicycling and adherence to traffic laws. Such requirement shall include, but not be limited to, the following:*

(i) *Each bicycle operator shall complete a bicycle safety course within six months of the enactment of the local law that added this paragraph;*

(ii) *Each bicycle operator who commences employment with any business engaged in providing a service as authorized in this section after the enactment of the local law that added this paragraph shall complete such bicycle safety course within ninety days of the commencement of such employment;*

(iii) *Each bicycle operator shall provide proof of completion of such bicycle safety course to each of his or her employers, shall carry such proof of completion while making deliveries or otherwise riding a bicycle on behalf of the business, and shall produce such proof upon the demand of a police officer or any other law enforcement officer;*

(iv) *The owner of any business engaged in providing a service as authorized in this section shall be responsible for the compliance with the provisions of this section of any employees it shall retain, shall maintain records of such employees' completion of bicycle safety courses, and shall make such records available for inspection during regular and usual business hours upon request of an agent of the police commissioner, any police officer, an agent of the department of transportation or any other person authorized by law; and*

(v) *The commissioner of transportation shall promulgate such rules and regulations as may be required to effectuate the purposes of this paragraph, including rules and regulations governing the content, requirements and delivery of the bicycle safety course.*

§ 2. Paragraph h of section 10-157 of the administrative code of the City of New York is amended as follows:

h. Any person who makes deliveries or otherwise operates a bicycle on behalf of a business without carrying the identification required by subdivision b of this section or who fails to produce such identification upon demand as required by such subdivision, or who fails to wear protective headgear required by subdivision e of this section, or who fails to carry proof of completion of a bicycle safety course required by subdivision e of this section, shall be guilty of a traffic infraction and upon conviction thereof shall be liable for a fine of not less than twenty-five dollars nor more than fifty dollars. It shall be an affirmative defense to such traffic infraction that the business did not provide the protective headgear required by subdivision e of this section. Such traffic infraction may be adjudicated by such an administrative tribunal as is authorized under article two-A of the vehicle and traffic law.

§ 3. This local law shall take effect ninety days after it is enacted into law.

Referred to the Committee on Transportation.

Int. No. 784

By Council Members Vacca, Cabrera, Dromm, Ferreras, Fidler, Gentile, James, Koo, Koppell, Koslowitz, Levin, Recchia, Williams, Foster and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing for transfer of muni-meter time.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended to add a new section 19-167.2 to read as follows:

§19-167.2 *Transfer of muni-meter time.* a. *For the purposes of this section, "Muni-meter receipt" shall mean the receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter.*

b. *A person who purchases time at a muni-meter may use the start and end time denoted on such muni-meter receipt in any motor vehicle and at any parking space under the jurisdiction of the commissioner where meter rules are in effect, except where the parking of a motor vehicle would be in violation of the signage at the location of the parking of such vehicle.*

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 785

By Council Members Vallone, Jr., Cabrera, Fidler, Gentile, James, Koo, Koppell, Lander, Van Bramer, Williams, Wills, Halloran, Oddo and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to directing laser pointers at aircrafts.**

*Be it enacted by the Council as follows:*

Section 1. Section 10-134.2 of title 10 of the administrative code of the city of New York is amended to add a new subdivision h and to renumber the current subdivision h as subdivision i and to amend it, to read as follows:

h. *It shall be unlawful for any person to direct light from a laser pointer at an aircraft, whether in motion or in flight, or at the flight path of such an aircraft. It shall be an affirmative defense to this subdivision that the person was using the light during an emergency situation to send an emergency distress signal. For the purposes of this subdivision the term "aircraft" shall mean any civil, military, or public contrivance invented, used, or designed to navigate, fly, or travel in the air.*

i. [h] Any person who violates subdivision b, c, e, or h [or e] of this section shall be guilty of a class A misdemeanor punishable by a prison term of not more than one year or a fine of not more than one thousand dollars, or both. Any person who violates subdivision d of this section shall be guilty of a violation for a first offense and a misdemeanor for all subsequent offenses.

