

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, DECEMBER 8, 2010

THE COUNCIL

Minutes of the
STATED MEETING

of
Wednesday, December 8, 2010, 3:00 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Halloran and Seabrook.

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

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

There were 49 Council Members present at this Stated Meeting held in the lobby of the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y. 10007.

INVOCATION

The Invocation was delivered by Imam Shamsi Ali, Islamic Cultural Center of New York City, 1711 3rd Avenue, New York, NY 10128.

Let's pray.
In the name of Allah,
The beneficent, the merciful,
praise be to You, Lord,
Who created us and made us
into diverse races and nations;
that we may know each other to grow
love, understanding, respect and unity.
Oh, most gracious Lord,
we declare that we are Your servants
who constantly walk on this earth
with humility, with full commitment
to peace and harmony.
God, we are fully aware
that there is a divine pattern for humanity,
and within that pattern
there is infinite love, harmony, peace,
cooperation and mutual helpfulness.
We are also aware, Lord,
that there will be a free interchange of ideas,
of cultures, of spiritual concepts,
and even scientific discoveries.
And we know also that all people of all races, religions and faith traditions
will remain individuals,
but we know that deep within each of us
the Divine pattern of perfect peace
is already implanted.
And so, guide us to be united
for a common purpose
of promoting peace and harmony between people,
that happiness and prosperity
may be fulfilled on earth.
God, Creator of the heavens and the earth,
You created all people and placed before them
the pathway of salvation
through different messengers and prophets.
But the apparent contradictions
in the interpretations of your teachings
have resulted in creating divisions,
hatred and divisiveness in our society.
God, look away the controversial interpretations
Of arrogance, divisions and hatred,
which have badly infected our hearts and our minds.
We ask you, God, to guide our leaders.
Show them the right vision to serve our City
with dedication and sincerity.
Bless their efforts, unite their hearts
and minds for the best,
despite their different ways
of seeing what is the best for our great city.
Bless us all, bless our city,
and bless and keep the United States of America.
Amen.

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

At this point in the Meeting, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individual: Marine Sergeant Nicholas Aleman.

Marine Sergeant Nicholas Aleman, 24, of Brooklyn, N.Y., was killed on December 5, 2010 while supporting combat operations in Afghanistan. Sergeant Aleman was assigned to the Deployment Processing Command Base out of Ft. Lejeune, North Carolina. He was born in Brooklyn to a family that originally emigrated from Honduras. Both of Sergeant Aleman's sisters are also presently in the Army and the Marines, respectively. He leaves behind his parents, sisters, aunts and uncles, and many relatives and friends.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Civil Rights

Report for Int. No. 396-A

Report of the Committee on Civil Rights in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the powers and duties of the commission on human rights.

The Committee on Civil Rights, to which the annexed amended proposed local law was referred on October 27, 2010 (Minutes, page 4578), respectfully

REPORTS:

I. Introduction

On Tuesday, December 7, 2010, the Committee on Civil Rights, chaired by Council Member Deborah Rose, will hold a hearing on Proposed Introductory Bill Number 396-A ("Prop. Int. No. 396-A"), 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 ("Commission"). The Committee previously held a hearing on Int. No. 396 on November 22, 2010.

II. Background

New York City's Human Rights Law ("Human Rights Law") is considered to be one of the most expansive civil rights laws in the country. Under the Human Rights Law, discrimination in employment, housing, and public accommodations on the basis of age, race, creed, color, national origin, gender, disability, marital status, partnership status, and sexual orientation is prohibited.¹ The Human Rights Law also prohibits discrimination in employment on the basis of one's arrest² or conviction record,³ or one's status as a victim of domestic violence, stalking, or sex offenses;⁴ and in housing on the basis of lawful occupation, family status, or lawful source of income.⁵

III. Overview of the Commission on Human Rights

The Commission enforces the Human Rights Law through its Law Enforcement Bureau ("LEB") and its Community Relations Bureau ("CRB").⁶ As the enforcement arm of the Commission, the LEB is responsible for receiving and investigating complaints of unlawful discrimination and, when warranted, either mediating a resolution or prosecuting the complaint.⁷ Any person who claims to be a victim of an unlawful discriminatory practice may file a complaint with the LEB.⁸ Additionally, the LEB may file a complaint on its own alleging an individual's unlawful discriminatory practice.⁹ The LEB is responsible for administering the complaint process, which starts with intake, where a complainant is interviewed by staff. At intake, staff tries to intervene and resolve the issue at hand before

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¹ See Administrative Code of the City of New York §8-107(1)-(5).

² Admin. Code §8-107(11).

³ Admin. Code §8-107(10).

⁴ Admin. Code §8-107.1

⁵ Admin. Code §8-107(5).

⁶ New York City Charter § 902(b).

⁷ New York City Commission on Human Rights, *Fighting for Justice: New York Voices of the Civil Rights Movement*, NYCCHR 2009 Annual Report, available at <http://www.nyc.gov/html/cchr/pdf/annual09.pdf>, at 8.

⁸ 47 RCNY §1-11(a)(1).

⁹ 47 RCNY §1-11(a)(2).

completing a formal complaint.¹⁰ If the issue cannot be resolved through pre-complaint intervention, a complaint may be filed.¹¹ Once a complaint is filed, an investigator or attorney is responsible for interviewing witnesses and reviewing documents.¹² At the conclusion of the investigation, the investigator or attorney is required to make a probable cause determination.¹³ If probable cause is found, the case is assigned to a staff attorney for prosecution and is referred to an administrative law judge.¹⁴ If no probable cause is found, however, the case is dismissed and the complainant has the opportunity to appeal the dismissal to the Commissioner.¹⁵ A Commission staff attorney would then be required to bring the complaint through the hearing process.¹⁶ An administrative law judge will hold a pre-trial conference to determine if the case can be settled.¹⁷ If a case cannot be settled, an administrative law judge holds a hearing and issues a "Report and Recommendation."¹⁸ In response to the Report and Recommendation, the Commission issues a "Final Decision and Order."¹⁹ If no liability is found, the case is dismissed.²⁰ If liability is found, then the Commission orders relief as it deems to be appropriate.²¹ Such relief may include hiring, reinstatement or upgrading of employees; awarding back pay; extension of accommodations; and paying of compensatory damages, among other things.²²

As the outreach arm of the Commission, the CRB offers educational, training and advocacy services through the Community Service Centers it operates in each of the five boroughs.²³ Through its Neighborhood Human Rights Program, the CRB identifies areas in danger of tension or conflicts among different racial and ethnic groups, supports multi-ethnic coalitions, and develops programs on leadership, cultural diversity and ethnic sensitivity training.²⁴ With an office in each borough, it also works with religious groups, community groups, tenant organizations and other local organizations to educate residents about the city's Human Rights Law and services available through the Commission.²⁵ The CRB offers intervention and educational services in a variety of subject areas, including immigrant employment rights, workplace discrimination, equal access, fair housing, and mortgage counseling and anti-predatory lending.²⁶ The CRB also works in schools throughout the city, where it educates students on conflict resolution, sexual harassment and the Human Rights Law.

IV. Reporting by the Commission

The Commission is required to submit annual reports to the Mayor and the City Council related to all of its efforts to enforce the Human Rights Law.²⁷ The Administrative Code does not currently mandate that any specific information be included in the annual report. Accordingly, the Commission has the discretion to determine what to include and omit each year. The most recent annual report provides information on the powers and duties of the Commission, examples of its work, its annual budget and newsworthy information. With regard to the Commission's caseload, the annual report contains pie charts comparing the determinations and resolutions of the LEB's cases from 2002 through 2009. The report includes a chart comparing the total amount of cash settlements obtained by the Commission from 2002 through 2009. Additionally, the annual report sets forth general information on the work done by the Commission's LEB, including information on its staff and a description of its educational programs. The annual report does not, however, include any information on inquiries received by the Commission, indications of patterns of discrimination, or any breakdown of the subject matter of the cases. Additional reporting on the Commission's performance is provided in the Mayor's Management Report. The section in the Mayor's Management Report on the Commission can change from year to year and its contents are determined at the discretion of the Mayor.

V. Concerns about the Commission's Efforts to Enforce the Human Rights Law

The Committee on Civil Rights held two hearings in 2010 regarding the Commission's enforcement of the Human Rights Law. During those hearings, witnesses expressed concern about the Commission's ability to eliminate discriminatory practices and policies in New York City when it appeared that the Commission was not considering or even tracking inquiries that did not lead to formal complaints. For example, during the April 2010 hearing on the Commission's enforcement of the Human Rights Law, Craig Gurian of the Anti-Discrimination Center stated, "it's not the complaints that are filed that we have to wonder about, it's the complaints that aren't filed; it's people who don't believe that they're going to get

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¹⁰ NYCCHR, *supra* note 7, at 7.

¹¹ *Id.*

¹² *Id.*

¹³ NYCCHR, *supra* note 7, at 7.

¹⁴ *Id.*; Admin. Code §8-116(c).

¹⁵ NYCCHR, *supra* note 7, at 7.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ NYCCHR, *supra* note 7, at 7; Admin. Code §8-120(a).

²⁰ NYCCHR, *supra* note 7, at 7.

²¹ NYCCHR, *supra* note 7, at 7; Admin. Code §8-120(a).

²² Admin. Code §8-120(a)

²³ *Id.* at 4.

²⁴ New York City Commission on Human Rights, *Neighborhood Human Rights Program*, at <http://www.nyc.gov/html/cchr/html/programs.html>.

²⁵ NYCCHR, *supra* note 7, at 8.

²⁶ *Id.*

²⁷ Admin. Code §8-105(10).

anywhere, that it's futile to proceed.”²⁸ During the June 2010 hearing on source of income discrimination, Patrick Saunders testified that he contacted the Commission with information that he believed illustrated that he had been subjected to discrimination by a landlord and real estate broker based on his lawful source of income.²⁹ Mr. Saunders testified that the Commission reached out to the landlord about his complaint and based on the conversation with the landlord, decided not to go forward and file a complaint on his behalf.³⁰ Mr. Saunders testified that he “expected the Human Rights Commission to be [his] advocate but in the end they really showed me they were not...”³¹ Additional testimony by Robert Disier of the Legal Aid Society recommended that the Commission track complaints at the pre-complaint stage, at the moment they receive a complaint comes to their attention.³² He also asked that the Council direct the Commission to stop automatically mediating a discrimination problem prior to filing an official complaint. He added that filing a complaint helps to establish a written record that helps to identify potential systemic discrimination. Testimony also indicated that the Commission needs to do a better job of identifying, tracking and combating discrimination in New York City.

The proposed local law the Committee is hearing today seeks to address these concerns and increase transparency in the operations of the Commission.

VI. Testimony on Int. No. 396

On November 22, 2010, the Committee on Civil Rights held a hearing on Int. No. 396. In its testimony, the Commission expressed its support of the bill and stated that it already reports on most of the information required, including the number and type of complaints filed, the type of determinations and resolutions reached, settlements and their dollar value, the amount of fines collected for the city, and programs sponsored by the CRB.³³ According to the Commission’s testimony, it will be able to meet the requirements of the bill “with minimal adjustments” in relation to reporting on “educational outreach and case tracking.”³⁴ With regard to providing information on inquiries that the Commission receives from the public, the Commission testified that the requirement would “pose electronic record management issues that the Commission is currently in the process of addressing.”³⁵ According to the Commission’s testimony, it has records of each interaction that it has with the public, but “these records were designed for administrative, rather than reporting functions” and the Commission would have to create the reports required by the proposed bill manually.³⁶ The Commission has already made efforts to develop upgraded software “that will include a traditional case tracking model and other features that capture information about...the status of all inquiries.”³⁷ The Commission expects the new database to be fully operational by the summer of 2011 and will be able to report “on every interaction the LEB has with the public, enabling full compliance with the requirements of this proposed amendment.”³⁸ The amended version of the legislation takes these concerns into account gives the Commission until 2012 to go through old records manually in order to report on inquiries.

VII. Prop. Int. No. 396-A

Under Proposed Int. No. 396-A, the Commission would be required to submit its annual report by March 1 and each report must include, at a minimum, specific information on the inquiries it receives from the public, the complaints filed, and its education and outreach efforts. With regard to inquiries, the report would have to include the total number of inquiries it received from the public, the number of inquiries made by limited English proficient persons, the subject matter of inquiries, and the number of inquiries resolved by pre-complaint intervention. With regard to information on complaints filed with the Commission, the report would have to include the total number of filed complaints broken down by the category of unlawful discriminatory practice, the resolution of the complaint, the length of time taken to process the complaint, and information on whether a fine, penalty or cash award was imposed and the dollar amount of such fine, penalty or cash award. Lastly, the report would have to include information on the Commission’s education and outreach efforts, such as the types of outreach conducted, the number of people with whom the Commission made contact, the number of limited English proficient persons served, and the languages in which outreach and education programs were conducted.

By March 1, 2011, the Commission would be required to submit its first annual report under the proposed legislation. The report would have to contain information for calendar year 2010 on complaints filed and the Commission’s outreach and education efforts. By March 1, 2012, the Commission would be required to submit its second annual report detailing information on the complaints

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²⁸ Oversight: The Commission on Human Rights and Its Enforcement of New York City’s Human Rights Law before the Committee on Civil Rights, 106 (April 28, 2010) (testimony of Craig Gurian, Executive Director, Anti-Discrimination Law Center).

²⁹ Oversight – Source of Income Discrimination and the Enforcement of Local Law 10 of 2008 before the New York City Council’s Committees on Civil Rights, General Welfare and Oversight & Investigation, 102 (June 23, 2010) (testimony of Patrick Saunders, Client, Legal Services NYC).

³⁰ Id.

³¹ Id.

³² Id. at 112 (testimony of Robert Disier, Staff Attorney, Legal Aid Society).

³³ Written testimony of Deputy Commissioner Clifford Mulqueen, New York City Commission on Human Rights, before the Committees on Civil Rights, 1 (Nov. 22, 2010) (on file with Committee on Civil Rights staff).

³⁴ Id.

³⁵ Id.

³⁶ Id. at 2.

³⁷ Id. at 3.

³⁸ Id.

filed and the Commission’s outreach and education efforts for calendar year 2011. By March 1, 2012, the Commission would also be required to include information on inquiries it has received for calendar years 2009, 2010 and 2011 in the annual report for calendar year 2011. Subsequent annual reports would be due by March 1 and would have to contain information on inquiries, complaints filed, and the Commission’s outreach and education efforts.

VII. Effective Date

This local law would take effect immediately after enactment into law.

(The following is from the text of the Fiscal Impact Statement for Int. No. 396-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 09	FY Succeeding Effective FY 10	Full Fiscal Impact FY 09
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: There would be no additional expenditures by the enactment of this legislation, as the Commission on Human Rights (CHR) will be able to enforce the provisions of this bill using existing resources and infrastructure.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Pakhi Sengupta, Principal Legislative Financial Analyst
Latonia McKinney, Deputy Director

HISTORY: Introduced as Intro. 396 by the Council on October 27, 2010 and referred to the Committee on Civil Rights. On November 22, 2010, Intro 396 was considered by the Committee and laid over. On December 7, 2010, an amended version, Proposed Intro 396-A was considered and voted out by the Committee. Proposed Intro 396-A is scheduled to be voted out by the full Council on December 8, 2010.

DATE SUBMITTED TO COUNCIL: OCTOBER 27, 2010

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 396-A:)

Int. No. 396-A

By Council Members Rose, Chin, Dromm, Foster, James, Palma, Van Bramer, Williams, Rodriguez, Gennaro, Lappin, Garodnick, Jackson, Eugene, Greenfield, Lander, Reyna and Sanders.

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.

Be it enacted by the Council as follows:

Section 1. Subdivision 10 of section 8-105 of the administrative code of the city of New York, as amended by local law 39 of 1991, is amended to read as follows:

(10) To submit an annual report by March 1 to the mayor and the council which shall be published in the City Record. Such annual report shall include information for the calendar year that is the subject of the report regarding: (i) inquiries received by the commission from the public; provided that such information for calendar years 2009 and 2010 must only be included in the annual report submitted by March 1, 2012, (ii) complaints filed with the commission, and (iii) education and outreach efforts made by the commission.

(a) The information regarding inquiries received by the commission from the public shall include, but not be limited to: (i) the total number of inquiries; (ii) the number of inquiries made by limited English proficient persons disaggregated by language; (iii) the subject matter of inquiries disaggregated by the alleged category of unlawful discriminatory practice as set forth by sections 8-107 and 8-107.1(2) of

this chapter and the protected class of person, and (iv) the number of inquiries resolved by pre-complaint intervention.

(b) The information regarding complaints filed with the commission shall include, but not be limited to, the number of complaints filed with the commission and shall be disaggregated by: (i) the category of unlawful discriminatory practice, as set forth by sections 8-107 and 8-107.1(2) of this chapter, alleged; (ii) the basis of the alleged discriminatory practice based on protected class of the complainant; (iii) whether the complaint was resolved by mediation and conciliation, as set forth in section 8-115 of this chapter; a determination of no probable cause, as set forth in section 8-116 of this chapter; or a hearing, as set forth by section 8-119 of this chapter; (iv) the number of days the complaint was outstanding at the time such resolution occurred; and (v) whether a fine, penalty, or cash award was imposed and, if so, the dollar amount of such fine, penalty or cash award.

(c) The information regarding the commission's education and outreach efforts as required by sections 8-105(1) and 8-105(2) of this chapter shall include, but not be limited to: (i) the types of outreach initiated; (ii) the number of people with whom the commission made contact as a result of outreach; (iii) the number of limited English proficient persons served; and (iv) the languages in which such outreach was conducted.

§2. This local law shall take effect immediately.

DEBORAH L. ROSE, Chairperson; MARGARET S. CHIN, JAMES G. VAN BRAMER, Committee on Civil Rights, December 7, 2010.

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

Reports of the Committee on Finance

Report for Res. No. 583-A

Report of the Committee on Finance in favor of approving and adopting, as amended, a Resolution concerning the increase in the annual expenditure for the Times Square, the Fifth Avenue Association, the Fashion Center, the HUB Third Avenue, the 125th Street, the Brighton Beach, and the Myrtle Avenue Brooklyn Business Improvement Districts, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.

The Committee on Finance, to which the annexed amended resolution was referred on November 30, 2010 (Minutes, page 4949), respectfully

REPORTS:

This resolution sets a date for a public hearing pursuant to requests from the 7 Business Improvement Districts to increase their annual expenditures effective as of July 1, 2010.

These increases, which have already been approved by the District Management Associations of the 7 BIDs, would result in a higher assessment on all properties currently subject to BID assessments as a result of the increase in the assessment rate.

December 20, 2010 is the date and the City Council Hearing Room, 16th floor, 250 Broadway, Manhattan is the place and 10 a.m. is the time for a public hearing to hear all persons interested in the legislation, which would increase the amount to be expended annually in the 7 Business Improvement Districts.

Pursuant to §§ 25-410(b) and 25-416 of the Administrative Code, a Business Improvement District ("BID") may obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the BID or improvements, services, maintenance and operation) by means of the adoption of a local law amending the BID's district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such an increase in the maximum annual amount, and that the tax and debt limits prescribed in section 25-412 of the Administrative Code will not be exceeded. Notice of the hearing on this local law must be published in at least one newspaper having general circulation in the district specifying the time when, and the place where, the hearing will be held and stating the increase proposed in the maximum amount to be expended annually.

Although this is the only relevant legal requirement for the provision of notice, in the case of other recent requests for budget increases by BIDs, the Finance Committee Chair informed the Department of Small Business Services that it desires written notices of the proposed increases and the hearing date to be mailed to property owners within the BIDs, and has only considered budget increases for those BIDs providing such additional notice. The Chair has requested that the same procedure be followed with regard to the increase that is the subject of this resolution.

The following BIDs have requested increases to their budgets as indicated below:

BID ASSESSMENT INCREASE REQUESTS
FISCAL YEAR 2011

<u>BID Name</u>	<u>Present Assessment</u>	<u>Proposed Assessment</u>	<u>Purpose of Assessment Increase</u>
125 th Street	\$842,126	\$867,390	Increase in costs of public safety services, and hiring a project manager.
Brighton Beach	\$190,000	\$220,000	Expand sanitation operations during spring/summer season; expand graffiti removal program; enhance promotional events; re-design holiday lights; and implement a new banner program.
Fashion Center	\$5,000,000	\$5,750,000	Create Mannequin Parade, a new promotional program; provide added arts project; upgrade Broadway Boulevard including streetscape maintenance and improvements; and enhance holiday lights.
Fifth Avenue	\$2,562,000	\$2,715,720	Increases in insurance costs; lower staff turnover resulting in higher pension expenses; and costs-of-living increases.
HUB-Third Avenue	\$400,927	\$450,927	Annual maintenance of video surveillance equipment, and trash compactors; increases in advertising campaign; increases in office equipment and supplies; and insurance rates increases.
Myrtle Avenue Brooklyn	\$350,000	\$425,000	Hire two part-time employees; enhance marketing and promotional materials; increases in insurance costs; and increases in sanitation costs.
Times Square	\$10,400,000	\$11,685,440	Enhanced maintenance services for Broadway Plazas and Duffy Square; increases in New Year's Eve project costs, rebuilding cash reserves and cost-of-living increases for sanitation workers.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 583-A:)

Res. 583-A

Resolution concerning the increase in the annual expenditure for the Times Square, the Fifth Avenue Association, the Fashion Center, the HUB Third Avenue, the 125th Street, the Brighton Beach, and the Myrtle Avenue Brooklyn Business Improvement Districts, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.

By Council Members Recchia, Arroyo, Comrie, Mealy, Nelson, Rose, Seabrook and Jackson.

Whereas, pursuant to Chapter 4 of Title 25 of the Administrative Code of the City of New York or the predecessor of such Chapter (the "BID Law") the City established the Times Square, the Fifth Avenue Association, the Fashion Center, the HUB Third Avenue, the 125th Street, the Brighton Beach, and the Myrtle Avenue Brooklyn Business Improvement Districts in the City of New York; and

Whereas, pursuant to Local Law No. 82 for the year of 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

Whereas, pursuant to Section 25-410(b) of the BID Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded; and

Whereas, the seven Business Improvement Districts wish to increase the amount to be expended annually beginning on July 1, 2010 as follows: Times Square, \$11,685,440; Fifth Avenue Association, \$2,715,720; Fashion Center, \$5,750,000; HUB Third Avenue, \$450,927; 125th Street, \$867,390; Brighton Beach, \$220,000; and Myrtle Avenue Brooklyn, \$425,000.

Whereas, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the districts specifying the time when and the place where the hearing will be held and stating the proposed amount to be expended annually; now, therefore, be it

RESOLVED, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

(i) December 20, 2010 is the date and the City Council Hearing Room, 16th floor, 250 Broadway, Manhattan is the place and 10 a.m. is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation, which would increase the amount to be expended annually in the seven Business Improvement Districts; and

(ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Associations of the Times Square, the Fifth Avenue Association, the Fashion Center, the HUB Third Avenue, the 125th Street, the Brighton Beach, and the Myrtle Avenue Brooklyn Business Improvement Districts are hereby authorized to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and setting forth the increase in the amount to be expended annually in each of the seven Business Improvement Districts.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY B. 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, December 8, 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. 276

Report of the Committee on Finance in favor of approving Good Neighbor Apartments, Block 1631, Lots 60,62,63,65 and 66, Manhattan, Council District No. 8

The Committee on Finance, to which the annexed Land Use resolution was referred on December 8, 2010, respectfully

REPORTS:

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

December 8, 2010

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

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of December 8, 2010-Resolution approving tax exemptions for two preconsidered Land Use Items (Council District's 2, 8).

HPD has submitted requests to the Council to approve property tax exemptions for the following properties: Haven Plaza located in Council Member Mendez's District, and the Good Neighbor Apartments in Council Member Vivertio's District.

Haven Plaza contains 4 building that provides 371 units of rental housing for low income families. The Sponsor, Haven Plaza Housing Development Fund Company plans to finance significant rehabilitation work with a combination of an Article 8 mortgage loan from HPD and a private bank loan. The owner plans to request a new Article XI tax exemption to be coterminous with the term of the new mortgage. The original Article XI exemption expired on July 1, 1992, and the original project is now experiencing operating deficits and real property tax arrearages. On March 11, 2009 the Council granted an interim tax exemption pursuant to Private Housing Finance Law 577 that would expire on December 31, 2009. When this exemption was granted it was anticipated that the owner would be financing the Article 8 mortgage loan simultaneously with the private bank loan, tax exempt bond financing and tax credits. Due to the delay from these financing sources, HPD requested and the Council approved an extension of the interim exemption to December 31, 2010 which would allow the sponsor to provide affordable rents until all the financing sources were secured. It is now anticipated that financing of the second phase of rehabilitation work will occur in 2011, therefore HPD and the Sponsor are requesting a further extension of the interim exemption to December 31, 2011.

Good Neighbor Apartments contains five buildings that provide 117 units of rental housing for low income families. The sponsor, Good Neighbor Apartment Houses Housing Development Fund Company, will acquire and rehabilitate the project with a loan from the New York City Housing Development Corporation and low income housing tax credits. This property currently receives two J-51 tax abatements, which will expire in 2021. In order to keep the project financially viable and provide affordable housing, HPD is requesting an Article XI tax exemption pursuant to Section 577 of the Private Housing Finance Law providing for an annual partial tax payment that will not be reduced by the J-51 benefits.

These items have the approval of Council Member's Mendez and Viverito.

