

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, NOVEMBER 17, 2010

THE COUNCIL

*Minutes of the
STATED MEETING*

of

Wednesday, November 17, 2010, 2:30 p.m.

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

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	Michael C. Nelson
Charles Barron	Sara M. Gonzalez	James S. Oddo
Gale A. Brewer	David G. Greenfield	Annabel Palma
Fernando Cabrera	Daniel J. Halloran III	Domenic M. Recchia, Jr.
Margaret S. Chin	Vincent M. Ignizio	Diana Reyna
Leroy G. Comrie, Jr.	Robert Jackson	Joel Rivera
Elizabeth S. Crowley	Letitia James	Ydanis A. Rodriguez
Erik Martin Dilan	Peter A. Koo	Deborah L. Rose
Daniel Dromm	G. Oliver Koppell	James Sanders, Jr.
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

Excused: Council Members Dickens and Seabrook.

Editor's Note: There is a vacancy in the Council pending the certification of the winner of the scheduled Tuesday, November 2, 2010 Special Election in the 28th Council District (Queens).

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 48 Council Members present at this Stated Meeting held at the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y.

INVOCATION

The Invocation was delivered by Pastor Gil Monrose, Mt. Zion Church of God, 203 East 37th Street, Brooklyn, New York 11203.

Let's pray.

Father God, we thank You,
we come before Your courts today,
giving You honor and praise
that is due unto Your name.
We pray God for this,
we pray for the Speaker,
we pray for her staff,
we pray for every Council Member,
both Democrats, Republicans and Independents.
We thank You, God, that today
we pass just laws that are good,
and that make sense for Your people.
We pray God that as we discuss,
that the Council Members
and those who come before you
will be able to articulate
and to talk about the issues
that will affect all people,
and to pass laws that are good.
We pray God
that this meeting may be a meeting
that is productive in Your sight,
in Jesus' name we pray,
we say thank You,
Amen.

Council Member Williams 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 Frank M. Vail.

Frank M. Vail, 75, an assistant Sgt.-at-Arms for the City Council since November 2007, died on November 12, 2010 after a long battle with emphysema. Before joining the Council, he worked in the securities and transportation industries. Along with the other Sgt.-at-Arms, he helped provide security and assistance before, during, and after Council Meetings. Mr. Vail was a Woodside, Queens resident for over fifty years where he had lived with his late wife, Lucy. He leaves behind three children, Lucy, Lawrence and Christopher, as well as five grandchildren.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Quinn) acknowledged the presence of presumed Council Member-elect Ruben Wills (28th Council District, Queens).

ADOPTION OF MINUTES

The Speaker (Council Member Quinn) actually moved that the Minutes of the Stated Meeting of September 29, 2010 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-311

Communication from the Office of Management & Budget – Pursuant to Section 107(b) of the New York City Charter, transfer City funds between various agencies in fiscal year 2011 to implement changes to the City's expense budget. (MN -1)



The City of New York
Office of Management and Budget
75 Park Place • New York, New York 10007-2146
Telephone: (212) 788-5900 • Fax: (212) 788-6300
Mark Page
Director

EXHIBIT-A

November 16, 2010

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2011 to implement changes in the City's expense budget.

As requested by the City Council, this modification (MN-1) reallocates appropriations that were reflected in the FY 2011 Adopted Budget to fund City Council local initiatives.

Your approval of modification MN-1 is respectfully requested.

Yours truly,

Mark Page

(For text of the MN-1 numbers and the Appendix A Numbers, please see the Attachment to Res. No. 560 printed following the Report of the Committee on Finance for M-311 in these Minutes.)

Referred to the Committee on Finance.

LAND USE CALL UPS

M-312

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

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Applications no. C 100287 ZSM, C 100288 ZSM, C 100289 ZSM, C 100290 ZSM, C 100291 ZSM, C 100292 ZSM, C 100293 ZSM, C 100296 (A) ZSM, M 920358 (D) ZSM and C 100297 ZSM, special permits shall be subject to Council review. This application is related to application no. N 100294 (A) ZRM and N 100295 ZRM that is subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Roll Call

LAND USE CALL UP VOTE

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

Affirmative –Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, 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, Rose, Sanders, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera and the Speaker (Council Member Quinn) – 48.

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

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

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

Report for Res. No. 546

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

The Committee on Finance, to which the annexed resolution was referred on November 17, 2010, respectfully

REPORTS:

Introduction. The Council of the City of New York (the "Council") annually adopts the City's budget covering expenditures other than for capital projects (The "expense budget") pursuant to Section 254 of the Charter. On June 29, 2010, the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget"). On June 19, 2009, the Council adopted the expense budget for fiscal year 2010 with various programs and initiatives (the "Fiscal 2010 Expense Budget").

Analysis. This Resolution, dated November 17, 2010, amends the description for the Description/Scope of Services for the SCAN-New York Volunteer Parent - Aides Association, Inc, an organization receiving youth discretionary funding in the amount of \$21,414 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "SCAN-New York serves the 16th Council District including: after school programs/summer camps; Green Thumb beautification initiatives; community disaster alert training; literacy and recreation initiatives. These funds also support street fairs, poetry jams, trips, youth recognition days and youth forums. Groups receive awards from \$300 to \$10,000 to support these types of services." This Resolution now changes the Description/Scope of Services to read: "SCAN-New York serves the 16th Council District including: after school programs/summer camps; Green Thumb beautification initiatives; community disaster alert training; literacy and recreation initiatives. These funds also support street fairs, poetry jams, trips, youth recognition days and youth forums."

Also, this Resolution amends the description for the Description/Scope of Services for the Theatre Rehabilitation for Youth, Inc., an organization receiving youth discretionary funding in the amount of \$2,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "Promotion of youth activities, specifically support for programming costs related to production of anti-DWI musicals to be presented at 5 Brooklyn high schools." This Resolution now changes the Description/Scope of Services to read: "Promotion of youth activities, specifically support for programming costs related to production of anti-bullying musicals to be presented at 5 Brooklyn schools."

Additionally, this Resolution amends the description for the Description/Scope of Services for the Reading Excellence and Discovery (READ) Foundation, Inc., an organization receiving youth discretionary funding in the amount of \$22,500 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011

Expense Budget read: "For an after-school program." This Resolution now changes the Description/Scope of Services to read: "For a summer program."

Further, this Resolution amends the description for the Description/Scope of Services for the Mind Builders Creative Arts Center, Inc., an organization receiving youth discretionary funding in the amount of \$7,000 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "To develop artistic skills through weekly classes in music, dance, teen musical theater and folk art research/presentations for over 400 students. The students are also nurtured in self-esteem, building character and cultivating an appreciation of diverse cultures." This Resolution now changes the Description/Scope of Services to read: "For students in the Teen Theater Program."

Moreover, this Resolution amends the description for the Description/Scope of Services for the Ansoh Center for Refugees, an organization receiving youth discretionary funding in the amount of \$7,714 within the budget of the Department of Youth and Community Development. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "For job placement services for immigrants and refugees totaling approx 45 jobs." This Resolution now changes the Description/Scope of Services to read: "For job placement services for immigrants and refugees totaling approx 15 jobs."

Also, this Resolution amends the description for the Description/Scope of Services for the Beacon Parents Forum, an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "To provide enrichment services such as in-depth hands-on study of various artists taught by a certified LIFT and arts teacher to the PS 113 gifted and talented classes (Beacon classes)." This Resolution now changes the Description/Scope of Services to read: "To provide enrichment services such as in-depth hands-on study of various artists taught by a certified UFT and arts teacher to the PS 153Q gifted and talented classes (Beacon classes)."

Additionally, this Resolution amends the description for the Description/Scope of Services for the East Side Middle School, an organization receiving local discretionary funding in the amount of \$14,000 within the budget of the Department of Education in the Fiscal 2011 Expense Budget. The Description/Scope of Services listed in the Fiscal 2011 Expense Budget read: "Reconfigure space in the new ESMS building to generate 3 additional classrooms." This Resolution now changes the Description/Scope of Services to read: "Technology Upgrade."

Moreover, this Resolution amends the description for the Description/Scope of Services for the Mind Builders Creative Arts Center, Inc, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget. The Description/Scope of Services listed in the Fiscal 2011 Expense Budget read: "To develop artistic skills through weekly classes in music, dance, teen musical theater and folk art research/presentations for over 400 students. The students are also nurtured in self-esteem, building character and cultivating an appreciation of diverse cultures." This Resolution now changes the Description/Scope of Services to read: "For students in the Teen Theater Program."

Further, this Resolution amends the description for the Description/Scope of Services for the Staten Island Integrated Service Center DOE District 31, an entity receiving local discretionary funding within the Department of Education in the amount of \$110,000 in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such entity listed in the Fiscal 2011 Expense Budget read: "\$5k to PTA's at PS 1R, 3R, 4R, 5R, 6R, 8R, 32R, 36R, 37R, 42R, 53R, 55R, 56R, 58R, 69R. IS 7R, 24R, 34R, 72R, 75R, HS/IS 63R, (No Suggestions) High School." This Resolution now changes the Description/Scope of Services to read: "5k to PTA's at PS 1R, 3R, 4R, 5R, 6R, 8R, 32R, 36R, 37R, 42R, 53R, 55R, 56R, 58R, 69R. IS 7R, 24R, 34R, 72R, 75R, HS/IS 63R, Tottenville High School."

Further, this Resolution amends the description for the Description/Scope of Services for the Morris Park Community Association, an organization receiving local discretionary funding within the Department of Youth and Community Development in the amount of \$10,000 in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such entity listed in the Fiscal 2011 Expense Budget read: "To support civilian patrol and Bronx Columbus Day Parade." This Resolution now changes the Description/Scope of Services to read: "To support the Bronx Columbus Day Parade."

Further, this Resolution amends the description for the Description/Scope of Services for the Mosholu Preservation Corporation, an organization receiving local discretionary funding within the Department of Youth and Community Development in the amount of \$3,000 in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such entity listed in the Fiscal 2011 Expense Budget read: "To introduce graffiti as an art and positive element in hip-hop culture." This Resolution now changes the Description/Scope of Services to read: "Funds to be used for overall beautification of parks in Council District 14."

Also, this Resolution amends the description for the Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving local discretionary funding within the Department for the Aging in the amount of \$10,000 in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such entity listed in the Fiscal 2011 Expense Budget read: "Funding for operations of Conlon Center Senior Center" This Resolution now changes the Description/Scope of Services to read: "Funding for operations of Friendship Senior Center."

Also, this Resolution amends the description for the Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving local discretionary funding within the Department for the Aging in the amount of \$2,005 in the Fiscal 2011 Expense Budget This Resolution now changes the funding amount to \$2,006 and changes the Description/Scope of Services to read: "Funding for operations of Friendship Senior Center."

Further, this Resolution amends the description for the Description/Scope of Services for the Glenridge Senior Citizen Multi-Service & Advisory Center, Inc., an organization receiving aging discretionary funding in the amount of \$27,750 within the budget of the Department for the Aging in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "Make up 24.1% of Budget cut by DFTA, and expand outreach and fundraising agenda." This Resolution now changes the Description/Scope of Services to read: "For the expansion of senior services, with expanded outreach, consultants, and fundraising."

Also, this Resolution amends the description for the Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving aging discretionary funding in the amount of \$2003 within the budget of the Department for the Aging in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "Funding for operations of Foster Laurie Senior Center?" This Resolution now changes the funding amount to \$2,004 and changes the Description/Scope of Services to read: "Funding for operations of Theodora Jackson."

Moreover, this Resolution amends the description for the Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving aging discretionary funding in the amount of \$2009 within the budget of the Department for the Aging in the Fiscal 2011 Expense Budget. The Description/Scope of Services for such organization listed in the Fiscal 2011 Expense Budget read: "Funding for operations of Foster Laurie Senior Center." This Resolution now changes the funding amount to \$2,010 and changes the Description/Scope of Services to read: "Funding for operations of Theodora Jackson."

Lastly, this Resolution approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2011 Expense Budget. This Resolution also 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 2011 Expense Budget

This resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding, as described in Chart 1; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in Chart 2; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in Chart 3; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2011 Expense Budget, as described in Charts 4-7 attached hereto

The charts, attached to the resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2011 Expense Budget, dated June 29, 2010; name of the organization; organization's Employer Identification Number (EN), if applicable; agency name; increase or decrease in funding; name of fiscal conduit, if applicable; and the EIN of the fiscal conduit, if applicable.

Specifically, Chart I sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure (CASA) Initiative.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Citywide Taskforce on Housing Court. Chart 5 indicates a name correction. The correct name of the organization receiving funding in the amount of \$500,000 with EIN 13-3317188 is the Housing Court Answers, Inc.

Chart 6 sets forth the new designation of organizations receiving funding in various amounts, totaling \$1,500,000 in the aggregate, pursuant to the HIV/AIDS-Faith Based Initiative.

Chart 7 indicates an initiative fund transfer. Funding in the amount of \$160,000 for the CASA initiative within the budget of the Department of Cultural Affairs will be removed and provided to fund CASA in the same amount within the budget of the Department of Youth and Community Development.

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 2011 Expense Budgets. Such resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 546:)

Res. No. 546

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

By Council Member Recchia.

Whereas, On June 29, 2010 the Council of the City of New York (the "City 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 Description/Scope of Services for the SCAN-New York Volunteer Parent - Aides Association, Inc, an organization receiving youth discretionary funding in the amount of \$21,414 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Theatre Rehabilitation for Youth, Inc., an organization receiving youth discretionary funding in the amount of \$2,000 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Reading Excellence and Discovery (READ) Foundation, Inc., an organization receiving youth discretionary funding in the amount of \$22,500 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Mind Builders Creative Arts Center, Inc., an organization receiving youth discretionary funding in the amount of \$7,000 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Ansoh Center for Refugees, an organization receiving youth discretionary funding in the amount of \$7,714 within the budget of

the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Beacon Parents Forum, an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the East Side Middle School, an organization receiving local discretionary funding in the amount of \$14,000 within the budget of the Department of Education; 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 the Mind Builders Creative Arts Center, Inc, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Staten Island Integrated Service Center DOE District 31, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Education in 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 Description/Scope of Services for the Morris Park Community Association, an organization receiving local discretionary funding in the amount of \$10,000 within the budget of the Department of Youth and Community Development in 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 Description/Scope of Services for the Mosholu Preservation Corporation, an organization receiving local discretionary funding in the amount of \$3,000 within the budget of the Department of Youth and Community Development in 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 Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving aging discretionary funding in the amount of \$10,000 within the budget of the Department for the Aging in 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 Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving local discretionary funding in the amount of \$2,005 within the budget of the Department for the Aging in 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 Description/Scope of Services for the Glenridge Senior Citizen Multi-Service & Advisory Center, Inc, an organization receiving aging discretionary funding in the amount of \$27,750 within the budget of the Department for the Aging in 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 Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving aging discretionary funding in the amount of \$2,004 within the budget of the Department for the Aging in 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 Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving aging discretionary funding in the amount of \$2,010 within the budget of the Department for the Aging in 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, 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

Resolved, That the City Council approves the new Description/Scope of Services for the SCAN-New York Volunteer Parent - Aides Association, Inc, an organization receiving youth discretionary funding in the amount of \$21,414 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services will now read: "SCAN-New York serves the 16th Council District including: after school programs/summer camps; Green Thumb beautification initiatives; community disaster alert training; literacy and recreation initiatives. These funds also support street fairs, poetry jams, trips, youth recognition days and youth forums."; and be it further

Resolved, That the City Council approves the new Description/Scope of

Services for the Theatre Rehabilitation for Youth, Inc., an organization receiving youth discretionary funding in the amount of \$2,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services will now read: "Promotion of youth activities, specifically support for programming costs related to production of anti-bullying musicals to be presented at 5 Brooklyn schools."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Reading Excellence and Discovery (READ) Foundation, Inc., an organization receiving youth discretionary funding in the amount of \$22,500 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services will now read: "For a summer program."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Mind Builders Creative Arts Center, Inc., an organization receiving youth discretionary funding in the amount of \$7,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services will now read: "For students in the Teen Theater Program."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Ansoh Center for Refugees, an organization receiving youth discretionary funding in the amount of \$7,714 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services will now read: "For job placement services for immigrants and refugees totaling approx 15 jobs."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Beacon Parents Forum, an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services will now read: "To provide enrichment services such as in-depth hands-on study of various artists taught by a certified UFT and arts teacher to the PS 153Q gifted and talented classes (Beacon classes)."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the East Side Middle School, an organization receiving local discretionary funding in the amount of \$14,000 within the budget of the Department of Education in the Fiscal 2011 Expense Budget. The Description/Scope of Services will now read: "Technology Upgrade."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Mind Builders Creative Arts Center, Inc, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget. The Description/Scope of Services will now read: "For students in the Teen Theater Program."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Staten Island Integrated Service Center DOE District 31, an entity receiving local discretionary funding within the Department of Education in the amount of \$110,000 in the Fiscal 2011 Expense Budget. The Description/Scope of Services will now read: "5k to PTA's at PS 1R, 3R, 4R, 5R, 6R, 8R, 32R, 36R, 37R, 42R, 53R, 55R, 56R, 58R, 69R. IS 7R, 24R, 34R, 72R, 75R, HS/IS 63R, Tottenville High School." and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Morris Park Community Association, an organization receiving local discretionary funding within the Department of Youth and Community Development in the amount of \$10,000 in the Fiscal 2011 Expense Budget. The Description/Scope of Services will now read: "5 To support the Bronx Columbus Day Parade."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Mosholu Preservation Corporation, an organization receiving local discretionary funding within the Department of Youth and Community Development in the amount of \$3,000 in the Fiscal 2011 Expense Budget. The Description/Scope of Services will now read: "Funds to be used for overall beautification of parks in Council District 14."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving local discretionary funding within the Department for the Aging in the amount of \$10,000 in the Fiscal 2011 Expense Budget. The Description/Scope of Services will now read: "Funding for operations of Friendship Senior Center."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving local discretionary funding within the Department for the

Aging in the amount of \$2,005 in the Fiscal 2011 Expense Budget. This Resolution now changes the funding amount to \$2,006 and changes the Description/Scope of Services to read: "Funding for operations of Friendship Senior Center."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Glenridge Senior Citizen Multi-Service & Advisory Center, Inc., an organization receiving aging discretionary funding in the amount of \$27,750 within the budget of the Department for the Aging in the Fiscal 2011 Expense Budget. The Description/Scope of Services will now read: "For the expansion of Senior services, with expanded outreach, consultants, and fundraising."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving aging discretionary funding within the Department for the Aging in the amount of \$2,003 in the Fiscal 2011 Expense Budget. This Resolution now changes the funding amount to \$2,004 and changes the Description/Scope of Services to read: "Funding for operations of Theodora Jackson "; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving aging discretionary funding within the Department for the Aging in the amount of \$2,009 in the Fiscal 2011 Expense Budget. This Resolution now changes the funding amount to \$2,010 and changes the Description/Scope of Services to read: "Funding for operations of Theodora Jackson "; 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 2011 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 2011 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 certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 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 (CASA) Initiative in accordance with the Fiscal 2011 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 Citywide Taskforce on Housing Court Initiative in accordance with the Fiscal 2011 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 organizations receiving funding pursuant to the HIV/AIDS-Faith Based Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 6, ; and be it further

Resolved, That the City Council approves an Initiative Fund Transfer. As set forth in Chart 7, funding in the amount of \$160,000 for the CASA initiative within the budget of the Department of Consumer Affairs will be removed and provided to fund CASA in the same amount within the budget of the Department of Youth and Community Development.

CHART 7: Funding Transfer

Organization	EIN Number	Agency	Amount	Agcy #	UJA *
Cultural After School Adventure (CASA)		DCA	(\$160,000.00)	726	003
Cultural After School Adventure (CASA)		DYCD	\$160,000.00	260	312
					\$0.00

* Indicates pending completion of pre-qualification review.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 17, 2010.

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

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

Report for Res. No. 557

Report of the Committee on Finance in favor of approving a Resolution amending and restating the resolution computing and certifying adjusted base proportion of each class of real property for Fiscal 2011 to the State Board of Real Property Services pursuant to Section 1803-a, Real Property Tax Law.

The Committee on Finance, to which the annexed resolution was referred on November 17, 2010, respectfully

REPORTS:

Introduction. The above-captioned resolution completes the certification procedure required by Section 1803-a, Real Property Tax Law, to establish the class shares used in levying the real property taxes for the adopted Fiscal 2011 budget.

On June 29, 2010, the Council adopted a resolution computing and certifying the current base proportions for Fiscal 2011 (the "CBP Resolution"). After the adoption of the CBP Resolution, Section 1803a, Real Property Tax Law, was amended to lower the percent of increase in the current base proportion as compared with the previous year's adjusted base proportion from 5.0 percent to 2.5 percent, which altered the calculations contained in the CBP Resolution. Pursuant to this

amendment to state law, the Council adopted a resolution on November 17, 2010, restating the CBP Resolution. On June 29, 2010, the Council also adopted a resolution computing and certifying the adjusted base proportion of each class of real property for Fiscal 2011 (the "ABP Resolution"). The above-captioned resolution amends and restates the ABP Resolution to reflect the changes in the November 17, 2010 CBP Resolution.

The current base proportion for each class of real property takes into account the market value changes in the class occurring between the assessment roll for the base period, 1989, and the latest roll for which the State Board of Real Property Tax Services ("SBRPTS") has established class equalization rates, 2009. The CBP Resolution modified the class shares for the Fiscal 2011 property tax levy accordingly. The remaining step, to be taken in the above-captioned resolution, adjusts these current base proportions to take account of the various physical changes (such as demolitions, new construction, changes in exempt status and transfers among classes) that are reflected in the new final assessment roll. The computations called for in the SBRPTS procedure are designed to separate the effects of these physical changes from equalization changes made by local assessors.

¹ As hereinafter provided, references to the Fiscal 2011 Budget will be deemed to reference such budget as adopted on June 29, 2010. Such reference shall not include modifications of such budget during the Fiscal 2011 fiscal year.

Analysis. The calculations shown on the SBRPTS Form RP-6702 attached to the above-captioned resolution modify the share for each class to reflect physical changes. For Fiscal 2011, all classes show modest physical increases. These physical adjustments result in the following changes to the Fiscal 2011 current base proportions. The Fiscal 2011 adjusted base proportions for Classes 1, 2 and 4 show a modest decrease of less than one percent from their respective Fiscal 2011 current base proportions. Conversely, the adjusted base proportion for Class 3 shows an increase of 4.91 percent from the current base proportion.

However, the changes in the adjusted base proportions from Fiscal 2010 to Fiscal 2011, as reported in the table below, show increases of almost two percent and almost half a percent for Classes 1 and 3, respectively. Conversely, Classes 2 and 4 both show modest decreases of less than a percent.

Comparison of Class Shares for Fiscal 2010 and Fiscal 2011			
Class	Fiscal 2010	Fiscal 2011	Percent Change
1	14.8231	15.0922	+1.82
2	37.4672	37.4175	-0.13
3	7.5717	7.6075	+0.47
4	40.1380	39.8828	-0.64
Total	100.0000	100.0000	

The tax rates resulting from the use of class shares shown above for Fiscal 2011 are compared to the Fiscal 2010 tax rates in the following table.

Comparison of Tax Rates for Fiscal 2010 and Fiscal 2011 (Per \$100 Assessed Value)			
Class	Fiscal 2010	Fiscal 2011	\$Difference
1	17.088	17.364	+0.276
2	13.241	13.353	+0.112
3	12.743	12.631	-0.112
4	10.426	10.312	-0.114

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 557:)

Res. No. 557

Resolution amending and restating the resolution computing and certifying adjusted base proportion of each class of real property for Fiscal 2011 to the State Board of Real Property Services pursuant to Section 1803-a, Real Property Tax Law.

By Council Member Recchia.

Whereas, on May 25, 2010, pursuant to Section 1514 of the Charter of the City of New York, the Commissioner of the Department of Finance delivered to the Council the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for the fiscal year beginning on July 1, 2010 and ending on June 30, 2011 ("Fiscal 2011"), a certified copy of which is in the Office of the Clerk of the City pursuant to Section 516, Real Property Tax Law (the "Fiscal 2011 Assessment Rolls"); and

Whereas, Section 1803-a (5), Real Property Tax Law, requires the Council subsequent to the filing of the final Fiscal 2011 Assessment Rolls, to adjust current base proportions computed pursuant to the Current Base Proportion Resolution to reflect additions to and removals from the Fiscal 2011 Assessment Rolls as described therein (each such current base proportion so adjusted to be known as an "Adjusted Base Proportion"); and

Whereas, within five (5) days upon determination of the Adjusted Base Proportions, Section 1803-a (6), Real Property Tax Law, requires the Council to certify, to the State Board of Real Property Tax Services ("SBRPTS"), the Adjusted Base Proportion for each class of real property applicable to the City, the assessed value of all property in each class of real property, the net change in assessed value for each class on the Fiscal 2011 Assessment Rolls resulting from the additions to or removals from the Fiscal 2011 Assessment Rolls as described above, and the net change in assessed value for each class on the Fiscal 2011 Assessment Rolls resulting from changes other than those referred to above; and

Whereas, on June 29, 2010, the Council adopted a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2011 pursuant to Section 1803-a (1), Real Property Tax Law (the "Current Base Proportion Resolution"); and

Whereas, after the June 29th adoption of the Current Base Proportion Resolution, Section 1803-a, Real Property Tax Law, was amended to lower the percent of increase in the current base proportion as compared with the previous year's adjusted base proportion to 2.5 percent; and

Whereas, pursuant to the amendment to Section 1803-a, Real Property Tax Law, on November 17, 2010, the Council adopted a resolution computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2011 to the SBRPTS pursuant to Section 1803a, Real Property Tax Law;

NOW, THEREFORE, be it resolved by The Council of The City of New York as follows:

Section 1. Computation and Certification of Adjusted Base Proportions and Related Information for Fiscal 2011. (a) The Council hereby computes and certifies the Adjusted Base Proportion for each class of real property applicable to the City, the assessed value of all property in each class of real property, the net change in assessed value for each class on the Fiscal 2011 Assessment Rolls resulting from the additions to or removals from the Fiscal 2011 Assessment Rolls as described in Section 1803-a (5), Real Property Tax Law, and the net change in assessed value for each class on the Fiscal 2011 Assessment Rolls resulting from changes other than those described in Section 1803-a (5), Real Property Tax Law, as shown on SBRPTS Form RP-6702, attached hereto as Exhibit A and incorporated herein by reference (the "ABP Certificate").

(b) The Clerk of the Council is hereby authorized and directed to execute the ABP Certificate and to file it with the SBRPTS no later than five (5) days after the date hereof.

Section 2. Effective Date. This resolution shall take effect as of the date hereof.

ATTACHMENT: the "ABP Certificate"

16-Nov-10
01:29 PM

EXHIBIT A

STATE BOARD OF REAL PROPERTY TAX SERVICES
(Formerly State Board of Equalization and Assessment)
16 Sheridan Avenue, Albany, NY 12210-2714

RP-6702 (REV. 10/05) (Formerly E-6702)

EXHIBIT A

SECTION II

SECTION III

Certificate of Adjusted Base Proportions Pursuant to Article 18, RPTL,
for the 2010 Assessment Roll

Special Assessing Unit: _____
Check One to Identify Portion: County: _____; City, Town, Village: _____; Town Outside Village Area: _____; School District: _____; Special District: _____
Name of Portion: _____
Reference Roll: _____; City, Town, Village: _____; Town Outside Village Area: _____; School District: _____; Special District: _____
Levy Roll: _____; 2010
Levy Roll: _____; 2009

SECTION I
Determination of Portion Class Net Change in Assessed Value due to Physical and Quantity Changes,
Equalization Changes and Computation of Class Change in Level of Assessment Factor

Class	(A) Total Assessed Value on the Reference Roll	(B) Total Assessed Value of Physical and Quantity Increases Between Reference Roll and Levy Roll	(C) Total Assessed Value of Physical and Quantity Decreases Between Reference Roll and Levy Roll	(D) Net Assessed Value of Physical and Quantity Changes (B-C)	(E) Surviving Total Assessed Value on the Reference Roll (A-C)
1	\$16,246,005,714	\$167,250,409	\$463,722,453	\$120,877,956	16,199,633,261
2	60,087,034,140	2,217,930,307	727,331,353	1,490,598,954	59,359,702,787
3	2,702,911,454	176,510,700	114,700,590	61,810,110	2,588,210,864
4	74,302,248,632	2,273,096,583	641,885,248	1,631,211,335	73,660,363,384
Total	100,000,000	101,3784	1,013,784	100,000,000	100,000,000

SECTION II
Computation of Portion Class Adjustment Factor

Class	(J) Taxable Assessed Value on the Levy Roll	(K) Taxable Assessed Value on Levy Roll at Reference Roll Level of Assessment	(L) Assessed Value of Special Franchise on the Levy Roll at the Reference Roll Level of Assessment	(M) Total Taxable Assessed Value on Levy Roll at Reference Roll Level of Assessment	(N) Taxable Assessed Value on the Reference Roll	(O) Class Adjustment Factor (M/N)
1	\$15,818,012,901	\$15,263,120,679	\$0	15,263,120,679	\$15,155,941,182	1.00701
2	51,264,624,053	50,267,024,680	0	50,267,024,680	49,691,515,708	1.01158
3	2,251,911,421	2,207,689,199	8,907,057,194	11,114,746,393	10,490,755,096	1.06354
4	70,870,884,220	68,350,465,843	0	68,350,465,843	67,713,490,810	1.00941

SECTION III
Computation of Adjusted Base Proportions

Class	(P) Current Base Proportions	(Q) Current Base Proportions Adjusted for Physical and Quantity Changes (P*O)	(R) Adjusted Base Proportions (Q/SUM of Q)*100
1	15.1937	15.3002	15.0922
2	37.4991	37.4175	37.4175
3	7.2516	7.7124	7.6075
4	40.0556	40.4325	39.8828
Total	100.0000	101.3784	100.0000

I, the Clerk of the Legislative Body of the special assessing unit identified above, hereby certify that the legislative body determined on November 17, 2010 the adjusted base proportions and the data, procedures and computations used to determine the adjusted base proportions as set forth herein for the assessment roll and portion identified above.

Signature _____
Title _____
Date _____

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 17, 2010.

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

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

Report for Res. No. 558

Report of the Committee on Finance in favor of approving a Resolution amending and restating the resolution computing and certifying base percentage, current percentage and current base proportion of each class of real property for Fiscal 2011 to the state board of real property services pursuant to Section 1803-a, Real Property Tax Law.

The Committee on Finance, to which the annexed resolution was referred on November 17, 2010, respectfully

REPORTS:

Introduction. Section 1803-a, a Real Property Tax Law, requires the City Council to certify to the State Board of Real Property Tax Services (the "SBRPTS") certain calculations used in the process of updating the class shares from the previous year. These calculations are made every year by the Council to reflect the following changes in each class of real property:

- a. Changes in the market value of taxable real property (as determined by SBRPTS sample studies),
- b. Physical changes as a result of new construction or demolitions,
- c. Changes in taxable status, and
- d. Transfers of real property among the four classes of real property as a result of changes in use or for other reasons.

Under SBRPTS regulations, the Council must update the class shares by making two separate certifications. The action to be taken in the above-referenced resolution constitutes the first step of establishing the class shares of the four classes of taxable real property in the City to which the tax levy for the Fiscal 2011 budget¹ will be applied. The purpose of this step is to give effect to the latest class equalization rates required by Article 18, Real Property Tax Law. Using these rates, new estimates of market values for each class are calculated.

The second step, certifying the "adjusted base proportions", is the subject of a separate resolution that takes account of all the changes that are included in the final assessment roll, after Tax Commission review of taxpayer protests. Attached hereto, as Exhibit A, are definitions of terms that are used in the analysis below.

¹ As hereinafter provided, references to the Fiscal 2011 Budget will be deemed to reference such budget as adopted on June 29, 2010. Such reference shall not include modifications of such budget during the Fiscal 2011 fiscal year.

Analysis. The class equalization rates described above produce prospective current base proportions that show a substantial increase in Class 1 above the Fiscal 2010 adjusted base proportions, or "class shares" (as shown in column R of SBRPTS Form RP-6700 attached to the above-captioned resolution), a very modest increase of less than 0.1 percent in the class share of Class 2, a large decrease for Class 3 and a modest decrease for Class 4. Pursuant to Section 803-a(1)(c) of the Real Property Tax Law if the increase in any class exceeds 5 percent as compared with the previous year's adjusted base proportion for that class, the Council is directed to shift the excess (and only the excess) to any other class or classes so long as the shift does not cause the current base proportion of any other class to increase by more than 5 percent. However, pursuant to an amendment to the Real Property Tax Law enacted during the 2010 session and codified in Section 1803-a(1)(v) of the Real Property Tax Law, the City is authorized to limit the increase for Fiscal 2011 so that the current base proportion of any class does not exceed the adjusted base proportion of the previous year by 2.5 percent. In the above-captioned resolution, the increase from Class I would be shifted to Classes 3 and 4.

As shown in the chart below, the shift of the increases from Class 1 to Classes 3 and 4 will result in the Fiscal 2011 current base proportions of all four classes to show the following changes from their adjusted base proportions in Fiscal 2010.

Class	Percent Change Before Shifting Excess to Classes 3 & 4	Percent Change After Shifting Excess to Classes 3 & 4
1	+18.33	+2.50
2	+0.09	+0.09
3	-22.51	-4.23
4	-2.60	-0.21

However, these "current base proportions" must still be adjusted for the physical changes and transfers among classes which are contained in the final assessment roll. These adjustments will be made in a separately amended and restated resolution constituting the Council's second step. The "adjusted base proportions" thus derived will be the class shares used for allocating the real property tax levy for Fiscal 2011.

EXHIBIT A

"Class equalization rate" represents the percentage that the total assessed value of each class is of the market value of the class, as shown in SBRPTS sample studies.

"Base percentage" represents the percentage of total market value that each class constitutes in the 1989 base tax roll. The 1989 base tax roll is the one that was used in setting the tax levy for Fiscal 1990.

"Current percentage" is similar to the base percentage, but applies to the most recent year for which the SBRPTS has established class equalization rates (in this case, the 2009 tax roll).

"Local base proportions" are the class tax shares used to fix the tax rates for Fiscal 1991.

"Current base proportions" are the local base proportions modified to take into account the market value changes revealed by the latest class equalization rates.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 558:)

Res. No. 558

Resolution amending and restating the resolution computing and certifying base percentage, current percentage and current base proportion of each class of real property for Fiscal 2011 to the state board of real property services pursuant to Section 1803-a, Real Property Tax Law.

By Council Member Recchia.

Whereas, on November 24, 2009, the State Board of Real Property Tax Services (the "SBRPTS") certified the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2011 assessment rolls, required by Article 18, Real Property Tax Law; and

Whereas, Section 1803-a (1), Real Property Tax Law, requires the Council to compute and certify, to the SBRPTS, for each tax levy, the base percentage, the current percentage and the current base proportion of each class of real property in the City subsequent to the date on which the SBRPTS files with the Clerk of the Council a certification setting forth the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2011 assessment rolls, pursuant to Section 1212, Real Property Tax Law; and

Whereas, on June 29, 2010, the Council adopted a resolution computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2011 to the State Board of Real Property Tax Services pursuant to Section 1803-a, Real Property Tax Law (the "June 29th Resolution"); and

Whereas, the June 29th Resolution reflects a 5.0 percent cap on any increase in the current base proportion for any class of real property, as compared with the previous year's adjusted base proportion; and

Whereas, after the adoption of the June 29th Resolution, Section 1803-a, Real Property Tax Law, was amended to lower the percent of increase in the current base proportion as compared with the previous year's adjusted base proportion to 2.5 percent;

NOW, THEREFORE, be it resolved by The Council of The City of New York as follows:

Section 1. Computation and Certification of Base Percentages, Current Base Percentages and Current Base Proportions for Fiscal 2011. (a) The Council hereby computes and certifies the base percentage, the current percentage and the current base percentage for the City's Fiscal 2011 assessment rolls as shown on SBRPTS Form RP-6700, attached hereto as Exhibit A and incorporated herein by reference (the "CBP Certificate").

(b) The Clerk of the Council is hereby authorized and directed to execute the CBP Certificate and to file it with the SBRPTS after the date on which the SBRPTS filed with the Clerk of the Council a certification setting forth the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2011 assessment rolls, pursuant to Section 1212, Real Property Tax Law.

Section 2. Effective Date. This resolution shall take effect as of the date hereof.

ATTACHMENT: the "CBP Certificate"

SECTION I		SECTION II		SECTION III		SECTION IV	
Determination of Estimated Market Values		Determination of Base Percentages		Determination of Current Percentages		Determination of Current Base Proportions	
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
1989 Taxable Assessed Value	1989 Class Equalization Rate	Estimated Market Value A/(B/100)	Change in Taxable Assessed Value Between 1989 and 1990 Rolls for Parcels Transferred Out of Class	Change in Taxable Assessed Value Between 1989 and 1990 Rolls for Parcels Transferred Into Class	1990 Change in Level of Assessment Factor for Special Assessing Unit Class	Adjustment Factor for Class Change ((E/F)/D)/(A)+1	Adjusted Market Value (C*G)
1 \$7,995,107,684	9.10	87,858,326,198	\$19,354,077	\$28,360,245	1.0149	1.025724246	90,118,255,366
2 19,169,173,444	45.84	41,817,568,595	237,975,755	529,398,302	1.0932	1.0033042596	41,955,744,698
3 7,366,591,774	37.98	19,395,976,235	1,368,298,335	0	0.9738	0.8142562562	15,793,294,995
4 35,525,026,877	39.69	89,501,201,504	419,700,459	1,581,850,826	1.1086	1.0283331598	92,038,843,371
Total \$20,053,899,772		\$238,573,072,532					\$239,906,138,430

EXHIBIT A		EXHIBIT B		EXHIBIT C		EXHIBIT D	
Current Percentages (L/Sum of L)*100		Estimated Market Value J/(K/100)		2009 Taxable Assessed Value		2009 Class Equalization Rate	
(M)	(N)	(L)	(K)	(J)	(O)	(P)	(Q)
51.2080	21.6017	\$375,147,038,960	4.04	\$15,155,941,182	31.40	14.8838	14.8231
31.1701	24.0202	158,253,234,739	31.40	49,691,515,708	45.00	31.8108	37.4672
		33,223,895,769	38.48	10,450,753,096	38.48	4.9785	5.8671
		175,970,610,213		67,715,490,810		33.1727	39.0935
		\$732,454,729,681		\$153,011,700,726		84.8548	100.0000

(R)	(S)	(T)
Percent Difference Between Prior Year Adjusted Base Proportion and Prospective Current Base Proportion ((P/Q)-1)*100	Maximum Current Base Proportion (Q * 1.025)	Current Base Proportions for 2010 Roll
18.33085	15.1937	15.1937
0.08514	38.4039	37.4691
-27.51278	7.7610	7.2516
-2.60227	41.1415	40.0556
	100.0000	100.0000

I, the Clerk of the Legislative Body of the special assessing unit identified above, hereby certify that the legislative body determined on November 17, 2010 base percentages, current percentages and current base proportions as set forth herein for the assessment roll and portion identified above.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 17, 2010.

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

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

Report for Res. No. 559
Report of the Committee on Finance in favor of approving a Resolution amending and restating the resolution to provide the amounts necessary for the support of the government of the City of New York and the counties therein and for the payment of indebtedness thereof, for the fiscal year beginning on July 1, 2010 and ending on June 30, 2011, by the levy of taxes on the real property in the City of New York, in accordance with the provisions of the Constitution of the State of New York, the Real Property Tax Law and the Charter of the City of New York.

The Committee on Finance, to which the annexed resolution was referred on November 17, 2010, respectfully

REPORTS:

Introduction. On May 6, 2010, the Mayor submitted the executive budget for Fiscal 2011 to the Council pursuant to Section 249 of the Charter. On the date hereof, the Council adopted the budget for Fiscal 2011 pursuant to Section 254 of the Charter (the "Fiscal 2011 Budget"). Pursuant to Section 1516 of the Charter, the Council must fix the annual real property tax rates immediately upon such approval of the Fiscal 2011 Budget. In the resolution, captioned above, fixing the real property tax rates for Fiscal 2011 (the "Tax Fixing Resolution"), the Council fixes

the annual real property tax rates, as described in greater detail below, and authorizes the levy of real property taxes for Fiscal 2011.

After the final adoption of the Fiscal 2011 Budget, the Governor signed into law Chapter 546 Laws of New York, 2010 ("Chapter 546"). Chapter 546 adds a new paragraph (v) to subdivision 1 of section 1803-a, Real Property Tax Law, which provides that, in any special assessing unit which is a city (a "special assessing city"), for current base proportions to be determined in such special assessing city's fiscal year 2011, the current base proportion of any class shall not exceed the adjusted base proportion of the immediately preceding year by more than 2.5 percent.

In order to effect the provisions of Chapter 546, it is necessary to amend and restate the provisions of this resolution. In the amended and restated resolution, captioned above, fixing the real property tax rates for Fiscal 2011 (the "Tax Fixing Resolution"), the Council amends and restates the annual real property tax rates, as described in greater detail below, and authorizes the levy of real property taxes for Fiscal 2011.

