

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
WEDNESDAY, JUNE 9, 2010

THE COUNCIL

*Minutes of the
STATED MEETING*

of
Wednesday, June 9, 2010, 2:40 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused on June 9, 2010: Council Member White.

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 50 Council Members present at this Stated Meeting.

Editor's Note re: Attendance for the Stated Council Meeting of June 9, 2010 and the Recessed Council Meeting held on June 29, 2010: The Stated Council Meeting of June 9, 2010 was opened and subsequently recessed on June 9, 2010 before being re-opened and adjourned on June 29, 2010. The Recessed Meeting held on June 29, 2010, therefore, is considered the continuation and conclusion of this Stated Meeting that opened on June 9, 2010. Both meetings together constitute the proceedings collectively known as the Stated Council Meeting of June 9, 2010. For attendance purposes, therefore, any Council Member who was present at either one of these meetings will be considered present for the proceedings collectively known as the Stated Council Meeting of June 9, 2010.

INVOCATION

The Invocation was delivered by The Reverend Dr. Sean P. Gardner, Sr., East Ward Missionary Baptist Church, 2011 First Avenue, New York, New York 10029.

Shall we pray?

Gracious and oh wise God our Father,
indeed it is once again
that a few of Your humble servants
come to share in this experience.
We pray now in this opportunity or in this place
and at this time that You will guide
our hearts, our thoughts, and our mind
to do the work that You have assigned to our hands.
We pray today that You will bless our Speaker,
be with her and all of the Council men and women;
be with each one of them as they deal
with the business of the City of New York.
Indeed give them what they need
in order to make it day by day,
pray for their staff
and those who stand side by side with them.
Praying for our Mayor
and those who indeed fight for this democracy.
Lead us and guide us is our prayer.
For we ask in the name of He who orders our steps,
our Lord and our God. Amen.

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

ADOPTION OF MINUTES

Council Member Lappin moved that the Minutes of the Stated Meeting of April 14, 2010 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

Preconsidered M-102

Communication from the New York City Banking Commission - Transmitting recommendations of the interest rate to be charged for Fiscal Year 2011 for non-payment of taxes on real estate, and for non-payment of water and sewer rents and transmitting recommendation of the discount rate to be allowed for early payment of real estate taxes for Fiscal Year 2011, pursuant to the City Charter.

Honorable Christine Quinn

May 24, 2010

Speaker of the Council
City Hall
New York, NY 10007

Dear Ms. Quinn:

Pursuant to Sections 11-224.1, 11-312(c), 11-313(e) and 1519(a), of the New York City Administrative Code, the Banking Commission, at its meeting on May 17, 2010, adopted resolutions recommending to the Council that the proposed interest rates to be charged for non-payment of taxes for real estate, and for non-payment of water and sewer rents, and the discount rate for early payment of real estate taxes for FY 2011 be:

a. Nine percent (9.00%) per annum for non-payment of taxes for real estate with an assessed value of not more than two hundred fifty thousand dollars (\$250,000.00), or not more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops;

b. Eighteen percent (18.00%) per annum for non-payment of taxes for real estate with an assessed value of more than two hundred fifty thousand dollars (\$250,000.00), or more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops, or where irrespective of the assessed value, the parcel consists of vacant or unimproved land;

c. Nine percent (9.00%) per annum for non-payment of water and sewer rents for real estate with an assessed value of not more than two hundred fifty thousand dollars (\$250,000.00), or not more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops;

d. Eighteen percent (18.00%) per annum for non-payment of water and sewer rents for real estate with an assessed value of more than two hundred fifty thousand dollars (\$250,000.00), or more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops, or where irrespective of the assessed value, the parcel consists of vacant or unimproved land;

e. One and one-half percent (1.50%) discount per annum applied to the portion of the real estate tax that is paid no later than the due date of the previous installment of real estate taxes. Implementation of this change will require adoption of a local law.

The representative for Comptroller Liu, on his behalf voted against interest rate recommendation number 1 and the discount rate recommendation. Recommendations for resolutions 2 through 4 were carried unanimously.

Copies of the resolutions are attached.

Sincerely,

Andrew Salkin
Secretary

Resolution No. 1 - Interest Rate Recommendation (Real Estate)

WHEREAS, pursuant to New York City Administrative Code §11-224.1, the Banking Commission is required to recommend to the City Council, not later than the twenty-fifth day of May, the proposed interest rate to be charged for non-payment of taxes for real estate with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, and

WHEREAS, the proposed interest rate shall be at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes that as of May 17, 2010, said prime rate stands as three and one-quarter per cent (3.25%), as published by the Federal Reserve Board of Governors, and

WHEREAS, it is in the City's best interest to encourage the prompt payment of taxes for real estate by all taxpayers, now, therefore be it

RESOLVED, the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of taxes for all properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, remains nine per cent (9%) per annum for Fiscal Year 2011, and be it further

RESOLVED, that the Secretary's letter to the City Council be sent as close to May 25th as possible, to protect against fluctuations in interest rates.

Dated May 17, 2010

Resolution No. 2 - Interest Rate Recommendation (Real Estate)

WHEREAS, pursuant to New York City Administrative Code §11-224.1, the Banking Commission is required to recommend to the City Council, not later than the twenty-fifth day of May, the proposed interest rate to be charged for non-payment of taxes for real estate with an assessed value of more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land,

WHEREAS, said provisions of the Administrative Code require the Banking Commission to propose a rate at least six percentage points (6%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes that as of May 17, 2010, said prime rate stands as three and one-quarter per cent (3.25%), as published by the Federal Reserve Board of Governors, and

WHEREAS, it is in the City's best interest to encourage the prompt payment of taxes for real estate by all large taxpayers, now, therefore be it

RESOLVED, the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of taxes for real estate where the assessed value on a parcel is over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land remains eighteen per cent (18%) per annum for Fiscal Year 2011, and be it further

RESOLVED, that the Secretary's letter to the City Council be sent as close to May 25th as possible, to protect against fluctuations in interest rates.

Dated May 17, 2010

Resolution No. 3- Interest Rate Recommendation (Water and Sewer Rents)

WHEREAS, pursuant to New York City Administrative Code §§11-312(c) and 11-313(e) and 11-224.1, the Banking Commission is required to recommend to the City Council, not later than the twenty-fifth day of May, the proposed interest rate to be charged for non-payment of water rents and sewer rents, and

WHEREAS, the proposed interest rate to be charged for non-payment of water rents and sewer rents for properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), shall be at least equal to the said prime rate, and

WHEREAS, the Banking Commission notes that as of May 17, 2010, the said prime rate stands at three and one-quarter per cent (3.25%), as published by the Federal Reserve Board of Governors, now, therefore, be it

RESOLVED, that the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents for properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, remains nine per cent (9%) per annum for Fiscal Year 2011, and be it further

RESOLVED, that the Secretary's letter to the City Council be sent as close to May 25th as possible, to protect against fluctuations in interest rates.

Dated May 17, 2010

Resolution No. 4 - Interest Rate Recommendation (Water and Sewer Rents)

WHEREAS, pursuant to New York City Administrative Code §§11-312(c) and 11-313(e) and 11-224.1, the Banking Commission is required to recommend to the City Council, not later than the twenty-fifth day of May, the proposed interest rate to be charged for non-payment of water rents and sewer rents, and

WHEREAS, pursuant to said provisions of the Administrative Code, the proposed interest rate to be charged non-payment of water rents and sewer rents for a property with an assessed value of more than two hundred fifty thousand dollars (\$250,000) shall be at least six percentage points (6%) per annum greater than the prevailing interest rate charged for commercial loans extended prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes that as of May 17, 2010, the said prime rate stands at three and one-quarter per cent (3.25%), as published by the Federal Reserve Board of Governors, now, therefore, be it

RESOLVED, that the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents for all properties with an assessed value of more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, remains eighteen percent (18%) per annum for Fiscal Year 2011, and be it further

RESOLVED, that the Secretary's letter to the City Council be sent as dose to May 25th as possible, to protect against fluctuations in interest rates.

Dated May 17, 2010

Resolution No 5 - Discount Rate Recommendation

WHEREAS, pursuant to Section 1519(a) of the City Charter, the Banking Commission is required to recommend to the City Council, not later than the twenty-fifth of May, the proposed discount percentage allowed for early payment of real estate taxes, now, therefore be it

RESOLVED, the Banking Commission recommends to the City Council, the discount percentage that shall be allowed for early payment of real estate taxes shall be one and one-half per cent (1.5%) per annum for Fiscal Year 2011, and be it further

RESOLVED, that said discount rate is to be offered only for that portion of the real estate tax that is paid no later than the due date of a previous installment of real estate property taxes.

Dated May 17, 2010

Resolutions 1 and 5 received yea votes from the representatives of the Mayor's Office and the Commissioner of Finance. The representative of the Office of the City Comptroller voted nay. Resolutions 2 through 4 carried a unanimous vote.

Referred to the Committee on Finance.

M-103

Communication from the Borough Presidents – Submitting amended list of intended recipients of Fiscal Year 2010 discretionary funds.

May 25, 2010

Honorable Michael R. Bloomberg
Mayor, City of New York
City Hall
New York, NY 10007

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

Honorable Mayor Bloomberg and Honorable Speaker Quinn

On June 19th, 2009 we jointly submitted to your offices a list of intended recipients of Fiscal Year 2010 discretionary funds, and the amounts they were to receive. This list constituted a designation of discretionary funds pursuant to PPB Rule1-02(e).

Attached, please find a list of changes to those designations. These changes do not increase the cumulative value of the designations of any of the individual boroughs. Further, as agreed in the June 19th letter, where the amounts provided to a designated organization cumulatively exceed \$10,000, such organization will be cleared by the Mayor's Office of Contract Services for compliance with legal requirements before DFTA proceeds to process the discretionary funds in accordance with applicable City procedures.

On behalf of our city's senior populations, please accept our thanks.

Sincerely,

RUBEN DIAZ, JR.
Bronx Borough President

JAMES P. MOLINARO
Staten Island Borough President

MARTY MARKOWITZ
Brooklyn Borough President

SCOTT M. STRINGER
Manhattan Borough President

HELEN M. MARSHALL
Queens Borough President

Borough	Program Name	FY '10 Allocation	Tax ID
Manhattan	Grace Congregational Church of Harlem, UCC (Federation of Protestant Welfare Agencies as Fiscal Conduit)	(\$5,000)	13-1656615
Manhattan	Citymeals-on-Wheels	\$5,000	13-3634381

Received, Ordered, Printed and Filed.

M-104

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



Licensing and Standards Division
32-02 Queens Boulevard, 2nd Floor
Long Island City, New York 11101-2324
Tel: 212.227.6324

May 21, 2010

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

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

Dear Speaker Quinn:

Please be advised that on May 20, 2010 the Taxi & Limousine Commission voted to approve the following 55 for-hire-vehicle base license applications:

NEW (6):	LICENSE #	COUNCIL DISTRICT
Dupont Limousine & Car Service	B02383	46
Economy Car Service, LLC	B02377	17
General Car Service Inc.	B02381	29
Oppa Car Service Corp.	B02380	20
The Option Transportation Corp.	B02379	16
Wellcare Car Service D/b/a Kissena Car Service	B02378	24
RENEWALS (40):	LICENSE #	COUNCIL DISTRICT
128 Bluebird Transport Inc. D/b/a Latch Car Service	B00054	28

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1431 Car Service, Inc. D/b/a Three Guys Car Service	B00983	46
Ahsan Inc. D/b/a Marlboro Car Service	B00987	40
Alex II	B01195	43
All Queens Car & Limousine Inc.	B02219	26
Bamadu Car Service	B00746	28
B.O.B. Express Inc.	B01631	1
Brunwish Enterprises Ltd. D/b/a Eastland Car Service	B01509	48
Bushwick Car Service Inc.	B00693	34
Castle Car Service, Inc.	B00827	38
Cibao Radio Dispatch	B01663	21
Depaul Car Service	B01641	45
Eastern L.P.B. D/b/a Eastern Car Service	B00823	39
Ecuador Corp.	B01215	22
Forest Avenue Car Service Inc.	B02028	49
Golden-Town Car & Limousine Service Inc.	B00955	25
Haderech Inc.	B01351	44
Jaffa Car & Limousine Service Inc.	B00160	48
J.I.G. transport Corp. D/b/a New Eastern Car & Limousine Service	B01529	34
Lincoln Limo. Brok'age Inc.	B01489	22
Magnificent 7's Enterprise Inc.	B00855	31
M & H Car Service	B02043	26

DIAL 311 – Government Services and Information for NYC

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Mexicana High Class Inc.	B00021	21
Mexicanos DF Car Services Inc.	B00909	21
Montague Management Services, Inc. D/b/a Prominent Car & Limousine	B02055	33
Murray Car Service Inc.	B02210	45
New Family Radio Dispatch Inc.	B01527	6
New Fat Inc.	B02229	18
New Harlem Car Service Inc.	B01355	9
Pacific Express Car Service Inc.	B01175	33
Pamelene Trans. Corp. D/b/a Sea Breeze Car Service	B01021	48
Promenade Car Lease Inc.	B00859	33
Puebla Express Corp.	B01996	39
Puerto Rico Car Service Inc.	B01273	36
R C Audubon Service Inc.	B01339	7
Rez's Car Service Inc.	B02227	27
Shaheeda Corp. D/b/a Jamaica Express #2 Car Service	B01569	28
State Car & Limo. Service	B01982	42
United Limo. Car Service Corp.	B01009	33
Winthrop Holding of New York Inc.	B00536	46
RENEWAL, RELOCATION & OWNERSHIP CHANGE (1):	LICENSE #	COUNCIL DISTRICT
G.A.L. Limo. Services Inc. D/b/a Hana Car Service & Limousine	B01231	43
RENEWAL & OWNERSHIP CHANGE (2):	LICENSE #	COUNCIL DISTRICT

DIAL 311 – Government Services and Information for NYC

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Express 11 Car Service Inc.	B02213	39
Nelpel Car Service Inc. D/b/a Newport Car Service	B00965	49
RENEWAL & NAME CHANGE (3):	LICENSE #	COUNCIL DISTRICT
Big East Multi Group D/b/a Premier Car Service	B00220	45
Dyker Car Service LLC D/b/a Dyker Car Service	B01353	43
Queens Dispatch Service Inc. D/b/a Howard Car Service	B00210	32
RELOCATION & OWNERSHIP CHANGE (2):	LICENSE #	COUNCIL DISTRICT
Accord Car & Limousine Service Inc.	B01514	26
West End Cars & Limousines Inc.	B02316	47

The complete application package compiled for each of the above bases is available for your review upon request. If you wish to receive a copy please contact Ms. Michelle Lange, Business Licensing Unit, at 718-391-5697. Please find enclosed herein the original application for each of the approved base stations.

Very truly yours,

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

DIAL 311 – Government Services and Information for NYC

Printed on paper containing 30% post-consumer material.

Referred to the Committee on Transportation.

M-105

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

Service, LLC., Council District 17, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-106

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license General Car Service Inc., Council District 29, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-107

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-108

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license The Option Transportation Corp., Council District 16, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-109

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-110

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license 128 Bluebird

Transport Inc., Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-111

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license 1431 Car Service, Inc., Council District 46, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-112

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-113

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-114

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-115

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Bamadu Car Service., Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-116

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-117

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-118

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-119

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-120

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Cibao Radio Dispatch., Council District 21, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-121

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-122

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-123

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Ecuadoor Corp., Council District 22, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-124

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-125

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Golden-Town Car & Limousine Service Inc., Council District 25, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-126

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-127

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-128

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-129

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Lincoln Limo. Brok'age Inc., Council District 22, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-130

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Magnificent 7's Enterprise Inc., Council District 31, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-131

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-132

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Mexicana High Class Inc., Council District 21, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-133

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

Car Services Inc., Council District 21, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-134

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Montague Management Services, Inc., Council District 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-135

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-136

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Family Radio Dispatch Inc., Council District 6, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-137

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-138

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Harlem Car Service Inc., Council District 9, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-139

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Pacific Express Car Service Inc., Council District 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-140

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-141

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Promenade Car Lease Inc., Council District 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-142

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-143

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Puerto Rico Car Service Inc., Council District 36, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-144

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license R C Audubon Service Inc., Council District 7, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-145

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Rez's Car Service Inc., Council District 27, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-146

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Shaheeda Corp., Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-147

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-148

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license United Limo. Car Service Corp., Council District 33, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-149

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-150

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal, relocation and ownership change base station license G.A.L. Limo. Services Inc., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-151

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Express 11 Car Service Inc., Council District 39, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-152

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-153

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and name change base station license Big East Multi Group., Council District 45, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-154

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-155

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-156

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

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

M-157

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation and ownership change base station license West End Cars & Limousines Inc., Council District 47, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of TLC letter, please see M-104 printed above in this Communications from City, County, and Borough Offices section of these Minutes).

Referred to the Committee on Transportation.

LAND USE CALL UPS

M-158

By the Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 900 7th Avenue, Community Board 5, Application 20105393 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-159

By the Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 268 6th Avenue, Community Board 2, Application 20105495 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-160

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

Pursuant to Rule 11.20(c) of the Council, Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Procedure Application nos. C 100187 ZSK, C 100188 ZSK, special permits, shall be subject to Council review. These applications are related to application no. C 100185 ZMK and N 100186 ZRK that are subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

M-161

By Council Member Jackson:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 223 Dyckman Street, Community Board 12, Application 20105514 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-162

By Council Member Levin:

Pursuant to Rule 11.20(b) of the Council and Section 20-226 or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 151 Montague Street, Brooklyn, Community Board 2, Application 20105441 TCK shall be subject to review by the Council.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

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

Affirmative –Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera and the Speaker (Council Member Quinn) – **50**.

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

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

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

Report for M-102

Report of the Committee on Finance in favor of approving a Communication from the New York City Banking Commission in regard to transmitting recommendations of the interest rate to be charged for Fiscal Year 2011 for non-payment of taxes on real estate, and for non-payment of water and sewer rents and transmitting recommendation of the discount rate to be allowed for early payment of real estate taxes for Fiscal Year 2011, pursuant to the City Charter.

The Committee on Finance, to which the annexed communication was referred on June 9, 2010, respectfully

REPORTS:

After proper due deliberation, this Committee decided to approve M-102 as well as the related Res Nos. 274, 275, 276, 277, and 278.

(For text of related reports and resolutions, please see the respective Reports of the Committee on Finance for Res Nos. 274, 275, 276, 277, and 278 printed below in these Minutes)

Accordingly, this Committee recommends the adoption of M-102.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 9, 2010.

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

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

Report for Res. No. 274

Report of the Committee on Finance in favor of approving Resolution to establish that the discount percentage for early payment of real estate taxes be set at one percent (1.0%) per annum for Fiscal Year 2011.

The Committee on Finance, to which the annexed resolution was referred on June 9, 2010, respectfully

REPORTS:

BACKGROUND:

Under current law, the City provides a discount for property owners who pay their property tax bills early. To receive a discount on the entire tax bill, both semi-annual and quarterly taxpayers have to pay the entire tax bill prior to the date the July 1st installment could be paid without interest.¹ For quarterly taxpayers, if the taxpayer does not pay the entire tax bill upfront, but instead pays the last three quarters in full on or before October 15th, the discount is calculated at a rate of two-thirds of the discount percentage. And if the last two quarters (due in January and April) are paid in full on or before January 15th the taxpayer receives a discount equal to one-third of the discount percentage. A tax installment paid after the January 15th due date is not eligible for a discount.

The New York City Council is charged with the responsibility of setting the discount percentages for the early payment of real estate taxes prior to the dates on which such taxes become due and payable. Specifically, section 1519-a (7)(c) of the New York City Charter, as amended by Local Law No. 66 of 2008, provides that the New York City Council may adopt a discount percentage on the fifth day of June preceding such ensuing fiscal year, or at any time thereafter.

If the Council does not set a discount rate, the DEFAULT discount rate, which is set by law, specifically Charter 1519-a (7)(d), will apply. The default discount rate is 1.5%.

RESOLUTION:

Pursuant to Charter section 1519-a(7)(c), the Council establishes that the discount percentage for early payment of real estate taxes shall be set at one percent (1.0%) per annum for Fiscal Year 2011.

¹ This is the only discount available to semi-annual taxpayers for tax bills due on or after July 1st, 2005. Taxpayers who pay semi-annually will no longer be eligible for a 30-day discount on the second half of the tax bill due on January 1st, even if paid by December 1st.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 274:)

Res. No. 274

Resolution to establish that the discount percentage for early payment of real estate taxes be set at one percent (1.0%) per annum for Fiscal Year 2011.

By Council Members Recchia, Barron and Gentile.

Whereas, Section 1519-a(7)(c) of the New York City charter provides that the council may adopt a discount percentage for early payment of real estate taxes on the fifth day of June preceding such ensuing fiscal year, or at any time thereafter; and

Whereas, This Resolution, dated June 9, 2010, provides that the discount percentage for early payment of real estate taxes shall be set at one percent (1.0%) per annum for Fiscal Year 2011; now, therefore, be it

Resolved, That the Council establishes that the discount percentage for early payment of real estate taxes shall be set at one percent (1.0%) per annum for Fiscal Year 2011.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 9, 2010.

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

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

Report for Res. No. 275

Report of the Committee on Finance in favor of approving Resolution to establish that the interest rate be 9% per annum for Fiscal Year 2011 for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.

The Committee on Finance, to which the annexed resolution was referred on June 9, 2010, respectfully

REPORTS:

Section 11-224.1 the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission (“the Commission”) to send a written recommendation to the City Council of proposed interest rates to be charged for non-payment of taxes on real property. In making such recommendation, the Commission shall consider the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the “Prime Rate”). Pursuant to such section, for real property with an assessed value of \$250,000 or less, or \$250,000 or less per residential unit for co-ops,¹ the Banking Commission shall propose a rate at least equal to the prevailing Prime Rate.

The Banking Commission forwarded, by letter dated May 17, 2010, a recommendation to the Council to establish an interest rate of 9% per annum for Fiscal Year 2011 to be charged for non-payment of taxes of real property where the assessed value on a parcel is \$250,000 or less, or \$250,000 or less per residential unit for co-ops.²

Pursuant to section 11-224.1 of the Administrative Code, the Council adopts the Banking Commission’s recommendation and establishes that the interest rate be 9% per annum for Fiscal Year 2011 for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

¹ To be deemed \$250,000 or less, the cooperative apartment must be located in a building where the average assessed value of units is \$250,000 or less.

² Interest rate reflects the Prime Rate that is referenced in the Banking Commission’s resolution and letter. The Banking Commission notes that as of May 17, 2010 the Prime Rate stands at 3.25% as published by the Federal Reserve Board of Governors.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 275:)

Res. No. 275

Resolution to establish that the interest rate be 9% per annum for Fiscal Year 2011 for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.

By Council Member Recchia.

Whereas, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of not more two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission is required to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the “Prime Rate”); and

Whereas, The Banking Commission notes that as of May 17, 2010, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, It is in the City’s best interest to encourage the prompt payment of taxes on real estate by all taxpayers; and

Whereas, The Banking Commission recommended to the City Council that the interest rate to be charged for non-payment of taxes on properties where the assessed value on a parcel is not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments, be nine percent (9%) per annum for Fiscal 2011; now, therefore, be it

Resolved, That the Council establishes that the interest rate be nine percent (9%) per annum for Fiscal Year 2011 for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 9, 2010.