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

Res. 598

Resolution approving an exemption from real property taxes for property located at (Block 1631, Lots 60, 62, 63, 65, and 66) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 276).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated November 8, 2010 that the Council take the following action regarding a housing project to be located at(Block 1631, Lots 60, 62, 63, 65, and 66) Borough of Manhattan ("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 December 8, 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 HDC and the Owner enter into the Regulatory Agreement.
 - (b) "Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1631, Lots 60, 62, 63, 65 and 66 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) "HDC" shall mean the New York City Housing Development Corporation.
 - (f) "HDFC" shall mean Good Neighbor Apartment Houses Housing Development Fund Company, Inc.
 - (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (h) "J-51 Benefits" shall mean any tax benefits pursuant to §489 of the Real Property Tax Law which are in effect on the Effective Date.
 - (i) "Maximum Shelter Rent Tax" shall mean \$426, 528, plus an amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area 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 June 30, 2012.
 - (j) "Owner" shall mean, collectively, the HDFC and the Partnership.
 - (k) "Partnership" shall mean Good Neighbor Apartment Houses, L.P.
 - (l) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of 30 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
 - (m) "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.
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 Owner shall make real property tax payments in the sum of the Maximum Shelter Rent Tax. Such payments shall not be reduced by reason of any J-51 Benefits. Notwithstanding the foregoing, the

total annual real property tax payment by the Owner 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.

4. 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 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.
 - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
6. In consideration of the Exemption, the owner of the Exemption Area, 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, other than the J-51 Benefits, 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 B. 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, December 8, 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. 277

Report of the Committee on Finance in favor of approving Haven Plaza, 188-198 Avenue C, 200 Avenue C, 726 East 13th Street, 700-722 East 13th Street, Block 382, Lot 1, Manhattan, Council District No. 2

The Committee on Finance, to which the annexed Land Use resolution was referred on December 8, 2010, respectfully

REPORTS:

(For text of the memo, please see the Report of the Committee on Finance for L.U. No. 276 printed in these Minutes.)

Accordingly, this Committee recommends its adoption.

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

Res. 599

Resolution approving an amendment to resolution 1856 approved by the New York City Council on March 11, 2009, as amended by Resolution 2274

approved by the New York City Council on November 30, 2009 for property located at 188-198 Avenue C, 200 Avenue C, 726 East 13th Street, 700-722 East 13th Street (Block 382, Lot 1) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. 277).

By Council Member Recchia.

WHEREAS, On March 11, 2009 the New York City Council approved Resolution No. 1856, which authorized a full real property tax exemption for a housing project ("Project") located at 188-198 Avenue C, 200 Avenue C, 726 East 13th Street, 700-722 East 13th Street (Block 382, Lot 1), Manhattan ("Exemption Area") pursuant to Section 577 of the Private Housing Finance Law ("Prior Exemption");

WHEREAS, On November 30, 2009 the New York City Council approved Resolution No. 2274, which extended the expiration date of the interim Article XI Exemption to the earlier to occur of (i) the financing of the private bank loan, tax exempt private activity bond financing and as-of-right low income housing tax credits, or 501(c)(3) tax exempt bond financing ("New Mortgage"), (ii) December 31, 2010, (iii) the date of the expiration or termination of the Regulatory Agreement, or (iv) 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. Resolution 2274 also extended the Regulatory Agreement to be coterminous with the Interim Article XI 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 December 8, 2010;

WHEREAS, HPD respectfully requests that the Council amend Resolution No. 1856, as amended by Resolution 2274 to extend the expiration date of the interim Article XI Exemption to the earlier to occur of (i) the financing of the New Mortgage, (ii) December 31, 2011, (iii) the date of the expiration or termination of the Regulatory Agreement, or (iv) 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. The definition of Regulatory Agreement in the Resolution will also have to be amended to reflect this additional extension of the Interim Article XI Exemption.

WHEREAS, HPD respectfully requests that the Council amend the Resolution by replacing the definitions of Expiration Date and Regulatory Agreement contained therein in paragraphs (c) and (j), respectively, to read as follows:

- (c) "Expiration Date" shall mean the earlier to occur of (i) the financing of the New Mortgage, (ii) December 31, 2011, (iii) the date of the expiration or termination of the Regulatory Agreement, or (iv) 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.
- (j) "Regulatory Agreement" shall mean a regulatory agreement by and between Owner and HPD which runs with the land, binds all subsequent parties in interest to the Exemption Area until the earlier to occur of (i) the financing of the New Mortgage or (ii) December 31, 2011, and requires that (1) the Owner shall exercise any and all available options to renew Rental Subsidy for eligible tenants, (2) the Owner shall not cause or permit the Rental Subsidy to expire, to not be extended, to not be renewed, or to be terminated, (3) the Owner shall register all dwelling units in the Exemption Area with the New York State Division of Housing and Community Renewal, and (4) all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 165% of area median income.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY B. 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, December 8, 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 Housing and Buildings

Report for Int. No. 343-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to amending the New York city energy conservation code.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on September 29, 2010 (Minutes, page 4083), respectfully

REPORTS:

BACKGROUND AND ANALYSIS:

On November 12, 2010, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Int. No. 343, A Local Law to amend the administrative code of the city of New York, in relation to amending the New York city energy conservation code. The Energy Conservation Construction Code of New York State ("State Energy Code") sets standards for the energy performance of buildings throughout New York. The State Energy Law permits a municipality to promulgate a local energy conservation construction code that is more stringent than the State Energy Code. In 2009, the Council established such an energy conservation code, with the enactment of Local Law 85 which established the New York City Energy Conservation Code (ECC). However, in April 2010 the New York State Fire Prevention and Building Code Council amended the New York State Energy Code in its entirety, by adopting the 2009 edition of the International Energy Conservation Code, a model code published by the International Code Council. The New York State amendments are scheduled to take effect on December 28, 2010. In order for New York City to maintain its own energy code, the City must establish an energy code that is more stringent than the new State Energy Code, Int. No. 343, is intended to address such issue.

Model Codes

A model code is a document that a State or municipality can adopt in its entirety or adopt with such modifications as it deems to be suitable. Most model codes are updated on a regular basis by the code organization that issued the respective code and is usually developed through a review process that encourages sound practices and use of acceptable state-of-the-art technology. Model codes are often viewed as being advantageous to jurisdictions as they offer legislative bodies contemporary and technical information from a reputable source and because they are kept current through review by the nationally recognized model code organization that issued the particular code.

In 2002, the State of New York significantly reformed the State's Building Code by adopting several International Codes, which are model codes produced by the International Code Council¹, with amendments, as the new State Building Code.² The new State Building Code replaced New York State's Uniform Fire Prevention and Building Codes that had been in effect since 1984.³ The application of these coordinated model codes with amendments, do not apply within the jurisdiction of New York City as the City has historically been deemed exempt from the application of the State's Building Code due to the more stringent nature of the City's Building Code.⁴

Although the State Energy Code sets standards for the energy performance of buildings throughout New York, State Energy Law §11-109 permits a municipality to enact a local energy conservation construction code and allows such code to be more stringent than the State Code. In certain respects, the 2010 State Energy Code is more stringent than the City's current Energy Conservation Code and would consequently apply within the City if the ECC is not amended before the State's new code takes effect on December 28, 2010. Int. No. 343 is based on the 2009 Edition of the International Energy Conservation Code and amends certain sections of Chapter 10 of Title 28 of the Administrative Code of the City of New York (Ad. Code or Code) to ensure that the ECC remains more stringent than the new State Energy Code.

Int. No. 343

Bill section one contains the legislative intent expressing the need for this legislation.

Bill section two amends item 3 of section 28-105.2 of the Ad. Code, to add foundation insulation as an additional type of work for which a foundation and earthwork permit is required.

The provisions of bill section three would amend section 28-1001.1 of the Ad. Code to substitute references to the 2007 Code for references to the 2010 Energy Conservation Construction Code.

Bill section four repeals current section 28-1001.2 by which the 2007 State Energy Conservation Code was enacted with specific New York City amendments, and enacts a new section 28-1001.2 entitled "The New York city amendments to the

2010 energy conservation construction code of New York state,” (ECC) and establishes certain amendments to the State Energy Code.

Chapter one of the ECC contains administrative provisions relating to its scope and general requirements. Section 101.1 of such chapter establishes the ECC with New York City amendments as the “New York City Energy Conservation Code” and provides that the administration and enforcement of such Code will be in accordance with Title 28 of the Ad. Code.

Section ECC 101.2 provides that the ECC applies to both residential and commercial buildings and the bill also provides that whenever any provision of the Energy Conservation Construction Code of New York State is more stringent than the City’s Code, the more stringent requirement shall govern (ECC 101.2.3). The bill also provides that determinations of occupancy classifications are to be made in accordance with the New York City Building Code (“Building Code” or “BC”) (ECC 101.2.2).

Section ECC 101.3 contains the intent provisions of the ECC and specifies that the ECC seeks to regulate the design and construction of buildings for the effective use of energy while recognizing the need to provide flexibility to permit the use of innovative approaches and techniques taking into account safety considerations and to utilize to the greatest extent practical solar and other renewable energy sources.

Section ECC 101.4 provides that the ECC shall apply to the construction of buildings and that a specific requirement of the Code shall govern rather than a general requirement. ECC 101.4.1 provides that the Energy Code is not intended to be used to require the removal, alteration or abandonment or prevent the continued use and maintenance of a building in existence at the time of the adoption of the ECC. Alterations or renovations to an existing building or structure listed or eligible for listing in the New York State Register of Historic Places or National Register of Historic Places are exempt from compliance with the ECC (ECC 101.4.2).

Section ECC 101.4.3 provides that additions, alterations, renovations or repairs to existing buildings must comply with the ECC but that unaltered portions of the building or building system are not required to comply with the Code. This section also provides that certain types of work are exempt from compliance with the ECC so long as the energy use of the building is not increased. Exempt work include: storm windows installed over existing fenestration; glass only replacements in an existing sash and frame; alterations, renovations or repairs to existing roof/ceiling, wall or floor cavities exposed during construction, provided that the cavities are insulated to the full existing cavity depth with insulation having a minimum nominal value of R-3.0/inch; alterations, renovations or repairs to walls and floors where an existing structure is without framing cavities and no new framing cavities are created; reroofing where neither the sheathing nor the insulation is exposed; replacement of existing doors separating conditioned space from exterior wall; an alteration that replaces less than 50% of the luminaries in a space and an alteration that replaces only the bulb and ballast within the existing luminaries in a space.

Sections ECC 101.4.4, 101.4.5 and 101.4.6 provide that in the following instances compliance with the ECC is required: spaces undergoing a change in occupancy or use, which would result in an increase in demand for either fossil fuel or electrical energy; alteration of a non-conditioned space to a conditioned space; and in buildings which include both residential and commercial occupancies, such occupancies must be separately considered and meet the relevant provisions of Chapter 4 (residential buildings) and Chapter 5 (commercial buildings) of the ECC.

Section ECC 101.5 states that residential buildings shall meet the provisions of Chapter 4 and commercial buildings shall meet the provisions of Chapter 5 of the ECC. Compliance may be determined through the use of certain computer software developed by the United States Department of Energy, or any other building energy modeling or home energy rating software approved by the New York State Secretary of State. Where a building is undergoing energy modeling, the Commissioner may accept an energy cost budget worksheet based on ASHRAE 90.1 or Section 506 (of the ECC) and any information and/or reports showing acceptable results of the energy modeling. Any software programs used to demonstrate compliance to reflect the actual requirements of this code and certain software programs (such as REM Rate/REM Design) must indicate compliance with 2010 Energy Conservation Construction Code of New York State.

Section ECC 101.5.2 provides that with regards to low-energy buildings, buildings that do not contain conditioned space or buildings with a peak design rate of energy use of less than 3.4 Btu/h per square foot or 1.0 watt per square floor of floor area for space conditioning purposes, are exempt from the building thermal envelope provisions of the ECC.

Pursuant to the provisions of section ECC 101.5.3 for each project not exempt from the ECC a registered design professional or a lead energy professional must submit a statement certifying that the project meets the requirements of the ECC. Compliance with the ECC is demonstrated by submitting documents to the Department of Buildings (DOB), which must include: an energy analysis for any project requiring a work permit in accordance with section 28-105 of the Ad. Code. The energy analysis must identify the compliance path followed, demonstrate how the design complies with the ECC, be in a form prescribed by the rules of DOB, and meet the requirements of the ECC for the entire project. Projects that utilize trade-offs among disciplines must use DOE2-based energy modeling programs or other energy-modeling programs as described in DOB rules.

Section ECC 101.5.3.3 requires that any application, which is not exempt from the ECC and requires a work permit in accordance with section 28-105 of the Ad. Code, must have supporting documentation as part of the approved construction drawings.

Section ECC 101.6 provides a severability clause which states that should any section, subsection, sentence, clause, phrase or other portion of the ECC, for any reason be declared unconstitutional such unconstitutionality shall not affect the

validity of the remaining portions of the ECC, which remaining portions shall remain in full force and effect.

Section ECC 102 relates to alternate materials, methods of construction, design or insulating systems. Section ECC 102.1 states that the ECC is not intended to prevent the use of any material, method of construction, design or insulating system not specifically required by the ECC, so long as such use has been approved by the Commissioner of Buildings when finding that certain standards are met including that the energy savings are equal to or greater than those that would be achieved by using prescribed materials, methods of construction, designs or insulating systems. However, pursuant to the provisions of section 102.1.1 the Commissioner may issue a finding that a national, state or local energy efficiency program exceeds the energy efficiency required by the ECC. Consequently, buildings approved in writing by such permitted energy efficiency program will be considered in compliance with the ECC. However, requirements identified as “mandatory” in Chapters 4 and 5 of the ECC would still apply.

Section ECC 103 contains provisions related to construction documents and provides that such documents must be prepared in accordance with the provisions of Chapter 1 of Title 28 of the Ad. Code, the New York City Construction Codes, including the ECC, and DOB rules.

Section ECC 103.2 requires that supporting documents include construction documents that show compliance with the ECC and must demonstrate conformance of approved drawings to the energy analysis for every element and value of the energy analysis; demonstrate conformance of approved drawings to other mandatory requirements of the ECC; identify required progress inspections in accordance with the scope of work being performed, the ECC, the Ad. Code, the New York City Building Code and DOB rules and must comply with any other requirements set forth in rules (ECC 103.2.1).

Pursuant to the provisions of ECC 103.2.2, construction documents must be drawn to scale upon suitable material but electronic media documents are permitted to be submitted in accordance with DOB procedures. Construction documents for a project must be fully coordinated and of sufficient clarity to indicate the location, nature and extent of the work proposed and show in sufficient detail relevant data and features of the building, systems and equipment. This section also provides that certain details are required to be included in construction documents.

Section ECC 103.3 requires that in accordance with Article 104 of Chapter 1 of Title 28 of the Ad. Code, DOB must examine the accompanying construction documents and must determine whether the construction indicated on the documents is in accordance with the ECC and any other relevant laws, rules and regulations.

Section 103.4 states that changes during construction that are not in compliance with the approved construction documents must be resubmitted for approval by DOB as an amended set of construction documents.

Section ECC 104 contains provisions related to inspections. Section 104.1 states that inspections required by the ECC or by DOB during the progress of work may be performed on behalf of the owner by an approved agency or, if applicable, by a special inspector. However, the DOB Commissioner may at his or her discretion require that any inspection be performed by DOB. All inspections must be performed at the sole cost and expense of the owner. In addition to any inspections otherwise required by this Code or DOB rules, the following inspections are mandatory: progress inspections, which must be performed in accordance with DOB rules; final inspections, which must be performed in accordance with the Ad. Code and DOB rules; and issuance of certificates of compliance, which must be performed in accordance with the Ad. Code. However, the requirements of this section are not meant to prohibit the operation of any heating equipment or appliances installed to replace existing heating equipment or appliances serving an occupied portion of a building provided that a request for an inspection must have been filed with DOB not more than 48 hours after the replacement work is completed and before any portion is concealed by any permanent portion of the structure.

Section ECC 104.1.1 refers to Articles 114 and 115⁵ of Chapter 1 of Title 28 of the Ad. Code and DOB rules in relation to approved inspection agencies.

Pursuant to Section ECC 104.1.2, prior to the approval of a prefabricated construction assembly having concealed mechanical work and the issuance of a work permit, DOB must require the submittal of an evaluation report by an approved agency on each prefabricated construction assembly, indicating the complete details of the mechanical system, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information and other data as necessary for the Commissioner to determine that the prefabricated construction assembly would conform to the ECC.

Section ECC 104.1.2.1 requires test and inspection records to be made available to the Commissioner at all times during the building of the mechanical system and the erection of the building or any other records that the Commissioner may designate to be filed.

Pursuant to the provisions of section ECC 104.2 all envelope, heating, ventilating, air conditioning, service water heating, lighting and electrical systems shall be tested as required by the ECC and in accordance with sections ECC 104.2.1 through ECC 104.2.3. Tests must be made by the permit holder and witnessed by a DOB employee or an approved agency, except as otherwise required in the ECC or DOB rules.

Section ECC 104.2.1 requires new envelope, heating, ventilating, air conditioning, service water heating, lighting, and electrical installations or systems and parts of existing systems that have been altered, extended, renovated or repaired to be tested as required pursuant to section ECC 104 or pursuant to DOB rules in order to disclose any leaks and defects.

Section ECC 104.2.2 requires apparatus, instruments, material and labor required for testing an envelope, heating, ventilating, air conditioning, service water

heating, lighting and/or electrical installation or system or part of the system to be supplied by the permit holder.

Pursuant to section ECC 104.2.3 for any work or installation that does not pass an initial test or inspection, the necessary corrections must be made in order to achieve compliance with the New York City Construction Codes, including the ECC. The work or installation must then be reinspected or retested by the progress inspector and any other DOB inspector as may be required by the New York City Construction Codes.

Section ECC 104.3 states that in addition to the requirements of Article 116 of Chapter 1 of Title 28 of the Ad. Code⁶, section 103.4 of the ECC and any other requirements for sign-off, the project team must either certify that construction does not differ from the last approved energy analysis or provide a whole-project as-built energy analysis and supporting documents, signed and sealed, for approval before sign-off. The as-built energy analysis and supporting documents must reflect the materials, equipment and values actually used in the construction of the project and must demonstrate compliance of the constructed project with the ECC. DOB may accept signed and sealed documents with less than a full examination based upon the professional certification of the registered design professional.

Section ECC 104.4 gives the DOB Commissioner the authority to allow the temporary connection of an installation to the sources of energy testing the installation or for use under a temporary certificate of occupancy.

Section ECC 105 contains provisions relating to referenced standards and provides that the standards referenced in the ECC are those that are listed in Chapter 6 and in DOB rules and are considered part of the ECC requirements. In the event that there are differences between the provisions of the ECC and the referenced standards, the provisions of the ECC apply.

Certain definitions were added to section 202 of the ECC or were revised including definitions of the terms: “addition;” “approved;” “authority having jurisdiction;” “building;” “code enforcement official;” “professional certification;” “project;” and “special inspector.” However, the definition of “vapor retarder class” was deleted.

Section 601 of Chapter 6 of the ECC is amended to revise the reference standard “ICC” after “DOE” to read as follows:

ICC	International Code Council, Inc. 500 New Jersey Avenue, NW 6th Floor Washington, D.C. 20001
Standard reference number	Title
BCNYS-10	Building Code of New York State
EBNYS-10	Existing Building Code of New York State
ECCCNYS-10	Energy Conservation Construction Code of New York State
FCNYS-10	Fire Code of New York State
FGNYS-10	Fuel Gas Code of New York State
MCNYS-10	Mechanical Code of New York State
ECC-10	New York City Energy Conservation Code
PCNYS-10	Plumbing Code of New York State
PMNYS-10	Property Maintenance Code of New York State
RCNYS-10	Residential Code of New York State
NYCAC-08	New York City Administrative Code
NYCBC-08	New York City Building Code
NYCEC-08	New York City Electrical Code
NYCFC-08	New York City Fire Code
NYCFG-08	New York City Fuel Gas Code
NYCMC-08	New York City Mechanical Code
NYCPC-08	New York City Plumbing Code

The reference referenced standard "IESNA" after "ICC," is revised to read as follows:

IESNA	Illuminating Engineering Society of North America 120 Wall Street, 17th Floor New York, NY 10005-4001
Standard reference number	Title
*90.1-07	Energy Standard for Buildings Except Low-rise Residential Buildings

A new referenced standard "NYC" after "NFRC," is added to read as follows:

NYC	New York City Department of Buildings 280 Broadway New York, NY 10007
Standard reference number	Title
NYCBC-68	1968 Building Code of the City of New York

Bill section five amends section 106.2.1 of the Building Code by allowing the submittal of composite plans that illustrate the related energy use systems of a building so that a clear understanding of each part and system is not impaired.

Bill section six amends section 106.7.1 of the Building Code to require foundation plans to include insulation details as required by the ECC.

Bill section seven amends item 5 of section 1704.15.2 of the Building Code to require that ventilation-balancing reports must state that the system is operating as designed in the professional opinion of the approved agency.

Bill section eight provides that the provisions of this local law shall take effect on December 28, 2010 and shall apply to work for which construction document approval are submitted to DOB on or after December 28, 2010. The Commissioner must promulgate all necessary rules prior to such effective date.

¹ The International Code Council (ICC) was formed to produce a single set of building codes so that code enforcement officials, architects, engineers, designers and contractors can work with a more consistent set of requirements throughout the United States. See, International Code Council's website at <http://www.iccsafe.org/ABOUTICC/Pages/default.aspx>

² On March 6, 2002 the Fire Prevention and Building Code Council of the State of New York adopted the 2000 International Building Code (IBC), the 2000 International Fire Code (IFC), the 2000 International Residential Code (IRC), the 2000 International Plumbing Code (IPC), the 2000 International Mechanical Code (IMC), the 2000 International Fuel Gas Code (IFGC) and the 2000 International Property Maintenance Code (IPMC).

³ See “Governor George E. Pataki Adopts New Fire Prevention and Building Codes” at <http://www.edenny.org/buildny.html>

⁴ New York City's Building Code has historically been deemed more stringent than the State's Building Code. The statutory basis for this exemption is found in subdivision c of Executive Law §383.

⁵ Article 114 related to approved agencies and Article 115 relates to the special inspectors.

⁶ Article 116 relates to inspections and sign-off of completed construction work.

(The following is from the text of the Fiscal Impact Statement for Int. No. 343-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: There would be no impact on revenues by the enactment of this legislation.

IMPACT ON EXPENDITURES: There would be impact on expenditures by the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Ralph P. Hernandez, Principal Legislative Financial Analyst
Latonia McKinney, Deputy Director

HISTORY: Intro. 343 was introduced by Council and referred to the Committee on Housing and Buildings on September 29, 2010. The Committee held a hearing and laid over Int. 343 on November 12, 2010. An amendment has been proposed, and the Committee will vote on an amended version of the legislation, Proposed Int. 343-A, on December 8, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 343-A:)

Int. No. 343-A

By Council Members Dilan, Comrie, Garodnick, Gentile, Vann, Williams, Rodriguez, Mendez, Mark-Viverito, James, Crowley, Van Bramer, Gennaro, Lappin, Greenfield and Jackson (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to amending the New York city energy conservation code.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. The Energy Conservation Construction Code of New York State ("State Energy Code"), authorized by Article 11 of the New York State Energy Law, sets standards for the energy performance of buildings throughout New York. The State Energy Law expressly permits a municipality to promulgate a local energy conservation construction code that is more stringent than the State Energy Code. In 2009, New York City established such a local energy conservation code, the New York City Energy Conservation Code, with the enactment of Local Law 85 of 2009. In April 2010, the New York State Fire Prevention and Building Code Council amended the State Energy Code in its entirety. The amendment is based on the 2009 edition of the International Energy Conservation Code, published by the International Code Council, Inc. ("2009 IECC"). Such 2010 State Energy Code is scheduled to take effect on December 28, 2010.

Section 101.3.1 of the 2010 State Energy Code provides that such code "is intended to comply with the requirements of the American Recovery and Reinvestment Act of 2009 (the 'ARRA'), i.e., to be a building energy code for residential buildings and for commercial buildings that meets or exceeds the model codes mentioned in the ARRA, or achieves equivalent or greater energy savings." Section 410 of Title IV of Division A of the ARRA specifies that states and localities should implement the 2009 IECC and the 2007 edition of standard ANSI/ASHRAE/IESNA 90.1, entitled "Energy Standard for Buildings Except Low-Rise Residential Buildings," published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. ("ASHRAE 90.1-2007").

Section 101.3.1 of the 2010 State Energy Code further provides that the New York State Department of State has determined:

1. That a building energy code that is applicable to both residential buildings and commercial buildings and that meets or exceeds the 2009 IECC, or achieves equivalent or greater energy savings, meets or exceeds the requirements of the ARRA;
2. That the 2010 State Energy Code meets or exceeds the 2009 IECC, or achieves equivalent or greater energy savings; and
3. Accordingly, that the 2010 State Energy Code meets or exceeds the requirements of the ARRA.

The Council finds that it is reasonable and necessary to amend certain sections of Chapter 10 of Title 28 of the Administrative Code of the City of New York in order to ensure that the New York City Energy Conservation Code remains at least as stringent as the 2010 State Energy Code, as the State Energy Law requires.

§2. Item 3 of Section 28-105.2 of the administrative code of the city of New York as added by local law number 33 for the year 2007, is amended to read as follows:

3. Foundation and earthwork permits: for the construction or alteration of foundations, including earthwork, excavation, [and] fill, *and foundation insulation.*

§3. Section 28-1001.1 of the administrative code of the city of New York, as added by local law number 85 for the year 2009, is amended to read as follows:

§28-1001.1 Adoption of the energy code. In accordance with section 11-109 of the *New York state* energy law, [that] *which* permits any municipality to promulgate a local energy conservation construction code, the city of New York hereby adopts the [2007] 2010 energy conservation construction code of New York state in effect and any amendments thereto that are more stringent than such code adopted by the city of New York as the minimum requirements for the design, construction and alteration of buildings for the effective use of energy in the city. Such adoption shall be subject to amendments pursuant to local law and set forth in section 1001.2 of this chapter, which shall be known and cited as the "New York city amendments to the [2007] 2010 energy conservation construction code of New York state." Such edition of the [2007] 2010 energy conservation construction code of New York state with such New York city amendments shall together be known and cited as the "New York city energy conservation code."

