



# THE CITY RECORD

Official Journal of The City of New York

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## THE CITY RECORD

**MICHAEL R. BLOOMBERG, Mayor**

**EDNA WELLS HANDY**, Commissioner, Department of Citywide Administrative Services.  
**ELI BLACHMAN**, Editor of The City Record.

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### STATEN ISLAND BOROUGH PRESIDENT

#### ■ PUBLIC MEETING

Notice of Public Meeting, Wednesday, December 7, 2011, Staten Island Borough Board, Conference Room 122 at 5:30 P.M., Staten Island Borough Hall, Stuyvesant Place, Staten Island, New York 10301.

n30-d7

### COMPTROLLER

#### ASSET MANAGEMENT

#### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held in the Municipal Building, One Centre Street, Room 650 Conference Room, on Monday, December 12, 2011 at 10:30 A.M. on the following items:

(1) In the matter of a proposed negotiated acquisition contract extension between the Office of the Comptroller and Townsend Holdings LLC, 1660 W. Second Street, Cleveland, Ohio 44113 for the provision of Real Estate Investment Consultant Services by the New York City Retirement Systems, acting on behalf of said Systems and such other additional Systems, funds and accounts as may be designated in writing from time to time by the Comptroller.

The term of the extension will commence January 1, 2012 and remain in effect through June 30, 2012. The estimated cost of the contract is approximately \$450,000 which will be paid from the corpus of the city pension funds.  
PIN: 015-015-11815100 ZR.

A copy of the contract, or excerpt thereof, can be seen at the Office of the Comptroller, One Centre Street, Room 650, New York, New York 10007, Monday through Friday excluding holidays commencing on December 5, 2011 through December 12, 2011 between 10:00 A.M. - Noon and 1:30 - 4:30 P.M.

This is a negotiated acquisition extension contract with the Townsend Holdings LLC to continue to provide real estate equity consulting services to the Office of the Comptroller and the Systems (the "Systems").

The Comptroller is custodian and investment advisor to the Systems. The Systems' investment programs include an allocation to real estate. The Comptroller on behalf of the Systems issued an RFP on December 20, 2010 to identify and select a real estate investment consultant or consultants. The Systems have made final selections pursuant to the RFP. The Comptroller is in the process of negotiating the contracts and

finalizing the specific roles and responsibilities of the newly selected real estate consultants. It is necessary that the Systems and the Comptroller extend the current provider in order to retain strategic real estate investment consulting and support services pending the completion of the negotiation of new contracts with the selected consultants.

d5-9

### COMMUNITY BOARDS

#### ■ PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

#### BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 11 - Thursday, December 8, 2011 at 7:30 P.M., Holy Family Home, 1740 84th Street, Brooklyn, NY

#### BSA# 442-42-BZ

2011 Cropsey Avenue  
IN THE MATTER of an applicant seeks an amendment to a previously approved variance to convert the service building, with the removal of the repair bays, to a convenience store.

d2-8

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

#### BOROUGH OF STATEN ISLAND

COMMUNITY BOARD NO. 02 - Tuesday, December 6, 2011 at 7:30 P.M., Community Board 2 Office, 460 Brielle Avenue, Staten Island, NY

#### N120090ZRY

(E) Designations text amendment; a citywide text amendment to streamline and improve the zoning regulations governing Environmental (E) Designations.

#### N110245ZAR

101 Circle Road  
Application to construct (7) detached one-family dwellings on a 167,576 square foot lot located in the Special Natural Area District.

#### N110202ZAR

46 Pearsall Street  
Application to grant authorization pursuant to Section 22-43 of the Zoning Resolution to allow a detached two-family, residence where more than 75% of the floor area of one dwelling unit is not located directly above or directly below the other. This authorization would facilitate the development of two "side by side" dwelling units within a single detached two-family residence.

#### N110205ZAR

50 Pearsall Street  
Application to grant authorization pursuant to Section 22-43 of the Zoning Resolution to allow a detached two-family

residence where more than 75% of the floor area of one dwelling is not located directly above or directly below the other. This authorization would facilitate the development of two "side by side" dwelling units within a single detached two-family residence.

#### BSA#45-03-A - 64-03-A

71 Hall Avenue  
Application for permission to construct (18) one-family, 3-story, semi-detached dwellings; one two-family, 3-story detached dwelling not fronting on a legally mapped street and located within the bed of a mapped street, and permission to construct a detached residence.

n30-d6

### EMPLOYEES RETIREMENT SYSTEM

#### ■ MEETING

Please be advised that the next Regular Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Thursday, December 8, 2011 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor, Boardroom, Brooklyn, NY 11201-3751.

d1-7

### ENVIRONMENTAL CONTROL BOARD

#### ■ MEETING

#### OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS/ ENVIRONMENTAL CONTROL BOARD

The next meeting will take place on Thursday, December 15, 2011 at 40 Rector Street, OATH Lecture Room, 14th Floor, New York, NY 10006 at 9:15 A.M. at the call of the Chairman.

d5-7

### FRANCHISE AND CONCESSION REVIEW COMMITTEE

#### ■ MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee will hold a Public Meeting on Wednesday, December 14, 2011 at 2:30 P.M. at 22 Reade Street, Spector Hall, Borough of Manhattan.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contracts Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD users should call Verizon relay service.

d5-14

### INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

#### FRANCHISE ADMINISTRATION

#### ■ PUBLIC HEARINGS

NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING to be held on Monday, December 12, 2011 commencing at 2:30 P.M. at 22 Reade Street, Borough of Manhattan in the matters of: (1) a proposed franchise agreement between the City of New York and Xchange Telecom Corp. and (2) a proposed franchise agreement between the City of New York and Mobilite Investments II, LLC. Both proposed franchise agreements grant the non-exclusive right to install, operate and maintain telecommunications equipment and facilities on City owned and managed street light poles, traffic light poles, highway sign support poles and certain utility poles ("utility" being defined as it is defined in 47 U.S.C. Section 224). The proposed franchises will run until November 14, 2019. Each

franchisee is limited to the use of 3,000 poles city-wide during the term of the contract.

Copies of the proposed franchise agreements may be viewed at the Department of Information Technology and Telecommunications, 2 Metrotech Center, 4th Floor, Brooklyn, New York 11201, from November 17, 2011 through December 12, 2011, between the hours of 9:30 A.M. and 3:30 P.M., excluding Saturdays, Sundays and holidays. Hard copies of the proposed franchise agreement may be obtained, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made payable to the New York City Department of Finance. The proposed franchise agreement may also be obtained in PDF form at no cost, by email request. Interested parties should contact Roxanne Chambers at (212) 788-6610 or by email at RChambers@doitt.nyc.gov.

NOTE: Individuals requesting sign language interpreters at the public hearing should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th Floor, New York, New York 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay service.