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

L.U. No. 559

By Council Member Comrie:

**Application no. C 120029 ZSM submitted by West Village Residences, LLC and Saint Vincent's Catholic Medical Centers of New York pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to Section 74-743 (a) (1), Section 74-743 (a) (2) and Section 74-743 (a) (4) in connection with a proposed mixed use development on property located at 133-147 West 11<sup>th</sup> Street a.k.a. 1-19 Seventh Avenue a.k.a 134-178 West 12<sup>th</sup> Street (Block 607, Lot1), in R8 and C6-2 Districts, within a Large-Scale General Development, Community Board 2, Borough of Manhattan . 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. Council District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 560

By Council Member Comrie:

**Application no. C 120030 ZSM submitted by West Village Residences, LLC and Saint Vincent's Catholic Medical Centers of New York pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a**

special permit pursuant to Section 74-744 (b) of the Zoning Resolution to modify the use location requirements of Section 32-422 to allow Use group 6 uses on portions of the 3<sup>rd</sup> floor of the proposed building at 1-15 Seventh Avenue, in connection with a proposed mixed use development on property located at 133-147 West 11<sup>th</sup> Street a.k.a. 1-19 Seventh Avenue a.k.a 134-178 West 12<sup>th</sup> Street (Block 607, Lot1), in R8 and C6-2 Districts, within a Large-Scale General Development, Community Board 2, Borough of Manhattan. 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., Council District 3.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 561

By Council Member Comrie:

**Application no. C 120031 ZSM submitted by West Village Residences, LLC and Saint Vincent’s Catholic Medical Centers of New York pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an enclosed attended accessory parking garage with a maximum capacity of 152 spaces on portions of the ground floor and cellar of a proposed building at 140 West 12<sup>th</sup> Street, in connection with a proposed mixed use development on property located at 133-147 West 11<sup>th</sup> Street a.k.a. 1-19 Seventh Avenue a.k.a 134-178 West 12<sup>th</sup> Street (Block 607, Lot1), in R8 and C6-2 Districts, within a Large-Scale General Development, Community Board 2, Borough of Manhattan . 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. Council District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 562

By Council Member Comrie:

**Application no. N 120032 ZRM submitted by West Village Residences, LLC and Saint Vincent’s Catholic Medical Centers of New York pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, for an amendment of the Zoning Resolution of City of New York, relating to Section 74-743 (special Provisions for bulk modifications) on the zoning lots bounded by Greenwich Avenue, West 11<sup>th</sup> Street, West 12<sup>th</sup> Street, and midblock between 7<sup>th</sup> and 6<sup>th</sup> Avenues, Community District 2, Borough of Manhattan, Council District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 563

By Council Member Comrie:

**Application no. C 120033 ZMM submitted by West Village Residences, LLC and Saint Vincent’s Catholic Medical Centers of New York pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12a and 12c. Council District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 564

By Council Member Comrie:

**Application no. 20125330 HAX, an Urban Development Action Area Project located at 1664, 1694, and 1702 Davidson Avenue, Council District no. 16, Borough of The Bronx. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the**

**request of the New York City Department of Housing Preservation and Development and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 565

By Council Member Comrie:

**Application no. 20125331 HAK, an Urban Development Action Area Project, Bushwick East, located at 62 Troutman Street, 11 Dodworth Street, 1132 DeKalb Avenue, 84 Stanhope Street, 1175 Greene Avenue, 103 Bleecker Street, 207, 205, 203 Palmetto Street, Council District no. 34, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development and pursuant to Section 696 of the General Municipal Law for an exemption from real property taxes.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 566

By Council Member Comrie:

**Application no. 20115825 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Nitehawk Brooklyn Llc, d/b/a Nitehawk Brooklyn, to establish, maintain and operate an unenclosed sidewalk café located at 136 Metropolitan Avenue, Borough of Brooklyn, Council District no.34. 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.