§4. Section 28-1001.2 of the administrative code of the city of New York, as

added by local law number 85 for the year 2009, is REPEALED and reenacted to read as follows:

§28-1001.2 New York city amendments to the 2010 energy conservation construction code of New York state. The following New York city amendments to the 2010 energy conservation construction code of New York state are hereby adopted as set forth in this section:

Chapter 1

Chapter 1 is deleted in its entirety and a new Chapter 1 is added to read as follows:

**CHAPTER 1
ADMINISTRATION
SECTION ECC 101**

SCOPE AND GENERAL REQUIREMENTS

101.1 General. These provisions shall be known and cited as the "New York City Energy Conservation Code," "NYCECC" or "ECC," and are referred to herein as "this code." All section numbers in this code shall be deemed to be preceded by the designation "ECC." Administration and enforcement of this code shall be in accordance with Title 28 of the Administrative Code.

101.2 Scope. This code applies to residential buildings and commercial buildings as defined in Chapter 2.

101.2.1 References. Where reference is made within this code to the Building Code of New York State, Existing Building Code of New York State, Fire Code of New York State, Fuel Gas Code of New York State, Mechanical Code of New York State, Plumbing Code of New York State, Property Maintenance Code of New York State or Residential Code of New York State, the reference shall be deemed to be to the analogous provision(s) of Title 28 of the Administrative Code (the New York City Construction Codes), the 1968 Building Code, the New York City Fire Code or the New York City Electrical Code.

101.2.2 Occupancy classifications. For determination of occupancy classification and use within this code, a comparable occupancy classification shall be made to the New York City Building Code.

101.2.3 Reconciliation with Energy Conservation Construction Code of New York State. Whenever any provision of the Energy Conservation Construction Code of New York State provides for a more stringent requirement than imposed by this code, the more stringent requirement shall govern.

101.2.4 Other laws. The provisions of this code shall not be deemed to nullify any federal, state or local law, rule or regulation relating to any matter as to which this code does not provide.

101.3 Intent. This code shall regulate the design and construction of buildings for the effective use of energy. This code is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve the effective use of energy. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances. To the fullest extent feasible, use of modern technical methods, devices and improvements that tend to minimize consumption of energy and utilize to the greatest extent practical solar and other renewable energy sources without abridging reasonable requirements for the safety, health and security of the occupants or users of buildings shall be permitted. As far as may be practicable, the improvement of energy conservation construction practices, methods, equipment, materials and techniques shall be encouraged.

101.4 Applicability. The provisions of this code shall apply to the construction of buildings. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

101.4.1 Existing buildings. Except as specified in this chapter, this code shall not be used to require the removal, alteration or abandonment of, nor prevent the continued use and maintenance of, an existing building or building system lawfully in existence at the time of adoption of this code.

101.4.2 Historic buildings. An alteration or renovation to an existing building or structure that (1) is listed in the New York State Register of Historic Places, either individually or as a contributing building to a historic district, (2) is listed in the National Register of Historic Places, either individually or as a contributing building to a historic district, (3) has been determined to be eligible for listing in either the New York State or National Register of Historic Places, either individually or as a contributing building to a historic district, by the New York State Commissioner of Parks, Recreation and Historic Preservation, or (4) has been determined to be eligible for listing in the National Register of Historic Places, either individually or as a contributing building to a historic district, by the United States Secretary of the Interior, need not comply with this code.

101.4.3 Additions, alterations, renovations or repairs. Additions, alterations, renovations or repairs to an existing building, building system or portion thereof shall conform to the provisions of this code as they relate to new construction without requiring the unaltered portion(s) of the existing building or building system to comply with this code. Additions, alterations, renovations or repairs shall not create an unsafe or hazardous condition or overload existing building systems. An addition shall be deemed to comply with this code if the addition alone complies or if the existing building and addition comply with this code as a single building.

Exception: The following need not comply with the provisions of this

code provided that the energy use of the building is not increased:

1. Storm windows installed over existing fenestration.
2. Glass-only replacements in an existing sash and frame, provided that the U-factor and the solar heat gain coefficient (SHGC) shall be equal to or lower than before the glass replacement.
3. Alterations, renovations or repairs to roof/ceiling, wall or floor cavities, including spaces between furring strips, provided that such cavities are insulated to the full existing cavity depth with insulation having a minimum nominal value of R-3.0/inch (R-2.0/cm).
4. Alterations, renovations or repairs to walls and floors in cases where the existing structure is without framing cavities and no new framing cavities are created.
5. Reroofing where neither the sheathing nor the insulation is exposed. Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below the sheathing.
6. Replacement of existing doors that separate conditioned space from the exterior shall not require the installation of a vestibule or revolving door, provided, however, that an existing vestibule that separates a conditioned space from the exterior shall not be removed.
7. An alteration that replaces less than 50 percent of the luminaires in a space, provided that such alteration does not increase the installed interior lighting power.
8. An alteration that replaces only the bulb and ballast within the existing luminaires in a space, provided that such alteration does not increase the installed interior lighting power.

101.4.4 Change in occupancy or use. Spaces undergoing a change in occupancy that would result in an increase in demand for either fossil fuel or electrical energy shall comply with this code. Where the use of a space changes from one use in Table 505.5.2 to another use in Table 505.5.2, the installed lighting wattage shall comply with Section 505.5.

101.4.5 Change in space conditioning. Any non-conditioned space that is altered to become conditioned space shall comply with this code.

101.4.6 Mixed occupancy. Where a building includes both residential and commercial occupancies, each occupancy shall be separately considered and shall meet the applicable provisions of Chapter 4 for residential and Chapter 5 for commercial.

101.5 Compliance. Residential buildings shall meet the provisions of Chapter 4. Commercial buildings shall meet the provisions of Chapter 5.

101.5.1 Compliance software. Compliance may be determined through the use of computer software developed by the United States Department of Energy, including REScheck, COMcheck or DOE2; of REM/Rate home energy rating and REM/Design home energy analysis software specifically developed for the 2010 Energy Conservation Construction Code of New York State; or of other building energy modeling or home energy rating software ("HERS") approved by the New York State Secretary of State. In the case of energy modeling, the commissioner may accept an energy cost budget worksheet based on ASHRAE 90.1 or Section 506 and any information and/or reports showing acceptable results of the energy modeling. Software programs used to show compliance must indicate compliance with the 2010 Energy Conservation Construction Code of New York State to reflect the actual requirements of this code. REScheck or COMcheck printout forms must show "Energy Conservation Construction Code of New York State" in the title of the printout. Other software programs (for example, REM Rate/REM Design) shall clearly indicate compliance with 2010 Energy Conservation Construction Code of New York State parameters. Compliance with the mandatory code provisions of Chapters 4 and 5 is required when using the software approach to show compliance.

101.5.2 Low-energy buildings. The following buildings, or portions thereof separated from the remainder of the building by building thermal envelope assemblies complying with this code, shall be exempt from the building thermal envelope provisions of this code:

1. Those with a peak design rate of energy use less than 3.4 Btu/h per square foot (10.7 W/m²) or 1.0 watt per square foot (10.7 W/m²) of floor area for space conditioning purposes.
2. Those that do not contain conditioned space.

101.5.3 Demonstration of compliance. For a building project application or applications required to be submitted to the department, the following documentation, as further described in the rules of the department, shall be required in order to demonstrate compliance with this code:

101.5.3.1 Professional statement. Any registered design professional or lead energy professional filing an application or applications for a new building or alteration project shall provide on a signed and sealed drawing a statement of compliance or exemption in accordance with the rules of the department.

101.5.3.2 Energy analysis. For any application that is not exempt from this code and for which a work permit is required in accordance with Section 28-105 of the Administrative Code, an energy analysis shall be provided on a sheet or sheets within the construction drawing set. The energy analysis shall identify the compliance path followed, demonstrate how the design complies with this code and be in a format as prescribed in the rules of the department. The energy analysis shall meet the requirements of this code for the entire project. Projects that utilize trade-offs among disciplines shall use DOE2-based energy modeling programs or

other energy-modeling programs as prescribed in the rules of the department

101.5.3.3 Supporting documentation. For any application that is not exempt from this code and for which a work permit is required in accordance with Section 28-105 of the Administrative Code, supporting documentation shall be required in the approved construction drawings. See Section 103 for further requirements.

101.6 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION ECC 102

ALTERNATE MATERIALS, METHOD OF CONSTRUCTION, DESIGN OR INSULATING SYSTEMS

102.1 General. This code is not intended to prevent the use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such material, method of construction, design or insulating system has been approved by the commissioner as (1) meeting the intent of this code, (2) achieving energy savings that are equivalent to or greater than would be achieved using prescribed materials, methods of construction, designs or insulating systems, and (3) meeting the requirements of Article 113 of Chapter 1 of Title 28 of the Administrative Code and the remaining New York City Construction Codes.

102.1.1 Above-code programs. The commissioner shall be permitted to find that a national, state or local energy efficiency program exceeds the energy efficiency required by this code. Buildings approved in writing by such an energy efficiency program shall be considered in compliance with this code. Notwithstanding approval by such an energy efficiency program, the requirements identified as "mandatory" in Chapters 4 and 5 of this code shall still apply.

SECTION ECC 103

CONSTRUCTION DOCUMENTS

103.1 General. Construction documents shall be prepared in accordance with the provisions of Chapter 1 of Title 28 of the Administrative Code, the New York City Construction Codes, including this code, and the rules of the department.

103.2 Supporting documentation on construction documents. Supporting documentation shall include those construction documents that demonstrate compliance with this code.

103.2.1 Intent. Supporting documentation shall accomplish the following:

1. Demonstrate conformance of approved drawings to the energy analysis for every element and value of the energy analysis;
2. Demonstrate conformance of approved drawings to other mandatory requirements of this code, including but not limited to sealing against air leakage from the building envelope and from ductwork as applicable, insulation of ducts and piping as applicable, mechanical and lighting controls with devices shown and operational narratives for each, and additional requirements as set forth in this section;
3. Identify required progress inspections in accordance with the scope of work, this code, the Administrative Code, the New York City Building Code and the rules of the department; and
4. Comply with other requirements as may be set forth in the rules of the department.

103.2.2 Detailed requirements. Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted in accordance with department procedures. Construction documents for a project shall be fully coordinated and of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in sufficient detail pertinent data and features of the building, systems and equipment as herein governed. Details shall include, but are not limited to, as applicable, insulation materials and their R-values; fenestration U-factors and SHGCs; area-weighted U-factor and SHGC calculations; mechanical system design criteria; mechanical and service water heating system and equipment, types, sizes and efficiencies; economizer description; equipment and systems controls; fan motor horsepower and controls; duct sealing, duct and pipe insulation and location; lighting fixture schedule with wattages and control narrative; and air sealing details.

103.3 Examination of documents. In accordance with Article 104 of Chapter 1 of Title 28 of the Administrative Code, the department shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws, rules and regulations.

103.4 Changes during construction. Changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

SECTION ECC 104

INSPECTIONS

104.1 General. Except as otherwise specifically provided, inspections required by this code or by the department during the progress of work may be performed on behalf of the owner by an approved agency or, if applicable, by a special inspector. However, the commissioner may at his or her discretion direct that any of such inspections be performed by the department. All inspections shall be performed at the sole cost and expense of the owner. Refer to Article 116 of Chapter 1 of Title 28 of the Administrative Code for additional provisions relating to inspections. In addition to any inspections otherwise required by this code or the rules of the department, the following inspections shall be required:

1. Progress inspections. Progress inspections shall be performed in

accordance with the rules of the department.

2. Final inspection. Refer to Article 116 of Chapter 1 of Title 28 of the Administrative Code and the rules of the department.

3. Issuance of Certificate of Compliance. Refer to Section 28-116.4.1 of the Administrative Code.

The requirements of Section 104.1 shall not be read to prohibit the operation of any heating equipment or appliances installed to replace existing heating equipment or appliances serving an occupied portion of a structure provided that a request for inspection of such heating equipment or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such equipment or appliances is concealed by any permanent portion of the structure.

104.1.1 Approved inspection agencies. Refer to Articles 114 and 115 of Chapter 1 of Title 28 of the Administrative Code and the rules of the department.

104.1.2 Inspection of prefabricated construction assemblies. Prior to the approval of a prefabricated construction assembly having concealed mechanical work and the issuance of a work permit, the department shall require the submittal of an evaluation report by an approved agency on each prefabricated construction assembly, indicating the complete details of the mechanical system, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information, and other data as necessary for the commissioner to determine conformance to this code.

104.1.2.1 Test and inspection records. Required test and inspection records shall be made available to the commissioner at all times during the fabrication of the mechanical system and the erection of the building; or such records as the commissioner designates shall be filed.

104.2 Testing. Envelope, heating, ventilating, air conditioning, service water heating, lighting and electrical systems shall be tested as required in this code and in accordance with Sections 104.2.1 through 104.2.3. Except as otherwise required in this code or in the rules of the department, tests shall be made by the permit holder and witnessed by the department or an approved agency.

104.2.1 New, altered, extended, renovated or repaired systems. New envelope, heating, ventilating, air conditioning, service water heating, lighting and electrical installations or systems, and parts of existing systems that have been altered, extended, renovated or repaired, shall be tested as prescribed herein or in the rules of the department to disclose leaks and defects.

104.2.2 Apparatus, instruments, material and labor for tests. Apparatus, instruments, material and labor required for testing an envelope, heating, ventilating, air conditioning, service water heating, lighting and/or electrical installation or system or part thereof shall be furnished by the permit holder.

104.2.3 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with the New York City Construction Codes, including this code. The work or installation shall then be reinspected or retested by the progress inspector and any other inspector of the department as may be required by the New York City Construction Codes.

104.3 Sign-off of completed work. In addition to the requirements of Article 116 of Chapter 1 of Title 28 of the Administrative Code, Section 103.4 of this code and other requirements for sign-off, the project team shall either certify that construction does not differ from the last approved energy analysis or provide a whole-project as-built energy analysis and supporting documents, signed and sealed, for approval prior to sign-off. The as-built energy analysis and supporting documents shall reflect the materials, equipment and values actually used in the construction of the project, and shall demonstrate compliance of the constructed project with this code. Such signed and sealed documents may be accepted with less than full examination by the department based on the professional certification of the registered design professional.

104.4 Temporary connection. The commissioner shall have the authority to allow the temporary connection of an installation to the sources of energy for the purpose of testing the installation or for use under a temporary certificate of occupancy.

SECTION ECC 105

REFERENCED STANDARDS

105.1 Referenced standards. The standards referenced in this code shall be those that are listed in Chapter 6 and in the rules of the department and such standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Refer to Article 103 of Chapter 1 of Title 28 of the Administrative Code for additional provisions relating to referenced standards.

Chapter 2

Section 202

Revise the definition of “Addition” after the definition of “Accessible,” to read as follows:

ADDITION. An extension or increase in the conditioned space floor area or height of a building or structure.

Revise the definition of “Approved” after the definition of “Alteration,” to read as follows:

APPROVED. See Section 28-101.5 of the Administrative Code.

Add a new definition of “Authority having jurisdiction” after the definition of

“Area weighted average,” to read as follows:

AUTHORITY HAVING JURISDICTION. The commissioner or the commissioner’s designee.

Revise the definition of “Building” after the definition of “Basement wall,” to read as follows:

BUILDING. See Section 28-101.5 of the Administrative Code.

Revise the term “Code enforcement official” after “C-factor (thermal conductance),” to read as follows:

CODE ENFORCEMENT OFFICIAL. The commissioner or the commissioner’s designee.

Add a new definition of “Professional certification” after the definition of “Nameplate horsepower,” to read as follows:

PROFESSIONAL CERTIFICATION. See Section 28-101.5 of the Administrative Code.

Add a new definition of “Project” after the definition of “Professional certification,” to read as follows:

PROJECT. A design and construction undertaking comprised of work related to one or more buildings and the site improvements. A project is represented by one or more plan/work applications, including construction documents compiled in accordance with Section 106 of the New York City Building Code, that relate either to the construction of a new building or buildings or to the demolition or alteration of an existing building or buildings. Applications for a project may have different registered design professionals and different job numbers, and may result in the issuance of one or more permits.

Add a new definition of “Special Inspector” after the definition of “Solar heat gain coefficient (SHGC),” to read as follows:

SPECIAL INSPECTOR. See Section 28-101.5 of the Administrative Code.

Delete the definition for “Vapor retarder class” after “U-factor (thermal transmittance).”

Chapter 6

Section 601

Revise the referenced standard “ICC” after “DOE,” to read as follows:

Standard reference number	Title	Referenced in code section number
ICC	International Code Council, Inc. 500 New Jersey Avenue, NW 6th Floor Washington, D.C. 20001	
BCNYS-10	Building Code of New York State	101.2.1, 201.3, 303.1.5, 303.2, T402.1.1, 502.2.8, 502.2.8.1, 502.2.8.2, Table 502.2.8.2, 502.5.3
EBNYS-10	Existing Building Code of New York State	101.2.1
ECCCNYS-10	Energy Conservation Construction Code of New York State	101.2.3, 101.5.1
FCNYS-10	Fire Code of New York State	101.2.1, 201.3
FGNYS-10	Fuel Gas Code of New York State	101.2.1, 201.3
MCNYS-10	Mechanical Code of New York State	101.2.1, 201.3, 503.2.5, 503.2.5.1, 503.2.6, 503.2.7, 503.2.7.1, 503.2.7.1.1, 503.2.7.1.2, 503.2.9.1, 503.3.1, 503.4.5
NYCECC-10	New York City Energy Conservation Code	101.1, 101.5.3.2, 101.5.3.3, 104.3,
PCNYS-10	Plumbing Code of New York State	101.2.1, 201.3
PMNYS-10	Property Maintenance Code of New York State	101.2.1
RCNYS-10	Residential Code of New York State	101.2.1, 201.3, 202, 303.1.5, T402.1.1, 402.1.5.1, 402.1.5.2, 402.2.1.1, 402.4.1(12), 403.2.2, T405.5.2(1)
NYCAC-08	New York City Administrative Code	101.1, 101.2.1, 101.5.3.2, 101.5.3.3, 102.1, 103.1, 103.2.1, 103.3, 104.1, 104.1.1, 104.3, 105.1
NYCBC-08	New York City Building Code	101.2.1, 101.2.2, 102.1, 103.1, 103.2.1, 201.3, 303.1.5, 303.2
NYCEC-08	New York City Electrical Code	101.2.1, 201.3
NYCFC-08	New York City Fire Code	101.2.1, 201.3
NYCFG-08	New York City Fuel Gas Code	102.1, 201.3
NYCMC-08	New York City Mechanical Code	102.1, 201.3, 403.2.2, 503.2.5, 503.2.5.1, 503.2.6, 503.2.7, 503.2.7.1, 503.2.7.1.1, 503.2.7.1.2,

NYCPC-08 New York City Plumbing Code 503.2.9.1, 503.3.1, 503.4.5
102.1, 201.3

Revise the referenced standard "IESNA" after "ICC," to read as follows:

Standard reference number	Title	Referenced in code section number
*90.1-07	Energy Standard for Buildings Except Low-rise Buildings	101.5.1, 501.1, 501.2, 502.1.1, Table 502.2(2)

Add a new referenced standard "NYC" after "NFRC," to read as follows:

Standard reference number	Title	Referenced in code section number
NYCBC-68	1968 Building Code of the City of New York	101.2.1

§5. Section 106.2.1 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

106.2.1 Composite plans. Composite plans showing architectural, structural, and mechanical parts and related energy use systems of a building may be submitted provided that a clear understanding of each part and system is not impaired.

§6. Section 106.7.1 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

106.7.1 Foundation plans. Foundation plans shall show compliance with the requirements of Chapter 18 of this code regarding foundation design and shall show the plan locations, design elevations of the bottoms, and details as to sizes, reinforcements, and construction of all footings, piers, foundation walls, pile groups, and pile caps. The levels of footings of adjacent structures shall be indicated or, if the adjacent structures are pile supported, this shall be stated. Where applicable, the plans shall include underpinning details. In addition, there shall be a statement indicating the character and minimum class of the soil strata required for the support of the foundation; the allowable soil pressure used for the design of footings; and the character, class, and presumptive bearing capacity of the bearing stratum to which piling is required to penetrate. The types and design capacities of piling and the records of required borings or test pits shall also be shown. *In addition, foundation plans shall include insulation details as required by the New York City Energy Conservation Code.*

§7. Item 5 of Section 1704.15.2 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

5. Ventilation balancing report is complete and in accordance with design documents and, in the professional opinion of the approved agency, the system is operating as designed,

§8. This local law shall take effect on December 28, 2010 and shall apply to work for which applications for construction document approval are submitted to the department of buildings on or after such date; provided that the commissioner of buildings may take all actions necessary to implement this local law, including the promulgation of rules, on or before such effective date.

ERIK MARTIN DILAN, Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, ROBERT JACKSON, LETITIA JAMES, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, JAMES S. ODDO, Committee on Housing and Buildings, December 8, 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. 268

Report of the Committee on Land Use in favor of approving Application no. 20115303 HAX a request for approvals of a project summary, a real

property tax exemption and a regulatory agreement for property located on Block 2282/Lots 45 and 75; Block 2283/Lot 40, Borough of the Bronx, Council District no. 8. This matter is subject to Council Review and action pursuant to the Private Housing Finance Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 30, 2010 (Minutes, page 4962), respectfully

REPORTS:

SUBJECT

BRONX CB - 1

20115303 HAX

Application submitted by the New York City Department of Housing Preservation and Development pursuant to the Private Housing Finance Law for approval of a project summary, a real property tax exemption and approval of the Regulatory Agreement for property located at Block 2282/Lots 45, 75; and Block 2283/Lot 40 in Council District No. 8.

INTENT

To approve a project summary, new tax exemption, and a regulatory agreement.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 6, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the proposal 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. 600

Resolution approving Regulatory Agreement for the approvals of a project summary, a tax exemption and a regulatory agreement for the project located at Block 2282, Lots 45 and 75 and Block 2283, Lot 40; Borough of the Bronx (L.U. No. 268; 20115303 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 19, 2010 its request dated November 8, 2010 that the Council take the following actions regarding the following Project (the "Project") located at Block 2282, Lots 45 and 75 and Block 2283, Lot 40 for the approval of a project summary, a tax exemption, and the approval of a regulatory agreement, Community District 2, Council District 17, Borough of the Bronx (the "Regulatory Agreement"):

1. Approve pursuant to Section 114 of the PHFL, the Project Summary as to conformity with the provisions and purposes of Article V of the PHFL;
2. Approve, the partial exemption of the Project from real property taxes pursuant to Section 125 of the PHFL; and
3. Approve, pursuant to Section 114 of the PHFL, the HPD Regulatory Agreement and authorize the Commissioner of HPD to execute the HPD Regulatory Agreement in substantially the form submitted, when approved as to form by the Corporation Counsel.

WHEREAS, upon due notice the Council held a public hearing on the Project on December 6, 2010;

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

RESOLVED:

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

The Council approves the exemption of the Project from real property taxes pursuant to Section 125 of the PHFL as follows:

- a. For the purposes hereof, the following terms shall have the following meanings:
 - (1) "Effective Date" shall mean the date of acquisition of the Project by the Owner.
 - (2) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2282, Lots 45 and 75 and Block 2283, Lot 40, on the Tax Map of the City of New York.
 - (3) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty years from the Effective Date, (ii) the date upon which the Exemption Area ceases to be owned by the Owner or, subject to HPD approval, another redevelopment company organized pursuant to Article V of the PHFL, (iii) the date upon which the City terminates the tax exemption pursuant to the terms of the HPD Regulatory Agreement, or (iv) the date of the expiration or termination of the Project's Section 8 Housing Assistance Payments Contract.
 - (4) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (5) "HPD Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner.
 - (6) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (7) "Owner" shall mean East 137th Apartment Owner L.P.
 - (8) "Prior Exemption" shall mean the exemption from real property taxation approved by the Board of Estimate on January 26, 1973 (Cal. No. 17) with respect to the Exemption Area.
 - (9) "Shelter Rent" shall mean the total rents received from residential and commercial 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.
 - (10) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.
- b. The Prior Exemption shall terminate upon the Effective Date.
- c. 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 taxes, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- d. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner 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.
- e. In consideration of the New Exemption, the Owner, for so long as the New Exemption 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.

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, 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, PETER A. KOO, Committee on Land Use, December 8, 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. 269

Report of the Committee on Land Use in favor of approving Application no. 20115304 HAX a request for approvals of a project summary; a conveyance; real property tax exemptions; the voluntary dissolution of a redevelopment company; and a regulatory agreement for property located on Block 2711/Lots 17 and 19; Block 2712/Lots 1, 9, 11, 23 and 40; Block 2714/Lots 1, 61, and 64; Block 2723/Lot 12; Borough of the Bronx, Council District no. 17.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 30, 2010 (Minutes, page 4962), respectfully

REPORTS:

SUBJECT

BRONX CB - 2

20115304 HAX

Application submitted by the Department of Housing Preservation and Development pursuant to the New York Private Housing Finance Law for approval of a project summary, a conveyance, real property tax exemptions, consent to the voluntary dissolution of a redevelopment company, a conveyance, and approval of a Regulatory Agreement for property located at Block 2711/Lots 17 and 19; Block 2712/Lots 1, 9, 11, 23, 40; Block 2714/Lots 1, 61, 64; Block 2723/Lot 12 in Council District No. 17.