The Hearing may be cablecast on NYC Media Group channels.

n17-d12

## LABOR RELATIONS

### MEETING

The New York City Deferred Compensation Plan Board will hold its next meeting on Wednesday, December 7, 2011 from 10:00 A.M. to 12:00 P.M. The meeting will be held at 40 Rector Street, 3rd Floor, NYC.

d5-7

## LANDMARKS PRESERVATION COMMISSION

### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **December 6, 2011 at 9:00 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF QUEENS 12-3341 - Block 8044, lot 1-1 Alston Place - Douglaston Historic District  
A Colonial Revival-style freestanding house with attached garage designed by George A. Barnes and built in 1924. Application is to legalize the installation of windows, door, and trim, and deck and alteration to the driveway and areaway, all without Landmarks Preservation Commission permits. Zoned R1-1. Community District 11.

**BINDING REPORT**  
BOROUGH OF BROOKLYN 12-5105 - Block 8694, lot 18-1208 Surf Avenue - Childs Restaurant Building-Individual Landmark  
A Spanish Revival style restaurant building designed by John C. Westervelt and built in 1917. Application is to install rooftop mechanical equipment. Community District 13.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 10-8032 - Block 258, lot 102-73 Atlantic Avenue - Brooklyn Heights Historic District  
A 19th century building with storefront. Application is to legalize modifications to the front façade without Landmarks Preservation Commission permit(s). Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 10-8148 - Block 258, lot 101-75 Atlantic Avenue - Brooklyn Heights Historic District  
A 19th century building with a storefront. Application is to legalize modifications to the front facade without Landmarks Preservation Commission permit(s). Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 11-9285 - Block 270, lot 9-163 State Street - Brooklyn Heights Historic District  
A Greek Revival style rowhouse built in 1841. Application is to replace doors. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 12-5348 - Block 386, lot 54-173 Wyckoff Street - Boerum Hill Historic District  
A neo-Grec style rowhouse built in the 19th century. Application is to legalize alterations to the entrance and the construction of a rooftop bulkhead without Landmarks Preservation Commission permit(s). Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 12-1718 - Block 1963, lot 70-160 St. James Place - Clinton Hill Historic District  
A vernacular frame house built c. 1865. Application is to construct a rear yard addition. Zoned R6B. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 12-5332 - Block 1073, lot 22-36 Montgomery Place - Park Slope Historic District

A rowhouse with Romanesque Revival style and Queen Anne style details, designed by C.P.H. Gilbert, and built in 1888-89. Application is to replace roof shingles. Community District 6.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-5518 - Block 219, lot 7504-169 Hudson Street - Tribeca North Historic District  
A Renaissance Revival style warehouse designed by James E. Ware and built in 1893-94. Application is to construct a rooftop addition. Zoned M1-5. Community District 1.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-4394 - Block 175, lot 8-88 Franklin Street - Tribeca East Historic District  
A neo-Grec style store and loft building designed by Issac W. How and William P. Draper, and built in 1881-83. Application is to construct a rooftop addition. Zoned C6-2A. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-5708 - Block 510, lot 45-295 Lafayette Street - Puck Building – Individual Landmark  
A Romanesque Revival style commercial building designed by Albert Wagner and built in 1885-86 with alterations in 1892-93 and 1897-99. Application is to install HVAC louvers. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 11-4401 - Block 535, lot 7501-2-6 West 4th Street, aka 693-697 Broadway – NoHo Historic District  
A Beaux-Arts style store and office building, designed by William C. Frohne and built in 1908. Application is to replace storefront infill and signage. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-5349 - Block 545, lot 26-440 Lafayette Street - NoHo Historic District  
A Second Empire-style carriage warehouse designed by Edward H. Kendall, built in 1870-71 and altered in 1888-1891. Application is to replace windows. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-4834 - Block 617, lot 1-76 Greenwich Avenue - Greenwich Village Historic District  
A brick building built in the mid - 1980's and designed by Ferrenz and Taylor. Application is to demolish the building and construct a park. Zoned C2-7. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-2771 - Block 613, lot 46-214 West 11th Street - Greenwich Village Historic District  
An Italianate style rowhouse built in 1856. Application is to replace windows. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-4309 - Block 644, lot 43-22 Little West 12th Street - Gansevoort Market Historic District  
A neo-Georgian style stables building designed by John M. Baker and built in 1908-09. Application is to construct a rooftop addition, modify the rear facade, install new storefront infill, a canopy, and a painted wall sign. Zoned M1-5. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-2485 - Block 644, lot 43-22 Little West 12th Street - Gansevoort Market Historic District  
A neo-Georgian style stables building designed by John M. Baker and built in 1908-09. Application is to establish a master plan governing the installation of painted wall signs. Zoned M1-5. Community District 2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-2910 - Block 719, lot 20-433 West 21st Street - Chelsea Historic District  
An apartment house designed by Springsteen & Goldhammer and built in 1930. Application is to install through-the-wall window AC units. Community District 4.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-5089 - Block 719, lot 1-473 West 21st Street - Chelsea Historic District  
An Italianate style rowhouse built in 1853. Application is to alter the roof, install rooftop mechanical equipment, railings, and stair bulkhead, and replace windows. Zoned R7B-C2-5. Community District 4.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-4961 - Block 823, lot 65-40 West 22nd Street - Ladies' Mile Historic District  
A neo-Renaissance style store and loft building designed by Korn & Zipkes and built in 1909-10. Application is to install a canopy. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-4292 - Block 823, lot 35-5 West 21st Street - Ladies' Mile Historic District  
An Italianate style dwelling built in 1851 altered in 1919 with the construction of a two-story storefront extension. Application is to replace storefront infill. Community District 5.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-4293 - Block 1334, lot 41-320 East 42nd Street - Tudor City Historic District  
A Tudor Revival style apartment hotel built in 1928-29. Application is to establish a master plan governing the future installation of windows and window air conditioner units. Community District 6.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 12-4458 - Block 1202, lot 40-18 West 89th Street - Upper West Side/Central Park West Historic District

A school building designed by Wechsler and Schimenti and built in 1968-70. Application is to alter and create new window openings, alter the main entrance, and to install a distinctive sidewalk and canopy. Community District 7.

n22-d6

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of 3020 of the New York City Charter and Chapter 3 of Title 24 of the Administrative Code of the City of New York (Sections 25-303 and 25-313) that on **Tuesday, December 20, 2011 at 9:30 A.M.**, the Landmarks Preservation Commission will conduct a *public hearing* in the Public Meeting Room of the Landmarks Preservation Commission, located at The Municipal Building, 1 Centre Street, 9th Floor North, City of New York, with respect to the following proposed Landmark and Landmark Site. Any person requiring reasonable accommodation in order to participate in the hearing should call or write the Landmarks Preservation Commission, [Municipal Building, 1 Centre Street, 9th Floor North, New York, NY 10007, (212) 669-7700] no later than five (5) business days before the hearing. There will also be a public meeting on that day.