At this point the Speaker (Council Member Quinn) made the following announcements:

**ANNOUNCEMENTS:**

**Thursday, February 2, 2012**

**★Addition**

Committee on **EDUCATION**.....**10:00 A.M.**

**Res. 1155** - By Council Members Cabrera, Arroyo, Chin, Comrie, Crowley, Dickens, Dilan, Foster, Gentile, Greenfield, James, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Nelson, Palma, Reyna, Rodriguez, Rose, Sanders, Vallone, Jr., Van Bramer, Vann, Williams, Wills, Vacca, Jackson, Weprin, Halloran, Ignizio, Koo, Oddo and Ulrich - **Resolution** calling upon the New York State legislature to pass and the Governor to sign legislation amending the New York State Education Law to afford houses of worship maximum access to school property.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Robert Jackson, Chairperson

**Monday, February 6, 2012**

**★Addition**

Committee on **SMALL BUSINESS**.....**1:00 P.M.**

**Tour:** ..... Southwest Brooklyn Industrial Business Zone

**Location:** .....**241 41<sup>st</sup> Street**

**Brooklyn NY 11232 (between 2<sup>nd</sup> and 3<sup>rd</sup> Avenue)**

Details Attached.....Diana Reyna, Chairperson

Tuesday, February 7, 2012

**★Deferred**

Committee on **FINANCE** ..... **10:00 A.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Domenic M. Recchia, Chairperson

**★Note Time Change**

Committee on **PARKS** ..... **★1:30 P.M.**  
**Int. 448** - By Council Members Halloran and Koo - **A Local Law** in relation to renaming six thoroughfares and public places, Prospect Avenue, Borough of Queens, Hamilton Avenue, Borough of Queens, Orient Avenue, Borough of Queens, Church Street, Borough of Queens, Pine Street, Borough of Queens, Poplar Street, Borough of Queens and to amend the official map of the city of New York accordingly.  
**★Int. 761** - By Council Members Arroyo, Barron, Cabrera, Comrie, Crowley, Dickens, Dilan, Fidler, Foster, Gentile, Greenfield, Halloran, James, Koo, Koppell, Koslowitz, Lander, Levin, Mendez, Oddo, Rodriguez, Rose, Vacca, Van Bramer, Vann and Wills - **A Local Law** in relation to the naming of 33 thoroughfares and public places, Dra. Evelina Antonetty Way, Borough of the Bronx, Lenny Kobren Circle, Borough of Brooklyn, Ozzie Brown Triangle, Borough of the Bronx, Dr. Michael Lancelot Marciano Way, Borough of the Bronx, Detective Kevin Czartoryski Place, Borough of Queens, Cheyenne Baez Way, Borough of Manhattan, Rev. John B. Elliott Way, Borough of Brooklyn, Jim Buckley Way, Borough of Brooklyn, Meg Charlop Way, Borough of the Bronx, The Chords-Hit Record “Sh-Boom” 1954, Borough of the Bronx, Frank Griffin Way, Borough of Brooklyn, Joe “The Great” Rollino Corner, Borough of Brooklyn, Raoul Wallenberg Way, Borough of Brooklyn, Lt. Peter J. Farrenkopf Place, Borough of Queens, Reginald Nero’s Way, Borough of Brooklyn, First United Methodist Church Way, Borough of Queens, Police Officer Eric Hernandez Memorial Corner, Borough of the Bronx, Thomas X. Winberry Way, Borough of Queens, Julian Brennan Way, Borough of Brooklyn, John Davenport Way, Borough of Brooklyn, Alain Schaberger Way, Borough of Brooklyn, Sgt. Nicholas Aleman Way, Borough of Brooklyn, Miriam Friedlander Way, Borough of Manhattan, Officer Glenn Pettit Corner, Borough of Manhattan, Jonathan M. Acierno Way, Borough of Staten Island, Manolo Tavarez Justo Way, Borough of Manhattan, Joseph Mandarino Way, Borough of Staten Island, Det. Raymond “Pally” Taylor Way, Borough of Staten Island, Peggy Braverman Way, Borough of the Bronx, Bishop Moses Taylor Way, Borough of Queens, Charles C. Pinn Triangle, Borough of Brooklyn, Shirley N. Moore Street, Borough of Queens, Correction Officer Gregory Gerard Goff II, Borough of Queens and the repeal of sections 27 and 52 of local law number 47 for the year 2011 and section 22 of local law number 3 for the year 2011.  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor  
 ..... Melissa Mark-Viverito, Chairperson