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

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

Report for Res. No. 276

Report of the Committee on Finance in favor of approving Resolution to establish that the interest rate be 18% per annum for Fiscal Year 2011 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

The Committee on Finance, to which the annexed resolution was referred on June 9, 2010, respectfully

REPORTS:

Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission (“the Commission”) to send a written recommendation to the City Council of proposed interest rates to be charged for non-payment of taxes on real property. In making such recommendation, the Commission shall consider the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the “Prime Rate”). For real property with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments,¹ the Banking Commission shall propose an interest rate of at least six percent per annum greater than the prevailing Prime Rate.

The Banking Commission forwarded, by letter dated May 17, 2010, a recommendation to the Council to establish an interest rate of 18% per annum for Fiscal Year 2011 to be charged for non-payment of taxes of real property where the assessed value on a parcel is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.²

Pursuant to section 11-224.1 of the Administrative Code, the Council adopts the Banking Commission’s recommendation and establishes that the interest rate be 18% per annum for Fiscal Year 2011 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

¹ To be deemed over \$250,000, the cooperative apartment would have to be located in a building where the average assessed valuation of units is over \$250,000.

² Interest rate reflects the Prime Rate referenced in the Banking Commission’s resolution and letter. The Banking Commission notes that on May 17, 2010, the Prime Rate stands at 3.25% as published by the Federal Reserve Board of Governors.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 276:)

Res. No. 276

Resolution to establish that the interest rate be 18% per annum for Fiscal Year 2011 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

By Council Member Recchia.

Whereas, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission is required to propose a rate of at least six percent (6%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"); and

Whereas, The Banking Commission notes that as of May 17, 2010, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, It is in the best interest of the City to encourage the prompt payment of taxes on real estate by all large taxpayers; and

Whereas, The Banking Commission recommended to the City Council that the interest rate to be charged for non-payment of taxes on properties where the assessed value on a parcel is over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments, be eighteen percent (18%) per annum for Fiscal 2011; now, therefore, be it

Resolved, That the Council establishes that the interest rate be 18% per annum for Fiscal Year 2011 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 9, 2010.

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

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

Report for Res. No. 277

Report of the Committee on Finance in favor of approving Resolution to establish that the interest rate to be charged for Fiscal Year 2011 for non-payment of water rents and sewer rents be 9% per annum for real property where the assessed value is not more than \$250,000, or not more \$250,000 per residential unit for cooperative apartments.

The Committee on Finance, to which the annexed resolution was referred on June 9, 2010, respectfully

REPORTS:

Local Law No. 62 of 2005 amended sections 11-312 and 11-313 of the Administrative Code to require that the New York City Banking Commission, not later than the 25th day of May of each year, transmit a written recommendation to the City Council of the proposed interest rate to be charged for non-payment of water rents and sewer rents. The Council may, by resolution, adopt the interest rates to be charged for non-payment of water rents and sewer rents pursuant to section 11-224.1 of the Administrative Code of the City of New York.

Section 11-224.1 of the Administrative Code, as amended by Local Law 66 of 2008, requires the Banking Commission to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"), to be charged for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

The Banking Commission, at its meeting on May 17, 2010, adopted a resolution recommending to the Council that the proposed interest rate to be charged for non-payment of water and sewer rents be 9% per annum for Fiscal Year 2011 where the assessed value of the property is not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments. In the Resolution, the Banking Commission notes that as of May 17, 2010, the Prime Rate stands at 3.25%, as

published by the Federal Reserve Board of Governors. The Banking Commission forwarded, by letter dated May 24, 2010, such recommendation to the City Council.

Pursuant to the Council's authority set forth in sections 11-312 and 11-313 of the Administrative Code to adopt the interest rates to be charged for non-payment of water rents and sewer rents, the Council establishes that the interest rate to be charged for Fiscal Year 2011 for non-payment of water rents and sewer rents be 9% per annum for real property where the assessed value is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 277:)

Res. No. 277

Resolution to establish that the interest rate to be charged for Fiscal Year 2011 for non-payment of water rents and sewer rents be 9% per annum for real property where the assessed value is not more than \$250,000, or not more \$250,000 per residential unit for cooperative apartments.

By Council Member Recchia.

Whereas, Pursuant to sections 11-312(c) and 11-313(e) of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of water rents and sewer rents; and

Whereas, Sections 11-312 and 11-313 of the Administrative Code of the City of New York, as amended by Local Law No. 62 of 2005, allow the Council to adopt interest rates to be charged for non-payment of water rents and sewer rents that become due and payable on or after July 1, 2005 pursuant to section 11-224.1 of the Administrative Code of the City of New York; and

Whereas, Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"), to be charged for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission notes that as of May 17, 2010, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, The Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents be nine percent (9%) per annum for Fiscal Year 2011 where the assessed value of the property is not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; now, therefore, be it

Resolved, That the Council establishes that the interest rate to be charged for Fiscal Year 2011 for non-payment of water rents and sewer rents be nine percent (9%) per annum for real property where the assessed value is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 9, 2010.

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

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

Report for Res. No. 278

Report of the Committee on Finance in favor of approving Resolution to establish that the interest rate to be charged for Fiscal Year 2011 for non-payment of water rents and sewer rents be 18% per annum for real

property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

The Committee on Finance, to which the annexed resolution was referred on June 9, 2010, respectfully

REPORTS:

Local Law No. 62 of 2005 amended sections 11-312 and 11-313 of the Administrative Code to require that the New York City Banking Commission, not later than the 25th day of May of each year, transmit a written recommendation to the City Council of the proposed interest rate to be charged for non-payment of water rents and sewer rents. The Council may, by resolution, adopt the interest rates to be charged for non-payment of water rents and sewer rents pursuant to section 11-224.1 of the Administrative Code of the City of New York.

Section 11-224.1 of the Administrative Code, as amended by Local Law 66 of 2008, requires the Banking Commission to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"), to be charged for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments. For properties with an assessed value of over \$250,000, the Banking Commission shall propose a rate at least six percent per annum greater than the Prime Rate.

The Banking Commission, at its meeting on May 17, 2010, adopted a resolution, recommending to the Council that the proposed interest rate to be charged for non-payment of water and sewer rents be 18% per annum for Fiscal Year 2011 where the assessed value of the property is more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments. In the Resolution, the Banking Commission notes that as of May 17, 2010, the Prime Rate stands at 3.25%, as published by the Federal Reserve Board of Governors.

Pursuant to the Council's authority set forth in sections 11-312 and 11-313 of the Administrative Code to adopt the interest rates to be charged for non-payment of water rents and sewer rents, the Council establishes that the interest rate to be charged for Fiscal Year 2011 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 278:)

Res. No. 278

Resolution to establish that the interest rate to be charged for Fiscal Year 2011 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

By Council Members Recchia and Koslowitz.

Whereas, Pursuant to sections 11-312(c) and 11-313(e) of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of water rents and sewer rents; and

Whereas, Sections 11-312 and 11-313 of the Administrative Code of the City of New York, as amended by Local Law No. 62 of 2005, allow the Council to adopt interest rates to be charged for non-payment of water rents and sewer rents that become due and payable on or after July 1, 2005 pursuant to section 11-224.1 of the Administrative Code of the City of New York; and

Whereas, Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission to propose a rate at least six percent (6%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"), to be charged for non-payment of taxes on properties with an assessed value of more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission notes that as of May 17, 2010, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, The Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents be eighteen percent (18%) per annum for Fiscal Year 2011 where the assessed value of the property is more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; now, therefore, be it

Resolved, That the Council establishes that the interest rate to be charged be eighteen percent (18%) per annum for Fiscal Year 2011 for non-payment of water

rents and sewer rents on properties where the assessed value of the property is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 9, 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. 114

Report of the Committee on Finance in favor of approving Bryant Mews, Block 3002, Lots 13,16, 20, Bronx, Council District No. 15. Mid-Bronx Plaza, Block 2938, Lot 49, Bronx, Council District No. 16

The Committee on Finance, to which the annexed Land Use resolution was referred on June 9, 2010 respectfully

REPORTS:

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

June 9, 2010

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

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of June 9, 2010-Resolution approving a tax exemption for one preconsidered Land Use Item (Council District's 15 and 16).

HPD has submitted a request to the Council to approve a property tax exemption for the following properties: Bryant Mews located at 1690-7710 Bryant Avenue and Mid-Bronx Plaza located at 1441 Boston Road. This item is located in Council Member Foster's district and Council Member Rivera's District.

Bryant Mews and Mid-Bronx Plaza contains 2 building that provides 182 units of rental housing for low income elderly or disabled persons. The sponsor, Mid-Bronx Plaza Associates will finance the acquisition and rehabilitation of these two properties with loans from the New York City Housing Development Corporation, HPD, and low income housing tax credits. All units will be rented to families whose incomes do not exceed 60% of area median income and the project is expected to receive project-based Section 8 rental assistance. In order to keep the project financially viable and provide affordable housing, HPD is requesting a tax exemption pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected at \$204,000 in the first year and \$9.7 million over the 30-year length of the exemption.

This item has the approval of Council Member's Foster and Rivera.

DOMENIC M. RECCHIA JR., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN

KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, June 9, 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. 83

Report of the Committee on Land Use in favor of approving Application no. 20105554 HAX, an Urban Development Action Area Project located at 2023 Belmont Avenue, Council District no. 15, Borough the Bronx. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 29, 2010 (Minutes, page 1567), respectfully

REPORTS:

SUBJECT

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

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON- ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
2023 Belmont Avenue Bronx	3080/41	20105554 HAX	83	Tenant Lease Interim
30 West 119 th Street Manhattan	1717/49	20105556 HAM	85	Tenant Lease Interim
1434-8 Avenue Bronx	Morris 2786/12, 13	20105622 HAX	104	Low Income Rental

INTENT

HPD requests that the Council:

1. Find that the present status of the Disposition Areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;

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

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

Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and

5. Approve an exemption of the projects from real property taxes pursuant to Section 577 of the Private Housing Finance Law for L.U. No. 83 and 85; and pursuant to Section 696 of the General Municipal Law for L.U. No. 104.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 1, 2010

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

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

Res. No. 287

Resolution approving an Urban Development Action Area Project located at 2023 Belmont Avenue (Block 3080, part of Lot 4), Borough of the Bronx, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 83; 20105554 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 12, 2010 its request dated March 22, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 2023 Belmont Avenue (Block 3080, part of Lot 4), Community District 6, Borough of the Bronx (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve a partial exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption");

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on June 1, 2010;

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

RESOLVED:

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

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

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

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

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

The Council approves the partial Tax Exemption as follows:

- a. The partial tax exemption provided hereunder shall commence upon the date of conveyance of the housing project to Sponsor ("Effective Date") and shall terminate upon July 1, 2029 ("Expiration Date"); provided, however, that such partial tax exemption shall terminate if the Department of Housing Preservation and Development determines that (i) Sponsor is not organized as a housing development fund corporation, (ii) Sponsor is not operating the housing project in accordance with the requirements of Article XI of the Private Housing Finance Law, or (iii) such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by Sponsor with, or for the benefit of, the City of New York.
- b. Those portions of the property included in the housing project which are devoted to business or commercial use (collectively, "Commercial Property"), if any shall not be eligible for real property tax exemption hereunder. The Commercial Property shall be subject to full real property taxation; provided, however, that nothing herein shall prohibit Sponsor from utilizing any abatement, exemption, or other tax benefit for which the Commercial Property would otherwise be eligible.
- c. All of the value of the property, other than the Commercial Property, included in the housing project (collectively, "Residential Property") shall be exempt from real property taxes, other than assessments for local improvements; provided, however, that Sponsor shall make a partial annual real property tax payment on the Residential Property. Sponsor shall make such partial annual real property tax payment on an assessed valuation equal to the lesser of (i) an amount equal to the full assessed valuation of the Residential Property, or (ii) an amount calculated by multiplying \$3500 times the number of residential units included in the housing project and increasing such product by six percent (6%) on July 1, 1990 and July 1 of each successive year, but not by more than twenty percent (20%) in any five-year period.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, June 3, 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. 85

Report of the Committee on Land Use in favor of approving Application no. 20105556 HAM, an Urban Development Action Area Project located at 30 West 119th Street, Council District no. 9, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on April 29, 2010 (Minutes, page 1568), respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Land Use for LU No. 83 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 288

Resolution approving an Urban Development Action Area Project located at 30 West 119th Street (Block 1717, Lot 49), Borough of Manhattan, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 85; 20105556 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 12, 2010 its request dated March 22, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 30 West 119th Street (Block 1717, Lot 49), Community District 10, Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve a partial exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption");

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on June 1, 2010;

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

RESOLVED:

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

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

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

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

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

The Council approves the partial Tax Exemption as follows:

- a. The partial tax exemption provided hereunder shall commence upon the date of conveyance of the housing project to Sponsor ("Effective Date") and shall terminate upon July 1, 2029 ("Expiration Date"); provided, however, that such partial tax exemption shall terminate if the Department of Housing Preservation and Development determines that (i) Sponsor is not organized as a housing development fund corporation, (ii) Sponsor is not operating the housing project in accordance with the requirements of Article XI of the Private Housing Finance Law, or (iii) such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by Sponsor with, or for the benefit of, the City of New York.
- b. Those portions of the property included in the housing project which are devoted to business or commercial use (collectively, "Commercial Property"), if any shall not be eligible for real property tax exemption hereunder. The Commercial Property shall be subject to full real property taxation; provided, however, that nothing herein shall prohibit Sponsor from utilizing any abatement, exemption, or other tax benefit for which the Commercial Property would otherwise be eligible.
- c. All of the value of the property, other than the Commercial Property, included in the housing project (collectively, "Residential Property") shall be exempt from real property taxes, other than assessments for local improvements; provided, however, that Sponsor shall make a partial annual real property tax payment on the Residential Property. Sponsor shall make such partial annual real property tax payment on an assessed valuation equal to the lesser of (i) an amount equal to the full assessed valuation of the Residential Property, or (ii) an amount calculated by multiplying \$3500 times the number of residential units included in the housing project and increasing such product by six percent (6%) on July 1, 1990 and July 1 of each successive year, but not by more than twenty percent (20%) in any five-year period.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, June 3, 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. 99

Report of the Committee on Land Use in favor of approving Application no. 20105445 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Tres De Mexico LLC, d/b/a/ Mesa Coyoacan, to establish, maintain and operate an unenclosed sidewalk café located at 372 Graham Avenue, Borough of Brooklyn, Council District no. 34.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 12, 2010 (Minutes, page 1725), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

20105445 TCK

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Tres De Mexico, LLC, d/b/a Mesa

Coyoacan, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 372 Graham Avenue.

INTENT

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

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 1, 2010

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

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

Res. No. 289

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 372 Graham Avenue, Borough of Brooklyn (20105445 TCK; L.U. No. 99).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on April 30, 2010 its approval dated April 30, 2010 of the petition of Tres De Mexico, LLC, d/b/a Mesa Coyoacan, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 372 Graham Avenue, Community District 1, Borough of Brooklyn (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on June 1, 2010; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, June 3, 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. 100

Report of the Committee on Land Use in favor of approving Application no. 20105458 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 300 West 46th St. Corp., d/b/a Brasserie Athenee, to establish, maintain and operate an unenclosed sidewalk café located at 300 West 46th Street, Borough of Manhattan, Council District no. 3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 12, 2010 (Minutes, page 1725), respectfully

REPORTS:**SUBJECT**

MANHATTAN CB - 4

20105458 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 300 West 46th St. Corp. d/b/a Brasserie Athenee, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 300 West 46th Street.

INTENT

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

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

DATE: June 1, 2010

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

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

Res. No. 290

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 300 West 46th Street, Borough of Manhattan (20105458 TCM; L.U. No. 100).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on April 30, 2010 its approval dated April 30, 2010 of the petition of 300 West 46th St. Corp., d/b/a Brasserie Athenee, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 300 West 46th Street, Community District 4, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on June 1, 2010; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, June 3, 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. 104

Report of the Committee on Land Use in favor of approving Application no. 20105622 HAX, an amendment to an Urban Development Action Area Project located at 1434-8 Morris Avenue, Council District no. 16, Borough of the Bronx.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 12, 2010 (Minutes, page 1727), respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Land Use for LU No. 83 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 291

Resolution approving an Urban Development Action Area Project located at Block 2786, Lots 12 and 13, Borough of the Bronx, and approving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 104; 20105622 HAX).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 29, 2010 its request dated April 12, 2010 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at Block 2786, Lots 12 and 13, Community District 4, Borough of the Bronx (the "Disposition Area"):

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

WHEREAS, the Project is related to C 070256 HAX, L.U. No. 386, Resolution No. 876 of 2007;

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on June 1, 2010;

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

RESOLVED:

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

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

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

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

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

- a. All of the value of the buildings, structures, and other improvements situated on the Disposition Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the July 1st following the conveyance of the Disposition Area to the Sponsor, during the last ten years of which such exemption shall decrease in equal annual decrements.
- b. The partial tax exemption granted hereunder shall terminate with respect to all or any portion of the Disposition Area if the Department of Housing Preservation and Development determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the Sponsor or the owner of such real property with, or for the benefit of, the City of New York. The Department of Housing Preservation and Development shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the partial tax exemption granted hereunder shall prospectively terminate with respect to the real property specified therein.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, June 3, 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. 107

Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 100155 HAK, an Urban Development Action Area Designation and Project, located at 277, 275 and 273 Kosciuszko Street and the disposition of such property, Borough of Brooklyn, Council District no. 36.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 25, 2010 (Minutes, page 1926), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 3

C 100155 HAK

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

1) pursuant to Article 16 of the General Municipal Law of New York State for:

- a) the designation of property located at 277, 275 and 273 Kosciuszko

Street (Block 1781, Lots 60-62) as an Urban Development Action Area; and

- b) an Urban Development Action Area Project for such area; and

2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD.

INTENT

To facilitate development of a six-story building, tentatively known as Providence House II, with approximately 45 units.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 1, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the designation and the project, make the findings requested by the Department of Housing Preservation and Development and approve the decision of the City Planning Commission.

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

Res. No. 292

Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 100155 HAK, approving the designation of property located at 277 Kosciuszko Street (Block 1781, Lot 60), 275 Kosciuszko Street (Block 1781, Lot 61), and 273 Kosciuszko Street (Block 1781, Lot 62), Borough of Brooklyn, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 107; C 100155 HAK).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on May 14, 2010 its decision dated May 12, 2010 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 277 Kosciuszko Street (Block 1781, Lot 60), 275 Kosciuszko Street (Block 1781, Lot 61), and 273 Kosciuszko Street (Block 1781, Lot 62), as an Urban Development Action Area (the "Area");

- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate development of a six-story building, tentatively known as Providence House II, with approximately 45 units, to be developed under the Department of Housing Preservation and Development's Supportive Housing Loan Program (the "Disposition"), Community District 3, Borough of Brooklyn (ULURP No. C 100155 HAK) (the "Application");

WHEREAS, the Application is related to Application Number C 100156 ZSK (L.U. No. 108), a special permit pursuant to Section 74-902 to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio) to apply to a proposed 6-story community facility with sleeping accommodations;

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

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

WHEREAS, on May 13, 2010, by letter dated April 26, 2010, the New York City Department of Housing Preservation and Development submitted its requests respecting the Application;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on June 1, 2010;

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

WHEREAS, the Council has considered the relevant environmental review and the Negative Declaration issued on November 10, 2009 (CEQR No. 10HPD003K);

RESOLVED:

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

Pursuant to Section 197-d, and on the basis of the Decision and Application and the environmental determination and considerations described in the report, C 100155 HAK, and incorporated by reference herein, the Council approves the decision of the City Planning Commission.

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

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

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

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, June 3, 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. 108

Report of the Committee on Land Use in favor of approving Uniform land use review procedure application no. C 100156 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Brooklyn, Council District no. 36 to facilitate the development of a 6-story community facility with sleeping accommodations.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 25, 2010 (Minutes, page 1927), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 3

C 100156 ZSK

City Planning Commission decision Application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-902

of the Zoning Resolution to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio) to apply to a proposed 6-story community facility with sleeping accommodations, on property located at 273- 277 Kosciusko Street (Block 1781, Lots 60, 61, and 62), in an R6 District.

INTENT

To facilitate development of a six-story building, tentatively known as Providence House II, with approximately 45 units.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 1, 2010

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

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

Res. No. 293

Resolution approving the decision of the City Planning Commission on ULURP No. C 100156 ZSK (L.U. No. 108), for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio) to apply to a proposed 6-story community facility with sleeping accommodations, on property located at 273- 277 Kosciusko Street (Block 1781, Lots 60, 61, and 62), in an R6 District, Borough of Brooklyn.

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on May 14, 2010 its decision dated May 12, 2010 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit to permit the allowable community facility floor area ratio of the Zoning Resolution Section 24-11 (Maximum Floor Area Ratio) to apply to a proposed 6-story community facility with sleeping accommodations, located at 273-277 Kosciuszko Street (Block 1781, Lots 60, 61, and 62), in an R6 District, pursuant to the Zoning Resolution Section 74-902 (ULURP No. C 100156 ZSK), Community District 3, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Application Number C 100155 HAK (L.U. No. 107), an urban development action area designation and project approval, and disposition of city-owned property;

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 1, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on November 10, 2009 (CEQR No. 10HPD003K);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and

consideration described in this report, C 100156 ZSK, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, June 3, 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. 109

Report of the Committee on Land Use in favor of approving Application no. C 080157 ZMX submitted by CBC Associates and the South Bronx Overall Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, changing from a C8-3 District to an R7-1 District and establishing within the proposed R7-1 a C2-4 District.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 25, 2010 (Minutes, page 1927), respectfully

REPORTS:

SUBJECT

BRONX CB - 3

C 080157 ZMX

City Planning Commission decision approving an application submitted by CBC Associates and the South Bronx Overall Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d:

1. changing from a C8-3 District to an R7-1 District property bounded by East 176th Street, Boston Road, East 175th Street, and Southern Boulevard; and
2. establishing within the proposed R7-1 District a C2-4 District bounded by East 176th Street, Boston Road, East 175th Street, and Southern Boulevard;

as shown on a diagram (for illustrative purposes only) dated January 4, 2010 and subject to the conditions of CEQR Declaration E- 243.