Determining the Amount of the Real Property Tax Levy. In the Tax Fixing Resolution, the Council determines the amount of the real property tax levy for Fiscal 2011, pursuant to the provisions of Section 1516 of the Charter, in the following manner. (1) First, the Council acknowledges the amount of the Fiscal 2011 Budget to be \$63,077,044,552, as set forth in the communication from the Mayor pursuant to Section 1515(a) of the Charter (the "Fiscal 2011 Budget Amount"). (2) The Council then acknowledges the estimate of the probable amount of all non-property tax revenues to be \$46,297,461,552, as set forth in the communication from the Mayor pursuant to Section 1515(a) of the Charter (the "Fiscal 2011 Revenue Estimate"). (Attached hereto as Exhibit A is a description of the Fiscal 2011 Revenue Estimate, detailing all sources of revenues exclusive of real property taxes.) (3) Pursuant to Section 1516 of the Charter, the Council finally determines the net amount required to be raised by tax on real property to be \$16,779,583,000, by subtracting the amount of the Fiscal 2011 Revenue Estimate from the Fiscal 2011 Budget Amount.

In order to achieve a real property tax yield of \$16,779,583,000, however, due to provision for uncollectible taxes and refunds and collection of levies from prior years equal in the aggregate to \$1,544,106,139, the Council determines that a real property tax levy of \$18,323,689,139 is required. Such amount, levied at rates on the classes of real property as further described below will produce a balanced budget within generally accepted accounting principles for municipalities.

The Council also provides for the application of the real property tax levy (net of provision for uncollectible taxes and refunds and collection of levies from prior years) to (1) debt service not subject to the constitutional operating limit, (2) debt service subject to the constitutional operating limit and (3) the Fiscal 2011 Budget in excess of the amount of the Fiscal 2011 Revenue Estimate.

Authorizing and Fixing the Real Property Tax Rates. After having determined the amount of the real property tax levy, the Council authorizes and fixes the real property tax rates. On May 25, 2010, the Commissioner of the Department of Finance (the "Commissioner") delivered the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for Fiscal 2011 to the Council, pursuant to Section 1514 of the Charter (the "Fiscal 2011 Assessment Rolls"). On November 17, 2010, the Council amended and restated a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2011 pursuant to Section 1803-a (1), Real Property Tax Law (the "Current Base Proportion Resolution"). On November 17, 2010, pursuant to Section 1803-a, Real Property Tax Law, the Council amended and restated a resolution in which the Council adjusted the current base proportions of each class of real property in the City for Fiscal 2011, to reflect the additions to, and full or partial removal from, the Fiscal 2011 Assessment Rolls (the "Adjusted Base Proportion Resolution").

The following sections describe the determinations the Council must make before it fixes the real property tax rates and the process by which the Council fixes the real property tax rates.

Assessed Valuation Calculations. In the Tax Fixing Resolution, the Council sets out the assessed valuation calculations of taxable real property in the City by class within each borough of the City. Next, the Council sets out the assessed valuation (1) by class of real property for the purpose of taxation (exclusive of the assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes) in each borough of the City and (2) by class of veterans' real property subject to tax for school purposes in each borough of the City.

Compliance with Constitutional Operating Limit Provisions. In the Tax Fixing Resolution, the Council also provides evidence of compliance with constitutional operating limit provisions. The Council determines that the amount to be raised by

tax on real property for the Fiscal 2011 Budget does not exceed the limit imposed by Section 10, Article VIII of the Constitution of the State of New York, as amended, and Article 12-A, Real Property Tax Law (the "Operating Limit Provisions"). The Operating Limit Provisions require that the City not levy taxes on real property in any fiscal year in excess of an amount equal to a combined total of two and one-half percent (2 1/2%) of the average full valuation of taxable real property, determined by taking the assessed valuations of taxable real property on the last completed assessment roll and the four (4) preceding assessment rolls of the City and applying thereto the special equalization ratio which such assessed valuations of each such roll bear to the full valuations as fixed and determined by the State Office of Real Property Tax Services ("ORPTS"), minus (i) the amount to be raised by tax on real property in such year for the payment of the interest on and the redemption of certificates of other evidence of indebtedness described in the Constitution and (ii) the aggregate amount of business improvement district charges exclusive of debt service.

Adjusted Base Proportions. The Tax Fixing Resolution sets forth the adjusted base proportions for Fiscal 2011, pursuant to the amended and restated Adjusted Base Proportion Resolution, to be used in determining the amended and restated Fiscal 2011 tax rates for the four classes of properties.

Tax Rates on Adjusted Base Proportions. Finally, in the Tax Fixing Resolution, the Council authorizes and fixes, pursuant to Section 1516 of the Charter, the rates of tax for Fiscal 2011 by class (1) upon each dollar of assessed valuation of real property subject to taxation for all purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

All One-, Two- and Three-Family	
Residential Real Property.....	0.17364
All Other Residential Real Property.....	0.13353
Utility Real Property.....	0.12631
All Other Real Property.....	0.10312

and (2) upon each dollar of assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

All One-, Two- and Three-Family	
Residential Real Property.....	0.10206
All Other Residential Real Property.....	0.07877
Utility Real Property.....	0.00000
All Other Real Property.....	0.06090

Authorization of the Levy of Property Taxes for Fiscal 2011. The Council authorizes and directs the Commissioner, pursuant to Section 1517 of the Charter, to set down in the Fiscal 2011 Assessment Rolls, opposite to the several sums set down as the valuation of real property, the respective sums to be paid as a tax thereon and add and set down the aggregate valuations of real property in the boroughs of the City and send a certificate of such aggregate valuation in each such borough to the State Comptroller. The Tax Fixing Resolution then requires the City Clerk to procure the proper warrants, in the form attached thereto, such warrants to be signed by the Public Advocate and counter-signed by the City Clerk.

The amended and restated Tax Fixing Resolution would take effect as of the date of adoption.

Accordingly, the Committee on Finance recommends adoption of the amended and restated Tax Fixing motion.

EXHIBIT A

**ESTIMATED FISCAL YEAR 2011 REVENUE
OTHER THAN REAL PROPERTY TAXES
Summarizing by Source of Revenue**

Source of Revenue	Estimate of Revenue
Taxes (excluding Real Estate Taxes):	
General Sales (1)	\$5,145,000,000
Personal Income (Excluding Transitional Finance Authority Debt)	7,557,000,000
General Corporation	2,478,000,000
Commercial Rent	566,000,000
Utility	383,000,000
Banking Corporation	838,700,000
Mortgage Recording	455,000,000
Unincorporated Business	1,588,000,000
Real Property Transfer	628,000,000
Cigarette	92,000,000
Hotel Occupancy	373,000,000
Other:	
Penalty and Interest	42,000,000
Off-Track Betting	0
Off-Track Betting Surtax	4,250,000
Payments in Lieu of Tax	245,022,000
Section 1127 (Waiver)	103,900,000
Beer and Liquor	23,000,000
Auto Use	28,000,000
Commercial Motor Vehicle	47,500,000
Taxicab License Transfer	7,000,000
Liquor License Surcharge	5,000,000
Horse Race Admissions	35,000
Other Refunds	(29,000,000)
State Tax Relief Program ("STAR") for Personal Income and Real Property Taxes.....	942,500,000
	<u>21,522,907,000</u>
Miscellaneous Revenue:	
Licenses, Franchises, etc.....	480,854,456
Interest Income.....	47,800,000
Charges for Services.....	750,851,863
Water and Sewer Charges.....	1,331,675,000
Rental Income.....	243,077,000
Fines and Forfeitures.....	848,471,000
Miscellaneous.....	593,173,731
	<u>4,295,903,050</u>

EXHIBIT A

**ESTIMATED FISCAL YEAR 2011 REVENUE
OTHER THAN REAL PROPERTY TAXES
Summarizing by Source of Revenue**

Source of Revenue	Estimate of Revenue
Grants:	
Federal	6,795,896,872
State	11,281,864,390
Provision for Disallowances	(15,000,000)
	<u>18,062,761,262</u>
Unrestricted State and Federal Aid:	
N.Y. State Revenue Sharing	0
Other Unrestricted Aid	14,407,069
	<u>14,407,069</u>
Transfer from Capital Funds	558,160,389
Tax Audit Revenue and Other Initiatives.....	622,000,000
Tax Program.....	(12,400,000)
Other Categorical Grants.....	1,233,722,782
Amount of Estimated Revenue other than Real Estate Taxes.....	
	<u>\$46,297,461,552</u>

FOOTNOTES

(1) Fiscal 2011 administrative expenses of the New York State Financial Control Board ("FCB") and the Office of the State Deputy Comptroller ("OSDC"), the "State Oversight Retention Requirements", have been treated only for accounting and financial reporting purposes of the City as if they were City expenditures. Consequently, the above estimates of General Fund receipts for Fiscal 2011 do not reflect anticipated reductions in amounts to be received by the City from the 4.5

percent sales tax levied in the City (the "City Sales Tax") pursuant to State Oversight Retention Requirements. In fact, the State Oversight Retention Requirements are to be retained by the State from the City Sales Tax and will therefore reduce the funds which are paid to the City from the City Sales Tax. This presentation of State Oversight Retention Requirements (instead of being shown as a reduction in City Sales Tax) has no bearing on the statutory relationship between the City, on the one hand, and the FCB and OSDC, on the other hand.

¹As hereinafter provided, references to the Fiscal 2011 Budget will be deemed to reference such budget as adopted on June 29, 2010. Such reference shall not include modifications of such budget during the Fiscal 2011 fiscal year.

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

(The following is the text of Res. No. 559:)

Res. No. 559

Resolution amending and restating the resolution to provide the amounts necessary for the support of the government of the City of New York and the counties therein and for the payment of indebtedness thereof, for the fiscal year beginning on July 1, 2010 and ending on June 30, 2011, by the levy of taxes on the real property in the City of New York, in accordance with the provisions of the Constitution of the State of New York, the Real Property Tax Law and the Charter of the City of New York.

By Council Member Recchia.

Whereas, on May 6, 2010, pursuant to the Section 249 of the Charter of the City of New York ("the Charter"), the Mayor of the City of New York (the "Mayor") submitted to the Council of the City of New York (the "Council"), the executive budget for the support of the government of the City of New York and the counties therein (collectively, the "City") for the fiscal year beginning on July 1, 2010 and ending on June 30, 2011 ("Fiscal 2011"); and

Whereas, on May 25, 2010, pursuant to Section 1514 of the Charter, the Commissioner of the Department of Finance (the "Commissioner") delivered to the Council, the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for Fiscal 2011, a certified copy of which is in the Office of the Clerk of the City pursuant to Section 516, Real Property Tax Law (the "Fiscal 2011 Assessment Rolls"); and

Whereas, on June 29, 2010, the Council adopted a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2011 pursuant to Section 1803-a(1), Real Property Tax Law (the "Current Base Proportion Resolution"); and

Whereas, on June 29, 2010, pursuant to Section 1803-a, Real Property Tax Law, the Council adopted a resolution in which the Council adjusted the current base proportion of each class of real property in the City for Fiscal 2011, to reflect the additions to, and full or partial removal from, the Fiscal 2011 Assessment Rolls (the "Adjusted Base Proportion Resolution"); and

Whereas, on June 29, 2010, pursuant to Section 254 of the Charter, the Council adopted the budget for the support of the government of the City and for the payment of indebtedness thereof for Fiscal 2011 (the "Fiscal 2011 Budget"); and

Whereas, on June 29, 2010, pursuant to Section 1515(a) of the Charter, the Mayor prepared and submitted to the Council, a statement setting forth the amount of the Fiscal 2011 Budget as approved by the Council (the "Fiscal 2011 Budget Statement") and an estimate of the probable amount of receipts into the City treasury during Fiscal 2011 from all the sources of revenue of the general fund and all receipts other than those of the general fund and taxes on real property, a copy of which is attached hereto as Exhibit A (the "Fiscal 2011 Revenue Estimate"); and

Whereas, on June 29, 2010, pursuant to Section 1516 of the Charter, the Council adopted a resolution to provide the amounts necessary for the support of the government of the City, among other things, by the levy of taxes on real property in the City (the "Tax Fixing Resolution"); and

Whereas, after the adoption of the Current Base Proportion Resolution, the Adjusted Base Proportion Resolution, the Fiscal 2011 Budget and the Tax Fixing

Resolution, Section 1803-a, Real Property Tax Law, was amended to lower the allowable percent increase in the current base proportion as compared with the previous year's adjusted base proportion from 5.0 percent to 2.5 percent; and

Whereas, the amendment to Section 1803-a, Real Property Tax Law, requires the amending and restating of the Tax Fixing Resolution;

NOW, THEREFORE, be it resolved by The Council of The City of New York as follows:

** As hereinafter provided, references to the Fiscal 2011 Budget will be deemed to reference such budget as adopted on June 29, 2010. Such references shall not include modifications of such budget during the Fiscal 2011 fiscal year.*

Section 1. Fixing of Real Property Tax Rates for Fiscal 2011.

a. Determining the Amount of the Real Property Tax Levy.

The total amount of the Fiscal 2011 Budget as set forth in the Fiscal 2011 Budget Statement is \$63,077,044,552.

- (i) The estimate of the probable amount of receipts into the City treasury during Fiscal 2011 from all the sources of revenue of the general fund and all receipts other than those of the general fund and taxes on real property as set forth in the Fiscal 2011 Revenue Estimate is \$46,297,461,552.
- (ii) Pursuant to Section 1516 of the Charter, the Council hereby determines that the amount required to be raised by tax on real property shall be \$16,779,583,000, which is derived from deducting the amount set forth in the Fiscal 2011 Revenue Estimate from the amount of the Fiscal 2011 Budget.
- (iii) In order to achieve a real property tax yield of \$16,779,583,000 due to provision for uncollectible taxes and refunds and collection of levies from prior years, the Council hereby determines that a real property tax levy of \$18,323,689,139 will be required, calculated as follows:

Not Subject to the 2 ½ percent Tax Limitation:

For Debt Service:	
Funded Debt	\$843,582,442

Amount Required for Debt Service and Financing as:

Provision for Uncollectible Taxes	\$70,138,039	
Provision for Refunds	\$19,808,090	
Collection of Prior Years' Levies	(\$12,317,213)	\$921,211,358

Subject to the 2 ½ percent Tax Limitation:

For Debt Service:	
Temporary Debt	
Interest on Temporary Debt	\$74,623,611
For General Operating Expenses:	
Funds Required	\$15,861,376,947

Amount Required for Debt Service and Operating Expenses as:

Provision for Uncollectible Taxes	\$1,324,968,100	
Provision for Refunds	\$374,191,910	
Collection of Prior Years' Levies	(\$232,682,787)	<u>17,402,477,781</u>

TOTAL REAL PROPERTY TAX LEVY \$18,323,689,139

The Council hereby determines that such amount, levied at such rates on the classes of real property pursuant to paragraph (iv) of subsection b below will produce a balanced budget within generally accepted accounting principles for municipalities.

(v) The real property tax levy, net of provision for uncollectible taxes and refunds and the collection of levies from prior years, determined pursuant to clause (iv) above shall be applied as follows:

(A) For payment of debt service not subject to the 2 ½ percent tax limitation: \$843,582,442

(B) For debt service on short-term debt subject to the 2 ½ percent tax limitation: \$74,623,611

(C) To provide for conducting the public business of the City and to pay the appropriated expenditures for the counties therein as set forth in the Fiscal 2011 Budget in excess of the amount of revenues estimated in the Fiscal 2011 Revenue Estimate: \$15,861,376,947

b. Authorizing and Fixing the Real Property Tax Rates.

(i) Assessed Valuation Calculations of Taxable Real Property in the City. The Fiscal 2011 Assessment Rolls set forth the following valuations by class within each borough of the City.

(A) The assessed valuation by class of real property for the purpose of taxation in each borough of the City, exclusive of the assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes is set forth below:

Assessment by Class of Property Subject to Taxation for All Purposes					
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property	Assessment of Property Subject to Taxation for All Purposes
Manhattan	\$694,859,641	\$36,090,124,840	\$4,221,032,984	\$52,382,865,447	\$93,388,882,912
The Bronx	1,338,758,191	2,908,204,541	1,399,402,484	2,755,929,079	8,402,294,295
Brooklyn	4,677,682,949	6,304,610,491	2,404,781,168	5,844,836,152	19,231,910,760
Queens	6,659,725,453	5,703,043,490	2,367,313,235	8,359,954,275	23,090,036,453
Staten Island	2,446,986,667	258,640,690	643,453,013	1,527,099,267	4,876,179,637
TOTAL	\$15,818,012,901	\$51,264,624,052	\$11,035,982,884	\$70,870,684,220	\$148,989,304,057

(B) The assessed valuation by class of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes in each borough of the City is set forth below:

Assessment by Class of Veterans' Property Exempted under State Law from Tax for General Purposes but Subject to Tax for School Purposes					
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property	Total Assessment of Veterans' Property Exempted under State Law from Tax for General Purposes but Subject to Tax for School Purposes
Manhattan	\$924,693	\$90,829,607	\$0	\$40,500	\$91,794,800
The Bronx	14,161,154	3,689,230	0	15,201	17,865,585
Brooklyn	41,873,712	10,806,838	0	26,649	52,707,199
Queens	79,775,808	32,427,035	0	38,973	112,241,816
Staten Island	47,019,564	988,932	0	9,279	48,017,775
TOTAL	\$183,754,931	\$138,741,642	\$0	\$130,602	\$322,627,175

*Includes condominiums of three stories or fewer which have always been condominiums.

(ii) Chapter 389 of the Laws of 1997 established a new real property tax exemption providing school tax relief (Section 425, Real Property Tax Law). Pursuant to subdivision 8 of Section 425, the assessment by tax class of property subject to taxation for all purposes and the assessment by tax class of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes has been increased by the amounts shown below for purposes of: (a) determining the City's tax and debt limits pursuant to law; (b) determining the amount of taxes to be levied; (c) calculating tax rates by tax class; and (d) apportioning taxes among classes in a special assessing unit under Article 18, Real Property Tax Law.

(A) The assessed valuation by class of real property for the purpose of taxation in each borough of the City exempted under Section 425, Real Property Tax Law, exclusive of the assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes is set forth below:

Assessment by Class of Property Exempted under Section 425, Real Property Tax Law, for All Purposes				
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property**	All Other Real Property	Exempted under Section 425, Real Property Tax Law, for All Purposes
Manhattan	\$5,588,462	\$217,090,883	\$319,240	\$222,998,585
The Bronx	80,316,856	31,668,580	95,644	112,081,080
Brooklyn	254,565,732	84,976,507	453,222	339,995,461
Queens	369,475,761	153,941,530	516,783	523,934,074
Staten Island	155,332,247	5,648,998	101,030	161,082,275
TOTAL	\$865,279,058	\$493,326,498	\$1,485,919	\$1,360,091,475

(B) The assessed valuation by class of veterans' real property exempt under state law from tax for general purposes and exempt under Section 425, Real Property Tax Law, for school purposes in each borough of the city is set forth below:

Assessment by Class of Veterans' Property Exempted under Section 425, Real Property Tax Law, for School Purposes				
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property**	All Other Real Property	Total Assessment of Veterans' Property Exempted under Section 425, Real Property Tax Law, for School Purposes
Manhattan	\$0	\$8,737	\$0	\$8,737
The Bronx	35,114	31,738	0	66,852
Brooklyn	55,019	21,731	1,125	77,875
Queens	61,413	67,501	369	129,283
Staten Island	41,942	9,121	0	51,063
TOTAL	\$193,488	\$138,828	\$1,494	\$333,810

*Includes condominiums of three stories or fewer which have always been condominiums.

** Only residential real property held in the cooperative or condominium form of ownership qualifies for the real property tax exemption providing school tax relief.

(iii) Operating Limit Provisions. The Council hereby determines that the amount to be raised by tax on real property for the Fiscal 2011 Budget pursuant to clause (iii) of subsection (a) of Section 1 hereof does not exceed the limit imposed by Section 10, Article VIII of the Constitution of the State of New York, as amended, and Article 12-A, Real Property Tax Law (the "Operating Limit Provisions").*

(A) The Operating Limit Provisions require that the City not levy taxes on real property in any fiscal year in excess of an amount equal to a combined total of two and one-half percent (2 1/2 %) of the average full valuation of taxable real property, less (i) the amount to be raised by tax on real property in such year for the payment of the interest on and the redemption of certificates or other evidence of indebtedness described therein and (ii) the aggregate amount of district charges, exclusive of debt service, imposed in such year by business improvement districts pursuant to Article 19-A, General Municipal Law.

(B) The Operating Limit Provisions require that average full valuations of taxable real property be determined by taking the assessed valuations of taxable real property on the last completed assessment roll and the four (4) preceding assessment rolls of the City and applying thereto the special equalization ratios which such assessed valuations of each such roll bear to the full valuations as fixed and determined by the State Office of Real Property Tax Services ("ORPTS") pursuant to Section 1251, Real Property Tax Law, as shown below:

Fiscal Year	Assessed Valuations	Assessment Percentage	Full Valuations
2007.....	116,477,764,261	0.1599	\$728,441,302,445
2008.....	125,777,268,853	0.1703	738,562,941,004
2009.....	134,294,731,881	0.1848	726,703,094,594
2010.....	143,334,172,616	0.1852	773,942,616,717
2011.....	149,311,931,232	0.1770	843,570,232,949
		AVERAGE	\$762,244,037,542

2 1/2 percent thereof for Fiscal 2011..... \$19,056,100,93

Less debt service subject to the 2 1/2 percent tax limitation:

Temporary debt
Interest on temporary debt (\$74,623,611)

Less aggregate amount of district charges subject to the 2 1/2 percent tax limitation**..... (\$83,021,324)

Constitutional amount subject to the limitation which may be raised for other than debt service in accordance with the provisions of Section 10, Article VIII, of the State Constitution..... \$18,898,456.00
4

*The amount to be raised by tax on real property for purposes of the Operating Limit determination is equal to the real property tax levy as reduced by the net reductions in amounts collected as authorized by New York State law.

** The tax fixing resolution adopted by the New York City Council on June 29, 2010 projected the amount of district charges to be \$85,488,624. Since the adoption of the June 29, 2010 resolution, estimates of Fiscal 2011 district charges have been decreased to \$83,021,324.

(iv) Adjusted Base Proportions. Pursuant to the Adjusted Base Proportion Resolution, the Council certified the following adjusted base proportions to be used in determining the Fiscal 2011 tax rates for the four classes of properties:

All One, - Two- and Three-Family Residential Real Property*.....	15.0922
All Other Residential Real Property.....	37.4175
Utility Real Property.....	7.6075
All Other Real Property.....	<u>39.8828</u>
Total.....	100.0000

*Includes condominiums of three stories or fewer which have always been condominiums.

(v) Tax Rates on Adjusted Base Proportions.

(A) Pursuant to Section 1516 of the Charter, the Council hereby authorizes and fixes the rates of tax for Fiscal 2011 (1) by class upon each dollar of assessed valuation of real property subject to taxation for all purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property
Subject to the 2 1/2 percent tax limitation as authorized by Article VIII, Section 10, of the State Constitution including a reserve for uncollectible taxes.....	0.16488	0.12681	0.11996	0.09793
Not subject to the 2 1/2 percent tax limitation as authorized by Article VIII, Sections 10 and 11 of the State Constitution including a reserve for uncollectible taxes.....	<u>0.00876</u>	<u>0.00672</u>	<u>0.00635</u>	<u>0.00519</u>
Decimal rate on adjusted proportion for all purposes.....	<u>0.17364</u>	<u>0.13353</u>	<u>0.12631</u>	<u>0.10312</u>

*Includes condominiums of three stories or fewer which have always been condominiums.

and (2) by class upon each dollar of assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

	All One, Two And Three Family Residential	All Other Residential Real	Utility Real Property	All Other Real Property
--	---	----------------------------------	-----------------------------	-------------------------------

	Real Property*	Property		
Subject to the 2 ½ percent tax limitation as authorized by Article VIII, Section 10, of the State Constitution including a reserve for uncollectible taxes.....	0.09957	0.07684	0.00000	0.05941
Not subject to the 2 ½ percent tax limitation as authorized by Article VIII, Sections 10 and 11 of the State Constitution including a reserve for uncollectible taxes.....	0.00249	0.00193	0.00000	0.00149
Decimal rate on adjusted proportion for all veterans' property exempted under state law from tax for general purposes but subject to tax for school purposes.....	0.10206	0.07877	0.00000	0.06090

*Includes condominiums of three stories or fewer which have always been condominiums.

Section 2. Authorization of the Levy of Real Property Taxes for Fiscal 2011.

a. Pursuant to Section 1517 of the Charter, the Council hereby authorizes and directs the Commissioner to (i) set down in the Fiscal 2011 Assessment Rolls, opposite to the several sums set down as the valuation of real property, the amended and restated respective sums, in dollars and cents, to be paid as a tax thereon, rejecting the fractions of a cent and add and set down the aggregate valuations of real property in the boroughs of the City and (ii) send a certificate of such aggregate valuation in each such borough to the Comptroller of the State.

b. Pursuant to Section 1518 of the Charter, immediately upon the completion of the Fiscal 2011 Assessment Rolls, the City Clerk shall procure the proper amended and restated warrants in the form attached hereto as Exhibit B to be signed by the Public Advocate of the City ("Public Advocate") and counter-signed by the City Clerk authorizing and requiring the Commissioner to collect the several sums therein mentioned according to law and immediately thereafter the Fiscal 2011 Assessment Rolls of each borough shall be delivered by the Public Advocate to the Commissioner with proper warrants, so signed and counter-signed, annexed thereto.

Section 3. Effective Date. The Tax Fixing Resolution, as hereby amended and restated, shall remain in full force and effect as of the date hereof.

EXHIBIT A

Exhibit A



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

June 29, 2010

To The HONORABLE COUNCIL of THE CITY OF NEW YORK

For the Expense Budget of the City of New York as adopted by the Council pursuant to Section 254 of the Charter for the Fiscal Year beginning July 1, 2010 and ending June 30, 2011 (Fiscal Year 2011) the amount of appropriation is:

Amounts Appropriated \$63,077,044,552

The probable amounts and sources of revenues (other than Real Property Taxes) for Fiscal Year 2011, as estimated by me pursuant to Section 1515 of the Charter, are as set forth below:

Taxes (excluding Real Property Taxes) \$21,522,907,000

Miscellaneous Revenues \$4,295,903,050

Grants:

Federal 6,795,896,872
State 11,281,864,390
Provision for Disallowances (15,000,000)

Unrestricted State and Federal Aid 14,407,069

Other Categorical Aid 1,233,722,782

Transfer from Capital Funds 558,160,389

Tax Audit Revenue 622,000,000

Tax Program (12,400,000)

\$24,774,554,552

Making the total amount of the Expense Budget for the Fiscal Year 2011 to be financed by Real Property Taxes (after provision for uncollectibles, refunds and collection of prior years' levies):

\$16,779,583,000

Exhibit A

In order to achieve the required Real Property Tax yield of \$16,779,583,000, a Real Property Tax levy of \$18,323,689,139 will be required:

The amount of taxes on real estate to be levied subject to the 2-1/2 percent tax limitation as authorized by Article VIII Section 10 of the State Constitution including a provision for uncollectible taxes \$17,402,477,781

The amount of taxes on real estate to be levied not subject to the 2-1/2 percent tax limitation as authorized by Article VIII Sections 10 and 11(a) of the State Constitution including a provision for uncollectible taxes \$921,211,358

Total amount of Real Property Taxes to be levied for the Fiscal Year 2011 is \$18,323,689,139

Very truly yours,

Michael R. Bloomberg
Mayor

EXHIBIT B

FORM OF WARRANT

WARRANT

To David M. Frankel, Commissioner of Finance of the City of New York:

You are hereby authorized and required, in accordance with the provisions of the Real Property Tax Law and the Charter of the City of New York, to collect the real property tax on the properties named and described in the real property assessment roll in accordance with the assessments thereon and the tax rates fixed by the City Council for the fiscal year beginning on July 1, 2010.

Public Advocate of the
City of New York

Clerk of the City of
New York

(SEAL)

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 17, 2010.

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

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

Report for M-311

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget – Pursuant to Section 107(b) of the New York City Charter, transfer City funds between various agencies in fiscal year 2011 to implement changes to the City's expense budget (MN -1).

The Committee on Finance, to which the annexed Land Use resolution was referred on November 17, 2010, respectfully

REPORTS:

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

TO: Honorable Christine Quinn
Speaker

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

FROM: Preston Niblack, Director, Finance Division
Jeff Rodus, First Deputy Director, Finance Division
Tanisha Edwards, Counsel Finance Division

DATE: November 17, 2010

SUBJECT: A budget modification (MN-1) for Fiscal Year 2011 to reallocate appropriations in the FY 2011 Adopted Budget.

INITIATION: By letter dated November 16, 2010, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to transfer funds totaling \$308,750 between various agencies in Fiscal Year 2011 to implement changes in the City's expense budget.

BACKGROUND: This modification (MN-1) reallocates appropriations that were reflected in the FY 2011 Adopted Budget to fund City Council initiatives.

FISCAL IMPACT: This modification represents the reallocation of appropriations. The net effect of this modification is zero.

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York on November 17, 2010, the Committee on Finance received a communication, dated November 16, 2010 from the Office of Management and Budget of the Mayor of The City of New York, of a proposed request, (the "Modification"), to modify units of appropriation and transfer city funds between units of appropriation in the Fiscal 2011 Expense Budget (as defined below) pursuant to Section 107(b) of the Charter of the City of New York (the "Charter").

Analysis. The Council annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 29, 2010, the Council adopted the expense budget for fiscal year 2010 (the "Fiscal 2011 Expense Budget"). This modification (MN-1) reallocates appropriations and transfers city funds in the amount of \$308,750 between various agencies in the Fiscal Year 2011 expense budget as adopted by the Council on June 29, 2010 that were reflected in the Fiscal 2011 Expense Budget. The net effect of this modification is zero.

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

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

(The following is the text of Res. No. 560:)

Res. No. 560

Resolution approving the modification (Mn-1) of units of appropriation and the transfer of city funds between agencies proposed by the Mayor pursuant to Section 107(b) of the Charter of the City of New York.

By Council Member Recchia.

Whereas, at a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on November 17, 2010, the Committee on Finance received a communication, dated November 16, 2010 from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit A (the "Modification"), to modify units of appropriation and transfer city funds in the amount of \$308,750 between various agencies in the Fiscal Year 2011 expense budget as adopted by the Council on June 29, 2010, pursuant to Section 107(b) of the Charter of the City of New York (the "Charter"); and

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

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

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

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

ATTACHMENT:

EXHIBIT - A



The City of New York
Office of Management and Budget
75 Park Place • New York, New York 10007-2146
Telephone: (212) 788-9900 • Fax: (212) 788-6300

Mark Page
Director

November 16, 2010

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2011 to implement changes in the City's expense budget.

As requested by the City Council, this modification (MN-1) reallocates appropriations that were reflected in the FY 2011 Adopted Budget to fund City Council local initiatives.

Your approval of modification MN-1 is respectfully requested.

Yours truly,

Mark Page

Fiscal Year 2011 Budget Modification

-MN 1-

From

057 Fire Department	
005 Executive Admin - OTPS	-4,000
069 Department of Social Services	
105 Adult Services - OTPS	-53,500
126 Department of Cultural Affairs	
003 Cultural Programs	-215,250
260 Youth & Community Development	
005 Community Development - OTPS	-34,500
816 Dept Health & Mental Hygiene	
113 Hlth Promo & Disease Prev-OTPS	-1,500
	-308,750

Fiscal Year 2011 Budget Modification

-MN 1-

To

017 Dept. of Emergency Management	
002 OTPS	1,000
040 Department of Education	
402 GE Instr. & School Leadership	27,000
042 City University	
001 Community College-OTPS	72,000
071 Dept. of Homeless Services	
200 Other Than Personal Service	12,500
098 Miscellaneous	
002 OTPS	19,500
125 Department for the Aging	
003 Community Programs - OTPS	8,550
126 Department of Cultural Affairs	
022 Other Cultural Institutions	7,000
260 Youth & Community Development	
312 Other Than Personal Service	111,700
806 Housing Preservation & Dev.	
009 Office of Development-OTPS	23,500

Fiscal Year 2011 Budget Modification

-MN 1-

To

816 Dept Health & Mental Hygiene	
120 Mental Health	7,500
846 Dept of Parks and Recreation	
006 Maintenance & Operations-OTPS	18,500
	308,750
	0

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Appendix A

From

057 Fire Department	
005 Executive Admin - OTPS	
Friends of Firefighters, Inc.	-4,000
Unit of Appropriation Total	-4,000
069 Department of Social Services	
105 Adult Services - OTPS	
Wildcat Service Corporation	-50,000
Connecting to Advantages, Inc.	-3,500
Unit of Appropriation Total	-53,500
126 Department of Cultural Affairs	
003 Cultural Programs	
Friends of the Upper East Side Historic Districts	5,000
Nia Theatrical Production Company, Inc.	-100,000
Nia Theatrical Production Company, Inc.	-5,000
Wyckoff House Association, Inc.	10,250
Friends of Historic New Utrecht	-1,000
Whitney Museum of American Art	3,500

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Appendix A

From

126 Department of Cultural Affairs	
003 Cultural Programs	
Cultural After School Adventure (CASA)	-160,000
Poppenhusen Institute	-1,500
La Casa de la Herencia Cultural Puertorriquena, Inc.	-10,000
Primary Stages Company, Inc.	3,500
Friends of Public School 163, Inc.	7,500
Friends of Public School 163, Inc.	-7,500
Russian American Cultural Heritage Center, Inc., The	-3,500
Young Dancers in Repertory, Inc.	40,000
Community-Word Project, Inc.	3,500
Unit of Appropriation Total	-215,250
260 Youth & Community Development	
005 Community Development - OTPS	
Ebbets Field Residents' Organization, Inc.	4,000
Doc Fund, Inc., The	-12,500

Page 2 of 11

Appendix A

From

260 Youth & Community Development	
005 Community Development - OTPS	
Scandinavian East Coast Museum	-1,500
Ridge Chorale, The	-1,500
Vietnam Veterans of America, Inc. - Queens Chapter #32	-1,000
Narrows Community Theater	-2,000
Center for the Women of New York, Inc., The	-2,500
Commodore Barry Club of Brooklyn, Inc.	-1,500
Artists Unite, Inc.	3,500
Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	-2,000
Korean American Community Center of New York, Inc. (KACCNY)	-1,500
Alley Pond Environmental Center, Inc.	-5,000
La Casa de la Herencia Cultural Puertorriquena, Inc.	10,000

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Appendix A

From

260 Youth & Community Development		
005 Community Development - OTPS		
Southwest Brooklyn Citizens Corps, Ltd. d/b/a Community Emergency Response Team - CERT 1 NYC	-1,000	
West Bronx Housing and Neighborhood Resource Center, Inc.	-20,000	
Unit of Appropriation Total		-34,500
816 Dept Health & Mental Hygiene		
113 Hlth Promo & Disease Prev-OTPS		
Brain Tumor Foundation, The	-1,500	
Unit of Appropriation Total		-1,500
		-308,750

Appendix A

To

017 Dept. of Emergency Management		
002 OTPS		
Southwest Brooklyn Citizens Corps, Ltd. d/b/a Community Emergency Response Team - CERT 1 NYC	1,000	
Unit of Appropriation Total		1,000
040 Department of Education		
402 GE Instr. & School Leadership		
Public School 200K Parent Teacher Association	1,000	
Public School 186K Parent Teacher Association	1,000	
Public School 185K Parent Teacher Association	1,000	
Public School 230K - Doris Cohen School	3,500	
Public School 176K Parent Teacher Association	1,000	
Public School 170K Parent Teacher Association	1,000	
K490 Fort Hamilton High School Tigers Football Team	-1,500	
Public School 127K Parent Teacher Association	1,000	
Public School 112K Parent Teacher Association	1,000	
Public School 163K Parent Teacher Association	1,000	

Appendix A

To

040 Department of Education		
402 GE Instr. & School Leadership		
A Better Jamaica, Inc.		5,000
Our Firefighters' Children's Foundation		3,500
Public School 204K Parent Teacher Association		1,000
Friends of Public School 163, Inc.		7,500
Unit of Appropriation Total		27,000
042 City University		
001 Community College-OTPS		
Queensborough Community College Auxiliary Enterprise Association, Inc.		10,000
York College Performing Arts Center		50,000
Research Foundation of the City University of New York - Oasis Beacon Center		2,000
CUNY Creative Arts Team		10,000
Unit of Appropriation Total		72,000

Appendix A

To

071 Dept. of Homeless Services		
200 Other Than Personal Service		
Doe Fund, Inc., The		12,500
Unit of Appropriation Total		12,500
098 Miscellaneous		
002 OTPS		
New York City Housing Authority		-4,000
Marcus Garvey Senior Center		28,500
Marcus Garvey Park Houses Tenant Association		-2,000
East New York Kidspower, Inc. - Spring Creek Tenant Association, Inc.		-3,000
Unit of Appropriation Total		19,500
125 Department for the Aging		
003 Community Programs - OTPS		
Hollis Presbyterian Church		11,550
Federazione Italo-Americana di Brooklyn and Queens, Inc.		-3,000
Unit of Appropriation Total		8,550

Appendix A

To

126 Department of Cultural Affairs		
022 Other Cultural Institutions		
Lincoln Center for the Performing Arts, Inc.	7,000	
Unit of Appropriation Total		7,000
260 Youth & Community Development		
312 Other Than Personal Service		
Friends of the Upper East Side Historic Districts	-3,500	
Queens Theatre in the Park, Inc.	-10,000	
Russian American Cultural Heritage Center, Inc., The	3,500	
Federazione Italo-Americana di Brooklyn and Queens, Inc.	3,000	
Young Dancers in Repertory, Inc.	-40,000	
Community-Word Project, Inc.	-3,500	
Jets of Harlem, Inc.	-3,500	
Hollis Presbyterian Church	-11,550	
Friends of Public School 163, Inc.	-7,500	
Primary Stages Company, Inc.	-3,500	

Appendix A

To

260 Youth & Community Development		
312 Other Than Personal Service		
A Better Jamaica, Inc.	-5,000	
Tzivos Gaon Yakov	-3,500	
Brooklyn Queens Land Trust	-7,000	
Caribbean American Sports and Cultural Youth Movement (CASYM), Inc.	10,000	
Nia Theatrical Production Company, Inc.	61,500	
Nia Theatrical Production Company, Inc.	5,000	
Wyckoff House Association, Inc.	-10,250	
Spring Creek Tenant Association, Inc.	3,000	
Cultural After School Adventure (CASA)	160,000	
Friends of the Upper East Side Historic Districts	-5,000	
I Love Our Youth, Inc.	-10,000	
Samaritans of New York, Inc.	-3,500	

Appendix A

To

260 Youth & Community Development		
312 Other Than Personal Service		
Lincoln Center for the Performing Arts, Inc.	-7,000	
Unit of Appropriation Total		111,700
806 Housing Preservation & Dev.		
009 Office of Development-OTPS		
University Settlement Society of New York	3,500	
West Bronx Housing and Neighborhood Resource Center, Inc	20,000	
Unit of Appropriation Total		23,500
816 Dept Health & Mental Hygiene		
120 Mental Health		
Samaritans of New York, Inc.	3,500	
Friends of Firefighters, Inc.	4,000	
Unit of Appropriation Total		7,500
846 Dept of Parks and Recreation		
006 Maintenance & Operations-OTPS		
Department of Parks and Recreation		15,000

Appendix A

To

846 Dept of Parks and Recreation		
006 Maintenance & Operations-OTPS		
Brooklyn Queens Land Trust	7,000	
Artists Unite, Inc.	-3,500	
Unit of Appropriation Total		18,500
		308,750
		0

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 17, 2010.

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

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

Report for L.U. No. 248

Report of the Committee on Finance in favor of approving Bethany Place, 2895-2901 Frederick Douglas Boulevard, Manhattan, Council District No. 7

The Committee on Finance, to which the annexed Land Use resolution was referred on November 17, 2010, respectfully

REPORTS:

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

November 17, 2010

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

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of November 17, 2010-Resolution approving tax exemptions for six preconsidered Land Use Items (Council District's 7, 15, 26, 31, and 47).

HPD has submitted a request to the Council to approve the following six property tax exemptions: Allen by the Bay Housing for the Elderly in Council Member Sanders District, The Woodysun Apartments in Council Member Van Bramer's District, Bethany Place in Council Member Jackson's District, Coney Island Towers in Council Member Recchia's District, and West Farms Square and 2172 Anthony Avenue in Council Member Rivera's District.

The Allen by the Bay Supportive Housing for the Elderly will consist of a one-story building that will provide 65 units of rental housing for low income elderly persons. The sponsor, Allen by the Bay Housing Development Fund Company, will finance the acquisition and construction of this project through a capital advance from the Department of Housing and Urban Development (HUD) under the Section 202 Supportive Housing Program. In order to keep the project affordable to low income elderly tenants, HPD is requesting a partial tax exemption pursuant to Section 422 of the Real Property Tax Law. The value of the tax exemption is projected to be \$11,478 in the first year of the exemption and \$865,418 over the 40-year length of the exemption.

The Woodysun Apartments is a multiple dwelling that provides 77 units of rental housing for elderly persons of low income. This project was developed and financed under the Section 202 Supportive Housing Program by HUD. The Sponsor, Woodysun Housing Development Fund Corporation, now wishes to refinance its original HUD mortgage in order to fund needed repairs. This refinancing will terminate the project's current tax exemption, therefore the sponsor and HPD are requesting a new exemption that is coterminous with the new HUD mortgage. The value of the tax exemption is projected to be \$174,495 in the first year of the exemption and \$13.1 million over the 35-year length of the exemption.

The Bethany Place Apartments consist of 3 vacant buildings that will provide 23 units rental housing for low income families. The sponsor, Bethany Baptist Church, is rehabilitating the 3 vacant buildings with financing from New York City Housing Development Corporation (HDC). The Sponsor and HDC will enter into a regulatory agreement which would require that incomes do not exceed 130% of Area Median Income (AMI) for 18 units and 100% of AMI for the remaining 5 units. Eligible tenants will receive Section 8 rental assistance. In order to keep this project financial viable and provide affordable housing, HPD is requesting a tax exemption pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected to be \$41,709 in the first year of the exemption and \$2.2 million over the 32-year length of the exemption.