Wednesday, February 8, 2012

Subcommittee on **ZONING & FRANCHISES** ..... **9:30 A.M.**  
**See Land Use Calendar** Available Friday, February 3, 2012  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Mark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES** ..... **11:00 A.M.**  
**See Land Use Calendar** Available Friday, February 3, 2012  
 Committee Room– 250 Broadway, 16<sup>th</sup> Floor ..... Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... **1:00 P.M.**  
**See Land Use Calendar** Available Friday, February 3, 2012  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Stephen Levin, Chairperson

**★Note Topic Addition**

Committee on **GENERAL WELFARE** ..... **1:00 P.M.**  
**★Oversight** - Recent Policy Changes at HASA  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Annabel Palma, Chairperson

Thursday, February 9, 2012

Committee on **LAND USE** ..... **10:00 A.M.**  
**All items reported out of the subcommittees AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Leroy Comrie, Chairperson

Friday, February 10, 2012

**★Note Topic Addition**

Committee on **WATERFRONTS** ..... **1:00 P.M.**  
**Oversight** - Renourishment of City Beaches and Managing Future Erosion Using Soft Engineering  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Michael Nelson, Chairperson

Monday, February 13, 2012

Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES** ... **10:00 A.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Oliver Koppell, Chairperson

Committee on **VETERANS** ..... **1:00 P.M.**  
 Agenda to be announced  
 Committee Room– 250 Broadway, 14<sup>th</sup> Floor ..... Mathieu Eugene, Chairperson

Tuesday, February 14, 2012

Committee on **COMMUNITY DEVELOPMENT** ..... **10:00 A.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Albert Vann, Chairperson

Committee on **LOWER MANHATTAN REDEVELOPMENT** ..... **10:00 A.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Margaret Chin, Chairperson

Committee on **TRANSPORTATION**..... **1:00 P.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... James Vacca, Chairperson

**★Deferred**

Committee on **AGING**..... **1:00 P.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Jessica Lappin, Chairperson

Wednesday, February 15, 2012

Committee on **HOUSING AND BUILDINGS** ..... **10:00 A.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Erik Martin-Dilan, Chairperson

Committee on **PUBLIC SAFETY** ..... **10:00 A.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Peter Vallone, Jr., Chairperson

Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS** ..... **1:00 P.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor  
 ..... James Van Bramer, Chairperson

Committee on **CONSUMER AFFAIRS**..... **1:00 P.M.**  
**Oversight:** Home Improvement Contractors in New York City – Tools for Fair Dealing  
**Location:** Brooklyn Borough Hall, 209 Joralemon Street, 1<sup>st</sup> Floor Community Room, Brooklyn, NY 11201 ..... Daniel Garodnick, Chairperson

Thursday, February 16, 2012

**★Note Time Change**

Committee on **SMALL BUSINESS**..... **10:00 A.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Diana Reyna, Chairperson

Committee on **IMMIGRATION** ..... **10:00 A.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Daniel Dromm, Chairperson

Committee on **JUVENILE JUSTICE** ..... **1:00 P.M.**  
 Agenda to be announced  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Sara Gonzalez, Chairperson

Committee on CIVIL SERVICE AND LABOR ..... 1:00 P.M.
Agenda to be announced
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... James Sanders, Chairperson