INTENT

To change the Zoning Map, Section No. 3d, from a C8-3 District to an R7-1/C2-4.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 1, 2010

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

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

Res. No. 294

Resolution approving the decision of the City Planning Commission on ULURP No. C 080157 ZMX, a Zoning Map amendment (L.U. No. 109).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on May 14, 2010 its decision dated May 12, 2010 (the "Decision"), on the application submitted by CBC Associates and the South Bronx Overall Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to change from a C8-3 District to an R7-1/C2-4 District to facilitate the construction of a mixed-use building in Community District 3 (ULURP No. C 080157 ZMR) (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 1, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Revised Conditional Negative Declaration issued on May 12, 2010 (CEQR No. 08DCP054X);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment once it is modified as follows:

That the applicant, CBC Associates, and co-applicant SOBRO, agree via a restrictive declaration to prepare a hazardous material sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval if necessary, remediation measure would be undertaken pursuant to the remediation plan.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 080157 ZMX, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 3d, from a C8-3 District to an R7-1/C2-4 District, property bounded by East 176th Street, Boston Road, East 175th Street, and Southern Boulevard, as shown on a diagram (for illustrative purposes only) dated January 4, 2010 and which includes CEQR Designation E-243, Community District 3, Borough of the Bronx.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, June 3, 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. 110

Report of the Committee on Land Use in favor of approving Application no. 20105516 HKM (N 100278 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.427, LP-2384) by the Landmarks Preservation Commission of the Reformed church on Staten Island Sunday School Building and Cemetery, located at 54 Port Richmond Avenue, as a historic landmark, Council District no. 49.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 25, 2010 (Minutes, page 1927), respectfully

REPORTS:**SUBJECT**

STATEN ISLAND CB - 1 20105516 HKR (N 100278 HKR)

Designation by the Landmarks Preservation Commission (List No. 427/LP-2384), pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Reformed Church on Staten Island Sunday School Building and Cemetery, located at 54 Port Richmond Avenue (Block 1073, Lot 75), as a historic landmark.

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

DATE: June 1, 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. 295

Resolution affirming the designation by the Landmarks Preservation Commission of the Reformed Church on Staten Island Sunday School Building and Cemetery, located at 54 Port Richmond Avenue (Block 1073, Lot 75), Borough of Staten Island, Designation List No. 427, LP-2384; L.U. No. 110; 20105516 HKR (N 100278 HKR).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on April 1, 2010 a copy of its designation dated March 23, 2010 (the "Designation"), of the Reformed Church on Staten Island Sunday School Building and Cemetery, located at 54 Port Richmond Avenue, Community District 1, Borough of Staten Island, as a landmark and Tax Map Block 1073, Lot 75, 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 May 14, 2010 its report on the Designation dated May 12, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on June 1, 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., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, June 3, 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. 111

Report of the Committee on Land Use in favor of approving Application no. 20105517 HKM (N 100281 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.427, LP-2340) by the Landmarks Preservation Commission of the Joseph B. and Josephine H. Bissell House, located at 46 W. 55th Street, as a historic landmark, Council District no. 4.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 25, 2010 (Minutes, page 1928), respectfully

REPORTS:**SUBJECT**

MANHATTAN CB - 5 20105517 HKM (N 100281 HKM)

Designation by the Landmarks Preservation Commission (List No. 427 /LP-2340), pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Joseph B. and Josephine H. Bissell House, located at 46 West 55th Street (Block 1270, Lot 60), as a historic landmark.

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

DATE: June 1, 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. 296

Resolution affirming the designation by the Landmarks Preservation Commission of the Joseph B. and Josephine H. Bissell House, located at 46 West 55th Street (Block 1270, Lot 60), Borough of Manhattan, Designation List No. 427, LP-2340; L.U. No. 111; 20105517 HKM (N 100281 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on April 1, 2010 a copy of its designation dated March 23, 2010 (the "Designation"), of the Joseph B. and Josephine H. Bissell House, located at 46 West 55th Street, Community District 5, Borough of Manhattan, as a landmark and Tax Map Block 1270, Lot 60, 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 May 14, 2010 its report on the Designation dated May 12, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on June 1, 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., LARRY

B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, June 3, 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. 112

Report of the Committee on Land Use in favor of approving Application no. 20105518 HKM (N 100280 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.427, LP-2387) by the Landmarks Preservation Commission of the Brill Building, located at 1619 Broadway, as a historic landmark, Council District no.3.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 25, 2010 (Minutes, page 1928), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5 20105518 HKM (N 100280 HKM)

Designation by the Landmarks Preservation Commission (List No. 427/LP-2387), pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Brill Building, located at 1619 Broadway (aka 1613-23 Broadway, 207-213 West 49th Street (Block 1021, Lot 19), as a historic landmark.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 1, 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. 297

Resolution affirming the designation by the Landmarks Preservation Commission of the Brill Building, located at 1619 Broadway (aka 1613-23 Broadway, 207-213 West 49th Street) (Block 1021, Lot 19), Borough of Manhattan, Designation List No. 427, LP-2387; L.U. No. 112; 20105518 HKM (N 100280 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on April 1, 2010 a copy of its designation dated March 23, 2010 (the "Designation"), of the Brill Building, located at 1619 Broadway (aka 1613-23 Broadway, 207-213 West 49th Street), Community District 5, Borough of Manhattan, as a landmark and Tax Map Block 1021, Lot 19, 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 May 14, 2010 its report on the Designation dated May 12, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on June 1, 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., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, June 3, 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. 113

Report of the Committee on Land Use in favor of approving Application no. 20105558 HKM (N 100282 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.427, LP-2373) by the Landmarks Preservation Commission of an extension of the Upper East Side Historic District, Council District no. 4.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on May 25, 2010 (Minutes, page 1928), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 8 20105558 HKM (N 100282 HKM)

Designation by the Landmarks Preservation Commission (List No. 427, LP-2373), pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Upper East Side Historic District Extension, as an historic district.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 1, 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. 298

Resolution affirming the designation by the Landmarks Preservation Commission of the Upper East Side Historic District Extension, Borough of Manhattan, Designation List No. 427, LP-2373; (L.U. No. 113; 20105558 HKM (N 100282 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on April 1, 2010 a copy of its designation dated March 23, 2010 (the "Designation"), of the Upper East Side Historic District Extension. The district boundaries are:

Area I (Northern Section)

Area I of the proposed Upper East Side Historic District Extension consists of the property bounded by a line beginning at the intersection of the southern curblin of East 75th Street and the eastern curblin of Lexington Avenue, extending northerly across the roadbed of East 75th Street and along the eastern curblin of Lexington Avenue to a point formed by its intersection with a line extending westerly from the northern property line of 1061-1065 Lexington

Avenue, easterly along said property line and the northern property lines of 157 through 163-173 East 75th Street to the eastern property line of 163-173 East 75th Street, southerly along said property line and across the roadbed to the southern curblines of East 75th Street, westerly along said curblines to a point formed by its intersection with a line extending northerly from the eastern property line of 176 East 75th Street, southerly along said property line to the southern property line of 176 East 75th Street, westerly along said property line, the southern property line of 174 East 75th Street, and a portion of the southern property line of 172 East 75th Street to the eastern property line of 151 East 74th Street, southerly along said property line and across the roadbed to the southern curblines of East 74th Street, westerly along said curblines to a point formed by its intersection with a line extending northerly from the eastern property line of 144 East 74th Street (aka 1031 Lexington Avenue), southerly along said property line to the northern property line of 1019-1029 Lexington Avenue (aka 145-151 East 73rd Street), easterly along a portion of said property line to the eastern property line of 1019-1029 Lexington Avenue (aka 145-151 East 73rd Street), southerly along said property line to the northern property line of 153-157 East 73rd Street, easterly along a portion of said property line to the eastern property line of 153-157 East 73rd Street, southerly along said property line to the northern curblines of East 73rd Street, easterly along said curblines to a point formed by its intersection with a line extending northerly from the eastern property line of 1009-1017 Lexington Avenue (aka 150 East 73rd Street), southerly across the roadbed and along said property line to the northern property line of 153-155 East 72nd Street, easterly along a portion of said property line and along the northern property line of 157 East 72nd Street to the eastern property line of 157 East 72nd Street, southerly along said property line to the northern curblines of East 72nd Street, westerly along said curblines to a point formed by its intersection with a line extending northerly from the eastern property line of 164-172 East 72nd Street, southerly across the roadbed and along said property line to the southern property line of 164-172 East 72nd Street, westerly along said property line and a portion of the southern property line of 158-162 East 72nd Street, southerly along a portion of the eastern property line of 158-162 East 72nd Street, westerly along a portion of the southern property line of 158-162 East 72nd Street and along the southern property line of 993-999 Lexington Avenue (aka 150-156 East 72nd Street) to the eastern curblines of Lexington Avenue, northerly along said curblines and across the roadbed to the northern curblines of East 72nd Street, westerly across the roadbed and along the northern curblines of East 72nd Street to a point formed by its intersection with a line extending southerly from the western property line of 113-115 East 72nd Street, northerly along said property line to the northern property line of 113-115 East 72nd Street, easterly along said property line, the northern property line of 117-123 East 72nd Street, and a portion of the northern property line of 1004-1010 Lexington Avenue (aka 125-139 East 72nd Street) to the western property line of 1012 Lexington Avenue, northerly along said property line, the western property lines of 1014 through 1020 Lexington Avenue, the western property line of 1022 Lexington Avenue (aka 138-140 East 72nd Street), and across the roadbed to the northern curblines of East 73rd Street, easterly along said curblines to the western curblines of Lexington Avenue, northerly along said curblines to a point formed by its intersection with a line extending easterly from the southern property line of 1032-1034 Lexington Avenue, westerly along said property line to the western property line of 1032-1034 Lexington Avenue, northerly along said property line to the northern property line of 1032-1034 Lexington Avenue, easterly along a portion of said property line to the western property line of 142 East 74th Street (aka 1034A Lexington Avenue), northerly along said property line to the southern curblines of East 74th Street, westerly along said curblines to a point formed by its intersection with a line extending southerly from the western property line of 1036-1038 Lexington Avenue (aka 135-143 East 74th Street), northerly across the roadbed, along said property line, and along a portion of the western property line of 1040-1054 Lexington Avenue (aka 126-130 East 75th Street) to the southern property line of 1040-1054 Lexington Avenue (aka 126-130 East 75th Street), westerly along a portion of said property line to the western property line of 1040-1045 Lexington Avenue (aka 126-130 East 75th Street), northerly along said property line to the southern curblines of East 75th Street, easterly along said curblines and across the roadbed to the point of the beginning.

Area II (Southern Section)

Area II of the proposed Upper East Side Historic District Extension consists of the property bounded by a line beginning at the intersection of the northern curblines of East 63rd Street and the western curblines of Lexington Avenue, extending westerly along the northern curblines of East 63rd Street to a point formed by its intersection with a line extending southerly from the western property line of 125 East 63rd Street, northerly along said property line to the northern property line of 125 East 63rd Street, easterly along said property line to the western property line of 826-842 Lexington Avenue (aka 136 East 64th Street), northerly along a portion of said property line to the southern curblines of East 64th Street, westerly along said curblines to a point formed by its intersection with a line extending southerly from the western property line of 844-854 Lexington Avenue (aka 133-135 East 64th Street), northerly across the roadbed and along said property line to the northern property line of 844-854 Lexington Avenue (aka 133-135 East 64th Street), easterly along a portion of said property line to the western property line 856 Lexington Avenue, northerly along said property line, the western property lines of 858 through 864 Lexington Avenue, and the western property line of 866 Lexington Avenue (aka 130 1/2 East 65th Street), across the roadbed to the northern curblines of East 65th Street, easterly along said curblines, across the roadbed, and along said curblines to the point of its

intersection with a line extending northerly from the eastern property line of 144-146 East 65th Street, southerly across the roadbed and along said property line to the southern property line of 144-146 East 65th Street, westerly along said property line and the southern property lines of 142 through 132 East 65th Street to the eastern property line of 851 Lexington Avenue, southerly along said property line, the eastern property lines of 843 through 849 Lexington Avenue, and the eastern property line of 841 Lexington Avenue (aka 155-157 East 64th Street) to the northern curblines of East 64th Street, westerly along said curblines and across the roadbed to its intersection with the western curblines of Lexington Avenue, southerly across the roadbed and along said curblines to the point of the beginning, as an historic district, Community District 8, Borough of Manhattan, 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 May 14, 2010 its report on the Designation dated May 12, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on June 1, 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., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, June 3, 2010.

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

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

Report for L.U. No. 115

Report of the Committee on Land Use in favor of approving Application no. 20105558 HKM (N 100282 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.427, LP-2373) by the Landmarks Preservation Commission of an extension of the Upper East Side Historic District, Council District no. 4.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on June 9, 2010, respectfully

REPORTS:

SUBJECT

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

1. Find that the present status of the disposition area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;

2. Approve the designation of the disposition area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law; and

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

<u>No.</u>	<u>Address</u>	<u>Block/ Lot</u>	<u>Borough</u>	<u>Program</u>	<u>Community Board</u>
1.	441 De Witt Avenue	4318/31	Brooklyn	NYS Office of Mental Health Supportive Housing	5
	437 De Witt Avenue	4318/32		Mental Health	
	435 De Witt Avenue	4318/33		Supportive Housing	
	433 De Witt Avenue	4318/34			

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: June 1, 2010

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

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

Res. No. 299

Resolution approving an amendment to an Urban Development Action Area Project located at 441 De Witt Avenue (Block 4318/Lot 31), 437 De Witt Avenue (Block 4318/Lot 32), 435 De Witt Avenue (Block 4318/Lot 33), 433 De Witt Avenue (Block 4318/Lot 34), Borough of Brooklyn, pursuant to Sections 693 and 694 of the General Municipal Law (Preconsidered L.U. No. 115; 20105712 HAK).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 13, 2010 its request dated April 26, 2010 that the Council take the following actions regarding an amendment to an Urban Development Action Area Project (the "Project") located at 441 De Witt Avenue (Block 4318/Lot 31), 437 De Witt Avenue (Block 4318/Lot 32), 435 De Witt Avenue (Block 4318/Lot 33), 433 De Witt Avenue (Block 4318/Lot 34), Community District 5, Borough of Brooklyn (the "Disposition Area"):

1. Find that the present status of the disposition area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;

2. Approve the designation of the disposition area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law; and

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

WHEREAS, the Project is related to C 050383 HAK, L.U. No. 486, Resolution No. 1142 of 2005;

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on June 1, 2010;

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

RESOLVED:

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

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

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

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS JR., LARRY B. SEABROOK, ALBERT VANN, SARA M. GONZALEZ, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, JAMES VACCA, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, PETER A. KOO, Committee on Land Use, June 3, 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. 21-A

Report of the Committee on Parks & Recreation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the location of concessions within a park.

The Committee on Parks & Recreation, to which the annexed amended proposed local law was referred on February 3, 2010 (Minutes, page 226), respectfully

REPORTS:

INTRODUCTION

On June 8, 2010, the Committee on Parks and Recreation, chaired by Council Member Melissa Mark-Viverito, held a hearing on Proposed Int. No. 21-A, A Local Law to amend the administrative code of the city of New York, in relation to the location of concessions within a park. This was the second hearing on the bill. At this hearing the Committee voted to pass the bill by a vote of 7 in favor, 0 opposed with no abstentions on the bill.

BACKGROUND

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

Many of the services provided in New York City parks are delivered through concessions, in which private companies pay for the privilege of operating a business within a City park. There are approximately 500 concessions which range from a pushcart selling hot dogs or pretzels, to tennis courts, riding stables, restaurants and 18-hole golf courses.¹ Currently, DPR is responsible for determining whether there is a need for a service, whether it should be provided through a concession, awarding the concession and monitoring compliance with the terms in the agreements and collecting payments from concessionaires.

Proposed Int. No. 21-A

Proposed Int. No. 21-A amends Title 18 of the Administrative Code to add a new section 18-138 which would require DPR to visibly mark the boundaries of all concessions in parks except for those under two hundred square feet or over two acres, seasonal concessions that operate for fewer than forty five days in a calendar year, or any concessions that operate in three or more boroughs. In addition, the bill would not apply to concessions that are permitted to be mobile, nor would it apply to any concession that was fully contained in a building or similar stationary structure.

The boundary would also not be required to be marked where the terrain would not permit such marking. The markings would also be required to meet all requirements of the Landmarks Preservation Commission and the Public Design Commission. The Parks Department would promulgate rules as to how the markings would appear. The boundaries would have to be marked on maps that would need to be placed on the City’s web site within one year from the effective date of the bill for all existing concessions, and within sixty days for any concession agreements entered into or renewed following the effective date of the bill. In addition, any restaurants that are located in public parks that are the subject of lease agreements between the City and a not for profit corporation are covered.

Those concessions that move beyond their set boundaries are liable for civil penalties of between two hundred and one thousand dollars for each violation. This is in addition to any penalties provided for in the concession agreement.

¹ See New York City Department of Parks and Recreation Website, NYC Parks FAQs, http://www.nycgovparks.org/sub_faqs/index.php?action=artikel&cat=2&id=34&artlang=en

(The following is from the text of the Fiscal Impact Statement for Int. No. 21-A:)

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Assistant Director
Chima Obichere, Supervising Legislative Financial Analyst

HISTORY: Int. 21 was introduced by the Council and referred to the Committee on Parks and Recreation on February 3, 2010. Hearing held and laid over by the Committee on April 27, 2010. The amended version, Proposed Int. 21-A, will be considered by the Committee on June 8, 2010.

DATE SUBMITTED TO COUNCIL: February 3, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 21-A:)

Int. No. 21-A

By Council Members Nelson, Foster, James, Mark-Viverito, Mendez, Crowley, Levin and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the location of concessions within a park.

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 18-138 to read as follows:

§18-138 Locations of concessions in parks. a. Except as provided herein, any concession under the jurisdiction of the commissioner, and any restaurant located within any park that is the subject of a lease or other agreement between the department and a not-for-profit corporation relating to the restoration and maintenance of the park in which such restaurant is located, other than seasonal concessions of under forty-five days in duration in a calendar year, shall have

specific boundaries which shall be indicated on a map of the park in which such concession or restaurant is located. No such concession or restaurant shall extend beyond the boundaries indicated on such map. The department shall visibly mark the authorized boundaries of each such concession or restaurant and shall maintain such markings, unless all boundaries of such concession or restaurant are within a building or similar stationary structure or marking a boundary is not practicable because the terrain does not allow for such marking. The department shall determine how such markings shall be made and any such marking shall be consistent with any law, rule, regulation or determination of the landmarks preservation commission and the public design commission. This subdivision shall not apply to any concession authorized to occupy a ground space of less than two hundred square feet, to occupy an area greater than two acres, or to operate in locations in three or more boroughs, nor shall this subdivision apply to any concession that is expressly authorized to move its location pursuant to the terms of the applicable concession agreement. The location of a concession or restaurant subject to the provisions of this subdivision shall also be marked on a map of the park or parks in which such concession or restaurant is located which map shall be made available on the city of New York’s website within one year of the effective date of this section. However, any concession or restaurant covered by this subdivision where the concession agreement, lease or other agreement is entered into or renewed following the effective date of this section, shall have such maps posted within sixty days of the execution or renewal of the relevant concession or lease agreement. It shall not be a violation of this section where the moving of any such boundary was done pursuant to the direction of an authorized employee of any applicable city agency.

b. Any person who violates the provisions of subdivision a of this section by exceeding the authorized boundaries of a concession or boundaries for the location of a restaurant subject to the provisions of this section shall be liable for a civil penalty of not less than two hundred dollars nor more than one thousand dollars for each such violation. Such civil penalty shall be in addition to any penalty imposed pursuant to a concession agreement with the department.

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

MELISSA MARK-VIVERITO, Chairperson; VINCENT J. GENTILE, JAMES VACCA, ELIZABETH CROWLEY, JULISSA FERRERAS, DANIEL DROMM, JAMES G. VAN BRAMER, Committee on Parks & Recreation, June 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 Rules, Privileges and Elections

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

Report for M-163

Report of the Committee on Rules, Privileges and Elections in favor of approving the recommendation of Victoria Sammartino as a member of the New York City Youth Board.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on June 9, 2010, respectfully

REPORTS:

New York City Youth Board – (Council recommendation subject to appointment by the Mayor)

- **Victoria Sammartino [Pre-considered M 163]**

Within the Department of Youth and Community Development (“DYCD”), the New York City Youth Board (“the Board”) serves as a forum for representatives of disciplines concerned with the welfare of youth. The Board must be representative of the community, and is required to include persons representing the areas of social service, health care, education, business, industry and labor. *New York City Charter (“Charter”) § 734.*

The Board serves as an advisory body to the Commissioner of DYCD with respect to the development of programs and policies relating to youth in the City of New York pursuant to Chapter 30 of the *Charter*, Chapter 4, Title 21 of the *Administrative Code*, Article 19-G of the *New York State Executive Law*, and regulations promulgated by the Director of the Division of Youth pursuant to

such Article codified at Title 9 of the *Official Compilation of Codes, Rules and Regulations of the State of New York* ("NYCRR") Part 164, Subpart 165-1. According to Article II of the Board's By-Laws, the powers, duties and responsibilities of the Board are to:

- (i) After consultation with the Commissioner of the Department of Youth and Community Development, recommend policies and/or plans, which promote youth development and prevent delinquency.
- (ii) Advocate for youth with the executive, administrative and legislative bodies and the community at large regarding the development of services and strategies which address locally identified youth problems and needs.
- (iii) Establish closer cooperation among employees, labor, school, churches, recreation and/or youth commission, service clubs, youth and family service providers and other public and private agencies to encourage youth programs on the basis of local community planning.
- (iv) Review and analyze grants given in the Department of Youth and Community Development from federal, state and City governments and from private individuals, corporations and associations, and assist the Commissioner in developing criteria for their allocation.
- (v) In cooperation with the Commissioner of the Department of Youth and Community Development, review, analyze and recommend the acceptance or rejection of, proposals for the creation or expansion of recreational services and youth service projects or other youth programs as defined by laws of the State of New York, and make appropriate recommendations to the Mayor.
- (vi) Receive, review and analyze statistical records and data, including those that reflect the incidence and trends of delinquency and youthful crimes and offenses in the City.
- (vii) Appoint such advisory groups and committees as may be necessary to carry out the powers and duties of the Board.
- (viii) Assist in the development of a comprehensive planning process, except as provided in section 165.2 (a)(4)(I)(a) and (b) of Part 164 of Title 9 of the NYCRR.

The Board consists of up to 28 members appointed by the Mayor, 14 of whom are appointed upon recommendation of the City Council.¹ The Mayor designates one of the members of the Board to serve as its Chair. The members of the Board are required to meet at least quarterly, and serve without compensation. The *Charter* does not define member terms of office.

If recommended by the Council and subsequently appointed by the Mayor, Ms. Sammartino, a resident of the Bronx, will fill a vacant position and be eligible to serve for an undefined term. Copies of Ms. Sammartino's resumé and Committee reports/resolutions are annexed to this briefing paper.

¹ The Council's current recommended members are: Craig Eaton (Brooklyn); Anthony Sumpter (Brooklyn); Rev. William Perry (Manhattan); Kimberley Hayes (Manhattan); Sibyl Silbertstein (Queens); Lynette C. Velasco (Queens); and Anna Garcia-Reyes (Manhattan).

After interviewing the candidate and reviewing the relevant material, this Committee decided to approve the appointment of nominee Victoria Sammartino.

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 734 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the recommendation by the Council of Victoria Sammartino as a member of the New York City Youth Board to serve for an undefined term.

This matter was referred to the Committee on June 9, 2010.

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

Res. No. 300

Resolution approving the recommendation by the Council of Victoria Sammartino as a member of the New York City Youth Board.

By Council Member Rivera.

RESOLVED, that pursuant to § 734 of the *New York City Charter*, the Council does hereby approve the recommendation of Victoria Sammartino as a member of the New York City Youth Board to serve for an undefined term.