The Coney Island Towers consist of one building with 360 units of rental housing for middle income families. This project was formerly a State-supervised Mitchell-Lama until January 31, 2007 and subsequently acquired by Coney Island Towers, LLC. The new owner will finance and rehabilitate the property with loans from a private bank and the New York City Housing Development Corporation (HDC). In addition, the new owner will enter into a regulatory agreement with HPD

which requires that upon vacancy all units must be rented to families whose incomes do not exceed 125% of area median income (AMI). In return for this requirement, Coney Island Towers is seeking a partial tax exemption pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected to be \$1.2 million in the first year of the exemption and \$71.6 million over the 35-year length of the exemption.

The West Farms Square project contains 8 buildings that provides 438 units of rental housing for low income families. The sponsor, West Farms Square Housing Development Fund Corporation, will finance the acquisition and rehabilitation for the project with an HPD loan, HDC loan, and low income housing tax credits. In order to keep this project financial viable and provide affordable housing, HPD is requesting a tax exemption pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected to be \$1 million in the first year of the exemption and \$76.3 million over the 40-year length of the exemption.

2172 Anthony Avenue is a multiple dwelling which provides 21 units of rental housing for low income families. This project, which is owned by the Anthony Avenue Housing Development Fund Corporation, currently receives a J-51 tax benefit which will expire in 2024. In order to ensure the continued affordability of the project, HPD is requesting an Article XI exemption that will be reduced by an amount equal to any concurrent J-51 benefits. The value of the tax exemption is projected to be \$37,062 in the first year of the exemption and \$1.7 million over the 30-year length of the exemption.

These items have the approval of Council Member's Sanders, Rivera, Van Bramer, Jackson, and Recchia.

Accordingly, this Committee recommends the adoption of LU Nos. 248, 249, 250, 251, 252, and 253; for the coupled resolutions to LU Nos. 249, 250, 251, 252, and 253, please see the Reports for LU Nos. 249, 250, 251, 252, and 253 printed in these Minutes; for the coupled resolution to LU Nos. 248, please see immediately below)

(The following is the text of Res. No. 561:)

Res. No. 561

Resolution approving an exemption from real property taxes for property located at 2895-2901 Frederick Douglas Boulevard (Block 2047, Lots 7,8,9, and 10) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 248).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated September 24, 2010 that the Council take the following action regarding a housing project to be located at 2895-2901 Frederick Douglas Boulevard (Block 2047, Lots 7,8,9, and 10) Manhattan ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on November 17, 2010;

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

RESOLVED:

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

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

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

- (a) "Amended Regulatory Agreement" shall mean, collectively, the Regulatory Agreement and the Regulatory Agreement Amendment.
- (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HDC and the HDFC, in their respective sole discretion, enter into the Amended Regulatory Agreement.
- (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2047, Lots 7, 8, 9, and 10 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-two (32) years from the Effective Date, (ii) the date of the expiration or termination of the Amended Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "HDFC" shall mean Bethany II Housing Development Fund Corporation.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the HDFC, dated June 24, 2004, requiring that all of the dwelling units in the Exemption Area be reserved for occupancy by households with incomes, as certified and verified prior to initial occupancy, that do not exceed the lesser of (i) 165% of area median income or (ii) seven times the annual rent of such unit ("Regulatory Agreement").
- (h) "Regulatory Agreement Amendment" shall mean an amendment to the Regulatory Agreement requiring that 18 dwelling units in the Exemption Area be reserved for households with incomes, as certified and verified prior to initial occupancy, that do not exceed 130% of the area median income, and that the remaining 5 dwelling units in the Exemption Area be reserved for households with incomes, as certified and verified prior to initial occupancy, that do not exceed 100% of the area media income.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any devoted to business or commercial use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Amended Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.
- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

4. In consideration of the Exemption, the HDFC, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 17, 2010.

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

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

Report for L.U. No. 249

Report of the Committee on Finance in favor of approving 2172 Anthony Avenue, Block 3157, Lot 11, Bronx, Council District No. 15.

The Committee on Finance, to which the annexed Land Use resolution was referred on November 17, 2010, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for LU 248 Report printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 562:)

Res. No. 562

Resolution approving an exemption from real property taxes for property located at (Block 3157, Lot 11) The Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No 249).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated August 16, 2010 that the Council take the following action regarding a housing project to be located at (Block 3157, Lot 11), The Bronx ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on November 17, 2010;

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

RESOLVED:

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

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

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

- (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the HDFC entered into the Regulatory Agreement.
- (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3157, Lot 11 on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "HDFC" shall mean 2172 Anthony Avenue Housing Development Fund Corporation.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "J-51 Benefits" shall mean any tax benefits pursuant to §489 of the Real Property Tax Law.
- (h) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC providing that, for a term of 30 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to households whose incomes do not exceed 80% of area median income.

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

3. Notwithstanding any provision hereof to the contrary:

- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD recording the occupancy and configuration of the building on the Effective Date.
- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

4. In consideration of the Exemption, the HDFC, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the preceding sentence, the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of such J-51 Benefits as provided herein.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 17, 2010.

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

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

Report for L.U. No. 250

Report of the Committee on Finance in favor of approving West Farms Square, Block 3130, Lot 20, Block 3131, Lot 20, Block 3136, Lot 1, Bronx, Council District No. 15.

The Committee on Finance, to which the annexed Land Use resolution was referred on November 17, 2010, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for LU 248 Report printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 563:)

Res. No. 563

Resolution approving an exemption from real property taxes for property located at (Block 3130, Lot 20), (Block 3131, Lot 20), (Block 3136, Lot 1) The Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 250).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated October 12, 2010 that the Council take the following action regarding a housing project to be located at (Block 3130, Lot 20), (Block 3131, Lot 20), (Block 3136, Lot 1) The Bronx ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on November 17, 2010;

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

RESOLVED:

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

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

1. Approve the partial exemption of the Project from real property taxation pursuant to Section 577 of the Private Housing Finance Law as follows:

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

- (a) "Company" shall mean West Farms Square LLC.
- (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HDC and the Owner enter into the Regulatory Agreement.
- (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3130, Lot 20; Block 3131, Lot 20; and Block 3136, Lot 1, on the Tax Map of the City of New York.
- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (e) "HDC" shall mean the New York City Housing Development Corporation.
- (f) "HDFC" shall mean West Farms Square Housing Development Fund Corporation.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (i) "Owner" shall mean, collectively, the HDFC and the Company.
- (j) "Prior Exemption" shall mean the exemptions from real property taxation for the Exemption Area approved by the Board of Estimate on October 8, 1970 (Cal. No. 22-A and Cal. No. 23).
- (k) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of 40 years, (a) all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 165% of area median income, and (b) approximately 75% of the units will be maintained for families whose incomes do not exceed 60% of area median income in order to fulfill the Exemption Area's low income housing tax credit obligations.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Notwithstanding any provision hereof to the contrary:
- (a) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
- (b) The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy or an equivalent document satisfactory to HPD

recording the occupancy and configuration of the building on the Effective Date.

- (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- (d) All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
5. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 17, 2010.

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

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

Report for L.U. No. 251

Report of the Committee on Finance in favor of approving Woodysun Apartments, 44-20 64th Street, Queens, Council District No. 26.

The Committee on Finance, to which the annexed Land Use resolution was referred on November 17, 2010, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for LU 248 Report printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 564:)

Res. No. 564

Resolution approving an exemption from real property taxes for property located at 44-20 64th Street (Block 2324, Lot 35) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 251).

By Council Member Recchia

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated October 12, 2010 that the Council take the following action regarding a housing project to be located at 44-20 64th Street (Block 2324, Lot 35) Queens ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on November 17, 2010;

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

RESOLVED:

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

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - (a) "Effective Date" shall mean the date of repayment or refinancing of the HUD Mortgage.
 - (b) "Exemption Area" shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 2324, Lot 35 on the Tax Map of the City of New York.
 - (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (d) "HDFC" shall mean Woodysun Housing Development Fund Corp.
 - (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (f) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.
 - (g) "HUD Mortgage" shall mean the original loan made by HUD to the HDFC in connection with the Section 202 Supportive Housing Program for the Elderly, which loan was secured by a mortgage on the Exemption Area.
 - (h) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (i) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on June 11, 1981 (Cal. No. 409).
 - (j) "Regulatory Agreement" shall mean a regulatory agreement between HPD and the HDFC which commences on or before the Effective Date, runs with the land, binds all subsequent parties in interest to the Exemption Area until a date which is not less than thirty-five (35) years from the Effective Date, and requires that (i) notwithstanding any term of the Use Agreement or any other agreement to the contrary, the Exemption Area shall remain subject to the terms of the Use Agreement until a date which is thirty-five (35) years from the Effective Date, (ii) in the event of a breach or a threatened breach of any of the covenants and agreements contained in the Use Agreement, in addition to any other remedies that HPD has or may have at law or in equity, HPD shall be entitled to institute legal action to enforce specific performance of such covenants and agreements and to enjoin any acts which violate such covenants and agreements, (iii) the HDFC shall exercise any and all available options to obtain and renew Rental Subsidy for eligible tenants, and (iv) the HDFC shall not cause or permit the Rental Subsidy to expire, to not be extended, to not be renewed, or to be terminated.
 - (k) "Rental Subsidy" shall mean Section 8 rental assistance and any similar form of rental assistance from any governmental entity.
 - (l) "Use Agreement" shall mean a use agreement by and between the HDFC and HUD which commences on or before the Effective Date, runs with the land, binds all subsequent owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 202 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.

2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the HDFC shall make real property tax payments in the sum of (i) \$183,012, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
5. Notwithstanding any provision hereof to the contrary:
 - (a) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - (b) The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
 - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - (d) All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
6. In consideration of the New Exemption, prior to or simultaneous with repayment or refinancing of the HUD Mortgage, the HDFC, for itself, its successors and assigns, shall (i) execute and record a Use Agreement with HUD, (ii) execute and record a Regulatory Agreement with HPD, and (iii) waive, for so long as the New Exemption shall remain in effect, the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 17, 2010.

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

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

Report of the Committee on Finance in favor of approving Coney Island Towers, Block 7055, Lot 13, Brooklyn, Council District No. 47.

The Committee on Finance, to which the annexed Land Use resolution was referred on November 17, 2010, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for LU 248 Report printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 565:)

Res. No. 565

Resolution approving an exemption from real property taxes for property located at (Block 7055, Lot 13) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 252).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated September 27, 2010 that the Council take the following action regarding a housing project to be located at (Block 7055, Lot 13) Brooklyn ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on November 17, 2010;

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

RESOLVED:

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

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

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

- (a) "Current Owner" shall mean Coney Island Towers, LLC.
- (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
- (c) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (d) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 7055, Lot 13 on the Tax Map of the City of New York.
- (e) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

- (f) "HDFC" shall mean Coney Island Properties Housing Development Fund Corporation.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) "HPD Payment" shall mean an annual payment to HPD of the difference between the real property taxation payment required pursuant to the formula established in paragraph 3 below and the Shelter Rent Tax.
- (i) "J-51 Program" shall mean the program of exemption from and abatement of real property taxation authorized pursuant to Real Property Tax Law §489 and Administrative Code §11-243.
- (j) "Exemption" shall mean the exemption from real property taxation provided hereunder.
- (k) "New Owner" shall mean the HDFC.
- (l) "PHFL" shall mean the Private Housing Finance Law.
- (m) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner providing that (i) for a term of 35 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 125% of area median income; and (ii) through calendar year 2024, the New Owner shall make the HPD Payment to the extent of any available surplus cash, provided, however, that all such accrued HPD Payments shall be due in full on a date which is 35 years and 180 days from the Effective Date.
- (n) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- (o) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of the Shelter Rent.

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

3. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the New Owner shall make annual real property tax payments as follows:

- (a) For calendar year 2010, the real property tax payment shall be 25,000;
- (b) For calendar year 2011, the real property tax payment shall be \$75,000;
- (c) For calendar years 2012 through 2019, the annual real property tax payment shall be \$100,000;
- (d) For calendar year 2020, the real property tax payment shall be \$145,000;
- (e) For calendar year 2021, the real property tax payment shall be \$191,100;
- (f) For calendar year 2022, the real property tax payment shall be \$236,600;
- (g) For calendar year 2023, the real property tax payment shall be \$282,200;

- (h) For calendar year 2024, the real property tax payment shall be \$372,700; and
 - (i) Commencing in calendar year 2025 and continuing until the Expiration Date, the annual real property tax payment shall equal the Shelter Rent Tax.
4. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner and the HPD Payments shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
5. Notwithstanding any provision hereof to the contrary:
- (a) The Exemption shall terminate if HPD determines that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the PHFL, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with or for the benefit of the City of New York, or (iv) the demolition of a private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - (b) The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
6. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the foregoing, the Exemption Area may receive any exemption from and/or abatement of real property taxation pursuant to the J-51 Program, provided, however, that the aggregate exemption from and abatement of real property taxation pursuant to the J-51 Program in any twelve month period shall not exceed fifty percent of the Shelter Rent Tax for such twelve month period pursuant to the Exemption.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 17, 2010.

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

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

Report for L.U. No. 253

Report of the Committee on Finance in favor of approving Section 202 Supportive Housing for Elderly Program, Allen by the Bay, 22-14 & 22-22 Loretta Road, Queens.

The Committee on Finance, to which the annexed Land Use resolution was referred on November 17, 2010, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for LU 248 Report printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 566:)

Res. No. 566

Resolution approving a partial exemption from real property taxes for property located at 22-14 & 22-22 Loretta Road (Block 15709, Lot(s) 6, 9), Queens pursuant to Section 422 of the Real Property Tax Law (Preconsidered L.U. No. 253).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated October 12, 2010 that the Council take the following action regarding a housing project (the "Project") to be located at 22-14 & 22-22 Loretta Road (Block 15709, Lot(s) 6, 9), Queens ("Exemption Area"):

Approve a partial exemption of the Project from real property taxes pursuant to Section 422 of the Real Property Tax Law (the "Tax Exemption");

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

WHEREAS, the Council held a hearing on the Project on November 17, 2010;

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

RESOLVED:

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

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

1. All of the value of the property in the Exemption Area, including both the land and improvements, shall be exempt from real property taxes, other than assessments for local improvements, from the date of conveyance of the land to the Sponsor until the date of issuance of the temporary or permanent Certificate of Occupancy for the housing project;
2. All of the value of the property in the Exemption Area, including both the land and improvements, (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxes, other than assessments for local improvements, commencing upon the date of issuance of the temporary or permanent Certificate of Occupancy for the housing project (or, if the housing project is constructed in stages, upon the date of issuance of the temporary or permanent Certificate of Occupancy for each such stage) ("Effective Date") and terminating upon the earlier to occur of (i) the date the HUD mortgage is satisfied, or (ii) a date which is forty (40) years from the Effective Date ("Expiration Date"); provided, however, that the Sponsor shall make an annual real estate tax payment commencing upon the Effective Date and terminating upon the Expiration Date;
3. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the Sponsor shall make real estate tax payments in the sum of (i) \$48,107, which is ten percent (10%) of the annual shelter rent for the housing project, as determined by HPD in accordance with the formula agreed upon with HUD, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real estate tax payment by the Sponsor shall not at any time exceed the lesser of either (i) seventeen percent (17%) of the contract rents, or (ii) the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement

provided by any existing or future local, state, or federal law, rule or
regulation; and

4. In consideration of such tax exemption, the Sponsor, for so long as the partial tax exemption provided hereunder shall remain in effect, shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule or regulation.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, November 17, 2010.

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

Supplemental Material to the Reports of the Committee on Finance section:

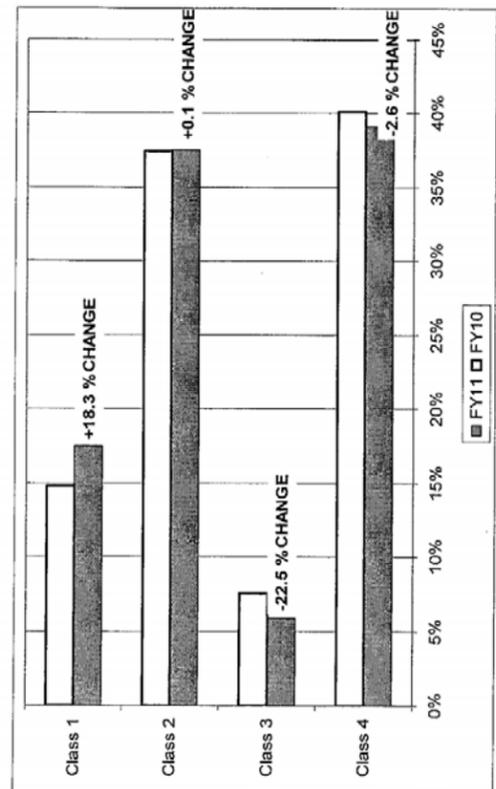
Fiscal 2011 Property Tax Rates

Amending the Rates at the 2.5% Cap

November 10, 2010

Class Share Change

- Class shares are calculated annually based on a State formula that takes into account Market Value changes
- The percent change of a Class's share from one year to the next is called the Class Share Shift



Four Classes of Property

Class 1	Primarily 1, 2 & 3 family homes & small mixed use that are 50% or more residential.
Class 2	Other multi-family residential properties (e.g. coops, condos & apt buildings) <i>Note: Smaller bldgs in this class (i.e. 10 units or less, are subdivided into Classes 2A, 2B & 2C.</i>
Class 3	Regulated utility property (mostly ConEd, Verizon & National Grid)
Class 4	Other commercial properties (office, retail, industrial, unregulated utilities, etc)

Each class is responsible for a specific share of the property tax levy, called the **class share**.

Council Requested a 2.5% Cap: Why?

- Lowering the Cap Rate shifts burden – helps one class at the expense of another
 - Generally it helps Class 1 (and sometimes Class 2), but does so asking Classes 3 & 4 to pick up a bit more
- Past 3 years, Council has adopted a 0% Cap
 - Does the absolute most to help Homeowners
 - Was unprecedented – prior to this, Council had never adopted a cap below 2%
- Council still wished to help homeowners, but mindful that doing so burdens Commercial properties (and small businesses), decided to adopt a 2.5% Cap
 - Still helps homeowners, but without placing too much of a burden on businesses

Note: This year, class 2 would see the same property bill at any cap rate – reason: the Class's share of the overall levy is virtually the same as the previous Fiscal Year

The Class Share Cap

The amount a class's share of the levy shifts from one year to the next **cannot exceed 5 percent.**

While State law sets the class share cap at 5 percent, the Council may request a change in the law to lower this cap*.

In the past 18 years, the Council has requested a lower cap in all but 2 years. Generally, the Council has chosen a cap between 2 and 2.75 percent. However, in the past three years, the cap has been set at zero.

*Note that cap applies uniformly to all classes.

FY11 Rates vs FY10 Rates

These are the rates that will be adopted after the 2.5% Cap Bill is signed by the Governor.

Class	FY2010	FY2011*	Change
Class 1	17.088	17.364	1.6%
Class 2	13.241	13.353	0.8%
Class 3	12.743	12.631	-0.9%
Class 4	10.426	10.312	-1.1%
Average	12.283	12.283	0.0%

* At the 2.5% Cap Rate

** "Placeholder" Rates – should not appear on any bill

Timeline

Early June	Department of Finance mailed out Fiscal 2011 property tax bills, which were calculated using Fiscal 2011 BAVs but with tax rates from Fiscal 2010.
June 9, 2010	Council voted via SLR to adopt a 2.5% cap for Fiscal 2011. However, it still needed State action to be enacted.
June 29, 2010	Council passed Fiscal 2011 budget along with various required tax fixing resolutions with cap remaining at 5%.
October 1, 2010	Governor Patterson signs 2.5% Cap Bill into law,
Nov. 17, 2010	Council required to amend tax fixing resolutions from June 29, 2010 to reflect new 2.5% cap.
Nov/Dec 2010	DOF to mail out revised property tax statements with bill now reflecting Fiscal 2011 tax rates calculated with 2.5% cap, due on January 1, 2011.

FY11 Rates at Different Caps

or: Why the Council acted to lower the Cap

Class	5% Cap*	2.5% Cap**	Diff.
Class 1	17.788	17.364	-0.424
Class 2	13.353	13.353	no change
Class 3	12.560	12.631	0.071
Class 4	10.227	10.312	0.085
Average	12.283	12.283	0.000

* "Placeholder" Rates -- should not appear on any bill

** What will be seen on the rebilling, after State passes new cap & Council readopts the intended rates.

9

At 2.5% Cap

A Typical Citywide Taxpayer's FY11 Bill Compared to FY10

CITYWIDE TYPICALS	FISCAL 2010		FISCAL 2011	
	Tax Bill (\$)	Change (\$)	Tax Bill (\$)	Change (%)
Class 1 Single Fam. Home	\$3,519	\$173	\$3,692	4.9%
Class 2 Large Coop per Unit	4,930	173	5,102	3.5%
Class 2 Large Condo per Parcel	6,874	-50	6,824	-0.7%
Class 2 Typical Renter per Unit	2,796	109	2,905	3.9%
Class 4 Lg Class A Office Bldg	5,764,702	73,168	5,837,871	1.3%
Class 4 Neighborhood Grocery Store	47,059	2,224	49,283	4.7%

Note: some numbers above may not add up evenly due to rounding.

8

Class 1: Rising Assessed Value, while Market Value Declines

- Class 1's Billable Assessed Value (BAV) increases on FY2011 roll even though Market Value decreases.
 - Market Value declined for third year in a row—by -2.8% in FY 2011.
 - Billable Assessed Value increased by 4.4%.
 - Market Value experienced double-digit growth from FY 2001 through FY 2008.
 - Growth in class one BAV is capped at 6% a year, 20% over 5 years.
 - BAV grew 23% from FY 2006-2010; Market Value grew 42%.
- Target Assessment Ratio is 6% of Market Value.
 - Average FY2011 class one assessment ratio is 4.3%.
- DOF can increase BAV until Target Ratio is met, even though Market Value decreases.

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Why Did We Lower the Cap? Savings from a 5% Cap to a 2.5% Cap

TYPICAL TAXPAYER BILL CITYWIDE

Class 1 Single Fam. Home	Change in Typical Tax Bill			
	Citywide	Bronx	Manhattan	Queens
5 to 2.5%	(90)	(79)	(88)	(88)

Class 2 All types	Change in Typical Tax Bill			
	Citywide	Bronx	Manhattan	Queens
5 to 2.5%	-	-	-	-

Class 4	Change in Typical Bill			
	Lg Office A	Grocery Store	Queens	Staten Is.
5 to 2.5%	48,120	406	-	-

10

Report of the Committee on Housing and Buildings

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

Report for Int. No. 405

Report of the Committee on Housing and Buildings in favor of approving and adopting a Local Law In relation to local law number 29 for the year 2007.

The Committee on Housing and Buildings, to which the annexed proposed local law was referred on November 17, 2010, respectfully

REPORTS:**BACKGROUND AND ANALYSIS:**

On November 17, 2010, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Preconsidered Int. No. 405. This preconsidered bill would amend Local Law 29 for the year 2007, to allow the Department of Housing Preservation and Development (HPD) until January 31, 2011 to implement the requirements of the Alternative Enforcement Program (AEP) for the fourth round of such program. HPD is the local agency responsible for ensuring that tenants have decent, safe and sanitary housing. Central to meeting this obligation is Code Enforcement. On November 12, 2010, the Committee conducted an initial hearing on this bill.

In May of 2007, the City Council passed Int. 561-A which became Local Law 29 for the year 2007. Local Law 29 created the Alternative Enforcement Program (also known as the Safe Housing Act) which was intended to improve HPD Code Enforcement. Generally, the most severe housing violations have been designated as Class C violations and must be corrected within 24 hours. When landlords do not correct these violations HPD will sometimes order emergency repairs and then bill the owner for these repairs. However, the traditional methods by which governmental agencies enforce housing maintenance standards within New York City have not always yielded the intended results. These efforts, usually litigation or repairs made by a contractor acting on behalf of a City agency, do not always result in reaching the core of the physical problems in distressed buildings.

The Alternative Enforcement Program was intended to alleviate the serious physical deterioration of those buildings by forcing the owner to make effective repairs or to ensure that City government effectuate repairs in a more comprehensive fashion so that emergency conditions are alleviated and the underlying physical conditions related to housing code violations are addressed. Once identified, property owners of multiple dwellings selected for the program are required to address noted violations within a certain timeframe or the City will make such repairs and bill the property owner and if necessary, place a lien on the affected property. In accordance with Local Law 29, for each round of the program, HPD must identify multiple dwellings for participation in the month of November then provide notice to owners who must respond within thirty days of such notice.

This bill would allow HPD additional time to select multiple dwellings for participation in the fourth round of the program and notify the owners of such properties of the multiple dwelling's participation in the program. As noted earlier, this selection process usually occurs during the month of November. However, the delay in the initiation of the next round of the program that this bill would provide for is intended to accommodate proposed changes to the program that would specifically incorporate provisions related to addressing mold and vermin conditions as a permanent part of the AEP program and would include an expansion of the program.

Preconsidered Int. No. 405

Bill section one would give HPD until January 31, 2011 to initiate and implement the requirements of the fourth round of the program. Pursuant to subdivision (c) of section 27-2153 of the Housing Maintenance Code, HPD is required to identify at least 200 different distressed buildings for participation in the AEP program in the 4th year of the program. The provisions of this local law would extend the time by which HPD must identify 200 such buildings until January 31, 2011.

Bill section two contains the effective date clause and provides that this local law would take effect immediately.

Update

On Wednesday, November 17, 2010 the Committee adopted this legislation.

Accordingly, the Committee recommends its adoption.

(The following is from the text of the Fiscal Impact Statement for Int. No. 405:)

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: No impact on revenues

IMPACT ON EXPENDITURES: There are no impact on expenditures as the 4th round of AEP must be completed by the end of Fiscal Year 2011, which has already be accounted for in HPD's expense budget.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Latonia McKinney, Deputy Director
Anthony Brito, Legislative Financial Analyst

HISTORY: On November 12, 2010 a hearing was held on the bill as a preconsidered introduction. On November 17th, 2010 the Committee will vote out the preconsidered introduction and the bill will be submitted to the full Council for a formal introduction and vote.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 405:)

Int. No. 405

By Council Members Chin, Gonzalez, Barron, Fidler, Gennaro, Greenfield, Lander, Nelson, Palma and Rose.

A Local Law in relation to local law number 29 for the year 2007.

Be it enacted by the Council as follows:

Section 1. For the fourth year of the program established in accordance with local law number 29 for the year 2007, the department of housing preservation and development shall have until January 31, 2011 to initiate and implement the requirements of such local law for such year.

§2. This local law shall take effect immediately.

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, November 17, 2010.

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

Report of the Committee on Juvenile Justice

Report for Int. No. 195-A

Report of the Committee on Juvenile Justice in favor of approving and adopting, as amended, a Local Law to amend the New York city charter and the administrative code of the city of New York in relation to merging the department of juvenile justice and the administration for children's services, and to repeal chapter 28 of such charter and subparagraph iii of paragraph 5 of subdivision a of section 12-307 of such code in relation thereto.

The Committee on Juvenile Justice, to which the annexed amended proposed local law was referred on April 29, 2010 (Minutes, page 1537), respectfully

REPORTS:

On November 15, 2010, the Committee on Juvenile Justice chaired by Council Member Sara Gonzalez will conduct a hearing on Proposed Introduction

Number 195-A (“Prop. Int. No. 195-A”), a local law to amend the New York City Charter and the Administrative Code of the City of New York in relation to merging the Department of Juvenile Justice (“DJJ”) and the Administration for Children’s Services (“ACS”), and to repeal chapter 28 of such Charter and subparagraph iii of paragraph 5 of subdivision a of section 12-307 of such code in relation thereto. On November 12, 2010, the Juvenile Justice and General Welfare Committees held a joint hearing on the bill and testimony was received from DC-37 Local 371, Children’s Defense Fund – New York and Citizens’ Committees for Children.

BACKGROUND

On January 20, 2010, during his State of the City speech, Mayor Bloomberg announced an overhaul of the City’s juvenile justice system by stating that DJJ would be integrated into ACS. Citing recent findings about the success of alternative to placement programs in reducing juvenile recidivism rates when compared to “dangerously dysfunctional” State residential facilities, the Mayor stated that, through integration, the City would be able to provide better services for those in detention and stronger supervision for those who can be maintained safely in the community.¹ According to ACS, the merger will enable child welfare programs to be used to create positive long-term plans for youth and their families when youth enter the juvenile justice system in order to decrease the city’s use of detention.² The merger would also integrate two agencies that serve overlapping populations. According to ACS testimony before a Juvenile Justice and General Welfare Committees joint hearing on September 15, 2010, over 60% of the youth admitted to detention have had some contact with ACS.³ Below is a brief description of the juvenile justice system, each agency, and how their missions overlap.

New York City’s Juvenile Justice System

The juvenile justice system has two overarching goals: the protection of public safety and to care for and rehabilitate youth while they are detained or placed in a youth detention or correctional facility. When youth become involved in the juvenile justice system, they interact with a number of city and state agencies that work together to comprise the system. These agencies include the New York Police Department (“NYPD”), the City’s Corporation Counsel, the Department of Probation (“DOP”), Family Court, DJJ, ACS, and the New York State Office of Family and Children Services (“OCFS”).

DJJ

DJJ is charged with coordinating the detention of the City’s justice involved youth. Juveniles, ages 7 through 15, who are detained in DJJ facilities include alleged juvenile delinquents and offenders whose cases are pending before the courts, and those whose cases have been adjudicated and are awaiting transfer to OCFS facilities.⁴ In FY 2010, 5,387 juveniles were admitted into DJJ facilities.⁵ While juveniles are in detention, DJJ provides a number of services. Services include, but are not limited to, case management, medical, dental and mental health, education, recreation, ombudspersons, discharge planning and chaplain services.

DJJ manages three full service secure detention facilities: Bridges, Horizon and Crossroads. Secure detention facilities are characterized by locks on the doors and other restrictive hardware designed to limit the movement of the residents and to protect public safety.⁶ Secure detention facilities maintain an 8 to 1 juvenile to staff ratio pursuant to State rules.⁷

DJJ oversees 14 non-secure detention (“NSD”) facilities located throughout the City, two of which are run directly by DJJ. The NSD program offers an alternative to secure detention for some of the young people remanded to DJJ’s custody. NSD provides less-restricted but structured residential care for alleged juvenile delinquents awaiting disposition of their cases in Family Court.⁸ NSD facilities are characterized by the absence of physically restrictive hardware, construction, and procedures. Pursuant to State rules, NSD facilities hold no more than 12 juveniles and must have at least two staff members on site.⁹

Detention facilities offer an opportunity to deliver and coordinate medical and mental health care to high-risk youth, especially when they have not had access to such care prior to admission. DJJ is required to provide health and mental health services for all remanded youth. New York State requires that all detention facilities have a medical program to provide “adequate and appropriate health services” to youth who need them.¹⁰ The requirement includes basic primary health, dental, gynecological and mental health services.¹¹ In addition to addressing a youth’s basic

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¹ Mayor Michael Bloomberg’s State of the City Address, January 20, 2010.

² See: http://www.nyc.gov/html/acs/html/about/news_djj.shtml. Last accessed on November 11, 2010.

³ Testimony of Laurence Busching, Executive Deputy Commissioner for the Division of Youth and Family Justice at ACS before a joint oversight hearing of the Juvenile Justice and General Welfare Committees, September 15, 2010.

⁴ See: http://www.nyc.gov/html/djj/html/mission_agencyinfo.html. Last accessed on November 11, 2010.

⁵ Mayor’s Management Report Fiscal Year 2010.

⁶ DJJ Website at <http://nyc.gov/html/djj/html/facilities.html>. Last accessed on November 11, 2010.

⁷ 9 NYCRR 180.9 (c) (15).

⁸ See: <http://nyc.gov/html/djj/html/nonsecure.html>. Last accessed on November 11, 2010.

⁹ 9 NYCRR 180.10 (b).

¹⁰ 9 NYCRR 180.9(b).

¹¹ *Id.*

health needs while detained, DJJ is required to ensure the continuity of medical care for youth that are under medical or psychiatric treatment prior to detention.¹²

DJJ also provides discharge planning services to juveniles in detention. The Discharge Planning Unit (“the Unit”) works with youth and their families while they are in detention to help them identify service needs and connects them with the appropriate aftercare service providers.¹³ Among the myriad of service needs juveniles in detention require are: medical and mental health issues, literacy, truancy, HIV-education, alcohol and substance abuse treatment, violence reduction, conflict resolution, computer skills, life skills, anger management, and leadership development.¹⁴ The Unit works to identify individual issues and concerns of the youth and begins to address them during detention. The Unit then creates a plan to address those needs after a juvenile’s release and works with community based organizations to provide these services.¹⁵

ACS

ACS’s mission is to ensure the safety, permanency and well-being of New York City’s children.¹⁶ ACS offers a vast range of services and referrals to programs that support children and strengthen their families, which include both child welfare and child care services. In the child welfare context, ACS is responsible for, among other things, investigating reports of child abuse and neglect, and for filing and prosecuting abuse and neglect cases in Family Court when it is appropriate. By contracting with private foster care agencies, ACS also provides foster care services to children and families who need them. ACS and its contractors make referrals for services such as counseling, substance abuse programs, and parenting classes, with the goal of achieving permanency for children as quickly as possible.¹⁷ In addition, ACS partners with community based organizations to provide preventive services in communities, which are designed to keep children safe at home and avoid their placement into foster care.¹⁸

ACS works with youth and adolescents in a number of capacities. As mentioned above, many of the youth involved in DJJ may already be involved with ACS. For example, some youth may have an open child abuse or neglect case or are in foster care. In addition, ACS administers a program that works with justice-involved youth named the Juvenile Justice Initiative (which encompasses an alternative to detention program and an intensive preventive care program for youth coming out of state placement). ACS also administers the Person in Need of Supervision system.

The Juvenile Justice Initiative (“JJI”)

Initiated in February 2007, JJI provides intensive, “evidence-based” services¹⁹ for youth involved in the juvenile justice system.²⁰ The program’s goals are: “to reduce the number of delinquent youth in [state] residential facilities; shorten lengths of stay for those youth that are placed in [state] residential care; reduce recidivism; and improve individual and family functioning.”²¹ JJI consists of two programs, one that provides services to youth who would otherwise serve time in state institutional settings (the Alternative-to-Placement program), and another that provides services to youth who are returning home from state placement in non-secure facilities (Intensive Preventive Aftercare Program).²²

JJI utilizes three therapeutic models that research has shown to be very effective in improving long term outcomes for youth -- Functional Family Therapy (FFT), Multisystemic Therapy (MST), and Multidimensional Treatment Foster Care (MTFC).²³ FFT was designed to assist youth and families who had already received some supportive services and did not believe they could change. In particular, this model has worked well for families with “significant family violence.”²⁴ Under the FFT model as utilized in the JJI program, a therapist regularly meets with the entire family at home over a period of three to five months. The therapist works to engage not just the youth but all family members, to create long term behavior plans for each family member, and to help the family utilize community resources.²⁵

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¹² 41 RCNY §3-01.

¹³ Testimony of Neil Hernandez, Commissioner of DJJ, before the New York City Council’s Committee on Juvenile Justice hearing, October 23, 2006.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ See: <http://www.nyc.gov/html/acs/html/about/mission.shtml>. Last accessed on November 11, 2010.

¹⁷ *Id.*

¹⁸ See: http://www.nyc.gov/html/acs/html/support_families/support_families.shtml. Last accessed on November 11, 2010.

¹⁹ Evidence-based services are those where rigorous research studies have shown that the models have been significantly effective in reducing youth violence. Center for New York City Affairs, The New School, Center for an Urban Future, Child Welfare Watch, A Need for Correction: Reforming New York’s Juvenile Justice System, “Keeping it in the Family,” at 16, Vol. 18 (Fall 2009).

²⁰ See: http://www.nyc.gov/html/acs/html/support_families/juvenile_justice.shtml. Last accessed on November 11, 2010.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ Center for New York City Affairs, The New School, Center for an Urban Future, Child Welfare Watch, A Need for Correction: Reforming New York’s Juvenile Justice System, “Keeping it in the Family,” at 15, Vol. 18 (Fall 2009). Data shows that FFT reduces recidivism by 25 to 60%. See: http://home2.nyc.gov/html/acs/html/support_families/juvenile_justice.shtml. Last accessed on November 11, 2010.

²⁵ *Id.*

MST therapists in the JJI program also provide therapy to the entire family in the home, visit several times a week, are accessible by phone 24 hours a day, and have a maximum caseload of six families.²⁶ Therapists engage the youth's "entire social network" to help make positive changes, and use various types of therapies to address issues such as substance abuse, family dysfunction, negative peer influences, and poor school attachment.²⁷

The JJI program also utilizes the MTFC model, where a specially trained foster family cares for the youth for six to nine months, and, with a family therapist and a therapeutic treatment team, helps to implement "an individualized program that sets clear rules, expectations, and limits to manage behavior."²⁸ Concurrently, the youth's family receives intensive therapy and skills training to prepare them for the youth's return home, specifically by helping them make changes in parenting style, and teaching them how to provide consistent supervision and discipline.²⁹

JJI also has a pilot program called "Blue Sky," which is operated by The New York Foundling, an organization that provides community based services to children and families. Blue Sky is the first program of its kind, and it utilizes all three therapeutic models. Accordingly, the youth may transition in and out of different models, depending on the youth and family's needs and responses to the different types of treatment.³⁰

On January 13, 2010, ACS announced that it had received a \$1.1 million grant from the Robin Hood Foundation to expand JJI to serve justice involved youth with serious mental illnesses, a group that had not previously qualified for participation.³¹ The New York Foundling will provide community based treatment to youth and their families with intensive home and evidence based services.³² This portion of JJI will use the Psychiatric Adaptation of Multisystemic Therapy, where families will work closely with therapists and have access to a crisis worker 24 hours a day.³³

Person in Need of Supervision ("PINS") System

The New York State Family Court Act defines a PINS as a "person less than eighteen years of age who does not attend school... or is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent..."³⁴ Parents who have a child that may fit the abovementioned definition and feel overwhelmed, frustrated or emotionally drained in raising their adolescents may file a PINS petition with the Family Court.³⁵ The petition authorizes the justice system to help parents supervise their adolescents or place them in residential or foster care. If a parent files such a petition, they are required by state law to go through a diversion program to divert the youth from being the subject of a PINS petition.³⁶ In New York City, the diversion program is known as the Family Assessment Program ("FAP"), which is jointly administered by ACS and DOP.³⁷

Once the family files a PINS petition in Family Court, a Family Court judge presides over a fact finding trial to determine whether or not the child in question is a "person in need of supervision", or PINS. If the judge finds that the child needs supervision, the child may be sent home under the supervision of the DOP.³⁸ The judge may also place the child into foster care, a group home or a social service facility for up to 18 months. The foster home or social services facility may be run by ACS directly or may be contracted out by ACS.

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²⁶ *Id.*

²⁷ Research studies conducted over the last thirty years have found that MST decreased rates of re-arrest by 25-70%. See: http://home2.nyc.gov/html/acs/html/support_families/juvenile_justice.shtml. Last accessed on November 11, 2010.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ See: http://www.nyc.gov/html/acs/html/pr_archives/pr10_01_13.shtml. Last accessed on November 11, 2010.

³² *Id.*

³³ *Id.*

³⁴ New York State Family Court Act, §712.

³⁵ New York State Family Court Act, §713.

³⁶ New York State Family Court Act, §735.

³⁷ See: http://www.nyc.gov/html/acs/html/support_families/family_assessment_program.shtml. Last accessed on November 11, 2010. FAP provides support to families to help them resolve problems such as truancy, running away or unruly behavior – examples of complaints driving parents to file PINS petitions. Families in FAP meet with a Family Assessment Specialist, an experienced ACS social worker especially trained in family problem solving. The social workers work with parents and adolescents to identify service needs and to provide referrals to the most appropriate services to help them work through their challenges. Examples of the types of referrals provided to participants include: crisis intervention, mediation, family counseling, substance abuse services, domestic violence programs and anger management programs. Families are required to go through the entire FAP process before proceeding with the PINS process. If the services fail to address the family's issues and the PINS system must be used, the Family Assessment Specialist would facilitate a conference between the DOP and the family to discuss the outstanding issues, the court process and other possible options. See: <http://www.nycourts.gov/courts/nyc/family/familyassessmentprogram.shtml>. Last accessed on November 11, 2010.

³⁸ While under supervision of the DOP, the adolescent is assigned to a Probation Officer ("P.O.") who sets up a reporting schedule and a treatment plan based on the needs of the youth and his or her family. POs may make home visits, refer the adolescent to a community-based treatment provider and they also monitor his or her adjustment at home, at school and in the community to ensure compliance with the conditions of probation. See: http://www.nyc.gov/html/prob/html/programs/programs_services.shtml. Last accessed on November 11, 2010.

Since the Mayor announced his plan to integrate DJJ into ACS, the Juvenile Justice and General Welfare Committees have held a number of hearings to examine such plan. On February 16, 2010, the Committees conducted an oversight hearing to examine the process that ACS planned to implement to integrate both agencies. ACS commissioner John Mattingly testified that the goal of the merger was to "gradually reduce the use of detention and upstate placements and develop more family and community based options aimed at better outcomes and increased public safety."³⁹ Commissioner Mattingly provided the Committees with additional details concerning ACS's newly created Division of Youth and Family Justice ("DYFJ" or "the Division") within ACS that would administer all the services designed for court involved youth, including: (i) the PINS System; (ii) JJI; and (iii) the administration of all the DJJ facilities and programming. ACS further outlined the integration plan including: (i) the merging of administrative and executive functions; (ii) the development of a comprehensive operational plan after a full evaluation of DJJ; and (iii) the creation of an advisory board made up of partnering agencies (like the NYPD, DOP and DOE) as well as key stakeholders and juvenile justice advocates. The advisory board was created in order to help ACS develop a strategic plan to expand upon the continuum of services and supports available to court involved youth and their families.