### ITEM TO BE HEARD

#### BOROUGH OF BROOKLYN

#### PUBLIC HEARING ITEM NO.1

LP-2202  
**NEW YORK AND LONG ISLAND COIGNET STONE COMPANY BUILDING**, 360 Third Avenue (aka 370 Third Avenue; 230 Third Street), Brooklyn.  
*Landmark Site:* Borough of Brooklyn Tax Map Block 978, Lot 7

*Modification to the Landmark Site*, Borough of Brooklyn Tax Map Block 978 Lot 7 in part consisting of the land underneath the described building with a five foot buffer zone. [Community Board No. 6]

d5-19

## COURT NOTICES

### SUPREME COURT

#### NOTICE

#### QUEENS COUNTY IA PART 8 AMENDED VESTING ORDER INDEX NUMBER 8655/09

In the Matter of the Application of THE CITY OF NEW YORK, relative to acquiring title in fee to certain real property where not heretofore acquired for the same purpose located along

**BEACH 43rd STREET**  
from Beach Channel Drive to Conch Basin Bulkhead; and

**BEACH 44th STREET**  
from Beach Channel Drive to Conch Road; and

**BEACH 45th STREET**  
from Beach Channel Drive to Norton Avenue; and

**CONCH DRIVE**  
from Beach 43rd Street to Norton Basin Bulkhead; and

**NORTON AVENUE**  
from Beach 45th Street to Beach 43rd Street; and

**EDGEMERE DRIVE**  
from Beach 44th Street to Beach 43rd Street; and

**HANTZ ROAD**  
from Beach 45th Street to Beach 44th Street; and

**CONCH ROAD**  
from Beach 43rd Street to Beach 44th Street  
in the Borough of Queens, City and State of New York.

**WHEREAS**, the City of New York ("City") has previously acquired certain property in Queens County by filing a Vesting Order dated May 22, 2009 ("Initial Order"), and by filing an Acquisition and Damage Map ("Initial Map") with the Office of the City Register on June 10, 2009, thereby acquiring title to said property as of June 10, 2009; and

**WHEREAS**, the City has now filed a motion, brought on by Notice of Motion, dated April 12, 2011, pursuant to New York City Administrative Code § 5-331 and Civil Practice Law and Rules § 2001, for (1) an Amended Vesting Order to supersede, *nunc pro tunc*, the initial Vesting Order, dated May 22, 2009, (2) leave to file an Amended Acquisition and Damage Map that will supersede, *nunc pro tunc*, the initial Acquisition and Damage Map, filed June 10, 2009, and (3) any other relief the Court deems just and proper; and movant having appeared by MICHAEL A. CARDOZO, Corporation Counsel of the City of New York (HOLLY R. GERSTENFELD, of counsel) in support of the motion; and

having appeared in opposition, and due deliberation having been had thereon;

**NOW**, upon reading and filing the Notice of Motion, dated April 12, 2011; the Affirmation of Fred Kolikoff, dated April 12, 2011, and the exhibits annexed thereto; it is

ORDERED, that the motion be and the same is hereby granted in its entirety;

ORDERED, that the City is authorized to file an Amended Acquisition and Damage Map in the Office of the City Register; and it is further

ORDERED, that said filing shall be deemed to have taken place as of June 10, 2009, nunc pro tunc, so that title to the property shown on said map shall be deemed to have vested in the City of New York as of June 10, 2009; and it is further

ORDERED, that the properties affected by this Amended Order shall include the following parcels as shown on the Amended Acquisition and Damage Map:

Table with columns: Damage Parcel, Block, Part of Lot. Lists parcel numbers 1-210 and their corresponding block and lot information.

Table with columns: Parcel Number, Block, Part of Lot. Lists parcel numbers 211-332 and their corresponding block and lot information.

and it is further

ORDERED, that the compensation which should be made to the owners of the property sought to be acquired in this proceeding be ascertained and determined by this Court without a jury; and it is further

ORDERED, that within thirty days after entry of this Amended Order, the City shall cause a copy of the Amended Order be published in at least 10 successive issues of the City Record, an official newspaper published in the City of New York, and shall serve a copy of such Order by first class mail on each condemnee or his, her or its attorney of record; and it is further

ORDERED, that, except as provided herein, all of the terms and provisions of the Initial Order filed May 28, 2009 in this proceeding shall remain in full force and effect.

Hon. Jaime A. Rios J. S. C.

Dated: October 24, 2011, Jamaica, New York MICHAEL A. CARDOZO Corporation Counsel of the City of New York 100 Church Street, Rm. 5-235 New York, New York 10007 Tel. (212) 788-0710

n23-d7

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

MUNICIPAL SUPPLY SERVICES

SALE BY AUCTION

PUBLIC AUCTION SALE NUMBER 12001-G

NOTICE IS HEREBY GIVEN of a public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, December 7, 2011 (SALE NUMBER 12001-G). Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our website, on the Friday prior to the sale date at:

http://www.nyc.gov/autoauction OR http://www.nyc.gov/autoauctions

Terms and Conditions of Sale can also be viewed at this site.

For further information, please call (718) 417-2155 or (718) 625-1313.

n23-d7

POLICE

OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.

The following listed property is in the custody, of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves. Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

FOR MOTOR VEHICLES

(All Boroughs):

- \* College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
\* Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
\* Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

FOR ALL OTHER PROPERTY

- \* Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
\* Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
\* Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
\* Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
\* Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

PROCUREMENT

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence.

ADMINISTRATION FOR CHILDREN'S SERVICES

SOLICITATIONS

Human / Client Services

NON-SECURE DETENTION GROUP HOMES - Negotiated Acquisition - Judgment required in evaluating proposals - PIN# 06811N0004 - DUE 05-31-13 AT 2:00 P.M. - The Administration for Children's Services, Division of Youth and Family Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 5/31/13.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Administration for Children's Services, 150 William Street, 9th Floor, New York, NY 10038. Patricia Chabla (212) 341-3505; Fax: (212) 341-3625; patricia.chabla@dfa.state.ny.us

j1-n14

BUILDINGS

CONTRACTS

INTENT TO AWARD

Services (Other Than Human Services)

B-FIRST PROJECT RE-SCOPING - Negotiated Acquisition - PIN# 810100011CNVN001 - DUE 12-12-11 AT 3:00 P.M. - There is a compelling need to extend the contract beyond the permissible term in order to meet the needs of the Agency.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Department of Buildings, 280 Broadway, 6th Floor, New York, N.Y. Leesel Wong (212) 566-4183; leewong@buildings.nyc.gov

d2-8



**POLICE**

**CONTRACT ADMINISTRATION**

■ SOLICITATIONS

*Services (Other Than Human Services)*

**AUDIT OF COMMUNICATION BILLS** – Competitive Sealed Bids – PIN# 05611B0020 – DUE 01-03-12 AT 11:00 A.M. – An optional pre-bid conference is scheduled to be held at 11:00 A.M. on Tuesday, December 13, 2011 at 1 Police Plaza, Room 900, New York, New York 10038. All visitors must have valid identification.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
 Police Department, 51 Chambers Street, Room 310, New York, NY 10007. Stephane Gallop (646) 610-5225.

**SCHOOL CONSTRUCTION AUTHORITY**

**CONTRACT ADMINISTRATION**

■ SOLICITATIONS

*Construction/Construction Services*

**EXTERIOR MASONRY/ROOFS/PARAPETS** – Competitive Sealed Bids – PIN# SCA12-13938D-1 – DUE 12-28-11 AT 11:00 A.M. – PS 21 (Brooklyn). Price of Documents: \$100.00. Project Range: \$3,360,000.00 to \$3,540,000.00.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
 School Construction Authority, 30-30 Thomson Avenue, Long Island City, NY 11101. Kevantae Idlett (718) 472-8360; kidlett@nycsca.org

**SCIENCE LAB UPGRADES** – Competitive Sealed Bids – PIN# SCA12-14006D-1 – DUE 12-28-11 AT 10:00 A.M. – Monroe Academy for Visual Arts (Bronx). Project Range: \$2,030,000.00 to \$2,145,000.00. Price of Documents: \$100.00.

*Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.*  
 School Construction Authority, 30-30 Thomson Avenue, Long Island City, NY 11101. Kevantae Idlett (718) 472-8360; kidlett@nycsca.org

**AGENCY RULES**

**MAYOR'S OFFICE OF ENVIRONMENTAL REMEDIATION**

■ NOTICE

**Regulatory Agenda for Fiscal Year 2012**

Pursuant to Section 1042 of the Charter of the City of New York, the Mayor's Office of Environmental Remediation hereby publishes a Regulatory Agenda for the Fiscal Year ending June 30, 2012. This Regulatory Agenda describes briefly the subject areas in which it is anticipated that rules may be promulgated during the fiscal year.

The legal basis for the proposed rules is paragraphs 15 and 18 of subdivision e of Section 15 of the New York City Charter, which confers upon the Office of Environmental Remediation the authority to promulgate rules relating to the E-Designation program and the local brownfield incentive grant program.

The individuals and entities likely to be subject to the proposed rules are owners and developers of properties encumbered with an E-Designation and owners and developers who seek city brownfield incentive grants.

An office official knowledgeable about the subject area of each proposal is:

Mark McIntyre, *General Counsel*  
 Mayor's Office of Environmental Remediation  
 253 Broadway, 14th floor, New York, New York 10007  
 Telephone: (212) 788 3015

**1. AMENDMENTS TO E-DESIGNATION RULE**

The Mayor's Office of Environmental Remediation (OER) plans to amend the (E) Designation Rule to reflect a proposed amendment to the Zoning Resolution section 11-15 which establishes (E) designations. The amended rule will also incorporate new requirements from the May 2010 City Environmental Quality Review Technical Manual as well as other recent changes that OER has made to increase the transparency and accountability of the E program. Finally, the amended rule will set forth the administrative process for OER to review and approve parties' plans to satisfy air quality and noise E designations. OER expects to promulgate the amended rule during the second half of fiscal year 2012.

**2. AMENDMENTS TO THE BROWNFIELD INCENTIVE GRANT RULE**

OER plans to amend the Brownfield Incentive Grant Rule to create a new grant type, expand the definition of community facilities and add additional services and activities to be eligible for reimbursement with city brownfield incentive grant funds. OER expect to promulgate the new rule during the first half of fiscal year 2012.

Daniel Walsh  
 Director, Mayor's Office of Environmental Remediation

**HOUSING PRESERVATION & DEVELOPMENT**

■ NOTICE

**Notice of Adoption of Amendments to Rules Governing City-Aided Limited-Profit Housing Companies**

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE** Commissioner of the Department of Housing Preservation and Development by §1802 of the New York City Charter and Sections 32(3) and 32-a of the Private Housing Finance Law, and in accordance with the requirements of § 1043 of the New York City Charter that the Department of Housing Preservation and Development is adopting amendments to rules for City-Aided Limited-Profit Housing Companies.

A public hearing was held on September 13, 2011 at 100 Gold Street, First Floor, Room 1R, New York, New York 10038.

Material to be added is underlined. Material to be deleted is in [brackets].

**Section one. Paragraph (12) of subdivision (h) of Section 3-02 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:**

(12) Except for the priorities mentioned below, the waiting list by apartment size in chronological order by date of receipt of application or order of selection by lottery, as applicable, shall be maintained in the following manner:

TYPE APARTMENT DESIRED

(Example: 1 Bedroom)

Date of Request	Name	Address	Business Telephone	Residence Telephone	Veteran[ <sup>s</sup>
					Date of Discharge] <u>yes</u> or <u>no</u>
1/1/69	J. Doe	XXX Ave. Y	123-4567	765-5432	[5/6/68] <u>yes</u>

Selections of tenants or cooperators must be made from this list in chronological order or order of selection by lottery, as applicable.

**§ 2. Paragraphs (1), (2) and (2-a) of subdivision (i) of Section 3-02 of Chapter 3 of Title 28 of the Rules of the City of New York are amended to read as follows:**

(1) **First priority.** Tenant/cooperators currently residing in a development whose household composition renders them eligible for a larger or smaller apartment shall be given first priority for an internal transfer. First preference shall be given to tenant/cooperators who are moving to a smaller apartment. No priority shall be given to residents seeking additional apartments for members of their household, or for non-resident family members or any other parties. The housing company shall maintain an internal transfer list by apartment size, listed in chronological order by date of receipt of transfer request. If, at any time, a tenant/cooperator's name has been omitted from the internal transfer list in error, and said tenant/cooperator can present adequate documentation satisfactory to the housing company or its managing agent to substantiate an earlier request for a transfer, said tenant/cooperator's name shall be inserted into the internal list in the corrected date order. Insertions to the internal transfer list shall be submitted to HPD for prior written approval.

A tenant/cooperator on an internal transfer list, whose household composition so changes as to render him or her ineligible for the apartment size requested, shall be placed on the appropriate size apartment list as of the date when the change occurred or the date the original request is made, whichever is later; provided, however, that, except for enlargement of a household due to birth or adoption, the change to a larger household composition must have occurred at least one year prior to placement on the internal transfer list. If a tenant/cooperator is offered an apartment as an internal transfer and he or she is no longer eligible for that size apartment due to a change in household composition, his or her name shall then be placed on the appropriate size apartment list as of the date when the change occurred which made him or her ineligible.

The tenant/cooperator must meet the occupancy standards for the size apartment requested at the time that he or she places his or her name on the internal transfer list and must have been in residence for a period of no less than one year before he or she may request a transfer to a larger apartment. The income affidavit submitted by the tenant/cooperator on file with the housing company or its managing agent must reflect a sufficient number of occupants to warrant a transfer at the time of his or her request, as well as when an apartment is offered. The housing company or its managing agent shall deny a transfer to the tenant/cooperator if he or she fails to satisfy these requirements. No transfer request will be accepted based on pregnancy. No transfer of apartments shall be effected if the tenant/cooperator seeking the transfer is in

arrears in rent/carrying charges, surcharges, capital assessments, submetering charges or any other fees or charges. The housing company shall advise the tenant/cooperator in writing of its denial of a request for transfer.

[A tenant/cooperator who transfers to a smaller apartment, whether at his or her request or at the mandate of the housing company, shall not be considered over income for purposes of eviction if his or her income exceeds the maximum allowable for the new apartment.]

The tenant/cooperator shall be required to pay a surcharge effective the first day of the month following his or her residency in the new apartment if his or her income exceeds the maximum allowable for that apartment.