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 and Elections, June 9, 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 State and Federal Legislation

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

Report for State Legislation Res. No. 3

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Dilan, S.7735, and Assembly Members Bing, Kellner, Rosenthal, Gottfried, Cusick, Brook-Krasny, Benedetto, Lancman, Markey, Schimel, Clark, Cymbrowitz, O'Donnell, Kavanagh, P. Rivera, A.10201, "AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a bus lane demonstration program to enforce restrictions on the use of bus lanes by means of bus lane photo devices; and providing for the repeal of such provisions upon expiration thereof".

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 9, 2010, respectfully

REPORTS:

The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR). By adopting this SLR, the Council would, thereby, be formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND

The New York City Department of Transportation, in coordination with the MTA New York City Transit Authority, is implementing a Bus Lane Demonstration Program. In order to enhance the speed and reliability of the City's buses, it is imperative designated bus lanes remain free of parked and moving vehicles, trucks loading and unloading, and other unauthorized motor vehicles. These options are necessary given the 53% rise in bus ridership in the City over the past 30 years and the subsequent reduction in bus speeds due to increased traffic. More than 20 bus lines average less than 10 mph during midday. Unreliability is also a major concern, with many bus lines experiencing problems due to bus bunching, gaps between service and buses running significantly off-schedule. Each year the NYPIRG Straphangers Campaign awards the "Pokey" to the slowest local bus route in New York City. The award is given based on actual rides taken by Straphangers staff and volunteers. In 2009 the slowest bus was the M42, with a travel time of 3.7 miles per hour. Given that the average walking speed for an adult is around 3 miles per hour, riders are not much better off paying \$2.25 for a cross-town trip. Bus lanes are meant to speed buses through traffic congestion. Bus riders deserve the assurance that their \$2.25 fare will buy them a trip that is faster than walking.

To ensure the success of the Bus Lane Demonstration Program, it is imperative the designated bus-lanes remain free of unauthorized motor vehicles. This legislation will enhance the enforcement efforts of the New York City Police Department, as the program, operates in much the same manner as the City's Red Light Camera Program, which has successfully reduced the incidence of red light violations. Technology will be used to capture photos or videos of vehicles that are in violation of the City's rules regarding bus lane restrictions, which specifically preclude motor

vehicles from standing, parking or driving within a bus lane. The images taken will then be used as evidence in a proceeding to impose liability on the owner of the vehicle. The equipment may consist of fixed-location units, mobile units which can be moved around to various locations, and/or units mounted on the buses themselves. However, the use of bus lane photo devices will be limited to cover no more than 50 miles of bus lanes and operate only on weekdays from 7:00 am to 7:00 pm. The violation will be treated as the equivalent of a parking ticket; therefore, no points will be assessed against the driver. Cameras will not ticket drivers making legal use of a bus lane, such as when making a turning movement or quickly dropping off a passenger. This will, in turn, attract new ridership, helping to meet the City's mobility, environmental, and public health goals.

PROPOSED LEGISLATION

This bill amends the Vehicle and Traffic Law and the Public Officers Law to authorize the City of New York to establish a Bus Lane Demonstration Program imposing liability on the owners of motor vehicles found to be in violation of City restrictions on the use of bus lanes through the use of bus lane photo devices. Bus lane photo devices will record data by photographic, micro-graphic, video tape, digital video recorder or other recording methods and produce one or more images or sequence of video images of the motor vehicle at the time it is in violation of bus lane restrictions. The bus lane photo devices will be utilized exclusively within the routes receiving improvements as part of the Bus Lane Demonstration Program.

FISCAL IMPLICATIONS:

See Finance Fiscal Impact Statement

EFFECTIVE DATE:

This act shall become law on the thirtieth day after it shall have become a law and shall expire 7 years after such effective date when upon such date the provisions of this act shall be deemed repealed; and provided that any rules and regulations necessary for the implementation of this act on its effective date shall be promulgated on or before such date.

(The following is from the text of the Fiscal Impact Statement for State Legislation Res. No. 3:)

FISCAL IMPACT STATEMENT:

	Effective FY 10	FY Succeeding Effective FY 11	Full Fiscal Impact FY 11
Revenues (+)	\$0	\$470,000	\$2,820,000
Expenditures (-)	\$0	Undetermined	\$2,400,000
Net	\$0	Undetermined	\$420,000

IMPACT ON REVENUES: Although it is unknown at this time how many cameras will be installed, based on the City's experience with the Red light Camera program it can be estimated that the impact of this legislation on revenues in 2011

(2 moths captured) will be \$470,000. However, due to the cost of the technology and efforts to inform the public about camera presence, revenues are expected to be much smaller, if not minimal.

IMPACT ON EXPENDITURES: It is estimated that the impact of this legislation on expenditures, when fully implemented for 40 cameras, would be approximately \$2,400,000 annually. Expenditures in CFY 2011 are undetermined at the moment, since the program is expected to be operational for only two months of the full fiscal year. Thus, capital and operational expenditures which are capitalized over five years cannot be determined for the period of two months.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Department of Transportation

SOURCE OF INFORMATION: The New York City Council Finance Division

New York City Office of Management and Budget

ESTIMATE PREPARED BY: Ksenia Koban, Legislative Financial Analyst

City Council Finance division

FIS HISTORY: This is a new bill

Date Submitted to Council: **June 9th, 2010**

Accordingly, this Committee recommends its adoption.

(For text of SLR No. 3 , please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and

the State Sponsor's Memorandum-in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly)

HELEN D. FOSTER, Chairperson; JOEL RIVERA, LEWIS A. FIDLER, DOMENIC M. RECCHIA JR., ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 9, 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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 4

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Krueger, S.8083, and the Committee on Rules (at request of Assembly Member Farrell), A.11376, "AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2011".

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 9, 2010, respectfully

REPORTS:

The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR). By adopting this SLR, the Council would, thereby, be formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND:

State law requires New York City to apportion property taxes based upon rates calculated by the State Board of Real Property Services ("SBRPS") in order to distribute the tax levy among the four classes of real property. Those classes are: (1) class one, consisting of one to three family homes; (2) class two, consisting of other residential properties such as apartment buildings, coops and condos; (3) class three, consisting of regulated utility property; and (4) class four which is all other real property.

Paragraph (c) of subdivision one of section 1803-a of the Real Property Tax Law provides that notwithstanding the results of these calculations, the annual increase in the base proportion of any class is not to exceed five percent over the prior year's adjusted base proportions.

PROPOSED LEGISLATION:

Specifically, this legislation would amend subdivision 1 of Section 1803-a of the Real Property Tax Law by adding a new paragraph (v), which would limit the Fiscal Year 2011 increase in the base proportion of any class to 2.5 percent over the prior year's adjusted base proportions.

In the event the Department of Finance ("DOF") has sent out real property tax bills for Fiscal Year 2011 before this legislation shall have become law, this legislation would allow City to revise the Fiscal 2011 current base proportions and adjusted base proportions, reset the Fiscal 2011 real property tax rates, and send out amended Fiscal 2011 real property tax bills.

According to the Council's Memorandum in Support, the SBRPS has determined that the uncapped shares for class one has increased by more than 18 percent from Fiscal 2010. If this legislation does not take effect, the Fiscal 2011 tax rate for class one will increase by nearly 5 percent from the Fiscal 2010 tax rate and would cause a significant increase in the tax bill for residential homeowners.

FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

This legislation would take effect immediately.

(The following is from the text of the Fiscal Impact Statement for State Legislation Res. No. 4:)

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 resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: There would be no impact on expenditures as a result of enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York State Board of Real Property Services (SBRPS)

New York City Department of Finance
New York City Council Finance Division

ESTIMATE PREPARED BY: Nadine Felton, Consultant, Revenue
City Council Finance Division
Emre Edev, Senior Legislative Financial Analyst, Revenue
City Council Finance Division

DATE SUBMITTED TO COUNCIL: June 9, 2010

FIS HISTORY: This is a new bill.

FIS SUMMARY: Under current law the annual increase in the current base proportions for each of the four classes of property is limited to five percent over the prior year's adjusted base proportions. For Fiscal 2010, the City Council and the Mayor, together with the State Legislature, limited the increase to zero percent. The State Board of Real Property Services (SBRPS) has calculated the class equalization rates used in determining the current base proportions or class shares of the real estate levy for Fiscal 2011. This year the uncapped share for class one (residential one-, two-, and three-unit family homes) has increased by over 18 percent while the uncapped share for class two is virtually unchanged with an increase of less than 0.1%. The share of class three (utility properties) decreased by 22.5 percent, continuing a pattern of decreasing class shares since Fiscal 2002. The uncapped portion borne by class four (commercial and industrial properties) continued the pattern since Fiscal 1994 of decreasing over its share from the prior year, by 2.6 percent this year.

This year, the Council and the Mayor determined that maintaining the five percent cap on increases in class shares would present a hardship for class one homeowners. Based on the final assessment roll, released by the Department of Finance on May 25, 2010, at the five percent cap, the Fiscal 2011 tax rate for class one would increase by nearly 5 percent from the Fiscal 2010 tax rate. By lowering the cap to two and one-half percent, class one's tax rate still goes up, but by a more modest 2 percent.

There is no impact on revenues since the real estate tax levy remains the same, whether the increase in class shares is capped at five percent or two and one-half percent. However, a cap of lower than five percent causes a shift in a small portion of the levy of class one onto classes three and four. Even with this shift, the tax rate for classes three and four will decrease from the Fiscal 2010 rate.

Accordingly, this Committee recommends its adoption.

(For text of SLR No. 4 , please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor's Memorandum-in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly)

HELEN D. FOSTER, Chairperson; JOEL RIVERA, LEWIS A. FIDLER, DOMENIC M. RECCHIA JR., ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 9, 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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 5

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Senator Onorato, S.2768-B, and Assembly Member Gianaris, A.4317-B, "AN ACT to authorize the city of New York to discontinue use of and convey certain park land".

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 9, 2010, respectfully

REPORTS:

The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR). By adopting this SLR, the Council would, thereby, be formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND

This legislation would allow St. Michael's Cemetery, located in Astoria, Queens to acquire a small strip of park land that is underutilized and in disrepair located adjacent to the cemetery. St. Michael's Cemetery has agreed to transfer a replacement parcel of land to the city of New York in order to replace the park land acquired and ensure that the western Queens community does not lose valuable green space.

PROPOSED LEGISLATION

This legislation will authorize the City of New York to discontinue use as park land and to convey, in fee simple, the land described in section three of this act to Saint Michael's Cemetery. It will provide that the authorization of this act shall be subject to the requirement that the city of New York shall use any proceeds and/or land received in exchange for the conveyance authorized by this act to acquire land, to be dedicated for park purposes in an amount equal to or greater than the fair market value of the land being conveyed. The bill also describes the boundaries of the land authorized to be discontinued as park land and conveyed to St. Michael's Cemetery.

FISCAL IMPLICATIONS:

See Finance Fiscal Impact Statement

EFFECTIVE DATE:

This Act shall take effect immediately.

(The following is from the text of the Fiscal Impact Statement for State Legislation Res. No. 5:)

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: This bill will have no impact on revenues.

IMPACT ON EXPENDITURES: This bill will have no impact on expenditures

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: The New York City Council Finance Division

ESTIMATE PREPARED BY: Ksenia Koban, Legislative Financial Analyst
City Council Finance division

FIS HISTORY: This is a new bill

Date Submitted to Council: **June 9th, 2010**

Accordingly, this Committee recommends its adoption.

(For text of SLR No. 5 , please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor’s Memorandum-in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly)

HELEN D. FOSTER, Chairperson; JOEL RIVERA, LEWIS A. FIDLER, DOMENIC M. RECCHIA JR., ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 9, 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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 6

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Klein, Addabbo, Diaz, Hassell-Thompson, Huntley, Krueger, Onorato, Savino S.1861-D, and Assembly Member Benedetto, A.8804-B, “AN ACT to amend the administrative code of the city of New York and the vehicle and traffic law, in relation to increasing the fine for commercial vehicles that park on residential streets overnight”.

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 9, 2010, respectfully

REPORTS:

The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR). By adopting this SLR, the Council would, thereby, be formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND

The current fine for parking a commercial vehicle on a New York city residential street between 9pm and 5am is \$50. This small sum of money is of little deterrent value when compared to the costs of parking such vehicles in off-street parking sites. The current situation encourages many commercial vehicle owners to choose to illegally park their large truck-cabs and trailers on city streets over other less costly options. As a result, city residents find precious parking spaces occupied by illegally parked tractor-trailer combinations. This legislation seeks to alleviate this problem.

PROPOSED LEGISLATION

This legislation Amends subdivision c of section 19-170 of chapter 5 of title 19 of the administrative code of the city of New York, to raise the fine for tractor-trailer combinations, tractors, truck-trailers, and semi-trailers that park overnight on New York City residential streets to \$250 for a first offense and \$500 for each subsequent offense within a six-month period. Section 2. Amends Vehicle & Traffic Law section 237(2) to authorize the City of New York to impose the traffic penalties provided for in section 1 of this bill.

FISCAL IMPLICATIONS:

See Finance Fiscal Impact Statement

EFFECTIVE DATE:

This Act shall take effect sixty days after it shall have become law.

(The following is from the text of the Fiscal Impact Statement for State Legislation Res. No. 6:)

FISCAL IMPACT STATEMENT:

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

Net	\$0	\$0	\$0
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IMPACT ON REVENUES: This bill will have an undetermined impact on revenues. There should be some impact on revenue resulting from increased fines; however the number of tickets given out for this offence is not readily available to be able to make a sound determination on the revenue impact of the bill.

IMPACT ON EXPENDITURES: This bill will have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: The New York City Council Finance Division

ESTIMATE PREPARED BY: Ksenia Koban, Legislative Financial Analyst
City Council Finance division

FIS HISTORY: This is a new bill

Date Submitted to Council: **June 9th, 2010**

Accordingly, this Committee recommends its adoption.

(For text of SLR No. 6 , please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor’s Memorandum-in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly)

HELEN D. FOSTER, Chairperson; JOEL RIVERA, LEWIS A. FIDLER, DOMENIC M. RECCHIA JR., ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 9, 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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 7

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Squadron, S.7858-A, and Assembly Member Millman, A.11099-A, “AN ACT to amend the New York city charter, in relation to imposing civil penalties for violations of the rules of the Brooklyn bridge park development corporation relating to the government and protection of park and recreational property held by such corporation, providing for the adjudication of such violations by the environmental control board and clarifying the authority of the New York city department of parks and recreation with respect to such property”.

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 9, 2010, respectfully

REPORTS:

The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR). By adopting this SLR, the Council would, thereby, be formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND

The Parks Department has a contractual relationship with the Brooklyn Bridge Park to supply a certain number of Parks Enforcement Patrol ("PEP") officers in order to provide security services at Battery Park City and Hudson River Park. These arrangements have helped to establish the regular presence of PEP officers in all city parks, including the above two locations, which are not owned by the city. Indeed, these arrangements further the uniform application of the familiar New York City Parks Rules and provide for the consistent enforcement of such Rules over almost all parks in the City. Moreover, the presence of PEP officers in these locations assists the Parks Department in responding to emergencies throughout Manhattan.

The proposed amendment to the City Charter would firmly establish the Parks Department's ability to enforce its Rules in public parks, recreational facilities, and other property under the jurisdiction of public corporations, public benefit corporations, public authorities, and instrumentalities thereof which have entered into agreements with Parks. The amendment is necessary to clarify Parks'

jurisdiction allowing PEP officers to issue summonses returnable at the Environmental control Board, which is the normal procedure for most violations of Parks Rules and regulations.

PROPOSED LEGISLATION

This bill amends the New York City Charter to clarify the authority of Parks Enforcement Patrol(PEP) officers to issue summonses returnable to the Environmental Control Board for the violation of rules of the New York City Department of Parks and Recreation. In addition, this legislation enables PEP officers to write summonses for violations of rules duly promulgated by the Brooklyn Bridge Development Corporation.

FISCAL IMPLICATIONS:

See Finance Fiscal Impact Statement

EFFECTIVE DATE:

This Act shall take effect immediately.

(The following is from the text of the Fiscal Impact Statement for State Legislation Res. No. 7:)

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: This bill will have no impact on revenues.

IMPACT ON EXPENDITURES: The NYC Parks Department will enter into agreement with the Brooklyn Bridge Development Corporation and define terms for any additional time and resources of PEP officers.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Brooklyn Bridge Park Development Corporation

SOURCE OF INFORMATION: The New York City Council Finance Division

ESTIMATE PREPARED BY: Ksenia Koban, Legislative Financial Analyst
City Council Finance division

FIS HISTORY: This is a new bill

Date Submitted to Council: June 9th, 2010

Accordingly, this Committee recommends its adoption.

(For text of SLR No. 7 , please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor’s Memorandum-in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly)

HELEN D. FOSTER, Chairperson; JOEL RIVERA, LEWIS A. FIDLER, DOMENIC M. RECCHIA JR., ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 9, 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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 8

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Lanza, S.3004-A, and Assembly Members Cusick, Boyland, Castro, Pheffer, Perry, Aubry, Hyer-Spencer, M. Miller, Millman, Colton, Titone, Spano, DenDekker, and O'Donnell, A.7383-A, “AN ACT to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving spouses or domestic partners of members of the New York city department of correction or sanitation who are enrolled in a health insurance plan”.

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 9, 2010, respectfully

REPORTS:

The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR). By adopting this SLR, the Council would, thereby, be formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND

The loss of medical insurance to retired individuals is one of the most devastating occurrences, often leaving retirees in desperate straits. This bill would allow the surviving spouses or domestic partners of deceased New York City Department of Correction or Sanitation officers to retain such coverage by paying 102% of the group rate for such coverage. Chapter 436 of the laws of 2001 allowed New York City firefighters and policemen surviving spouses or domestic partners to have the ability to retain such coverage by also paying 102% of the group rate for such coverage. Widow and widowers or domestic partners of New York City Correction or Sanitation officers are no longer receiving adequate health benefits. This bill would provide increased relief to a deceased correction or sanitation officer's family who may be struggling to find adequate and affordable health insurance after the loss of their loved one.

PROPOSED LEGISLATION

Amends paragraph 2 of subdivision b of section 12-126 of the administrative code of the city of New York, as amended by chapter 436 of the laws of 2001, the opening paragraph as amended by local law number 22 of the city of New York for the year 2007 and subparagraphs and (ii) as amended by chapter 339 of the laws of 2008, is amended to add spouses or domestic partners of deceased retired New York City Department of Correction or Sanitation to continue their health insurance coverage.

FISCAL IMPLICATIONS:

See Finance Fiscal Impact Statement

EFFECTIVE DATE:

This Act shall take effect immediately.

(The following is from the text of the Fiscal Impact Statement for State Legislation Res. No. 8:)

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: This bill will have no impact on revenues.

IMPACT ON EXPENDITURES: This bill will have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION:The New York City Council Finance Division

ESTIMATE PREPARED BY: Ksenia Koban, Legislative Financial Analyst
City Council Finance division

FIS HISTORY: This is a new bill

Date Submitted to Council: June 9th, 2010

Accordingly, this Committee recommends its adoption.

(For text of SLR No. 8 , please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and

the State Sponsor’s Memorandum-in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly)

HELEN D. FOSTER, Chairperson; JOEL RIVERA, LEWIS A. FIDLER, DOMENIC M. RECCHIA JR., ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 9, 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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 9

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Savino, S.5631-A, and Assembly Member Abbate, A.10154, “AN ACT to amend the administrative code of the city of New York, in relation to the effect of discharge or dismissal of a police officer or firefighter with twenty years of creditable retirement service”.

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on June 9, 2010, respectfully

REPORTS:

The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR). By adopting this SLR, the Council would, thereby, be formally requesting that the New York State Legislature act favorably in this matter.

BACKGROUND

Presently, every member in the New York State Policemen's and Firemen's Retirement system, covering all police officers outside the City of New York, has his pension protected statutorily. If a member has twenty years of service or more and is dismissed, he receives his pension immediately without an age limitation. In fact, this applies to all members in the Policemen's and Firemen's Retirement system, as well as to members in the other retirement systems, but we are dealing here only with legislation applicable to police officers and firefighters enrolled in the New York City Police and Fire Pension Funds.

Our proposal is to ensure that a member with 20 or more years of service, who would otherwise be entitled to his pension had he applied for retirement, not be denied that pension, and that the City not be allowed to use the 30 day waiting period to thwart pension rights. This proposal does not give the member the extent of protection provided to members in the New York State Policemen's and Firemen's Retirement System since there will be no protection under this proposal for members dismissed who have less than 20 years of service. However, members who could have retired based upon the 20 year retirement plan will be appropriately protected.

It totally violates of the principle and concept of pensions to deny to a member and his family his retirement benefits for which he has expended many years of service and, in the New York City Police and Fire Pension Funds, contributed up to 7% of his total earnings. The member is being sufficiently punished for his possible departmental violation by being dismissed from his position. There is no need to become so punitive as to then also punish his family by not allowing them to benefit from his pension upon which they depended.

PROPOSED LEGISLATION

This legislation guarantees a pension to any New York City police officer or firefighter who has attained twenty years of creditable service and would have otherwise been eligible for retirement, who was dismissed from employment.

FISCAL IMPLICATIONS:

See Finance Fiscal Impact Statement

EFFECTIVE DATE:

This Act shall take effect immediately.

(The following is from the text of the Fiscal Impact Statement for State Legislation Res. No. 9:)

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: There will be no impact on revenues.

IMPACT ON EXPENDITURES: There will be no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Police and Fire Pension Funds

SOURCE OF INFORMATION:The New York City Council Finance Division

ESTIMATE PREPARED BY: Ksenia Koban, Legislative Financial Analyst
City Council Finance division

FIS HISTORY: This is a new bill

Date Submitted to Council: June 9th, 2010

Accordingly, this Committee recommends its adoption.

(For text of SLR No. 9 , please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor’s Memorandum-in-Support from each house, please refer respectively to the New York State Senate and New York State Assembly)

HELEN D. FOSTER, Chairperson; JOEL RIVERA, LEWIS A. FIDLER, DOMENIC M. RECCHIA JR., ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 9, 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 Transportation

Report for Int. No. 232

Report of the Committee on Transportation in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to amending the taxicab passengers’ bill of rights.

The Committee on Transportation, to which the annexed proposed local law was referred on May 12, 2010 (Minutes, page 1711), respectfully

REPORTS:

INTRODUCTION

On June 8, 2010, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Int. No. 232. This legislation would amend the Administrative Code to add a provision to the Taxicab Riders Bill of Rights stating their right to a vehicle with a working E-Z Pass and payment of tolls with such pass. A previous hearing on this bill was held on May 24, 2010.

BACKGROUND¹

Under Taxi and Limousine Commission (“TLC”) rules, all taxicab owners are required to equip their taxicabs with a working E-Z Pass.² Drivers are required to use this E-Z- Pass at all crossings where it is accepted³ and to reimburse the taxicab owner for the use of the E-Z Pass.⁴ Alternatively, a driver is allowed to use his or her own E-Z Pass.⁵

Despite the TLC rules, there have been news reports that many drivers use the cash lane at toll crossings instead of using the E-Z Pass lane.⁶ Drivers allegedly use cash lanes to increase their fares and tips.⁷ The New York Post recently estimated that taxicab passengers pay an extra \$750,000 per year because of the use of the cash lanes.⁸ The newspaper also found that on average, 56 taxicabs illegally use the cash lanes at the Queens-Midtown Tunnel between 9 am and 10 am on workdays, which adds an extra seven minutes to each trip.⁹

ANALYSIS

Section one of Int. No. 232 would amend paragraphs 14 and 15 of subdivision c of section 19-537 (the “Taxicab Riders Bill of Rights”) by deleting the word “and”

from the end of paragraph 14, deleting the period at the end of paragraph 15 and replacing it with a semi-colon, and inserting the word “and” at the end of such paragraph. Section one would also add a new paragraph 16 to section 19-537 to provide that taxicab riders have a right to a vehicle equipped with an operational E-Z Pass and payment of tolls with such pass.