The Juvenile Justice and Finance Committees held two joint budget hearings on March 9th and May 17th of 2010, where ACS presented information concerning the fiscal impact that would result from the planned reforms. During DJJ budget hearings, ACS testified that the City would save \$5 million in upcoming years by reducing the use of detention. ACS also testified that the City plans on reinvesting \$1.8 million of the savings to expand the availability of alternative to detention programs for court involved youth.

On June 24th, 2010, the Juvenile Justice Committee explored ways that the merger of ACS and DJJ would lead to the closure of Bridges, a secure detention facility in the Bronx. Juvenile justice advocates have called for the closure of Bridges because the physical structure is inappropriate for youth as it looks and feels like an adult jail and the location is too remote (which makes it difficult for many parents to get there). Juvenile justice advocates have also called for the closure of Bridges to decrease the City's use of detention. In addition to updating the Committee on its integration plan, ACS presented its Strategic Plan for the Division as well as its detention reform plan entitled, "Building on Success: Next Steps in New York City Detention Reform" ("the detention reduction plan"). The detention reduction plan outlines the strategies ACS will undertake to help provide the most appropriate level of detention for court involved youth in order to decrease the number of youth in detention overall. Such a system-wide reduction in the use of detention will enable ACS to close Bridges permanently.

Finally, on September 15, 2010, the Juvenile Justice and General Welfare Committees held a joint hearing on how the merger would affect in-detention services. ACS announced the creation of a number of working groups to examine the issues and challenges within the Division. Some examples of the working groups include one that focuses on the enhancement of division-wide communication to increase information sharing for detained youth with child welfare needs. Another working group revolves around the closure of Bridges which monitors ACS's implementation of the detention reduction plan. ACS also discussed the improvements to services that detained youth receive, including the addition of staff and resources to the Discharge Planning Unit, which, as mentioned above, works with youth and families to plan for reentry into their communities upon release. Furthermore, at this hearing, ACS announced the creation of two new programs that permit youth in detention to be assessed and, with judges' approval, be moved out of detention and into intensive community-based supervision while receiving services.

After a careful and deliberate exploration of ACS's plan concerning the integration, at today's hearing the Juvenile Justice Committee is prepared to vote on the bill that formally merges the two agencies. Prop. Int. No. 195-A amends the New York City charter to formally effectuate the merger of DJJ into ACS. Chapter 28 of the New York City Charter which governs DJJ, outlines the duties and responsibilities of its Commissioner and creates a DJJ advisory board. Prop. Int. 195-A repeals Chapter 28 of the Charter in its entirety and incorporates it wholly into Chapter 24-B, the chapter governing ACS. With Prop. Int. 195-A, the Commissioner of ACS is responsible for all the duties and responsibilities of the former DJJ Commissioner. The DJJ advisory board remains in existence, though now, it will assist the ACS commissioner. Additionally, Chapter 24-B is amended to reflect an increase in the number of deputy commissioners that the ACS commissioner may appoint.

Prop. Int. No. 195-A also includes employment protection language for workers affected by the integration process. Section 14 makes clear that DJJ workers who are transferred to ACS as a result of the merger, will: (i) be transferred without further examination or qualification; (ii) retain their respective civil service classification and status; and (iii) be transferred without affecting existing compensation, pension or retirement rights. Furthermore, section 15 specifies that in the event of a reduction in force or the elimination of a job title at ACS, all affected employees, including employees who transferred to that agency as a result of the merger, shall be entitled to all the protections afforded under applicable provisions of the civil service law and collective bargaining agreements.

for the Lower Ma_____

³⁹ Testimony of John Mattingly, ACS Commissioner, before the New York City Council's Committees on Juvenile Justice and General Welfare joint hearing, February 16, 2010.

(The following is from the text of the Fiscal Impact Statement for Int. No. 195-A:)

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: This legislation would have no impact on revenues. Any revenues that would ordinarily have come in from OCFS or other sources would instead be collected by ACS.

IMPACT ON EXPENDITURES: This legislation would have no impact on expenditures because, as stated above, it would not functionally alter the provision of juvenile justice services; it would only shift the authority and responsibility for these mandates from one agency to another. The creation of an unpaid advisory board would also not represent any significant cost to the City. Of note, \$2.4 million in efficiency savings from the merger were included in the January 2010 Financial Plan. These savings were achieved with the elimination of 22 positions in DJJ. At this time, the Administration has not indicated that any additional saving will materialize.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division
Mayor's Office of Legislative Affairs
Department of Juvenile Justice

ESTIMATE PREPARED BY: Andy Grossman, Deputy Director
Eisha Wright, Principal Legislative Financial Analyst

HISTORY: On April 29, 2010, Intro. 195 was introduced by the Council and referred to the Committee on Juvenile Justice. On November 12, 2010, the Committees on Juvenile Justice and General Welfare held a joint hearing on an amended version, Proposed Intro. 195-A. On November 15, 2010, the Committee on Juvenile Justice anticipates a vote on this legislation.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 195-A:)

Int. No. 195-A

By Council Members Gonzalez, Palma, Comrie, Dromm, Nelson, Jackson, Gennaro, Van Bramer, Lappin, Gentile and Lander (by request of the Mayor).

A Local Law to amend the New York city charter and the administrative code of the city of New York in relation to merging the department of juvenile justice and the administration for children's services, and to repeal chapter 28 of such charter and subparagraph iii of paragraph 5 of subdivision a of section 12-307 of such code in relation thereto.

Be it enacted by the Council as follows:

Section One. Legislative history and intent. The goals of the New York City juvenile justice system are to ensure public safety and to help youth within the system become healthy, productive and law abiding New Yorkers. New York City recognizes what studies have shown: institutionalizing youth involved in the juvenile justice system does little to advance those goals. Accordingly, since 2002, the City reduced the number of youth being sent to State-administered residential facilities by 56%. The City also developed alternative to placement and detention programs that focus on addressing the underlying causes of a youth's delinquency such as the Juvenile Justice Initiative and the Collaborative Family Initiative. Most recently, in January 2010, Mayor Bloomberg announced the integration of the Department of Juvenile Justice ("DJJ") with the Administration of Children Services ("ACS") in order to expand programming designed to reduce recidivism among youth involved in the juvenile justice system. ACS will assume all of DJJ's responsibilities, including the administration of juvenile detention facilities and ensuring the well-being of youth in its care.

With the integration of DJJ into ACS, the New York City Council intends to further reduce the City's reliance on institutional placement of justice involved youth by increasing the availability of alternative to detention and placement programs. Studies show that alternative to detention and placement programs are less costly than institutionalization and that they are more effective at reducing recidivism, as youth learn how to relate to situations within their communities and with the people they interact with most. The Council further finds that the

integration of DJJ into ACS will produce cost savings and operational efficiencies by combining two agencies that serve overlapping populations. With the integration of DJJ into ACS, the Council finds there is an opportunity to work with youth and their families to set youth on a path toward school, work and successful adulthood. The integration will serve to strengthen and enhance the services available to justice involved youth. These services will continue to address their special needs including, but not limited to, mental health issues or drug and alcohol dependency, so that they are able to get the help that they need and stay in their communities whenever possible.

§ 2. Section 616 of the New York city charter, as amended by the electors at the general election on November 6, 2001, is amended to read as follows:

§616. Deputies. The commissioner shall appoint at least [one] *three* deputy [commissioner] *commissioners*.

§3. Section 617 of the New York city charter, subdivision b as amended by local law 52 for the year 2003 and subdivision c as added by local law 25 for the year 2005, is amended to read as follows:

§ 617. Powers and duties. a. The commissioner shall have the powers and perform the duties of a commissioner of social services under the social services law for the purpose of fulfilling his or her responsibilities under this [chapter] *section*. The commissioner shall have the power to perform functions related to the care and protection of children including, but not limited to:

1. performing the functions of a child protective service, including without limitation, the receipt and investigation of reports of child abuse and maltreatment;
 2. providing children and families with preventative services for the purpose of averting the impairment or disruption of families which could result in the placement of children in foster care; enabling children placed in foster care to return to their families; and reducing the likelihood that a child who has been discharged from foster care may return to such care;
 3. providing suitable and appropriate care for children who are in the care, custody, or guardianship of the commissioner;
 4. providing appropriate daycare, Head Start and other child-care services;
- and
5. providing services to ensure that legally responsible parents provide child support.

b. Wherever the powers and duties of an agency other than the administration for children's services as set forth in the charter or administrative code confer any authority over the areas of child welfare, child development or child support enforcement within the jurisdiction of the commissioner of children's services pursuant to section six hundred seventeen of this chapter, such powers and duties shall be deemed to be within the jurisdiction of the administration for children's services and shall be exercised by such administration; provided that such other agency may exercise such powers and duties where required by state or federal law, or, with respect to child support enforcement or determinations of eligibility for subsidized child care, by the department of social services as directed by the mayor.

c. No agency practice, including but not limited to any tracking system, record keeping or reporting system or data collection system or device, may prejudice the rights of, stigmatize or otherwise harm a person because of his or her gender or relationship to a child or children involved in a child protective matter. To the extent that requirements of this subdivision are subject to state approval, the agency will request permission to make any changes in policy necessary to comply with the provisions of this subdivision within ninety days of the effective date of the local law that added this subdivision. The agency shall promulgate such rules as are necessary for the purposes of implementing and carrying out the provisions of this subdivision.

§ 4. Chapter 24-B of the New York city charter is amended by adding new sections 618 and 619 to read as follows:

§ 618. *The commissioner shall, in addition:*

a. *establish, initiate, control, maintain and operate secure and non-secure facilities for the temporary care and maintenance away from their own homes only of children alleged to be or adjudicated as juvenile delinquents and only of children alleged, adjudicated or convicted as juvenile offenders in detention as defined in subdivision one of section five hundred ten-a of the executive law;*

b. *contract with other public and private agencies for such services, in order to ensure that adequate, suitable, and conveniently accessible accommodations and proper care will be available when required for detention, within the appropriations available therefore;*

c. *establish such regulations for the operation of secure and non-secure detention facilities as may be necessary and not inconsistent with state or local law or with applicable rules and regulations of any state or city agency having jurisdiction. Notwithstanding any other provision of law, the commissioner shall provide or secure the availability of conveniently accessible and adequate non-secure detention facilities, certified by the state office of children and family services, as resources for the courts in the city of New York pursuant to provisions of the family court act, the criminal procedure law, and section five hundred ten-a of the executive law;*

d. *develop, implement and maintain systems to collect, store and disseminate data concerning juvenile delinquency, juvenile crime and the juvenile justice system;*

e. *participate with other city agencies in the development, implementation and maintenance of a juvenile justice information system, to include (i) an index of records of the family court and department of probation related to proceedings conducted pursuant to article three of the family court act, and (ii) other information, including but not limited to age, sex, race, date of birth, charges, dispositions, warrants, calendar information and case management data connected*

with such cases, such records to be made available to the family court, the probation department, and an agency with which the child is placed or committed upon request, and otherwise to be kept confidential except as provided by law;

f. plan, develop, conduct and supervise programs, including diversion and aftercare for previously detained juveniles, for the prevention of juvenile delinquency and juvenile crime and for youths arrested, charged, adjudicated or convicted of having committed delinquent or criminal acts, and conduct research and demonstration projects related thereto.

§619. Advisory board. a. There shall be in the department a juvenile justice advisory board consisting of eleven members.

b. It shall be the duty of the board to advise the commissioner and make recommendations. The board shall submit an annual report of its activities to the mayor.

c. The members of the board shall be appointed by the mayor and shall serve at the pleasure of the mayor. Five of the members, one resident from each of the five boroughs of New York city, shall be recommended for appointment by a majority vote of the council members of the respective borough.

d. The mayor shall designate one of the members of the board to be chair and one to be vice chair, neither of whom shall be employees of the city of New York.

e. The members of the board shall serve without compensation.

§5. Chapter 28 of the New York city charter is REPEALED.

§6. Subparagraph (iii) of paragraph 5 of subdivision a of section 12-307 of the administrative code of the city of New York is REPEALED.

§7. Any agency or officer to which are assigned by or pursuant to this local law any functions, powers and duties shall exercise such functions, powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such functions, powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such functions, powers or duties, and applicable to the agency or officer formerly exercising the same shall, so far as not inconsistent with the provisions of this local law, apply to the agency or officer to which such functions, powers and duties are assigned by or pursuant to this local law.

§8. Any rule or regulation in force on the effective date of this local law, and promulgated by an agency or officer whose power to promulgate such type of rule or regulation is assigned by or pursuant to this local law to some other agency or officer, shall continue in force as the rule or regulation of the agency or officer to whom such power is assigned, except as such other agency or officer may hereafter duly amend, supersede or repeal such rule or regulation.

§9. If any of the functions, power or duties of any agency or part thereof is by or pursuant to this local law assigned to another agency, all records, property and equipment relating to such transferred function, power or duty shall be transferred and delivered to the agency to which such function, power or duty is so assigned.

§10. No existing right or remedy of any character accruing to the city shall be lost or impaired or affected by reason of the adoption of this local law.

§11. No action or proceeding, civil or criminal, pending at the time when this local law shall take effect brought by or against the city or any agency or officer, shall be affected or abated by the adoption of this local law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer party thereto may by or pursuant to this local law be assigned or transferred to another agency or officer, but in that event the same may be prosecuted or defended by the head of the agency or the officer to which such functions, powers and duties have been assigned or transferred by or pursuant to this local law.

§12. Whenever by or pursuant to any provision of this local law, functions, powers or duties may be assigned to any agency or officer which have been heretofore exercised by any other agency or officer, officers and employees in the classified city civil service who are engaged in the performance of such functions, powers or duties may be transferred to the agency to which such functions, powers or duties may be assigned by or pursuant to this local law.

§13. Nothing contained in this local law shall affect or impair the rights or privileges of officers or employees of the city or of any agency existing at the time when this local law shall take effect, or any provision of law in force at the time when this local law shall take effect and not inconsistent with the provisions of this local law, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city generally or officers or employees of any agency.

§14. Officers and employees in the classified municipal services who are transferred to the Administration for Children's Services pursuant to the enactment of this local law shall be transferred without further examination or qualification and shall retain their respective civil service classification and status; and shall be transferred without affecting existing compensation or pension or retirement rights, or other privileges or obligations of such officers and employees.

§15. It is the intent of this local law to protect those rights enumerated in sections thirteen and fourteen as they apply to officers and employees in the classified municipal services of the Department of Juvenile Justice and the Administration for Children's Services who are affected by the merging of the Department of Juvenile Justice with the Administration for Children's Services. In the event of a reduction in force or the elimination of a job title at the Administration for Children's Services, all affected employees, including employees who transferred to that agency as a result of the merger authorized by this local law, shall be entitled to all the protections afforded under applicable provisions of the civil

service law and collective bargaining agreements.

§16. Any license, permit or other authorization in force on the effective date of this local law, and issued by an agency, where the power of such agency to issue such license, permit or authorization is assigned by or pursuant to this local law to another agency or officer, shall continue in force as the license, permit or authorization of such other agency, or officer, except as such license, permit or authorization may expire or be altered, suspended or revoked by the appropriate agency or office pursuant to law. Such license, permit or authorization shall be renewable in accordance with the applicable law by the agency or officer with such power pursuant to law, including this local law.

§17. The provisions of this local law shall be severable and if any phrase, clause, sentence, paragraph, subdivision or section of this local law, or the applicability thereof to any person or circumstance, shall be held invalid, the remainder of this local law and the application thereof shall not be affected thereby.

§18. This local law shall take effect immediately or as soon as practicable thereafter as a transfer of functions may be effectuated pursuant to this local law and subdivision 2 of section 70 of the civil service law; provided, however, that any or all actions necessary to effectuate such transfer may be taken prior to such effective date, and such actions may include an agreement between the department of juvenile justice and the administration for children's services as to any matters relating to the administration of contracts entered into by the department of juvenile justice prior to such effective date.

SARA M. GONZALEZ, Chairperson; JAMES SANDERS JR., MARIA DEL CARMEN ARROYO, DANIEL DROMM, Committee on Juvenile Justice, November 15, 2010.

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

Reports of the Committee on Land Use

Report for L.U. No. 146

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100325 ZSK pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under Section 74-902 of the Zoning Resolution in the Borough of Brooklyn, Council District no. 40, to facilitate the development of a community facility.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2589), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 9

C 100325 ZSK

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio) to apply to a proposed 6-story non-profit institution with sleeping accommodations, on property located at 329 Lincoln Road (Block 1329, Lot 59), in an R6 District.

INTENT

To facilitate development of a 6-story building, tentatively known as Providence House I, with approximately 26 units.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: November 15, 2010

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

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

Res. No. 567

Resolution approving the decision of the City Planning Commission on ULURP No. C 100325 ZSK (L.U. No. 146), for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution of the City of New York to permit the allowable community facility floor area ratio of ZR Section 24-11 (Maximum Floor Area Ratio) to apply to a proposed 6-story non-profit institution with sleeping accommodations, on property located at 329 Lincoln Road (Block 1329, Lot 59), in an R6 District, Borough of Brooklyn.

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on October 4, 2010 its decision dated September 29, 2010 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution of the City of New York to permit the allowable community facility floor area ratio of ZR Section 24-11 (Maximum Floor Area Ratio) to apply to a proposed 6-story non-profit institution with sleeping accommodations, on property located at 329 Lincoln Road (Block 1329, Lot 59), in an R6 District, (ULURP No. C 100325 ZSK), Community District 9, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Application Number C 100326 HAK (L.U. No. 147), an urban development action area designation and project approval, and disposition of city-owned property;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-902 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 25, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on March 25, 2010 (CEQR No. 10HPD011K);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 100325 ZSK, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, November 15, 2010.

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

Report for L.U. No. 147

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100326 HAK, an Urban Development Action Area Designation and Project, located at 329 Lincoln Road and the disposition of such property, Borough of Brooklyn, Council District no. 40.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 29, 2010 (Minutes, page 2589), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 9

C 100326 HAK

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 329 Lincoln Road (Block 1329, Lot 59) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD.

INTENT

To facilitate development of a 6-story building, tentatively known as Providence House I, with approximately 26 units.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: November 15, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the area designation and the project, make the findings required by Article 16 and approve the decision of the City Planning Commission.

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

Res. No. 568

Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 100326 HAK, approving the designation of property located at 329 Lincoln Road (Block 1329, Lot 59), Borough of Brooklyn, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 147; C 100326 HAK).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on October 4, 2010 its decision dated September 29, 2010 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 329 Lincoln Road (Block 1329, Lot 59), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate development of a 6-story building, tentatively known as Providence House I, with approximately 26 units to be developed under the Department of Housing Preservation and Development's

Supportive Housing Loan Program (the "Disposition"), Community District 9, Borough of Brooklyn (ULURP No. C 100326 HAK) (the "Application");

WHEREAS, the Application is related to Application Number C 100325 ZSK (L.U. No. 146), a special permit pursuant to Section 74-902 of the Zoning Resolution of the City of New York to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio) to apply to a proposed 6-story community facility with sleeping accommodations;

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

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

WHEREAS, on September 27, 2010, by letter dated September 13, 2010, the New York City Department of Housing Preservation and Development submitted its requests respecting the Application;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on October 25, 2010;

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

WHEREAS, the Council has considered the relevant environmental review and the Negative Declaration issued on March 25, 2010 (CEQR No. 10HPD011K);

RESOLVED:

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

Pursuant to Section 197-d, and on the basis of the Decision and Application and the environmental determination and considerations described in the report, C 100326 HAK, and incorporated by reference herein, the Council approves the decision of the City Planning Commission.

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

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

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

The Council approves the disposition of such property to a developer selected by the Department of Housing Preservation and Development.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, November 15, 2010.

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

Report for L.U. No. 208

Report of the Committee on Land Use in favor of approving Application no. 20115156 HAK, an Urban Development Action Area Project located at 760 Jefferson Avenue, Council District no. 41, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 696 of the General Municipal Law for a tax exemption.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 16, 2010 (Minutes, page 3914), respectfully

REPORTS:

SUBJECT

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

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON- ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
760 Jefferson Avenue Brooklyn	1657/44	20115156 HAK	208	Asset Control Area
164-14 104 th Road Queens	10162/22	20115272 HAQ	247	Asset Control Area

INTENT

HPD requests that the Council:

1. Find that the present status of the Disposition/Exemption Areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the projects from real property taxes pursuant to Section 696 of the General Municipal Law for L.U. Nos. 208 and 247.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: November 15, 2010

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

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

Res. No. 569

Resolution approving an Urban Development Action Area Project located at 760 Jefferson Avenue (Block 1657, Lot 44), Borough of Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 208; 20115156 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on August 17, 2010 its request dated July 19, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 760 Jefferson Avenue (Block 1657, Lot 44), Community District 3, Borough of Brooklyn (the "Disposition Area"):

1. Find that the present status of the Exemption Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action

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

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption").

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on November 15, 2010;

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

RESOLVED:

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

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

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

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

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

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

- a. All of the value of the buildings, structures, and other improvements situated on the Exemption Area shall be exempt from local and municipal real property taxation, other than assessments for local improvements and land value, for a period of ten years, during the last five years of which such exemption shall decrease in equal annual decrements. Such exemption shall commence on the January 1st or July 1st (whichever shall first occur) after rehabilitation of the building on the Exemption Area has been substantially completed and a temporary or permanent Certificate of Occupancy for such building, if required, has been issued by the Department of Buildings. Notwithstanding the foregoing, no exemption shall be granted hereunder if the cost of such rehabilitation is less than the assessed value of such building as determined in the tax year immediately preceding the grant of the tax exemption hereunder.

The tax exemption granted hereunder shall terminate with respect to all or any portion of the Exemption Area if HPD determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York or HUD. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, November 15, 2010.

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

Report for L.U. No. 240

Report of the Committee on Land Use in favor of filing, pursuant to a Letter of Withdrawal, Application no. 20105575 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Happy Walking Boys Corp. d.b.a Chow Bar to establish, maintain and operate an unenclosed sidewalk café located at 184 West 10th Street, Borough of Manhattan, Council District no. 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 27, 2010 (Minutes, page 4584), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

20105755 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Happy Walking Boys Corp., d/b/a Chow Bar And Grill, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 184 West 10th Street.

By submission dated November 9, 2010 and submitted to the City Council on November 10, 2010 the Applicant withdrew the Petition.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: November 10, 2010

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

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

Res. No. 570

Resolution approving a motion to file pursuant to withdrawal of the petition for a revocable consent for an unenclosed sidewalk café located at 184 West 10th Street, Borough of Manhattan (20105755 TCM; L.U. No. 240).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on October 18, 2010 its approval dated October 15, 2010 of the petition of Happy Walking Boys Corp., d/b/a Chow Bar And Grill, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 184 West 10th Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, by submission dated November 9, 2010, and submitted to the City Council on November 10, 2010, the Applicant withdrew the application.

RESOLVED:

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, November 15, 2010.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 241

Report of the Committee on Land Use in favor of approving Application no. 20105693 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Maracas Greenwich Ave Partners LLC d.b.a Maracas Mexican Grill to establish, maintain and operate an unenclosed sidewalk café located at 33 Greenwich Ave, Borough of Manhattan, Council District no. 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 27, 2010 (Minutes, page 4585), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2 20105693 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Maracas Greenwich Avenue Partners, LLC, d/b/a Maracas Mexican Grill, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 33 Greenwich Avenue.

INTENT

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

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: November 10, 2010

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

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

Res. No. 571

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 33 Greenwich Avenue, Borough of Manhattan (20105693 TCM; L.U. No. 241).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on October 18, 2010 its approval dated October 15, 2010 of the petition of Maracas Greenwich Avenue Partners, LLC, d/b/a Maracas Mexican Grill, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 33 Greenwich Avenue, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on November 10, 2010; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, November 15, 2010.

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

Report for L.U. No. 242

Report of the Committee on Land Use in favor of approving Application no. 20115152 HKR (N 110045 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.432, LP-2383) by the Landmarks Preservation Commission of the Christ Church Complex, located at 72-76 Franklin Avenue and 96 Franklin Avenue (Block 66, Lots 158 and 178) as a historic landmark, Council District no.49.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 27, 2010 (Minutes, page 4585), respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB - 1 20115152 HKR (N 110045 HKR)

Designation by the Landmarks Preservation Commission (List No. 432/LP-2383), pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Christ Church Complex located at 76 Franklin Avenue a.k.a. 72-76 Franklin Avenue and 96 Franklin Avenue (Tax Map Block 66, Lots 158 and 178), as a historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: November 10, 2010

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

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

Res. No. 572

Resolution affirming the designation by the Landmarks Preservation Commission of the Christ Church Complex located at 76 Franklin Avenue a.k.a. 72-76 Franklin Avenue and 96 Franklin Avenue (Tax Map Block 66, Lots 158 and 178), Borough of Staten Island, Designation List No. 432, LP-2383; L.U. No. 242; 20115152 HKR (N 110045 HKR).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on August 19, 2010 a copy of its designation dated August 10, 2010 (the "Designation"), of the Christ Church Complex located at 76 Franklin Avenue a.k.a. 72-76 Franklin Avenue and 96 Franklin Avenue, Community District 1, Borough of

Staten Island, as a landmark and Tax Map Block 66, Lots 158 and 178, 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 October 14, 2010 its report on the Designation dated October 12, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on November 10, 2010; 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, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, November 15, 2010.

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

Report for L.U. No. 243

Report of the Committee on Land Use in favor of approving Application no. 20115153 HKR (N 110046 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.432, LP-2369) by the Landmarks Preservation Commission of the Headquarters Troop, 51st Cavalry Brigade Armory, located at 321 Manor Road (Block 332, Lot 4) as a historic landmark, Council District no. 49.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 27, 2010 (Minutes, page 4585), respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB - 1 20115153 HKR (N 110046 HKR)

Designation by the Landmarks Preservation Commission (List No. 432/LP-2369), pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Headquarters Troop, 51st Cavalry Brigade Armory at 321 Manor Road (Tax Map Block 332, Lot 4), as a historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: November 10, 2010

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

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

Res. No. 573

Resolution affirming the designation by the Landmarks Preservation Commission of the Headquarters Troop, 51st Cavalry Brigade Armory located at 321 Manor Road (Tax Map Block 332, Lot 4), Borough of Staten Island, Designation List No. 432, LP-2369; L.U. No. 243; 20115153 HKR (N 110046 HKR).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on August 19, 2010 a copy of its designation dated August 10, 2010 (the "Designation"), of the Headquarters Troop, 51st Cavalry Brigade Armory located at 321 Manor Road, Community District 1, Borough of Staten Island, as a landmark and Tax Map Block 332, Lot 4 in part, 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 October 14, 2010 its report on the Designation dated October 12, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on November 10, 2010; 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, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, November 15, 2010.

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

Report for L.U. No. 244

Report of the Committee on Land Use in favor of approving Application no. 20105436 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Ave B Buon Gusto Corp. d.b.a Café Buon Gusto to establish, maintain and operate an unenclosed sidewalk café located at 76 Avenue B, Borough of Manhattan, Council District no. 2. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 27, 2010 (Minutes, page 4586), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 3 20105436 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Ave B Buon Gusto Corp., d/b/a Caffé Buon Gusto, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 76 Avenue B.

INTENT

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

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: November 10, 2010

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

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

Res. No. 574

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 76 Avenue B, Borough of Manhattan (20105436 TCM; L.U. No. 244).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on October 18, 2010 its approval dated October 15, 2010 of the petition of Ave B Buon Gusto Corp., d/b/a Caffe Buon Gusto, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 76 Avenue B, Community District 3, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on November 10, 2010; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, November 15, 2010.

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

Report for L.U. No. 246

Report of the Committee on Land Use in favor of approving Application no. 20115138 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of JDP Restaurant LLC. d.b.a Pig & Whistle to establish, maintain and operate an unenclosed sidewalk café located at 202 West 36th Street, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 27, 2010 (Minutes, page 4586), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5

20115138 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of JPD Restaurant, LLC, d/b/a Pig 'n' Whistle, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 202 West 36th Street.

INTENT

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

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: November 10, 2010

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

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

Res. No. 575

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 202 West 36th Street, Borough of Manhattan (20115138 TCM; L.U. No. 246).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on October 18, 2010 its approval dated October 15, 2010 of the petition of JPD Restaurant, LLC, d/b/a Pig 'n' Whistle, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 202 West 36th Street, Community District 5, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on November 10, 2010; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, November 15, 2010.

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

Report for L.U. No. 247

Report of the Committee on Land Use in favor of approving Application no. 20115272 HAQ, an Urban Development Action Area Project located at

164-14 104th Road, Council District no. 27, Borough of Queens. 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.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 27, 2010 (Minutes, page 4587), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 247 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 576

Resolution approving an Urban Development Action Area Project located at 164-14 104th Road (Block 10162/Lot 22), Borough of Queens, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 247; 20115272 HAQ).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 13, 2010 its request dated September 27, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 164-14 104th Road (Block 10162/Lot 22), Community District 12, Borough of Queens (the "Disposition Area"):

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on November 15, 2010;

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

RESOLVED:

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

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

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

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

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

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

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, November 15, 2010.

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

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

Report for L.U. No. 254

Report of the Committee on Land Use in favor of approving Application no. 20115224 HAM, In Rem Action no. 38, Application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to Section 11-412 of the Administrative Code and Article 16 of the General Municipal Law for the transfer and disposition of property and related tax exemptions located in Community Board 11, Council District no. 9, Borough of Manhattan.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 17, 2010, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11

20115224 HAM

In Rem Action No. 38: Application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to Sections 11-412.1 and 11-412.2 of the Administrative Code and Article 16 of the General Municipal Law for the transfer and disposition of property located at 70 East 127th Street (Block 1751, Lot 44) and related tax exemptions pursuant to Section 577 of the Private Housing Finance Law and Section 696 of the General Municipal Law.

INTENT

To return the property to private ownership.

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

*Report Summary***COMMITTEE RECOMMENDATION AND ACTION**

DATE: November 15, 2010

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

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

Res. No. 577

Resolution approving an Urban Development Action Area Project located at 70 East 127th Street (Block 1751, Lot 44), Borough of Manhattan, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (Preconsidered L.U. No. 254; 20115224 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on September 22, 2010 its request dated May 12, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 70 East 127th Street (Block 1751, Lot 44), Community District 11, Borough of Manhattan (the "Transfer Area"):

1. Find that the present status of the Transfer Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
4. Approve an exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law; and Section 696 of the General Municipal Law (the "Tax Exemption");

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on November 15, 2010;

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

RESOLVED:

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

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

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

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

The Council approves the Tax Exemptions as follows:

1. Pursuant to Section 577 of the Private Housing Finance Law as follows:
 - a. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Transfer Area to the transferee ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance ("Article XI Expiration Date").
 - b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.
 - c. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.
2. Pursuant to Section 696 of the General Municipal Law as follows:
 - a. All of the value of the buildings, structures, and other improvements situated on the Transfer Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the Article XI Expiration Date ("UDAAP Commencement Date"); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.

- b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder (“UDAAP Exemption”), the owner of the Transfer Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the UDAAP Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.
- c. The UDAAP Exemption shall terminate with respect to all or any portion of the Transfer Area if the Department of Housing Preservation and Development (“HPD”) determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of non compliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.
- d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed forty (40) years.
- e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Transfer Area.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, November 15, 2010.

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

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

Report for L.U. No. 255

Report of the Committee on Land Use in favor of approving Application no. 20115225 HAR, In Rem Action no. 49, Application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to Section 11-412 of the Administrative Code and Article 16 of the General Municipal Law for the transfer and disposition of property and related tax exemptions located in Community Board 1, Council District no. 49, Borough of Staten Island.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 17, 2010, respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB - 1

20115225 HAR

In Rem Action No. 49: Application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to Sections 11-412.1 and 11-412.2 of the Administrative Code and Article 16 of the General Municipal Law for the transfer and disposition of property located at 423 Forest Avenue (Block 132, Lot 3) and related tax exemptions pursuant to Section 577 of the Private Housing Finance Law and Section 696 of the General Municipal Law.

INTENT

To return the property to private ownership.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: November 15, 2010

The Committee recommends that the Council approve the attached resolution.

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

Res. No. 578

Resolution approving an Urban Development Action Area Project located at 423 Forest Avenue (Block 132, Lot 3), Borough of Staten Island, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (Preconsidered L.U. No. 255; 20115225 HAR).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on September 29, 2010 its request dated September 28, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the “Project”) located at 423 Forest Avenue (Block 132, Lot 3), Community District 1, Borough of Staten Island (the “Transfer Area”):

1. Find that the present status of the Transfer Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
4. Approve an exemption of the Project from real property taxes pursuant to Sections 577 of Article XI of the Private Housing Finance Law; and Section 696 of the General Municipal Law (the “Tax Exemption”);

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on November 15, 2010;

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

RESOLVED:

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

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

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

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

The Council approves the Tax Exemptions as follows:

1. Pursuant to Section 577 of the Private Housing Finance Law as follows:
 - a. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Transfer Area to the transferee (“Article XI Commencement Date”) and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance (“Article XI Expiration Date”).
 - b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder (“Article XI Exemption”), the owner of the Transfer Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation (“Alternative Tax Benefit”), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.
 - d. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.
2. Pursuant to Section 696 of the General Municipal Law as follows:
 - a. All of the value of the buildings, structures, and other improvements situated on the Transfer Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the Article XI Expiration Date (“UDAAP Commencement Date”); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.
 - b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder (“UDAAP Exemption”), the owner of the Transfer Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke

the UDAAP Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.

- c. The UDAAP Exemption shall terminate with respect to all or any portion of the Transfer Area if the Department of Housing Preservation and Development (“HPD”) determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of non compliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.
- d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed forty (40) years.
- e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Transfer Area.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, November 15, 2010.

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

Report of the Committee on Parks and Recreation

Report for Int. No. 311-A

Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring notification prior to tree planting.

The Committee on Parks and Recreation, to which the annexed amended proposed local law was referred on July 29, 2010 (Minutes, page 3537), respectfully

REPORTS:

INTRODUCTION

On November 16, 2010, the Committee on Parks and Recreation, chaired by Council Member Melissa Mark-Viverito, met to consider Proposed Int. No. 311-A, A Local Law to amend the administrative code of the city of New York, in relation to requiring notification prior to tree planting. At this meeting, the Committee voted 6-0 in favor of the bill.

BACKGROUND

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

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

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

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

As part of Mayor Bloomberg's PlaNYC initiative, DPR, in a collaborative effort with the New York Restoration Project, launched the MillionTreesNYC program to plant and care for one million new trees throughout all five boroughs by 2017.⁶ The New York Restoration Project is a nonprofit organization founded by Bette Midler in 1995 to restore and preserve under-resourced parks, community gardens and other open spaces throughout the City.⁷

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

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

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

However, there have been concerns that the sudden planting of trees can result in logistical stresses, such as safety concerns at certain institutions, such as schools and hospitals.

Proposed Int. No. 311-A

Proposed Int. No. 311-A seeks to balance the need for a tree canopy with the needs of certain institutions to function properly and serve the interests of their clientele. Proposed Int. No. 311-A would require the Department of Parks and Recreation (DPR) to notify a school or hospital between 30 days and 120 days prior to a tree being planted by the Department that would be located on a sidewalk within 100 feet of any entrance or exit of the school or hospital. The notification would be by personal service, facsimile or regular mail. (If the notification is by regular mail, the lead time would be 40 days.) The notice to a school would be to the principal or a designated representative. For a hospital, the notice would be to the hospital administrator.

¹ New York City Charter Section 533(a)(4); Admin. Code Sections 18-104 and 18-105
² New York City Department of Parks and Recreation, http://www.nycgovparks.org/sub_your_park/trees_greenstreets.html
³ Id.
⁴ New York City Department of Parks and Recreation, "East Harlem Community Forestry Management Plan," p. 29. http://www.nycgovparks.org/sub_your_park/trees_greenstreets/east_harlem_forest_plan/East_Harlem_Plan.pdf
⁵ Id.
⁶ Million Trees NYC, A PlaNYC Initiative With NYC Parks and New York Restoration Project. <http://www.milliontreesnyc.org/html/about/about.shtml>.
⁷ New York Restoration Project, <http://www.nyrp.org/about/>.
⁸ MillionTreesNYC Newsletter, Welcome to MillionTreesNYC News, October 2008.
⁹ Id.
¹⁰ Id.
¹¹ New York City Department of Parks and Recreation, "East Harlem Community Forestry Management Plan," p. 5 August 2006. http://www.nycgovparks.org/sub_your_park/trees_greenstreets/east_harlem_forest_plan/East_Harlem_Plan.pdf
¹² Id.
¹³ Id.
¹⁴ Id.

¹⁵ Id.
¹⁶ Id.

(The following is from the text of the Fiscal Impact Statement for Int. No. 311-A:)

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: Because the bill provides the Department various options of notification that include facsimile and electronic mail in addition to regular mail, It is estimated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division
 NYC Department of Parks and Recreation

ESTIMATE PREPARED BY: Andy Grossman, Deputy Director
 Chima Obichere, Supervising Legislative Financial Analyst

HISTORY: Int. 311 was introduced by the Council and referred to the Committee on Parks and Recreation on July 29, 2010. A hearing was held and the legislation was laid over by the Committee on October 06, 2010. Intro. 311 has been amended, and the amended version, Proposed Int. 311-A, will be considered by the Committee on November 16, 2010.

DATE SUBMITTED TO COUNCIL: July 29, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 311-A:)

Int. No. 311-A

By Council Members Oddo, Arroyo, Dilan, Fidler, James, Koslowitz, Palma, Williams, Barron, Vacca, Nelson, Cabrera, Mark-Viverito, Ferreras, Halloran, Koo, Ulrich, Jackson, Gennaro, Van Bramer, Eugene and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring notification prior to tree planting.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-139 to read as follows:

§18-139 Notification prior to planting of trees. Except as provided herein, not less than thirty days prior and not more than one hundred twenty days prior to the commencement of the planting of a tree under the jurisdiction of the department on a sidewalk that is within one hundred feet of any entrance or exit of any school or hospital, the department shall provide written notification of such planting by either facsimile, regular mail, electronic mail or by personal service to the office of the principal or designated representative of such school, or the administrator or designated representative of such hospital. Notifications pursuant to this section made by regular mail shall be placed into the United States mail not less than forty days prior to the commencement of planting of any such tree.

§2. This local law shall take effect ninety days after its enactment, except that the commissioner of parks and recreation shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

MELISSA MARK-VIVERITO, Chairperson; JAMES VACCA, ELIZABETH CROWLEY, JULISSA FERRERAS, DANIEL DROMM, JAMES G. VAN BRAMER, Committee on Parks and Recreation, November 16, 2010.

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

Report of the Committee on Rules, Privileges and Elections

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

Report for Res. No. 579

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

The Committee on Rules, Privileges and Elections, to which the annexed resolution was referred on November 17, 2010, respectfully

REPORTS:

PRECONSIDERED RESOLUTION NO. 579

SUBJECT: Resolution approving Membership Changes to Certain Standing Committees, Subcommittees, Chairs, and Allowances.

ANALYSIS: Before the Committee for its consideration are proposed changes to the memberships of certain Standing Committees, Subcommittees, Chairs and Allowances. See the Resolution for each of the specific changes.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 579:)

Res. No. 579

Resolution approving Membership Changes to Certain Standing Committees, Subcommittees, Chairs and Allowances.

By Council Member Rivera:

RESOLVED, That pursuant to Rules 7.00 and 7.20 of the Council and Sections 26(b) and 46 of the New York City Charter, the Council does hereby consent to the following Membership Changes to Certain Standing Committees, Subcommittees, Chairs, and Allowances:

STANDING COMMITTEES

AGING

[Koslowitz]

CONSUMER AFFAIRS

Garodnick, Chair

Koslowitz[, Chair]

ECONOMIC DEVELOPMENT

Koslowitz, Chair

TECHNOLOGY

Cabrera, Chair

Garodnick[, Chair]

SUBCOMMITTEES

DRUG ABUSE (MENTAL HEALTH)

[Cabrera], Chair

SENIOR CENTERS (Aging)

Greenfield, Chair

STANDING COMMITTEES

CONSUMER AFFAIRS - [Koslowitz - \$10,000]

ECONOMIC DEVELOPMENT - Koslowitz - \$10,000

TECHNOLOGY - Cabrera - \$10,000

SUBCOMMITTEES

DRUG ABUSE - [Cabrera] - \$4,000

SENIOR CENTERS - Greenfield - \$4,000

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, November 17, 2010.

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

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

STANDING COMMITTEES OF THE COUNCIL

November 17, 2010

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

EDUCATION	ENVIRONMENTAL PROTECTION	FINANCE	FIRE & CRIMINAL JUSTICE SERVICES
JACKSON, CHAIR Barron Fidler Foster Garodnick Koppell Lappin Vacca Vann	GENNARO, CHAIR Crowley Koppell Vallone Lander Levin	RECCHIA, CHAIR Brewer Comrie Fidler Foster Jackson Koppell Mealy	CROWLEY, CHAIR Eugene Gentile Vallone Rodriguez Halloran Mendez

Cabrera Chin Dromm Koslowitz Levin Rose Weprin Ignizio Ulrich Greenfield		Reyna Rivera Vann Cabrera Ferrerias Koslowitz Van Bramer Ignizio Oddo	
GENERAL WELFARE	GOVERNMENTAL OPERATIONS	HEALTH	HIGHER EDUCATION
PALMA, CHAIR Arroyo Brewer Foster Lander Levin Rodriguez Van Bramer	BREWER, CHAIR Dickens Dilan Recchia Vallone	ARROYO, CHAIR Dickens Eugene Ferrerias Foster Mendez Rivera Vallone Vann Rose Van Bramer	RODRIGUEZ, CHAIR Brewer Seabrook Vacca Cabrera Rose Williams

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

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

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

YOUTH SERVICES			
FIDLER, CHAIR Gonzalez Mark-Viverito Mealy Palma Cabrera Rodriguez Williams Koo			

**LAND USE
SUBCOMMITTEES**

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

SUBCOMMITTEES

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

SELECT COMMITTEES

LIBRARIES
GENTILE, CHAIR

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

(For the Commissioner of Deeds listing, please see the Commissioner of Deeds section printed in the Minutes of the Stated Council Meeting of November 30, 2010).