INTENT

To approve the change of ownership, approve a new tax exemption, dissolution of the former owner, a regulatory agreement and a project summary.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 6, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the proposal 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. 601

Resolution approving Regulatory Agreement for the approvals of a project summary, a conveyance of property, a termination of a partial tax exemption, a voluntary dissolution of the current owner and a partial tax exemption for the project located at Block 2711, Lots 17, 19; Block 2712, Lots 1, 9, 11, 23, 40; Block 2714, Lots 1, 61, 64; Block 2722, Lot 48; and Block 2723, Lot 12; Borough of the Bronx (L.U. No. 269; 20115304 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on November 19, 2010 its request dated November 8, 2010 that the Council take the following actions regarding the following Regulatory Agreement Project (the "Project") located at Block 2711, Lots 17, 19; Block 2712, Lots 1, 9, 11, 23, 40; Block 2714, Lots 1, 61, 64; Block 2722, Lot 48; and Block 2723, Lot 12; for the approvals of a project summary, a conveyance of property, a termination of a partial tax exemption, a voluntary dissolution of the current owner and a partial tax exemption, Community District 2, Council District 17, Borough of the Bronx (the "Regulatory Agreement"):

1. Approve pursuant to Section 114 of the PHFL, the Project Summary as to conformity with the provisions and purposes of Article V of the PHFL;
2. Approve pursuant to Section 122(1) of the PHFL, the conveyance of the Exemption Area by the Current Owner to the New Owner;
3. Approve pursuant to Section 125 of the PHFL, the terminations of the partial tax exemptions of the Exemption Area granted by the Board of Estimate on December 1, 1977 (Cal. No. 31) and June 8, 1979 (Cal No. 27), which terminations shall be effective (1) day preceding the Effective Date;
4. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner;
5. Approve, the partial exemption of the Project from real property taxes pursuant to Section 125 of the PHFL; and
6. Approve, pursuant to Section 114 of the PHFL, the HPD Regulatory Agreement and authorize the Commissioner of HPD to execute the HPD Regulatory Agreement in substantially the form submitted, when approved as to form by the Corporation Counsel.

WHEREAS, upon due notice the Council held a public hearing on the Project on December 6, 2010;

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

RESOLVED:

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

The Council approves pursuant to Section 122(1) of the PHFL, the conveyance of the Exemption Area by the Current Owner to the New Owner.

The Council approves, pursuant to Section 125 of the PHFL, the terminations of the partial tax exemptions of the Exemption Area granted by the Board of Estimate on December 1, 1977 (Cal. No. 31) and on June 8, 1979 (Cal. No. 27), which terminations shall be effective (1) day preceding the Effective Date.

The Council consents, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.

The Council approves the partial exemption of the Project from real property taxes pursuant to Section 125 of the PHFL as follows:

- a. For the purposes hereof, the following terms shall have the following meanings:
 - (1) "Current Owner" shall mean, collectively, SEBCO III Associates, L.P. and SEBCO VI Associates, L.P.
 - (2) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the New Owner, (ii) the date that the New Owner enters into the HPD Regulatory Agreement, or (iii) the date that the New Owner enters into the HDC Regulatory Agreement.
 - (3) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2711, Lots 17, 19; Block 2712, Lots 1, 9, 11, 23, 40; Block 2714, Lots 1, 61, 64; Block 2722,

Lot: 48; and Block 2723, Lot 12 on the Tax Map of the City of New York.

- (4) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty years from the Effective Date, (ii) the date upon which the Exemption Area ceases to be owned by the New Owner or, subject to HPD approval, another redevelopment company organized pursuant to Article V of the PHFL, (iii) the date upon which the City terminates the tax exemption pursuant to the terms of the HPD Regulatory Agreement, or (iv) 120 days from the date of the expiration or termination of the Section 8 Housing Assistance Payments Contracts or contracts under a similar or successor program, unless the New Owner or, subject to HPD approval, another redevelopment company organized pursuant to Article V of the PHFL, has entered into a new regulatory agreement with HPD regarding rental subsidy for tenants living in the Exemption Area.
- (5) "HDC" shall mean the New York City Housing Development Corporation.
- (6) "HDC Regulatory Agreement" shall mean the regulatory agreement between HDC and the New Owner providing that, for a term of 40 years, all units in the Exemption Area must be rented upon vacancy to families whose incomes do not exceed 60% of area median income.
- (7) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (8) "HPD Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner.
- (9) "Maximum Shelter Rent Tax" shall mean (i) \$372,958, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area 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.
- (10) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (11) "New Owner" shall mean PRC Simpson Street LLC.
- (12) "Prior Exemption" shall mean the partial exemption of the Exemption Area from real property taxation pursuant to Section 125 of the Private Housing Finance Law approved by the Board of Estimate on December 1, 1977 (Cal. No. 31) and June 8, 1979 (Cal. No. 27).

- b. 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 taxes, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real estate tax payments in the amount of the Maximum Shelter Rent Tax. Notwithstanding the foregoing, the total annual real estate tax payment by the New Owner 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 and payable in the absence of any form of tax exemption or abatement provided by an existing or future local, state or federal law, rule or regulation.
- d. In consideration of the New Exemption, the New Owner, for so long as the New Exemption 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.

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

If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, 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, PETER A. KOO, Committee on Land Use, December 8, 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. 270

Report of the Committee on Land Use in favor of approving Application no. 20115269 HKM (N 110092 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.433, LP-2353) by the Landmarks Preservation Commission of the 97 Bowery Building, located at 97 Bowery (Block 304, Lot 2) as a historic landmark, Council District no. 1.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 30, 2010 (Minutes, page 4962), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 3 20115269 HKM (N 110092 HKM)

Designation by the Landmarks Preservation Commission (List No. 433/LP No. 2353), pursuant to Section 3020 of the New York City Charter, regarding the landmark designation of the 97 Bowery Building, located at 97 Bowery (Tax Map Block 304, Lot 2), as an historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 6, 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. 602

Resolution affirming the designation by the Landmarks Preservation Commission of the 97 Bowery Building, located at 97 Bowery (Tax Map Block 304, Lot 2), Borough of Manhattan, Designation List No. 433, LP-2353; L.U. No. 270; 20115269 HKM (N 110092 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on September 23, 2010 a copy of its designation dated September 14, 2010 (the "Designation"), of the 97 Bowery Building, located at 97 Bowery, Community District 3, Borough of Manhattan, as a landmark and Tax Map Block 304, Lot 2, 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 November 18, 2010 its report on the Designation dated November 17, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on December 6, 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; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, 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, PETER A. KOO, Committee on Land Use, December 8, 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. 271

Report of the Committee on Land Use in favor of approving Application no. 20115270 HKM (N 110094 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.433, LP-2398) by the Landmarks Preservation Commission of the Eleventh Street Methodist Episcopal Chapel, located at 545-547 East 11th Street (Block 405, Lot 39) as a historic landmark, Council District no. 2.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 30, 2010 (Minutes, page 4963), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 3 20115270 HKM (N 110094 HKM)

Designation by the Landmarks Preservation Commission (List No. 433/LP No. 2398), pursuant to Section 3020 of the New York City Charter, regarding the landmark designation of the Eleventh Street Methodist Episcopal Chapel (later People's Home Church and Settlement, now The Father's Heart Church), located at 545-547 East 11th Street (Tax Map Block 405, Lot 39), as an historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: December 6, 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. 603

Resolution affirming the designation by the Landmarks Preservation Commission of the Eleventh Street Methodist Episcopal Chapel, located at 545-547 East 11th Street (Tax Map Block 405, Lot 39), Borough of Manhattan, Designation List No. 433, LP-2398; L.U. No. 271; 20115270 HKM (N 110094 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on September 23, 2010 a copy of its designation dated September 14, 2010 (the "Designation"), of the Eleventh Street Methodist Episcopal Chapel (later People's Home Church and Settlement, now The Father's Heart Church), located at 545-547 East 11th Street, Community District 3, Borough of Manhattan, as a landmark and Tax Map Block 405, Lot 39, 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 November 18, 2010 its report on the Designation dated November 17, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on December 6, 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; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, 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, PETER A. KOO, Committee on Land Use, December 8, 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. 428-A

Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law in relation to the naming of 67 thoroughfares and public places, Police Officer Deon L. Taylor Way, Borough of the Bronx, Sergeant Jose Velez Avenue, Borough of the Bronx, Police Officer Kenneth Mahon Place, Borough of the Bronx, Dra. Evelina Antonetty Way, Borough of the Bronx, Kevin Oslen Hill Way, Borough of Brooklyn, Kenneth S. Jackson, Jr. Blvd., Borough of Brooklyn, Bishop Clarence V. Keaton Blvd., Borough of Brooklyn, PS 84 Sidney Morison Way, Borough of Manhattan, Phyllis Yvonne Reed Plaza, Borough of the Bronx, Officer John Scarangella Way, Borough of Queens, Officer Disdale Enton Way, Borough of Queens, Church of the Holy Child Jesus Plaza, Borough of Queens, Madam C.J. & A'Lelia Walker Place, Borough of Manhattan, Jack Johnson Place, Borough of Manhattan, Judge Bruce Wright Place, Borough of Manhattan, The Reverend Doctor Joe Louis Parker Way, Borough of Brooklyn, Anna Chineda Carter Square, Borough of Brooklyn, Staff Sergeant Luis Manuel Gonzalez Street, Borough of Queens, Nancy DeBenedittis MAMA's WAY, Borough of Queens, Rabbi Sholem B. Kowalsky Way, Borough of Queens, Dr. Giacomo J. Buscaino Place, Borough of Brooklyn, Joe 'The Great' Rollino Corner, Borough of Brooklyn, Auxiliary Captain Linying Gong Way, Borough of Brooklyn, Angela Piccini Canadé Way, Borough of Brooklyn, Seven In Heaven Way, Borough of Brooklyn, FF Ronnie L Henderson Way, Borough of Brooklyn, Red Hook Heroes Run, Borough of Brooklyn, Basil "Bob" Stonbely Way, Borough of Brooklyn, Andrew DiOrio Boulevard, Borough of Brooklyn, Anthony J. Leone Way, Borough of Brooklyn, Abe Kanter Way, Borough of Brooklyn, Jennifer Y. Wong Way, Borough of Queens, Gina Alexa Morales Way, Borough of Staten Island, Rafael Vega Way, Borough of Staten Island, Union Settlement Way, Borough of Manhattan, Detective Omar Edwards Way, Borough of Manhattan, Saul Bruckner Way, Borough of Brooklyn, Dr. Gianpaolo Maestrone Corner, Borough of Staten Island, Father Gannon Court, Borough of Staten Island, John "Jack" P. Meade Way, Borough of Staten Island, Dominick S. Florio Way, Borough

of Staten Island, Detective Michael Morales Way, Borough of Staten Island, Johnny Maestro Way, Borough of Staten Island, John M. D'Amato Way, Borough of Staten Island, Kenneth Pontillo Way, Borough of the Bronx, Rebitzen Rita Horowitz Way, Borough of Brooklyn, Firefighter Paul Warhola Way, Borough of Brooklyn, Police Officer Jill Garcia Place, Borough of the Bronx, Bishop Francisco Garmendia Place, Borough of the Bronx, Carl Paul Jennewein Place, Borough of the Bronx, Merlin German Way, Borough of Manhattan, Michael "Tiger" Heaney Street, Borough of Staten Island, Bishop C. Asapansa-Johnson Way, Borough of Staten Island, Artie Evans Way, Borough of Staten Island, Dorothy Pamela Gomes Way, Borough of the Bronx, Alfred J. Ranieri Way, Borough of the Bronx, Rocco Miano Way, Borough of the Bronx, Louis Salvati Way, Borough of the Bronx, Julie Wager Way, Borough of Queens, Frank Justich Way, Borough of Queens, William Modell Way, Borough of Queens, Chuck Costello 9/11 Memorial Way, Borough of Queens, Martin M. Trainor Way, Borough of Queens, Alejandro Nino Place, Borough of Queens, Carlo A. Lanzillotti Place, Borough of Queens, Claire Kraft Way, Borough of Queens, Bertram L. Baker Way, Borough of Brooklyn and the repeal of sections 4 and 57 of local law number 92 for the year 2009, the repeal of section 1 of local law number 46 for the year 2009 and the repeal of section 30 of local law number 64 for the year 2008.

The Committee on Parks and Recreation, to which the annexed proposed amended local law was referred on November 30, 2010 (Minutes, page 4910), respectfully

REPORTS:

Comment:

On December 7, 2010, the Committee on Parks and Recreation will hold a hearing to consider a bill co-naming sixty-seven (67) thoroughfares and public places. This will be the second hearing on this bill. The Council acts upon the authority granted in subdivision (b) of section 25-102.1 of the New York City Administrative Code which states:

- b. Unless the local law specifically provides otherwise, any local law changing the name of a street, park, playground or portion thereof, or any facility or structure, located and laid out on the city map, that bears a name indicated on the city map shall not be construed to require a change in such name as it is indicated on the city map; provided, however, that in the case of a local law changing the name of a street or portion thereof, the name added by such local law shall be posted on a sign placed adjacent to or near a sign bearing the name of such street or portion thereof indicated on the city map.

The following street name changes are not to be construed as a change in the City Map, but as additional names to be posted near or adjacent to the street or location indicated on the City Map.

Section 1. Police Officer Deon L. Taylor Way

Introduced by Council Member Arroyo
Died October 22, 2008

Police Officer Deon Taylor was a lifelong resident of the Bronx until his death while serving his second military tour in Afghanistan. He was admired both as a City Police Officer and as a soldier in the United States Army. In 2005, he joined the NYPD and worked in the Transit Bureau before joining the narcotics team. In his second deployment to Afghanistan, he served as a fire direction specialist.

Section 2. Sergeant Jose Velez Avenue

Introduced by Council Member Arroyo
June 12, 1970 - June 9, 2006

Sergeant Jose Velez graduated from Dewitt Clinton High School in the Bronx in 1988. He obtained his commercial driver's license and became a truck driver. He joined the Army Reserve in 2004 and was assigned to the Army Reserve's 773rd Transportation Company, Fort Totten, New York. He was killed in the line of duty in Kirkuk, Iraq when an explosive device detonated near his High Mobility Multipurpose Wheeled Vehicle (HMMWV).

Section 3. Police Officer Kenneth Mahon Place

Introduced by Council Member Arroyo
Died December 28, 1974

Officer Kenneth Mahon joined the New York City Police Department in 1968 after serving in the United States Army in the Vietnam War. While serving as an officer, he was decorated by the department thirty-six times, including eighteen excellent police citations, ten meritorious service citations and five departmental commendations. He was serving in the anticrime unit for the last three years until the time he was killed in the line of duty and had over 259 arrests and disarmed

about fifty people. He was killed in the line of duty while trying to apprehend a suspect in a robbery that had taken place on December 27, 1974.

Section 4. Dra. Evelina Antonetty Way

Introduced by Council Member Arroyo

Dra. Evelina Antonetty was a community activist who founded the United Bronx Parents Inc. in 1966. The agency helped parents and local businesses advocate for improved education for children in south Bronx public schools, specifically in bilingual education, minority hiring, parent training, and decentralization and community control of local schools. It later on included emergency food programs, Bilingual Adult Education and Day Care services, HIV/AIDS services and addiction related services as well. She was also presented with awards such as the Fanny Lou Hammer Award from Women for Racial and Economic Equality, the Abraham Lincoln Award for Human Services and an Honorary Degree in Humane Letters from Manhattan College.

Section 5. Kevin Oslen Hill Way

Introduced by Council Member Barron

June 14, 1986 - October 4, 2009

Army Specialist Kevin Oslen Hill was raised in Bushwick, Brooklyn. He graduated from John Dewey High School in 2003 and later graduated from Monroe College with a Bachelor Degree in Criminal Justice. He joined the United States Army and was assigned to the Engineer Battalion doing route clearance work, in Afghanistan, searching for and disabling roadside bombs. Kevin Oslen Hill was killed in the line of duty while on patrol.

Section 6. Kenneth S. Jackson, Jr. Blvd.

Introduced by Council Member Barron

July 7, 1983 - October 6, 2007

Kenneth Jackson Jr. was very involved in his church as well as his community. He was involved with the Junior Usher Board, Boy Scouts, Buds of Promise and visited many nursing homes. He qualified for the New York City Gifted Program at PS 159 and later enrolled in Clinton Junior College in Rock Hill, South Carolina. He served as a mentor to the younger generation in his neighborhood in East New York and worked as a Senior Counselor at the Police Athletic League.

Section 7. Bishop Clarence V. Keaton Blvd.

Introduced by Council Member Barron

December 31, 1955 – July 3, 2009

Clarence V. Keaton grew up in Brooklyn where as a young man was a gang leader in the streets. However, changed his life and became a Pastor with more than thirty years in ministry. There is no apparent record of any specific actions he took as part of any gang, nor was Keaton convicted of any crimes. After his conversion, he joined the ministry of Free Mission Apostolic Church where he taught for more than a decade as a Biblical Instructor enhancing the spiritual growth of the people. In 1983, he established True Worship Church and in 1985, the first church building was purchased. The growth of the ministry expanded at a rapid rate and the architectural design was given to Rev. Dr. Keaton to build a new cathedral on the same property. The new church came into fruition on September 21, 2001. Rev. Dr. Clarence Keaton's congregants affectionately address him as P.O.P. (Pastor Of Pastors) and to his peers he is known as the "Preacher Teacher." He was recognized as an inspired teacher of the Bible and in 1992 was honored with an honorary Doctorate of Divinity Degree by the highly accredited Jesus Saves Bible Institute. In addition, many elected officials have presented awards to Rev. Dr. Keaton for his personal commitment to ministry and the community. These honors include acknowledgements from State Assemblywoman Diane Gordon of the 40th. A.D., who honored him for Outstanding Achievement, former Councilwoman Pricilla Wooten, former Brooklyn Borough President Howard Golden and current Brooklyn Borough President Marty Markowitz have honored him with citations for Outstanding Community Service. Radio station WWRL of New York awarded and recognized Dr. Keaton as a highly acclaimed inspirational radio personality for utilizing the radio as a tool to minister to and reach thousands of people. Through his years of leadership, Pastor Keaton trained and licensed thirty-two ministers. Rev. Dr. Clarence Keaton appears on Mariah Carey's Grammy Award winning gospel single, "Fly Like A Bird", which achieved multi-platinum status. Dr. Keaton has rendered the word of God through this recording throughout New York and abroad appearing with his choir and Mariah Carey on ABC's broadcast television show, "Good Morning America" and on the stage of Madison Square Garden and New Jersey's Continental Airlines Arena.

Section 8. PS 84 Sidney Morison Way

Introduced by Council Member Brewer

December 11, 1931 – October 16, 2009

Sidney Morison joined the New York City School System in the 1950's as a math teacher at J.H.S. 118. He later became a math coordinator for District 3 and the Deputy to the Superintendent for District 3 before he became the principal of PS 84 for twenty-six years. While principal, PS 84 won the Rockefeller Brothers Fund and New York City's Schools and Culture Award. He was also a Korean War Veteran who established the first NYC dual immersion language program at PS 84 and consulted the National Institute of Education, Teachers Corps., Carnegie Corp., and the Ford Foundation.

Section 9. Phyllis Yvonne Reed Plaza

Introduced by Council Member Cabrera

February 18, 1943 – August 31, 2009

Phyllis Yvonne Reed was a longtime Bronx activist who founded one of the first black-owned advertising agencies, Dalmatian Enterprises Inc., catering specifically to minority owned businesses. Later in life, she attended Fordham University and founded the National Forum for the Applied Media Arts and Sciences, a group that provided internships and grants, as well as after-school and summer programs. She became a member of the Kingsbridge Heights Neighborhood Improvement Association, the Northwest Bronx Community and Clergy Coalition and Bronx Community Board 7. She also volunteered for the Kingsbridge Armory International Village Garden.

Section 10. Officer John Scarangella Way

Introduced by Council Member Comrie

Died May 1, 1981

Officer John Scarangella was a member of the New York City Police Department for twelve years and was killed in the line of duty when he and his partner stopped a van that fit the description of a vehicle wanted in connection with several burglaries in the area. The occupants of the van open fired striking Officer Scarangella twice. He died two weeks later as a result of his injuries. The suspects were later apprehended and convicted of murder and sentenced to twenty-five years to life in prison.

Section 11. Officer Disdale Enton Way

Introduced by Council Member Comrie

Died August 28, 2002

Officer Disdale Enton was a four-year veteran of the NYPD and was assigned to the 113th Precinct. He collapsed after suffering a brain aneurysm while chasing a suspect in Jamaica, Queens.

Section 12. Church of the Holy Child Jesus Plaza

Introduced by Council Member Crowley

Holy Child Jesus (HCJ) has provided education to thousands of New Yorkers over the last eighty years. It has included members of other faiths in shared cultural events and has provided senior services for any seniors in the neighborhood, such as healthcare screening and a weekly lunch program as well as free services from the American Cancer Society, the American Diabetes Association and physicians. HCJ also provides food, clothes and advocacy for over 300 individuals a month who are in need and was awarded first prize by the New York City Chamber of Commerce for excellence in the buildings design and civic value.

Section 13. Madam C.J. & A'Leia Walker Place

Introduced by Council Member Dickens

December 23, 1867 – May 25, 1919

Madam C.J. Walker was an African-American businesswoman, hair care entrepreneur and philanthropist. She developed and marketed a successful line of beauty and hair care products and founded the Madam C.J. Walker Manufacturing Company. Her business success led her to undertake public speaking engagements designed to assist other African-American women to build their own businesses. She also began to donate money to the NAACP, the YMCA, as well as, black schools, organizations, orphanages and retirement homes. Madam Walker has been listed on Molefi Kete Asante's list of 100 greatest African Americans, was inducted into the Junior Achievement U.S. Business Hall of Fame, the National Women's Hall of Fame, the National Cosmetology Hall of Fame and the National Direct Sales Hall of Fame. In addition, as part of its Black Heritage Series, United States Postal Service issued a Madam C.J. Walker Commemorative stamp.

A'Leia Walker, daughter of Madam C.J. Walker, inspired many singers, poets and sculptors of the Harlem Renaissance. She hosted many artists, writers, musicians and actors of the Harlem Renaissance at the Dark Tower, a converted floor of her 136th Street townhouse near Lenox Avenue.

Section 14. Jack Johnson Place

Introduced by Council Member Dickens

March 31, 1878 – June 10, 1946

Jack Johnson was an American boxer, the second African-American boxing champion and the first African-American world heavyweight boxing champion. He was inducted into the Ring Boxing Hall of Fame in 1954 and the International Boxing Hall of Fame in 1990. He was also known for being the first celebrity athlete appearing regularly in the press, radio, and movies. He was also a connoisseur of Harlem night life and opened his own club called Club Deluxe at 142nd Street and Lenox Avenue. In 1910, Congress passed the Act of June 25, 1910 known as the "White Slave Traffic Act or the Mann Act" which outlawed the transportation of women in interstate or foreign commerce for the purpose of prostitution or debauchery or for any other immoral purpose. In October 1912, Johnson was arrested on the grounds that his relationship with a white woman violated the Mann Act. However, the case was dismissed when the woman refused to cooperate with Federal Authorities and later married Johnson. Less than a month

later, Johnson was arrested again on similar charges. Belle Schreiber, a white woman who was pressured by the federal authorities to testify against Johnson, testified that Johnson had transported her across state lines for the purpose of prostitution. He was convicted by a jury in 1913 of violating the Mann Act and sentenced to one year and one day in federal prison. The conviction was sought and obtained despite the fact that the incidents used to convict him took place prior to passage of the Mann Act. Johnson fled the United States and for the next seven years, Johnson and his wife lived in exile in Canada and various European and South American countries. Johnson returned to the United States in July 1920, surrendered to authorities and served his sentence in the federal penitentiary at Leavenworth, Kansas. He was released on July 9, 1921.

There have been recurring proposals to grant Johnson a posthumous presidential pardon. A bill requesting President George W. Bush to pardon Johnson in 2008, passed the House, but failed to pass in the Senate. In April 2009, Senator John McCain, along with Representative Peter King, filmmaker Ken Burns, who made a documentary on Johnson's life, and Johnson's great niece, Linda Haywood, requested a presidential pardon for Johnson from President Barack Obama. On July 29, 2009, Congress passed a resolution calling on President Obama to issue a pardon, however, no action has been taken so far.

Section 15. Judge Bruce Wright Place

Introduced by Council Member Dickens
December 19, 1917 – March 24, 2005

Bruce Wright was a former New York Judge who denounced racism in the criminal justice system and was well known for setting low bail for many poor and minority defendants, earning him the epithet of "Turn 'Em Loose Bruce" from the Patrolmen's Benevolent Association. He was also the author of the book, *Black Robes, White Justice*, which discussed the role of race in the judicial system. In 1994, he retired from the New York State Supreme Court where he had served for 25 years. In March 2000, he was made an honorary member of Princeton's 2001 Class, 65 years after being denied admission because of his race.

Section 16. The Reverend Doctor Joe Louis Parker Way

Introduced by Council Member Dilan
October 16, 1940 – July 29, 2007

Reverend Doctor Joe Louis Parker moved to Brooklyn in 1960 where he began serving under the leadership of Reverend Theodis Hutcherson at Wayside Baptist Church where he participated in many aspects of church life. In 1972, he became a licensed minister and was installed as the second pastor of Wayside Baptist Church. He soon became a community activist when he led a march to eradicate the social ills of social, economic and political injustice and substance abuse. He also served as an advisor to the 55th Advisory Council and Democratic Club, Clergy Liaison to the NYPD, member of the 73rd Precinct Clergy Council, member of the NAACP, organizer and general chairman of the Wayside Community Program, President of the African American Clergy and Elected Officials, member of the Downstate Medical Advisory Council and co-chair of the Model Block Program.

Section 17. Anna Chineda Carter Square

Introduced by Council Member Dilan
November 21, 1932 – February 18, 2009

Anna Chineda Carter was chair of Community Board 4 during the 1970's, a very critical time in Bushwick. Under her leadership, CB 4 developed the Bushwick Action Plan to revitalize the community. She maintained a collaborative relationship with the Mayor's office and numerous City agencies in order to revitalize Bushwick. She was also instrumental in helping choose a location for the new 83rd Precinct station house. After a 1977 "All Hands Fire" in the area of Knickerbocker Avenue and Bleecker Street, which obliterated twenty-three buildings and uprooted over fifty families, Ms. Carter urged that the fire site would make a great location for the new Police Precinct. The location was situated near the middle of Bushwick instead of initial plans to build the Precinct at the northern border of Bushwick at Flushing Avenue. After convincing the Mayor's Office and the NYPD, the new Precinct was built at the site of the "All Hands Fire."