(2) *Second priority.* Pursuant to § 31(7) of the Private Housing Finance Law, [honorably discharged veterans (or their surviving spouse or domestic partner) who:

(i) have served in the armed forces of the United States for a period of at least six months (or any shorter period which terminated due to death or injury incurred in such service), provided some portion of the period of service was between December 22, 1961 and May 7, 1975, and

(ii) have been thereafter discharged or released there from under conditions other than dishonorable, or died in such service, not more than five years prior to the time of application for admission to such project. The preference granted under this law applies to all veterans (or their surviving spouse or domestic partner) regardless of whether they served in Vietnam, the United States or in any other country, provided the veteran meets the conditions outlined above.

(2-a) *Third priority.* Pursuant to § 31(7-a) of the Private Housing Finance Law, [preference in admission to a project with an open waiting list, as determined by HPD, shall be given to [disabled] veterans as such term is defined pursuant to § 85 of the Civil Service Law, and for projects with a closed list, as determined by HPD, preference shall be given upon the opening of the waiting list to such [disabled] veterans.

**§ 3. Subparagraph (iv) of paragraph (4) and paragraph (5) of subdivision (n) of Section 3-02 of Chapter 3 of Title 28 of the Rules of the City of New York are amended to read as follows:**

(iv) spent less than an aggregate of one hundred eighty-three days in the preceding calendar year in the City at such dwelling unit (unless such individual is in active service in the armed forces of the United States or took occupancy at such dwelling unit during the preceding calendar year). However, no dwelling unit may be considered the primary residence of the tenant/cooperator unless the tenant/cooperator's name is listed on income documentation that must be sent by the tenant/cooperator to the Department or to any other governmental agencies (for example: income affidavits, re-certifications or Section 8 forms) for the most recent preceding year for which such documentation was required. No dwelling unit may be considered the primary residence of the tenant/cooperator unless the tenant/cooperator provides proof that he or she either filed a New York City Resident Income Tax return at the claimed primary residence for the most recent preceding taxable year for which such return should have been filed or that the tenant/cooperator was not legally obligated to file such tax return pursuant to § 1705(b)(1)(A) and § 1751(a) of the Administrative Code due to residency in a foreign country or pursuant to § 11-1751(a) of the Administrative Code and § 6-01 of the Tax Law because the tenant/cooperator's income for such year was below that required for the filing of a return or pursuant to § 893 or 894 of the Internal Revenue Code due to employment by a foreign government or international organization or due to any treaty obligation of the United States which applies to such taxpayer. The tenant/cooperator whose residency is being questioned will be obligated to provide proof that his or her apartment is his or her primary place of residence, including, but not limited to certified New York State income tax returns, utility bills, and voter registration data.

(5) The terms and conditions of all licensing agreements and all tenancies, including tenancies of commercial and professional space, shall be subject to HPD written approval.

**§ 4. Paragraph (3) of subdivision (p) of Section 3-02 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:**

(3) Unless otherwise prohibited by occupancy restrictions based upon income limitations pursuant to federal, state or local law, regulations or other requirements of governmental agencies, if the tenant/cooperator has permanently vacated the apartment, any member of such tenant/cooperator's family, who has resided with the tenant/cooperator in the apartment as a primary residence, as determined by § 3-02 (n)(4) of these rules, for a period of not less than two years immediately prior to the tenant/cooperator's permanent vacating of the apartment, and [has appeared] whose name is listed on [the] any income documentation submitted by such tenant/cooperator to the Department or to any other governmental agencies (for example: income affidavits, re-certifications or Section 8 forms), for at least the two consecutive annual reporting periods immediately prior to the tenant/cooperator's permanent vacating of the apartment or where such person seeking succession rights is a senior citizen or disabled person, for a period of not less than one year immediately prior to the tenant/cooperator's permanent vacating of the apartment, and has appeared on [the income affidavit] such income documentation for at least the reporting period immediately prior to the permanent vacating of the apartment by the tenant/cooperator, or from the inception of the tenancy or commencement of the relationship if for less than such periods, and the apartment was and continues to be the primary residence of the member

of the tenant/cooperator's family that resided with such tenant/cooperator, may request to be named as a tenant/cooperator on the lease and where applicable on the stock certificate. In the event that HPD has authorized the housing company not to collect surcharges based on income [affidavits] documentation, the family member shall be asked to provide other evidence of occupancy for the required period of time. The burden of proof is on said family member to show use of the apartment as his or her primary residence during the required period to be eligible to succeed to possession.

**§ 5. Subparagraph (ii) of paragraph (5) of subdivision (p) of Section 3-02 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:**

(ii) is enrolled as a full-time student, and the family member resided in the subject apartment as a primary residence (as determined pursuant to paragraph 4 of subdivision (n) of this section) for at least two years immediately prior to the family member's enrollment as a full-time student;

**§ 6. Paragraph (1) of subdivision (d), and subdivision (e) of Section 3-03 of Chapter 3 of Title 28 of the Rules of the City of New York are amended to read as follows:**

(d) *General requirements.*

(1) In the event that a tenant/cooperator [shall] fails to return a fully completed affidavit by April 30th of each year, the income of such tenant/cooperator [shall] will be presumed to have exceeded the maximum allowable income by 150 percent or more. Written notice [shall] will [thereupon] be given informing such tenant/cooperator that the maximum surcharge will be imposed effective July 1st. In the event completed income affidavits are submitted after April 30th but prior to June 30th, the maximum surcharge will not be imposed. However a non-refundable administrative [fee] charge, payable to the housing company, [shall] will be [charged] applied. This [fee] charge [shall] cannot exceed \$50.00. The housing company may remit half of any such [fee] charge collected to the managing agent to compensate for the additional administrative work.

In the event fully completed income affidavits are submitted after June 30th, a correction to the maximum surcharge billing [shall] will be made effective the first day of the month following the submission of such income affidavit. However, a non-refundable administrative [fee] charge, payable to the housing company, [shall] will be [charged] applied. This [fee] charge [shall] cannot exceed \$150.00 for each month after June 30th in which the tenant/cooperator has not submitted a fully completed income affidavit. This charge must be made payable to the housing company. The housing company may remit half of any such [fee] charge collected to the managing agent, in accordance with the terms of the applicable contract, to compensate for the additional administrative work. In extenuating circumstances, HPD may permit reimbursement of excess surcharge to the tenant/cooperator [in extenuating circumstances].

For purposes of this paragraph, an income affidavit in which the tenant/cooperator's household income is not disclosed is not a fully completed income affidavit.

(e) [ *Removal.*

(1) In the event that the income of a household in occupancy shall increase and exceed the maximum prescribed by these rules by more than twenty-five percent based on the latest existing rent/carrying charges, such household shall be subject to removal from the dwelling unit occupied by them. However, such household may be permitted to remain in occupancy until such income exceeds the maximum prescribed by these rules by more than fifty percent, if the housing company with the approval of HPD shall determine that removal would cause hardship to such household.

(2) Households living in a development under a lease for ninety-nine years renewable, or in perpetuity, or by reason of ownership of stock in a housing company may, with the approval of HPD, be permitted to remain in occupancy for not more than three years after such increase in income exceeds the maximum prescribed by these rules by more than fifty percent unless such occupancy is extended by the housing company with the approval of HPD. Any such household required to vacate an apartment because of excessive income as herein provided shall be discharged from liability on any note, bond, or other evidence of indebtedness relating thereto and shall be reimbursed by the housing company for all sums paid by such household to the housing company on account of the purchase of stock or income debentures as a condition of such occupancy.] Reserved.