Section two would provide that this local law take effect ninety days after it is enacted into law.

¹ All information for this section was retrieved from <http://www.nyc.gov/tlc> on May 19, 2010.

² Rules of the City of New York, Title 35, §1-37.

³ *Id.* at §2-27.

⁴ *Id.* at §1-37.

⁵ *Id.*

⁶ Tom Namako and Rebecca Harshbarger, “Cabbies ‘Pass’ up fast lanes to rip off riders,” *New York Post*, Apr. 26, 2010.

⁷ *Id.*

⁸ Alex Ginsberg and Rebecca Harshbarger, “Most Drivers do right thing, Post finds,” *New York Post*, Apr. 26, 2010.

⁹ *Id.*

(The following is from the text of the Fiscal Impact Statement for Int. No. 232:)

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: There would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Assistant Director
Chima Obichere, Supervising Legislative Financial Analyst

HISTORY: Introduced by Council and referred to the Committee on Transportation on May 12, 2010. Hearing held and laid over by the Committee on May 24, 2010. Intro. 232 will be reconsidered by the Committee on June 8, 2010.

DATE SUBMITTED TO COUNCIL: May 12, 2010.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 232:)

Int. No. 232

By Council Members Vacca, Ferreras, Gentile, Van Bramer, Garodnick, Koo, Rodriguez, Rose, Ulrich, Koppell, Jackson, Lappin and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to amending the taxicab passengers’ bill of rights.

Be it enacted by the Council as follows:

Section 1. Paragraphs 14 and 15 of subdivision c of section 19-537 of Title 19 of the administrative code of the city of New York are amended and a new paragraph 16 is added to read as follows:

(14) a driver who does not use a cell phone (hand-held or hands free) while driving; [and]

(15) decline to tip for poor service[.]; and

(16) a vehicle equipped with an operational e-z pass and payment of tolls with such pass.

§2. This local law shall take effect ninety days after it is enacted into law.

JAMES VACCA, Chairperson; G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, YDANIS RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, ERIC A. ULRICH, PETER A. KOO, Committee on Transportation, June 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 Int. No. 233-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to reporting of overcharge complaints and enforcement actions by the taxi and limousine commission.

The Committee on Transportation, to which the annexed proposed local law was referred on May 12, 2010 (Minutes, page 1712), respectfully

REPORTS:

INTRODUCTION

On June 8, 2010, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Prop. Int. No. 233-A, A Local Law to amend the New York City Charter, in relation to reporting of overcharge complaints and enforcement actions by the taxi and limousine commission. A previous hearing on this bill was held on May 24, 2010.

BACKGROUND¹

The New York City Taxi and Limousine Commission (“TLC” or the “Commission”) was created in 1971 to handle the licensing and regulation of New York City’s medallion taxicabs, for-hire vehicles, commuter vans, paratransit vehicles (ambulettes) and luxury limousines.² According to the TLC’s website, the TLC oversees nearly 50,000 vehicles, 100,000 drivers, and more than 13,000 medallion taxicabs. The TLC also inspects the medallion taxicabs for safety and emissions and holds hearings regarding violations of its rules and regulations.³

The City Charter requires the TLC to release an annual report to the City Council, on or before the second Monday of January of each calendar year. However, the Charter does not specify what kind of information is required to be included in the report. Currently, the annual report provides a description of the TLC’s mission and structure, an overview of the TLC’s performance, and information regarding TLC projects, initiatives and events. However, the annual report does not provide comprehensive information about enforcement actions or consumer complaints. This bill would require the TLC to include information regarding consumer complaints and enforcement actions, within the annual report and on its website.

ANALYSIS

Section one of Prop. Int. No. 233-A would amend section 2302 of the New York City Charter to require that the annual report of the TLC include information regarding complaints received by the commission from the public, including, but not limited to, complaints of overcharging, as well as enforcement actions undertaken by the Commission, whether the enforcement action was dismissed or settled, or if a penalty was imposed by the Commission on the subject of the enforcement action. The information regarding enforcement actions would be required to include, but not be limited to, enforcement actions relating to illegal street hails, unlicensed vehicles, and toll lane infractions.

Section one of Prop. Int. No. 233-A would also require that complaint and enforcement action information be disaggregated by the type of license held by the person or entity who is the subject of the complaint or action and the month during which the complaint was received or enforcement action undertaken. Enforcement actions are to be further disaggregated by the subject matter of the action and by geographic location. Complaint information would be further disaggregated to the extent practicable by the subject matter of complaint.

Such disaggregated complaint and enforcement action information would be required to be posted on the Commission’s website and updated on a monthly basis at least. Information in the annual report would be required to be published in a manner which would not identify the individual parties involved in the actions reported in this section. Section 2302 of the charter is also amended to delete the term “consumer affairs” and replace it with the term “transportation,” in order to reflect that the City Council’s Committee on Transportation has oversight over the TLC.

Section two of Prop. Int. No. 233-A would provide that this local law take effect sixty days after its enactment.

¹ Unless otherwise noted, all information for this section was retrieved from www.nyc.gov/tlc on June 7, 2010.

² Information retrieved from <http://www.nyc.gov/html/tlc/html/about/about.shtml> on June 7, 2010.

³ *Id.*

(The following is from the text of the Fiscal Impact Statement for Int. No. 233-A:)

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: There would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Assistant Director
Chima Obichere, Supervising Legislative Financial Analyst

HISTORY: Introduced as Int. 233 by Council and referred to the Committee on Transportation on May 12, 2010. Hearing held and laid over by the Committee on May 24, 2010. An amended version (Proposed Intro. 233-A) is to be considered by the Committee on June 8, 2010.

DATE SUBMITTED TO COUNCIL: May 12, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 233-A:)

Int. No. 233-A

By Council Members Vacca, Dromm, Fidler, Foster, Gentile, Koppell, Nelson, Rodriguez, Garodnick, Halloran and Koo.

A Local Law to amend the New York city charter, in relation to reporting of overcharge complaints and enforcement actions by the taxi and limousine commission.

Be it enacted by the Council as follows:

Section 1. Section 2302 of the New York city charter is amended to read as follows:

§ 2302. Reports of commission. All proceedings of the commission and all documents and records in its possession shall be public records and the commission shall make an annual report to the city council on or before the second Monday of January in each year. *Such annual report shall contain information regarding complaints received by the commission from the public, including, but not limited to, complaints of overcharging, as well as enforcement actions undertaken by the commission, whether the enforcement action was dismissed or settled, or if a penalty was imposed by the commission on the subject of the enforcement action. The information regarding enforcement actions shall include, but not be limited to, enforcement actions relating to illegal street hails, unlicensed vehicles, overcharging, and toll lane infractions. The complaint and enforcement action information shall be disaggregated by the type of license held by the person or entity who is the subject of the complaint or action and the month during which the complaint was received or enforcement action undertaken. Enforcement actions shall be further disaggregated by the subject matter of the action and geographic location. Complaint information shall be further disaggregated to the extent practicable by the subject matter of the complaint. In addition to inclusion in the commission's annual report, the disaggregated complaint and enforcement information shall be posted on the commission's website updated no less than monthly. Information shall be published in a manner that does not identify the individual parties involved in the actions reported upon in this section. The chairman of the city council committee on [consumer affairs] transportation may at any time direct the commission or the chairman of the commission to appear before the committee to give testimony pertaining thereto, and to furnish to the members of the council any reports deemed necessary.*

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

JAMES VACCA, Chairperson; G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, YDANIS RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, ERIC A. ULRICH, PETER A. KOO, Committee on Transportation, June 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 Int. No. 235-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 certain information to be collected by taxicab equipment and that such information be shared with the taxi and limousine commission upon request.

The Committee on Transportation, to which the annexed proposed local law was referred on May 12, 2010 (Minutes, page 1713), respectfully

REPORTS:

INTRODUCTION

On June 8, 2010, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 235-A, a local law to amend the administrative code of the city of New York, in relation to certain information to be collected by taxicab equipment and that such information be shared with the taxi and limousine commission upon request. A previous hearing on this bill was held on May 24, 2010.

BACKGROUND¹

The New York City Taxi and Limousine Commission ("TLC or the "Commission") was created in 1971 to handle the licensing and regulating of New York City's medallion taxicabs, for-hire vehicles, commuter vans, paratransit vehicles (ambulettes) and luxury limousines.² According to the TLC's website, the TLC oversees nearly 50,000 vehicles, 100,000 drivers, and more than 13,000 medallion taxicabs. The TLC also inspects the medallion taxicabs for safety and emissions and holds hearings regarding violations of its rules and regulations.³

On March 30, 2004, the TLC mandated the development of equipment, known as the Technology Passenger Enhancement Project (T-PEP), which would allow the automatic collection and submission of trip data, payment by credit card or debit card, and electronic message transmission capabilities (text messaging), while providing a passenger information monitor (PIM).⁴ All New York City medallion taxicabs were required to have these technology enhancements installed in their vehicles by October 1, 2007.⁵ The automatic trip collection feature replaced the older system where taxicab drivers would hand write the trip information and keep paper records.⁶ The T-PEP equipment uses the Global Positioning System (GPS) to gather the pickup and drop-off location of every fare.⁷

On March 12, 2010, with the assistance of the T-PEP equipment, the TLC alleged that it had uncovered over 35,000 instances where taxi drivers charged passengers the out-of-town fare, also known as Rate Code 4, by changing the fare rate on the meter.⁸ In response to these allegations, the Transportation Committee held an oversight hearing on April 7, 2010, regarding the taxi overcharging. During the hearing, TLC Commissioner David Yassky testified that because some of the vendors did not track certain data regarding the use of Rate Code 4, the TLC did not have all the information it needed for its investigation. This bill would require all taxicabs to be outfitted with equipment that would record and store all fare data, and any other information required by the Commission.

ANALYSIS

Section one of Proposed Int. No. 235-A would amend subdivision a of section 19-508 of the Administrative Code of the City of New York to require all taxicabs to have equipment which shall store or transmit for storage fare data, including, but not limited to, the rate of fare and the times or locations such rate of fares were in effect, pick up and drop-off information and any other data as required by the commission. All data required to be stored or transmitted by such equipment shall be made available to the Commission in a form and manner as required by the Commission. A licensed driver's fare information, including rate of fare and pickup and drop-off information would be required to be made available to such driver as required by the Commission, at not charge to such drivers. The Commission shall prescribe by rule, contract or otherwise, responsibility for compliance with the provisions of this section, and for penalties for non-compliance with such provisions.

Section two of Proposed Int. No. 235-A would provide that this local law take effect ninety days after its enactment.

¹ Unless otherwise noted, all information for this section was retrieved from www.nyc.gov/tlc on June 7, 2010.

² Information retrieved from <http://www.nyc.gov/html/tlc/html/about/about.shtml> on June 7, 2010.

³ *Id.*

⁴ New York City TLC, "Overview of the Technology Passenger Enhancements Project (T-PEP)" (last accessed on June 7, 2010), available at http://www.nyc.gov/html/tlc/html/industry/taxicab_serv_enh.shtml

⁵ Industry Notice, New York City Taxi & Limousine Commission (TLC) *Digital Dispatch Systems INC. Approved to Provide Taxicab Technology Service Enhancements* (June 12, 2007) available at http://www.nyc.gov/html/tlc/downloads/pdf/industry_notice_07_08.pdf

⁶ New York City TLC, "Overview of the Technology Passenger Enhancements Project (T-PEP)" (last accessed on June 7, 2010), available at http://www.nyc.gov/html/tlc/html/industry/taxicab_serv_enh.shtml

⁷ *Id.*

⁸ Michael Barbaro, *New York Cabs Gouged Riders Out of Millions*, March 12, 2010, available at <http://www.nytimes.com/2010/03/13/nyregion/13taxi.html>

(The following is from the text of the Fiscal Impact Statement for Int. No. 235-A:)

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: There would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Nathan Toth, Assistant Director
Chima Obichere, Supervising Legislative Financial Analyst

HISTORY: Introduced as Int. 235 by Council and referred to the Committee on Transportation on May 12, 2010. Hearing held and laid over by the Committee on May 24, 2010. An amended version (Proposed Intro. 235-A) is to be considered by the Committee on June 8, 2010.

DATE SUBMITTED TO COUNCIL: May 12, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 235-A:)

Int. No. 235-A

By Council Members Vacca, Fidler, Foster, Gentile, Koppell, Nelson, Rodriguez, Williams, Garodnick and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to certain information to be collected by taxicab equipment and that such information be shared with the taxi and limousine commission upon request.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-508 of the administrative code of the city of New York is amended to read as follows:

§19-508 Meters, radios and other equipment. a. All taxicabs shall be equipped with meters, and the equipment which shall store or transmit for storage fare data, including, but not limited to, the rate of fare and the times or locations such rate of fares were in effect, pick up and drop-off information and any other data as required by the commission. All data required to be stored or transmitted by such equipment

shall be made available to the commission in a form and manner as required by the commission. A licensed driver's fare information, including rate of fare and pickup and drop-off information shall be made available to such driver as required by the commission, at no charge to such drivers. The commission shall prescribe by rule, contract or otherwise, responsibility for compliance with the provisions of this section, and for penalties for non-compliance with such provisions. The commission may permit or require other licensed vehicles to be equipped with the same or different types of meters.

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

JAMES VACCA, Chairperson; G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, YDANIS RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, ERIC A. ULRICH, PETER A. KOO, Committee on Transportation, June 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).

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

Approved New Applicant's Report

Name	Address	District #
Natasha D. Alfreoff	2053 74th Street #2 Brooklyn, NY 11204	44
Dorothy Alston	134-21 233rd Street Rosedale, NY 11422	31
Lena Borelli	242 Sand Lane Staten Island, NY 10305	50
Ellis R. Cortez	20-08 125th Street College Point, NY 11356	19
John Mulvey	125-03 6th Avenue Queens, NY 11356	19
Vasiliki Vana Partridge	33-55 157th Street Queens, NY 11354	19
Chrissy Voskerichian	40-25 171st Street Flushing, NY 11358	19
Daisy Perez	197 Coverta Street #A Brooklyn, NY 11207	37
Stephanie Ramirez	87-10 51st Avenue #5E Queens, NY 11373	25
Annaliese Robertson	5101 Avenue K Brooklyn, NY 11234	45
Carmen Velez	856 East 175th Street #1 Bronx, NY 10460	15

Approved New Applicants and Reapplicants

Name	Address	District #
Evanthia Andrews	43-25 Douglaston Pkway #1B Queens, NY 11363	19
Domenick Barone	43 New Dorp Plaza Staten Island, NY 10306	50
Jessica S. Gaeta	20 Wilson Terrace Staten Island, NY 10304	50

Pofong Yu	8874 19th Avenue Brooklyn, NY 11214	50
Margarita Batista	215 Alexander Avenue #3G Bronx, NY 10454	17
Enrique Benitez	315 East 106th Street #6C New York, NY 10029	8
Confesor Roman Rosa	461 East 136th Street #1E Bronx, NY 10454	8
Indira D. Bruce	1603 Prospect Place Brooklyn, NY 11233	41
Patricia Roberson	147 Rockaway Pkwy #6 Brooklyn, NY 11212	41
Walter H. Campbell	1381 Linden Blvd #9K Brooklyn, NY 11212	42
Wendy Remy	786 Schenck Avenue Brooklyn, NY 11207	42
Concetta Catania	266 Beach 140th Street Queens, NY 11694	32
Anke M. Long	6 Beach 219th Street Breezy Point, NY 11697	32
Robert D'Amico	244 Barclay Avenue Staten Island, NY 10312	51
Teresa Pizzirusso	155 South Railroad Street Staten Island, NY 10312	51
Bessie G. Debetham	134-14 230th Street Queens, NY 11413	31
Hattie Jackman	178-38 134th Avenue Jamaica, NY 11434	31
Harvey L. Stone	144-39 168th Street Queens, NY 11434	31
Josephine Devinentis	149-52 25th Avenue Queens, NY 11357	20
Beverly Dubrino	457 FDR Drive #A702 New York, NY 10002	2
John Fuller	520 East 12th Street #6E New York, NY 10009	2
Harjinder Singh Duggal	94-27 Lefferts Blvd. Richmond Hill, NY 11419	28
Mary Fazio	1372 85th Street Brooklyn, NY 11228	43
Robert Howe	601 79th Street #D20 Brooklyn, NY 11209	43
Dennis J. Sedita	95 76th Street Brooklyn, NY 11209	43
Harold Finkelstein	70-05 Kissena Blvd. #1C Queens, NY 11367	24
Dorothy Goldberg	1274 East 72nd Street Brooklyn, NY 11234	46
Ruvyn Itskovich	2266 East 74th Street Brooklyn, NY 11234	46
Theodore G. Manassis	1852 Ryder Street Brooklyn, NY 11234	46
Peter P. Massaro	1674 East 38th Street Brooklyn, NY 11234	46
Eric Wollman	2209 East 28th Street Brooklyn, NY 11229	46
John P. Gordon	1226 Rosedale Avenue Bronx, NY 10472	18
Maria Ortiz	1594 Metropolitan Avenue #6E Bronx, NY 10462	18
Barbara J. Hollins	2289 5th Avenue #12T New York, NY 10037	9
Diane E. Kent	67 Pendleton Place Staten Island, NY 10301	49
Dorothy Merritt	1010 Sherman Avenue #4D Bronx, NY 10456	16
Jean Perone	530 Grand Street Blg E #1A New York, NY 10002	1
Richard R. Rathbun	297 Himrod Street #2 Brooklyn, NY 11237	37
Sharon Torres	310 East 70th Street #2L New York, NY 10021	5

Shelly-Ann O. Wilkinson	855 East 39th Street Brooklyn, NY 11210	45
Daniel D. Wright	1510 East 45th Street Brooklyn, NY 11234	45

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

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

- (1) **M 102 --** Transmitting recommendations of the interest rate to be charged for Fiscal Year 2011.
- (2) **M 163 & Res 300 --** Victoria Sammartino – As a member of the New York City Youth Board.
- (3) **Int 21-A --** Location of concessions within a park.
- (4) **Int 232 --** Amending the taxicab passengers' bill of rights.
- (5) **Int 233-A --** Reporting of overcharge complaints and enforcement actions by the taxi and limousine commission.
- (6) **Int 235-A --** Certain information to be collected by taxicab equipment and that such information be shared with the taxi and limousine commission upon request.
- (7) **Res 274 -** To establish that the discount percentage for early payment of real estate taxes be set at one percent (1.0%) per annum for Fiscal Year 2011.
- (8) **Res 275 --** To establish that the interest rate be 9% per annum for Fiscal Year 2011 for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.
- (9) **Res 276 --** To establish that the interest rate be 18% per annum for Fiscal Year 2011 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.
- (10) **Res 277 --** To establish that the interest rate to be charged for Fiscal Year 2011 for non-payment of water rents and sewer rents be 9% per annum for real property where the assessed value is not more than \$250,000, or not more \$250,000 per residential unit for cooperative apartments.
- (11) **Res 278 --** To establish that the interest rate to be charged for Fiscal Year 2011 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.
- (12) **SLR 3 --** **S.7735, A.10201**, establishing a bus lane demonstration program to enforce restrictions on the use of bus lanes by means of bus lane photo devices. **(Home Rule item requiring affirmative vote of at least two-thirds of the Council for passage)**
- (13) **SLR 4 --** **S.8083, A.11376**, determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2011. **(Home Rule item requiring affirmative vote of at least two-thirds of the Council for passage)**
- (14) **SLR 5 --** **S.2768-B, A.4317-B**, AN ACT to authorize the city of New York to discontinue use of and convey certain park land. **(Home Rule item requiring affirmative vote of at least two-thirds of the Council for passage)**
- (15) **SLR 6 --** **S.1861-D, A.8804-B**, increasing the fine for commercial vehicles that park on residential streets overnight. **(Home Rule item requiring affirmative vote of at least two-thirds of the**

- Council for passage)**
- (16) **SLR 7 --** **S.7858-A, A.11099-A**, imposing civil penalties for violations of the rules of the Brooklyn bridge park development corporation relating to the government and protection of park and recreational property held by such corporation. **(Home Rule item requiring affirmative vote of at least two-thirds of the Council for passage)**
- (17) **SLR 8 --** **S.3004-A, A.7383-A**, health insurance coverage for surviving spouses or domestic partners of members of the New York city department of correction or sanitation who are enrolled in a health insurance plan. **(Home Rule item requiring affirmative vote of at least two-thirds of the Council for passage)**
- (18) **SLR 9 --** **S.5631-A, A.10154**, effect of discharge or dismissal of a police officer or firefighter with twenty years of creditable retirement service. **(Home Rule item requiring affirmative vote of at least two-thirds of the Council for passage)**
- (19) **L.U. 83 & Res 287 --** App. **20105554 HAX**, UDAAP, 2023 Belmont Avenue, Council District no. 15, Borough the Bronx.
- (20) **L.U. 85 & Res 288 --** App. **20105556 HAM**, UDAAP, 30 West 119th Street, Council District no. 9, Borough of Manhattan.
- (21) **L.U. 99 & Res 289 --** App. **20105445 TCK**, Tres De Mexico LLC, unenclosed sidewalk café 372 Graham Avenue, Brooklyn, Council District no. 34.
- (22) **L.U. 100 & Res 290 --** App. **20105458 TCM**, 300 West 46th St. Corp., unenclosed sidewalk café 300 West 46th Street, Manhattan, CD 3.
- (23) **L.U. 104 & Res 291 --** App. **20105622 HAX**, UDAAP, 1434-8 Morris Avenue, Council District no. 16, Borough of the Bronx.
- (24) **L.U. 107 & Res 292 --** ULURP, app. **C 100155 HAK**, UDAADP, 277, 275 and 273 Kosciuszko Street and the disposition of such property, Brooklyn, CD 36.
- (25) **L.U. 108 & Res 293 --** ULURP, app. **C 100156 ZSK**, special permit Brooklyn, Council District no. 36 to facilitate the development of a 6-story community facility with sleeping accommodations.
- (26) **L.U. 109 & Res 294 --** App. **C 080157 ZMX** Zoning Map, Section No. 3d, changing from a C8-3 District to an R7-1 District and establishing within the proposed R7-1 a C2-4 District.
- (27) **L.U. 110 & Res 295 --** App. **20105516 HKM** (N 100278 HKR), 54 Port Richmond Avenue, as a historic landmark, Council District no. 49.
- (28) **L.U. 111 & Res 296 --** App. **20105517 HKM** (N 100281 HKM), 46 W. 55th Street, as a historic landmark, Council District no. 4.
- (29) **L.U. 112 & Res 297 --** App. **20105518 HKM** (N 100280 HKM), Brill Building, 1619 Broadway, as a historic landmark, Council District no.3.
- (30) **L.U. 113 & Res 298 --** App. **20105558 HKM** (N 100282 HKM), Upper East Side Historic District, Council District no. 4.
- (31) **L.U. 114 & Res 286 --** Bryant Mews, Block 3002, Lots 13,16, 20, Bronx, Council District No. 15. Mid-Bronx Plaza, Block 2938, Lot 49, Bronx, Council District No. 16
- (32) **L.U. 115 & Res 299 --** App. **20105712 HAK**, UDAAP, 433-441 De Witt Avenue, Council District no. 42, Borough of Brooklyn.
- (33) **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, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma,

Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **50**.