Section 18. Staff Sergeant Luis Manuel Gonzalez Street

Introduced by Council Member Ferreras
June 15, 1982 – October 27, 2009

Luis Manuel Gonzalez was a loving son, caring father and great husband who joined the United States Army in 2002. He was assigned to the 1st Battalion, 17th Infantry Regiment, 5th Stryker Brigade Combat Team, 2nd Infantry Division, Fort Lewis, Washington. He was killed in combat in Afghanistan when enemy forces attacked his vehicle with an improvised explosive device. He was awarded the Bronze Star and United States Army commendation over his eight year military career.

Section 19. Nancy DeBenedittis MAMA's WAY

Introduced by Council Member Ferreras
May 29, 1919 – December 1, 2009

Nancy DeBenedittis, better known as Mama, was the owner of Leo's Latticini, also known as Mama's of Corona to the community. Her parents opened the store back in the 1930's and she continued the business with her husband since the 1940's. The store is now run by her three daughters. Police officers, firefighters, sanitation workers and park employees are regular customers at Mama's for the

mozzarella, famous sandwiches or hot specials. Mama's is more than just a world-renowned restaurant, it has been a source of giving and civic participation throughout the entire neighborhood and borough for generations. For more than 20 years, the 110th Precinct Queens Explorers program has mentored at-risk kids who have an interest in pursuing careers in law enforcement and Mama's has always been at the forefront of support for this project. Each year on Family Day the restaurant donates hundreds of dollars worth of sandwiches and cookies for the Explorers' banquet. Mama's provides free food for neighborhood cleanups sponsored by the Precinct. Furthermore, the restaurant serves the 110th precinct as a safe spot, where children from unstable home lives can go to have a quiet place to do their homework. After the terrorist attacks on the WTC on 9-11, Mama's supported the responders who worked at Ground Zero by sending bags of sandwiches for the emergency rescue workers. Mama's always supported the NYPD Emergency Services Unit by providing food for their annual holiday party and also sent three giant subs spelling out the letters USA to wounded veterans at an Army hospital in Texas.

Section 20. Rabbi Sholem B. Kowalsky Way

Introduced by Council Member Gennaro
Died January 18, 2010

Rabbi Sholem B. Kowalsky served a number of Jewish communities in the United States and Israel beginning in 1942. He was an educator, a community rabbi, a powerful orator, an author and an advisor to the Chief Rabbinate of Jerusalem. He founded the Yeshiva of Newark in 1942. In 1959 he moved to Queens and served as rabbi at the Young Israel of Hillcrest where, under his leadership, the Young Israel of Hillcrest became the largest Young Israel in New York City. He was also involved in many areas of Jewish communities in the United States, Israel and the former Soviet Union. He founded the Ezra Fund, which under the auspices of the Rabbinical Council of America, sent packages and religious artifacts to Jews behind the Iron Curtain and served as vice president of the RCA chaired its Jubilee convention in Israel, served as president of the Young Israel Rabbis.

Section 21. Dr. Giacomo J. Buscaino Place

Introduced by Council Member Gentile
March 22, 1952 – September 5, 2008

Dr. Giacomo J. Buscaino was a cardiologist who was very dedicated to his community. He served on the Board of Trustees of Victory Memorial Hospital for twelve years and served as Chief of Cardiology for three years. In 2004, he was recognized as Man of the Year by the National Federation of Italian American Societies. In addition, he was a long standing sponsor of the 68th Precinct Baseball League and recipient of the Humanitarian of the Year Award from the Ben-Bay Kiwanis Club. He was a board director for the not-for-profit, Luke M. Parlatore Scholarship Foundation which has awarded thirty-eight Staten Island Teens with scholarships that total \$51,000 and has given over \$5,000 to community outreach programs.

Section 22. Joe 'The Great' Rollino Corner

Introduced by Council Member Gentile
March 19, 1905 – January 11, 2010

Joe Rollino was known for his great physical strength, as well as, being an active volunteer promoting physical health to neighborhood children. He once lifted 475 pounds using his teeth, used one finger to lift 634 pounds and was one of the last of the old Coney Island strongmen. He once boxed under the name Kid Dundee, was a Coney Island performer and fought in World War II. Mr. Rollino died at 104 years old when he was struck by a minivan while walking in his neighborhood.

Section 23. Auxiliary Captain Linying Gong Way

Introduced by Council Member Gentile

Linying Gong was the first Asian woman to receive the rank of Captain in the Auxiliary Police and served as an Auxiliary Police officer for thirty-seven years. She worked out of the 68th Precinct in Brooklyn and was very dedicated to keeping the community safe. Although diagnosed with cancer, she remained dedicated to the Auxiliary Police and even visited with other cancer patients. Her last police assignment was working the New York City Bike Tour.

Section 24. Angela Piccini Canadé Way

Introduced by Council Member Gentile
Died May 24, 2010

Angela Piccini Canadé was a Dyker Heights resident who was a publicist and supporter for the Guild for Exceptional Children, a not-for-profit organization that offers services for developmentally disabled children and adults, involved with Fontbonne Hall Academy and was a longtime columnist for the Home Reporter and Sunset News. She served as the director of Public Relations for Victory Memorial Hospital and was also very active in the Bay Ridge Festival of the Arts, Bay Ridge Professional Women and the Bay Ridge Community Council. She also received numerous honors, proclamations and Woman of the Year awards for exemplary community service including Woman of Achievement Award, NYS Senate, 1989, Community Service Award, Senator Christopher Mega, 1986, Appreciation, Bay Ridge Lioness Club, 1989, Woman of the Year, Seergy Republican Club, 1983 and Alumna of the Year, Fontbonne Hall Academy, 1987.

Section 25. Seven In Heaven Way

Introduced by Council Member Gonzalez

This intersection will be named for seven firefighters killed in the 9/11 attacks.

Section 26. FF Ronnie L Henderson Way

Introduced by Council Member Gonzalez

Died September 11, 2001

Ronnie Lee Henderson was a veteran firefighter assigned to Engine 279. He was a United States Marine in Vietnam. He graduated from Alexander Hamilton High School and went on to attend John Jay College. He was killed in the line of duty in the 9/11 attacks.

Section 27. Red Hook Heroes Run

Introduced by Council Member Gonzalez

This intersection will be named for five firefighters killed in the 9/11 attacks.

Section 28. Basil “Bob” Stonbely Way

Introduced by Council Member Gonzalez

Died December 7, 2007

Basil Stonbely was born in Cobble Hill and later on became a pioneer in the carpet cleaning industry eventually becoming founder and president of Certified Carpets. He gave back to the community and his church which lead him to become the Knight of Malta and Knight Commander by Cardinal O’ Connor. He also honored as Man of the Year at the Salaam Club of New York, was a founding member of the Southwest Brooklyn Industrial Development Corporation, Community Mayor of Sunset Park, co-recipient of the Golden Apple Award, board member and vice chairman of the Saint Nicholas Home for the Aged, trustee of the Church of the Virgin Mary, member of the Bishop’s Coat of Arms Association. He was also a founding member of Flowers with Care, a rehabilitation program for first time crime offenders.

Section 29. Andrew DiOrio Boulevard

Introduced by Council Member Gonzalez

1924 – July 25, 2009

Andrew DiOrio served in the United States Army as an Infantry Radio and Communications Operator in WWII. He was awarded the Purple Heart and Bronze Star. Upon his return, he worked his way up to Lead Foreman in charge of the Brooklyn Army Terminal along with three other ports. In 1956, he was asked by the Pastor of St. Rocco’s Roman Catholic Church if he would manage the Youth Center. He served as General Manager of the Youth Center for 25 years. He left that position when he was appointed as the Principal Administrative Associate for the Public Administrator of Kings County. He was also the Court Analyst for the Surrogate Court of Brooklyn and later served as Deputy Public Administrator of Kings County. He served as Chairman of Community Board 7 where he was instrumental in getting Sunset Park designated as a Neighborhood Strategy Area getting \$10 million for improvements to the area, a new Sanitation Garage built and a new school (PS 314) built. He received the man of the Year Award from the Yankee Circuit and YMCA, the Bishop Mugavero Award, the Leif Erikson League Board of Directors Award and others.

Section 30. Anthony J. Leone Way

Introduced by Council Member Gonzalez

February 24, 1940 – June 2006

Anthony J. Leone was instrumental in helping the local churches and a generous supporter in a time of need. In 1982, he purchased a funeral home that was going out of business on 4th Avenue in Brooklyn. He was also instrumental in beautifying 4th Avenue by having trees planted all along the Avenue. He was also a member of the South Brooklyn Lions Club, the Elks Club, Knights of Columbus. Also, he helped people who couldn’t afford a funeral by never turning anyone away for lack of funds and would never accept any money for the funeral of a child. Anthony Leone was an invaluable member of the community during his life. He annually ran the St. Anna parade and feast at St. John the Evangelist Church. When the church needed to be redone and modernized Anthony Leone was a major force in spearheading the fund raising efforts that successfully got the church the renovations it desperately needed. Anthony started a yearly block party that raises funds for Down Syndrome research that continues to this day. Anthony’s feeling that community is our family allowed many people to be laid to rest with honor and dignity that they may not have had the opportunity to have. Money was secondary to a family’s grief. As a member of many local and church groups Anthony supported many local charities and groups. He silently supported groups all over his community because he felt it the right thing to do. Not for the recognition but because it was right.

Section 31. Abe Kanter Way

Introduced by Council Member Gonzalez

Died 2009

Abe Kanter was a founder of a local AARP chapter, a longtime assistant scoutmaster, an auxiliary police officer with the 68th Precinct for more than a decade and a commander of the Jewish War Veterans. He would also visit patients at the

VA Hospital and guided visitors through the Harbor Defense Museum at Fort Hamilton.

Section 32. Jennifer Y. Wong Way

Introduced by Council Member Halloran

Died September 11, 2001

Jennifer Y. Wong joined various Christian youth groups growing up, and taught two summers of Vacation Bible School while at Townsend Harris High School in Flushing. She later became a Sunday school teacher and organized a Christian group at SUNY Binghamton, where she studied business management. She was a risk management technologist with Marsh & McLennan on the 96th floor of Tower One in the World Trade Center. She was killed in the September 11, 2001 terrorist attacks.

Section 33. Gina Alexa Morales Way

Introduced by Council Member Ignizio

September 2, 2001 – November 28, 2008

Gina Alexa Morales was a student at P.S. 1 in Tottenville. She was diagnosed with asthma at the age of two and died as a result of a mucous plug that blocked her airways and caused a massive heart attack from the lack of oxygenated blood flow. Being an organ donor, her liver and two kidneys saved the lives of three people and her family has become strong advocates for asthma awareness. Her parents have become involved with the New York Organ Donor Network, participating in and hosting many fundraisers.

Section 34. Rafael Vega Way

Introduced by Council Member Ignizio

November 17, 1925 – May 8, 2010

Rafael Vega was born in Puerto Rico, moved to Brooklyn in 1953 and then to Staten Island in 1967. In the 1970’s, he became Assistant Principal of PS 1 in Brooklyn until he retired in 1985. He wrote poetry and taught music history classes at Brooklyn College and Pace University. He was also a community activist dedicated to the remediation of the Brookfield Landfill and was instrumental in many neighborhood improvement projects such as street repaving, tree plantings, obtaining 4-way stop signs, street lights and neighborhood clean-ups. For over three decades, he was instrumental in turning the 217-acre Brookfield Landfill from an illegal dumping ground for tons of hazardous waste in the 1970’s to a now \$200 million remediation project that will be a park open to the public by 2017.

Section 35. Union Settlement Way

Introduced by Council Member Mark-Viverito

Union Settlement opened in 1895 and serves the East Harlem community with educational programming for youth, job preparation, assistance and programs for seniors and health screenings.

Section 36. Detective Omar Edwards Way

Introduced by Council Member Mark-Viverito

Omar Edwards graduated from the Police Academy in July 2007 and was assigned to the 25th Precinct anti-crime team. In 2009, Detective Edwards was fatally shot in a friendly fire incident while he was in plainclothes chasing a man who had just broken into his car.

Section 37. Saul Bruckner Way

Introduced by Council Member Nelson

November 16, 1933 – May 1, 2010

Saul Bruckner was the principal of Edward R. Murrow High School. He began his forty-seven year career teaching Social Studies at David Boody Junior High School in 1957. In 1974, Mr. Bruckner opened Edward R. Murrow High School, a Comprehensive Educational Option School in the Midwood section of Brooklyn. As principal for over thirty years, he was responsible for the creation of many exemplary programs and practices. He was an innovator in curriculum and instruction, a motivator in staff development and a believer in his students ability to succeed. The school was designated a “School of Excellence” by the United States Department of Education.

Section 38. Dr. Gianpaolo Maestrone Corner

Introduced by Council Member Oddo

Died October 5, 2009

Dr. Gianpaolo Maestrone was born in Bergamo, Italy, and is known for his research efforts with Parkinson’s disease. He graduated from the University of Milan with a doctor of veterinary medicine degree and later came to the United States in 1953 as a Fulbright Scholar at Iowa State University. He is recognized for his involvement in Parkinson’s disease research on an international scale and created the Italian Parkinson Disease Association. He served for more than twenty years as the Director of Scientific and Medical Affairs for the Grasmere, Staten Islands based American Parkinson Disease Association. He was also instrumental in developing the World Parkinson Disease Association, the largest grassroots organization involving 25 countries and serving 1.5 million Americans with Parkinson’s. He was also a member of the New York Academy of Medicine and awarded Vigevano, Italy’s Emeritus Citizen Medal.

Section 39. Father Gannon Court

Introduced by Council Member Oddo
January 7, 1935 – March 26, 2008

Father Robert Gannon got his degree in philosophy and master's degree in theology from St. Joseph's Seminary and College in Yonkers. In 1962, he served as director of guidance at Monsignor Farrell High School, directing students toward college careers and future professions. Throughout his life, he taught at Our Lady Queen of Peace Church, St. Charles Church, Holy Rosary Church, the College of Staten Island, Staten Island Catholic Summer School, St. Joseph Hill Academy and Notre Dame Academy. He was also the recipient of the 1992 Albert V. Maniscalco Award for community service, as well as, honored by the Salvation Army's Staten Island advisory board for his community service. In addition, he was recognized by the National Youth Leadership Forum and the Congressional Youth Leadership Council in 2002 during National Teacher Appreciation Week.

Section 40. John "Jack" P. Meade Way

Introduced by Council Member Oddo
March 17, 1942 – January 11, 2010

John "Jack" P. Meade received the Hero Award from the New York City Department of Buildings for his dedication and fearless contributions as part of the World Trade Center Rescue Recovery Operation. He served as both President and Vice President of the St. Columcille Irish Culture Center in which he received the Outstanding Dedicated Service Award in 2000 for his contributions for preserving Irish culture for all people to appreciate. He was also a member of the Ancient Order of Hibernians and was the 2001 Hibernian of the year. He was a founding member of a group that initiated the Staten Island Irish Fair which benefited the St. Columcille Irish Culture Center. He was also the Chairman of the Liam Hannam Chapter of NORAIID and a supporter of the Children of Irish Political Prisoners Fund, as well as, the Make A Wish Foundation and the National Breast Cancer Society.

Section 41. Dominick S. Florio Way

Introduced by Council Member Oddo
April 15, 1942 – May 15, 2009

Dominick S. Florio was a member of the United States Army's 199th Light Infantry Brigade in 1967 and 1968 during the Vietnam War. He was honorably discharged as a Sergeant and awarded the Purple Heart for shrapnel wounds he received during the Tet Offensive. In 1980, while he was working for the New York City Department of Sanitation, he received an award from NYPD and NYFD for carrying an elderly woman out of a burning four-story building. He also dedicated himself to Vietnam Veterans by becoming a founding member of the Father Vincent Capodanno Chapter of the Military Order of the Purple Heart and the Vietnam Veterans of America, Chapter 42.

Section 42. Detective Michael Morales Way

Introduced by Council Member Oddo
July 14, 1946 – June 10, 2009

Michael Morales served with the United States Army in the Vietnam War and was the recipient of the Purple Heart. Later on, he served with the New York City Police Department for twenty-nine years and was assigned to the 122nd Precinct Detective Squad. He was active in his community as the Cub Master of Pack 97 and in charge of the altar servers, taught CCD and coached basketball at Holy Family. He died from illnesses caused by inhaling toxic materials as part of the rescue and recovery efforts at the World Trade Center site following the terrorist attacks on 9/11.

Section 43. Johnny Maestro Way

Introduced by Council Member Oddo
May 7, 1939 – March 24, 2010

Johnny Maestro began his singing career with the Crests, one of the first interracial groups of the recording industry, recording rock 'n' roll hits such as, Sixteen Candles, The Worst That Could Happen, Trouble In Paradise, etc. He performed at numerous fund raising events on Staten Island such as the Borough President's "Back to the Beach" concert. He also performed for the FDNY, NYPD, the United States Military, Italian America Association and church and school fundraisers. He performed on the Jerry Lewis Telethon and the "We Are the World" music video/album for worldwide hunger relief. Johnny Maestro and the Brooklyn Bridge were featured in one of PBS's biggest fundraising events called the Doo Wop 50. He is also in the Vocal Group Hall of Fame, 2005, the Long Island Hall of Fame, 2006, the South Carolina Rhythm and Blues Hall of Fame to name a few.

Section 44. John M. D'Amato Way

Introduced by Council Member Oddo
June 17, 1955 – July 7, 2007

John M. D'Amato was a prominent Staten Island attorney and former football star at Monsignor Farrell High School. He played college football and was a linebacker at the 1976 Rose Bowl for Ohio State University. He was a member of the Greater New York March of Dimes, Staten Island Community Television, Staten Island Republican Lawyers Association, Staten Island University Hospital, the Catholic Youth Organization and the Staten Island Family Event Inc. As an attorney, he spearheaded the ongoing lawsuit against the alleged Saudi Arabian financiers of the 9/11 attacks and achieved a landmark \$75 million national

settlement from the make of OxyContin, this being Staten Island's largest civil case. He was also a key player in New York City's bid to host the 2012 Olympics and was part of the controversial lobby for the proposed NASCAR track on Staten Island's West Shore. He also ran former Mayor Rudolph Giuliani's presidential campaign in the city before he died.

Section 45. Kenneth Pontillo Way

Introduced by Council Member Palma
October 8, 1954 – July 17, 2009

Kenneth Pontillo was born and raised in the Bronx and found his passion at a young age playing baseball for the Castle Hill Little League. In 1976, he began coaching his first minor league division team, "Bill and Macs." He managed and coached thousands of individuals through his thirty-three years as manager of the Castle Hill Little League and created a fun learning environment for kids to develop their passion for the game of baseball.

Section 46. Rebitzen Rita Horowitz Way

Introduced by Council Member Recchia, Jr.
July 20, 1947 – October 24, 2008

Rebitzen Rita Horowitz was a supporter and volunteer at the Shore Parkway Jewish Center for nearly thirty years. She worked with her husband, Rabbi Horowitz, at the synagogue for over thirty years. In addition, Rita helped develop a program in schools called Knit Esteem, which promotes self esteem activities. The program focused on 10-14 year old girls to help them develop pride in themselves through accomplishments in what they do. She was honored by Yeshiva University for her work in the Jewish community. A memorial fund was established in her honor called the Rita Horowitz Memorial Fund for Self Expression. She worked for P'tach, Parents for Torah for All Children, an organization that helped Yeshiva students with learning disabilities and also worked for Women's American ORT, Organization for Rehabilitation and Training which promotes the understanding and appreciation of Jewish values through a global network of schools and training programs.

Section 47. Firefighter Paul Warhola Way

Introduced by Council Member Reyna
Died August 12, 2009

Paul Warhola was a dedicated firefighter who served the community of Williamsburgh for fifteen years. He was a responder to the 9/11 attacks on the World Trade Center and also helped during the rescue and recovery operation at Ground Zero. He died on the way to a call as a result of a stroke.

Section 48. Police Officer Jill Garcia Place

Introduced by Council Member Rivera
May 24, 1975 – October 24, 2009

Police Officer Jill Garcia entered the New York City Police Academy in September 2000. She was assigned to the 46th Precinct upon her graduation from the Police Academy. In 2003, she was transferred to the 48th Precinct where she worked on patrol and as part of the Domestic Violence Unit. In March 2009, Officer Garcia was diagnosed with a rare form of cancer. She died on October 24, 2009 from cancer. Jill used her bilingual talents to advance her career as both a patrol and domestic violence officer and in particular, to help those most vulnerable to domestic violence- immigrant women. Her steadfast and dedicated work as a domestic violence officer has helped hundreds of immigrant women come forward despite being fearful due to their immigrant status. Many woman knew they had a friend and advocate in Police Officer Jill Garcia. It is in this regard, that she garnered the respect, praise and admiration of many of her colleagues and her superiors and thus was awarded "Cop of the Year" in September 2009. As a patrol officer she made over 120 arrests and received 5 commendations for "Excellent Police Duty" a number of which were as a result of gun arrests she made in efforts to rid the City's streets of illegal guns.

Section 49. Bishop Francisco Garmendia Place

Introduced by Council Member Rivera
November 6, 1924 – November 16, 2005

Bishop Francisco Garmendia was the first Hispanic bishop to serve the archdiocese of New York and was pastor of St. Thomas Aquinas parish in the Bronx for a quarter century. He was ordained to the episcopacy by Cardinal Terence Cooke in St. Patrick's Cathedral in 1977. He also served as vicar of the South Bronx Vicariate. He established the Hope Line of the South Bronx to serve the Honduran community and other new Hispanic immigrants and was instrumental in the establishment of the Hispanic Catholic Charismatic Center and securing a permanent home for it in the former school building of St. Anthony of Padua parish.

Section 50. Carl Paul Jennewein Place

Introduced by Council Member Rivera
December 2, 1890 – February 22, 1978

Carl Paul Jennewein was a classical and art deco sculptor. Born in Stuttgart, Germany, he came to the United States in 1907 and studied at the Art Students League in New York. He served in the United States Army, Seventh Regiment. His most well known works are four stone pylons for the 1939 World's Fair representing

the Four Elements, two pylons, painted in the Egyptian style that flank the entrance to the Brooklyn Public Library, various marble sculptures at the entrance to the Rayburn House of Representatives Office Building and thirteen sculptures of Greek deity in the central pediment of the Philadelphia Museum of Art.

Section 51. Merlin German Way

Introduced by Council Member Rodriguez

November 15, 1985 – April 11, 2008

Merlin German was born and raised in Washington Heights. Merlin German enlisted in the Marine Corps in September 2003. He received a promotion to Private First Class out of boot camp and in April 2004, was transferred to the 5th Battalion, 11th Marines, 1st Marine Division. He served there as a field artillery cannoneer. German was sent to machine gunner's course. In September 2004, German was attached to the 2nd Battalion, 11th Marines and became part of weapons platoon for convoy security. He participated in 150 successful missions. He successfully found 8 improvised explosive devices (IED's) without anyone being injured. On February 21, 2005, German's squad was on a mission when they were struck by an IED. German was burned over 97% of his body. German survived more than three years before dying on April 1, 2008. He set up a charity to benefit children who were burn victims. He was awarded a Purple Heart by President George W. Bush.

Section 52. Michael "Tiger" Heaney Street

Introduced by Council Member Rose

Died June 2008

Michael "Tiger" Heaney served as a specialist 4th class during the Vietnam War from 1966 to 1969 receiving the Purple Heart and Sharpshooter (Rifles) medals. Later, he became a plumber with the City Department of Transportation working at Rikers Island and with the Staten Island Ferry system for 30 years. He was also a member of the Staten Island Chapter of Vietnam Veterans, a coach in the Staten Island slow pitch Softball League and a parishioner of the former St. John the Baptist de la Salle R.C. Church.

Section 53. Bishop C. Asapansa-Johnson Way

Introduced by Council Member Rose

Bishop C. Asapansa-Johnson was the pastor of Bethel Community Church and former president of the Interdenominational Ministers Meeting of Greater New York. He was former pastor of the Allen Memorial Church (African Methodist Episcopal) in Brooklyn. He was later appointed by Mayor William O'Dwyer to the Mayor's Committee on Unity. In 1964, he was consecrated a bishop of the North America Old Roman Catholic Church in Chicago. He was also the first African-American chaplain of the New York City Fire Department.

Section 54. Artie Evans Way

Introduced by Council Member Rose

Died September 24, 2003

Artie Evans was a retired high school teacher and a legendary athlete who competed in the 1960 United States Olympic Trials in track and field. He was a math teacher for over thirty-five years at Port Richmond High School. As a young track star, he set a New York City high school record for a half mile relay leg and later went to Manhattan College where he anchored a two-mile relay team that set a world indoor record at the 1961 Millrose Games. He also qualified for the 1960 United States Olympic trials in California. However, he came up short competing in the 800 meters at those trials. He is considered one of the greatest half mile and relay runners in Staten Island. His world record for the 4x880 yards ran in Madison Square Garden got him into the Manhattan College Hall of Fame.

Section 55. Dorothy Pamela Gomes Way

Introduced by Council Member Seabrook

December 5, 1939 – March 2, 2009

Dorothy Gomes was very active in political and social work as a founding member of the Northeast Bronx Democratic Committee and active with Community Board 12 and the 47th Precinct Council. She became an independent Licensed Automobile Insurance Broker and founded her own business called Dorcal Edenwald, Inc. As president, she not only sold automobile policies, but she also provided income tax and transportation services as well. In 1985, Dorothy petitioned the New York City Board of Estimate for Dorcal Edenwald, Inc., to provide daily bus service in order to fill the void caused by the discontinuance of the BX14 bus. After her hard work, the Board of Estimate authorized Dorcal Edenwald, Inc. Ms. Gomez became the first African-American to own and operate a bus franchise in the state of New York.