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

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

- (1) **M 311 & Res 560 --** Transfer City funds between various agencies in fiscal year 2011 to implement changes to the City's expense budget. **(MN -1)**
- (2) **Int 195-A --** Merging the department of juvenile justice and the administration for children's services.
- (3) **Int 311-A --** Requiring notification prior to tree planting
- (4) **Int 405 --** A Local Law In relation to local law number 29 for the year 2007.
- (5) **Res 546 --** Approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget **(Transparency Resolution, November 17, 2010).**
- (6) **Res 557 --** Computing and certifying adjusted base proportion of each class of real property for Fiscal 2011.
- (7) **Res 558 --** Computing and certifying base percentage, current percentage and current base proportion of each class of real property for Fiscal 2011.
- (8) **Res 559 --** To provide the amounts necessary for the support of the government of the City of New York and the counties therein and for the payment of indebtedness thereof, for the fiscal year beginning on July 1, 2010 and ending on June 30, 2011 **(Tax-Fixing Resolution, November 17, 2010)..**
- (9) **Res 579 --** Resolution approving Membership Changes to Certain Standing Committees, Subcommittees, Chairs, and Allowances
- (10) **L.U. 146 & Res 567 --** ULURP, app. **C 100325 ZSK** special permit Brooklyn, Council District no. 40, to facilitate the development of a community facility.
- (11) **L.U. 147 & Res 568 --** ULURP, app. **C 100326 HAK**, UDAADP, 329 Lincoln Road and the disposition of such property, Brooklyn, Council District no. 40.
- (12) **L.U. 208 & Res 569 --** App. **20115156 HAK**, UDAAP, 760 Jefferson Avenue, Council District no. 41, Borough of Brooklyn.
- (13) **L.U. 240 & Res 570 --** App **20105575 TCM**, Happy Walking Boys Corp. unenclosed sidewalk café 184 West 10th Street, Manhattan, CD 3 **(Coupled to be Filed pursuant to a Letter of Withdrawal).**
- (14) **L.U. 241 & Res 571 --** App. **20105693 TCM**, Maracas Greenwich Ave Partners LLC unenclosed sidewalk café 33 Greenwich Ave, Manhattan, CD 3.
- (15) **L.U. 242 & Res 572 --** App. **20115152 HKR**, Christ Church Complex, 72-76 Franklin Avenue as a historic landmark, Council District no.49.
- (16) **L.U. 243 & Res 573 --** App. **20115153 HKR**, Headquarters Troop, 51st Cavalry Brigade Armory, 321 Manor Road as a historic landmark, CD 49.
- (17) **L.U. 244 & Res 574 --** App. **20105436 TCM**, Ave B Buon Gusto Corp. unenclosed sidewalk café 76 Avenue B, Borough of Manhattan, CD 2.
- (18) **L.U. 246 & Res 575 --** App. **20115138 TCM**, JDP Restaurant LLC. unenclosed sidewalk café 202 West 36th Street, Borough of Manhattan, CD 3.
- (19) **L.U. 247 & Res 576 --** App. **20115272 HAQ**, UDAAP, 164-14 104th Road, Council District no. 27, Borough of Queens.
- (20) **L.U. 248 & Res 561 --** Bethany Place, 2895-2901 Frederick Douglas Boulevard, Manhattan, Council District No. 7
- (21) **L.U. 249 & Res 562 --** 2172 Anthony Avenue, Block 3157, Lot 11, Bronx, Council District No. 15
- (22) **L.U. 250 & Res 563 --** West Farms Square, Block 3130, Lot 20, Block 3131, Lot 20, Block 3136, Lot 1, Bronx, Council District No. 15

- (23) **L.U. 251 & Res 564 --** Woodysun Apartments, 44-20 64th Street, Queens, Council District No. 26
- (24) **L.U. 252 & Res 565 --** Coney Island Towers, Block 7055, Lot 13, Brooklyn, Council District No. 47
- (25) **L.U. 253 & Res 566 --** Section 202 Supportive Housing for Elderly Program, Allen by the Bay, 22-14 & 22-22 Loretta Road, Queens
- (26) **L.U. 254 & Res 577 --** App. **20115224 HAM**, In Rem Action no. 38, in Community Board 11, Council District no. 9, Manhattan.
- (27) **L.U. 255 & Res 578 --** App. **20115225 HAR**, In Rem Action no. 49, in Community Board 1, Council District no. 49, Staten Island.
- (28) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, 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, Rose, Sanders, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **48**.

The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 195-A:**

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

Negative – Barron – **1**.

Abstention – Koppell – **1**.

The following was the vote recorded for **L.U. No. 146 & Res No. 567** and **L.U. No. 147 & Res No. 568:**

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, 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, Rose, Sanders, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **47**.

Negative - Barron – **1**.

The following was the vote recorded for **Res No. 557, Res No. 558, and Res No. 559:**

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Jackson, James, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Van Bramer, Vann, Weprin, Williams, Rivera, and the Speaker (Council Member Quinn) – **40**.

Negative – Halloran, Ignizio, Koo, Oddo, Rose, Ulrich, Vacca, and Vallone, Jr. – **8**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 195-A, 311-A, and 405.

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. 245-A

Report of the Committee on Civil Service and Labor in favor of approving as amended, a Resolution calling on the New York State Legislature to reconcile and pass A.10163 and S.8380 and the Governor to sign into law, an act to amend the Labor Law in relation to establishing the Wage Theft Prevention Act.

The Committee on Civil Service and Labor, to which the annexed amended resolution was referred on May 25, 2010 (Minutes, page 1907), respectfully

REPORTS:

Introduction

On Wednesday November 15, 2010, the Committee on Civil Service & Labor, chaired by Council Member James Sanders Jr., will conduct a second hearing and vote on Proposed Resolution 245-A, a resolution calling upon the New York State Legislature to reconcile and pass, and the Governor to approve, legislation establishing the Wage Theft Protection Act.

The Committee held a hearing on these this resolution on November 10.

Proposed Res. No 245-A

Proposed Res. No. 245-A calls upon the Legislature to reconcile and pass, and the Governor to sign into law the Wage Theft Protection Act A.10163 (Heastie) and S.8380 (Savino).

The Wage Theft Protection Act would increase civil and criminal penalties against employers who violate various state laws regarding payment of their employees' wages. The Act would protect employees and the interest of the workers and amend the remedies available to an employee if it is found that an employer is at fault in a claim. It would also amend the civil and criminal penalties that employers may face for violations of New York State's minimum wage or overtime pay laws.

A.10163 was passed by the New York State Assembly on July 1, 2010 and S.8380 was passed by the New York State Senate on June 30, 2010, however, although A.10163 and S.8380 have the same purpose, the bills do not have the exact same provisions. Thus, the bills must be reconciled by both houses of the Legislature before it can go to Governor Paterson's desk for signature.

The Proposed Res. No. 245-A calls upon the New York State Legislature to reconcile and pass A.10163 and S.8380, and the Governor sign into law, an act to amend the Labor Law in relation to establishing the Wage Theft Prevention Act.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 245-A:)

Res. No. 245-A

Resolution calling on the New York State Legislature to reconcile and pass A.10163 and S.8380 and the Governor to sign into law, an act to amend the Labor Law in relation to establishing the Wage Theft Prevention Act.

By Council Members Mark-Viverito, Lander, Brewer, Chin, Mendez, Palma, Williams, Rodriguez, Jackson, Sanders, Gennaro, Van Bramer, Barron and Reyna.

Whereas, Recent studies conducted by the National Employment Law Project indicated that wage theft costs the average low-wage worker in New York State \$3,016 per year, comprising 15% of his or her annual income; and

Whereas, In New York City alone, wage theft losses equal more than \$18.4 million per week, nearly \$1 billion per year; and

Whereas, In addition, the same studies indicated that over a quarter of low-wage workers receive less than the legal minimum wage and 67% of low-wage workers who work more than 40 hours per week do not receive time-and-a-half for overtime as required by law; and

Whereas, Workers are terrified to speak up for their rights because they often face discharge and other retaliation as a result; and

Whereas, Responsible businesses are struggling to revive our state's economy and there should be a level playing field to protect them from having to compete with unscrupulous employers that cut costs by stealing wages; and

Whereas, The penalties currently in place for employers paying employees less than their correct wage are minimal and do not deter the practice; and

Whereas, A.10163 (Heastie) and S.8380 (Savino) were introduced in the New York State Legislature and would amend the State's Labor Law to establish the Wage Theft Prevention Act; and

Whereas, A.10163 and S.8380 would increase civil and criminal penalties to protect employees and the interest of the workers; and

Whereas, This legislation would amend the remedies available to an employee if it is found that an employer is at fault in a claim; and

Whereas, Further, this legislation would also amend the civil and criminal penalties that employers may face for violations of New York State's minimum wage or overtime pay laws; and

Whereas, A.10163 was passed by the New York State Assembly on July 1, 2010 and S.8380 was passed by the New York State Senate on June 30, 2010; and

Whereas, Although A.10163 and S.8380 have the same purpose, the bills do not have the exact same provisions; and

Whereas, New Yorkers deserve to get the pay they work hard for every day and the Wage Theft Prevention Act will help ensure they receive it; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to reconcile and pass A.10163 and S.8380, and the Governor sign into law, an act to amend the Labor Law in relation to establishing the Wage Theft Prevention Act.

JAMES SANDERS JR., Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, LARRY B. SEABROOK, MELISSA MARK-VIVERITO, ERIC A. ULRICH, Committee on Civil Service and Labor, November 15, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared **Res No. 245-A** to be adopted.

The following 3 Council Members formally **objected** to the passage of this item: Council Members Ignizio, Koo, and Oddo.

The following 2 Council Members formally **abstained** to vote on this item: Council Members Ulrich and Vallone, Jr.

Adopted by the Council by voice vote.

Report for voice-vote Res. No. 411-A

Report of the Committee on Public Housing in favor of approving, as amended, a Resolution calling upon the New York City Housing Authority to include an admission preference for public housing in its next proposed agency plan for veterans who have a military service-connected disability.

The Committee on Public Housing, to which the annexed amended resolution was referred on November 17, 2010, respectfully

REPORTS:

BACKGROUND AND INTENT:

The Committee on Public Housing, chaired by Council Member Rosie Mendez, will conduct a hearing on Proposed Resolution No. 411-A calling upon the New York City Housing Authority (NYCHA or Authority) to include an admission preference for public housing in its next proposed agency plan for veterans who have a military service-connected disability. Previously, on November 15, 2010, the Committee conducted a hearing on an earlier version of this resolution.

NYCHA is the largest public housing authority in North America with 334 developments containing 2,604 buildings spread throughout the City. Nearly 404,000 authorized residents live in almost 178,407 apartments. These numbers represent 8.4% of the City's rental apartments and 4.8% of the City's population.¹ The majority of the developments are almost evenly distributed in Manhattan (with 102), Brooklyn (with 100) and the Bronx (with 90); while Queens has 26 developments and Staten Island has 10.²

Most families who live in NYCHA public housing pay no more than 30% of their family income for rent. The average family income for NYCHA tenants is approximately \$23,187 and the average rent is \$408 per month.³ Over one-third of the heads of households are senior citizens and 42 NYCHA developments are for seniors only.⁴ Further, NYCHA reports that "11.9% of its families are on public assistance," and "Social Security, SSI, a pension, Veteran's benefits" or a similar program "support 41.9% of the families."⁵ Working families are said to account for

“47.4% of families.”⁶ Approximately 36.8% of NYCHA residents are persons under the age of 21, and about 29.7% are minors under the age of 18.

NYCHA’s Annual Plan Process

In 1998 Congress enacted legislation that significantly changed the way public housing agencies (PHA) were to operate. Title V, Public Housing and Tenant-Based Assistance, the short title for which is the “Quality Housing and Work Responsibility Act of 1998” (QHWRA), was, according to Congress, intended to: 1) deregulate PHAs; 2) provide more flexible use of Federal assistance to PHAs; 3) facilitate mixed income communities; 4) decrease concentrations of poverty in public housing; 5) increase accountability and reward effective management of PHAs; 6) create incentives and economic opportunities for residents assisted by PHAs to work and become self-sufficient; 7) consolidate the Section 8 voucher and certificate programs into a single market-driven program; 8) remedy the problems of troubled PHAs; and 9) replace or revitalize severely distressed public housing projects.⁷

Pursuant to QHWRA, each public housing authority is required to submit a 5-Year Plan and an Annual Plan to the United States Department of Housing and Urban Development (HUD).⁸ Such plans are intended to serve as an operations, planning, and management tool for PHAs and must be developed in consultation with a resident advisory board (RAB) composed of residents who are required to assist and make recommendations regarding the development of the PHA plan. The 5-Year Plan must be submitted once every five fiscal years and include a statement on the mission of the PHA for serving the needs of low-income and very low-income families in the jurisdiction and the goals and objectives of the PHA that will enable the agency to serve the needs of those families.⁹ After submitting its first 5-Year Plan, each succeeding plan must also address the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.

The Annual Plan must include the following information: a statement of low-income and very low-income housing needs in the community and how the PHA intends to address these needs; a statement of financial resources and their planned uses; the PHA’s general policies governing eligibility, selection, admission, assignment, occupancy and rents, including the admissions policy for deconcentration of lower-income families; the PHA’s policies for the maintenance and operations of the agency; a statement of the agency’s grievance procedures; a plan describing any capital improvements; a description of housing to be demolished or disposed of including a timeline; a description of developments that are or proposed to be designated for elderly or disabled; a description of any properties to be converted to tenant-based assistance; a description of any homeownership, community service and self-sufficiency programs; a description of policies for safety and crime prevention; a statement of the PHA’s pet policies; a certification of compliance with fair housing laws; an annual audit and a statement of how the PHA will carry out its asset management functions.¹⁰ Annual submissions must be presented to HUD not later than 75 days before the start of the fiscal year of the PHA and must include a plan update including any amendments or modifications to the agency’s previously presented plan.

QHWRA also provides that although a PHA may amend or modify any policy, rule, regulation, or plan of the PHA, a “significant amendment or modification” to an approved plan may not be adopted, other than at a board meeting of the PHA that is open to the public and may not be implemented until notification of the amendment or modification is provided to HUD and approved.¹¹ Each significant amendment or modification to a PHA plan must be made in consultation with the RAB, be consistent with comprehensive housing affordability strategies and be subject to notice and public hearing requirements.¹²

Further, HUD rules require that all Annual Plans following submission of the first Annual Plan identify the basic criteria that the PHA will use for determining (i) a substantial deviation from its 5-Year Plan and (ii) a significant amendment or to its 5-Year Plan and Annual Plan.¹³ QHWRA and HUD rules do not define or otherwise provide guidance on what types of changes to such Plans would constitute a “substantial deviation” or a “significant amendment or modification” but rather requires each PHA to specify what factors it will consider in making such determinations.

According to NYCHA’s Annual Plan for Fiscal Year 2011, a significant amendment and substantial deviation or modification of its agency plan may be proposed when:

“(i) a change in federal law takes effect and, in the opinion of NYCHA, it creates substantial obligations or administrative burdens beyond the programs then under administration, excluding changes made necessary due to insufficient revenue, funding or appropriations, funding reallocations resulting from modifications made to the annual or five-year capital plan or due to the terms of a judicial decree; (ii) any other event that the Authority determines to be a significant amendment or modification of an approved annual plan.”¹⁴

NYCHA’S Admissions Preferences

NYCHA’s Annual Plan for Fiscal Year 2011 lists the Authority’s preferences for admission to public housing. The admissions preferences include: victims of domestic violence; intimidated witnesses; victims of involuntary displacement (disaster, government action, inaccessibility, property disposition); and

working families who meet certain criteria (victims of reprisals or hate crimes; applicants doubled up and overcrowded in an apartment subsidized by NYCHA (either public housing or Section 8), applicants extremely overcrowded in an apartment not subsidized by NYCHA, applicants who are mobility impaired and living in inaccessible housing, applicants in substandard housing, homeless applicants, and applicants with a high rent burden when rent is greater than 50 percent of their income).¹⁵ However, although this list is extensive, NYCHA did not include veterans or their families in its list of preferences.

Proposed Resolution No. 411-A

This resolution notes that according to statistics from the United States Department of Veterans Affairs (VA), New York City is home to 348,722 veterans, and points out that many veterans are unable to secure affordable housing.

The resolution further states that the New York City Housing Authority (NYCHA) is a public housing agency (PHA) organized and funded primarily through federal and state programs and that requirements for income eligibility and admission preferences for PHAs are based on federal and state law.

The resolution states that Section 156 of New York State’s Public Housing Law allows veterans and the families of veterans who served in the armed forces between 1961 and 1975 and were injured or killed as a result of this service to meet a less stringent income eligibility standard for public housing than for other persons or families of low income but does not accord a direct preference.

The resolution states that according to section 960.206 of Title 24 of the Code of Federal Regulations, NYCHA has the authority to “adopt a system of local preferences for selection of families admitted to the PHA’s public housing program.”

The resolution notes that admission preferences must be based on local housing needs and determined by the PHA after a period of public comment and consultation with the resident advisory board of the PHA and then submitted within the PHA’s annual or five year plan, whichever is applicable, to the federal Department of Housing and Urban Development (HUD), which then must approve or disapprove the plan.

The resolution states that NYCHA does include local admission preferences for certain groups, such as working families, victims of domestic violence, intimidated witnesses and those with health emergencies.

The resolution points out that NYCHA’s Annual Plan for FY 2011 provides a listing under “Other preferences,” entitled “veterans and veteran’s families” and a corresponding box that NYCHA failed to check off, thus indicating that there is no existing veterans preference.

The resolution states that veterans who have a disability as a result of military service and qualify for public housing should receive some kind of admission preference from NYCHA, if not the same preference as for those mentioned above.

The resolution further urges the New York City Housing Authority to include an admission preference for public housing in its next proposed agency plan for veterans who have a military service-connected disability.

Amendment to Resolution No. 411

The resolution was amended to note that NYCHA has already submitted its Annual Plan to HUD.

Update

On Wednesday, November 17, 2010 the Committee adopted this legislation.

Accordingly, the Committee recommends its adoption.

¹ *Id.*

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ See H.R. 4194-59 Title V Public Housing and Tenant Based Assistance Reform §502.

⁸ See QHWRA §511.

⁹ The plan must cover the five PHA fiscal years immediately following the date on which the 5-Year Plan is due to HUD, *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ 24 CFR §903.7

¹⁴ See NYCHA Annual Plan for Fiscal Year 2011, page 124, available at http://www.nyc.gov/html/nycha/downloads/pdf/FY2011_AnnualPlan.pdf

¹⁵ *Id.* at 26

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 411-A:)

Res. No. 411-A

Resolution calling upon the New York City Housing Authority to include an admission preference for public housing in its next proposed agency plan for veterans who have a military service-connected disability.

By Council Members Fidler, Brewer, Chin, Dickens, Dromm, Gentile, Gonzalez, Greenfield, James, Lander, Nelson, Palma, Sanders, Seabrook, Williams, Cabrera, Vacca, Eugene, Jackson, Vallone, Jr., Arroyo, Van Bramer, Rodriguez, Halloran and Koo.

Whereas, According to statistics from the United States Department of Veterans Affairs (VA), New York City is home to approximately 348,722 veterans; and

Whereas, Many veterans in New York City are unable to secure affordable housing; and

Whereas, The New York City Housing Authority (NYCHA) is a public housing agency (PHA) organized and funded primarily through federal and state programs; and

Whereas, The requirements for income eligibility and admission preferences for PHAs are based on federal and state law; and

Whereas, Section 156 of New York State's Public Housing Law allows veterans and the families of veterans who served in the armed forces between 1961 and 1975 and were injured or killed as a result of this service to meet a less stringent income eligibility standard for public housing than for other persons or families of low income; and

Whereas, According to section 960.206 of Title 24 of the Code of Federal Regulations, NYCHA has the authority to "adopt a system of local preferences for selection of families admitted to the PHA's public housing program;" and

Whereas, Such admission preferences must be based on local housing needs and determined by the PHA after a period of public comment and consultation with the resident advisory board of the PHA and then submitted within the PHA's annual or five year plan, whichever is applicable, to the federal Department of Housing and Urban Development (HUD), which then must approve or disapprove the plan; and

Whereas, NYCHA does include local admission preferences for certain groups, such as working families, victims of domestic violence, intimidated witnesses and those with health emergencies; and

Whereas, NYCHA's Annual Plan for FY 2011, submitted for approval to HUD on October 15, 2010, provides a listing of possible preferences with corresponding boxes to mark off under "Other preferences," and lists a possible preference for "veterans and veteran's families"; and

Whereas, NYCHA failed to check off the box marked "veterans and veteran's families," thus indicating that there is no existing veterans preference; and

Whereas, Veterans who have a disability as a result of military service and qualify for public housing should receive some kind of admission preference from NYCHA, if not the same preference as for those mentioned above; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Housing Authority to include an admission preference for public housing in its next proposed agency plan for veterans who have a military service-connected disability.

ROSIE MENDEZ, Chairperson; ERIK MARTIN-DILAN, MARIA DEL CARMEN ARROYO, MELISSA MARK-VIVERITO, MARGARET S. CHIN, JAMES G. VAN BRAMER, DANIEL J. HALLORAN, Committee on Public Housing, November 17, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) declared **Res. No. 411-A** to be adopted.

Adopted unanimously by the Council by voice vote.

Report for voice-vote Res. No. 414-A

Report of the Committee on Waterfronts in favor of approving, as amended, a Resolution calling upon the United States Congress to pass H.R. 5967 which updates the Federal Motor Carrier statute in the Federal Aviation Administration Authorization Act of 1994 to empower America's ports to implement and enforce innovative environmental solutions for truck pollution and upon the Port Authority of New York and New Jersey to adopt a comprehensive program modeled after the Los Angeles Clean Truck Program to ensure that the Ports of New York and New Jersey are able to reach the highest standards of efficiency, sustainability and safety.

The Committee on Waterfronts, to which the annexed amended resolution was referred on August 25, 2010 (Minutes, p. 3775), respectfully

REPORTS:

INTRODUCTION

On November 15, 2010, the Committee on Waterfronts, chaired by Council Member Michael C. Nelson, will conduct a second hearing on Proposed Res. No. 414-A which calls upon the United States Congress to pass H.R. 5967, allowing ports to implement innovative environmental solutions. The Committee on Waterfronts conducted its first hearing on this legislative item on October 28, 2010.

BACKGROUND

Air pollution from vehicles in New York City contributes to our ozone non-attainment status under the Clean Air Act. Poor air quality leads to increased risk of asthma, heart disease and other ailments. Pollution emitted from trucks and vessels is an important element of the City's contribution to climate-changing greenhouse gases.

The emissions from trucks and vessels cause acute and chronic adverse health effects in humans due to the constituents of diesel emissions. Exposure to diesel exhaust includes exposure to particulate matter, nitrogen oxides and sulfur dioxides. In addition to containing particulate matter, nitrogen oxides and sulfur dioxides, diesel exhaust contains air toxins, such as benzene (a carcinogen), formaldehyde (a probable carcinogen) and dioxin (known for its adverse non-cancer and reproductive health effects).¹ "A number of other agencies including the National Institute of Occupational Safety and Health (NIOSH), the International Agency for Research on Cancer, the World Health Organization, the California Environmental Protection Agency, and the United States Department of Health and Human Services have concluded that diesel exhaust presents a significant risk to public health."² In fact, as early as 1988, NIOSH first recommended that diesel exhaust be considered a potential occupational carcinogen.³

The reduction of diesel exhaust is critical for New York City, which has some of the highest asthma rates in the country because diesel exhaust is known to trigger asthma attacks.⁴ According to the New York City Department of Health and Mental Hygiene, in 2000, children in New York City "were almost twice as likely to be hospitalized for asthma as children in the United States as a whole, with the Bronx having the highest overall rates of asthma hospitalizations, deaths and prevalence among children as well as adults."⁵ A study by Harlem Hospital Center, Harlem Children's Zone, and the Columbia University's Mailman School of Public Health found that one out of every four children in central Harlem has asthma, "one of the highest rates ever documented for an American neighborhood."⁶

a. PARTICULATE MATTER

Particulate matter describes a broad class of chemically and physically diverse substances. It is principally characterized as discrete particles that exist in the condensed (liquid or solid) phase spanning several orders of magnitude in size.⁷ The particles of most concern, however, are the "fine" particles, which may deeply penetrate lung tissue. These tiny particles are "directly emitted from combustion sources and are formed secondarily from gaseous precursors such as sulfur dioxide, oxides of nitrogen, or organic compounds."⁸

The health effects associated with these fine particles include shortness of breath, aggravated asthma, chronic bronchitis, decreased lung function, allergies, and acute respiratory symptoms.⁹ Research shows that the largest portion of deaths caused by particulate matter is related to cardiovascular illness.¹⁰

b. NITROGEN OXIDES

Nitrogen oxides combine with volatile organic compounds in the air to form ground-level ozone, or smog, in the presence of heat and sunlight¹¹. Ozone can cause a variety of respiratory problems, including aggravated asthma, decreases in lung capacity and increased susceptibility to respiratory illnesses.¹² Ozone is damaging to lung tissue in high concentrations and after long-term exposure.¹³ New York City continues to be classified as a "severe-17 nonattainment area" for ozone.¹⁴

c. SULFUR DIOXIDE

"The major health concerns associated with exposure to high concentrations of sulfur dioxide (SO₂) include effects on breathing, respiratory illness, alterations in pulmonary defenses, and aggravation of existing cardiovascular disease."¹⁵ Sulfur dioxide, which converts in the atmosphere to sulfate particles, also contributes to lower visibility and acid deposition--which has been of great concern in New York State as acid rain severely damages environmental resources.¹⁶

d. AIR TOXINS

Diesel exhaust contains a number of toxins that may produce harmful health effects, such as benzene, formaldehyde, lead, mercury, arsenic, nickel, polyaromatic hydrocarbons and dioxins. Benzene, a known carcinogen, may cause disorders of the blood and the blood-forming tissues, while formaldehyde, which is classified by the EPA as a probable human carcinogen, may cause irritation of the eyes, nose and throat.¹⁷ Lead and mercury may cause birth defects and other adverse reproductive health effects and may also affect the nervous system.¹⁸ Finally, "[d]ioxins are toxic to the immune system, interfere with hormone function, and are toxic to reproduction."¹⁹

HEAVY-DUTY DIESEL VEHICLES

In 2009, the Port Authority of New York and New Jersey ("Port Authority") released a report called the "Clean Air Strategy for the Port of New York and New Jersey." This report lays out a strategy to reduce diesel and greenhouse gas

("GHG") emissions for the port. The goals of these strategies are to decrease criteria pollutants by 3% annually and GHG's by 5% annually.²⁰ However, these goals are only the minimum acceptable levels for the port and implementation of several strategies can result in greater reductions than these proposed.

One of the strategy areas that came out of the report is heavy-duty diesel vehicles (trucks). Almost 85% of all cargo coming into the Port is moved out and into surrounding areas by trucks, making this type of transportation one of the top emitters of maritime related pollution. Only 13% of trucks that come into the Port Authority terminals are 2004 or newer trucks and 16% of the trucks in the port are 1993 models or older. Thus, there is a need to phase out older trucks with greater emissions and bring in newer models that meet federal emissions standards.

A committed action set forth in this area was the formation of a Regional Truck Replacement Program (TRP) that would replace trucks with an engine Model Year of 1993 or older with 2004 or newer vehicles.²¹ This program, which is now in place, offers grants of up to 25% of the total purchase price (averaging between \$20,000 and \$60,000) of a 2004 to 2008 replacement truck that has a Model Year 2004 or 2007 Environmental Protection Agency ("EPA") emissions-compliant engine.²² The program also offers low-interest financing for qualified participants of up to 75% of the purchase price for a new truck. In addition, starting January 1, 2011, the Port Authority will be denying access to the marine terminals for trucks with 1993 engines or older and then on January 1, 2017, only trucks meeting Model Year 2007 federal emissions standards will be allowed access to the terminals.²³ This \$28 million program is partly funded by a \$7 million EPA grant with the remainder coming from Port Authority funds.²⁴

Similar to this program, the Ports of Los Angeles and Long Beach created a plan called the "San Pedro Bay Ports Clean Air Action Plan" in 2006 which created the Clean Trucks Program to lower truck emissions in the Port. As part of the plan, the Port offers grants of up to 80% of the purchase price and charges a \$35 surcharge to companies whose cargo is hauled by truck models of 1994 to 2003.²⁵ Additionally, the Port of Los Angeles and Long Beach have both banned the use of truck models older than 1994 within the terminals and all trucks that do not meet the 2007 federal emissions standards will be banned starting on January 1, 2012.²⁶ Because of this plan, 6,000 new trucks have been bought and emissions are down 70%.

However, the Port of Los Angeles also required trucking companies to employ their drivers directly by 2013 instead of the current structure which considers drivers as independent contractors, thus making the trucking companies, instead of the drivers, responsible for buying and maintaining the vehicles. Trucking companies sued to block this concession requirement and in April 2009, a Federal District court judge granted a preliminary injunction to suspend this rule on the basis that it was likely pre-empted by a federal law regulating trucking.²⁷ The Federal Motor Carrier statute of the Federal Aviation Administration Authorization Act of 1994 (FAAAA), prohibits States and local entities from regulating motor carriers engaged in interstate commerce.

However, in September 2010, the Federal District court judge lifted the injunction and ruled that the concession requirements were valid under the market participant doctrine which exempts a State or local government from federal preemption if it is acting to protect its economic interests in a certain market.²⁸ Thus, the judge ruled that Los Angeles is exempt from preemption because it is trying to protect their business interests by becoming less of a target for clean-air lawsuits. Following the ruling, the Port of Los Angeles revealed its implementation plan for the mandate, requiring all trucking companies to begin to hire drivers by December 31, 2011 and have 100% employee drivers by December 31, 2013. The American Trucking Association (ATA) has filed an appeal with the federal judge to reinstate the injunction until the case is heard on appeal by the U.S. Court of Appeals.²⁹

ANALYSIS OF PROPOSED RES. NO. 414-A

Proposed Res. No. 414-A calls on the United States Congress to pass H.R. 5967, which updates the Federal Motor Carrier statute in the Federal Aviation Administration Authorization Act of 1994, to empower America's ports to implement and enforce innovative environmental solutions for truck pollution and upon the Port Authority of New York and New Jersey to adopt a comprehensive program modeled after the Los Angeles Clean Truck Program to ensure that the Ports of New York and New Jersey are able to reach the highest standards of efficiency, sustainability and safety.

Trucks are one of the largest emitters of pollution within ports and therefore, port owners have an interest in regulating trucks in order to lower overall port emissions. Although most port truck drivers are classified as "independent," they usually do not control their own compensation and only transport goods for one employer. Because the roughly 5,000 truck drivers in the Port of New York and New Jersey lease or own their truck with an average income of about \$28,000 after expenses, it may not be feasible to ask the drivers to buy new vehicles that meet port emission standards.³⁰ The Truck Replacement Program might be more successful if the financial burden for purchasing new vehicles were placed on the trucking companies, which effectively control the labor of the drivers they employ.

Because the finding of the Federal District court that the Port of LA is permitted to enforce its concession agreements due to the market participant exception has been appealed, the ability of ports to implement innovative environmental solutions for truck pollution is in doubt. Congressman Nadler introduced H.R. 5967 in July, which updates the Federal Motor Carrier statute in the Federal Aviation Administration Authorization Act of 1994, to give local entities the authority to enact requirements that are related to reducing pollution or congestion. H.R. 5967 would give the Port Authority the legislative authority to explore concession agreements between the port and the licensed motor carriers, similar to concession

agreements used by the Port of LA, in order to successfully implement the Truck Replacement Program. Therefore, if enacted, this legislation would permit the Port Authority to establish an employee-driver mandate without risk of lawsuits and would be better able to reduce harmful emissions throughout the Port.

¹ "Control of Emissions of Air Pollution from Nonroad Diesel Engines and Fuel," 68 Federal Register 100 May 23, 2003, at 28,345.

² Ibid at 28,341

³ Clean Air Task Force, "Diesel Engines: Health and Environmental Impacts", p. 3.

⁴ Penn Loh, Jodi Sugarman-Brozan, Social Policy and Social Movements: Environmental Justice Organizing for Environmental Health, Annual of the American Academy of Political and Social Science, 584 Annals 110 (2002)

⁵ New York City Department of Health and Mental Hygiene, "Asthma Facts, Second Edition", May 2003, p. 7.

⁶ Richard Pérez-Peña, "Study Finds Asthma in 25% of Children in Central Harlem", The New York Times, April 19, 2003.

⁷ Control of Emissions of Air Pollution from Nonroad Diesel Engines and Fuel at 28,338.

⁸ *Id.*

⁹ United States Environmental Protection Agency, "Health and Environmental Effects of Particulate Matter, Fact Sheet", July 17, 1997; <http://www.epa.gov/ttn/oarpg/naaqsfm/pmhealth.html>.

¹⁰ Clean Air Task Force at 2. "PM is associated with aggravation of cardiovascular disease[,] including heart attacks possibly because fine PM can invade the bloodstream and initiate an inflammatory response, disrupting heart rate and increasing blood clotting." *Id.*

¹¹ Bert Brunekreef, Stephen T. Holgate, Air Pollution and Health, 360 Lancet 2002 (October 19, 2002).

¹² *Id.*

¹³ American Lung Association of New York State, Inc., "Unhealthy to Breathe: Summer Ozone Levels in New York State", October 2002, p. 6.

¹⁴ This classification means that the area does not meet the national primary or secondary ambient air quality standard for ozone; it has a design value of from 0.190 up to 0.280 parts per million (ppm) for ozone; and, it has until 2011 to attain compliance with the standards.

¹⁵ Integrated Science Assessment for Sulfur Oxides-Health Criteria, Environmental Protection Agency, National Center for Environmental Assessment-RTP Division, Office of Research and Development, Research Triangle Park, pp 3-3 to 3-6. (September 2007).

¹⁶ "Closing the Diesel Divide" at 23.

¹⁷ Natural Resources Defense Council and Coalition for Clean Air, "Exhausted by Diesel, How America's Dependence on Diesel Engines Threatens Our Health", May 1998 ("Exhausted by Diesel"), p. 9.; California Environmental Protection Agency, Office of Health Hazard Assessment, Health Effects of Diesel Exhaust Fact Sheet (August 200).

¹⁸ "Exhausted by Diesel" at 9.

¹⁹ *Id.*

²⁰ The Port Authority of New York & New Jersey, "Clean Air Strategy for the Port of New York and New Jersey," October 21, 2009, <http://www.panynj.gov/about/pdf/CAS-FINAL.pdf>

²¹ *Id.*

²² The Port Authority of New York & New Jersey, "Truck Replacement Program," <http://www.panynj.gov/truckers-resources/truck-replacement.html>

²³ *Id.*

²⁴ The Port Authority of New York & New Jersey, "Port Authority Launches Program to Replace Older, More Polluting Trucks Serving the Port of NY/NJ," Press Release, March 10, 2010

²⁵ Steven Greenhouse, "Clearing the Air at American Ports," New York Times, February 26, 2010

²⁶ The Port of Los Angeles, "Clean Truck Program," http://www.portoflosangeles.org/ctp/idx_ctp.asp

²⁷ Steven Greenhouse, "Clearing the Air at American Ports," New York Times, February 26, 2010

²⁸ Bill Mongelluzzo, "Truckers File Appeal in LA Clean-Truck Case," The Journal of Commerce Online, September 27, 2010

²⁹ *Id.*

³⁰ Victor Epstein, "Study: independent port truckers struggling," USA Today, March 13, 2009

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 414-A:)

Res. No. 414-A

Resolution calling upon the United States Congress to pass H.R. 5967 which updates the Federal Motor Carrier statute in the Federal Aviation Administration Authorization Act of 1994 to empower America's ports to implement and enforce innovative environmental solutions for truck pollution and upon the Port Authority of New York and New Jersey to adopt a comprehensive program modeled after the Los Angeles Clean Truck Program to ensure that the Ports of New York and New Jersey are able to reach the highest standards of efficiency, sustainability and safety.

By Council Members Lander, Nelson, Barron, Brewer, Fidler, Gentile, Gonzalez, James, Levin, Palma, Sanders, Williams, Cabrera, Reyna, Koppell, Chin, Lappin, Mendez, Crowley, Dromm, Mark-Viverito, Koslowitz, Garodnick and Rodriguez.

Whereas, 87 million Americans live in or adjacent to port communities that violate federal air quality standards and create areas with high asthma, cancer and respiratory illness rates; and

Whereas, The Port of New York and New Jersey is a national and regional asset that handles the highest volume of shipping containers on the East Coast and serves as a critical economic engine to our region; and

Whereas, According to the Clean Air Task Force, a nonprofit organization dedicated to reducing atmospheric pollution, the annual projected diesel fine particle health impacts for adults in the NY-NJ Metro region are expected to be 1,397 premature deaths, 2,733 non-fatal heart attacks, 48,192 asthma attacks, 1,037 cases of chronic bronchitis, and 218,566 work loss days (WLD); and

Whereas, The Natural Resources Defense Council's report "Harboring Pollution: Strategies to Clean Up U.S. Ports," estimated that the toxins emitted from the Port of New York and New Jersey are the equivalent of over 400,000 cars daily, and that truck emissions account for 40 percent of port pollution in each of America's 10 major ports; and

Whereas, Because diesel exhaust is a known trigger of asthma attacks, its reduction is critical for New York City, which has some of the highest asthma rates in the country; and

Whereas, According to the Coalition for Clean and Safe Ports, 95 percent of our nation's 100,000 trucks hauling critical imports and exports at every major port and throughout our nation's transportation corridors fail to meet current United States Environmental Protection Agency (EPA) emission standards; and

Whereas, Under the current Federal Motor Carrier statute of the Federal Aviation Administration Authorization Act of 1994 (FAAAA), States and local entities are only allowed to regulate trucking companies for "safety" related programs and not for environmental reasons; and

Whereas, Because of this Federal rule restricting States from regulating the trucking industry, the financial responsibility for trucks continues to fall on individual drivers who are classified as independent contractors; and

Whereas, The majority of Port truckers are considered independent contractors who own and maintain their own trucks yet, they are reliant on the trucking company for delivery assignments and they cannot take orders from other companies; and

Whereas, A Demos report titled "Port Trucking Down The Low Road: A Sad Story of Deregulation," found that these drivers typically live near or below the federal poverty level and most do not have any health insurance or receive any contributions to a retirement fund; and

Whereas, The responsibility for cleaning the air near ports should belong to the trucking companies who have the financial stability to purchase and maintain newer and cleaner trucks; and

Whereas, The Port of Los Angeles' landmark Clean Truck Program banned the use of truck models older than 1994 within the terminals and combined business-friendly subsidies and incentives to help put over 6,000 new emissions-compliant vehicles on the road, reducing truck pollution in the region by 70 percent; and

Whereas, The Port of Los Angeles also required trucking companies to employ their drivers directly by 2013 instead of using them as independent contractors; and

Whereas, The American Trucking Association (ATA) sued to stop aspects of the program and won a preliminary injunction in federal court in 2009 based on preemption of the federal statute that prohibits local entities from regulating motor carriers engaged in interstate commerce; and

Whereas, This injunction was recently lifted in a United State District Court ruling that Los Angeles is exempt from the preemption provisions because of the proprietary exception to the law that exempts a local government agency if it is trying to protect its interests as a market participant; and

Whereas, While the United States District Court ruling in this case found that the Port of Los Angeles, acting as a market participant, could seek to control the port-generated pollution, which jeopardized its continued economic viability, by the use of concession agreements that included employee driver, truck maintenance, and financial capability provisions; and

Whereas, the ATA has appealed this decision and is requesting that the injunction be reinstated; and

Whereas, The Port of Los Angeles' EPA award-winning program's short-term clean-air gains, and long-term sustainability are now seriously jeopardized by the trucking industry's legal challenge; and

Whereas, The American Trucking Association's legal maneuvering therefore challenge the ability for port officials around the nation, including the Port Authority of New York and New Jersey, to adopt fiscally responsible and environmentally sustainable clean truck programs; and

Whereas, Ensuring that ports have the tools to clean the air and secure their property is necessary to advance massive infrastructure projects that create thousands of jobs for the region in crucial sectors, including retail, manufacturing and construction; and

Whereas, H.R. 5967, which was introduced in July 2010, will end this legal fight by permitting ports to regulate trucking if the requirements are "reasonably related to the reduction of environmental pollution, traffic congestion, the improvement of highway safety, or the efficient utilization of port facilities;" and

Whereas, This legislation would therefore, update the existing statute and allow the Port Authority to fully impose and enforce high-road policies like the Los Angeles Clean Trucks Program; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass H.R. 5967, which updates the Federal Motor Carrier statute in the Federal Aviation Administration Authorization Act of 1994, to empower America's ports to implement and enforce innovative environmental solutions for

truck pollution and upon the Port Authority of New York and New Jersey to adopt a comprehensive program modeled after the Los Angeles Clean Truck Program to ensure that the Ports of New York and New Jersey are able to reach the highest standards of efficiency, sustainability and safety.