**§ 7. Subdivision (a) of Section 3-05 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:**

(a) *Rent collection.*

(1) Rent/carrying charges of tenant/cooperators is payable on the first day of each month.

(2) It is the responsibility of the managing agent to collect rent/carrying charges and take the necessary actions to collect past due rent/carrying charges.

(3) A charge for late payment of rent/carrying charges may be implemented by each housing company. In order to implement a late charge, a written request must be submitted to HPD setting forth the dollar amount of the proposed charge and the date of the month it is to be billed. In the case of a mutual housing company, a Board of Directors Resolution certified and acknowledged by the Secretary of the Corporation setting forth the adoption of the late charge by the Corporation shall be submitted to HPD. HPD shall respond in writing. Late charges shall be considered additional rent.

[(4) Where a tenant has vacated, whether voluntarily or involuntarily, it is still the responsibility of the managing

agent and counsel to locate such tenant and to collect all sums due the housing company. In achieving this end, consideration should be given to utilizing the services of a credit bureau to locate a vacated tenant, ascertain his or her current employment and discover available assets, if any. Judgments should be secured, and garnishments placed, if feasible.]

**§ 8. Subdivision (b) of section 3-07 of Chapter 3 of Title 28 of the Rules of the City of New York is amended by adding a new paragraph (1-a) to read as follows:**

(1-a) Periodically, HPD will require each housing company to submit a physical condition report prepared by an independent qualified consultant acceptable to HPD. The report will determine the physical condition of the property and all appurtenant equipment. The report must specify all items and equipment that are in need of repair or replacement or which have exceeded their useful lives or are projected to need repair or replacement within five years. The report must also include a plan to address its findings, including an explanation of how any necessary work will be financed.

**§ 9. Paragraph (2) of subdivision (b) of section 3-07 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:**

(2) Contracts for building services, repairs, replacements, redecorating or improvements and supplies shall be let on the basis of lowest cost compatible with quality of performance, material and workmanship, on the basis of no less than three competitive bids, according to the following schedule:

[In housing companies with fewer than five hundred (500) dwelling units, contracts over \$15,000 shall be submitted for HPD written approval.

In housing companies with five hundred (500) dwelling units or greater, c]

Contracts over [\$30,000] \$100,000 shall be submitted for HPD written approval. The housing company's submission shall include the three bids plus a contract executed by the successful bidder as well as the other documents as set forth below.

Notwithstanding the foregoing, HPD reserves the right to require any individual housing company to submit for approval any or all contracts over \$5,000.

In the case of a mutual housing company, the submission shall be accompanied by

- (i) a certified copy of resolution of the housing company's Board of Directors acknowledged by the Secretary of the Corporation, approving the contract, bearing the housing company's corporate seal and
- (ii) the housing company's attorney's certification that the proposed contract is in compliance with the rules of HPD.

In the case of a rental development, the president or managing general partner of the housing company or his or her duly authorized designee must sign the contract.

The following language shall be included in all contracts for building services, repairs, replacements, redecorating and improvements: "Material, equipment and workmanship shall be subject to the inspection and approval of HPD or its duly authorized agent at the discretion of HPD during the progress of the work and before final payment is made on the contract."

Every contract subject to HPD approval shall contain the following language: "This agreement is subject to written approval by HPD. No work shall commence until this agreement is approved by HPD."

**§ 10. Section 3-08 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:**

§ 3-08 Reserves [and Escrow Accounts].

(a) *Reserves.* Each housing company shall be required to maintain a capital repair and replacement reserve account, [comprised of three components, each of which shall be funded as follows:

(1) Mutual housing companies:

- (i) Reserve for replacements. Ten dollars (\$10) per rental room per year, plus interest earned on all reserve fund investments.
- (ii) Reserve for painting and decorating. Twenty-five dollars (\$25) per dwelling unit per year.
- (iii) Reserve for vacancy and collection losses and contingencies. Three percent (3%) of the rent roll until the accumulation in this reserve is equal to twenty-five percent (25%) of the rent roll; and thereafter, such deposits as are necessary to maintain the reserve at the stated level.

It should be understood that the reserve component for vacancy and collection losses and contingencies is primarily set aside for the funding of "contingencies" which are defined as unexpected occurrences or emergencies.

(2) Rental Housing Companies.

- (i) Reserve for replacements. Stoves and refrigerators—fifteen dollars (\$15) per rental room per year. Dishwashers—forty dollars and fifty cents (\$40.50) per apartment per year. Air conditioners—seventy-five (\$75) per air conditioner per year; plus interest earned on all reserve fund investments, where applicable.
- (ii) Reserve for painting and decorating. Thirty-five dollars (\$35) per rental room per year.

(iii) Reserve for vacancy and collection losses and contingencies. Three percent (3%) of the rent roll, until the accumulation in this reserve is equal to twenty-five percent (25%) of the rent roll; and thereafter, such deposits as are necessary to maintain the reserve at the stated level.

It should be understood that the reserve component for replacements in a rental development applies to replacement of appliances primarily, rather than replacement of systems. The "contingency" reserve component is set aside for unexpected occurrences or emergencies.]

(1) *Deposits.*

(i) Annually, each housing company must deposit into the capital repair and replacement reserve account three hundred dollars (\$300) per dwelling unit in equal monthly installments.

(ii) If the capital repair and replacement reserve account balance does not equal or exceed the greater of one thousand dollars (\$1000) per dwelling unit or twenty-five percent (25%) of the housing company's rent roll, such housing company must deposit three percent (3%) of its rent roll on a monthly basis to the capital repair and replacement reserve account until its balance is raised to equal or exceed the greater of one thousand dollars (\$1000) per dwelling unit or twenty-five percent (25%) of the housing company's rent roll.

(2) *Disbursements.* No disbursements from the capital repair and replacement reserve account can be made without prior written authorization by HPD.

(b) *Bank resolutions.* The resolution filed with the bank shall contain, in addition to the clauses required by the bank, the following clauses: Further resolved, that withdrawals from such reserve account be accompanied by "Authorization for Expenditure of Funds" signed by a designated HPD official of, and that duplicate copies of monthly bank statements shall be forwarded to HPD's Division of Housing Supervision, upon HPD's request; that when an investment in securities is contemplated, withdrawal shall be made upon presentation of "Authorization for Expenditure of Funds;" that the bank shall make the investment, shall hold the securities in safekeeping and shall deposit to such account the proceeds realized on either liquidation or redemption.

Further resolved, that this resolution shall remain in full force and effect unless and until revoked with HPD's written consent. A certified copy of the housing company's resolution opening the bank account and a photocopy of the housing company's signature card filed with the bank shall be submitted to HPD's Division of Housing Supervision.

[(c) *Administration of accounts.*

(1) *Deposits.* There shall be deposited into the reserve account monthly an amount equal to one-twelfth (1/12) of all the annual reserves.

(2) *Disbursements.* No disbursements from the reserve account shall be made without prior written authorization by HPD.