Section 56. Alfred J. Ranieri Way

Introduced by Council Member Vacca

February 17, 1924 – July 10, 2009

Alfred J. Ranieri was a prominent attorney and civic leader in the East Bronx as well as a United States Navy veteran of World War II. A fifty-year resident of the Spencer Estate Country Club community, he served as President of the Homeowners Association of Eastchester Bay and a Board Member of the Spencer Estate Civic Association, for which he wrote monthly columns for the Bronx Times Reporter for over twenty years. In 1973, he was appointed President of the New York City Tax Commission by Mayor John V. Lindsay. A lifelong attorney, he took on countless

pro bono cases and in 1999 was recognized by the Bronx County Bar Association for fifty years of outstanding professionalism.

Section 57. Rocco Miano Way

Introduced by Council Member Vacca

Rocco Miano was born and raised in Morris Park and served over three decades as a volunteer in his community. He was a founding member of the Morris Park Community Patrol, which he served for nearly thirty years and also served as the Second Vice President of the Morris Park Community Association for ten years and as a member for over thirty-five years. He was an usher at St. Clare's Church for over ten years and was an active member of the St. Clare's Father's Club.

Section 58. Louis Salvati Way

Introduced by Council Member Vacca

January 16, 1922 – August 13, 2010

Louis Salvati was president of the Chester Civic Improvement Association, a local civic organization from 1992 to 1997, during which time he led a successful campaign to improve street safety and traffic flow following the approval of a large commercial development. Though he was not a local business owner, he sparked the formation of the Eastchester/Gun Hill Road Business Association to address a lack of advocacy on behalf of local merchants. During WWII, he served in the United States Army Air Force as a staff sergeant and radioman/gunner for the 320th Bombardment Group, taking part in numerous campaigns over Italy, France and Germany in support of the Allied forces.

Section 59. Julie Wager Way

Introduced by Council Member Vallone, Jr.

May 15, 1929 - January 6, 2010

Julie Wager attended PS 6 on Steinway Street and graduated from W.C. Bryant High School in 1946. He went on to and graduated from The City College of New York and began his career at his family's retail business. He was well respected by his community as the advertising director of the Queens Gazette, founder and president for over thirty years of the Central Astoria Local Development Coalition, president of the Steinway Astoria partnership and president of the Steinway Street Merchants Association. In addition, he served as chairman of Industrial, Commercial, Cable T.V., Communications (Economic Development) Committee of Community Board 1 for over thirty years, was a member of the board of directors of the Variety Boys and Girls Club, a board member of A Way Out addiction treatment organization and treasurer of the Walter Kaner Children's Foundation.

Section 60. Frank Justich Way

Introduced by Council Member Vallone, Jr.

June 19, 1968 – January 26, 2010

Frank Justich was a devoted husband, father and friend who was a talented artist. Everybody in his neighborhood referred to him as "one of the nicest guys on Earth." He was a Department of Sanitation worker who was killed on duty when he was struck by a tractor trailer. His badge number 11444 will be retired and Queens West 1 Garage where he worked will be named for him.

Section 61. William Modell Way

Introduced by Council Member Van Bramer

May 13, 1921 – February 14, 2008

William Modell was born in Manhattan Beach Brooklyn and attended New York University. He succeeded his father in running Modell's, the nation's oldest family-owned sporting goods company for sixty years. Under his leadership, Modell's became a popular chain of sporting good stores selling athletic equipment and accessories. He was appointed by President Jimmy Carter to the Panama Canal Treaty negotiating committee and also co-founder of the Jeffrey Modell Foundation for Immunological Research (his son Michael died of Crohn's disease) and founder of Gilda's Club in New York. He was inducted into the National Sporting Goods Hall of Fame by former President George H.W. Bush in 1994 and also became a member of the Discount Retail Hall of Fame.

Section 62. Chuck Costello 9/11 Memorial Way

Introduced by Council Member Van Bramer

Died September 11, 2001

Charles Costello was a sixteen-year member of Local One who was killed in the 9/11 attacks when he rushed to the site to help and rescue anyone he could.

Section 63. Martin M. Trainor Way

Introduced by Council Member Van Bramer

December 12, 1924 – August 20, 2009

Martin Trainor was the co-founder of Woodside on the Move, a community organization that sponsors tenant advocacy, affordable housing, youth development, education and training services, senior services, business services, and arts and cultural programs. The Woodside on the Move After School Programs at P.S. 152Q and PS 11 serve approximately 500 elementary school children each year. He worked as a law clerk for Manhattan District Attorney Hogan while attending law school and later taught at Notre Dame University and served as president of the First Avenue Boys in Manhattan. He began his law practice with Donald F. Menagh,

Esq. and for forty years, he focused his practice on fighting for rights of union members and their families. He became very active in the Woodside community through the Anoroc Democratic Club and St. Sebastian’s Church. He also served as Church Trustee, Chair of the Fundraising Committee, Financial Council, a Lector and member of the Holy Name Society and Senior Leisure Club. He was also a member of the Knights of Columbus, Community Board 2 and President of the Board of Directors of the Woodysun HDFC (Sunnywood Apts.).

Section 64. Alejandro Nino Place

Introduced by Council Member Van Bramer

Alejandro Nino was a member of the City Volunteer Corps and served as a full time volunteer with the City Volunteer Corps, and served as a therapy aide at Coler Memorial Hospital, providing care and attention to developmentally challenged residents, a teacher’s aide at the Cora Hoffman Center, providing individual tutoring and expanding recreational programming, a junior counselor at the Girls Club of New York, assisting staff at summer camp with class sessions and program activities, a maintenance worker for the New York City Department of Parks and Recreation and a soup kitchen assistant at Holy Apostles Soup Kitchen. In 2005, he enlisted in the United States Army National Guard and served until he became too ill, and received an Honorable Discharge in 2007. Among the military certificates he received were the Basic Combat Training Certificate, the Certificate of Affiliation, Physical Fitness Certificate of Achievement and a Unit Supply Specialist Diploma.

Section 65. Carlo A. Lanzillotti Place

Introduced by Council Member Van Bramer

February 18, 1911 – May 12, 1979

Carlo A. Lanzillotti served in the New York State Senate representing the 7th State Senate district in 1952 through 1954. He served in the United States Army during World War II. In addition, he was a commander of the American Legion’s Blissville Post No. 727, a board member of the Sunnyside Chamber of Commerce, chairman of the Republican County Committee, 37th Assembly District, president of the Woodside Republican Club, public relations chairman of the Boy Scouts of America, District No. 3. He was also chairman of the L.I. City Civic Welfare Committee, chairman of the Sunnyside-Woodside Health Council, director of the West Queens Guidance Center and a member of the Army and Navy Union.

Section 66. Claire Kraft Way

Introduced by Council Member Van Bramer

Died in 2002

Claire Kraft was a frequent volunteer of the Borden Avenue Shelter, a shelter for veterans, from the time of its opening in 1987 until her death. Claire Kraft served as president and an active member of the Woodside Republican Club in the 1980’s. She also served on the St. Teresa Parish Council and was vital in fund raising when Monsignor D. Joseph Finnerty decided to renovate the church. Ms. Kraft was also active in community organizations such as Gateway Community Restoration, an organization credited for assisting in getting the Sunnyside Arch, a member of the United Forties and also a member of the Sunnyside Chamber of Commerce. As an officer of the United 40’s Civic Association, she mobilized support for St. Teresa’s Church.

Section 67. Bertram L. Baker Way

Introduced by Council Member Vann

Died March 1985

Bertram L. Baker was born on Nevis in the British West Indies and migrated to the United States in 1915. He started his business career as a bookkeeper for the chandelier manufacturer, Cox and Nostrand of Brooklyn before going into private practice as a public accountant. In 1939, he was appointed United States Deputy Collector of Internal Revenue and was assigned to the income-tax division in Brooklyn. He became prominent in the Democratic Party in Brooklyn and became the first person of African descent elected to the State Legislature representing Bedford-Stuyvesant. In 1966, he again became the first of African descent to be named Assembly majority whip until his retirement in April 1970.

Section 68. The REPEAL of Sections 4 and 57 of Local Law number 92 for the year 2009. This section repeals Sections 4 and 57 of Local Law number 92 for the year 2009.

Section 69. The REPEAL of Section 1 of Local Law number 46 for the year 2009. This section repeals Section 1 of Local Law number 46 for the year 2009.

Section 70. The REPEAL of Section 30 of Local Law number 64 for the year 2008. This section repeals Section 30 of Local Law number 64 for the year 2008.

(The following is from the text of the Fiscal Impact Statement for Int. No. 428-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 11
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	(\$19,262)	\$0	(\$19,262)
Net	(\$19,262)	\$0	(\$19,262)

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

IMPACT ON EXPENDITURES: This legislation would require approximately 67 signs at \$37.50 each and an additional \$16,750 for the installation of these signs. The total cost of enacting this legislation would be approximately \$19,262.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division

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

HISTORY: On November 29, 2010, this legislation was considered by the Committee on Parks and Recreation as a pre-considered resolution. On November 30, 2010, this legislation was introduced by the full Council and referred to the Committee. The legislation has been amended and will be voted out of the Committee on Parks and Recreation as Proposed Intro. No. 428-A on December 7, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 428-A:)

Int. No. 428-A

By Council Members Arroyo, Barron, Brewer, Cabrera, Comrie, Crowley, Dickens, Dilan, Ferreras, Gennaro, Gentile, Gonzalez, Halloran, Ignizio, Mark-Viverito, Nelson, Oddo, Palma, Recchia, Reyna, Rivera, Rodriguez, Rose, Seabrook, Vacca, Vallone, Jr., Van Bramer, Vann and Jackson .

A Local Law in relation to the naming of 67 thoroughfares and public places, Police Officer Deon L. Taylor Way, Borough of the Bronx, Sergeant Jose Velez Avenue, Borough of the Bronx, Police Officer Kenneth Mahon Place, Borough of the Bronx, Dra. Evelina Antonetty Way, Borough of the Bronx, Kevin Oslen Hill Way, Borough of Brooklyn, Kenneth S. Jackson, Jr. Blvd., Borough of Brooklyn, Bishop Clarence V. Keaton Blvd., Borough of Brooklyn, PS 84 Sidney Morison Way, Borough of Manhattan, Phyllis Yvonne Reed Plaza, Borough of the Bronx, Officer John Scarangella Way, Borough of Queens, Officer Disdale Enton Way, Borough of Queens, Church of the Holy Child Jesus Plaza, Borough of Queens, Madam C.J. & A’Lelia Walker Place, Borough of Manhattan, Jack Johnson Place, Borough of Manhattan, Judge Bruce Wright Place, Borough of Manhattan, The Reverend Doctor Joe Louis Parker Way, Borough of Brooklyn, Anna Chineda Carter Square, Borough of Brooklyn, Staff Sergeant Luis Manuel Gonzalez Street, Borough of Queens, Nancy DeBenedittis MAMA’s WAY, Borough of Queens, Rabbi Sholem B. Kowalsky Way, Borough of Queens, Dr. Giacomo J. Buscaino Place, Borough of Brooklyn, Joe ‘The Great’ Rollino Corner, Borough of Brooklyn, Auxiliary Captain Linying Gong Way, Borough of Brooklyn, Angela Piccini Canadé Way, Borough of Brooklyn, Seven In Heaven Way, Borough of Brooklyn, FF Ronnie L Henderson Way, Borough of Brooklyn, Red Hook Heroes Run, Borough of Brooklyn, Basil “Bob” Stonbely Way, Borough of Brooklyn, Andrew DiOrio Boulevard, Borough of Brooklyn, Anthony J. Leone Way, Borough of Brooklyn, Abe Kanter Way, Borough of Brooklyn, Jennifer Y. Wong Way, Borough of Queens, Gina Alexa Morales Way, Borough of Staten Island, Rafael Vega Way, Borough of Staten Island, Union Settlement Way, Borough of Manhattan, Detective Omar Edwards Way, Borough of Manhattan, Saul Bruckner Way, Borough of Brooklyn, Dr. Gianpaolo Maestrone Corner, Borough of Staten Island, Father Gannon Court, Borough of Staten Island, John “Jack” P. Meade Way, Borough of Staten Island, Dominick S. Florio Way, Borough of Staten Island, Detective Michael Morales Way, Borough of Staten Island, Johnny Maestro Way, Borough of Staten Island, John M. D’Amato Way, Borough of Staten Island, Kenneth Pontillo Way, Borough of the Bronx, Rebitzen Rita Horowitz Way, Borough of Brooklyn, Firefighter Paul Warhola Way, Borough of Brooklyn, Police Officer Jill Garcia Place, Borough of the

Bronx, Bishop Francisco Garmendia Place, Borough of the Bronx, Carl Paul Jennewein Place, Borough of the Bronx, Merlin German Way, Borough of Manhattan, Michael “Tiger” Heaney Street, Borough of Staten Island, Bishop C. Asapansa-Johnson Way, Borough of Staten Island, Artie Evans Way, Borough of Staten Island, Dorothy Pamela Gomes Way, Borough of the Bronx, Alfred J. Ranieri Way, Borough of the Bronx, Rocco Miano Way, Borough of the Bronx, Louis Salvati Way, Borough of the Bronx, Julie Wager Way, Borough of Queens, Frank Justich Way, Borough of Queens, William Modell Way, Borough of Queens, Chuck Costello 9/11 Memorial Way, Borough of Queens, Martin M. Trainor Way, Borough of Queens, Alejandro Nino Place, Borough of Queens, Carlo A. Lanzillotti Place, Borough of Queens, Claire Kraft Way, Borough of Queens, Bertram L. Baker Way, Borough of Brooklyn and the repeal of sections 4 and 57 of local law number 92 for the year 2009, the repeal of section 1 of local law number 46 for the year 2009 and the repeal of section 30 of local law number 64 for the year 2008.

Be it enacted by the Council as follows:

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

New Name	Present Name	Limits
Police Officer Deon L. Taylor Way	Simpson Street	Between East 163 rd Street and Westchester Avenue

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

New Name	Present Name	Limits
Sergeant Jose Velez Avenue	None	At the intersection of 156 th Street and Courtlandt Avenue

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

New Name	Present Name	Limits
Police Officer Kenneth Mahon Place	None	At the intersection of East 147 th Street and Bruckner Boulevard

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

New Name	Present Name	Limits
Dra. Evelina Antonetty Way	Prospect Avenue	Between East 156 th Street and Macy Place

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

New Name	Present Name	Limits
Kevin Oslen Hill Way	None	At the intersection of Wortman Avenue and Vermont Street

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

New Name	Present Name	Limits
Kenneth S. Jackson, Jr. Blvd.	Autumn Avenue	Between Pitkin Avenue and Sutter Avenue

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

New Name	Present Name	Limits
Bishop Clarence V.	Crescent Street	Between Flatlands

Keaton Blvd.		Avenue and Linden Boulevard
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§8. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
PS 84 Sidney Morison Way	West 92 nd Street	Between Columbus Avenue and Central Park West

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

New Name	Present Name	Limits
Phyllis Yvonne Reed Plaza	None	At the intersection of Davidson Avenue and West Kingsbridge Road

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

New Name	Present Name	Limits
Officer John Scarangella Way	Eastbound side of Baisley Boulevard	Between 166 th Street and 168 th Street

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

New Name	Present Name	Limits
Officer Disdale Enton Way	Westbound side of Baisley Boulevard	Between 166 th Street and 168 th Street

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

New Name	Present Name	Limits
Church of the Holy Child Jesus Plaza	None	At the intersection of 112 th Street and 86 th Avenue

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

New Name	Present Name	Limits
Madam C.J. & A’Lelia Walker Place	136 th Street	Between Adam Clayton Powell Jr. Boulevard and Lenox Avenue

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

New Name	Present Name	Limits
Jack Johnson Place	None	At the intersection of Lenox Avenue and 142 nd Street

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

New Name	Present Name	Limits
Judge Bruce Wright Place	Adam Clayton Powell Boulevard	Between 138 th Street and 139 th Street

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

New Name	Present Name	Limits
The Reverend Doctor Joe Louis Parker Way	Broadway	Between Cooper Street and Marion Street

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

New Name	Present Name	Limits
Anna Chineda Carter Square	None	At the intersection of Bleecker Street and Knickerbocker Avenue

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

New Name	Present Name	Limits
Staff Sergeant Luis Manuel Gonzalez Street	None	At the southeast corner 108 th Street and 49 th Avenue

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

New Name	Present Name	Limits
Nancy DeBenedittis MAMA's WAY	104 th Street	Between 46 th Avenue and 47 th Avenue

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

New Name	Present Name	Limits
Rabbi Sholem B. Kowalsky Way	Jewel Avenue	Between 169 th Street and 170 th Street

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

New Name	Present Name	Limits
Dr. Giacomo J. Buscaino Place	None	At the intersection of 76 th Street and 14 th Avenue

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

New Name	Present Name	Limits
Joe ‘The Great’ Rollino Corner	None	At the southwest corner of Bay Ridge Parkway and 14 th Avenue

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

New Name	Present Name	Limits
Auxiliary Captain Linying Gong Way	None	At the northeast corner of Shore Road and 74 th Street

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

New Name	Present Name	Limits
Angela Piccini Canadé Way	None	At the intersection of 84 th Street and Ridge Boulevard

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

New Name	Present Name	Limits
Seven In Heaven Way	None	At the intersection of Richards Street and Seabring Street

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

New Name	Present Name	Limits
FF Ronnie L Henderson Way	None	At the intersection of Lorraine Street and Smith Street

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

New Name	Present Name	Limits
Red Hook Heroes Run	None	At the intersection of Lorraine Street and Hamilton Avenue

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

New Name	Present Name	Limits
Basil ‘Bob’ Stonbely Way	None	At the intersection of 56 th Street and 3 rd Avenue

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

New Name	Present Name	Limits
Andrew DiOrio Boulevard	None	At the intersection of 26 th Street and 4 th Avenue

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

New Name	Present Name	Limits
Anthony J. Leone Way	None	At the intersection of 21 st Street and 4 th Avenue

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

New Name	Present Name	Limits
Abe Kanter Way	None	At the intersection of 66 th Street and 4 th Avenue

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

New Name	Present Name	Limits
Jennifer Y. Wong Way	25 th Avenue	Between Utopia Parkway and 169 th Street

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

New Name	Present Name	Limits
Gina Alexa Morales Way	Yetman Avenue	Between Summit Street and Academy Avenue

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

New Name	Present Name	Limits
Rafael Vega Way	None	At the intersection of Colon Avenue and Gurley Avenue

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

New Name	Present Name	Limits
Union Settlement Way	East 104 th Street	Between Second Avenue and Third Avenue

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

New Name	Present Name	Limits
Detective Omar Edwards Way	East 123 rd Street	Between Second Avenue and Third Avenue

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

New Name	Present Name	Limits
Saul Bruckner Way	East 17 th Street	Between Avenue L and

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

New Name	Present Name	Limits
Dr. Gianpaolo Maestroni Corner	None	At the intersection of Parkinson Avenue and Hylan Boulevard

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

New Name	Present Name	Limits
Father Gannon Court	None	At the intersection of Cedar Grove Avenue and Marine Way

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

New Name	Present Name	Limits
John "Jack" P. Meade Way	None	At the intersection of Hawthorne Avenue and Watchogue Road

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

New Name	Present Name	Limits
Dominick S. Florio Way	None	At the intersection of Thurston Street and Hawthorne Avenue

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

New Name	Present Name	Limits
Detective Michael Morales Way	Watchogue Road	Between Livermore Street and Woolley Avenue

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

New Name	Present Name	Limits
Johnny Maestro Way	Mason Avenue	Between Midland Avenue and Lincoln Avenue

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

New Name	Present Name	Limits
John M. D'Amato Way	None	At the intersection of Cromwell Avenue and Richmond Road

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

New Name	Present Name	Limits
Kenneth Pontillo Way	None	At the intersection of Gleason Avenue and Zerega Avenue

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

New Name	Present Name	Limits
Rebitzen Rita Horowitz Way	None	At the northeast corner of 26 th Avenue and Cropsey Avenue

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

New Name	Present Name	Limits
Firefighter Paul Warhola Way	South 2 nd Street	Between Bedford Avenue and Driggs Avenue

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

New Name	Present Name	Limits
Police Officer Jill Garcia Place	Cross Bronx Expressway	Between Park Avenue and Washington Avenue

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

New Name	Present Name	Limits
Bishop Francisco Garmendia Place	Crotona Parkway	Between Elsmere Place and East 176 th Street

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

New Name	Present Name	Limits
Carl Paul Jennewein Place	Van Nest Avenue	Between Melville Street and Van Buren Street

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

New Name	Present Name	Limits
Merlin German Way	None	At the southwest corner of West 189 th Street and St. Nicholas Avenue

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

New Name	Present Name	Limits
Michael "Tiger" Heaney Street	None	On the corner of Jackson Street and Beach Street

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

New Name	Present Name	Limits
Bishop C. Asapansa-Johnson Way	Van Duzer Street	Between Hannah Street and Victory Boulevard

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

New Name	Present Name	Limits
Artie Evans Way	None	At the intersection of Prospect Avenue and

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

New Name	Present Name	Limits
Dorothy Pamela Gomes Way	None	Edenwald Avenue and East 233 rd Street

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

New Name	Present Name	Limits
Alfred J. Ranieri Way	Ampere Avenue	Between Stadium Avenue and Ohm Avenue

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

New Name	Present Name	Limits
Rocco Miano Way	Hone Avenue	Between Morris Park Avenue and Rhinelander Avenue

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

New Name	Present Name	Limits
Louis Salvati Way	Mickle Avenue	Between Astor Avenue and Pelham Parkway North

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

New Name	Present Name	Limits
Julie Wager Way	None	At the northwest corner of Steinway Street and Broadway

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

New Name	Present Name	Limits
Frank Justich Way	None	At the southwest corner of 35 th Street and Ditmars Boulevard

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

New Name	Present Name	Limits
William Modell Way	None	At the intersection of Jackson Avenue and Queens Boulevard

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

New Name	Present Name	Limits
Chuck Costello 9/11 Memorial Way	None	At the southwest corner of 27 th Street and 47 th Street

§63. The following intersection name, in the Borough of Queens, is hereby

designated as hereafter indicated.

New Name	Present Name	Limits
Martin M. Trainor Way	None	At the intersection of 58 th Street and Roosevelt Avenue

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

New Name	Present Name	Limits
Alejandro Nino Place	None	At the intersection of 47 th Avenue and 49 th Street

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

New Name	Present Name	Limits
Carlo A. Lanzillotti Place	None	At the intersection of 41 st Street and 47 th Avenue

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

New Name	Present Name	Limits
Claire Kraft Way	None	At the intersection of 45 th Street and 48 th Avenue

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

New Name	Present Name	Limits
Bertram L. Baker Way	Jefferson Avenue	Between Throop Avenue and Tompkins Avenue

§68. Sections 4 and 57 of local law number 92 for the year 2009 are hereby REPEALED.

§69. Section 1 of local law number 46 for the year 2009 is hereby REPEALED.

§70. Section 30 of local law number 64 for the year 2008 is hereby REPEALED.

§71. This local law shall take effect immediately.

MELISSA MARK-VIVERITO, Chairperson; VINCENT J. GENTILE, JAMES VACCA, ELIZABETH CROWLEY, DANIEL DROMM, JAMES G. VAN BRAMER, Committee on Parks and Recreation, December 7, 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 & Elections

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

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

The Committee on Rules, Privileges & Elections, to which the annexed resolution was referred on December 8, 2010, respectfully

REPORTS:

PRECONSIDERED RESOLUTION NO. 604

SUBJECT: Resolution approving Membership Changes to Certain Standing Committees and a Subcommittee Chair.

ANALYSIS: Before the Committee for its consideration are proposed changes to the memberships of Certain Standing Committees and a Subcommittee Chair. See the Resolution for each of the specific changes.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 604:)

Res. No. 604

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

By Council Members Rivera and Mealy.

RESOLVED, That pursuant to Rules 7.00 and 7.20 of the Council and Section 46 of the New York City Charter, the Council does hereby consent to the following Membership Changes to Certain Standing Committees and a Subcommittee Chair:

STANDING COMMITTEES

CONSUMER AFFAIRS

[Gennaro]

CULTURAL AFFAIRS, LIBRARIES, AND INTERNATIONAL INTERGROUP RELATIONS

Crowley

ECONOMIC DEVELOPMENT

Sanders

Wills

GENERAL WELFARE

Wills

HOUSING & BUILDINGS

Gennaro

JUVENILE JUSTICE

Cabrera

LOWER MANHATTAN REDEVELOPMENT

[Van Bramer]

Wills

MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE, & DISABILITY SERVICES

[Cabrera]

Wills

TECHNOLOGY

[Garodnick]

TRANSPORTATION

[Nelson]

Greenfield

WOMEN’S ISSUES

[Crowley]

Palma

Wills

SUBCOMMITTEES

DRUG ABUSE

Wills, Chair

SUBCOMMITTEES

DRUG ABUSE - Wills - \$4,000

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-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 & Elections, December 8, 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

December 8, 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 Koppell Koslowitz Nelson Ferrerias	MEALY, CHAIR Jackson James Mark-Viverito Nelson	VAN CHAIR BRAMER, Comrie Crowley Dickens Lappin Recchia Dromm	KOSLOWITZ, CHAIR Eugene Ferrerias James Lander Levin Reyna Sanders Vann Weprin Wills

EDUCATION	ENVIRONMENTAL PROTECTION	FINANCE	FIRE & CRIMINAL JUSTICE SERVICES
JACKSON, CHAIR Barron Fidler Foster Garodnick Koppell Lappin Vacca Vann Cabrera Chin Dromm Koslowitz Levin Rose Weprin Ignizio Ulrich Greenfield	GENNARO, CHAIR Crowley Koppell Vallone Lander Levin	RECCHIA, CHAIR Brewer Comrie Fidler Foster Jackson Koppell Mealy Reyna Rivera Vann Cabrera Ferrerias Koslowitz Van Bramer Ignizio Oddo	CROWLEY, CHAIR Eugene Gentile Vallone Rodriguez Halloran Mendez
GENERAL WELFARE	GOVERNMENTAL OPERATIONS	HEALTH	HIGHER EDUCATION
PALMA, CHAIR Arroyo Brewer Foster Lander Levin Rodriguez Van Bramer Wills	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 Gennaro Jackson James Lander Mark-Viverito Mendez Rivera Williams Ulrich Oddo	DROMM, CHAIR Barron Eugene Rodriguez Williams	GONZALEZ, CHAIR Arroyo Cabrera Dromm Sanders	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 Wills	KOPPELL, CHAIR Brewer Halloran Greenfield Wills	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 James Koppell Weprin

TRANSPORTATION	VETERANS	WATERFRONTS	WOMEN'S ISSUES
VACCA, CHAIR Brewer Garodnick Greenfield Koppell Lappin Mealy Rodriguez Rose Van Bramer Ignizio Koo Ulrich	EUGENE, CHAIR Sanders Fidler Gentile Cabrera Dromm Greenfield	NELSON, CHAIR Brewer Vallone Lander Ulrich	FERRERAS, CHAIR Barron Chin Palma Wills
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)
WILLS, CHAIR	GREENFIELD, CHAIR

SELECT COMMITTEES

LIBRARIES
GENTILE, CHAIR

Report of the Committee on Transportation

Report for Int. No. 257-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to unlawful sidewalk ATMs.