ROSIE MENDEZ, Chairperson; ERIK MARTIN-DILAN, MARIA DEL CARMEN ARROYO, MELISSA MARK-VIVERITO, MARGARET S. CHIN, JAMES G. VAN BRAMER, DANIEL J. HALLORAN, Committee on Public Housing, November 17, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared **Res No. 414-A** to be adopted.

The following 4 Council Members formally **abstained** to the passage of this item: Council Members Halloran, Ignizio, Oddo, and Vallone, Jr.

Adopted 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 Civil Service and Labor and had been favorably reported for adoption.

Report for voice-vote Res. No. 541

Report of the Committee on Civil Service and Labor in favor of approving a Resolution calling upon United States Senate to vote for and pass the James Zadroga 9/11 Health and Compensation Act of 2009.

The Committee on Civil Service and Labor, to which the annexed resolution was referred on November 17, 2010, respectfully

REPORTS:

Introduction

On Wednesday November 15, 2010, the Committee on Civil Service & Labor, chaired by Council Member James Sanders Jr., will conduct a second hearing and vote on Preconsidered Resolution No. 541 a resolution calling upon the United States Senate to vote for and pass the James Zadroga 9/11 Health and Compensation Act of 2009.

On February 6, 2008, the Committee on Civil Service & Labor held a hearing on Res. No. 1058, a resolution calling upon the United States House of Representatives to pass and the United States Senate to introduce and pass the James Zadroga 9/11 Health and Compensation Act (H.R. 3543). A second hearing and vote on the resolution was held by the Committee on Civil Service & Labor on February 13, 2009 and it was passed by the full Council the same day.

Last year, on May 21, 2009, the Committees on Civil Service & Labor and Lower Manhattan Redevelopment held a hearing on Res. No. 1924-A, a resolution calling on Congress to amend and pass the James Zadroga 9/11 Health and Compensation Act. A second hearing and vote on the resolution was held by the Committee on Civil Service & Labor on December 18, 2009 and it was passed by the full Council on December 29, 2009.

Since then, the House of Representatives passed the Zadroga bill, but it has been stalled in the Senate, where all 56 Democrats and two independent Senators are likely to support the bill, but as of yet, no Republicans have pledged support for it. Under Senate rules, 60 votes are needed for passage, as the bill will be bypassing the Committee.¹

The Committee held a hearing on this resolution on November 10, 2010 jointly with the Committee on Lower Manhattan Redevelopment, chaired by Council Member Margaret Chin.

Preconsidered Res. No 541

The "James Zadroga 9/11 Health and Compensation Act," ("the Zadroga Bill") H.R. 847, sponsored by United States Representative Carolyn Maloney (D-NY) was introduced in the House in February of 2009.² Since then a similar version of the bill sponsored by Kristen Gillibrand (D-NY) was introduced in the Senate (S.1334).³ This bill would provide that many persons exposed to the toxins of Ground Zero a right to be medically monitored and confers upon many who are sick as a result of such exposure a right to treatment. The legislation would build on the expertise of the Centers of Excellence; expand care to the whole exposed community, including residents, area workers and students, and to the thousands of people who came from across the country to respond to the 9/11 attacks; and provide compensation for economic damages and losses by reopening the 9/11 Victim Compensation Fund. The Act would further provide a process for additional health conditions to be added to the current list of enumerated conditions, or for someone to receive treatment at a Center of Excellence who has a condition not covered as an enumerated condition should certain thresholds be met.

At the hearings on Res. No. 1924-A, the Committee on Civil Service and Labor heard testimony with regard to the resolution and Zadroga bill. The Committee passed the resolution on December 18, 2009 and the Council approved the resolution by voice vote on December 29, 2010.

On September 29, 2010, the House of Representatives passed its version of the Zadroga bill with a bipartisan vote. Under Senate procedures, that body can pass the same version of the bill passed by the House so that it can go directly to President Obama for signature under a suspension of its rules, but only by a sixty vote margin. According to published media reports, all 56 Democrats and two independents in the Senate have pledged support for the measure. Therefore, two Republican votes are necessary for passage.⁴

Preconsidered Resolution 541 calls upon the Senate to vote for the version of the Zadroga bill passed by the House, so that President Obama can sign it into law.

As a result of testimony at the November 10, 2010 hearing, the third to the last whereas clause in the Resolution was amended to read:

Whereas, A vote has not yet been scheduled in the United States Senate on this important piece of legislation and an immediate scheduling of the vote is needed for the Act to be approved prior to the end of the current Congress;

¹ New York Daily News, "Zadroga 9/11 health bill has been a victim of typical partisan gamesmanship," November 1, 2010.

² H.R. 847, 111th Cong. (2009).

³ S. 1334, 111th Cong. (2009).

⁴ New York Daily News, "Zadroga 9/11 health bill has been a victim of typical partisan gamesmanship," November 1, 2010.

Accordingly, this Committee recommends its adoption.

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

JAMES SANDERS JR., Chairperson; MICHAEL C. NELSON, JAMES F. GENNARO, LARRY B. SEABROOK, MELISSA MARK-VIVERITO, ERIC A. ULRICH, Committee on Civil Service and Labor, November 15, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, the President Pro Tempore (Council Member Rivera) declared **Res. No. 541** to be adopted.

Adopted unanimously by the Council by voice vote.

INTRODUCTION AND READING OF BILLS

Res. No. 540

Resolution authorizing the Council to file an amicus brief in the New York Court of Appeals in support of the Plaintiffs-Appellees in the litigation captioned *Casado v. Markus*, for the purpose of supporting the Plaintiffs-Appellees' petition to annul and vacate certain provisions of 2008 Apartment and Loft Law # 40 and 2009 Apartment and Loft Law # 41.

By The Speaker (Council Member Quinn) and Council Members Dromm, James, Palma, Rodriguez, Williams and Jackson.

Whereas, In 1969, the Council enacted the Rent Stabilization Law (RSL) to protect long-term residents of local communities, and created the New York City Rent Guidelines Board (RGB) to establish fair rent adjustments for rent stabilized units; and

Whereas, In 1974, the State Legislature enacted the Emergency Tenant Protection Act (ETPA), which authorized local rent guidelines boards to promulgate rates of rent adjustment for various classes of accommodation; and

Whereas, ETPA Section 3 provided that it was the local legislative body, not the local rent guidelines board, that must establish the "classes of accommodation" subject to the RSL; and

Whereas, The Legislature amended the ETPA in 2003 to provide that the Council could no longer add a new class of housing accommodation; and

Whereas, At no point since the adoption of the RSL or the ETPA did the RGB have the power to create a new class of housing accommodation; and

Whereas, On June 19, 2008, the RGB adopted a final order, "2008 Apartment and Loft Law # 40" (Order No. 40), which provides for rent renewal increases of 4.5 and 8.5 percent for one- and two-year renewal increases, respectively; and

Whereas, Order No. 40 further provided for a supplemental increase applicable to tenants who have resided in their apartments for more than six years and whose rents are less than \$1,000 per month as follows: in units where the landlord is required to provide heat to tenants, the greater of 4.5% or \$45 for one-year renewal leases and the greater of 8.5% or \$85 for two-year renewals; and in units where the landlord is not required to provide heat, the greater of 4% or \$40 for one-year renewals and 8% or \$80 for two-year renewals; and

Whereas, On June 23, 2009, the RGB adopted another order, "2009 Apartment and Loft Law # 41," (Order No. 41), which provided for rent renewal increases of 3 and 6 percent for one- and two-year renewal increases respectively; and

Whereas, Order No. 41 also provided for a supplemental increase applicable to tenants who have resided in their apartments for more than six years and whose rents are less than \$1,000 per month, as follows: for units where the landlord is required to provide heat, the greater of 3% or \$30 for one-year renewals and the greater of 6% or \$60 for two-year renewals; and for units where heat is not required to be provided, the greater of 2.5% or \$25 for one-year leases and the greater of 5% or \$50 for two-year leases; and

Whereas, By approving the provisions of Orders No. 40 and 41 that impose supplemental increases on long-term tenants, the RGB created a class of accommodation based upon longevity of occupancy and instituted a "poor tax" by imposing a substantially greater percentage increase on tenants who pay lower rents; and

Whereas, The RGB had no authority to enact these provisions because since 2003 the State, and not the RGB, has had the power to create classes of accommodations; and

Whereas, In addition to exceeding its authority, the RGB undermined the Council's longstanding intent to protect long-term tenants; and

Whereas, In 2008, individual tenants and organizations representing tenants filed a lawsuit against the RGB in New York Supreme Court captioned *Casado v. Markus*, Index No. 402267/08, seeking to annul and vacate certain provisions of Order No. 40 and, after Order No. 41 was adopted in 2009, to annul and vacate certain of its provisions as well; and

Whereas, A central issue raised by the plaintiffs is that the RGB, through Orders No. 40 and 41, has acted ultra vires; and

Whereas, On January 20, 2010, New York State Supreme Court Justice Emily Jane Goodman struck down the longevity penalties imposed by Orders No. 40 and 41, holding that the RGB exceeded its authority in enacting such provisions; and

Whereas, On June 22, 2010, the Appellate Division, First Department, affirmed Justice Goodman's ruling; and

Whereas, The case is currently on appeal to the New York State Court of Appeals; now, therefore, be it

Resolved, That the Council of the City of New York authorizes the filing of an amicus brief in the New York Court of Appeals in support of the Plaintiffs-Appellees in the litigation captioned *Casado v. Markus*, for the purpose of supporting the Plaintiffs-Appellees' petition to annul and vacate certain provisions of 2008 Apartment and Loft Law # 40 and 2009 Apartment and Loft Law # 41.

Referred to the Committee on Finance.

Int. No. 400

By Council Members Brewer, Cabrera, Dromm, Gonzalez, James, Koppell and Palma.

A Local Law to amend the administrative code of the city of New York, in relation to the correction of noise violations.

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision b of section 24-257 is amended to read as follows:

(2) Order the owner of any device which causes or is maintained or operated so as to cause a violation of any provision of this code or any order or regulation promulgated by the commissioner or the board, to install any apparatus which can reasonably be expected to correct the violation, or to repair, properly maintain, replace or alter such device in a manner which can reasonably be expected to correct the violation, *provided that the violation shall not be deemed corrected until such device operates in compliance with the code, order or regulation with respect to which the notice of violation was issued;*

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

Referred to the Committee on Environmental Protection.

Int. No. 401

By Council Members Brewer, Cabrera, Fidler, Foster, Gentile, Gonzalez, James, Koppell, Mealy, Nelson, Palma, Recchia, Rose, Vann, Williams and Lappin.

A Local Law to amend the New York city charter in relation to notification of community boards of changes of regulations relating to traffic.

Be it enacted by the Council as follows:

Section one. Paragraph (2) of subdivision a of section 2903 of chapter 71 of the New York city charter is amended to read as follows:

(2) establish, determine, control, install and maintain, the design, type, size and location of any and all signs, signals, marking, and similar devices indicating the names of the streets and other public place and for guiding, directing or otherwise regulating and controlling vehicular and pedestrian traffic in the streets, squares, parks, parkways, highways, roads, alleys, marginal streets, bridges and other public ways of the city; *except that where there are any changes in traffic patterns, parking regulations or in the installation or removal of parking meters there must be prior consultation with the community boards; in such instances, the commissioner must notify boards in writing thirty days before any change is effected and grant an extra thirty days for the calling of public hearings at the request of the board;*

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 402

By Council Members Brewer, James, Lander, Palma, Vann and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to granting J-51 tax incentives for energy conservation, electric submetering and load control equipment for certain housing developments.

Be it enacted by the Council as follows:

Section 1. Statement of legislative findings and intent.

The Council finds that the City is increasingly dependent on consumer conservation to avoid potential power emergencies. Load curtailment is the term for conserving electricity to prevent a blackout or a brownout. The Council finds that the development of energy reduction mechanisms, involving various sectors in the City's building environment, is essential to prevent blackouts, enhance air quality and reduce the price of electricity in the State's wholesale electric market for New York City.

Residents of buildings with master meters alone are not accountable for electricity use as the costs for electricity are not apportioned and residents are not charged specifically for their personal consumption. Consequently, disproportionate usage at times of peak demand places undue stress on the City's electric supply system. Higher costs based upon excessive usage are passed through to residents, rendering housing less affordable.

A new approach to the provision of electric service is required to transition from a regulated monopoly that provides all electric services to a competitive electric market. The "unbundling" of service components has a significant consequence for conservation. By requiring utilities to divest their power-generating facilities, New York State's retail competition regulations effectively erased utility-sponsored "demand side management" conservation. These programs were replaced with programs administered by the New York State Energy Research and Development Authority (NYSERDA) through funds collected from ratepayers through a System Benefits Charge (SBC). The SBC is an additional charge paid by ratepayers that NYSEDA has been designated to use to promote energy efficiency and assure maximum benefits to ratepayers. These funds are contributions from ratepayers and for ratepayers and are not traditional tax levy funds. The New York State Public Service Commission has designated NYSEDA to use the SBC funds to promote energy efficiency and assure maximum benefits to ratepayers.

NYSERDA offers incentive programs funded by the State to encourage the design and installation of metering and control systems that will reduce electric consumption, as well as other conservation measures, which provide building managers and residents with the tools to reduce electricity demand and costs. Commensurate incentives from the City of New York, in the form of J-51 tax abatements, are needed to supplement SBC incentives to induce cooperative boards and building managers to undertake the installation of conservation technologies.

The Council recognizes that a new paradigm of energy conservation based on the element of time of usage is essential if electricity is to be both reliable and affordable. The Council further finds the concepts of Price Responsive Load Management and Demand Response, which provide a policy framework for consumer-oriented activities to alleviate strain on electric supplies and maximize the ability of the most efficient, cost-effective and least-polluting power plants to satisfy the City's requirements.

The Council, therefore, supports the introduction of Time Sensitive Electricity Pricing opportunities for consumers, to connect wholesale and retail markets and induce electric use when supplies are abundant and discourage use when supplies are scarce. New technologies are rapidly emerging to measure electricity in time intervals and transmit data electronically. SBC programmatic support for submetering of master-metered and direct-metered multifamily buildings allows apartment residents to participate in activities that reduce electric costs and enhance availability. Additional technologies allow electric intensive equipment such as air conditioners to be automatically controlled in response to peak periods and "curtailment events" determined by the Independent System Operator (ISO). These technologies allow residents to override "shut-offs" thus assuring resident

control, while representing a significant opportunity for the multifamily building sector to earn incentives from ISO curtailment incentive programs and facilitate potential benefits of time sensitive electric rate structures.

While the J-51 program provided benefits for the installation of submeters, it does not provide special incentives for more expensive advanced metering systems nor for peak load control devices. This law creates opportunities to facilitate energy conservation and load curtailment in the City's multifamily sector.

§2. Paragraph 6 of subdivision b of section 11-243 of the administrative code of the city of New York, as amended by local law number 44 for the year 2001, is hereby amended to read as follows:

(6) alterations or improvements to an otherwise eligible building or structure commenced after January first, nineteen hundred eighty designed to conserve the use of fuel, electricity or other energy sources or to reduce demand for electricity, including the installation of meters for purposes of measuring the amount of electricity consumed for each dwelling unit, [and] conversions of direct metering to a system that includes a master meter and submeters *and the installation of equipment for the curtailment of electric use, for the shedding of electric load in the building and/or dwelling units, and the installation of advanced electric, measurement, display or communication systems to inform building managers and/or residents of the current and past use of electricity* in any cooperative, condominium, *limited-profit housing company organized under article two of the private housing finance law* or housing development fund company organized under article eleven of the private housing finance law; or

§3. This local law shall take effect immediately, except that the provisions of this local law will apply to any application that is submitted after its enactment for work that was initiated prior to such enactment and such applications will be subject to the same rules that currently exist regarding the eligibility of work done and when an application for benefits relating to such work must be submitted.

Referred to the Committee on Housing and Buildings.

Int. No. 403

By Council Members Brewer, Cabrera, Fidler, Gentile, James, Mealy, Palma, Recchia and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to extending the license term for base stations with hybrid-electric vehicles.

Be it enacted by the Council as follows:

Section 1. Section 19-502 of the administrative code of the city of New York is amended by adding new subdivisions x and y to read as follows

x. "Hybrid-electric vehicle" shall mean a commercially available mass-produced vehicle originally equipped by the manufacturer with a combustion engine system together with an electric propulsion system that operates in an integrated manner.

y. "Qualified hybrid-electric vehicle" shall mean a hybrid-electric vehicle that has a United States environmental protection agency city mileage published label value, pursuant to section 32908(b) of title 49 of the United States code, of 45 miles per gallon or greater.

§2. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-511.2 to read as follows:

§19-511.2 Duration of license for bases with clean air for-hire vehicles. a. The license term for a base station, black car base or luxury limousine base where at least twenty-five percent of the vehicles affiliated with such base station or base are hybrid-electric vehicles, but fewer than twenty-five percent of such vehicles are qualified hybrid-electric vehicles, shall be one year longer than the applicable standard license term established by the commission.

b. The license term for a base station, black car base or luxury limousine base where at least twenty-five percent of the vehicles affiliated with such base station or base are qualified hybrid-electric vehicles shall be two years longer than the applicable standard license term established by the commission.

c. The provisions of this section shall not apply to any base station, black car base or luxury limousine base for which there is a license as of the effective date of this section until the renewal of such license subsequent to such effective date.

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

Referred to the Committee on Transportation.

Int. No. 404

By Council Members Brewer, Cabrera, Foster, Gentile, James, Koppell, Lappin, Palma, Reyna, Williams and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to fines for illegal conversions of dwelling units from permanent residences to hotels.

Be it enacted by the Council as follows:

Section 1. Legislative Findings and Intent. The Council finds that New York City apartments within buildings intended for residential uses are often being converted to hotel occupancy, particularly in certain neighborhoods. Often times this practice occurs illegally despite the existing prohibitions in the City's Zoning Resolution and Administrative Code. The 2008 Housing and Vacancy Survey found a citywide low rental vacancy rate of 2.88% which constitutes a ground for a "declaration of emergency" in terms of the lack of available apartments (Section 3 of Chapter 576 of the Laws of 1974 authorizing the extension of rent regulation). The Council finds that the use of apartments as short-stay hotel rooms drives down the already extremely limited supply of housing, including rent-regulated apartments, and places additional pressures on an extremely tight rental market. Furthermore, this illegal practice denies permanent tenants the quiet enjoyment of their homes.

While the Council recognizes that legal hotels and their related businesses are a significant sector of New York City's economy and provide wages and benefits to a large number of workers in New York City, there is an equally strong recognition of the need to discourage illegal conversions and thereby maintain needed rental apartments for permanent tenants. This legislation will increase fines for those who illegally convert residential units and buildings to hotels.

§2. Section 28-201.2.1 of title 28 of the administrative code of the city of New York is amended by adding a new item 16 to read as follows:

16. A violation of section 28-210.3 that involves more than one dwelling unit or a second or subsequent violation of section 28-210.3 by the same person at the same dwelling unit or multiple dwelling.

§3. Article 210 of chapter two of title 28 of the administrative code of the city of New York as added by local law number 33 for the year 2007, is amended by adding a new subdivision 28-210.3 to read as follows:

§28-210.3 Illegal conversions of dwelling units from permanent residences to hotels. *Except as otherwise provided in subdivision 16 of section 67 of the multiple dwelling law and section 120 of the multiple dwelling law, dwelling units within (i) a class A multiple dwelling as defined in section 27-2004 of the administrative code, (ii) occupancy group J-2 as described in section 27-265 of the administrative code or (iii) occupancy group R-2 as described in section 310.1.2 of the New York city building code shall be used only for permanent residence purposes as required pursuant to subparagraph a of paragraph eight of subdivision a of section 27-2004 of the administrative code. It shall be unlawful for any person or entity who owns or occupies a multiple dwelling or dwelling unit classified for permanent residence purposes to use or occupy, offer or permit the use or occupancy or to convert for use or occupancy such multiple dwelling or dwelling unit for other than permanent residence purposes. For the purposes of this section a conversion in use of a dwelling unit may occur irrespective of whether any physical changes have been made to such dwelling unit. The provisions of this section shall not be construed to prohibit lawful accessory uses permitted pursuant to the zoning resolution or the lawful conversion of dwellings in accordance with applicable law.*

§4. This local law shall take effect sixty days after its enactment, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 405

By Council Members Chin, Gonzalez, Barron, Fidler, Gennaro, Greenfield, Lander, Nelson, Palma and Rose.

A Local Law in relation to local law number 29 for the year 2007.

Be it enacted by the Council as follows:

Section 1. For the fourth year of the program established in accordance with local law number 29 for the year 2007, the department of housing preservation and development shall have until January 31, 2011 to initiate and implement the requirements of such local law for such year.

§2. This local law shall take effect immediately.

Adopted by the Council (preconsidered and approved by the Committee on Housing and Buildings).

Int. No. 406

By Council Members Chin, Garodnick, Koppell, Lander, Palma, Rose, Williams and Nelson.

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

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-140 to read as follows:

§18-140 Tree pollination standards and planting. *On or before July 1, 2011, the department shall adopt a standard for determining which trees shall be classified as low, moderate and high pollen trees, shall present such classifications of trees to the council and shall post such classifications on the department's website. On or before January 1, 2012, the commissioner shall submit to the council a plan to increase the percentage of low pollen trees, or shall state in writing why the commissioner does not plan on increasing the number of low pollen trees. On or before January 1, 2014 and every two years thereafter, the commissioner shall update such plan or shall state in writing why the commissioner does not plan on increasing the number of low pollen trees. On April 1, 2012 and every April 1 thereafter, the commissioner shall report to the council on the number and percentage of low pollen trees respectively, that were planted by the department during the immediately preceding calendar year and that are under the jurisdiction of the department. Should the percentage of low pollen trees planted the previous year that are under the jurisdiction of the department be less than fifty percent of the total number of trees planted, or be a lower percentage of the total number of trees that were planted in the year prior, the commissioner shall include in the report the reasons for the reduced percentage.*

§2. This law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Res. No. 541

Resolution calling upon United States Senate to vote for and pass the James Zadroga 9/11 Health and Compensation Act of 2009.

By Council Members Chin and the Speaker (Council Member Quinn) and Council Members Levin, Van Bramer, Ulrich, Sanders, Rodriguez, Brewer, Gennaro, Barron, Cabrera, Eugene, Fidler, Gentile, James, Koslowitz, Koppell, Lander, Mealy, Nelson, Palma, Recchia Jr., Rose, Vann, Williams, Jackson, Foster and Koo.

Whereas, The attacks on September 11, 2001 against the World Trade Center were attacks against New York as a symbol of the United States; and

Whereas, According to published reports, as of June 30, 2010, 836 people who responded to the World Trade Center site following the attacks have subsequently died; and

Whereas, A significant number of workers and volunteers from all 50 states participated in rescue, recovery and clean-up after the terrorist attacks on the World Trade Center of September 11, 2001; and

Whereas, Those who participated in the rescue and recovery effort at the World Trade Center and those who lived, worked, attended school or were otherwise present in the area around the World Trade Center on or after September 11 were exposed to a variety of environmental toxins; and

Whereas, A significant number of people continue to suffer the physical and psychological effects of the attacks, and may develop additional or more severe illnesses in the future; and

Whereas, The WTC Health Registry was established to track and identify the long term health effects of the attacks of 9/11; while also providing guidance for the handling of future such health crises; and

Whereas, Those enrolled in the World Trade Center Health Registry live in all 50 states; and

Whereas, The James Zadroga 9/11 Health and Compensation Act ("the Act") was introduced in the U.S. House of Representatives by Representatives Maloney, Nadler, King and McMahon, and later in the United States Senate by Senators Gillibrand, Schumer, Menendez and Lautenberg to provide medical monitoring and treatment for first responders, area residents, workers, students, and others affected by the 9/11 terrorist attacks; and

Whereas, The Act would establish the World Trade Center Health Programs within the National Institute for Occupational Safety and Health (NIOSH) to provide care to those affected by the 9/11 terrorist attacks; and

Whereas, The National Fraternal Order of Police, representing 328,000 law enforcement officers nationwide, has called for the Act's passage; and

Whereas, The Act was passed by the U.S. House of Representatives on September 29, 2010 with the bipartisan support of Republicans and Democrats; and

Whereas, Due to the procedures applicable to consideration of this legislation, it is likely 60 votes are needed in the Senate for passage of the Act and,

according to published reports, all 56 Democrats and both Independents in the Senate support passage of the Act; and

Whereas, A vote has not yet been scheduled in the United States Senate on this important piece of legislation and an immediate scheduling of the vote is needed for the Act to be approved prior to the end of the current Congress; and

Whereas, President Obama has pledged to sign the Act as soon as it is passed by both houses of Congress; and

Whereas, The support of only two Republican United States Senators are required to pass the Act and have it become law; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Senate to vote for and pass the James Zadroga 9/11 Health and Compensation Act of 2009.

Adopted by the Council (preconsidered and approved by the Committee on Civil Service and Labor).

Int. No. 407

By Council Members Dilan, Brewer, Fidler, Foster, Gentile, Gonzalez, James, Koppell, Mealy, Nelson, Rose, Vann and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring existing elevators in residential buildings and other buildings with residential occupants to be equipped with additional safety devices.

Be it enacted by the Council as follows:

Section 1. Article 2 of subchapter 18 of chapter 1 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-996.3 to read as follows:

§27-996.3 *Ascending car overspeed and unintended car movement protection. (a) Notwithstanding the provisions of section 27-994 of this article, in all existing buildings or building sections classified in occupancy group R-2 and in all elevators accessible by the residential occupants of existing mixed occupancy buildings, ascending car overspeed protection shall be provided in all electric traction elevators to prevent the elevator car from striking the hoistway overhead structure as a result of a failure in electric components, the control system or any other component upon which the speed of the car depends, except the suspension ropes and the drive sheave of the traction machine. Such ascending car overspeed protection shall conform with ASME A17.1-2000.*

(b) All work necessary to meet the requirements of this section shall be completed within one year of the effective date of this section.

§2. Article 2 of subchapter 18 of chapter 1 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-996.4 to read as follows:

§27-996.4. *Waiver of requirements. (a) The commissioner may waive the requirements of section 27-996.3 of this code for which a formal application together with plans was filed provided, however, that such waiver would not significantly adversely affect provisions for safety and security and that equally safe and proper alternatives are prescribed and, further, that such waiver is based upon a specific finding that strict compliance with the requirement:*

- (1) would create an undue economic burden; or*
- (2) would not achieve its intended objective; or*
- (3) would be physically or legally impossible; or*

(4) would be unnecessary in light of alternatives which insure the achievement of the intended objective or which, without a loss in the level of safety, achieve the intended objective more efficiently, effectively or economically.

(b) Each application for a waiver under subdivision a of this section shall be made to the commissioner in writing, setting forth the specific reason or reasons therefor. The commissioner shall determine, under all of the circumstances presented by such application, if such requirement may appropriately be waived. The commissioner shall render such determination in a writing which shall set forth in detail the commissioner's findings and conclusions with respect to the requirement sought to be waived. A copy of such written determination shall be forwarded to the applicant. Such written determination shall be filed with the department and shall be available for public inspection.

§3. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 408

By Council Members Dilan, Brewer, Cabrera, Fidler, James, Koppell, Reyna, Rose, Vann, Williams, Rodriguez, Nelson and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of housing preservation and development to report on the number of dwellings and dwelling units created or preserved.

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 27-2097 to read as follows:

§27-2097 *Reporting. The commissioner shall provide to the mayor and the speaker of the council on a bi-annual basis a report identifying the type and number of all dwellings and dwelling units created, sponsored or preserved by the department or through programs administered by the department during the preceding six months which shall include, but shall not be limited to, rental dwelling units; dwellings or dwelling units available for ownership; dwellings or dwelling units rehabilitated or maintained as affordable housing through a preservation program; dwellings or dwelling units created, preserved or sponsored through the use of federal funding and any other dwellings or dwelling units created, sponsored or preserved through other programs or initiatives. For each such dwelling or dwelling unit, the report shall identify its funding source and the area median income for the community district in which the dwelling of dwelling unit is located. The report shall also be disaggregated by community board and must identify all dwellings or dwelling units that are anticipated or under consideration for development for the next year.*

§2. This local law shall take effect on January 1, 2011, except that the commissioner of housing preservation and development shall take such actions, including the promulgations of rules, as are necessary for implementation of this local law prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 409

By Council Members Dilan, Gentile, James, Koppell, Mealy, Vann, Williams and Nelson.

A Local Law to amend the administrative code of the City of New York, in relation to exit path markings in high-rise buildings.

Be it enacted by the Council as follows:

Section 1. Section BC 403.16 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

403.16 Exit path markings. All high-rise buildings shall be provided with photoluminescent exit path markings conforming to Section 1026. *This provision shall be retroactive and shall apply to all high-rise buildings in existence on the effective date of this section which shall have one year from the effective date of the local law that added this provision to achieve compliance.*

[Exception: Exit paths serving Group R-2.]

§2. This local law shall take immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 410

By Council Members Dromm, Brewer, Foster, James, Lander, Palma, Rodriguez, Rose and Williams.

A Local Law to amend the New York city charter, in relation to allowing immigrants lawfully present in New York city to vote in municipal elections.

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new chapter forty-six-a, to read as follows:

**Chapter 46-A
CITY ELECTIONS
Voting By Non-Citizen Residents**

§1057-b *Definitions.*

§1057-c *Registering to Vote.*

§1057-d *The role of the New York City Board of Elections.*

§1057-e *Poll administration.*

§1057-f *Municipal voter registration forms.*

§1057-g *Party affiliations.*

§1057-h *Availability of municipal voter registration forms.*

§1057-i *Absentee ballots.*

§1057-j *Registration deadlines.*

§1057-k Municipal voter notification.
 §1057-l Change of address procedures.
 §1057-m Confidentiality.
 §1057-n Community participation.
 §1057-o Transitioning to citizenship.
 §1057-p Challenges.
 §1057-q State and Federal elections.
 §1057-r Violations.

§1057-b Definitions. For purposes of this chapter, the following terms shall have the following meanings:

1. A "municipal voter" shall mean a person who is not a United States citizen, but is lawfully present in the United States on the date of the election in which he or she is voting, and has been a resident of New York City, as defined herein, for six months or longer by the date of such election, and who meets all qualifications for registering to vote under the New York state election law, except for possessing United States citizenship, and has registered to vote with the New York city board of elections under this chapter.

2. A "resident of New York city" shall mean a person who resides within the five boroughs of New York city.

3. A "municipal election" shall mean the designation, nomination and election process for a municipal officer, including the mayor, the comptroller, the public advocate, members of the city council, and the borough presidents. Municipal elections include all primary, special and general elections and all municipal ballot measures.

4. "Municipal voter registration" shall mean the method by which the New York city board of elections registers new municipal voters pursuant to the provisions of this chapter.

5. "New York state board of elections voter registration" shall mean the method currently used by the New York state board of elections to register voters under the New York state election law.

§1057-c Registering to vote. All municipal voters shall have their names entered on the city board of election's list of registered voters and may thereafter vote in any municipal election.

§1057-d The role of the New York City Board of Elections. The New York city board of elections shall create a municipal voter registration form for use by municipal voters, register municipal voters and adopt all necessary rules to carry out the provisions of this chapter. Municipal voters shall be entitled to the same rights and privileges as citizen voters with regard to municipal elections.

§1057-e Poll administration. For each municipal election, the New York city board of elections shall produce a single poll list that combines municipal voters and other voters registered under the New York state election law for each election district. Municipal voters shall not be required to form a separate line or vote in a separate location from citizens registered under the New York state election law. Poll list entries for municipal voters shall be marked with an "M". Municipal voters shall vote using the same voting methods as citizen voters.

§1057-f Municipal voter registration forms. The New York city board of elections shall design and distribute municipal voter registration forms. Such forms shall include, but not be limited to, the following:

a. Notice that individuals registering using municipal voter forms will be registered to vote in municipal elections only, and expressly state that municipal voters are not qualified to vote in state or federal elections.

b. Information on the qualifications to vote at the state and federal levels according to the New York state election law, and information on how individuals who meet such qualifications can register.

c. Notice that individuals who are not legally present in the United States at the time of the next election, or have been residents of New York city for less than six months by the time of the next election, do not qualify to register to vote as municipal voters.

d. Notice that registration and enrollment is not complete until the municipal voter registration form is received and accepted by the New York city board of elections.

e. Notice that it is a crime, along with the attendant penalties and possible immigration consequences, to procure a false registration or to furnish false information to the board of elections.

f. Notice that political party enrollment is optional, but that in order to vote in a primary election of a political party, a voter must enroll in that political party.

g. Notice that a voter notification form will be mailed to each applicant whose completed form is received.

h. The telephone number of the relevant county board of elections and a phone number at the state board of elections that an individual may call to obtain answers to questions regarding registration, if one exists.

i. The form shall also include the following:

1. Space to indicate the name and address of the applicant.

2. Space to indicate the date of birth of the applicant.

3. Space to indicate whether the applicant is a citizen of the United States.

4. Space to indicate the gender of the applicant, including notice that providing such information is optional.

5. Space to indicate whether the applicant wishes to enroll in a party and, if so, which party.

6. Space to indicate the telephone number of the applicant, including notice that providing such information is optional

7. Space for the applicant to execute the form on a line which is clearly labeled "signature of applicant" preceded by the following form of affirmation: AFFIDAVIT: I swear or affirm that I will be lawfully present in the United States and will have been a resident of New York City for a minimum of six months by the time of the next election and, to the best of my knowledge, I meet all of the requirements to register to vote in New York State except for United States citizenship. This is my signature or mark on the line below. All the information contained on this application is true. I understand that if it is not true I can be convicted and fined up to \$500 and/or jailed for up to one year.

§1057-g Party affiliations. Individuals who enroll in a political party using a municipal voter registration form shall be considered qualified members of that party for the purposes of primary elections and candidate nomination processes.

§1057-h Availability of municipal voter registration forms. Municipal voter registration forms shall be made available at every location where New York state board of elections voter registration forms are available, including, but not limited to, libraries, post offices, on the internet, in public schools, and at all locations and government agencies and offices required by section 1057-a of the charter.

§1057-i Absentee Ballots. The New York city board of elections will develop an absentee ballot and absentee voting procedures for municipal voters.

§1057-j Registration deadlines. Registration deadlines for municipal voters in each election shall be the same as the deadlines set by the New York state board of elections for citizen voters in that election.

§1057-k Municipal voter notification. The New York city board of elections shall create and implement a municipal voter notification system consistent with New York state election law.

§1057-l Change of address procedures. The New York city board of elections shall create a process, consistent with the process used by the New York state board of elections for citizen voters, by which a municipal voter can change or update his or her address.

§1057-m Confidentiality. a. No inquiries shall be made as to the immigration status of potential municipal voter or municipal voter, other than to ascertain whether he or she qualifies to vote under this chapter. If such information is volunteered to any city employee, it will not be recorded or shared with any other federal, state, or local agency, except as otherwise required by law.

b. All federal, state, and municipal confidentiality policies that pertain to citizen voters shall also apply to municipal voters.

c. No municipal voter shall be asked to produce photographic identification or proof of address as a prerequisite for voter registration, except as required by state or federal law.

d. Lists of municipal voters shall not be published, distributed or otherwise provided to the public separately or distinctly from the complete voter registration list of all qualified voters in New York city or a political subdivision thereof.

§1057-n Community participation. The New York city board of elections shall consult regularly with appropriate organizations, including advocacy groups and community associations, in the implementation of these provisions.

§1057-o Transitioning to citizenship. Municipal voters who are registered to vote under this chapter and who subsequently become United States citizens shall remain qualified to vote under this provision until such time as they no longer meet the qualifications set forth in this chapter or until they register to vote on a New York state board of elections voter registration form. Upon filing of an individual's New York state voter registration form, such individual's existing municipal voter registration shall become invalid.

§1057-p Challenges. Any municipal voter's qualifications to register to vote under this chapter may be challenged according to the terms of the New York state election law, except that "The Qualification Oath" shall be altered for municipal voters to read: "You do swear (or affirm) that you are eighteen years of age or older, that you are lawfully present in the United States, that you are a resident of this state and of New York city, that you still reside at the same address from which you have been duly registered in this election district, that you have not voted at this election, and that you do not know of any reason why you are not qualified to vote at this election. You do further declare that you are aware that it is a crime to make any false statement and that all the statements you have made to the board have been true and that you understand that a false statement is perjury and, if you make such a false statement, you will be guilty of a misdemeanor."

§1057-q State or Federal elections. Nothing in this chapter shall be construed so as to confer upon non-citizens the right to vote for any state or federal office or on any state or federal ballot question.

§1057-r Violations. a. Any person who knowingly and willfully violates any provision of this chapter shall be guilty of a misdemeanor.

b. A public officer who knowingly and willfully omits, refuses or neglects to perform any act required of him by this chapter, who knowingly and willfully refuses to permit the doing of any act authorized by this chapter or who knowingly and willfully hinders, or delays or attempts to hinder or delay the performance of such an act is, if not otherwise provided by § 17-128 of the election law or any other law, guilty of a misdemeanor.

c. Any person convicted of a misdemeanor under this section shall be

punished by imprisonment for not more than one year, or by a fine of not less than one hundred dollars or more than five hundred dollars, or a combination of fine and imprisonment.

§2. This local law shall be effective 180 days after its enactment.

Referred to the Committee on Governmental Operations.

Int. No. 411

By Council Members Fidler, Cabrera, Foster, Gentile, Gonzalez, Nelson, Rose, Sanders, Vann, Lappin, Rodriguez and Koo.

A Local Law to amend the New York city charter, in relation to ensuring a minimum level of gifted and talented programs in public schools.

Be it enacted by the Council as follows:

Section 1. Legislative findings. Approximately 1.1 million students attend public school within the City of New York. Many of these students are exceptionally bright and talented, and their needs are not fully met by the school system because there are not enough programs for gifted and talented students.

The Council finds that the lack of programs for gifted and talented students negatively impacts the quality of education in New York City and is a significant cause of parents leaving the public school system and the City in order to find appropriate placements for their children. This deterioration in quality can be remedied through appropriate legislation that ensures a minimum level of gifted and talented programs in public schools.

§2. Chapter 20 of the New York city charter is hereby amended to add a new section 530-A to read as follows:

§ 530-A *Gifted and Talented*. a. *Definitions*. The following terms shall have the following meanings:

1. “Department” shall mean the New York city department of education.

2. “Gifted and talented programs” shall mean programs that are developed for and restricted to children who excel academically or in a special talent, and that are designed to provide enhanced, accelerated, enriched or extra instruction to such students. Such programs shall include, but not be limited to honors, advanced placement, college preparatory and accelerated placement classes, and programs at schools that limit admissions to students with above average grades and/or who pass specialized admissions tests.

3. “School district” shall mean each of the community school districts established pursuant to article 52-A of the New York state education law and, with respect to a high school, the school district in which such high school is located.

1. The department shall either:

- i. maintain the overall number of gifted and talented programs, including the number of classroom seats allocated thereto, as of the last day of school in June 2010; or
- ii. ensure that in each school district, not fewer than 10% of classroom seats are maintained for gifted and talented programs.

2. At each grade level, the average student to teacher ratio in gifted and talented programs shall be no more than the citywide average student to teacher ratio in all general academic programs at such grade level.

c. The department shall report to the city council twice annually, not later than November 1 and March 1 of each year, the total number of gifted and talented programs and the number of students attending such programs citywide, disaggregated by grade level, subject matter and school district, and shall further report on the same based on department projections for the upcoming school year to begin in September. Such report shall be promptly placed on the department’s website and made available at each school and regional office in the city.

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

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

Referred to the Committee on Education.

Int. No. 412

By Council Members Fidler, Nelson, Cabrera, Chin, Foster, Greenfield, Halloran, Jackson, James, Koo, Koppell, Koslowitz, Lappin, Oddo, Recchia, Reyna, Rivera, Ulrich, Vallone Jr., Weprin, Brewer, Mealy, Mendez, Rose, Williams, Rodriguez and Gonzalez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to hold hearings with affected community boards before a bike lane is constructed.

Be it enacted by the Council as follows:

Section 1. Subchapter three of chapter one of title nineteen of the administrative code of the city of New York is amended by adding section 19-183 to read as follows:

§19-183 *Community board hearings on the construction of bike lanes*. a. *Definitions*. For the purposes of this section, the following terms shall be defined as follows:

1. “Affected community board(s)” shall mean the community board(s) in whose district a proposed bike lane is to be constructed.

2. “Bike lane” shall mean a portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles.

b. At least three months before construction on a proposed bike lane is to begin, the department shall notify each affected community board of the proposed plans for the bike lane and shall request and hold a public hearing for and within each affected community board to receive input on such bike lanes.

c. The department shall consider comments from such public hearings and may incorporate changes, where appropriate, into its bike lane plan or cancel plans for such bike lane where it determines such bike lane would be inappropriate.

§2. This local law shall take effect ninety days after it shall have been enacted into law.

Referred to the Committee on Transportation.

Res. No. 542

Resolution calling upon the New York State Legislature to introduce, and the Governor to sign, legislation which would extend the current percentage amount of solar electric generating system expenditures eligible for a property tax abatement.

By Council Members Fidler, Dilan, Brewer, Gentile, James, Koppell, Lander, Sanders, Vann, Williams, Rodriguez and Nelson.