(3) *Investments*] (c) *Investments.* [All funds not currently required shall be invested. Such investments shall be limited to] The capital repair and replacement reserve account shall be held in Federally insured interest-bearing bank accounts and/or interest bearing Federal obligations in a form approved in writing by HPD.

[(i)] (1) If interest-bearing bank accounts are utilized, passbooks and bank records shall be annotated as follows: Withdrawals from this account are limited to checks payable to (Housing Company), Capital Repair and Replacement Reserve [Fund] Account, (Name of bank in which reserve [fund] account is maintained).

[(ii)] (2) If Federal obligations are purchased, a custodial agreement for the bank in which the "Capital Repair and Replacement Reserve [Fund] Account" [is] must be maintained. This agreement shall require that all interest and proceeds from liquidation or redemption of securities be re-deposited to the "Capital Repair and Replacement Reserve [Fund] Account." A photocopy of the custodial agreement shall be submitted to HPD's Division of Housing Supervision].

**§ 11. Clause (d) of subparagraph (x) of paragraph (4) of subdivision (b) of Section 3-09 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:**

(d) *Commercial tenants and licensees.* Must carry a minimum of [\$500,000] \$1,000,000 for bodily injury and property damage, combined single limit. It may be that certain commercial tenants and licensees, by the nature of their business, would have a higher bodily injury risk factor. In that event we reserve the right to require, on a case by case basis, a higher amount for bodily injury. The housing company and HPD shall be named as an Additional Insured.

**§ 12. Paragraph (5) of subdivision (h) of Section 3-10 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:**

(5) The total fees charged by a professional or professionals retained by a Tenants Association pursuant to this subdivision shall be the fair and reasonable cost of the services rendered by such professional or professionals, but shall not exceed in total the amounts specified in the following schedule:

Size of Housing Development	Maximum Total Fee(s)
Under 500 units	[\$3,250] <u>5,000</u>
500 or more units	[\$4,000] <u>6,000</u>

**§ 13. Paragraph (6) of subdivision (i) of Section 3-14 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:**

(6) Mutual housing companies-special meeting. A board of directors of a mutual housing company [intending to dissolve and/or reconstitute] considering dissolution and/or reconstitution pursuant to §35 shall call a special meeting in conformance with the mutual housing company by-law requirements for the purpose of ascertaining shareholder interest in dissolution and/or reconstitution. The secretary of the board of directors shall submit to HPD a certified resolution stating that not less than a majority of the dwelling units represented at such special meeting approved an expenditure of funds in a specified amount not to exceed \$100,000 for the purpose of [preliminary exploration of dissolution and/or reconstitution] the preparation of a written feasibility study that will be distributed to each shareholder no later than sixty days after the preparation of such written feasibility study is completed, unless the by-laws of the company mandate a greater affirmative vote. Each dwelling unit shall be entitled to one vote regardless of the number of shares allocated to such dwelling unit, the number of shareholders holding such shares, or the provisions regarding voting in such mutual housing company's certificate of incorporation or by-laws. Said resolution shall include language as follows:

"This resolution authorizes the board of directors to take steps necessary to [ascertain the desirability of dissolution and/or reconstitution] prepare a written feasibility study investigating dissolution and/or reconstitution that will be distributed to each shareholder no later than sixty days after the preparation of such written feasibility study is completed. This resolution authorizes the expenditure of \$\_\_\_\_\_ for such [investigation] study, and notifies the shareholders that there are Private Housing Finance Law requirements for dissolution and/or reconstitution. This resolution also advises the shareholders that any additional expenditure of funds for such study will require a separate shareholder approval in accordance with the same voting procedures and cannot exceed \$100,000 at any one time, and that the New York State Department of Law requirements must be met prior to actual dissolution and/or reconstitution."

A certified copy of the resolution shall be submitted to HPD within seven (7) business days after such vote. Expenditure of funds authorized above shall require prior written approval of HPD[, if the dollar amount for any one retainer, agreement, or contract exceeds \$15,000 for mutual housing companies with fewer than five hundred (500) dwelling units and \$30,000 for those with five hundred (500) or greater].

The feasibility study prepared in accordance with such resolution shall investigate dissolution and/or reconstitution and shall include, but not be limited to:

(i) a physical condition survey of the mutual housing company development prepared by a licensed engineer or architect projecting such development's capital needs and the costs thereof for the next ten years from the date of such survey;

(ii) projected increases in real property taxes for the next five years due to the loss of any abatements of and/or exemptions from real property taxation that would result from dissolution and/or reconstitution;

(iii) advisory estimates from State and City taxing authorities of the real estate and real property transfer taxes that would result from dissolution and/or reconstitution; and

(iv) a market study prepared by an independent real estate professional containing projected sales prices for dwelling units if such mutual housing company were to dissolve and/or reconstitute.

**§ 14. Subparagraph (i) of paragraph (6-a) of subdivision (i) of Section 3-14 of Chapter 3 of Title 28 of the Rules of the City of New York is amended to read as follows:**

(i) Pursuant to the applicable notice period in the mutual housing company's by-laws, a special meeting shall be convened by the board of directors of the mutual housing company no later than ninety days after the written feasibility study has been distributed to each shareholder to authorize the (A) expenditure of \$\_\_\_\_\_ for the preparation and submission to the office of the Attorney General of the State of New York of a private cooperative or condominium offering plan for the housing project, and (B) submission to HPD of the mutual housing company's notice of its intention to dissolve and/or reconstitute ("Notice of Intent"). Eligible voters for purposes of a quorum and for a vote on preparation and submission of such plan and such Notice of Intent shall be persons named on the stock certificate. Preparation and submission of such plan and such Notice of Intent requires approval of two-thirds (2/3) of the dwelling units in such mutual housing company. Each such dwelling unit shall be entitled to one vote regardless of the number of shares allocated to such dwelling unit, the number of shareholders holding such shares, or the provisions regarding voting in such mutual housing company's certificate of incorporation or by-laws. On or after the effective date of this amendment to this subparagraph (i), any other expenditures in furtherance of dissolution and/or reconstitution that have not already either been authorized pursuant to an agreement entered into by the board of directors or received the express prior approval of the shareholders shall require the express prior approval of a majority of the dwelling units in such mutual housing company before the board of directors is authorized to allocate such funds in furtherance of dissolution and/or reconstitution. For purposes of this subparagraph (i), "express prior approval" shall mean that both the purpose of the expenditure and the exact dollar amount of such expenditure are or have been approved.

**§ 15. Subdivision (i) of Section 3-14 of Chapter 3 of Title 28 of the Rules of the City of New York is amended by adding a new paragraph (15) to read as follows:**

(15) Notwithstanding anything to the contrary contained in this subdivision, if a mutual housing company intends to transfer the property to a housing development fund company (organized pursuant to Article XI of the Private Housing Finance Law) that will enter into a thirty-year regulatory agreement with HPD, a vote of the shareholders of

such mutual housing company to authorize such transfer shall take place only after such mutual housing company has submitted an exemption application to the office of the Attorney General of the State of New York. Such transfer shall be approved by a majority of the dwelling units in such mutual housing company. Each such dwelling unit shall be entitled to one vote regardless of the number of shares allocated to such dwelling unit, the number of shareholders holding such shares, or the provisions regarding voting in such mutual housing company's certificate of incorporation or by-laws.