The Committee on Transportation, to which the annexed proposed amended local law was referred on May 25, 2010 (Minutes, page 1915), respectfully

REPORTS:

INTRODUCTION

On December 7, 2010, the Committee on Transportation, chaired by Council Member James Vacca, held a hearing on Proposed Int. No. 257-A. This legislation would amend title 19 of the Administrative Code of the City of New York (the Code), by adding a new section 19-133.1 regarding unlawful sidewalk ATMs. In addition, the legislation amends section 19-150, regarding penalties for violation of section 19-133.1. This was the second hearing on this legislation. The first hearing occurred October 25, 2010 on an earlier version of the bill. This version was developed as a result of input from comments at the hearing.

BACKGROUND

Current Department of Transportation (“DOT”) rules do not allow ATMs to be placed on a City sidewalk.¹ The owner of an ATM placed on a City sidewalk can be issued a notice of encroachment.² If the ATM has not been removed within the time set by the notice of encroachment, a summons for encroachment can be issued and the owner may be fined.³ However, evidence suggests that these rules may be ineffective in stopping the proliferation of ATM machines on City sidewalks. In July of 2009, the Office of Manhattan Borough President Scott Stringer conducted a survey of the ATMs located on 471 city blocks. The survey identified 950 ATMs of which 25.5% (242) were non-bank operated and stationed on public sidewalks.⁴ These ATMs were found clustered together, with as many as five machines on one

city block.⁵ The study revealed that over forty percent of these ATMs were covered in graffiti.⁶

Proposed Int. No. 257-A would strengthen the City’s ability to enforce against ATMs that unlawfully encroach on public sidewalks. The bill would require DOT to serve an order upon the owner of the property adjacent to the illegal ATM requiring such owner to remove the unlawful ATM within 30 days of such order. If the property owner fails to remove the unlawful ATM within such 30-day period, a civil penalty could be imposed between \$2500 and \$5000 for the first day that the ATM remains unlawfully on the sidewalk. For every additional five day period that the unlawful ATM remains on the public sidewalk, an additional penalty of five thousand dollars would also be authorized under the bill. The civil penalties would be recoverable at the Environmental Control Board (“ECB”). If fines of \$50,000 or more are assessed at the ECB and remain unpaid for a period of greater than ninety days, DOT would be authorized to seize the offending ATM following a hearing at ECB. This legislation would take effect 120 days after it is enacted into law.

ANALYSIS

Section one of Proposed Int. No. 257-A would amend Title 19 of the Code by adding a new section 19-133.1 to such Code. Subdivision a of new section 19-133.1 would define “Automated Teller Machine Booth (ATM Booth)” as a device linked to the accounts and records of a banking institution that enables customers to carry out banking transactions.

Subdivision b of new section 19-133.1 states that notwithstanding any other law to the contrary, ATM Booths are illegal when on the public sidewalk and not fully within the property line of private property. It is up to the property owner of the private property adjacent to the ATM Booth to remove it.

Subdivision c of new section 19-133.1 permits DOT to send a notice to remove the booth to the owner of the premises adjacent to a public sidewalk where an ATM Booth is located. This notice may be sent to the premises in question, the business or personal address of the owner of such premises.

Subdivision d of new section 19-133.1 sets forth the penalties for failure to remove the ATM Booth within the thirty day period. The penalties are a civil penalty between \$2500 and \$5000 for the first day of this violation, and \$5000 for every fifth day that the violation continues. A rebuttable presumption exists that the ATM booth remained in place during the entire five day period.

Subdivision e of new section 19-133.1 permits the seizure by DOT of any ATM Booth for which there has been greater than fifty thousand dollars in civil penalties that have remained unpaid for greater than ninety days following the expiration of the time to appeal the civil penalties imposed by the Environmental Control Board. Prior to removal by DOT of this ATM Booth, there must be notice and opportunity to be heard before the appropriate administrative tribunal.

Section two of the legislation amends subdivision a of section 19-150 to provide the penalty scheme of section 19-133.1, discussed above, for continuing violations of section 19-133.1. This is an exception to the provision of subdivision a of section 19-150 that continuing violations are separate and distinct violations for every day that they occur.

Section three of the legislation amends subdivision b of section 19-150 by adding a maximum civil penalty provision of \$5000 for violation of section 19-133.1 to the chart that lists the maximum civil penalties for violations of Chapter 1 of Title 19 of the Code.

Section four of Proposed Int. 376-A would provide that this legislation take effect one hundred and twenty days after it is enacted into law.

¹ Rules of the City of New York, Title 34, §2-15.

² *Id.*

³ *Id.*

⁴ Office of the Manhattan Borough President Scott String, *Sidewalks Under Siege: Halting the Spread of Illegal Outdoor ATMs 1* (2009), <http://www.libertycontrol.net/uploads/mbp/SidewalksUnderSiegeDS.pdf> (hereinafter *2009 Study*).

⁵ *Id.* at 4.

⁶ *Id.* at 5.

(The following is from the text of the Fiscal Impact Statement for Int. No. 257-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: Because the fines associated with this legislation are intended to serve as a deterrent to breaking the law, and therefore would most likely not generate a substantial amount of revenue, it is estimated that there would be minimal to no impact on revenues.

IMPACT ON EXPENDITURES: 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
Mayor's Office of Legislative Affairs

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

HISTORY: Introduced as Intro. 257 by the Council on May 25, 2010 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on October 25, 2010. On October 25, 2010 Intro. 257 was amended, and the amended version, Proposed Int. 257-A, will be considered by the Committee on December 7, 2010.

DATE SUBMITTED TO COUNCIL: May 25, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 257-A:)

Int. No. 257-A

By Council Members Reyna, Brewer, Foster, Koppell, Lander, Gentile, James, Van Bramer, Mark-Viverito, Koslowitz, Nelson, Gennaro, Garodnick, Rose, Jackson, Vann, Greenfield, Vallone Jr. and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to unlawful sidewalk ATMs.

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 to add a new section 19-133.1 to read as follows:

§19-133.1 Unlawful Sidewalk ATMs. a. For purposes of this section, "Automated Teller Machine Booth" ("ATM booth") shall mean any device linked to the accounts and records of a banking institution that enables consumers to carry out banking transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and loan payments.

b. Notwithstanding any other provision of law, it shall be unlawful for any property owner to permit an ATM booth to be located on any portion of the sidewalk that is adjacent to the property of such owner, lies between the curb line and the building line, and is intended for use by the public.

c. The department may serve an order upon the owner of any premises adjacent to which such ATM booth is located, requiring such owner to remove such ATM booth. The department shall provide in such order that such ATM booth shall be removed within thirty days of the date of such order. Such order shall be served personally upon the owner of such premises, or by leaving it with a person in control of the premises, or by leaving it or posting it at the place of business of the owner, or by leaving it or posting it at any home of such owner, if service to the place of business of such owner is impractical.

d. Failure to comply with an order to remove an ATM booth within thirty days of the date of such order shall be a violation subject to a civil penalty of not less than two thousand five hundred dollars nor more than five thousand dollars for the first day of such violation. Any owner who remains in violation beyond the first day after the expiration of the thirty-day period specified in such order shall be subject to a civil penalty of five thousand dollars for every five-day period during which he or she remains in violation. There shall be a rebuttable presumption that the ATM booth has remained in place during each such five-day period.

e. In addition to any other fines, penalties, sanctions or remedies provided for in this section, an ATM booth which remains in violation of subdivision d of this section shall be deemed abandoned. The department shall be authorized to provide for the seizure of such ATM booth, after the owner has been provided with notice and an opportunity to be heard before the appropriate administrative tribunal, if the owner of such ATM booth has accumulated an aggregate of fifty thousand dollars in civil penalties that have remained unpaid for ninety days following the expiration of the time to appeal the imposition of such penalties in accordance with the procedures of the environmental control board.

§2. Subdivision a of section 19-150 is amended to read as follows:

§19-150 Civil penalties. a. In addition to or as an alternative to the penalties set forth in section 19-149, any person who violates any of the provisions

of this subchapter, or of section 24-521 of the code, or any order issued by or rule promulgated by the commissioner pursuant thereto or the terms or conditions of any permit issued pursuant thereto, or who causes, authorizes or permits such violation shall be liable for a civil penalty for each violation. In the case of a continuing violation, each day's continuance shall be a separate and distinct offense, *except that in the case of a violation of section 19-133.1, failure to remove an ATM booth pursuant to an order issued in accordance with subdivision c of section 19-133.1 shall be subject to a civil penalty of not less than two thousand five hundred dollars nor greater than five thousand dollars for the first day of such violation and a civil penalty of five thousand dollars for every five days beyond the first day that such violation shall be in effect, and provided further that there shall be rebuttable presumption that the ATM booth has remained in place during each such five-day period.*

§3. Paragraph 1 of subdivision b of section 19-150 of the administrative code of the city of New York is amended by inserting in the table in such paragraph after section 19-133 and before section 19-135 the following:

Section of the Administrative Code	Maximum Civil Penalty (dollars)
19-133.1	5,000

§4. This local law shall take effect one hundred and twenty days after its enactment into

JAMES VACCA, Chairperson; MICHAEL C. NELSON, G.A.E A. BREWER, G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO, Committee on Transportation, December 7, 2010.

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 257-A:)

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

Pursuant to authority invested in me by section twenty of the Municipal Home Rule and by section thirty-six of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law; entitled:

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to unlawful sidewalk ATMs.

Given under my hand and seal this 8th day of December, 2010 at City Hall in the City of New York

Michael R. Bloomberg
Mayor

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

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

(For the Commissioner of Deeds listing, please see the Commissioner of Deeds section printed in the Minutes of the Stated Council Meeting of December 20, 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) **Int 257-A --** Unlawful sidewalk ATMs. (with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage)
- (2) **Int 343-A --** Amending the New York city energy conservation code.
- (3) **Int 396-A --** Powers and duties of the commission on human rights.
- (4) **Int 428-A --** In relation to the naming of 67 thoroughfares and public places.
- (5) **Res 583-A --** Resolution concerning the increase in the annual expenditure for the Times Square, the Fifth Avenue Association, the Fashion Center, the HUB Third Avenue, the 125th Street, the Brighton Beach, and the Myrtle Avenue Brooklyn Business Improvement Districts
- (6) **Res 604 --** Approving Membership Changes to Certain Standing Committees and a Subcommittee Chair.
- (7) **L.U. 268 & Res 600 --** App. 20115303 HAX real property tax exemption Borough of the Bronx, Council District no. 8.
- (8) **L.U. 269 & Res 601 --** App. 20115304 HAX real property tax exemptions; Borough of the Bronx, Council District no. 17.
- (9) **L.U. 270 & Res 602 --** App. 20115269 HKM (N 110092 HKM), 97 Bowery Building, (Block 304, Lot 2) as a historic landmark, Council District no. 1.
- (10) **L.U. 271 & Res 603 --** App. 20115270 HKM (N 110094 HKM), Eleventh Street Methodist Episcopal Chapel, as a historic landmark, CD 2.
- (11) **L.U. 276 & Res 598 --** Good Neighbor Apartments, Block 1631, Lots 60,62,63,65 and 66, Manhattan, Council District No. 8
- (12) **L.U. 277 & Res 599 --** Haven Plaza, 188-198 Avenue C, 200 Avenue C, 726 East 13th Street, 700-722 East 13th Street, Block 382, Lot 1, Manhattan, Council District No. 2
- (13) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, 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, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 49.

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

The following was the vote recorded for **L.U. No. 270 & Res No. 602:**

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro,

Gentile, Gonzalez, Greenfield, 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, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – 48.

Negative – Ignizio – 1.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 257-A (passed under a Message of Necessity from the Paper), 343-A, 396-A, and 428-A.

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

RESOLUTIONS

Presented for voice-vote

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

Report for voice-vote Res. No. 540

Report of the Committee on Finance in favor of approving a 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.

The Committee on Finance, to which the annexed resolution was referred on November 17, 2010 (Minutes, page 4801), respectfully

REPORTS:

INTRODUCTION:

On December 8, 2010 at 10:00 AM in the 16th Floor Committee Room at 250 Broadway, the Committee on Finance, chaired by Council Member Domenic Recchia, will hold a hearing on a 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.

BACKGROUND:

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. 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. 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. The Legislature amended the ETPA in 2003 to provide that the Council could no longer add a new class of housing accommodation; but 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.

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. 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. In 2009, the RGB adopted Order No. 41, which contained similar provisions for long-term tenants who pay less than \$1,000 per month.

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. A central issue raised by the tenants is that the RGB, through Orders No. 40 and 41, has acted ultra vires. The tenants argued that 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. Moreover, plaintiffs claimed that 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. In addition to exceeding its authority, the tenants argued, the RGB undermined the Council's longstanding intent to protect long-term tenants.

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. On June 22, 2010, the Appellate Division, First Department, affirmed Justice Goodman's ruling. The case is currently on appeal to the New York State Court of Appeals.

Because this litigation raises issues about which governmental entity has the power to create a class of accommodation, and whether Order Nos. 40 and 41 conflict with the Council's original intent in enacting the RSL, the Council will be able to bring a unique and valuable perspective to this litigation as an *amicus curiae*.

RESO. 540

This Resolution authorizes 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.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 540:)

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.

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, Committee on Finance, December 8, 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. 540** to be adopted.

The following 4 Council Members formally **abstained** to vote on this item: Council Members Ignizio, Koo, Oddo, and Ulrich.

Adopted by the Council by voice vote.

INTRODUCTION AND READING OF BILLS

Res. No. 593

Resolution calling on the United States Congress to pass and the President to sign H.R.3526, which seeks to develop a comprehensive gang violence reduction strategy.

By Council Members Cabrera, Rivera, Arroyo, Barron, Brewer, Chin, Dromm, Ferreras, Fidler, Foster, Gonzalez, Greenfield, Jackson, James, Koppell, Koslowitz, Lander, Mark-Viverito, Nelson, Palma, Rodriguez, Rose, Sanders, Van Bramer, Vann, Weprin, Dickens, Mealy, Dilan, Mendez, Koo and Halloran.

Whereas, Gang violence threatens the well-being and public safety of New York City residents; and

Whereas, According to The United States ("U.S.") Office of Juvenile Justice and Delinquency Prevention ("OJJDP"), there are approximately 775,000 active gang members in the U.S.; and

Whereas, According to the OJJDP, gangs have been steadily increasing over the past several years with the most recent estimate at 27,000, the highest it has been since 1998; and

Whereas, On October 3, 2010, in Bronx, New York, nine members of the street gang called The Latin King Goonies, ranging in age from 17 to 23, allegedly assaulted and tortured three victims, 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, There have been studies conducted by the OJJDP that are focused on developing a strategic community plan to target gang violence; and

Whereas, H.R.3526, also known as the Tony Cardenas Community-Based Gang Intervention Act, which is currently pending in the U.S. House of Representatives, seeks to amend the The Juvenile Justice and Delinquency Prevention Act of 1974, which provides funding to states that follow a series of federal protections on the care and treatment of youth in the justice system; and

Whereas, H.R.3526 would require the Administrator of the OJJDP to award grants to nonprofit community-based gang intervention agencies to provide services for reducing and stopping gang-related and gang-motivated violence; and

Whereas, H.R.3526 aims to address social conditions such as poverty, homelessness, inadequate educational systems, and limited economic opportunities in developing a comprehensive gang violence reduction strategy; and

Whereas, Directing adequate resources and efforts toward the reduction of gangs and gang violence is paramount to ensuring New York City's public safety and opportunity for the city's children and adolescents, now, therefore, be it;

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign H.R.3526, which seeks to develop a comprehensive gang violence reduction strategy.

Referred to the Committee on Public Safety.

Int. No. 439

By Council Members Dilan, Arroyo, Cabrera, Foster, Gentile, Koppell, Palma, Vann, Williams and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to the required installation of indoor thermometers in multiple dwellings.

Be it enacted by the Council as follows:

Section 1. Article 11 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2046.3 to read as follows:

Section 27-2046.3 Duties of owner and occupant with respect to installation and replacement of indoor thermometers in class A multiple dwellings. a. It shall be the duty of the owner of a class A multiple dwelling to:

(1) provide and install one or more approved and operational indoor thermometers in each living room of each dwelling unit. Such thermometers shall be installed pursuant to rules promulgated by the commissioner;

(2) replace any indoor thermometer which has been removed, is missing or has been rendered inoperable prior to the occupancy of a dwelling unit by a new occupant;

(3) replace such thermometer within thirty calendar days after the receipt of written notice that such thermometer has become inoperable due to a defect in the manufacture of such thermometer and through no fault of the occupant of the dwelling unit;

(4) maintain such records as the commissioner shall prescribe by rule relating to the installation and maintenance of such indoor thermometers and make such records available to the commissioner upon request.

b. It shall be the sole duty of the occupant of each dwelling unit in a class A multiple dwelling in which an indoor thermometer has been provided and installed by the owner of this section to:

(1) keep and maintain such thermometer in good repair; and

(2) replace any and all indoor thermometers which are stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit.

c. Except as otherwise provided in paragraphs two and three of subdivision a of this section, an owner of a class A multiple dwelling who has provided and installed an indoor thermometer in a dwelling unit pursuant to this section shall not be required to keep and maintain such thermometer in good repair or to replace any such thermometer which is stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit.

d. The occupant of a dwelling unit in which an indoor thermometer is provided and installed pursuant to this section shall reimburse the owner a maximum of ten dollars for the cost of providing and installing each such thermometer. The occupant shall have one year from the date of installation to make such reimbursement.

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

Referred to the Committee on Housing and Buildings.

Int. No. 440

By Council Members Greenfield, Cabrera, Fidler, Gentile, Jackson, James, Palma, Recchia, Rodriguez, Rose, Sanders, Vann and Garodnick.

A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for illegally erected radio towers.

Be it enacted by the Council as follows:

Section 1. Article 202 of title 28 of the administrative code of the city of New York, as enacted by local law number 33 for the year 2007, is amended by adding a new section 28-202.3 to read as follows:

§28-202.3. Radio towers. Notwithstanding any other provision of this article, the owner of any property on which a radio tower is constructed in violation of any provision of this title or of the New York city building code and the owner of such radio tower shall each be subject to a civil penalty in the amount of ten thousand dollars for a first violation, twenty-five thousand dollars for a second violation and one hundred thousand dollars for a third or subsequent violation.

§2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 441

By Council Members Greenfield, Chin, Gonzalez, Jackson, James, Rodriguez, Rose, Sanders, Vann and Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to the curbs adjacent to a fire hydrant.

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.4 as follows:

§ 19-175.4 Curbs adjacent to fire hydrants. a. Notwithstanding any other law, rule or regulation, the department shall paint any curb adjacent to a fire hydrant located on a public sidewalk the color red. Such curb shall be painted at a length not to exceed the distance by which a motor vehicle is prohibited from stopping, standing or parking on either side of a fire hydrant. The department may promulgate rules to enforce the provisions of this section.

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

Referred to the Committee on Transportation.

Res. No. 594

Resolution calling upon the New York City Department of Citywide Administrative Services to waive competitive civil service exam fees for military veterans.

By Council Members Greenfield, Arroyo, Cabrera, Chin, Dromm, Eugene, Fidler, Foster, Gentile, Jackson, James, Koslowitz, Nelson, Recchia, Rodriguez, Rose, Sanders, Vann, Williams and Mealy.

Whereas, According to statistics from the United States Department of Veterans Affairs (VA), based on the 2000 Census, New York City was home to approximately 348,722 veterans at that time; and

Whereas, Although statistical calculations by the VA estimate that in 2009 the number of veterans in NYC was approximately 225,270, many veterans groups disagree with that estimate believing that the methodology used to generate this estimate is flawed, and cite numbers much closer to 300,000; and

Whereas, Returning veterans often confront an array of problems during their transition to civilian life including the lack of employment options; and

Whereas, Some veterans of the wars in Iraq and Afghanistan have faced extended tours of duty which may have created financial hardships for many of them and their families, since military pay is, more often than not, substantially less than the amount such individuals earned in civilian employment; and

Whereas, The financial welfare of New York State residents who have served in the military, and their families, would be advanced by the enactment of policies designed to ease the transition from military to civilian life; and

Whereas, At this time of a general economic downturn, it is crucial that assistance be provided to veterans to help them avoid financial hardship; and

Whereas, The men and women who sacrifice so much for this nation should be afforded every opportunity to receive access to civil service positions with the City; and

Whereas, Civil service jobs with the City can provide returning veterans with gainful employment, livable wages and job security; and

Whereas, Civil service positions with the City are filled by a process that begins with competitive exams offered by the Department of Citywide Administrative Services (DCAS); and

Whereas, DCAS charges fees to take civil service exams, except for the Police Officer exam which is free; and

Whereas, Pursuant to authority in State law and the City Charter, civil service exam fees are set by and can also be waived by the Department of Citywide

Administrative Services; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Citywide Administrative Services to waive competitive civil service exam fees for military veterans.

Referred to the Committee on Civil Service and Labor

Int. No. 442

By Council Members Jackson, Mark-Viverito, Vallone, Jr., Arroyo, Cabrera, Chin, Dromm, Ferreras, Fidler, Gentile, James, Koppell, Lander, Palma, Recchia, Sanders, Van Bramer, Vann, Williams, Mealy, Gonzalez, Lappin, Dickens, Koslowitz and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to reports on school discipline and police department activity relating to schools.

Be it enacted by the Council as follows:

Section 1. Title 8 of the administrative code of the city of New York is hereby amended by adding a new chapter 11 to read as follows:

CHAPTER 11

REPORTS ON STUDENT DISCIPLINE

§8-1101 *Definition; confidentiality requirements.*

§8-1102 *Annual report on student discipline.*

§8-1103 *Biannual citywide report on suspensions.*

§8-1101. *Definition; confidentiality requirements.* a. For purposes of this chapter, the term “chancellor” shall mean the chancellor of the city school district of the city of New York, or the chancellor’s designee.

b. In no event shall any report submitted pursuant to this chapter release, or provide access to, any personally identifiable information contained in education records in violation of 20 U.S.C. §1232g or information in violation of any other applicable confidentiality requirement in federal or state law.

§8-1102. *Annual report on student discipline.* The chancellor shall submit to the city council by October 31st of each year an annual report, based on data from the preceding school year, on the discipline of students.

a. The data in this report shall be disaggregated by school and shall show the total number of students in each school who have been:

1. subjected to a superintendent’s suspension; or
2. subjected to a principal’s suspension.

b. The data provided pursuant to each of paragraphs one and two of subdivision a shall be disaggregated by race/ethnicity, gender, grade level at the time of imposition of discipline, age of the student as of December 31st of the school year during which discipline is imposed, whether the student is receiving special education services or whether the student is an English Language Learner, disciplinary code infraction and length of suspension. If a category contains between 0 and 9 students, the number shall be replaced with a symbol.

c. The report shall also include the citywide total number of transfers that occurred in connection with a suspension, disaggregated by involuntary and voluntary transfers.

§8-1103. *Biannual citywide report on suspensions.* The chancellor shall submit to the council by October 31st and March 31st of each year a report on the discipline of students citywide, based on data from the first six months of the current calendar year and the second six months of the preceding calendar year respectively. Such report shall include the number of suspensions citywide for each month, disaggregated by superintendent’s and principal’s suspensions.

§2. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-152 to read as follows:

§14-152. *School activity reporting.* a. *Definitions.* For the purposes of this section the following terms shall have the following meanings:

1. “Non-criminal incident” shall mean an incident occurring within a New York city public school that does not constitute a felony or misdemeanor, and that falls within one of the following types: dangerous instruments; fireworks; trespass; disorderly conduct; harassment; loitering; or possession of marijuana.

2. “School safety agent” shall mean a person employed by the department as a peace officer for the purpose of maintaining safety in New York city public schools.

b. *Report of activity relating to schools.* The department shall submit to the council on a quarterly basis, a report based on data reflecting summons, arrest and non-criminal incident activity from the preceding quarter. Such report shall be disaggregated by patrol borough and include, at a minimum:

1. the number of individuals arrested and/or issued a summons by school safety agents or police officers assigned to the school safety division of the New York city police department;

2. in those cases where arrests were made or summonses were issued: (i) the charges (including penal law section or other section of law), and (ii) whether the charge was a felony, misdemeanor or violation; and

3. the number and type of non-criminal incidents that occurred.

c. The data provided pursuant to paragraphs one through three of subdivision b shall, for each of such paragraphs, where practicable based upon the manner in which the applicable records are maintained, be disaggregated by race/ethnicity, year of birth, gender, whether the individual is receiving special education services, and whether the individual is an English Language Learner.

d. *Public education.* Operators of the 311 system shall inform any caller seeking to make a complaint against a school safety agent that the complaint will be electronically transferred to the internal affairs bureau of the New York city police department.

e. *Disclosure limitations.* The information, data, and reports required by this section shall be subject to the disclosure limitations of section 14-150 of this chapter.

f. *Reports due at end of reporting period.* The information, data, and reports required by this section shall be provided to the council within thirty days of the end of the reporting period to which the reports correspond or for which the relevant data may be collected, whichever is later. Where necessary, the department may use preliminary data to prepare the required reports and may include an acknowledgment that such preliminary data is non-final and subject to change.