Whereas, Renewable energy is energy generated from natural resources such as sunlight, wind, rain, tides, and geothermal heat; and

Whereas, Because renewable energy is derived from emission-free sources that are essentially inexhaustible, and replenish naturally and constantly, renewable energy has the potential to play a significant role in New York City’s energy supply; and

Whereas, Renewable energy comes in various forms, with mainstream forms including windpower, hydropower, biomass biofuel, geothermal, and solar energy; and

Whereas, According to PlaNYC, a comprehensive sustainability plan released in 2007 that sets forth a strategy to reduce the City’s greenhouse gas footprint, New York City receives over 6% of its electricity from the State’s renewable energy resource; and

Whereas, Expanding the City’s reliance on renewable energy could help secure the City’s energy supply, reduce our greenhouse gas emissions, and improve air quality; and

Whereas, According to PlaNYC, of all the renewable energy sources, solar energy, which is energy from the sun, currently has the greatest potential to generate electricity within the five boroughs of New York City; and

Whereas, There are several ways to use the sun’s power to generate electricity; and

Whereas, One of the most promising is called concentrating solar power, which involves using mirrors to reflect and focus the sun’s rays, providing heat, which in turn helps power a generator; and

Whereas, Another is photovoltaic panels, such as the displays on the rooftops of homes and office buildings; and

Whereas, This type of energy is ideal for use in New York City because the technology to convert the sun’s ray into energy is commercially available, and the City’s abundant roofs offer ample space for panels; and

Whereas, While solar energy is the ideal renewable energy resource to generate electricity in the City, it is also extremely expensive because the City’s tall buildings require more wires and cranes to carry equipment to rooftops, while extensive interconnection requirements and inspections can delay implementation; and

Whereas, For these reasons, in New York City, installation costs for solar energy are approximately 30 percent higher than in New Jersey and 50 percent higher than in Long Island; and

Whereas, The cost of installing solar electric generating systems depends on a number of variables, such as property size, whether the property is off-grid or on-grid, and whether the system will require a battery back-up; and

Whereas, When all of these factors are taken into account, the cost to install a solar electric generating system can range, on average, between \$15,000 and \$100,000; and

Whereas, As a result, even with incentives from the federal government and the State, the installation cost of a solar generating system continues to be extremely expensive; and

Whereas, To ensure solar energy meets its long-term potential to contribute more significantly to the City's energy supply, additional financial assistance is necessary to encourage homeowners and businesses to put solar panels on their roofs, and for utilities to buy power from large displays; and

Whereas, In 2008, New York State Governor David Paterson signed into law legislation, dubbed the "Solar Electric Generating System Property Tax Abatement", that provided a tax abatement to New York City residents and business that install a solar electric generating system on their properties; and

Whereas, The Solar Electric Generating System Property Tax Abatement provides a four-year property tax abatement against "eligible solar generating system expenditures", defined as reasonable expenditures for materials, certain labor costs, assembly and original installation, architectural and design service and plans related to the construction or installation of the solar electric generating system; and

Whereas, The amount of the property tax abatement for a taxpayer depends on when the system becomes operational; and

Whereas, If the solar electric generating system is in service before January 1, 2011, the amount of the property tax abatement would be the lesser of 8 ¾ percent of eligible expenditures in each of the four years of the compliance period, or \$62,500; and

Whereas, If the system is placed into service between January 1, 2011 and January 1, 2013, the amount of the property tax abatement would be the lesser of 5 percent of eligible expenditures over the four year period, or \$62,500; and

Whereas, The Solar Electric Generating System Property Tax Abatement provides a great first step in underscoring the importance of taking strides to ensuring a cleaner and greener New York City; and

Whereas, As the year 2011 draws near, however, the amount of solar electric generating system expenditures that are eligible for the abatement will be reduced from of 8 ¾ percent to 5 percent for newly serviced systems; and

Whereas, As energy prices continue to soar, it is imperative that the State Legislature pass legislation that would extend the abatement amount to cover 8 ¾ percent of solar electric generating system expenditures to continue to incentivize New York City homeowners and businesses to invest in cleaner, efficient and cost effective solar power, now, therefore, be it

RESOLVED, That the Council of the City of New York calls upon the New York State Legislature to adopt, and the Governor to sign, legislation which would extend the current percentage amount of solar electric generating system expenditures eligible for a property tax abatement.

Referred to the Committee on Housing and Buildings.

Int. No. 413

By Council Members Gennaro, Brewer, Fidler, Koppell, Nelson, Palma, Vann, Williams and Halloran.

A Local Law to amend the administrative code of the city of New York in relation to convening an advisory board to develop a strategic long-term plan to slow the spread of invasive plant species through measures including the creation of an invasive species list, regulation of related commerce and cultivation and public education.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that New York City has committed to plant millions of plants, including trees, in PlaNYC 2030 and in its Sustainable Storm Water Management Plan, but nowhere has New York City proposed to address invasive alien plant species in a comprehensive manner that will protect its massive investment in plantings. New York City is also considering measures to increase biodiversity in public spaces and sidewalk plantings. Yet invasive alien species present the primary threat to biodiversity and to the success of New York City's planting commitments. Without measures designed to control invasive species, the success of all of our planting initiatives and our measures to increase biodiversity is threatened. To protect our investments in planting and "greening" New York City invasive species must be controlled with all of New York City's residents playing a role.

The Council further finds that preventive actions to stop the spread of invasive plant species before they start or take hold are far more cost-effective than trying to ameliorate the problem afterwards and that action must be taken expeditiously to prevent invasive non-native plant species from causing further damage to the lands of the City of New York. According to the Nature Conservancy, invasive species are responsible for annual damages estimated at almost one hundred and twenty billion dollars nationally. As such, the Council finds that a coordinated public and private effort is needed to develop and implement an

invasive species control program along with supportive policies or strategies.

Therefore, the Council finds that it is in the best interests of the City to protect the lands of New York City and its planting commitments by creating an Invasive Species Advisory Board to develop a long-term invasives control policy, and strategies for implementation and education of the public.

§2 Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding new section 18-107.1 to read as follows:

§18-107.1 Control of Invasive Plant Species. a. Definitions. For purposes of this section the following terms shall have the following meanings:

1. "Invasive species" shall mean a species that is non-native to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health as determined by the partnership for regional invasive species management, long island and lower hudson regions, the invasive plant council of new york state and the United States department of agriculture.

2. "Invasive species advisory board" shall mean a board established to develop, implement and manage a long-term plan for current and future invasive plant species control.

3. "Control policy" shall mean measures designed to eradicate, suppress, reduce or manage invasive plant species populations, including preventing the spread of invasive species where they are present, and taking steps such as restoration of native species or habitats to reduce the effects of invasive species and to prevent further invasions.

4. "Prohibited species list" shall mean a list of prohibited invasive plant species that are unlawful to possess, import, sell, purchase or otherwise introduce by cultivation on arable land.

b. There shall be established an invasive species advisory board.

c. The invasive species advisory board shall consist of twelve members who shall include the commissioner of parks and recreation or a designee, the commissioner of environmental protection or a designee; the commissioner of transportation or a designee, the director of the department of city planning or a designee, the director of the office of long term planning and sustainability and six public members including: a representative from the New York city soil and water conservation district; a representative from cornell cooperative extension, a specialist in terrestrial invasive species; two representatives of environmental advocacy organizations; and two representatives from the nursery industry. Representatives from the brooklyn botanic garden, the new york botanical garden, the nature conservancy, the New York state department of environmental conservation, the United States fish and wildlife service and the United States department of agriculture shall be invited to participate but shall not be members of the advisory board. The speaker of the New York city council and the mayor shall jointly make the public members appointments.

d. The invasive species advisory board shall hold its first meeting no later than thirty days from the effective date of this local law and a chairperson and a secretary shall be elected by its members. The advisory board must meet at least monthly, keep a record of its proceedings, and determine the rules of its own proceedings with special meetings to be called by the chairperson upon his or her own initiative or upon receipt of a written request signed by at least four members of the board. Written notice of the time and place of such special meetings shall be given by the secretary to each member at least two weeks before the date fixed by the notice for such special meeting. Five members of the invasive species advisory board shall constitute a quorum to transact the business of such board at both regular and special meetings and a decision made by the affirmative vote of five or more members shall constitute a decision of the board.

e. The invasive species advisory board may conduct such hearings and meetings at any place or places within the city designated by the board for the purpose of obtaining necessary information or other data to assist it in the proper performance of its duties and functions as it deems necessary. The invasive species advisory board may delegate to any member of the invasive species advisory board the power and authority to conduct such hearings and meetings.

f. The invasive species advisory board shall expire, and the terms of office of its members shall terminate three years from the effective date of this section except, based upon the progress of the development of the long term plan to slow the spread of invasive species, where reauthorization is recommended by a majority of the board to the council and the council concurs and independently enacts legislation reauthorizing the board for another three year term.

g. The invasive species advisory board shall submit a written report of its findings and determinations together with its recommendations for action, to the mayor and the speaker of the council no later than two years subsequent to its first meeting.

h. Duties of the invasive species advisory board. The invasive species advisory board shall develop recommendations for a control policy, which shall, at a minimum, provide for preventing the introduction of invasive species; detecting and responding rapidly to and controlling populations of invasive species in a cost-effective and environmentally sound manner; enhancing monitoring of invasive species populations accurately and reliably; restoring native species and habitat conditions in ecosystems that have been invaded as well as conducting research on invasive species and detection protocols to prevent introduction; assuring environmentally sound control measures for invasive species; making taxonomic information more readily available to the public and promoting public education on invasive species control. Control measures shall include creation of a list of prohibited species, consistent with the list already developed by the partnership for

regional invasive species management and developed through working with the invasive plant council of the state of New York, that shall be unlawful to possess, import, sell, purchase or introduce and penalties for violation of such prohibition. The invasive species advisory board shall also work to foster greater coordination between agencies and the public, examine existing staff and funding resources needed to implement the proposed program and recommend ways to close any potential staff or funding gaps which could impede implementation.

§3. This local law shall take effect ninety days after its enactment except that the commissioner of parks and recreation, in consultation with the commissioner of environmental protection, shall take such measures as are necessary for its implementation, including the promulgation of rules prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 414

By Council Members Gentile, Brewer, Fidler, James, Koslowitz, Mealy and Palma.

A Local Law to amend the administrative code of the city of New York, in relation to placing greater regulations and restraints on the creation of driveway curb cuts; ending self-certification of curb cuts by lot owners; and providing local community board notification.

Be it enacted by the Council as follows:

Section 1. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-112.1 to read as follows:

§19-112.1 *Driveway curb cuts. a. Notwithstanding any other provision of law to the contrary, the department of transportation shall conduct a survey for each of the five boroughs of the city of New York to determine the total number of driveway curb cuts and the total number of such driveway curb cuts that are illegal under existing law. The design of the survey shall be completed no later than one hundred twenty days following the effective date of this section.*

b. The findings required in subdivision a of this section shall be submitted by the department in a written report to the council and the mayor and made available on the department's website within three hundred sixty days from the effective date of this section. The department may train and utilize volunteers to conduct this survey.

§2. Section 19-147 of the administrative code of the city of New York is amended by adding a new subdivisions h and i to read as follows:

h. Notwithstanding any other provision of law, the civil penalty for creating a curb cut without a permit and the civil penalty for violating the terms of an issued permit for a curb cut shall increase by ten dollars for each day the curb cut remains after the notice of violation has been served.

i. Notwithstanding any other provisions of law, within six months of the department of transportation's becoming aware of an illegal curb cut, the department of transportation shall restore the curb to its original condition. The department shall recover the cost of restoring the curb from the owner of any property that benefited from the illegal curb cut, the person responsible for creating the illegal curb cut, or all of such persons. The recovery of such costs shall be in addition to any civil penalty imposed in accordance with subdivision h of this section.

§3. Article 108 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007 is amended by adding a new section 28-108.4 to read as follows:

§28-108.4 *Community Board Notification. Within seven days of receipt of each new application for a permit to create a curb cut, the department shall notify the community board of the community district within which the proposed curb cut would be created of such application.*

The community board shall have sixty days from the date of notification to submit comments and recommendations to the department with respect to such application.

The department shall consider these comments and recommendations in its decision to grant or deny a permit for a curb cut and shall inspect any location proposed as the location of a curb cut prior to the issuance of a permit to create a curb cut.

§4. This local law shall take effect immediately after it is enacted into law.

Referred to the Committee on Transportation.

Int. No. 415

By Council Members Gentile, James, Koslowitz, Palma and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the restoration of illegal curb cuts.

Be it enacted by the Council as follows:

Section 1. Section 19-147 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. Curb cuts. If a curb cut is created without a permit from the department, the commissioner shall order the owner or owners of the property benefited by such curb cut to correct the violation by either restoring the curb to its proper condition or by obtaining the proper work permits and final sign-off from the department of transportation within thirty days. Failure to correct the violation of a curb pursuant to an order of the commissioner within the time designated therein shall be a continuing violation until such time as the curb is corrected to the satisfaction of the commissioner. If such violation is not corrected to the satisfaction of the commissioner within ninety days from the issuance of an order to correct, the commissioner shall restore the curb to its proper condition and the owner or owners of the property benefited by such curb cut shall be liable for the cost and expense of the restoration.

§2. This local law shall take effect sixty days from its enactment.

Referred to the Committee on Transportation.

Res. No. 543

Resolution calling on the United States Congress to refrain from cutting funding to the Supplemental Nutrition Assistance Program

By Council Members Greenfield, Brewer, Fidler, Gentile, James, Koppell, Koslowitz, Lander, Mealy, Palma, Rodriguez, Rose, Sanders and Williams.

Whereas, The United States ("U.S.") Supplemental Nutrition Assistance Program ("SNAP"), formally known as the Food Stamp Program, is a federal program administered by the U.S. Department of Agriculture ("USDA"), which provides assistance to low and no-income people and families living in the U.S.; and

Whereas, According to the USDA, in August 2010, the number of Americans receiving food stamps reached approximately 42.39 million people living in 19.72 million U.S. households, the highest number since the program began in 1939; and

Whereas, In Fiscal Year 2009, approximately 2.32 million people who participated in SNAP resided in New York State; and

Whereas, Forty-eight percent of SNAP recipients were children and another eight percent were age 60 or older; and

Whereas, Ninety-seven percent of SNAP benefits are redeemed in grocery stores and food markets, providing an economic stimulus and helping low-income families purchase food; and

Whereas, Under the American Recovery and Reinvestment Act of 2009 ("ARRA"), SNAP funding increased by an estimated \$58.5 billion, which raised maximum allotments to families by 13.6 percent and allowed most four-person households to receive an \$80 increase in their monthly SNAP allocation; and

Whereas, The U.S. Congress recently enacted legislation reducing funding to SNAP in order to offset costs for alternate federal programs; and

Whereas, The recent reduction in monies allocated to SNAP through the ARRA would effectively roll back most of the program's increased funding by April 2014; and

Whereas, As a result of the current national economic downturn, families are in dire need of additional monies to provide food for themselves and their families; and

Whereas, Congress should not only reject any further cuts to SNAP, but should enhance program funding so that families in need may be assured of financial assistance from the government; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to refrain from cutting funding to the Supplemental Nutrition Assistance Program.

Referred to the Committee on General Welfare.

Int. No. 416

By Council Members Ignizio, Gentile, James, Lander, Nelson, Palma, Rose, Williams, Halloran, Koo and Oddo.

A Local Law to amend the administrative code of the city of New York, in relation to the posting of a sign indicating that a traffic-control signal photo violation-monitoring system is in operation.

Be it enacted by the Council as follows:

Section 1. Subdivision (d) of section 19-210 of title nineteen of the administrative code of the city of New York is amended to read as follows:

(d) For purposes of this section, “traffic-control signal photo violation-monitoring system” shall mean a device installed to work in conjunction with a traffic-control signal which, during operation, automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law. *Such “traffic-control signal photo violation-monitoring system” shall include signs, visible to traffic approaching from all directions, to warn drivers that such a system is in operation at an intersection.*

§2. This local law shall take effect sixty days after it is enacted into law.

Referred to the Committee on Transportation.

Int. No. 417

By Council Members Koppell and Foster.

A Local Law in relation to renaming one thoroughfare in the Borough of the Bronx, Southern Boulevard, and to amend the official map of the city of New York accordingly and co-naming one thoroughfare Dr. Theodore Kazimiroff Boulevard in the Borough of the Bronx.

Be it enacted by the Council as follows:

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

New Name	Present Name	Limits
Southern Boulevard	Dr. Theodore Kazimiroff Boulevard	From Fordham Road to Allerton Avenue

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

New Name	Present Name	Limits
Dr. Theodore Kazimiroff Boulevard	Southern Boulevard	From Fordham Road to Allerton Avenue

§3. The official map of the city of New York shall be amended in accordance with the provisions of section one of this local law only.

§4. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 418

By Council Members Koslowitz, Dromm, Ferreras, Fidler, Foster, Gentile, James, Palma, Rodriguez, Rose, Van Bramer, Williams, Nelson and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to replacing all uncovered street litter baskets.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-132.1 to read as follows:

16-132.1 Replacement of uncovered street litter baskets. Within ten years of the effective date of this section, the commissioner shall replace, or require the replacement of, all uncovered litter baskets, containers or receptacles placed in a publicly accessible location by the department or its authorized agent for the public disposal of litter, with baskets, containers or receptacles that are designed to prevent litter placed in such basket, container or receptacle from overflowing onto the public location where such basket, container or receptacle has been placed.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 419

By Council Members Koslowitz, Dromm, Ferreras, Rose, Van Bramer, Nelson and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring food service establishments to encase single service utensils in protective coverings.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-197 to read as follows:

§17-197 Encasing single service utensils in protective coverings. a. For the purposes of this section, the term “single service utensil” shall mean any knives, spoons or forks that are intended by the manufacturer for single eating usage and generally recognized by the public as items to be discarded after one usage.

b. No food service establishments shall offer single service utensils for use by customers unless such utensils are encased in a protective covering.

§2. This local law shall take effect ninety days after its enactment into law, provided that the commissioner may promulgate any rules necessary for implementing and carrying out the provisions of this section prior to its effective date.

Referred to the Committee on Health.

Int. No. 420

By Council Members Lander, James, Rose and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the dissemination of information concerning Local Law 10 of 2008.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 8 of the administrative code of the city of New York is amended to add a new section 8-132 to read as follows:

§8-132. a. For purposes of this section, “subsidy providing agency” shall mean the administration for children’s services, the department of homeless services, the department of housing preservation and development, the human resources administration/department of social services, the new york city housing authority, and any other city agency that administers any form of federal, state or local public or housing assistance.

b. The commission shall develop a pamphlet regarding source of income discrimination. At a minimum, such pamphlet shall make clear that Local Law 10 of 2008 protects recipients of any kind of federal, state or local public or housing assistance from housing discrimination based on their source(s) of income and shall include detailed information regarding the actions that an individual may take if such individual believes that he or she is a victim of source of income discrimination.

c. The commission shall furnish subsidy providing agencies with such pamphlet in sufficient quantity to enable each agency to distribute such pamphlet to each housing subsidy recipient.

d. Subsidy providing agencies shall provide such pamphlet to each housing subsidy recipient concomitant with the issuance of each subsidy.

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

Referred to the Committee on General Welfare.

Int. No. 421

By Council Members Lander, Gonzalez and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the seizure of abandoned bicycles.

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Findings and Intent. The New York City Council finds that removing genuinely abandoned bicycles affixed to public property serves a legitimate governmental objective. Accordingly, in order to authorize the City to remove actually abandoned bicycles, and prevent bicycles that have not been abandoned from being impounded, the New York City Council finds that it is necessary to amend the Administrative Code in relation to the seizures of bicycles by (1) explicitly authorizing the seizure of actually abandoned bicycles, (b)

creating a notice requirement in connection therewith, and (c) establishing procedures for the retrieval of abandoned bicycles seized pursuant to this section.

§2. Subdivision a of section 16-122 of the administrative code of the city of New York is amended to read as follows:

a. Legislative intent. The need for this legislation is indicated by the ever increasing number of abandoned cars *and bicycles* in the city of New York. The purpose of this section is to punish those persons who abandon and/or remove component parts of motor vehicles in public streets, *and to provide for the seizure of genuinely abandoned bicycles*. It is not the intent to prohibit or preclude any person in lawful possession of a vehicle from making lawful repairs or removing any component part for the purpose of making lawful repairs or removing any component part for the purpose of making lawful repairs to a motor vehicle on a public street. *It is not the intent to prohibit or preclude any person from temporarily leaving a bicycle unattended without it being deemed to have been abandoned.*

§3. Subdivision i of section 16-122 of the administrative code of the city of New York is amended to read as follows:

i. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of this section and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which shall have the power to impose the civil penalties hereinabove provided in [subdivision] *subdivisions h and l* of this section.

§4. Section 16-122 of the administrative code of the city of New York is amended by adding new subdivisions k, l, m, n, o and p to read as follows:

k. *It shall be unlawful for any person or such person's agent or employee to abandon, or to suffer or permit to be abandoned, any bicycle, whether or not owned by such person, in any public place. The owner or operator of a bicycle shall be allowed a reasonable time, not less than thirty-six hours, within which to remove such abandoned bicycle from the public place.*

l. *Any person found to have violated any of the provisions of subdivision k of this section shall be liable for a civil penalty of not less than twenty-five dollars nor more than one hundred dollars.*

m. *Before a bicycle may be impounded pursuant to this section, the owner of such bicycle shall be given notice of the city's intent to impound the bicycle. The notice of intention to impound the bicycle shall be affixed to the bicycle and shall state the section of law violated, the date, time and location where the enforcement officer issued the notice of intent to impound. Where the operator of the bicycle to be impounded is known to the enforcement officer, the enforcement officer may give the notice of intention to impound and information to the operator explaining the procedures for obtaining release of the bicycle. The notice shall include a brief description of the bicycle, the location where the bicycle may be claimed, the applicable charges for removal and storage, and instructions on the steps necessary to request a hearing before the environmental control board. The notice shall also include a conspicuous notification to the operator and/or owner that he or she is required to contact the agency in possession of the bicycle to inform that agency if and when a hearing is scheduled on the matter. If, after thirty-six hours from the issuance of the notice of intention to impound, the bicycle is still at the same location, the city may impound the bicycle.*

n. *A bicycle impounded under this section shall be released to the owner or another person lawfully entitled to possession upon payment of the costs of removal and storage as set forth in the rules of the police department and proof of payment of any fine or civil penalty for the violation or, if a proceeding for the violation is pending in a court or before the environmental control board, upon the posting of a bond or other form of security acceptable to the police department in an amount which will assure the payment of such costs and any fine or penalty which may be imposed for the violation. The police department shall establish by rule the time within which bicycles which are not redeemed may be disposed of and the procedures for disposal.*

o. *The owner of a bicycle that has been impounded shall be given the opportunity for a hearing regarding the impoundment before the environmental control board within five business days of the impoundment. The environmental control board shall render a determination within three business days after the conclusion of the hearing. Where the board finds that there was no basis for the impoundment, the owner shall be entitled to immediate possession of the bicycle without charge or to the extent that any amount has been previously paid for the release of the bicycle, such amount shall be refunded.*

p. *Upon the impoundment of a bicycle, a reasonable attempt will be made to give the owner of the bicycle written notice of the procedure for redemption of the bicycle and the procedure for requesting a post seizure hearing. Where the operator is not the owner thereof, notice provided to the operator shall be deemed to be notice to the owner. Where the defendant or respondent is less than eighteen years old, such notice shall also be mailed to the parent, guardian or, where relevant, employer of the respondent, if the name and address of such person is reasonably ascertainable.*

§3. This local law shall take effect thirty days after it is enacted into law.

Referred to the Committee on Transportation.

Res. No. 544

Resolution calling upon the New York City Department of Education to improve the process for Gifted and Talented testing by processing exams earlier and making sure that parents selecting Gifted and Talented schools are removed from their zoned school's register in a timely manner.

By Council Members Lappin, Brewer, Cabrera, Fidler, Foster, Gentile, Palma, Rose and Williams.

Whereas, The New York City Department of Education (DOE) provides a standards-based instructional program for students with "exceptional capacity or creative talent"; and

Whereas, The DOE Department of Gifted/Talented & Enrichment is responsible for developing policy and program recommendations to meet the educational needs of gifted students while also ensuring equity of access to G&T programs for all students in New York City public schools; and

Whereas, These gifted and talented programs are district-based and begin in kindergarten or first grade in every borough; and

Whereas, According to the DOE, gifted and talented students are identified after a rigorous testing process; and

Whereas, The DOE then places those identified as gifted and talented in programs located in various schools across the City; and

Whereas; Families interested in applying for seats in elementary school gifted and talented programs for 2011 must submit a "request for testing" form by November 17, 2010 in order to register their child for the required admissions test; and

Whereas, According to the DOE, the test will be administered at various times from January through March, and the scores will be available in May; and

Whereas, Students who score at or above the 90th percentile on the admissions test will receive an application upon which they can rank their preferences for gifted and talented programs in their district; and

Whereas, Students entering kindergarten and first grade who score at or above the 90th percentile on the admissions test will be guaranteed a seat in a district gifted and talented program as long as they rank all the district's programs on their application; and

Whereas, A gifted and talented program placement is not guaranteed for students testing for second and third grade seats, even if they score at or above the 90th percentile, seats are only open to the extent that vacancies are available in existing classes; and

Whereas, Additionally, students who score at or above the 97th percentile will be able to also rank the citywide gifted programs on their application, however, admission to these programs is not guaranteed in any grade; and

Whereas, Currently, the process used to identify these students is cumbersome and time consuming leaving many families scrambling with uncertain placements until at least June; and

Whereas, While these decisions are being made, many children are left on their zoned school's register, thereby using a slot that may in actuality be vacant; and

Whereas, The timing of test results and the lateness of decisions creates anxiety and confusion for families trying to plan for the school year and limits a community schools' capacity to serve children; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to improve the process for Gifted and Talented testing by processing exams earlier and making sure that parents selecting Gifted and Talented schools are removed from their zoned school's register in a timely manner.

Referred to the Committee on Education.

Int. No. 422

By Council Members Mendez, Ulrich, Cabrera, Koppell, Palma and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to providing smoke-free zones in pedestrian plazas and public parks, to repeal subdivision b of section 17-513 of the administrative code of the city of New York, in relation to requiring a study regarding the prevention of second-hand smoke circulation in restaurants.

Be it enacted by the Council as follows:

Section 1. Section 17-502 of the administrative code of the city of New York is amended by adding new subdivisions oo, pp, qq and rr to read as follows:

oo. "Park or other property under the jurisdiction of the department of parks and recreation" means public parks, beaches, waters and land under water, pools, boardwalks, marinas, playgrounds, recreation centers and all other property, equipment, buildings and facilities now or hereafter under the jurisdiction, charge or control of the department of parks and recreation.

pp. "Pedestrian plaza" means an area designated by the department of transportation for use as a plaza located within the bed of a roadway, which may contain benches, tables or other facilities for pedestrian use.

qq. "Smoke-free zone within a park or other property under the jurisdiction of the department of parks and recreation" means any indoor area within a park or other property under the jurisdiction of the department of parks and recreation and a clearly designated outdoor area of up to one-eighth of the total acreage of a park or other property under the jurisdiction of the department of parks and recreation. For any park or other property under the jurisdiction of the department of parks and recreation that is larger than two acres, there shall be at least two areas designated as smoke-free zones; provided, however, that the combined acreage of such areas shall equal no more than one-eighth of the total acreage of such park or other property under the jurisdiction of the department of parks and recreation.

rr. "Smoke-free zone within a pedestrian plaza" means a clearly designated area of up to one-eighth of the total acreage of a pedestrian plaza.

§ 2. Subdivision c of section 17-503 of the administrative code of the city of New York is amended by adding a new paragraph 7 to read as follows.

7. Smoke-free zones within pedestrian plazas.

§ 3. Subdivision d of section 17-503 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. Smoke-free zones within any park or other property under the jurisdiction of the department of parks and recreation; provided, however, that this paragraph shall not apply to: (a) the sidewalks immediately adjoining parks, squares and public places; (b) any park strip or park mall that serves as a pedestrian route through property located adjacent to vehicular traffic designed primarily for pedestrians to cross vehicular thoroughfares; and (c) parking lots.

§ 4. Section 17-507 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. The department of parks and recreation shall have the power to enforce section 17-503 as it relates to property under its jurisdiction.

§ 5. The title of section 17-513 of the administrative code of the city of New York is amended to read as follows.

§ 17-513 Rules [and report].

§ 6. Subdivision b of section 17-513 of the administrative code of the city of New York is REPEALED and a new subdivision b is added to read as follows.

b. The department of parks and recreation and the department of transportation may promulgate rules as may be necessary for the purpose of implementing and carrying out the provisions of this chapter.

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

Referred to the Committee on Health.

Res. No. 545

Resolution urging the Port Authority of New York and New Jersey to quickly select a solution to the Bayonne Bridge height issue so that super ships can be accommodated once the widening of the Panama Canal is completed in 2015.

By Council Members Nelson, Fidler, Foster, Gentile, Lander, Rose and Sanders.

Whereas, According to the Port Authority of New York and New Jersey (Port Authority), the Port of New York and New Jersey (Port) is the largest port on the East Coast and the third-largest in the nation, supporting approximately 269,000 jobs in the region and providing \$5 billion in annual federal, state and local tax revenues; and

Whereas, The Bayonne Bridge, which was built by the Port Authority and opened in 1931, goes over the Kill van Kull and connects Staten Island to Bayonne, New Jersey; and

Whereas, Up until the New River Gorge Bridge in West Virginia was completed in 1977, the Bayonne Bridge was the world's longest steel-arch bridge with an arch of 1,675 feet; and

Whereas, In the 1930s, the United States Navy's tallest ships could pass under the bridge's 151 feet clearance, from the surface of the water to the under side of the bridge, however, this height now presents a navigational challenge for some vessels today; and

Whereas, After the Panama Canal expansion is completed, which is estimated to occur in 2015, it will be easier for massive new container ships to access the east coast seaports yet, these ships will be unable to enter the Port of New York and New Jersey due to the height of the Bayonne Bridge; and

Whereas, In 2008, the Port Authority commissioned the United States Army Corps of Engineers (USACE) to perform an assessment of the economic benefits of a remedy to the height challenge and consequences of not doing anything; and

Whereas, The USACE report concluded that the national economic benefits that would come from fixing the problem would far outweigh the costs; and

Whereas, Some of the solutions that are being considered are jacking up the current road deck, creating a lift bridge mechanism at the center of the bridge, or building a brand new bridge or tunnel; and

Whereas, According to the USACE study, jacking up the bridge would produce \$169 million in average annual net benefits over the 50-year project life, a

new bridge would produce \$148 million, a bored tunnel would produce \$150 million, and an immersed tunnel would create \$93 million in average annual net benefits; and

Whereas, The USACE report also recommends that the Port Authority undertake further analyses to identify the best bridge or non-bridge alternative; and

Whereas, In following with the recommendations, the Port Authority's Board of Commissioners approved \$10 million in 2009 to complete a planning analyses that would recommend a course of action and project alternatives; and

Whereas, While the analysis is still underway, the Port Authority Board announced in September 2010 that it will provide up to \$1 billion in its capital planning process to finance a solution for the bridge; and

Whereas, If the Port Authority does not find a solution soon, it will cost the Port thousands of jobs and billions of dollars in commerce and since most of the options for the bridge will take numerous years to complete, time is running out for a solution; now, therefore, be it

Resolved, That the Council of the City of New York urges the Port Authority of New York and New Jersey to quickly select a solution to the Bayonne Bridge height issue so that super ships can be accommodated once the widening of the Panama Canal is completed in 2015.

Referred to the Committee on Waterfronts.

Int. No. 423

By Council Members Palma, Cabrera, Dromm, James, Lander, Rose, Vann, Williams, Rodriguez and Halloran.

A Local Law to amend the New York City charter, in relation to requiring the advice and consent of the council for mayoral appointees.

Be it enacted by the Council as follows:

Section 1. Section 6 of Chapter 1 of the New York City charter is amended to read as follows:

§6. Heads of departments; appoint; remove.

a. The mayor shall appoint the heads of administrations, departments, and all commissioners not elected by the people, except as otherwise provided by law[.], provided, however, that all such appointments shall be subject to the advice and consent of the council after a public hearing. Within thirty days after the first stated meeting of the council after receipt of a mayoral nomination for such an appointment, the council shall hold a hearing and act upon such nomination. In the event the council does not act within such period, the nomination shall be deemed to be confirmed. Notwithstanding anything in this subdivision to the contrary, appointments of heads of those units within the executive office of the mayor shall not be subject to the advice and consent of the council.

§2. This local law shall take effect immediately following its approval by vote of the electorate.

Referred to the Committee on Governmental Operations.

Res. No. 546

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

By Council Member Recchia.

Whereas, On June 29, 2010 the Council of the City of New York (the "City 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 Description/Scope of Services for the SCAN-New York Volunteer Parent - Aides Association, Inc, an organization receiving youth discretionary funding in the amount of \$21,414 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Theatre Rehabilitation for Youth, Inc., an organization receiving youth discretionary funding in the amount of \$2,000 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Reading Excellence and Discovery (READ) Foundation, Inc., an organization receiving youth discretionary funding in the amount of \$22,500 within the budget of the Department of Youth and Community

Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Mind Builders Creative Arts Center, Inc., an organization receiving youth discretionary funding in the amount of \$7,000 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Ansoh Center for Refugees, an organization receiving youth discretionary funding in the amount of \$7,714 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Beacon Parents Forum, an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the East Side Middle School, an organization receiving local discretionary funding in the amount of \$14,000 within the budget of the Department of Education; 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 the Mind Builders Creative Arts Center, Inc, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new Description/Scope of Services for the Staten Island Integrated Service Center DOE District 31, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Education in 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 Description/Scope of Services for the Morris Park Community Association, an organization receiving local discretionary funding in the amount of \$10,000 within the budget of the Department of Youth and Community Development in 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 Description/Scope of Services for the Mosholu Preservation Corporation, an organization receiving local discretionary funding in the amount of \$3,000 within the budget of the Department of Youth and Community Development in 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 Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving aging discretionary funding in the amount of \$10,000 within the budget of the Department for the Aging in 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 Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving local discretionary funding in the amount of \$2,005 within the budget of the Department for the Aging in 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 Description/Scope of Services for the Glenridge Senior Citizen Multi-Service & Advisory Center, Inc, an organization receiving aging discretionary funding in the amount of \$27,750 within the budget of the Department for the Aging in 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 Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving aging discretionary funding in the amount of \$2,004 within the budget of the Department for the Aging in 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 Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving aging discretionary funding in the amount of \$2,010 within the budget of the Department for the Aging in 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, 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

Resolved, That the City Council approves the new Description/Scope of

Services for the SCAN-New York Volunteer Parent - Aides Association, Inc, an organization receiving youth discretionary funding in the amount of \$21,414 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services will now read: "SCAN-New York serves the 16th Council District including: after school programs/summer camps; Green Thumb beautification initiatives; community disaster alert training; literacy and recreation initiatives. These funds also support street fairs, poetry jams, trips, youth recognition days and youth forums."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Theatre Rehabilitation for Youth, Inc., an organization receiving youth discretionary funding in the amount of \$2,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services will now read: "Promotion of youth activities, specifically support for programming costs related to production of anti-bullying musicals to be presented at 5 Brooklyn schools."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Reading Excellence and Discovery (READ) Foundation, Inc., an organization receiving youth discretionary funding in the amount of \$22,500 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services will now read: "For a summer program."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Mind Builders Creative Arts Center, Inc., an organization receiving youth discretionary funding in the amount of \$7,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services will now read: "For students in the Teen Theater Program."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Ansoh Center for Refugees, an organization receiving youth discretionary funding in the amount of \$7,714 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services will now read: "For job placement services for immigrants and refugees totaling approx 15 jobs."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Beacon Parents Forum, an organization receiving youth discretionary funding in the amount of \$3,500 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Budget. The Description/Scope of Services will now read: "To provide enrichment services such as in-depth hands-on study of various artists taught by a certified UFT and arts teacher to the PS 153Q gifted and talented classes (Beacon classes)."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the East Side Middle School, an organization receiving local discretionary funding in the amount of \$14,000 within the budget of the Department of Education in the Fiscal 2011 Expense Budget. The Description/Scope of Services will now read: "Technology Upgrade."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Mind Builders Creative Arts Center, Inc, an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development in the Fiscal 2011 Expense Budget. The Description/Scope of Services will now read: "For students in the Teen Theater Program."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Staten Island Integrated Service Center DOE District 31, an entity receiving local discretionary funding within the Department of Education in the amount of \$110,000 in the Fiscal 2011 Expense Budget. The Description/Scope of Services will now read: "5k to PTA's at PS 1R, 3R, 4R, 5R, 6R, 8R, 32R, 36R, 37R, 42R, 53R, 55R, 56R, 58R, 69R. IS 7R, 24R, 34R, 72R, 75R, HS/IS 63R, Tottenville High School." and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Morris Park Community Association, an organization receiving local discretionary funding within the Department of Youth and Community Development in the amount of \$10,000 in the Fiscal 2011 Expense Budget. The Description/Scope of Services will now read: "5 To support the Bronx Columbus Day Parade."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Mosholu Preservation Corporation, an organization receiving local discretionary funding within the Department of Youth and Community Development in the amount of \$3,000 in the Fiscal 2011 Expense Budget. The Description/Scope of Services will now read: "Funds to be used for overall beautification of parks in Council District 14."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving local discretionary funding within the Department for the Aging in the amount of \$10,000 in the Fiscal 2011 Expense Budget. The Description/Scope of Services will now read: "Funding for operations of Friendship Senior Center."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving local discretionary funding within the Department for the Aging in the amount of \$2,005 in the Fiscal 2011 Expense Budget. This Resolution now changes the funding amount to \$2,006 and changes the Description/Scope of Services to read: "Funding for operations of Friendship Senior Center."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Glenridge Senior Citizen Multi-Service & Advisory Center, Inc., an organization receiving aging discretionary funding in the amount of \$27,750 within the budget of the Department for the Aging in the Fiscal 2011 Expense Budget. The Description/Scope of Services will now read: "For the expansion of Senior services, with expanded outreach, consultants, and fundraising."; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving aging discretionary funding within the Department for the Aging in the amount of \$2,003 in the Fiscal 2011 Expense Budget. This Resolution now changes the funding amount to \$2,004 and changes the Description/Scope of Services to read: "Funding for operations of Theodora Jackson "; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for the Jamaica Service Program for Older Adults, Inc. (JSPOA), an organization receiving aging discretionary funding within the Department for the Aging in the amount of \$2,009 in the Fiscal 2011 Expense Budget. This Resolution now changes the funding amount to \$2,010 and changes the Description/Scope of Services to read: "Funding for operations of Theodora Jackson "; 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 2011 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 2011 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 certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 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 (CASA) Initiative in accordance with the Fiscal 2011 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 Citywide Taskforce on Housing Court Initiative in accordance with the Fiscal 2011 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 organizations receiving funding pursuant to the HIV/AIDS-Faith Based Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 6, ; and be it further

Resolved, That the City Council approves an Initiative Fund Transfer. As set forth in Chart 7, funding in the amount of \$160,000 for the CASA initiative within the budget of the Department of Consumer Affairs will be removed and provided to fund CASA in the same amount within the budget of the Department of Youth and Community Development.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of Exhibits, please see the Attachment to the Resolution following the Report of the Committee on Finance for Res No. 546 printed in these Minutes).

Res. No. 547

Resolution calling on the Governor of New York to immediately rescind the Secure Communities Memorandum of Agreement.

By Council Members Rodriguez, Dromm, Ferreras, Mark-Viverito, Cabrera, James, Lander, Williams and Reyna.

Whereas, On May 18, 2010, the New York State Division of Criminal Justice Services entered into a Memorandum of Agreement with U.S. Immigration and Customs Enforcement ("ICE") of the Department of Homeland Security ("DHS") regarding the implementation of the Secure Communities program; and

Whereas, Under the Secure Communities program, states enter into agreements with ICE to identify and remove criminal non-citizens from the United States by using fingerprint-based biometric technology during the booking process; and

Whereas, Under the Secure Communities program, fingerprints taken by local law enforcement officers during booking are automatically checked against DHS records; and

Whereas, If fingerprints taken by local law enforcement officers match those in DHS records, local ICE officers are automatically notified in order to determine whether any action is required; and

Whereas, Once a Memorandum of Agreement is entered into between a state and ICE, ICE works with the state's identification bureaus to develop deployment plans for activating the biometric information sharing capability in their jurisdictions; and

Whereas, ICE reports that as of November 2, 2010, the Secure Communities program has been activated in 752 jurisdictions in 34 states since 2008; and

Whereas, According to ICE, Secure Communities is active in every jurisdiction in Arizona, Delaware, Florida, Texas, Virginia and West Virginia; and

Whereas, ICE plans to have the biometric sharing capability of the Secure Communities program activated nationwide by 2013; and

Whereas, ICE is not responsible for the costs incurred by states and their jurisdictions for holding a non-citizen on detainer, nor does ICE reimburse localities for detaining an individual, which renders localities solely responsible for the expenses incurred by holding a person on detainer; and

Whereas, Based on ICE data reviewed by the Benjamin N. Cardozo School of Law, the Center for Constitutional Rights, and the National Day Laborer Organizing Network, only 20% of the more than 46,000 people deported under Secure Communities were charged with or convicted of serious crimes and the majority of people deported under Secure Communities had no criminal records or had been picked up for low-level offenses; and

Whereas, According to critics of the program, Secure Communities violates due process and will lead to the automatic deportation of many people with minor criminal violations, or who paid their debt to society long ago and are now fully contributing to their families and our state; and

Whereas, Localities nationwide have formally expressed their opposition and desire to opt-out of the program including Arlington County, Virginia, Washington, D.C., and San Francisco, CA; and

Whereas, According to ICE, there is no way for a jurisdiction to opt-out of the Secure Communities program once a state has entered into a Memorandum of Agreement with ICE to implement the program; and

Whereas, The Washington, D.C. Metropolitan Police Department is the only local law enforcement agency to successfully terminate its signed Memorandum of Agreement; and

Whereas, New York government officials can follow the example of Washington, D.C., which rescinded its Secure Communities Memorandum of Agreement on June 23, 2010, after receiving public input on the program by having the chief of police, who had originally signed the MOA, send a letter stating that Washington, D.C. no longer wished to participate in the program; and

Whereas, New Yorkers strongly believe that due process is a human right, the denial of which puts all of our freedoms at risk; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Governor of New York to immediately rescind Secure Communities Memorandum of Agreement.