Friday, February 17, 2012

★ Note Topic Addition

Committee on YOUTH SERVICES.....10:00 A.M.
Oversight - The 2011 Summer Youth Employment Program Annual Summary
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Lewis Fidler, Chairperson

Committee on SANITATION AND
SOLID WASTE MANAGEMENT.....10:00 A.M.
Agenda to be announced
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Letitia James, Chairperson

Committee on ENVIRONMENTAL PROTECTION ..... 1:00 P.M.
Agenda to be announced
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... James Gennaro, Chairperson

Monday, February 20, 2012

President’s Day Observed

Monday, February 27, 2012

Committee on PUBLIC HOUSING.....10:00 A.M.
Agenda to be announced
Committee Room – 250 Broadway, 14<sup>th</sup> Floor .....Rosie Mendez, Chairperson

Committee on ECONOMIC DEVELOPMENT .....10:00 A.M.
Agenda to be announced
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Karen Koslowitz, Chairperson

Committee on FIRE AND CRIMINAL JUSTICE SERVICES.....10:00 A.M.
Agenda to be announced
Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Elizabeth Crowley, Chairperson

Committee on WOMEN’S ISSUES. .... 1:00 P.M.
Agenda to be announced
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Julissa Ferreras, Chairperson

Committee on CIVIL RIGHTS ..... 1:00 P.M.
Agenda to be announced
Committee Room– 250 Broadway, 16<sup>th</sup> Floor .....Deborah Rose, Chairperson

Committee on CONTRACTS ..... 1:00 P.M.
Agenda to be announced
Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Darlene Mealy, Chairperson

Tuesday, February 28, 2012

Committee on HEALTH.....10:00 A.M.
Agenda to be announced
Committee Room – 250 Broadway, 14<sup>th</sup> Floor Maria del Carmen Arroyo,
Chairperson

Committee on GOVERNMENTAL OPERATIONS..... 1:00 P.M.
Agenda to be announced
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Gale Brewer, Chairperson

★ Deferred

Committee on EDUCATION..... 1:00 P.M.
Oversight – Medicaid Claims for Special Education Related Services by the
Department of Education
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Robert Jackson, Chairperson

★ Addition

Committee on AGING..... 1:00 P.M.
Agenda to be announced
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Jessica Lappin, Chairperson

Wednesday, February 29, 2012

★ Addition

Committee on RULES, PRIVILEGES & ELECTIONS .....10:30 A.M.
M 741 - Communication from the Mayor - Submitting the name of Erika Thomas-
Yuille to the Council for its advice and consent regarding her appointment to the
New York City Conflicts of Interest Board, Pursuant to Section 2602 of the City
Charter.
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Joel Rivera, Chairperson

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.
..... Agenda – 1:30 p.m.
Location..... ~ Council Chambers ~ City Hall.....

Thursday, March 1, 2012

Committee on EDUCATION jointly with the
Committee on FINANCE..... 10:00 A.M.
Oversight - Medicaid Claims for Special Education- Related Services by the
Department of Education
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Robert Jackson, Chairperson
.....Domenic M. Recchia, Chairperson

MEMORANDUM

January 31, 2012

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEE ON SMALL BUSINESS

Please be advised that all Council Members are invited to attend a
tour:

Southwest Brooklyn Industrial Business Zone
241 41<sup>st</sup> Street
Brooklyn NY 11232 (between 2<sup>nd</sup> and 3<sup>rd</sup> Avenue)

The tour will be on Monday, February 6, 2012 beginning at 1:00 p.m. A
van will be leaving City Hall at 12:15 p.m.

Please Contact Matthew Hickey, at 212-788-6875, if you have any
questions.

Diana Reyna, Chairperson
Committee on Small Business
Council

Christine C. Quinn
Speaker of the
Council

Whereupon on motion of the Speaker (Council Member Quinn), the President
Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again
for the Stated Meeting on Wednesday, February 29, 2012.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council









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