The General Order vote recorded for this Stated Meeting was 50-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 232**:

Affirmative – Arroyo, Barron, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **49**.

Abstention – Brewer – **1**.

The following was the vote recorded for **LU No. 111 & Res No. 296**:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Jackson, James, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **47**.

Negative - Halloran, Ignizio, and Koo – **3**.

The following was the vote recorded for **SLR No. 3**:

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, 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, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **46**.

Negative – Barron, Dilan, Halloran and Sanders – **4**.

The following was the vote recorded for **SLR No. 4**:

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Jackson, James, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Sanders, Seabrook, Vacca, Van Bramer, Vann, Weprin, Williams, Rivera, and the Speaker (Council Member Quinn) – **42**.

Negative – Barron, Halloran, Ignizio, Koo, Oddo, Rose, Ulrich, and Vallone, Jr. – **8**.

The following was the vote recorded for **SLR No. 6**:

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **49**.

Negative – Barron -**1**.

The following was the vote recorded for **SLR No. 9**:

Affirmative – Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – **49**.

Negative – Koppell – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 21-A, 232, 233-A, and 235-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. 169-A

Report of the Committee on Civil Rights in favor of approving, as amended, a Resolution calling on the United States Congress to pass language in the 2011 Defense Authorization Act that would repeal “Don’t Ask, Don’t Tell, Don’t Harass, Don’t Pursue” and to allow lesbian, gay, bisexual and transgendered persons to serve openly in the military.

The Committee on Civil Rights, to which the annexed amended resolution was referred on April 14, 2010 (Minutes, page 1359), respectfully

REPORTS:

I. INTRODUCTION

On June 8, 2010, the Committee on Civil Rights, chaired by Council Member Deborah Rose, and the Committee on Veterans, chaired by Council Member Mathieu Eugene, will hold a joint hearing on Proposed Resolution 169-A, which calls upon the United States Congress to pass language in the 2011 Defense Authorization Act that would repeal “Don’t Ask, Don’t Tell, Don’t Harass, Don’t Pursue” and to allow lesbian, gay, bisexual and transgendered persons to serve openly in the military.

II. BACKGROUND

During his ultimately successful presidential campaign in 1992, President Bill Clinton promised to allow gays and lesbians to serve openly in the U. S. military.¹ Faced with intense opposition within the Department of Defense (“DOD”), the Congress, and his own Joint Chiefs of Staff Chairman, President Clinton ultimately settled on a compromise in the form of the 1994 National Defense Authorization Act, also known as “Don’t Ask, Don’t Tell.”² It declared that the “presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.”³ Morphing from just a standing policy of the armed forces into a Federal statute, “Don’t Ask, Don’t Tell” permitted gays and lesbians to serve in the military as long as they did not disclose their sexual orientation and did not engage in homosexual conduct.⁴ The law also precluded military officials from inquiring as

for the Lower Ma_____

¹ Belkin, A., “Don’t Ask, Don’t Tell: Is the Gay Ban Based on Military Necessity?” *Parameters*, Summer 2003, at 108.

² *Id.*

³ U.S.C. § 654(a)(15).

⁴ “Financial Analysis of ‘Don’t Ask, Don’t Tell’: How much does the gay ban cost?” *Blue Ribbon Commission Report*, February 2006, at 4.

to the sexual orientation of a service member without credible information indicating homosexual tendencies, and prohibited harassment based on sexual orientation, whether real or perceived.⁵

Despite the military’s pledge to discontinue recruitment questions pertaining to sexual orientation and to end investigations of lesbian, gay and bisexual service members, the investigations endured.⁶ Flawed execution of the statute resulted in a large number of illegal investigations and discharges.⁷ In 1994, for example, the Navy instructed healthcare professionals to turn in patients who disclosed their sexual orientation,⁸ while that same year, former Air Force Judge Advocate General Richard A. Peterson instructed “investigators to question parents, siblings, school counselors, roommates and close friends of suspected gay service members.”⁹ Also in 1994, twenty-one service members stationed in Okinawa were illegally questioned about their sexual orientation and the sexual orientation of other service members, while the following year, over sixty women aboard the USS Simon Lake stationed in Sardinia were questioned about their sexual orientation.¹⁰ According to the United States Government Accountability Office (“GAO”), 615 service members were discharged in the first year of the enactment of “Don’t Ask, Don’t Tell.”¹¹ At its peak in 2001, the number reached 1,217 discharges before steadily decreasing as the United States prepared for war in Afghanistan and Iraq.¹² To date, approximately 13,500 service members have been discharged since 1994 due to their sexual orientation.¹³ The continued existence of this discriminatory law has also been blamed for compelling an average of 4,000 soldiers to voluntarily leave the armed forces each year.¹⁴

The prohibition of harassment appears to have been inadequately enforced, as was evidenced by the in 1999 murder of Private First Class Barry Winchell, who was beaten to death in his sleep after months of harassment by his peers for his perceived sexual orientation. This harassment was reported to his superiors but was not addressed.¹⁵ An internal investigation of anti-gay harassment in 2000 prompted the Pentagon to add “Don’t Harass” to the title of “Don’t Ask, Don’t Tell, Don’t Pursue,” so as to reinforce its zero-tolerance policy against harassment of any kind, including harassment based on sexual orientation, whether actual or perceived.¹⁶

III. THE COST OF “DON’T ASK, DON’T TELL”

In 2003, the GAO was called upon to estimate the fiscal implications of the administration of “Don’t Ask, Don’t Tell” up to that point, and to determine “the extent to which the policy has resulted in the separation of service members with critical occupations and important foreign language skills.”¹⁷ It released a report in 2005 entitled, “Financial Costs and Loss of Critical Skills Due to DOD’s Homosexual Conduct Policy Cannot Be Completely Estimated.” In the report, the GAO acknowledged the limitations resulting from its inability to collect cost data on “inquiries and investigations, counseling and pastoral care, separation functions and discharge reviews.”¹⁸ It also recognized the shortcomings resulting from its failure to review, for privacy reasons, personnel records and training histories.¹⁹ Nevertheless, based on recruitment costs associated with replacing personnel discharged due to homosexual conduct and the estimated training costs for the Army, Navy and Air Force, the GAO estimated the cost of “Don’t Ask, Don’t Tell” to be approximately \$190 million.²⁰ It also acknowledged that from fiscal year 1994 through fiscal year 2003, about 8 percent of service members discharged for homosexual conduct held such critical occupations as “voice interpreter,” “data processing technician,” or “interpreter/translator.”²¹ Three percent of those discharged had skills in such foreign languages as Arabic, Farsi and Korean.²²

In 2006, a year after the publication of the GAO report, a report issued by the University of California, Santa Barbara suggested that the GAO had underestimated the costs of discharge of gay service members by its failure to include the value of the service member’s pre-discharge service, the omission of various costs such as the training of officers and the use of unrealistic estimates.²³ The report, known as the Blue Ribbon Commission Report, found the cost of the implementation of “Don’t Ask, Don’t Tell” to be closer to \$363.7 million, assigning a cost of \$79.3 million to recruiting soldiers to replace those fired for homosexuality,

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⁵ Debbage Alexander, S. E. et al, “Conduct Unbecoming: The Tenth Annual Report on ‘Don’t Ask, Don’t Tell, Don’t Pursue, Don’t Harass,’” *SLDN*, 2004, at 14.

⁶ *Id.*, at 16.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*, at 18.

¹¹ GAO, “Financial Costs and Loss of Critical Skills Due to DOD’s Homosexual Conduct Policy Cannot Be Completely Estimated,” *Report to Congressional Requesters*, February 2005.

¹² *Id.*

¹³ Servicemembers Legal Defense Network, “A Guide to ‘Don’t Ask, Don’t Tell,’” Available at http://sldn.3cdn.net/4271a19140f4b8232e_5xm6ber50.pdf, accessed on June 3, 2010.

¹⁴ Gates, G., “Effects of ‘Don’t Ask, Don’t Tell’ on Retention Among Lesbian, Gay and Bisexual Military Personnel,” *The Williams Institute*, March 2007.

¹⁵ *Supra* note 5, at 20.

¹⁶ “The U.S. Military’s Discriminatory Policy: ‘Don’t Ask, Don’t Tell,’” *SolomonResponse.org*, <http://www.law.georgetown.edu/solomon/background.html>, accessed on January 24, 2008.

¹⁷ *Supra* note 11, at 1.

¹⁸ *Id.*, at 3.

¹⁹ *Id.*, at 2.

²⁰ *Id.*, at 3.

²¹ *Id.*, at 4.

²² *Id.*

²³ Blue Ribbon Commission Report, “Financial Analysis of ‘Don’t Ask, Don’t Tell’: How much does the gay ban cost?” *University of California, Santa Barbara*, February 2006, at 23.

\$252.4 million to train those replacements, \$17.7 million to training officers replacing those fired for homosexuality, and \$14.3 to separation travel.²⁴

In 2010, the Williams Institute, a think-tank at the University of California, Los Angeles School of Law, released an updated estimate on the cost of “Don’t Ask, Don’t Tell.”²⁵ Taking into account that an additional 3,279 discharges took place between 2003 and 2008, it concluded this policy had cost the United States government approximately \$555.2 million between 1994 and 2008.²⁶

IV. “DON’T ASK, DON’T TELL” AND VETERANS

Most service members who separate as a result of the “Don’t Ask, Don’t Tell” policy receive ‘administrative’ discharges, typically entitling them to full access to the services available to veterans, such as healthcare and education benefits.²⁷ According to former Secretary of Defense William Cohen, 82% of these service members made “purely voluntary” statements about their sexuality, leading to their separation.²⁸ However, if a service member is caught in the act or solicitation of homosexual activity, or if they legally contest an allegation to this effect or are court-martialed, they may be ‘punitively’ separated by way of a “dishonorable” or “bad conduct” discharge.²⁹ Under these types of discharges, veterans may be limited or barred entirely from receiving retirement income, healthcare through the Veterans Administration (VA), unemployment insurance, or being hired for certain types of occupations.³⁰ Service members may be administratively or punitively discharged for fraternization, regardless of their sexual orientation, if evidence of an improper sexual relationship between two service members based on ranks or duties in a unit is produced.³¹ Yet, specifically, gay service members may also be separated for engaging in homosexual activity with civilians on or off-duty, by accusations as such, and for the self-declaration of being gay.³²

IV. GAY INCLUSIVE MILITARIES

As previously stated, unit cohesion is a common justification for the enforcement of the “Don’t Ask, Don’t Tell” policy. An enduring irony of this rationale is, perhaps, the fact that American soldiers continue to fight alongside openly gay soldiers from some of the 24 nations that allow gays and lesbians serve openly in their armed forces, 12 of whom are taking part in Operation Enduring Freedom and nine in Operation Iraqi Freedom.³³ Four countries in particular – Britain, Australia, Canada and Israel – have lifted their bans on openly gay service members and have not demonstrated any evidence of “undermined military performance, readiness, cohesion...difficulties in recruiting or retention, or [an increase in] the rate of HIV infection among the troops.”³⁴ Many civilian academic experts on unit cohesion have concluded that precluding gays, lesbians and bisexuals from serving openly in the United States military not only has no positive impact on military readiness, it also has a negative affect on the public perception of the military.³⁵

V. CHANGING ATTITUDES

More than a decade after the enactment of “Don’t Ask, Don’t Tell,” attitudes concerning the inclusion of openly gay, lesbian and bisexual soldiers in the military have begun to shift. A CNN/Opinion Research Corporation poll taken in May 2010 revealed that 78 % of Americans support the inclusion of openly gay, lesbian or bisexual service members in the United States military.³⁶ Among service members themselves, the population that would be most impacted by a repeal of the law, a Zogby Poll conducted in December 2006 found that 73% of military personnel are comfortable with lesbians and gays, and that 23% of service members knew that someone in their unit was gay.³⁷

On January 2, 2007, Retired Army General John Shalikashvili, a former supporter of “Don’t Ask, Don’t Tell,” and the Chairman of the Joint Chiefs of Staff during its enactment, wrote an editorial arguing that the issue should be revisited and the ban should be removed.³⁸ He continues to be a vocal proponent of ending “Don’t Ask, Don’t Tell,” penning a column in the Washington Post in May 2010 which

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²⁴ *Id.*

²⁵ Williams Research Brief

²⁶ *Id.*

²⁷ *Id.*

²⁸ “More Gays Opting Out of the Military,” *Advocate.com*, April 8, 1998.

²⁹ Servicemembers Legal Defense Network, “Decided ‘Don’t Ask, Don’t Tell’ Cases”, Available at <http://sldn.bluestatedigital.com/pages/decided-dont-ask-dont-tell-cases>. Accessed on May 28, 2010.

³⁰ Zimmerman, Lavine, Zimmerman, and Sampson, P.C., “Helping Clients Deal with Discharge Problems,” Texas Military Criminal Defense Lawyers, accessed on May 28, 2010, available at <http://www.texasdefenselawyers.com/html/discharge-bad-conduct-discharge-dishonorable-discharge.html>.

³¹ Uniform Code of Military Justice, Article 92.

³² *Supra* note 29.

³³ Simpson, A., “Bigotry hurts the military,” *The Miami Herald*, March 18, 2007, at 5.

³⁴ Belkin, A., “Don’t Ask, Don’t Tell: Is the Gay Ban Based on Military Necessity?” *Parameters*, Summer 2003, at 110.

³⁵ Belkin, A., “‘Don’t Ask, Don’t Tell’: Does the Gay Ban Undermine the Military’s Reputation?” *Armed Forces & Society*, January 2008, at 288.

³⁶ Servicemembers Legal Defense Network “Polling Data on Gays and Lesbians in the U. S. Military,” Available at <http://www.sldn.org/templates/dadtr/record.html?section=143&record=1900>. Accessed on January 24, 2008.

³⁷ *Id.*

³⁸ Lubold, G. “Former JCS chairman: It’s time to give ‘don’t ask, don’t tell’ policy another look,” *Air Force Times*, January 15, 2007.

called for a swift repeal of the law. Earlier this year, in February 2010, one of General Shalikashvili’s predecessors, Retired General Colin Powell, who previously served as Chairman of the Joint Chiefs of Staff and as Secretary of State, joined the growing chorus of “Don’t Ask, Don’t Tell” opponents, expressing support for a repeal of the law.³⁹

VI. CHANGING PRACTICES

In his 2010 State of the Union address in January, President Barack H. Obama restated his campaign promise to repeal “Don’t Ask, Don’t Tell.”⁴⁰ The following month, Secretary of Defense Robert Gates and Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, appeared before the Senate Armed Services Subcommittee to call for a repeal of the law and to express their personal beliefs that gay men and women should be allowed to serve openly in the military.⁴¹ Though the discriminatory policy of “Don’t Ask, Don’t Tell” continues to remain on the books, there has been a significant decrease in the number discharges of gay, lesbian and bisexual soldiers since the United States entered Afghanistan in 2001.⁴² In 2009, for example, there were 428 discharges under Don’t Ask, Don’t Tell – a tragically high number but just over a third of the number of discharges in 2001.⁴³ Some parties, such as the Servicemembers Legal Defense Network (“SLDN”) have interpreted this decrease as an indication that sexual orientation is playing a less significant role in the recruitment of soldiers as the need for military personnel increases.⁴⁴ The decrease in discharges due to sexual orientation during war has historical precedent; as such, discharges have decreased during other major historical military mobilizations, including the Persian Gulf War, Vietnam, Korea and World War II.⁴⁵

Subsequent to his appearance before the Senate Armed Services Committee in February 2010, Secretary Gates announced a “fairer and more appropriate” enforcement of “Don’t Ask, Don’t Tell.”⁴⁶ Under these changes, a soldier’s expulsion from the military would require an officer of higher rank than was previously required; statements about a soldier’s sexual orientation would be given under oath to filter out information resulting from gossip and unsubstantiated rumors; and confidential information given to lawyers, clergy, psychotherapists and medical professionals could not be used to support discharges.⁴⁷

VII. LEGISLATIVE REPEAL OF DON’T ASK, DON’T TELL

On May 28, 2010, the House of Representatives passed the National Defense Authorization Act for Fiscal Year 2011 (H.R.5136), a bill authorizing more than \$567 billion in Pentagon programs and spending, and included an amendment repealing “Don’t Ask, Don’t Tell.”⁴⁸ Under the amendment, “Don’t Ask, Don’t Tell” would be repealed if the Pentagon’s Comprehensive Review Working Group completes a report, by December 1, 2010, on the ramifications of allowing openly gay members of the armed forces to serve openly and concludes that the repeal of “Don’t Ask, Don’t Tell” will not be disruptive.⁴⁹ This report will include surveys of service members and their families in order to review homosexuality in the military.⁵⁰ President Obama, the Secretary of Defense and the Chairman of the Joint Chiefs must review the report and certify that the repeal of “Don’t Ask, Don’t Tell” is consistent with military readiness and effectiveness and that the DOD is prepared to implement its repeal.⁵¹ The repeal would not take effect until 60 days after completion of the certification.⁵² As such, the repeal may not be implemented until late 2011.⁵³

On May 28, 2010, the Senate Armed Services Committee approved a similar amendment to the one passed by the House of Representatives. The Senate amendment included a conditional repeal of the military’s “Don’t Ask, Don’t Tell”

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³⁹ Baker, P., “Powell Favors Repeal of ‘Don’t Ask, Don’t Tell,’” *N.Y. Times*, February 3, 2010.

⁴⁰ Godlman, Russell, “Gays Applaud Obama for Pledge to Repeal ‘Don’t Ask, Don’t Tell,’” Available at http://abcnews.go.com/Politics/State_of_the_Union/gays-applaud-obama-pledge-repeal-dont-ask-dont-tell-policy-state-of-the-union/story?id=9687078. Accessed on June 3, 2010.

⁴¹ Bumiller, E., “Top Defense Officials Seek to End ‘Don’t Ask, Don’t Tell,’” *N.Y. Times*, February 3, 2010

⁴² Alvarez, L., “Gay Groups Renew Drive Against ‘Don’t Ask, Don’t Tell,’” *N.Y. Times*, September 14, 2006, at 18.

⁴³ “Burrelli, David F., “‘Don’t Ask, Don’t Tell’: The Law and Military Policy on Same-Sex Behavior”, Congressional Research Service, March 25, 2010.

⁴⁴ Shanker, T. and P. Healy, “A New Push to Roll Back ‘Don’t Ask, Don’t Tell,’” *N. Y. Times*, November 30, 2007.

⁴⁵ Servicemembers Legal Defense Network, “Why ‘Don’t Ask, Don’t Tell’ Should Be Repealed,” http://www.sldn.org/binary-data/SLDN_ARTICLES/pdf_file/3195.pdf, accessed on January 24, 2008.

⁴⁶ Carden, M., “Penatagon Changes ‘Don’t Ask, Don’t Tell’ Enforcement,” *Defense.gov News*, Available at <http://www.defense.gov/news/newsarticle.aspx?id=58476>. Accessed on June 3, 2010.

⁴⁷ *Id.*

⁴⁸ David M. Herszenhorn and Carl Hulse, *House Votes to Allow ‘Don’t Ask, Don’t Tell’ Repeal*, New York Times (May 27, 2010).

⁴⁹ *Id.*; H.Amdt.672 available at www.thomas.gov.

⁵⁰ Dao, J. “As ‘Don’t Ask’ Fades, Military Faces Thorny Issues,” *New York Times* (May 28, 2010).

⁵¹ H.Amdt.672 available at www.thomas.gov.

⁵² *Id.*

⁵³ *Supra* note 50.

policy attached to the National Defense Authorization Act for Fiscal Year 2011.⁵⁴ This bill is expected to go before the full Senate during the summer of 2010.⁵⁵

Although opponents of “Don’t Ask, Don’t Tell” are pleased with the votes by the House of Representatives and the Senate Armed Services Committee to repeal the measure, several concerns remain. To begin with, until 60 days after completion of the certification, the repeal measure will not preclude the military from continuing to discharge gay service members.⁵⁶ On the contrary, while the repeal process remains in limbo, gay soldiers will be forced to remain closeted.⁵⁷

VIII. SUMMARY OF PROPOSED RESOLUTION 169-A

Proposed Res. 169-A calls on the United States Congress to pass language in the 2011 Defense Authorization Act that would repeal “Don’t Ask, Don’t Tell, Don’t Harass, Don’t Pursue” and to allow lesbian, gay, bisexual and transgendered persons to serve openly in the military. It highlights the inherent inequities in the policy as well as the costs, both financially and with respect to talent, of its implementation. Proposed Res. 169-A also draws attention to the changing attitudes towards gays in the military at all levels, including the public, currently enlisted service members, and retired senior military officials. It concludes by expressing support for the inclusion of repeal language in the 2011 Defense Authorization Act, and by recognizing the invaluable contributions LGBT service members have made to our country’s safety since its naissance.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 169-A:)

Res. No. 169-A

Resolution calling on the United States Congress to pass language in the 2011 Defense Authorization Act that would repeal “Don’t Ask, Don’t Tell, Don’t Harass, Don’t Pursue” and to allow lesbian, gay, bisexual and transgendered persons to serve openly in the military.

By Council Members Van Bramer, Brewer, Chin, Dromm, Ferreras, Koppell, Koslowitz, Lander, Rodriguez, Rose, Speaker (Council Member Quinn), Nelson and Mendez.

Whereas, In 1993, Congress passed and the President signed legislation, 10 U.S.C. § 654 (1993), that contained a policy subsequently known as the Don’t Ask, Don’t Tell, Don’t Harass, Don’t Pursue (“Don’t Ask, Don’t Tell”) policy; and

Whereas, The initial intent of the “Don’t Ask, Don’t Tell” policy was to end anti-gay discrimination in the Armed Forces; and

Whereas, According to the Servicemembers Legal Defense Network (SLDN), under the formal “Don’t Ask, Don’t Tell” framework, commanders are not supposed to solicit and servicemembers are not required to disclose information regarding sexual orientation; and

Whereas, The SLDN states that under the “Don’t Ask, Don’t Tell” policy, a servicemember may be discharged from service if such member has said that he or she is homosexual or bisexual or has made some other statement that indicates a propensity or intent to engage in homosexual acts; and

Whereas, Despite the stated “Don’t Ask, Don’t Tell” policy, servicemembers are still asked whether or not they are gay and are not provided with legal protection when this question is addressed to them; and

Whereas, A 2010 report by the Michael D. Palm Center, a research institute at the University of California, Santa Barbara, concluded that the “Don’t Ask, Don’t Tell” caused lowered morale, weaker unit cohesion, forced dishonesty, the loss of talented personnel, compromised privacy and damage to the military’s reputation; and

Whereas, In a 2010 research brief, the William Institute, a think-tank that focuses on sexual orientation law and public policy, estimated that the Don’t Ask, Don’t Tell policy cost up to \$555.2 million between 1993 to 2008; and

Whereas, According to Servicemembers United, over 14,000 gay soldiers have been discharged since Congress adopted the “Don’t Ask, Don’t Tell” policy, including more than 800 mission-critical troops and at least 59 Arabic linguists and nine Farsi linguists; and

Whereas, A repeal of “Don’t Ask, Don’t Tell” is supported by several retired generals and admirals, including Major General Vance Coleman, Lieutenant General Claudia Kennedy, Brigadier General Evelyn Foote, Brigadier General Keith H. Kerr, Brigadier General Virgil A. Richard, Major General Charles Starr, Jr., and General

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⁵⁴ Press Release, U.S. Senate Committee on Armed Services, Senate Armed Services Committee Completes Markup of National Defense Authorization Act for Fiscal Year 2011 (May 28, 2010), available at <http://armed-services.senate.gov/press/NDAA%20FY11%20Markup%20Press%20Release.pdf>.