Referred to the Committee on Immigration.

Res. No. 548

Resolution calling on New York State Governor-Elect Andrew Cuomo to continue and expand the Immigrant Pardon Board to ensure that legal permanent residents who paid their debts to, and are now productive members of, society can continue to contribute to our great State.

By Council Members Rodriguez, Cabrera, Dromm, Foster, James, Koppell, Lander, Rose, Sanders, Williams and Dickens.

Whereas, New York State is home to 4.2 million immigrants, making it the state with the second-highest population of immigrants in the nation; and

Whereas, Immigrants in New York State contribute a substantial portion of the economic activity and culture of the state; and

Whereas, In New York City alone, immigrants accounted for approximately one-third of the gross city product in 2008; and

Whereas, In 1996, Congress made amendments to the Immigration and Naturalization Act that: (i) narrowed or completely eliminated various forms of relief from deportation proceedings as a result of a criminal conviction; and (ii) expanded the class of crimes known as “aggravated felonies” that make an immigrant eligible for deportation; and

Whereas, As a result of these changes, as well as the federal government’s aggressive detention and deportation efforts for non-citizens who are convicted of crimes, the number of deportations based on criminal grounds has dramatically increased, with 2010 as a record high year for deportations nationwide; and

Whereas, Many legal permanent residents are unaware of the changes to this law, and may be flagged for deportation while applying for green card renewals or citizenship; and

Whereas, In addition, under the New York State Criminal Procedure Law, the criminal court is only required to counsel defendants on the possibility of deportation, exclusion or denial of naturalization at the time of a plea allocution for a felony, but never for a misdemeanor or a violation; and

Whereas, Legal permanent residents often receive mandatory deportation orders for past crimes, even if these crimes were minor; and

Whereas, As a result of deportations on criminal grounds, it is estimated that more than one million family members have been separated from loved ones since 1997; and

Whereas, In many cases, families of detained and/or deported immigrants lose their primary breadwinner, forcing them to become dependent on social services; and

Whereas, The detention and deportation system often sends New York’s immigrant residents thousands of miles away to immigration detention centers located in Texas, Louisiana, and Alabama, where they are deprived of adequate access to counsel, medical care, family, and evidence necessary to defend themselves against deportation; and

Whereas, This creates a situation where thousands of legal permanent residents, who are rehabilitated and have paid their debt to society, are deported back to countries where they have no family ties, cannot find jobs, or fear for their lives; and

Whereas, Under the New York State Constitution and the State’s Executive Law, the governor is permitted to grant reprieves, commutations and pardons after a person is convicted of a crime; and

Whereas, The governor will consider pardoning an immigrant when there is no other administrative or legal remedy available in various cases, including to prevent deportation or to permit reentry into the United States; and

Whereas, In response to the large number of pardon requests coming from immigrants, Governor Paterson created the Immigrant Pardon Panel in May 2010 in order to review pardon applications of legal permanent residents facing deportation as a result of criminal convictions if they have been fully rehabilitated and are now positive contributors to society; and

Whereas, Governor Paterson’s office expects to receive more than 1,000 pardon applications since the Panel was announced in May 2010; and

Whereas, Until comprehensive immigration reform is passed at the federal level, the Pardon Panel remains one of the few avenues that exist to prevent deportation for legal residents who long ago paid their debt to society; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Governor-Elect Andrew Cuomo to continue and expand the Immigrant Pardon Board to ensure that legal permanent residents who paid their debts to, and are now productive members of, society can continue to contribute to our great State.

Referred to the Committee on Immigration.

Int. No. 424

By Council Members Vallone Jr. and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to collective bargaining rights of department of environmental protection police officers.

Be it enacted by the Council as follows:

Section 1. Subparagraph ii of paragraph 4 of subdivision a of section 12-307 of the administrative code of the city of New York is amended to read as follows:

(ii) employees of the uniformed police service shall also include persons employed at any level of position or service by the police department of the city of

New York as traffic enforcement agents and supervisors of traffic enforcement agents, and school safety agents and supervisors of school safety agents, *and persons employed at any level of position or service by the department of environmental protection as police officers;*

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

Referred to the Committee on Civil Service and Labor.

Int. No. 425

By Council Members Vallone Jr., Brewer, Cabrera, Dromm, Ferreras, Foster, Gentile and Koppell.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting pet owners from restraining animals outdoors for longer than three hours in any continuous twelve hour period.

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is hereby amended by a new section 17-196 to read as follows:

§17-196 *Restraining animals outdoors.* a. No person shall tether, leash, fasten, chain, tie, secure or restrain any animal outdoors or cause such animal to be tethered, leashed, fastened, chained, tied, secured or restrained outdoors for longer than three hours to a stationary object in any continuous twelve hour period.

b. Any person who violates subdivision a of this section or any of the rules promulgated thereunder shall, for a first offense be issued a written warning. For a second such offense such person shall be guilty of a violation punishable by a fine not to exceed two hundred fifty dollars and, for any subsequent offense within a continuous twelve month period, shall be guilty of a class B misdemeanor punishable by a fine not to exceed five hundred dollars or by imprisonment of not more than three months, or both. In addition to such penalties, any person who violates subdivision a of this section shall be liable for a civil penalty of not less than two hundred fifty dollars or more than five hundred dollars.

c. Authorized officers, veterinarians and employees of the department, and of the police department, and any other persons designated by the commissioner, shall be empowered to enforce the provisions of this section or any rule promulgated hereunder.

d. The provisions of this section shall not be construed to prohibit the department, the American Society for the Prevention of Cruelty to Animals or any law enforcement officer from enforcing any other law, rule or regulation regarding the humane treatment of animals.

e. The provisions of this section shall not apply to any federal, state or city law enforcement agency.

§ 2. This local law shall take effect ninety days after enactment; provided, however, that the commissioner of the department shall take such actions, including the promulgations of rules, as are necessary for timely implementation of this local law.

Referred to the Committee on Health.

Int. No. 426

By Council Members Vallone Jr., Crowley, Koppell, Lander, Nelson, Rose, Williams and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to create and maintain a database of information collected after police contacts with emotionally disturbed persons.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is hereby amended by adding a new section 14-152, to read as follows:

§14-152. *Database of emotionally disturbed persons in contact with the police.*

a. *Definition.* As used in this section, “Emotionally disturbed person” means a person who appears to be mentally ill or temporarily deranged and is conducting himself or herself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or herself or others.

b. The commissioner shall create and maintain a database containing information regarding every department incident involving an emotionally disturbed person. The database shall include, at a minimum, the location and nature of each such incident and shall be maintained in a manner that permits, at a minimum, members of the department responding to calls involving an emotionally disturbed person to access the information contained therein.

c. The commissioner may make and promulgate such rules and regulations and

establish such forms as are necessary to carry out the provisions of this section.

§2. This local law shall take effect ninety days after it shall have been enacted into law, except that prior to such effective date the police commissioner may promulgate rules or take any other action necessary for the implementation of this local law.

Referred to the Committee on Public Safety.

Res. No. 549

Resolution calling upon the New York State Assembly to pass A.5386, the New York State Senate to pass companion bill S.4673, and the Governor to sign such legislation into law, which would amend the definition of drug, as used in the sections of the New York State Vehicle and Traffic Law.

By Council Members Vallone Jr. and Halloran.

Whereas, Inhalant abuse, commonly called “huffing”, is the purposeful inhalation of chemical vapors to achieve an altered mental or physical state; and

Whereas, According to a National Institute on Drug Abuse report, nearly 23 million Americans have abused inhalants at least once in their life; and

Whereas, Abusers of inhalants inhale vapors emitted from a wide range of substances, many of which are common household products; and

Whereas, Chemical vapors used as inhalants can be found in numerous ordinary household products, such as felt-tip markers, hair products, cooking products, butane lighters, paints, and glues; and

Whereas, For the majority of users, inhalant abuse results in a rapid euphoric effect that is similar to alcoholic intoxication; users experience initial excitement, followed by drowsiness, lightheadedness, and agitation; and

Whereas, The chemicals found in volatile solvents, aerosols, and gases produce a variety of additional effects during or shortly after use that include, but are not limited to, dizziness, hallucinations, delusions, belligerence, and impaired judgment; and

Whereas, The effects produced by these inhalants cause severe impairment of the senses that result in the inability to safely operate a vehicle; and

Whereas, A.5386, currently pending in the New York State Assembly, and S.4673, currently pending in the New York State Senate, seek to expand the definition of “drug” in sections of the New York State Vehicle and Traffic Law (“VTL”) to include both hazardous inhalants and glues that produce toxic vapors; and

Whereas, A.5386/S.4673 would broaden the scope of the VTL’s driving while impaired by drugs offense to include impairment as a result of the use of inhalants; and

Whereas, In recent years there have been numerous high-profile fatal accidents across the United States that were attributed to the vehicle’s driver using a toxic inhalant; and

Whereas, For example, in January 2004, then 20-year-old Vincent Litto drove into oncoming traffic in Gerritsen Beach, Brooklyn and frontally collided with another vehicle, resulting in the death of a 17-year-old girl; moments before the fatal accident, Litto allegedly sniffed a can of Dust-Off, a computer keyboard cleaner; and

Whereas, Because the particular chemical compounds in Dust-Off are not named in the definition of drug in the Public Health Law, which is the definition used in the sections of the VTL relating to offenses concerning the operation of a motor vehicle while under the influence of alcohol or drugs, the charges of driving while intoxicated and vehicular manslaughter were subsequently dismissed against Litto; and

Whereas, The injurious and potentially fatal consequences of inhalant abuse must be recognized, and it is imperative that this existing loophole in New York State law regarding the definition of drug be addressed; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Assembly to pass A.5386, the New York State Senate to pass companion bill S.4673, and the Governor to sign such legislation into law, which would amend the definition of drug, as used in the sections of the New York State Vehicle and Traffic Law.

Referred to the Committee on Public Safety.

Res. No. 550

Resolution calling upon the New York State Legislature to enact legislation amending various sections of the Penal Law to better combat gang violence.

By Council Members Vallone Jr., Koppell and Halloran.

Whereas, Although great progress has been made combating crime in

New York City, gang related criminal activity still continues, thriving on shortcomings in the law that prescribe weak criminal penalties; and

Whereas, Dangerous and ruthless gangs, including the Bloods, Crips, Latin Kings, MS-13, and a host of others, have established their presence in our schools and communities, bringing increased incidents of robbery, assault, drug dealing, prostitution and murder to our streets and neighborhoods; and

Whereas, Gang related incidents and dangers are a focus of the New York City Council’s Committee on Public Safety and were recently highlighted at hearings conducted by the committee; and

Whereas, On October 3, 2010, nine members of the street gang called The Latin King Goonies, ranging in age from 17 to 23, allegedly held three victims against their will in a vacant Bronx apartment, assaulted and tortured all, and sodomized two of the individuals; and

Whereas, In addition to the three assaults described above, the gang members allegedly assaulted and robbed a fourth individual; and

Whereas, While the New York City Police Department and the District Attorney’s offices work diligently to bring violent gang criminals to justice, successful prosecution is often hampered by the all too common occurrence of witness intimidation and tampering; and

Whereas, These offenses occur when an individual threatens a witness or another with physical injury in an attempt to dissuade such witness from testifying in court; and

Whereas, Gang members, emboldened by the inadequate penalties prescribed for these offenses, will often intimidate witnesses into not testifying; and

Whereas, As the law currently stands, both the offenses of tampering with a witness in the third degree and intimidation of a witness in the third degree are Class E felonies; and

Whereas, If the penalties for witness intimidation and/or tampering were made more severe, we would likely experience a reduction in the frequency of gang members using such scare tactics to deter witnesses from coming forward, and ultimately, witnesses would feel more assured and justice would benefit by no longer being routinely obstructed by fearless criminals; and

Whereas, By risking exposure to only the relatively minor offense of an “E” felony, a defendant can effectively compromise the entire judicial process by successfully threatening a witness into fleeing, recanting, or refusing to testify; and

Whereas, Gang assault in the first and second degree, B and C level felonies respectively, both require that the victim of the assault be “seriously injured” for these charges to apply; and

Whereas, Countless vicious gang attacks result in physical injury to the victims that does not rise to the level of serious injury as required by law; and

Whereas, In order to expand the number of victims protected by the law and to ensure that those responsible for violent gang assaults are justly punished, the definition of second degree gang assault should be expanded to include defendants who, when acting together with two or more individuals present, attack a victim but merely cause physical injury, rather than “serious” physical injury as defined in the Penal Law; and

Whereas, It is imperative that law enforcement have the tools and resources to effectively prosecute gang criminals, and these include sensible laws and meaningful penalties for offenders; and

Whereas, Any inadequacies and shortcomings in these areas should be properly remedied so that justice can truly be carried out; and

Whereas, Amending the Penal Law to reflect these changes would enhance the ability of law enforcement to effectively prosecute and bring to justice violent gang criminals, thereby greatly enhancing the safety and quality of life for all New Yorkers; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact legislation amending various sections of the Penal Law to better combat gang violence.

Referred to the Committee on Public Safety.

Res. No. 551

Resolution calling upon the New York State Assembly to pass A.4975, the New York State Senate to introduce and pass a companion bill, and the Governor to sign such legislation into law, requiring enhanced penalties for unlicensed operation of a motor vehicle and assist in identifying drivers whose licenses have been suspended or revoked.

By Council Members Vallone Jr., Fidler, Sanders, Williams, Halloran and Koo.

Whereas, Dangerous drivers whose reckless behavior results in serious injuries and fatalities are a serious concern in the nation, the state and in New York City; and

Whereas, Of particular concern are repeat offenders who continue to put the public at risk by driving despite multiple license suspensions and/or revocations on their driving record; and

Whereas, According to the New York State Department of Motor Vehicles,

a total of 76,486 motor vehicle accidents occurred in New York City during 2008; and

Whereas, According to the AAA Foundation for Traffic Safety, Driving While Suspended/Driving While Revoked drivers are 3.7 times more likely to be involved in a fatal crash than are validly licensed drivers, while unlicensed drivers are 4.9 times more likely to be involved in a fatal accident; and

Whereas, In July, 2007, in Albany, New York 17 year-old Harrison “Harry” Carnevale was killed by an unlicensed driver attempting to flee from the police while driving home from work; and

Whereas, The unlicensed motorist had a previous arrest record that included reckless driving and aggravated unlicensed operation of a motor vehicle, and had not had a valid driver’s license for nine years at the time of the fatal accident; and

Whereas, Current state law fails to sufficiently address the problem of unlicensed driving, or those who drive with suspended licenses due to inadequate penalties; and

Whereas, A.4975, currently pending in the New York State Assembly, seeks to help identify individuals who drive without a valid license and enhance the existing criminal sanctions for unlicensed operation of a motor vehicle; and

Whereas, A.4975 would amend the Vehicle and Traffic Law by including, within the offense of aggravated unlicensed operation of a motor vehicle in the first degree, those drivers who have been previously convicted of aggravated unlicensed operation of a motor vehicle in the second degree within the immediately preceding ten years; and

Whereas, A.4975 would establish the presumption that a person with three or more license suspensions imposed upon at least three or more separate dates knows that his or her license is suspended; and

Whereas, A.4975 would provide that certain offenses related to falsification of a document and the additional element of engaging in reckless driving are included as elements for which a person may be convicted of aggravated unlicensed operation of a motor vehicle in the second degree; and

Whereas, A.4975 would require those who have committed aggravated unlicensed operation of a motor vehicle in the first and second degree to be fingerprinted in order to properly identify them in the future; and

Whereas, The New York State Senate should introduce and pass a companion bill to A.4975, which would permit the Governor to sign such legislation into law; and

Whereas, It is imperative to help ensure the safety and well-being of those who use New York's roadways, now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Assembly to pass A.4975, the New York State Senate to introduce and pass a companion bill, and the Governor to sign such legislation into law, requiring enhanced penalties for unlicensed operation of a motor vehicle and assist in identifying drivers whose licenses have been suspended or revoked.

Referred to the Committee on Public Safety.

Res. No. 552

Resolution calling upon the New York State Assembly to pass A.4388, the New York State Senate to pass companion bill S.2632, and the Governor to sign such legislation into law, requiring a mandatory jail term for individuals convicted of a third misdemeanor within ten years.

By Council Members Vallone Jr. and Gentile.

Whereas, Under New York State Criminal Procedure and Penal Law, there is currently no mandatory jail time for a person convicted of a misdemeanor offense; and

Whereas, According to a New York State Assembly memorandum, a significant majority of those convicted of misdemeanors every year have at least one prior conviction, and a large minority have more than ten prior convictions; and

Whereas, Although many of these recidivist misdemeanants are not charged with felony crimes, the constant and repetitive nature of their offenses can be equally damaging to society; and

Whereas, Misdemeanors include many violent crimes such as assault resulting in injury, domestic abuse, and resisting arrest, as well as other serious offenses such as driving while intoxicated, criminal trespassing, repeated stalking, and drug possession; and

Whereas, In 2002, Mayor Bloomberg initiated a citywide program called Operation Spotlight specifically targeting active chronic misdemeanor offenders prior to their arraignment in the criminal courts, which has led to an increase in the percentage of eligible defendants detained on bail and receiving jail sentences; and

Whereas, New York County’s District Attorney has recently advocated for enactment of tougher state legislation that would create a felony crime for defendants with multiple, persistent convictions for misdemeanors; and

Whereas, Punishing chronic misdemeanants more severely would help promote public safety; and

Whereas, A.4388, currently pending in the New York State Assembly, and companion bill S.2632, currently pending in the New York State Senate, would enhance public safety by providing appropriately severe punishment for those who repeatedly commit misdemeanor crimes; and

Whereas, A.4388/S.2632 would strengthen existing law by creating the crime of aggravated criminal conduct, thereby enabling courts to impose felony sanctions on persistent misdemeanor offenders; and

Whereas, If the problem of chronic misdemeanants is not repaired, a dilemma that endangers our public safety, drives away tourism, devalues our neighborhoods, hurts our economy, and tarnishes our City’s reputation as the safest large city in the United States, it will indeed breed more serious criminal activity; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Assembly to pass A.4388, the New York State Senate to pass companion bill S.2632, and the Governor to sign such legislation into law, requiring a mandatory jail term for individuals convicted of a third misdemeanor within ten years.

Referred to the Committee on Public Safety.

Res. No. 553

Resolution calling upon the New York State Legislature to promulgate legislation which would provide a tuition tax credit to families of private and parochial school students.

By Council Members Vallone Jr., Gentile, Greenfield and Halloran.

Whereas, Hundreds of thousands of New York’s children attend private and parochial schools in New York State; and

Whereas, These schools provide a quality education to the students who attend them, and serve a vital role in meeting the educational needs of parents and their children; and

Whereas, The public school system, particularly in New York City, is overcrowded and lacks the capacity to provide seats for all of the children who currently attend private or parochial schools; and

Whereas, If a significant number of parents were unable to send their children to private and parochial schools in the coming years, the public school system would be overwhelmed with additional students for whom it could not provide a classroom seat in a school of similar pedagogical quality and that would be not overcrowded; and

Whereas, The tuition costs of private and parochial schools have risen to levels that many families find difficult to meet within their annual budgets; and

Whereas, Parents who send their children to private or parochial schools also pay taxes that are used to support the public school system, in effect paying twice for their children’s education; and

Whereas, One effective way of providing financial relief to such parents would be to provide a tuition tax credit, which would offset New York State income tax to the extent of the tuition that parents pay to private and parochial schools; and

Whereas, New York State could provide for such a tax credit and ensure that such tax credit would be fairly and equitably offered to families that meet certain financial criteria; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to promulgate legislation which would provide a tuition tax credit to families of private and parochial school students.

Referred to the Committee on Education.

Res. No. 554

Resolution calling on the New York State Legislature to amend the Penal Law and the Criminal Procedure Law to allow prosecutors to charge both intentional murder and depraved indifference murder for the same crime.

By Council Members Vallone Jr., Fidler and Gentile.

Whereas, In *People v. Payne*, decided in 2004, the Court of Appeals of New York overturned a conviction for depraved indifference murder; the court’s holding in the case had the effect of making the charges of “depraved indifference” and “intentional” murder mutually exclusive; and

Whereas, The *Payne* case arose after a neighbor complained about Kenneth Payne’s dog, at which point Mr. Payne retrieved a 12-gauge shotgun from his closet

and then walked to the neighbor's home where he shot the neighbor point-blank in the chest; and

Whereas, The Suffolk County district attorney charged Mr. Payne with two counts of murder: intentional murder and depraved indifference murder; at the conclusion of the trial, a jury acquitted Mr. Payne of the intentional murder charge, but convicted him of depraved indifference murder and he was sentenced to the maximum prison term, 25 years to life; and

Whereas, According to Judge Rosenblatt's opinion in *Payne*, depraved indifference murder entails "extremely dangerous and fatal conduct performed without specific homicidal intent but with a depraved kind of wantonness;" and

Whereas, The court overturned Kenneth Payne's conviction because the conduct he engaged in did not fit that definition, although it did fit the definition of intentional murder; and

Whereas, Due to double jeopardy protections, Mr. Payne could not be tried again; and

Whereas, As a result of the *Payne* ruling, prosecutors are now forced to pick between the two alternative theories of "depraved indifference" and intentional murder in certain cases, and risk imperiling a homicide case if they choose wrongly; and

Whereas, Since prosecutors are forced to choose only one theory of murder, they deny jurors the important responsibility of assessing and determining the intent of the defendant; and

Whereas, Often, prosecutors must charge a defendant before gathering all of the evidence, and sometimes before being able to determine the presence or absence of homicidal intent; and

Whereas, The mutual exclusiveness of these two murder charges as defined by the *Payne* court could result in the release of dozens of convicted and confessed murderers who were not properly charged according to the strict definition of "depraved indifference" murder the *Payne* court adopted; and

Whereas, The release of admitted and guilty murderers due to a technicality would not only force the victims and their families to suffer severe injustices, it would also threaten the safety and well-being of the general public; and

Whereas, If cases like Mr. Payne's—those currently pending at the appellate level—result in murderers being set free, then this could potentially wreak havoc in our communities; and

Whereas, If an individual causes the death of another person, whether as a result of homicidal intent or of depraved wantonness, such individual should be charged with murder under both theories, regardless of the purpose of such individual's conduct; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the Penal Law and the Criminal Procedure Law to allow prosecutors to charge both intentional murder and depraved indifference murder for the same crime.

Referred to the Committee on Public Safety.

Res. No. 555

Resolution in support of pending legislation in the New York State Legislature, which would amend the Penal Law to increase the penalties for certain assaults on members of an auxiliary police program, traffic enforcement agents, and public officers or public employees performing school safety or security duties.

By Council Members Vallone, Ferreras, Fidler, Gentile, Nelson, Williams, Halloran and Koo.

Whereas, Auxiliary Police Officers, Traffic Enforcement Agents, and School Safety Agents all provide an important service to the city by ensuring the safety and security of New Yorkers; and

Whereas, The New York City Police Department's ("NYPD") Auxiliary Police consists of a volunteer cadre whose mission includes deterring crime by performing uniformed patrol; the NYPD's School Safety Division's mission includes providing a safe environment that is conducive to learning; and the NYPD's Transportation Bureau's mission includes ensuring the smooth flow of traffic; and

Whereas, While carrying out their respective missions and performing their assigned duties, auxiliary police officers, school safety agents, and traffic enforcement agents face the possibility of threats to their personal safety akin to that faced by police officers and peace officers; and

Whereas, The dangers of these jobs have been demonstrated in several recent, and tragic instances; and

Whereas, On March 14, 2007, two unarmed auxiliary police officers, Officers Nicholas Pekearo and Yevgeniy Marshalik, were shot and killed while pursuing a fleeing subject in Greenwich Village, Manhattan; and

Whereas, In March 2007, a 16-year-old student at a Jamaica, Queens high school who resisted being frisked upon arrival at the school allegedly assaulted a school safety agent and injured the agent so severely that the agent had to be taken to a local hospital; and

Whereas, In September 2010, an NYPD traffic enforcement agent suffered a fractured skull after a motorist became belligerent and attacked him when the agent tried to issue him a ticket for allegedly double parking; and

Whereas, Assaults against auxiliary police officers, school safety agents, and traffic enforcement agents in the line of duty do not currently carry the same penalties as crimes of assault against police officers, peace officers, firefighters and emergency medical services professionals; and

Whereas, In order to rectify this situation, Senator Eric Adams and Assemblyman Joseph Lentol are the sponsors of S.4576 and A.6973, respectively, which would amend the Penal Law in relation to assault on a member of an auxiliary police program, a traffic enforcement agent, and a public officer or public employee performing school safety or security duties; and

Whereas, The legislation would amend subdivision 3 of the Penal Law, assault in the second degree, a class D felony, by enabling members of an auxiliary police program organized and maintained by a state or local police department, and public officers or public employees performing school safety or security duties, to receive the same protections presently afforded to peace officers, police officers, firefighters, emergency medical services professionals, and traffic enforcement agents when they are physically injured as a result of someone trying to prevent them from performing their duties; and

Whereas, The legislation would also amend section 120.08 of the Penal Law, a class C felony, by extending the same protections peace officers, police officers, firefighters and emergency medical services professionals receive to members of an auxiliary police program organized and maintained by a state or local police department, traffic enforcement agents, and public officers or public employees performing school safety or security duties who undergo serious physical injury as a result of someone trying to prevent them from performing their duties; and

Whereas, The legislation would also make certain technical changes to the language used to describe various professionals covered under these provisions; and

Whereas, It should be recognized that auxiliary police officers, school safety agents, and traffic enforcement agents confront similar risks as those faced by peace officers, police officers, firefighters and medical services professionals in ensuring public safety; now, therefore, be it

Resolved, That the Council of the City of New York supports pending legislation in the New York State Legislature, which would amend the Penal Law to increase the penalties for certain assaults on members of an auxiliary police program, traffic enforcement agents, and public officers or public employees performing school safety or security duties.

Referred to the Committee on Public Safety.

Int. No. 427

By Council Members Van Bramer, Ferreras and James.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of high-frequency noise devices designed to repel or deter certain persons from entering upon real property.

Be it enacted by the Council as follows:

Section one. Subchapter 3 of chapter 2 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-218.2 to read as follows:

§ 24-218.2 *High-frequency devices for repelling or deterring persons from entering upon real property. No person shall use or permit to be used a device capable of emitting high-frequency sound that is designed to be audible only to children and young adults and is used for purposes of repelling or deterring such children and young adults from entering upon any real property. The provisions of this section shall not apply to law enforcement personnel acting in their official capacity or in cases of emergency, as such circumstances may be defined by the commissioner by rule.*

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

Referred to the Committee on Environmental Protection.

Res. No. 556

Resolution calling on the New York State Education Commissioner to deny Cathleen P. Black a waiver to become the next Chancellor of the New York City public school system.

By Council Members Williams, Jackson, Barron, Chin, Dromm, Fidler, Lander, Rose, Vann, Weprin, Palma, James, Mark-Viverito, Foster and Mendez.

Whereas, The New York City school system is the largest in the United States serving approximately 1.1 million students in about 1,700 schools; and

Whereas, New York City students come from a diverse array of cultures and backgrounds with varying needs and skills; and

Whereas, New York City's children are the future of our City and receive only one shot at their childhood education and deserve the best we can give; and

Whereas, Many of New York City's students in economically depressed neighborhoods have limited options and it is critical that we address their needs with an open mind and in a caring school system; and

Whereas, We are at a critical time in this City when we can choose to move in a more positive direction and take steps to address the glaring disparities currently facing many of the students within the public schools; and

Whereas, With the resignation of Joel Klein, the Mayor's surprise appointment of Cathleen Black as New York City Chancellor, without the input of parents, educators, and communities, has set an insensitive tone for the needs of the very people the New York City Department of Education (DOE) is charged with serving; and

Whereas, Although the New York City DOE is under Mayoral control, New York City school's are still governed by New York State Education Law; and

Whereas, State Education Law mandates that the Chancellor meets certain requirements; and

Whereas, According to Section 3003 of the State Education Law, the candidate should have a valid superintendents' certificate, have completed certain graduate level work and have taught for three years; and

Whereas, Additionally, Section 3003 of State Education Law allows a waiver to be granted to a candidate who does not meet such requirements but whose "exceptional training and experiences are the substantial equivalent of such requirements;" and

Whereas, The current appointee, Ms. Black has none of the necessary qualifications, comes from a media background, and does not have any roots in the system-wide education of children; and

Whereas, The children of this City deserve to be treated with respect in a school system where student needs are met, where parent concerns are heard, and where educational standards are maintained and exceeded; and

Whereas, While the New York City school system is complicated to manage, it cannot be run solely as a business, and we cannot forget that education should be about the children, their families and communities; and

Whereas, The people of New York City want a Chancellor with experience, character and qualifications that are well suited for the education of children and not merely the management of a corporation; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Education Commissioner to deny Cathleen P. Black a waiver to become the next Chancellor of the New York City public school system.

Referred to the Committee on Education.

L.U. No. 248

By Council Member Recchia:

Bethany Place, 2895-2901 Frederick Douglas Boulevard, Manhattan, Council District No. 7

Adopted by the Council (preconsidered by the Committee on Finance).

L.U. No. 249

By Council Member Recchia:

2172 Anthony Avenue, Block 3157, Lot 11, Bronx, Council District No. 15

Adopted by the Council (preconsidered by the Committee on Finance).

L.U. No. 250

By Council Member Recchia:

West Farms Square, Block 3130, Lot 20, Block 3131, Lot 20, Block 3136, Lot 1, Bronx, Council District No. 15

Adopted by the Council (preconsidered by the Committee on Finance).

L.U. No. 251

By Council Member Recchia:

Woodysun Apartments, 44-20 64th Street, Queens, Council District No. 26

Adopted by the Council (preconsidered by the Committee on Finance).

L.U. No. 252

By Council Member Recchia:

Coney Island Towers, Block 7055, Lot 13, Brooklyn, Council District No. 47

Adopted by the Council (preconsidered by the Committee on Finance).

L.U. No. 253

By Council Member Recchia:

Section 202 Supportive Housing for Elderly Program, Allen by the Bay, 22-14 & 22-22 Loretta Road, Queens.

Adopted by the Council (preconsidered by the Committee on Finance).

L.U. No. 254

By Council Member Comrie:

Application no. 20115224 HAM, In Rem Action no. 38, Application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to Section 11-412 of the Administrative Code and Article 16 of the General Municipal Law for the transfer and disposition of property and related tax exemptions located in Community Board 11, Council District no. 9, Borough of Manhattan.

Adopted by the Council (preconsidered by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

L.U. No. 255

By Council Member Comrie:

Application no. 20115225 HAR, In Rem Action no. 49, Application submitted by the Department of Finance and the Department of Housing Preservation and Development, pursuant to Section 11-412 of the Administrative Code and Article 16 of the General Municipal Law for the transfer and disposition of property and related tax exemptions located in Community Board 1, Council District no. 49, Borough of Staten Island.

Adopted by the Council (preconsidered by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

L.U. No. 256

By Council Member Comrie:

Application no. C 100287 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way or yard on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 257

By Council Member Comrie:

Application no. C 100288 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New

York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with maximum capacity of 1,260 spaces on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 258

By Council Member Comrie:

Application no. C 100289 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with maximum capacity of 322 spaces on portions of the ground floor, cellar, sub-cellar 1 and subcellar 2 of a proposed mixed use development (Parcel 1), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 259

By Council Member Comrie:

Application no. C 100290 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with maximum capacity of 161 spaces on portions of the ground floor, cellar, sub-cellar 1 and subcellar 2 of a proposed mixed use development (Parcel 2), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 260

By Council Member Comrie:

Application no. C 100291 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with maximum capacity of 203 spaces on portions of the ground floor, cellar, sub-cellar 1 and subcellar 2 of a proposed mixed use development (Parcel 3), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 261

By Council Member Comrie:

Application no. C 100292 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage

with maximum capacity of 259 spaces on portions of the ground floor, cellar, sub-cellar 1 and subcellar 2 of a proposed mixed use development (Parcel 4), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 262

By Council Member Comrie:

Application no. C 100293 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow a public parking garage with maximum capacity of 315 spaces on portions of the ground floor, cellar, sub-cellar 1 and subcellar 2 of a proposed mixed use development (Parcel 5), on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Community District 7. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 263

By Council Member Comrie:

Application no. N 100294 (A) ZRM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06 (c) (1) of the Uniform Land Use Review Procedure for amendment of the Zoning Resolution of the City of New York, concerning Section 23-144, Section 23-954, Section 74-743 and Appendix F, Borough of Manhattan, Community District 7.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 264

By Council Member Comrie:

Uniform Land Use Review Procedure Application no. N 100295 ZRM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter for amendment of the Zoning Resolution of the City of New York, concerning Section 74-74 and Section 74-744, Borough of Manhattan, Community District 7.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 265

By Council Member Comrie:

Application no. C 100296 (A) ZSM / M 920358 (D) ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP pursuant to Sections 197-c and 201 of the New York City Charter, in accordance with Section 2-06 (c) (1) of the Uniform Land Use Review Procedure Rules, for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to allow the location of buildings without regard for the applicable court, distance between buildings, height and setback regulations; the modification of the definition of outer courts and the provisions of Section 23-84; modifications to the Inclusionary Housing Program; approval to modify the original Riverside South general large-scale permit and restrictive declaration in connection with a proposed mixed use development on property bounded by West 61st Street, West End Avenue,

West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165) Borough of Manhattan, Community District 7. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 266

By Council Member Comrie:

Application no. C 100297 ZSM submitted by CRP/Extell Parcel L, LP and CRP/Extell Parcel N, LP 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 of the Zoning Resolution to allow an automotive sales and services establishment on property bounded by West 61st Street, West End Avenue, West 59th Street and Riverside Boulevard (Block 1171, Lots 155 & 165), Borough of Manhattan, Community District 7.

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, November 18, 2010

★ Deferred

Committee on **PUBLIC HOUSING** **10:00 A.M.**
Agenda to be announced
Committee Room— 250 Broadway, 16th Floor Rosie Mendez, Chairperson

★ Deferred

Committee on **AGING** **10:00 A.M.**
Agenda to be announced
Committee Room— 250 Broadway, 14th Floor Jessica Lappin, Chairperson

★ Note Location Change

Committee on **YOUTH SERVICES** jointly with the
Committee on **TECHNOLOGY** **10:00 A.M.**
Oversight - DYCD's Data Collection Systems
★ Committee Room – 250 Broadway, 16th Floor Lewis A. Fidler, Chairperson
..... Fernando Cabrera, Chairperson

★ Deferred

Committee on **EDUCATION** **1:00 P.M.**
Agenda to be announced
Committee Room— 250 Broadway, 14th Floor Robert Jackson, Chairperson

Committee on **CONSUMER AFFAIRS** **1:00 P.M.**
OVERSIGHT - DEBT SETTLEMENT COMPANIES
Committee Room – 250 Broadway, 16th Floor Daniel Garodnick, Chairperson

Committee on **WATERFRONTS** **1:00 P.M.**
Oversight - The Marine Cargo System Study
Hearing Room – 250 Broadway, 16th Floor Michael Nelson, Chairperson

Friday, November 19, 2010

★ Deferred

Committee on **LOWER MANHATTAN REDEVELOPMENT** **10:00 A.M.**
Agenda to be announced
Committee Room— 250 Broadway, 16th Floor Margaret Chin, Chairperson

★ Addition

Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES** **12:00 P.M.**
Oversight - Kendra's Law
Committee Room – 250 Broadway, 14th Floor G. Oliver Koppell, Chairperson

Monday, November 22, 2010

★ Deferred

Subcommittee on **ZONING & FRANCHISES** **9:30 A.M.**
See Land Use Calendar Available Wednesday, November 17, 2010
Committee Room— 250 Broadway, 16th Floor Mark Weprin, Chairperson

★ Addition

Committee on **AGING** **10:00 A.M.**
Oversight - Examining the Prevalence of Elder Abuse and Crimes Against the Elderly in New York City
Hearing Room – 250 Broadway, 16th Floor Jessica Lappin, Chairperson

★ Addition

Committee on **CIVIL RIGHTS** **10:00 A.M.**
Int 396 - By Council Members Rose, Chin, Dromm, Foster, James, Palma, Van Bramer, Williams and Rodriguez - A Local Law to amend the administrative code of the city of New York, in relation to the powers and duties of the commission on human rights.
Committee Room – 250 Broadway, 14th Floor Deborah Rose, Chairperson

★ Deferred

Committee on **IMMIGRATION** **10:00 A.M.**
Agenda to be announced
Committee Room— 250 Broadway, 14th Floor Daniel Dromm, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES** **11:00 A.M.**
See Land Use Calendar Available Wednesday, November 17, 2010
Committee Room— 250 Broadway, 16th Floor Brad Lander, Chairperson

★ Deferred

Committee on **CIVIL SERVICE AND LABOR** **1:00 P.M.**
Agenda to be announced
Committee Room— 250 Broadway, 14th Floor James Sanders, Chairperson

★ Note Location Change

Committee on **COMMUNITY DEVELOPMENT** **1:00 P.M.**
Oversight – Foreclosure Prevention Initiatives For New York City: Do current federal and state initiatives represent the best methods or are there more effective methods readily available?
★ Committee Room – 250 Broadway, 14th Floor Albert Vann, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS** **1:00 P.M.**
See Land Use Calendar Available Wednesday, November 17, 2010
Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Tuesday, November 23, 2010

★ Addition

Subcommittee on **ZONING & FRANCHISES** **9:30 A.M.**
See Land Use Calendar Available Wednesday, November 17, 2010
Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

★ Deferred

Committee on **HIGHER EDUCATION** **10:00 A.M.**
Agenda to be announced
Hearing Room— 250 Broadway, 16th Floor Ydanis Rodriguez, Chairperson

★ Deferred

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, 16th Floor

.....Leroy Comrie, Chairperson

Committee on **FINANCE**..... **10:00 A.M.**

Oversight - An examination of the role of the Banking Commission in selecting depository banks.

Committee Room – 250 Broadway, 14th Floor

..... Domenic M. Recchia, Chairperson

Committee on **GENERAL WELFARE**..... **1:00 P.M.**

Oversight - Fighting Hunger in New York City

Committee Room – 250 Broadway, 14th Floor Annabel Palma, Chairperson

★ *Deferred*

Committee on **TECHNOLOGY** jointly with the

Committee on **HEALTH**..... **1:00 P.M.**

Oversight — New York City’s Efforts to Implement Electronic Health Records: Infrastructure, Funding and Challenges

Committee Room – 250 Broadway, 16th Floor

..... Daniel Garodnick, Chairperson

..... Maria del Carmen Arroyo, Chairperson

Wednesday, November 24, 2010

★ *Addition*

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, 16th FloorLeroy Comrie, Chairperson

Committee on **WOMEN’S ISSUES** jointly with the

Committee on **CULTURAL AFFAIRS, LIBRARIES &**

INTERNATIONAL INTERGROUP RELATIONS.....**10:00 A.M.**

Oversight - Equal Opportunities for Women in the Arts

Committee Room – 250 Broadway, 14th Floor

..... Julissa Ferreras, Chairperson

..... James Van Bramer, Chairperson

Thursday, November 25, 2010

THANKSGIVING DAY OBSERVED

Monday, November 29, 2010

★ *Addition*

Committee on **HIGHER EDUCATION**..... **10:00 A.M.**

Oversight - How Can Textbooks Be More Affordable to College Students?

Committee Room – 250 Broadway, 14th Floor Ydanis Rodriguez, Chairperson

★ *Addition*

Committee on **PUBLIC SAFETY****10:00 A.M.**

Oversight - Examining the City’s efforts to combat Identity Theft

Committee Room – 250 Broadway, 16th Floor Peter Vallone, Chairperson

Committee on **PARKS AND RECREATION**..... **1:00 P.M.**

Oversight - The Present and Future of Community Gardens

Committee Room – 250 Broadway, 14th Floor

..... Melissa Mark-Viverito, Chairperson

Committee on **GOVERNMENTAL OPERATIONS** jointly with the

Committee on **OVERSIGHT AND INVESTIGATIONS** **1:00 P.M.**

Oversight - Evaluating the Board of Elections’ Performance in the 2010 General Election

Committee Room – 250 Broadway, 16th Floor Gale Brewer, Chairperson

.....Jumaane Williams, Chairperson

★ *Addition*

Committee on **EDUCATION** **1:00 P.M.**

Oversight - The Department of Education’s Monitoring of Students at Closing Schools

Hearing Room – 250 Broadway, 16th FloorRobert Jackson, Chairperson

Tuesday, November 30, 2010

Stated Council Meeting..... *Ceremonial Tributes – 1:00 p.m.*

..... *Agenda – 1:30 p.m.*

Location..... *~ Emigrant Savings Bank ~ 49-51 Chambers Street*.....

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 Tuesday, November 30, 2010.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor’s Local Law Note: Int Nos. 263-A, 264-A, 268-A, and 271-A, all adopted at the October 13, 2010 Stated Council Meeting, were signed by the Mayor into law on October 28, 2010 as, respectively, Local Law Nos. 54, 55, 56, and 57 of 2010; Int Nos. 373-A and 393, both adopted at the October 27, 2010 Stated Council Meeting; were signed by the Mayor into law on November 8, 2010 as, respectively, Local Law Nos. 58 and 59.

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