**§ 16. Paragraph (3) of subdivision (e) of Section 3-16 of the Rules of the City of New York is amended to read as follows:**

(3) collect all monthly rents, carrying charges and all other charges due from tenant/cooperators both residential and commercial, and from other users or concessionaires; including, but not limited to, licensees, and take such action with respect thereto as the owner may authorize;

**§ 17. Section 3-17 of Chapter 3 of Title 28 of the Rules of the City of New York is amended by adding a new subdivision (e) to read as follows:**

(e) Bedbug Disclosure Notification. In accordance with Administrative Code § 27-2018.1, all rental and mutual housing companies must provide notice to each tenant/cooperator signing a vacancy lease or occupancy agreement of the project's previous year's bedbug infestation history. Such notice must be in a form approved by the Department.

#### Statement of Basis and Purpose

The adopted amendments to the Mitchell-Lama rules do the following:

- Eliminates the provision that exempts tenants who have transferred to a smaller apartment from being considered over income for purposes of eviction since over income tenants are never evicted from their apartments. However, move downs to appropriately-sized apartments can still be mandated.
- Grants a preference for admission to Mitchell-Lama projects with an open waiting list to any veteran who has served in the armed forces of the United States.
  - Replaces (eliminates) the existing preference for only disabled veterans.
- Applicants for succession also must have occupied and must continue to occupy the home as his or her primary residence.
- Any person claiming to be a successor must appear on HPD income affidavits as well as on any other income document, such as re-certifications and Section 8 forms submitted by the tenant/cooperator to HPD or any other governmental agencies.
- Tenant/cooperators who never report their actual income on HPD income affidavits will be subject to a penalty fee. This penalty fee cannot be more than \$150 per month. The housing company will give half of it to the managing agent to compensate for additional administrative work.
- HPD is authorized to periodically require housing companies to prepare a physical condition report. The report will analyze the property's physical condition and provide a plan to address any issues, including financing.
- Increases the threshold amount for HPD contract approval to \$100,000 for any size development. HPD still may require individual housing companies to submit contracts over \$5,000 for approval. The proposed rule also increases the maximum total fees that may be charged by professionals retained by a Tenants Association (as part of the rent/carrying charge increase process) from \$3,250 to \$5,000 for developments that are under 500 units and from \$4,000 to \$6,000 for developments that are 500 or more units.
- Replaces the current reserve requirements for housing companies with a new Capital Repair and Replacement Reserve Account requirement of the greater of \$1000 per dwelling unit or 25% of the rent roll. These provisions also require housing companies to deposit 3% of the rent roll into the Capital Repair and Replacement Reserve Account on a monthly basis until the balance equals the greater of \$1000 per dwelling unit or 25% of the rent roll. This simplified calculation reflects current practices for maintaining reserves.
- Students residing at a college will only be entitled to succession rights if they occupied the Mitchell-Lama apartment as a primary residence for the two years immediately prior to their enrollment as a full-time student. This requirement would be consistent with the current rules, which specify that family members are only protected from disqualification for succession to a Mitchell-Lama apartment by temporary relocations.
- Housing companies and managing agents are no longer required to try to find tenants who have vacated in order to collect outstanding payments. This regulatory requirement is very costly and often fails to recover any money from the vacating tenant.
- Requires mutual housing companies to get shareholder approval for expenditures under \$100,000 at any one time for the preparation of a feasibility study regarding dissolution and/or reconstitution, requires the distribution of the

feasibility study to the shareholders no later than sixty days after it has been completed, mandates that certain analyses be included in such feasibility study and requires shareholder approval of the amount of money to be spent on the preparation and submission of an offering plan investigating dissolution and/or reconstitution no later than ninety days after the feasibility study has been distributed to the shareholders. On or after the effective date of the amendments, any other expenditures in furtherance of dissolution and/or reconstitution that have not already received express prior approval of the shareholders (i.e., shareholders have previously approved both the purpose and the amount of the expenditure) shall require the express prior approval of a majority of the dwelling units.

- Gives HPD the authority to approve licensing agreements and imposes the same duties and obligations on licensees as are currently imposed on commercial tenants. The most common licensing agreements utilized in Mitchell Lama developments are those related to the laundry rooms and mobile phone antennae.
- The proposed rule amendments implement Chapter 477 of the Laws of 2010 regarding the disclosure of bedbug infestation history.

Mathew M. Wambua, Commissioner  
December 6, 2011

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## SPECIAL MATERIALS

### ENVIRONMENTAL PROTECTION

#### NOTICE

#### NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD

The New York City Department of Environmental Protection (DEP), acting as lead agency, published a Public Hearing Notice for the Mid-Island Bluebelt Drainage Plans Draft Generic Environmental Impact Statement (Draft GEIS) on September 23, 2011 in the New York State Department of Environmental Conservation's (NYSDEC) Environmental Notice Bulletin (ENB), the City Record, and in the Staten Island Advance, a local newspaper. This public hearing was held on Thursday, October 27, 2011, at the offices of Staten Island Community Board #2.

The September 23 notice requested written comments on the Draft GEIS to be submitted by November 27, 2011. The comment period for this project is being extended to December 16, 2011. All other public comment procedures as previously published remain applicable.

Written comments must be postmarked by December 16, 2011. Comments may also be submitted in electronic form via fax or email. The contact person below may also be contacted for further information.

#### CONTACT PERSON

Erin Morey, Project Manager  
New York City Department of Environmental Protection  
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#### PROJECT DESCRIPTION

In accordance with the requirements of the New York City Environmental Quality Review (CEQR) process and the State Environmental Quality Review Act (SEQR), the New York City Department of Environmental Protection (DEP), as lead agency and on behalf of the City of New York, has prepared a Draft Generic Environmental Impact Statement (DGEIS) that examines the potential impacts of proposed amended drainage plans of three watersheds in the Mid-Island region of Staten Island, Oakwood Beach, New Creek and South Beach, an area approximately 5,000 acres in size. The Mid-Island watersheds are located within Staten Island Community Boards 2 and 3.

The three proposed amended drainage plans would provide comprehensive stormwater management and address chronic flooding of streets and properties in Mid-Island while preserving and enhancing existing wetlands under DEP's Bluebelt Program. Best management practices (BMPs) would be included to provide improved stormwater conveyance, attenuation of stormwater velocities, management and control of stormwater volumes and pollutant removal to reduce flooding of private properties and public streets in the three watersheds. In total, 31 BMPs would be constructed within the watersheds on land that DEP has acquired or is in the process of acquiring, or land owned by the New York City Department of Parks and Recreation (DPR), or New York State Department of Environmental Conservation (NYSDEC). In addition, the proposed action would construct three new outfalls to Lower Bay. These outfalls are proposed to convey stormwater runoff to Lower Bay to further reduce local flooding. The proposed action also includes new designs for additional and upgraded sanitary sewers for wastewater conveyance to the Oakwood Beach Wastewater Treatment Plant (WWTP) and street reconstruction after sewer construction.

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