⁵⁵ *Supra* note 50.

⁵⁶ Tiron, R. “Senate Armed Services panel approves ‘Don’t ask, don’t tell’ repeal.” *The Hill*, available at <http://thehill.com/homenews/senate/100363-senate-panel-passes-dont-ask-dont-tell-repeal> (May 27, 2010).

⁵⁷ *Id.*

John Shalikashvili, who served as Chairman of the Joint Chiefs of Staff during the implementation of the policy; and

Whereas, Ex-Judge Advocate General Admiral John Huston (Retired) stated that the “Don’t Ask, Don’t Tell” policy detracts greatly from the esteem in which our military is held by other nations; and

Whereas, Twenty-four nations allow gay soldiers to serve openly in the military, twenty-two of whom are currently serving alongside American troops in Afghanistan and Iraq; and

Whereas, Neither the Central Intelligence Agency, the Federal Bureau of Investigations, the State Department, nor the civilian component of the Defense Department discriminate on the basis of sexual orientation; and

Whereas, A 2010 CNN/Opinion Outreach Corporation poll found that 78 percent of Americans support allowing openly gay soldiers to serve in the military; and

Whereas, Adding language to repeal “Don’t Ask, Don’t Tell” to the 2011 Defense Authorization Act would enhance the readiness of the armed forces by replacing an outdated law with a policy of nondiscrimination on the basis of sexual orientation; and

Whereas, President Barack Obama, who also serves as Commander-in-Chief of the Armed Forces, has repeatedly pledged his commitment to repealing this discriminatory policy; and

Whereas, The Council of the City of New York recognizes that lesbian, gay, bisexual and transgendered persons have served and are still serving in the U.S. armed forces with honor and distinction, from the Revolutionary War to the current wars in Afghanistan and Iraq; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass language in the 2011 Defense Authorization Act that would rescind “Don’t Ask, Don’t Tell, Don’t Harass, Don’t Pursue” and to allow lesbian, gay, bisexual and transgendered persons to serve openly in the military.

DEBORAH L. ROSE, Chairperson; LARRY SEABROOK, JULISSA FERRERAS, MARGARET S. CHIN, JAMES G. VAN BRAMER, Committee on Civil Rights, June 8, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Heading those in favor, the President Pro Tempore (Council Member Rivera) declared **Res. No. 169-A** to be adopted.

The following Council Members formally **objected** to the passage of this item: Council Member Greenfield.

The following Council Members formally **abstained** to vote on this item: Council Members Halloran, Ignizio, Koo, Mealy, Sanders, Vallone Jr., and Oddo.

Adopted by the Council by voice vote.

Report for voice-vote Res. No. 247-A

Report of the Committee on Community Development in favor of approving, as amended, a Resolution calling upon the United States Congress to amend the Community Reinvestment Act to provide credits to financial institutions that fund affordable middle-income housing construction projects that have stalled or suspended their activities due to a discontinuance of project funding.

The Committee on Community Development, to which the annexed amended resolution was referred on May 25, 2010 (Minutes, page 1917), respectfully

REPORTS:

Introduction

On Tuesday, June 8, 2010, the New York City Council’s Committee on Community Development, chaired by Council Member Albert Vann, passed Proposed Res. No. 247-A, calling upon the United States Congress to amend the Community Reinvestment Act to provide incentives to financial institutions to finance stalled affordable housing construction projects by a vote of 6 in the affirmative, with no abstentions.

Background

The current “Great Recession” strangling the nation’s economy has not spared the once bustling housing market of New York City. Less than three years ago, the City was experiencing one of its greatest building booms. However, due to the well-documented crisis within the finance and credit markets, many construction projects within the City have stalled shortly after commencement or have been suspended just short of completion. In non-recessionary periods, the City’s housing market is notoriously expensive. During the current financial crisis, securing affordable

housing by middle-income residents has become more difficult. Consequently, the Committee sought to address this issue in its consideration of Proposed Res. No. 247-A.

Reports indicate that nearly 600 construction sites, representing approximately 11,000 units of new housing, commercial and industrial space, are currently suspended, or stalled in the City¹. Discussing the need to address this growing trend, Mayor Bloomberg noted that, "Private developments that sit vacant or unfinished could have a destabilizing effect on our neighborhoods"². Speaker Quinn addressed the depths to which the stalled projects have affected communities within the City and stated, "The economic crisis has forced everyone to look for new and innovative solutions to age old problems" and added that, "The credit crunch has left buildings across our city empty, just waiting for someone to call them home"³. Due to market forces creating both the number and effect of the City's stalled projects, it seemed unlikely that this trend could be reversed in the near future. Therefore, a governmental response on the local level was forthcoming.

In July 2009, City leaders created a tangible response to the growing problem of stalled construction projects and their impact upon the City's middle-income home seekers and neighborhoods. The Mayor and Council devised the Housing Asset Renewal Program (HARP). HARP, a pilot program, was created with a \$20 million fund to convert "unsold condominiums, unrented apartments and stalled construction sites into affordable housing opportunities for moderate- and middle-income families"⁴. The program is a "market-based" program, designed to "gauge market interest"; it requires banks and developers to receive less money from a project than the bank or developer originally invested in the project⁵. The program's intention was to convert up to 400 housing units. To date however, the HARP pilot project has not converted any stalled units⁶. Instead, industry experts contend that banks will the stalled projects to remain idle, hoping and waiting for a day in time that the market makes the projects attractive to fund again⁷.

Similar to the local effort by the City to reduce the impact of stalled projects, it has been reported that statewide efforts to re-start stalled projects and likewise met market-based resistance⁸. Industry officials also raise the prospect that the negative impacts on property values and the state government's inexperience converting stalled projects into moderate-income housing are factors negatively affecting local and state efforts to reduce stalled projects⁹.

The Community Reinvestment Act (CRA)

The Community Reinvestment Act (CRA),¹⁰ enacted by Congress in 1977, was a response to perceived "redlining" and other discriminatory and disparate practices that left entire communities with extraordinarily few funding resources. The CRA was intended to encourage financial institutions, most notably banks and thrift institutions, to provide credit and other financial services to the communities from which these financial institutions received their deposits. The text of the CRA reads - "regulated financial institutions have a continuing and affirmative obligation to help meet the credit needs of the local communities in which they are chartered"¹¹. Federal regulators monitoring bank compliance must "assess the institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with safe and sound operation of such an institution"¹². A regulated institution can be rated outstanding, satisfactory, needs to improve and substantial noncompliance. Regulators utilize an institution's ratings when considering applications for chargers, or the approval of bank mergers, acquisitions and branch openings¹³.

The primary impact of the CRA is the public disclosure of an institution's ratings and performance in meeting the CRA's goal of servicing the community, which fills its balance sheet with deposits. While the CRA does not have absolute levels at which institutions must provide service, nor does it have mandated funding amounts, nor does it impose explicit penalties or fines for poor or neglectful performance of CRA goals, the CRA has become quite effective at changing the behavior of these lending institutions. As recounted by a congressional witness who previously served as a director of the Office of Thrift Supervision and as an Executive Vice President of a CDFI the "CRA has generated major changes in the manner in which banks and thrifts view and serve low- and moderate- income communities and consumers. Billions, perhaps trillions, of dollars of credit and investment has come into these communities spurred, incited, or directed by the act and collateral laws"¹⁴.

Proposed Res. No. 247-A

Proposed Res. No. 247-A seeks federal action as a solution to the stalled projects problem. Specifically, the Resolution calls upon Congress to provide incentives to regulated financial institutions to finance stalled construction projects of affordable middle-income housing. The incentive would be the award of credits to the ratings and performance of banks and thrifts within the Community Reinvestment Act evaluation process. The intent of the Resolution is to facilitate the execution of regulatory agreements between lenders and local housing agencies to provide affordable middle-income housing for families earning up to 130% of the Area Median Income (AMI) for rental units and 165% of the AMI for units for homeownership.

Section 28-b of the New York State Banking Law has a CRA-like statute along with regulations that implement it. The State Banking Department is intending to promulgate regulations that would allow for higher CRA-type credits to be earned by a bank or thrift institution in consideration of such factors as:

Whether the new owner has the support of the community, which may be demonstrated by working with a not-for-profit community development corporation;

The length of time that the units will be set aside for affordable, low-and moderate-income housing; and

The amount of the write-down that is over and above the amount the bank could have obtained if the set aside for low-and moderate-income tenants was not in place

Proposed Res. No. 247-A calls upon congress to amend the federal CRA to incorporate those factors as well into its required evaluation.

Congress' enactment of legislation in conformity with Proposed Res. No. 247-A could improve a financial institution's CRA rating and performance. Although the CRA rating does not guarantee any specific benefit to financial institutions rated as outstanding, CRA ratings are considered by regulators when determining whether a bank may expand or merge its operations.

Conclusion

The Committee's hearing examined the underlying issues addressed in Proposed Res. No. 247-A and ultimately, the merits of the proposed resolution itself. The Committee heard from a number of interested parties as it took under consideration this proposed Resolution.

¹ Anderson, Richard T, "Stalled Projects: Time To Get Moving", Crain's New York, May 30 2010, at http://www.craigslist.com/article/20100530/REAL_ESTATE02/305309998 as of June 3, 2010.

² Id.

³ Id.

⁴ Office of the Mayor Press Release, "News from the Blue Room", PR 317-09, July 8, 2009.

⁵ City Hall News, "One Year Later, Plan to Reverse Condo Boom A Bust", April 26, 2010, by Gentile, Sal, at <http://www.cityhallnews.com/newyork/article-1239-one-year-later-plan-to-reverse-condo-boom-a-bust.html> as of June 4, 2010.

⁶ The Wall Street Journal, May 12, 2010, "Vacant Luxury Apartments Could Come Within Reach", <http://blogs.wsj.com/metropolis/2010/05/12/will-nyc-vacant-luxury-apartments-go-affordable> as of June 3, 2010.

⁷ See note 5

⁸ Ibid.

⁹ New York Times, "City Seeks to Turn Stalled Projects Into Moderate- Income Housing", by Haughney, Christine, September 2, 2009.

¹⁰ The Community Reinvestment Act (CRA), enacted by Congress in 1977 (12 U.S.C. 2901) and implemented by Regulations 12 CFR parts 25, 228, 345, and 563e.

¹¹ Ellen Seidman, testimony before the Committee on Financial Services, U.S. House of Representatives, February 13, 2008.

¹² Ibid.

¹³ Office of the Comptroller of the Currency, <http://www.occ.treas.gov/crainfo.htm> as of June 4, 2010.

¹⁴ Ibid.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 247-A:)

Res. No. 247-A

Resolution calling upon the United States Congress to amend the Community Reinvestment Act to provide credits to financial institutions that fund affordable middle-income housing construction projects that have stalled or suspended their activities due to a discontinuance of project funding.

By Council Members Reyna, Vann, Chin, Dickens, Fidler, Lander, Mendez, Williams, White, Sanders, Dromm, Mark-Viverito, Koppell, Foster and Mealy.

Whereas, Currently pending in Congress is the Community Reinvestment Modernization Act of 2009 (HR 1479), which would amend the Community Reinvestment Act (12 U.S.C. 2901); and

Whereas, In 1977, the United States Congress enacted the Community Reinvestment Act (CRA) to encourage federally insured banks, thrift institutions, national banks, state-chartered commercial banks and savings banks to help meet the credit needs of all segments of their communities throughout the United States, including low and moderate-income communities, through appropriate lending practices; and

Whereas, Through the CRA, Congress requires regulated financial institutions to demonstrate that they serve the convenience and needs of the communities in which they are chartered to do business, and that the convenience and needs of communities include reasonable access to credit, as well as reasonable access to deposit services; and

Whereas, The CRA has proven to be a social and economic benefit for many communities in need, with more than one and a half trillion dollars having been made available to developers and non-profit groups through financial institutions that have been used to build such assets as affordable housing and medical clinics in underserved communities; and

Whereas, Although the CRA does not impose explicit penalties or fines for poor performance under the CRA, "the CRA has generated major changes in the

manner of which banks and thrifts view and serve low-and moderate-income communities and customers. Billions, perhaps trillions, of dollars of credit has come into these communities, spurred, incited, or directed by the act and collateral laws..." according to Ellen Seidman, the former director of the Office of Thrift Supervision at the Department of the Treasury; and

Whereas, Due to the current economic recession, often referred to as "The Great Recession", many financial institutions subject to CRA have significantly restricted their lending activity, especially among construction projects, resulting in a slow-down or a complete work stoppage on such projects; and

Whereas, The restrictive lending has led to many stalled construction sites across the City, including construction sites related to affordable low- and middle-income housing and construction sites that could be used to provide affordable and low- and middle-income housing; and

Whereas, In these extreme economic times it is important that the government make every tool available to help communities continue to sustain themselves, to grow and continue to maintain the highest quality of life possible; and

Whereas, Many communities contain stalled construction sites, which could be used to provide affordable low- and middle-income housing; and

Whereas, a reasonable method of converting stalled construction sites into affordable middle-income housing would be to amend the Community Reinvestment Act to encourage financial institutions to provide funding to developers and non-profit organizations, on fair terms, to complete stalled projects which could include both new financing and the re-negotiation of terms and existing loans, where the lender could execute a regulatory agreement with the local housing agency to provide affordable middle-income housing for families earning up to 130% of the Area Median Income (AMI) for rental units and 165% of the AMI for units for homeownership;

Whereas, New York State has a CRA like statute, section 28-b of the Banking Law, and regulations that implement the statute; and

Whereas, the State Banking Department is intending to promulgate regulations that would allow for higher CRA-type credits to be used upon such factors as:

1. Whether the new owner has the support of the community, which may be demonstrated by working with a not-for-profit community development corporation;
2. the length of time that the units will be set aside for affordable, low-and moderate-income housing; and
3. the amount of the write-down that is over and above the amount the bank could have obtained if the set aside for low-and moderate-income tenants was not in place; and

Whereas, the federal CRA law should incorporate these factors as well; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to amend the Community Reinvestment Act to provide credits to financial institutions that fund affordable middle-income housing construction projects that have stalled or suspended their activities due to a discontinuance of project funding

ALBERT VANN, Chairperson; DIANA REYNA, HELEN D. FOSTER, G. OLIVER KOPPELL, JAMES SANDERS JR., MELISSA MARK-VIVERITO, Committee on Community Development, June 8, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Heading those in favor, the President Pro Tempore (Council Member Rivera) declared **Res. No. 247-A** to be adopted.

The following 4 Council Members formally **abstained** to vote on this item: Council Members Halloran, Ignizio, Vallone Jr., and Oddo.

Adopted by the Council by voice vote.

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

Report for voice-vote Res. No. 264

Report of the Committee on State and Federal Legislation, in favor of approving, a Resolution calling upon the United States Congress to extend the Federal Medical Assistance Percentage (FMAP) for 6 months.

The Committee on State and Federal Legislation, to which the annexed amended resolution was referred on June 9, 2010, respectfully

REPORTS:

BACKGROUND:

Medicaid provides health and long-term care coverage to more than 59 million Americans, many of whom have no other form health care coverage and include vulnerable populations such as the elderly, disabled, and indigent families with children. States may design their own Medicaid programs within broad federal guidelines with the funding they receive from the Federal Medical Assistance Percentage (FMAP), which is a matching rate that determines the federal funding share for state Medicaid programs. The federal government matches state funds spent on Medicaid, based on the state's FMAP determination. New York State qualified for a 65-35% matching ratio, with the state contributing 35% of the funding level. Local governments also share with the state in Medicaid participation, and counties are mandated by the state to contribute approximately \$7 billion annually or about 32 percent of the non-federal (state) share of the State's Medicaid Program.

The America Recovery and Reinvestment Act (ARRA), passed by Congress in 2009, provided all states with a temporary increase in their FMAP for 27 months, ending December 31, 2010. Under ARRA, which provided \$87 billion in additional federal funding for states to help ease the burden of increased Medicaid reimbursements caused, in part, by the recession, New York State qualifies for the maximum FMAP percentage point increase of 11.5% to 61.5%. New York State's FMAP benefits are projected to total \$11.7 billion for the nine quarters of ARRA. New York City's share would be approximately \$1.6 billion over the same period. This funding protected the healthcare coverage of those in need and it is scheduled to end on December 31, 2010. On March 10, 2010, the United States Senate passed the American Workers, State, and Business Relief Act of 2010 (H.R. 4213), with a six-month extension of the Recovery Act's enhanced federal Medicaid match. This bill would have extended the increased FMAP for two additional quarters, through June 30, 2011. On May 28, 2010, the United States House of Representatives passed a renamed version of the bill, the American Jobs and Closing Tax Loopholes Act, also known as the "Jobs Bill", which omitted the FMAP extension.

In anticipation of this extension, States and municipalities assumed these funds in their budgets. New York State budgeted \$2.2 billion in its FY 2011 and out-year budgets. On May 6, 2010, New York City Mayor Michael Bloomberg released his Executive Budget for Fiscal 2011, in which he assumes the extension of FMAP. Accordingly, the budget reflects \$279 million in CFY 2011, \$61 million in CFY 2012, and \$269 million in CFY 2012, for a total of \$609 million in the next three years. If the FMAP extension is not approved by Congress, New York, along with at least 30 other states that have budgeted for the upcoming fiscal year, Fiscal 2011, on the assumption that Congress will approve a six-month extension to the enhanced FMAP, would be required to modify their budgets and adopt even deeper budget cuts and/or tax increases to accommodate the loss of funding. In light of New York State's current \$9.2 billion deficit, the repercussions of the State not getting its increased FMAP share would extend far beyond health care, likely forcing the State to make deep cuts to education, social services and public safety, which are all vital services in New York City. As the beginning of Fiscal 2011 approaches, timely passage of an extension of ARRA's enhanced FMAP would greatly assist New York State and New York City in maintaining an acceptable level of services and further stabilizing the economy.

PROPOSED LEGISLATION:

The proposed legislation calls upon the United States Congress to extend the Federal Medical Assistance Percentage (FMAP) for two quarters (six months) for the period of January 1st 2011 to June 30th, 2011.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This legislation would take effect immediately.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 264:)

Res. No. 264

Resolution calling upon the United States Congress to extend the Federal Medical Assistance Percentage (FMAP) for 6 months.

By The Speaker (Council Member Quinn), Council Members Recchia, Foster, Comrie, Rivera, Fidler, Dickens. Vann, Barron, Chin, Gentile, James, Koppell, Koslowitz, Lander, Mealy and Palma.

Whereas, Medicaid provides health and long-term care coverage to more than 59 million Americans; and

Whereas, States design their own Medicaid programs within broad federal guidelines; and

Whereas, The Federal Medical Assistance Percentage (FMAP) is a matching rate enacted in 1965 that determines the federal funding share for state Medicaid programs; and

Whereas, The federal government matches state funds spent on Medicaid, based on the state's FMAP; and

Whereas, In New York, local governments share with the state in Medicaid participation, and counties are mandated by the state to contribute approximately \$7 billion annually or about 32 percent of the non-federal share of the State's Medicaid Program; and

Whereas, The American Recovery and Reinvestment Act (ARRA), passed by Congress in 2009, provided all states with a temporary increase in their FMAP for 27 months, ending December 31, 2010; and

Whereas, Under ARRA, which provided \$87 billion in additional federal funding for states to help ease the burden of increased Medicaid reimbursements caused, in part, by the recession, New York State qualifies for the maximum FMAP percentage point increase of 11.5% to 61.5%; and

Whereas, New York State's FMAP benefits are projected to total \$11.7 billion for the nine quarters of ARRA; and

Whereas, New York City would receive \$1.6 billion over the same period; and

Whereas, While this funding protected the healthcare coverage of those in need, this funding ends on December 31, 2010; and

Whereas, On March 10, 2010, the United States Senate passed the American Workers, State, and Business Relief Act of 2010 (H.R. 4213) with a six-month extension of the Recovery Act's enhanced federal Medicaid match; and

Whereas, This bill would have extended the increased FMAP for two additional quarters, through June 30, 2011; and

Whereas, On May 6, 2010, New York City Mayor Michael Bloomberg released his Executive Budget for Fiscal 2011; and

Whereas, In such budget, the Mayor assumes the extension of FMAP and New York City's receipt of \$609 million of its \$1.6 billion share; and

Whereas, On May 28, 2010, the United States House of Representatives passed a renamed version of the bill, the American Jobs and Closing Tax Loopholes Act, which omitted the FMAP extension; and

Whereas, If the FMAP extension is not approved by Congress, New York, along with at least 30 other states that have budgeted for the upcoming fiscal year, Fiscal 2011, on the assumption that Congress will approve a six-month extension to the enhanced FMAP, would be required to modify their budgets and adopt even deeper budget cuts and/or tax increases to accommodate the loss of funding; and

Whereas, New York State currently has a \$9.2 billion deficit, and the repercussions of the State not getting its increased FMAP share would extend far beyond health care, likely forcing the State to make deep cuts to education, social services and public safety, which are all vital to New York City; and

Whereas, As the beginning of Fiscal 2011 approaches, timely passage of an extension of ARRA's enhanced FMAP would greatly assist New York State and New York City in maintaining services and further stabilizing the economy; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to extend the Federal Medical Assistance Percentage (FMAP) for 6 months.

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, LEWIS A. FIDLER, DOMENIC M. RECCHIA JR., ELIZABETH CROWLEY, Committee on State and Federal Legislation, June 9, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Heading those in favor, the President Pro Tempore (Council Member Rivera) declared **Res. No. 264** to be adopted.

Adopted unanimously by the Council by voice vote.

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

Report for voice-vote Res. No. 267

Report of the Committee on Public Safety, in favor of approving, a Resolution in support of pending legislation in the New York State Legislature, which would amend the Penal Law by creating the crimes of criminal obstruction of breathing or blood circulation and strangulation in the first and second degrees.

The Committee on Public Safety, to which the annexed resolution was referred on June 9, 2010, respectfully

REPORTS:

INTRODUCTION

On June 8, 2010, the Committee on Public Safety, chaired by Council Member Peter Vallone, will hold a public hearing on a pre-considered resolution supporting a bill, currently known as the Strangulation Prevention Act of 2010, S.6987-A (Eric Schneiderman) and A.10161-A (Joseph Lentol), which, was passed by the Senate on June 7, 2010 and delivered to the assembly. The bill would amend the Penal Law by creating the crimes of criminal obstruction of breathing or blood circulation, strangulation in the first degree, and strangulation in the second degree. In addition to amending the Penal Law, the bill would also amend parts of the criminal procedure law, the domestic relations law, the executive law, the family court act, the social services law, the mental hygiene law and the vehicle and traffic law – in order to make the laws of New York State consistent.