§ 3. This local law shall take effect ninety days after its enactment into law, provided that data relating to the total number of students subjected to a principal’s suspension, as referenced in paragraph two of subdivision a of section 8-1102 of the administrative code of the city of New York, as added by section one of this local law, shall be reported beginning with the annual report relating to the 2011-12 school year, and provided further that disaggregating the data by whether the student is an English Language Learner, as referenced in subdivision b of section 8-1102 of the administrative code of the city of New York, as added by section one of this local law, shall be reported beginning with the annual report relating to the 2012-13 school year.

Referred jointly to the Committee on Education and the Committee on Public Safety.

Res. No. 595

Resolution calling on the New York City Transit Authority to track and investigate neglected maintenance work on elevators and escalators.

By Council Members Lappin, Cabrera, Chin, Dromm, Fidler, Foster, Gentile, Gonzalez, Greenfield, Jackson, James, Koslowitz, Palma, Rose, Sanders, Van Bramer, Vann, Williams, Mealy, Nelson and Koo.

Whereas, To enable passengers with physical mobility impairments to access the subway and to facilitate the movement of passengers through the system, the New York City Transit Authority (“NYCT”) has installed elevators and escalators at specific stations considered to benefit the most people; and

Whereas, NYCT operates 182 station elevators and 176 escalators throughout the subway system, to enable passengers with physical mobility impairments to access the subway; and

Whereas, The NYCT Division of Infrastructure’s Elevator and Escalator Department (EED) is responsible for inspecting and maintaining all elevators and escalators in NYCT facilities and ensuring they are clean, safe and reliable; and

Whereas, In July of 2010 the New York City Comptroller released a report “Audit Report on New York City Transit Efforts to Inspect, Repair and Maintain Elevators and Escalators” (“the Comptroller’s Audit”); and

Whereas, The Comptroller’s Audit found that there was a decrease in the rate of most scheduled inspections and tests performed by EED between 2008 and 2009; and

Whereas, The Comptroller’s audit found that NYCT’s Inspection Unit did not meet its annual inspection goals between 2008 and 2009; and

Whereas, The Comptroller’s audit discovered that currently the NYCT’s Inspection Unit’s level of personnel is inadequate to ensure the unit’s own inspection goals; and

Whereas, When scheduled inspections are not performed as prescribed, there is an increased risk that problems will go undetected and uncorrected, increasing the likelihood of equipment breakdowns; and

Whereas, The increased risk of equipment breakdown would result in an inconvenience to the riding public especially to those individuals with mobility impairments who rely on elevators and escalators to access subway stations; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York City Transit Authority to track and investigate neglected maintenance work on elevators and escalators.

Referred to the Committee on Transportation.

Int. No. 443

By Council Members Mark-Viverito, Van Bramer, Dromm, Ferreras, James, Palma and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain types of surfacing in parks.

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 *Surfacing in parks.* Any location within a park under the jurisdiction of the commissioner that has not been used for permitted sports activity on an average of two or more times per month over the previous year shall not have artificial turf as surfacing material. The department shall have eighteen months from the effective date of this section to ensure that all parks or portions thereof in operation at the time of the effective date of this section are in compliance with this section. For purposes of this section, “artificial turf” shall mean a surface derived from synthetic fibers made to appear similar to natural grass.

§2. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 444

By Council Members Palma, Arroyo, Cabrera, Chin, Dromm, Ferreras, Fidler, Foster, Jackson, James, Koppell, Lander, Levin, Sanders, Van Bramer, Williams and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that the Department of Homeless Services (DHS) count toward its total shelter census figure and post on its website certain enumerated categories of information.

Be it enacted by the Council as follows:

Section 1. Findings and Intent. The Department of Homeless Services (“DHS”) provides, on the internet, a report detailing the number of people receiving shelter from DHS. The Council finds, however, that these reports should be codified and that additional data should be included in what DHS represents as the total shelter census figures so that accurate and comprehensive shelter census figures are communicated to the public.

Section 2. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-316 to read as follows:

§21-316. *a. Definitions.* For the purposes of this section, the following terms shall have the following meanings:

1. “Drop-in center facility” means a facility that provides homeless single adults with hot meals, showers, laundry facilities, clothing, medical care, recreational space, employment referrals and also assists homeless single adults with housing placement services.

2. “Drop-in center overnight census” means the total number of individuals who receive overnight lodging in all drop-in center facilities in New York City.

3. “Faith-based facility” means a facility that provides shelter to homeless individuals that is funded by one or more religious organizations.

4. “HPD facility” means a facility owned or operated by the Department of Housing Preservation and Development (“HPD”).

5. “Outreach placements” means shelter or temporary housing provided to individuals who were living in public spaces and, as a result of the department’s outreach efforts, were persuaded to access the department’s services.

6. “Safe Haven facility” means a facility that provides shelter placement to chronic street homeless individuals who are historically unwilling to enter the traditional shelter system.

7. “Stabilization bed” means a bed that is provided to a homeless individual on a temporary basis to allow an otherwise service resistant street homeless client to stabilize while service providers or outreach workers assist in locating permanent housing options.

8. “Veteran in shelter or short-term housing” means a person who served in the active military of the United States and who was released from such service otherwise than by dishonorable discharge, to whom the department is providing placement in a shelter or in short-term housing.

b. Reports of Shelter Census Figures. Beginning no later than February 1, 2011, and no later than the last day of the week for each week thereafter, the commissioner shall make available to the public free of charge on the internet a report that includes, at a minimum, the following information:

1. the number of adult families receiving shelter, including the aggregate number of individuals, disaggregated by zip code;

2. the number of families with children receiving shelter, including the aggregate number of individuals, disaggregated by the number of adults and children that make up such number, disaggregated by zip code;

3. the number of single adults receiving shelter, disaggregated by gender and zip code;

4. the total number of individuals receiving shelter, disaggregated by the number of adults and children, disaggregated by zip code;

5. the number of single adults served in drop-in centers, disaggregated by zip code;

6. the number of single adults represented in the drop-in center overnight census, disaggregated by zip code;

7. the number of single adults receiving shelter in faith-based facilities, disaggregated by zip code;

8. the number of single adults receiving outreach placements, disaggregated by zip code;

9. the number of single adults receiving shelter in safe haven facilities, disaggregated by zip code;

10. the number of single adults receiving shelter in stabilization beds, disaggregated by zip code;

11. the number of single adult veterans receiving shelter or short-term housing, disaggregated by zip code;

12. the number of adult families and families with children receiving shelter in HPD facilities, including the aggregate number of individuals, disaggregated by zip code;

13. the number of adult families and families with children requesting temporary housing at a Prevention Assistance and Temporary Housing (“PATH”) office, disaggregated by zip code;

14. the number of adult families requesting temporary housing at an Adult Family Intake Center (“AFIC”), disaggregated by zip code;

15. the number of adult families and families with children placed in overnight accommodations, disaggregated by zip code; and

16. the number of adult families and families with children who have stayed overnight at a Prevention Assistance and Temporary Housing (“PATH”) office, disaggregated by zip code.

c. Daily Census Figures on Department’s Homepage. Beginning no later than February 2, 2011, and no later than the last day of the week for each week thereafter, the commissioner shall prominently display on the department’s homepage the following figures:

1. the total number of families with children receiving shelter, including such families with children receiving shelter in HPD facilities, placed in overnight accommodations, or who have stayed overnight at a Prevention Assistance and Temporary Housing (“PATH”) office;

2. the total number of adult families receiving shelter, including such adult families receiving shelter in HPD facilities, placed in overnight accommodations, or who have stayed overnight at a Prevention Assistance and Temporary Housing (“PATH”) office;

3. the total number of single adults receiving shelter, including such single adults represented in the drop-in center overnight census, receiving shelter in faith-based facilities, receiving shelter in safe haven facilities, or receiving shelter in stabilization beds, and single adult veterans receiving shelter in short-term housing; and

4. the aggregate number of individuals receiving shelter, including such individuals who are members of adult families receiving shelter, single adults receiving shelter, members of families with children receiving shelter, single adults represented in the drop-in center overnight census, single adults receiving shelter in faith-based facilities, single adults receiving shelter in safe haven facilities, single adults receiving shelter in stabilization beds, single adult veterans receiving shelter or short-term housing, members of adult families or families with children receiving shelter in HPD facilities, members of adult families or families with children placed in overnight accommodations, or members of adult families or families with children who have stayed overnight at a Prevention Assistance and Temporary Housing (“PATH”) office.

Section 3. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 445

By Council Members Recchia, Arroyo, Cabrera, Fidler, Gonzalez, Nelson, Williams and Oddo.

A Local Law to amend the administrative code of the city of New York, in relation to the removal of opossums.

Be it enacted by the Council as follows:

Section 1. Chapter one 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 *Opossum removal.* a. *The department shall ensure the prompt removal of any opossum from any outdoor public or private property upon receiving a request for such removal from a member of the public.*

b. *The department shall promulgate such rules as may be necessary to implement the provisions of this section.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Health.

Res. No. 596

Resolution calling on the New York State Legislature to increase the civil penalties to \$2,500 for a first offense and \$15,000 for each subsequent offense within a two year period for failure to comply with the utility notification requirements of Article 36 of the General Business Law.

By Council Members Van Bramer, James, Palma and Williams.

Whereas, Article 36 of the New York State General Business Law requires participation by those performing excavation and those operating underground facilities, in the “One Call System”, a system designed to ensure that excavators are aware of the utility infrastructure that is underground before they excavate; and

Whereas, This system requires notification of such excavation prior to commencing this excavation, and does not permit such excavation work until such time as all operators inform the excavator that the excavation will not come within fifteen feet of such utility; and

Whereas, This Article requires utility operators to notify excavators about which of its facilities will be affected by this excavation; and

Whereas, Section 765 of the General Business Law requires any excavator or operator who violates the provisions of Article 36 of the New York State General Business Law be subject to civil penalties of up to \$1,000 for a first violation, and up to an additional \$7,500 fine for subsequent violations for the same excavation activity within a two-month period; and

Whereas, Under current law, with no mandatory minimum civil penalty, there is concern that those violating these provisions could have no monetary civil penalty despite repeated violations of this section; and

Whereas, If the same excavator or operator failed to abide by the provisions of Article 36 over a course of transactions, the maximum fine would be \$1,000 for each transaction; and

Whereas, The notification provisions in Article 36 are crucial to protect public safety, as a lack of notification could lead to excavations coming into dangerous contact with underground utility facilities;

now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to increase the civil penalties to \$2,500 for a first offense and \$15,000 for each subsequent offense within a two year period for failure to comply with the utility notification requirements of Article 36 of the General Business Law.

Referred to the Committee on Environmental Protection.

Res. No. 597

Resolution calling upon the Federal Housing Finance Agency to halt implementation of its proposed guidance regarding “flip taxes” or at the very least exempt New York City cooperatives and condominiums due to the detrimental effect of such proposed guidance on New York City cooperatives and condominiums.

By Council Members Weprin, Cabrera, Dromm, Fidler, Garodnick, Gentile, Jackson, James, Koppell, Koslowitz, Williams, Nelson and Koo.

Whereas, The Federal Housing Finance Agency (FHFA) has proposed a change in procedures that would be reflected in a document entitled “Guidance on Private Transfer Fee Covenants;” and

Whereas, Such proposed guidance would apply to the entities regulated by the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), and the Federal Home Loan Banks (the Banks); and

Whereas, The language of the proposed guidance would, in short, state that entities regulated by Fannie Mae, Freddie Mac, and the Banks should not “deal in mortgages on properties encumbered by private transfer fee covenants;” and

Whereas, Such proposed guidance would also state that it is the opinion of the FHFA that such covenants “appear” to cause insecurity and unaffordability in the housing markets, as well as hurting the monetary flow of capital into the real estate market; and

Whereas, Such proposed guidance would be applicable to mortgages and securities held or guaranteed by Fannie Mae or Freddie Mac; held by the Banks as investments; or as collateral for advances; and

Whereas, In New York City such “private transfer fee covenants,” colloquially, known as “flip taxes” or “transfer fees” are authorized pursuant to proprietary leases to which all shareholders in the cooperative must abide by; and

Whereas, In some cases, flip taxes are also authorized pursuant to the original offering plan, or any such subsequent amendments which are required to be filed with the New York State Attorney General pursuant to subdivision (eeee) of section 352 of the General Business Law; and

Whereas, Flip taxes are also authorized pursuant to subdivision (c) of section 501 of the Business Corporation Law, which allows cooperatives to enforce a flip tax if it is described in the original offering plan or its subsequent amendments, or if its adopted as an amendment to a proprietary lease; and

Whereas, A flip tax typically is paid to the cooperative’s general fund upon the transfer of ownership of an apartment; and

Whereas, Flip taxes can be used as an alternative to increases in monthly maintenance fees or assessments on cooperative shareholders to pay for important building-wide capital improvements such as the replacement of elevator cabs, boilers or windows, or compliance with significant façade work; and

Whereas, The revenues derived from flip taxes are not usually limited to capital expenditures but are usually mingled with all other cash assets of the coop and may be used for any lawful purpose; and

Whereas, Without the imposition of a flip tax, owners of many cooperatives who are seeking to make capital repairs to their buildings will most likely be faced with an increase in the monthly maintenance fee, substantial one-time assessments or an increased debt service through refinancing a building’s mortgage or undertaking additional mortgages; and

Whereas, The guidance issued by FHFA does not take into account the unique role flip taxes play in financing capital improvements for New York’s City’s cooperatives; now; therefore, be it

Resolved, That the Council of the City of New York calls upon the Federal Housing Finance Agency to halt implementation of its proposed guidance regarding “flip taxes” or at the very least exempt New York City cooperatives and condominiums due to the detrimental effect of such proposed guidance on New York City cooperatives and condominiums.

Referred to the Committee on Housing and Buildings.

L.U. No. 276

By Council Member Recchia:

Good Neighbor Apartments, Block 1631, Lots 60,62,63,65 and 66, Manhattan, Council District No. 8

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 277

By Council Member Recchia:

Haven Plaza, 188-198 Avenue C, 200 Avenue C, 726 East 13th Street, 700-722 East 13th Street, Block 382, Lot 1, Manhattan, Council District No. 2

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 278

By Council Member Comrie:

Application no. C 110069 ZMR submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 20d, 26c, 27a, 33c and 33d.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 279

By Council Member Comrie:

Application no. C 110070 ZRY submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, pertaining to medical offices and day care centers in the Borough of Staten Island and Bronx Community Board 10, and commercial regulations in the Borough of Staten Island

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, December 9, 2010

★ *Note Location Change*

Committee on **TRANSPORTATION** **10:00 A.M.**
Oversight - Bicycling in NYC – Opportunities and challenges
★ Committee Room – 250 Broadway, 16th Floor James Vacca, Chairperson

★ *Note Location Change*

Committee on **GENERAL WELFARE** **1:00 P.M.**
Oversight - DHS’s Homebase Study
Int 395 - By Council Member Palma, The Public Advocate (Mr. de Blasio) and Council Members Brewer, Chin, Dromm, Ferreras, Fidler, Foster, James, Koslowitz, Lander, Mark-Viverito, Sanders Jr., Van Bramer, Williams, Rodriguez, Rose and Halloran - A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Homeless Services and the Human Resources Administration to track and report to the Council certain data regarding rental assistance programs for the homeless.

Int 444 - By Council Member Palma - A LOCAL LAW - To amend the administrative code of the city of New York, in relation to requiring that the Department of Homeless Services (DHS) count toward its total shelter census figure and post on its website certain enumerated categories of information.
★ Committee Room – 250 Broadway, 14th Floor Annabel Palma, Chairperson

★ *Deferred*

Committee on **YOUTH SERVICES** **1:00 P.M.**
Oversight – Young Fatherhood Initiatives
Hearing Room – 250 Broadway, 16th Floor Lewis A. Fidler, Chairperson

Monday, December 13, 2010

★ *Addition*

Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES** jointly with the
Committee on **TRANSPORTATION** **10:00 A.M.**
Oversight - Accessible Taxis & Other For-Hire-Vehicles
Int 433 - By Council Member Koppell - A Local Law to amend the administrative code of the city of New York, in relation to requiring that any new taxicab design, approved by the taxi and limousine commission, be accessible to wheelchair users.
Committee Room – 250 Broadway, 14th Floor G. Oliver Koppell, Chairperson
..... James Vacca, Chairperson

Committee on **CONTRACTS** **10:00 A.M.**
Oversight - Public Hearings on Contract Awards
Committee Room – 250 Broadway, 16th Floor Darlene Mealy, Chairperson

Committee on **VETERANS** **2:00 P.M.**
Tour: Manhattan Campus of the VA NY Harbor Healthcare System
Location: 423 E 23 Street
New York, NY 10010
Details Attached..... Mathieu Eugene, Chairperson

Tuesday, December 14, 2010

★ *Note Location Change*

Subcommittee on **ZONING & FRANCHISES** **9:30 A.M.**
See Land Use Calendar Available Thursday, December 9, 2010
★ Committee Room – 250 Broadway, 14th Floor Mark Weprin, Chairperson

★ *Deferred*

Committee on **AGING** **10:00 A.M.**
~~Agenda to be announced~~
Hearing Room – 250 Broadway, 16th Floor Jessica Lappin, Chairperson

★ *Note Location Change*

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES** **11:00 A.M.**
See Land Use Calendar Available Thursday, December 9, 2010
★ Committee Room – 250 Broadway, 14th Floor Brad Lander, Chairperson

★ *Note Time Change*

Committee on **SMALL BUSINESS** jointly with the
Committee on **COMMUNITY DEVELOPMENT** and
Committee on **ECONOMIC DEVELOPMENT** ★ **11:30 A.M.**
Oversight - When Wal-Mart Comes to Town: The Effect on Small Businesses and Communities: A Historical and Prospective View
Committee Room – 250 Broadway, 16th Floor Diana Reyna, Chairperson
..... Albert Vann, Chairperson
..... Karen Koslowitz, Chairperson

★ *Deferred*

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS** **1:00 P.M.**
~~See Land Use Calendar Available Thursday, December 9, 2010~~
Committee Room – 250 Broadway, 14th Floor Stephen Levin, Chairperson

★ *Note Time Change*

Committee on **PUBLIC HOUSING** ★ **1:00 P.M.**
Tour: NYCHA’s Customer Contact Center
Location: 23-02 49th Avenue
Long Island City, NY 11101 Rosie Mendez, Chairperson

Wednesday, December 15, 2010

★ *Addition*

Committee on **HIGHER EDUCATION** jointly with the
Committee on **IMMIGRATION** **10:00 A.M.**
Oversight - Barriers Commonly Faced by Immigrants to Higher Education and Licensure
Hearing Room – 250 Broadway, 16th Floor Ydanis Rodriguez, Chairperson
..... Daniel Dromm, Chairperson

★ *Deferred*

Committee on **PUBLIC SAFETY** **10:00 A.M.**
Oversight – How ready is NYC to respond to a gas pipeline explosion?
Committee Room – 250 Broadway, 14th Floor Peter Vallone, Chairperson

Committee on **JUVENILE JUSTICE** jointly with the
Committee on **FIRE AND CRIMINAL JUSTICE SERVICES** **10:00 A.M.**
Oversight - Jail Violence at Adult and Adolescent Facilities on Rikers Island.
Committee Room – 250 Broadway, 16th Floor Sara M. Gonzalez, Chairperson
..... Elizabeth Crowley, Chairperson

★ *Deferred*

Committee on **CONSUMER AFFAIRS** **1:00 P.M.**
Oversight – Prepaid Debit Cards, Predatory Fees and Financial Literacy
Committee Room – 250 Broadway, 14th Floor Daniel Garodnick, Chairperson

★ *Addition*

Committee on **HOUSING AND BUILDINGS** **1:00 P.M.**

Int 436 - By Council Members Mendez and James - A Local Law to amend the administrative code of the city of New York, in relation to the alternative enforcement program.

Committee Room – 250 Broadway, 16th Floor
..... Erik Martin-Dilan, Chairperson

Committee on **CIVIL SERVICE AND LABOR**..... **1:00 P.M.**
Tour:Department of Citywide Administrative Services
Brooklyn Application and Computerized Testing Center
Location: 210 Joralemon St., 4th floor
Brooklyn, NY 11201
Details Attached
..... James Sanders, Chairperson

Thursday, December 16, 2010

★ Addition
Committee on **CONSUMER AFFAIRS** **10:00 A.M.**
Oversight - Prepaid Debit Cards, Predatory Fees and Financial Literacy
Committee Room – 250 Broadway, 14th Floor
..... Daniel Garodnick, Chairperson

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

★ Deferred
Committee on **CIVIL RIGHTS**..... **10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Deborah Rose, Chairperson

★ Deferred
Committee on **EDUCATION** **1:00 P.M.**
Oversight – The Department of Education’s Monitoring of Students at Closing Schools
Committee Room – 250 Broadway, 14th Floor Robert Jackson, Chairperson

Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS** jointly with the
Committee on **WOMEN’S ISSUES** **1:00 P.M.**
Oversight - Equal Opportunities for Women in the Arts
Committee Room – 250 Broadway, 16th Floor
..... James Van Bramer, Chairperson
..... Julissa Ferreras, Chairperson

Committee on **ENVIRONMENTAL PROTECTION**..... **1:00 P.M.**
Oversight - Could the Proposed Casino Project in Sullivan County Spur Development in the Catskills that Could Adversely Affect the New York City’s Drinking Water Supply Watershed?
Hearing Room – 250 Broadway, 16th Floor James F. Gennaro, Chairperson

★ Addition
Committee on **EDUCATION** jointly with the
Committee on **PUBLIC SAFETY** and
Committee on **JUVENILE JUSTICE**..... **1:30 P.M.**
Int 442 - By Council Members Jackson, Mark-Viverito, and Vallone - A LOCAL LAW - To amend the administrative code of the city of New York, in relation to reports on school discipline and police department activity relating to schools.
Committee Room – 250 Broadway, 14th Floor Robert Jackson, Chairperson
..... Peter Vallone, Chairperson
..... Sara Gonzalez, Chairperson

Friday, December 17, 2010

Committee on **HEALTH**..... **10:00 A.M.**
Int 328 - By Council Members Lappin, Brewer, Koppell, Sanders Jr., Seabrook and Nelson - A Local Law to amend the administrative code of the city of New York in relation to increasing the fee for licensing a dog that is not spayed or neutered.

Int 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.

Committee Room – 250 Broadway, 14th Floor
..... Maria del Carmen Arroyo, Chairperson

★ Deferred
Committee on **IMMIGRATION**..... **10:00 A.M.**
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor Daniel Dromm, Chairperson

★ Addition
Committee on **WATERFRONTS** jointly with the
Committee on **LOWER MANHATTAN REDEVELOPMENT** **1:00 P.M.**
Oversight - Update on Governors Island
Committee Room – 250 Broadway, 14th Floor Michael Nelson, Chairperson
..... Margaret Chin, Chairperson

Committee on **SANITATION AND SOLID WASTE MANAGEMENT** **1:00 P.M.**
Oversight - Recycling of Grease and Oil from New York City Restaurants
Committee Room – 250 Broadway, 16th Floor Letitia James, Chairperson

Monday, December 20, 2010

★ Addition
Committee on **FINANCE**..... **10:00 A.M.**
Int 437 - By Council Members Recchia, Comrie, Koslowitz, Nelson, Seabrook and Koo (by request of the Mayor) - A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended in seven business improvement districts.
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, 16th Floor
..... Domenic M. Recchia, Chairperson

Stated Council Meeting..... *Ceremonial Tributes – 1:00 p.m.*
..... *Agenda – 1:30 p.m.*
Location *~ Emigrant Savings Bank ~ 49-51 Chambers Street*.....

MEMORANDUM

December 7, 2010

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEE ON VETERANS

Please be advised that all Council Members are invited to attend a tour to:

Manhattan Campus of the VA NY Harbor Healthcare System

**423 E 23 Street
New York, NY 10010**

The tour will be on **Monday, December 13, 2010 beginning at 2:00 p.m.**
A van will be leaving from City Hall parking lot at **1:30 p.m. sharp.**

Council Members interested in riding in the van should call Barbara Butler at 212-788-6898.

Hon. Mathieu Eugene, Chairperson
Committee on Veterans

Hon. Christine C. Quinn
Speaker of the Council

MEMORANDUM

December 7, 2010

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEE ON CIVIL SERVICE AND LABOR

Please be advised that all Council Members are invited to attend a tour to:

**Department of Citywide Administrative Services
Brooklyn Application and Computerized Testing Center**

**210 Joralemon St., 4th floor
Brooklyn, NY 11201**

The tour will be on **Wednesday, December 15, 2010 beginning at 1:00 p.m.** A van will be leaving from City Hall parking lot at **12:30 p.m. sharp.**

Council Members interested in riding in the van should call Matthew Carlin at 212-788-9110.

Hon. James Sanders, Chairperson
Committee on Civil Service and Labor

Hon. Christine C. Quinn
Speaker of the Council

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Monday, December 20, 2010.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int Nos. 195-A, 311-A, and 405 (adopted by the Council at the November 17, 2010 Stated Council Meeting), and Int Nos. 256-A and 376-A (adopted by the Council at the November 30, 2010 Stated Council Meeting) were signed by the Mayor into law on December 7, 2010. Int Nos. 195-A, 256-A, 311-A, 376-A, and 405 were assigned, respectively, as Local Law Nos. 61, 62, 63, 64, and 65 of 2010.