The Committee has invited representatives of New York City District Attorneys offices, the District Attorneys Association of the State of New York, women's groups, and domestic violence advocates to testify.

BACKGROUND

Domestic violence is a serious problem in the United States. In fact, according to a report released in 2000, one in every four women in the United States will experience a domestic violence incident in her lifetime.¹ No area of the country remains untouched by domestic violence, and New York City is no exception. In 2009, according to the New York City Mayor's Office to Combat Violence, the New York City Police Department (NYPD) responded to 250,349 domestic violence incidents within the city, an average of over 650 incidents per day.²

Domestic violence batterers use many ways, both physical and mental, to inflict pain on their victims. Physical abuse often takes the form of kicking, shoving, strangling and choking. Among these forms of attacks, the use of strangulation is prevalent in the United States. In fact, according to a survey conducted by the Journal of Emergency Medicine, approximately 68 percent of victims of domestic violence reported being strangled at least once by their partner.³ Ten percent of violent deaths that occur in the United States are caused by strangulations.⁴

Strangulation is a form of asphyxia and occurs when external pressure is applied to the neck causing closure of the blood vessels and/or air passages of the neck.⁵ Despite the extreme dangers of strangulation – just 11 pounds of pressure, applied for just 10 seconds can choke someone unconscious and more pressure can lead to death within minutes – it is possible that strangulation will leave few visible marks on a victim.⁶ New York State Penal Law requires physical injury for an assault charge, which is often difficult to prove in non-fatal strangulation cases. As a result, many batterers who strangle their victims may be charged with merely a violation, such as harassment in the second degree, unless there are the visible injuries required for an assault charge. The pre-considered resolution being heard today supports legislation that would change that.

State passage of the bill supported by the pre-considered resolution would close the "strangulation loophole" in New York and ensure that domestic violence perpetrators who strangle or choke their victims without causing physical injury are appropriately punished. By enacting such legislation, New York State would be on par with close to half of the states in the country that already have similar legislation.

There is wide support for the state legislation thus far. Supporters include New York State District Attorneys, domestic violence advocates, and domestic violence victims. During a recent press conference on the legislation, a domestic violence victim spoke about her negative experience with the existing New York State Laws.⁷ The victim recounted an incident in which her ex-husband had strangled her into unconsciousness to the point where she was later hospitalized.⁸ Even after the hospitalization, the batterer continued to abuse the victim. Despite the chronic abuse, the batterer was ultimately charged with harassment in the second degree which is a mere violation.⁹ The legislation supported by the pre-considered resolution seeks to prevent situations like this from occurring in the future.

Pre-considered resolution

The bill supported by the pre-considered resolution discussed today, S.6987-A/Schneiderman and A.10161-A/Lentol, was passed by the New York State Senate on June 7, 2010, and delivered to the New York State Assembly. The bill would amend the Penal Law by creating three new crimes: 1) criminal obstruction of breathing or blood circulation (which would be a class A misdemeanor), 2) strangulation in the first degree (which would be a class C felony), and 3) strangulation in the second degree (which would be a class D felony).

The crime of criminal obstruction of breathing or blood circulation would occur when normal breathing or blood circulation is intentionally impeded by suffocation or strangulation. The bill would further create the crime of strangulation in the second degree, which would occur when a defendant commits the crime of criminal obstruction of breathing or blood circulation, which causes the victim to suffer either stupor, loss of consciousness for any period of time, or any other physical injury or impairment. Finally, strangulation in the first degree would occur

when a defendant commits the crime of criminal obstruction of breathing or blood circulation, which causes serious physical injury to a victim.

Bill (S.6987-A/A.10161-A) would safeguard individuals who need to compress an airway for health reasons by creating an affirmative defense that would exclude conduct performed for valid medical or dental purposes from criminal liability.

State passage of the bill supported by the pre-considered resolution would close the “strangulation loophole” in New York and ensure that domestic violence perpetrators who strangle or choke their victims are appropriately punished. Almost half of the states in the country already have similar legislation.

CONCLUSION

The Committee on Public Safety looks forward to having a robust discussion on the pre-considered resolution. It is the committee’s hope that the legislation supported by the pre-considered resolution would protect victims of domestic violence by ensuring that batterers are punished appropriately for committing the serious crime of strangulation or choking and that such punishment will prevent future, possibly deadly, attacks.

¹ See “Domestic Violence Facts” National Coalition Against Domestic Violence available at: <http://www.ncadv.org/files/DomesticViolenceFactSheet%28National%29.pdf>

² See NYC Mayor’s Office to Combat Violence. Domestic Violence Fact Sheet Calendar Year 2009: http://www.nyc.gov/html/ocdv/downloads/pdf/2009_annual_DVFactSheet.pdf

³ Wilbur Lee and et al., Survey results of women who have been strangled while in an abusive relationship, *The Journal of Emergency Medicine*. October 2001.

⁴ Dorchen Leidholdt and Jane Manning, New York’s Choking Loophole, *The New York Times*, March 4, 2010.

⁵ See “Fact Sheet” The Center on Family Violence available at: http://www.sp2.upenn.edu/ortner/docs/factsheet_strangulation.pdf

⁶ Dorchen Leidholdt and Jane Manning, New York’s Choking Loophole, *The New York Times*, March 4, 2010.

⁷ “Domestic Violence Victims, Law Enforcement Officials and Advocates Join Senator Schneiderman To Support Strangulation Prevention Act” *Long Island Exchange* at <http://www.longislandexchange.com/press/2010/03/16/support-for-new-bill-strangulation-prevention-act-of-2010/>

⁸ *Id.*

⁹ Mike Whittemore, “Working to Change Domestic Violence Laws”, *YNN Buffalo*, March 16, 2010 and Penal Law Section 240.26

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 267:)

Res. No. 267

Resolution in support of pending legislation in the New York State Legislature, which would amend the Penal Law by creating the crimes of criminal obstruction of breathing or blood circulation and strangulation in the first and second degrees.

By Council Members Ferreras, Vallone, the Speaker (Council Member Quinn) and Council Members Garodnick, Rodriguez, Chin, Comrie, Dromm, Gentile, Jackson, Koppell, Lander, Reyna, Sanders, Van Bramer and Williams.

Whereas, Domestic violence is a serious problem in New York City; and

Whereas, In fact, in 2009, the NYPD responded to 250,349 domestic violence incidents, an average of over 650 incidents per day; and

Whereas, Domestic violence can manifest itself in a number of ways; and

Whereas, Domestic violence batterers, for instance, may strike, kick, shove, or strangle their victims in order to assert their control and power; and

Whereas, Strangulation is a form of asphyxia and occurs when external pressure is applied to the neck causing closure of the blood vessels and/or air passages of the neck; and

Whereas, According to the U.S. Department of Justice’s Institute of Justice, up to 68 percent of victims of domestic violence report being strangled at least once by their partner; and

Whereas, Despite the prevalence of intentional strangulation, which is considered by many to be more dangerous than punching, shoving and other kinds of abuse, the New York Penal Law does not classify strangulation as a separate crime; and

Whereas, Prosecutors often have trouble finding an appropriate Penal Law charge in strangulation cases because the conduct is intentional, and thus not considered reckless endangerment, yet does not cause physical injury in the manner required to make out an assault charge; and

Whereas, Under the current law, it is therefore likely that a batterer will only be charged with harassment in the second degree; and

Whereas, Harassment in the second degree is only a violation, and it is therefore likely under current law that intentional strangulation will be punished by no more than up to 15 days in jail and a fine of up to \$250; and

Whereas, Close to half the states in the country have laws specifically addressing intentional strangulation in order to close this loophole and offer tougher penalties for this conduct; and

Whereas, Senator Eric Schneiderman and Assemblyman Joe Lentol are the sponsors of S.6987-A and A.10161-A, respectively, which would amend the Penal Law by creating the crimes of criminal obstruction of breathing or blood circulation and strangulation in the first and second degrees; and

Whereas, These bills would create the crime of criminal obstruction of breathing or blood circulation, a class A misdemeanor, which would occur when a batterer intentionally impedes normal breathing or blood circulation by suffocating or strangling a victim; and

Whereas, The bills would further create the crime of strangulation in the second degree, a class D felony, which would occur when a batterer commits the crime of criminal obstruction of breathing or blood circulation, which causes the victim to suffer either stupor, loss of consciousness for any period of time, or any other physical injury or impairment; and

Whereas, Strangulation in the first degree, a class C felony, would also be created by these bills, and would occur when a batterer commits the crime of criminal obstruction of breathing or blood circulation, which causes serious physical injury to a victim; and

Whereas, S.6987-A and A.10161-A would safeguard individuals who need to compress an airway for health reasons by creating an affirmative defense that would exclude conduct performed for valid medical or dental purposes from criminal liability; and

Whereas, The New York State Legislature should pass these bills in order to close the strangulation loophole and hold batterers accountable for the harm they inflict on their victims; and

Whereas, Many batterers who cause victims significant injury escape punishment due to the present loophole in the law; now, therefore, be it

Resolved, That the Council of the City of New York supports pending legislation in the New York State Legislature, which would amend the Penal Law by creating the crimes of criminal obstruction of breathing or blood circulation and strangulation in the first and second degrees.

PETER F. VALLONE JR., Chairperson; ERIK MARTIN-DILAN, HELEN D. FOSTER, JAMES F. GENNARO, DANIEL R. GARODNICK, DAVID G. GREENFIELD, DANIEL J. HALLORAN, ERIC A. ULRICH, Committee on Public Safety, June 8, 2010.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Heading those in favor, the President Pro Tempore (Council Member Rivera) declared **Res. No. 267** to be adopted.

Adopted unanimously by the Council by voice vote.

INTRODUCTION AND READING OF BILLS

Int. No. 260

By The Speaker (Council Member Quinn).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the City Clerk to provide the public with certain information regarding same sex marriages.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-207.1 to read as follows:

§3-207.1 **Marriage notification.** a. *The city clerk shall prominently post the following information on the section(s) of the city clerk’s website, or any successor website maintained by or on behalf of the city clerk or a successor officer, relating to marriage, domestic partnerships or other similar subjects: (i) a list of all domestic and international jurisdictions that perform same sex marriages that would be recognized as valid marriages by the state of New York under current laws, rules and regulations, including contact information for the office(s) in such jurisdictions responsible for issuing marriage licenses; and, immediately below such list, (ii) the following text: “Lawfully married individuals, including individuals in same sex marriages, who were married in the jurisdictions listed above are entitled to all the state rights and benefits available to persons lawfully married in the state of New York. If you are considering entering into a marriage in one of the jurisdictions listed above, it is recommended that you contact that jurisdiction beforehand in order to learn about any applicable marriage requirements or restrictions.”*

b. All information required to be made available on the internet pursuant to this local law shall also be prominently displayed and distributed free of charge in hard copy at the marriage bureau in the city clerk's office.

c. The obligations of the city clerk under this section shall be continuing and the city clerk shall make all reasonable efforts to ensure that all information provided pursuant to this section is accurate and current and shall update such information as appropriate.

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

Referred to the Committee on Governmental Operations.

Res. No. 264

Resolution calling upon the United States Congress to extend the Federal Medical Assistance Percentage (FMAP) for 6 months.

By The Speaker (Council Member Quinn), Council Members Recchia, Foster, Comrie, Rivera, Fidler, Dickens, Vann, Barron, Chin, Gentile, James, Koppell, Koslowitz, Lander, Mealy and Palma.

Whereas, Medicaid provides health and long-term care coverage to more than 59 million Americans; and

Whereas, States design their own Medicaid programs within broad federal guidelines; and

Whereas, The Federal Medical Assistance Percentage (FMAP) is a matching rate enacted in 1965 that determines the federal funding share for state Medicaid programs; and

Whereas, The federal government matches state funds spent on Medicaid, based on the state's FMAP; and

Whereas, In New York, local governments share with the state in Medicaid participation, and counties are mandated by the state to contribute approximately \$7 billion annually or about 32 percent of the non-federal share of the State's Medicaid Program; and

Whereas, The American Recovery and Reinvestment Act (ARRA), passed by Congress in 2009, provided all states with a temporary increase in their FMAP for 27 months, ending December 31, 2010; and

Whereas, Under ARRA, which provided \$87 billion in additional federal funding for states to help ease the burden of increased Medicaid reimbursements caused, in part, by the recession, New York State qualifies for the maximum FMAP percentage point increase of 11.5% to 61.5%; and

Whereas, New York State's FMAP benefits are projected to total \$11.7 billion for the nine quarters of ARRA; and

Whereas, New York City would receive \$1.6 billion over the same period; and

Whereas, While this funding protected the healthcare coverage of those in need, this funding ends on December 31, 2010; and

Whereas, On March 10, 2010, the United States Senate passed the American Workers, State, and Business Relief Act of 2010 (H.R. 4213) with a six-month extension of the Recovery Act's enhanced federal Medicaid match; and

Whereas, This bill would have extended the increased FMAP for two additional quarters, through June 30, 2011; and

Whereas, On May 6, 2010, New York City Mayor Michael Bloomberg released his Executive Budget for Fiscal 2011; and

Whereas, In such budget, the Mayor assumes the extension of FMAP and New York City's receipt of \$609 million of its \$1.6 billion share; and

Whereas, On May 28, 2010, the United States House of Representatives passed a renamed version of the bill, the American Jobs and Closing Tax Loopholes Act, which omitted the FMAP extension; and

Whereas, If the FMAP extension is not approved by Congress, New York, along with at least 30 other states that have budgeted for the upcoming fiscal year, Fiscal 2011, on the assumption that Congress will approve a six-month extension to the enhanced FMAP, would be required to modify their budgets and adopt even deeper budget cuts and/or tax increases to accommodate the loss of funding; and

Whereas, New York State currently has a \$9.2 billion deficit, and the repercussions of the State not getting its increased FMAP share would extend far beyond health care, likely forcing the State to make deep cuts to education, social services and public safety, which are all vital to New York City; and

Whereas, As the beginning of Fiscal 2011 approaches, timely passage of an extension of ARRA's enhanced FMAP would greatly assist New York State and New York City in maintaining services and further stabilizing the economy; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to extend the Federal Medical Assistance Percentage (FMAP) for 6 months.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation.)

Int. No. 261

By Council Members Barron, Chin, James, Williams, Mark-Viverito and Palma.

A Local Law to amend the administrative code of the city of New York, in relation to increasing the number of general vendor licenses and food cart permits and REPEALING subparagraph (a) of paragraph 2 and paragraph 3 of subdivision b of section 17-307 and subdivision a of section 20-459.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. Street vendors are an indelible part of New York City's cultural landscape. For generations - dating back to the 1800s on the Lower East Side, and continuing today throughout all five boroughs - vending has provided new waves of immigrants the opportunity to contribute to the economic development of their neighborhoods, and to integrate into the New York City economy. Street vendors serve hundreds of thousands of New Yorkers and tourists every day. They are a source of pride and attraction, embodying the diversity, charm and vitality that make New York City so unique.

Vending not only adds to the commercial and cultural value of the City, but also provides vendors the opportunity to be self-sufficient, work legitimately, and support themselves and their families. Vending has historically enabled those with few or no other economic options - such as recent immigrants and small business entrepreneurs - to realize the American dream of advancing themselves through their own hard work, and to provide their children with greater opportunities than they had themselves.

Despite the importance of street vending to the City, its consumers, and its workers, the number of individual licenses for general vendors and cart permits for food vendors issued by the city of New York is woefully inadequate. There are over 10,000 unlicensed vendors who cannot get a license because there is a cap on the number of general vendor and food cart permits that can be given out. These caps have been fixed for a decades, and even the waiting lists - created in response to the demand for the limited supply of licenses - are now closed due to existing long lists and the lack of license turnover.

This restrictive licensing scheme harms both the vendors and the City. For the thousands of vendors who have no other viable option to earn a living but to vend, this system leaves them with no choice but to work without a license or permit, outside the regulatory system. At the same time, the caps force the City to forego potential tax revenue and licensing fees from vendors. The current excessively low caps also artificially prevent the free market from functioning efficiently, and allow some to capture unfair economic windfalls by monopolizing the limited number of licenses and permits, leasing them out for exorbitant fees. Raising the cap on licenses and permits would not affect the City's current preferences for veterans, its exemption for First Amendment vendors, or its system of closed streets, including, but not limited to, the provisions of §17-307(b)(3)(b) (veteran preferences), §20-473 (First Amendment vendors), and §17-315(1) (closed streets) of the administrative code.

The Council respects the need for people to earn a living, and the desire of unlicensed vendors to integrate into the existing regulatory system. The Council recognizes the benefit to the public of being able to regulate - through its health code, administrative code, and licensing process - the sale and hygiene of food and the sale of general merchandise on the streets. The Council appreciates the potential added revenue for the City that will come from broadening the city tax base. The Council acknowledges its past support for improving access to vending licenses as exemplified by Local Law 66 of 2005, which prohibited City officials from asking about an applicant's immigration or citizenship status as part of any vending permit or license application or renewal. Considering these factors, the Council finds the present caps on licenses to be harmful to vendors who are presently outside of the licensing system, detrimental to the public interest in regulation, and contrary to the Council's interest in promoting diversity, equality, justice, and entrepreneurship. Therefore, the Council finds that legislation removing the caps on the licenses issued to general vendors and permits granted for food carts is warranted.

§2. Subparagraph (a) of paragraph 2 of subdivision b of section 17-307 of the administrative code of the city of New York is hereby REPEALED and a new subparagraph (a) is added, to read as follows:

(a) The maximum number of full-term permits which may be in effect shall increase to twenty-five thousand. After the number of such permits that are in effect reaches twenty-five thousand, the maximum number of full-term permits shall increase by 5% on January 1 of the following year. Each year thereafter on January 1, the maximum number of full-term permits shall increase by 5%. Each personal license holder shall only be issued one full-term permit or one temporary permit. The applicants on the waiting list established by subparagraph (e) of paragraph 2 of subdivision b of this section shall have priority to receive such full-term permits.

§3. Subparagraph (e) of paragraph 2 of subdivision b of section 17-307 of the administrative code of the city of New York is amended to read as follows:

(e) The commissioner shall establish a separate waiting list for the issuance of full-term permits pursuant to this subchapter to be administered in accordance

with requirements to be established by rules of the commissioner. *The number of places on such waiting list shall be unlimited.*

§4. Paragraph 3 of subdivision b of section 17-307 of the administrative code of the city of New York is hereby REPEALED.

§5. Subdivision a of section 20-459 of the administrative code of the city of New York is hereby REPEALED and a new subdivision a is added, to read as follows:

a. *The maximum number of licenses which may be in effect shall increase to fifteen thousand. After the number of such licenses that are in effect reaches fifteen thousand, the maximum number of licenses shall increase by 5% on January 1 of the following year. Each year thereafter on January 1, the maximum number of licenses shall increase by 5%. Each personal license holder shall only be issued one license. The applicants on the waiting list established by subparagraph (e) of paragraph 2 of subdivision b of section 17-307 of this code shall have priority to receive such full-term permits.*

§6. This local law shall take effect thirty days after it is enacted into law.

Referred to the Committee on Consumer Affairs.

Res. No. 265

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, Assembly Bill A. 1610, an act to amend the tax law in relation to providing a deduction in determining personal income tax for the cost of textbooks at New York public and private colleges and universities.

By Council Members Barron, Chin, Gentile, James, Vann, Williams and Halloran.

Whereas, According to the Executive Order establishing the New York State Commission on Higher Education, all New York residents, businesses and community groups are vitally affected by the quality of higher education; and

Whereas, Specifically, higher education benefits its students by preparing them to meet the challenges of rapidly changing demographic, scientific, technological and economic trends in their chosen fields; and

Whereas, The rising costs of higher education, including the costs of tuition, books, and other education-related expenses at colleges and universities throughout the state, have made it increasingly difficult for working New Yorkers to bear the enormous financial burden of providing higher education for their children; and

Whereas, Assembly Bill A. 1610 was introduced in the New York State Assembly on January 7, 2009; and

Whereas, Assembly Bill A. 1610 would amend the determination of New York state personal income tax to enable qualified New York taxpayers to deduct from federal adjusted gross income the expenses incurred for textbooks for themselves or for qualified dependents attending public and private colleges and universities in New York State; and

Whereas, According to the Memorandum in Support of Assembly Bill A. 1610, the cost of college textbooks in New York State has also increased drastically over the past several years; and

Whereas, A recent study conducted by Senator Charles Schumer found that the typical freshman and sophomore in New York based colleges or universities spend an average of \$922 on required textbooks during the course of the academic year; and

Whereas, The tax deduction in Assembly Bill A. 1610 would help ease the financial burden of education for working New Yorkers and reduce the potential debt load for students; and

Whereas, Passing Assembly Bill A. 1610 would reaffirm New York State's commitment to higher education, which is so important to the economic and personal well-being of its citizens; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, Assembly Bill A. 1610, an act to amend the tax law in relation to providing a deduction in determining personal income tax for the cost of textbooks at New York public and private colleges and universities.

Referred to the Committee on Finance.

State Legislation Res. No. 3

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Dilan, S.7735, and Assembly Members Bing, Kellner, Rosenthal, Gottfried, Cusick, Brook-Krasny, Benedetto, Lancman, Markey, Schimel, Clark, Cymbrowitz, O'Donnell, Kavanagh, P. Rivera, A.10201, "AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one

million or more a bus lane demonstration program to enforce restrictions on the use of bus lanes by means of bus lane photo devices; and providing for the repeal of such provisions upon expiration thereof".

By Council Members Brewer, Foster, Fidler, Chin, Comrie, Lander, Lappin, Levin and Palma.

Whereas, bills have been introduced in the New York State Legislature by Senator Dilan, S.7735, and Assembly Members Bing, Kellner, Rosenthal, Gottfried, Cusick, Brook-Krasny, Benedetto, Lancman, Markey, Schimel, Clark, Cymbrowitz, O'Donnell, Kavanagh, P. Rivera, A.10201, "AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a bus lane demonstration program to enforce restrictions on the use of bus lanes by means of bus lane photo devices; and providing for the repeal of such provisions upon expiration thereof"; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation.)

Res. No. 266

Resolution calling upon the New York State Legislature to enact A. 10008/S. 6873, an act to amend the multiple dwelling law and the administrative code of the city of New York, in relation to clarifying certain provisions relating to occupancy of class A multiple dwellings to make it more difficult to illegally convert a dwelling unit to hotel use.

By Council Members Brewer, Barron, Chin, Foster, Gentile, Jackson, James, Koppell, Lander, Lappin, Palma, Reyna, Sanders, Williams, Nelson and Garodnick.

Whereas, Some landlords have been converting permanent residential apartments to illegal hotel use, exacerbating the severe shortage of affordable rental housing in the City of New York; and

Whereas, This practice is putting pressure on an already tight rental market; and

Whereas, The loss of those affordable units to illegal hotel use often results in the displacement of low and middle-income New Yorkers, severely disrupting the life of the communities where those units are located; and

Whereas, According to the 2008 New York City Housing and Vacancy Survey (HVS), the citywide vacancy rate for rental apartments was only 2.88 percent; and

Whereas, Illegal hotel use may also jeopardize the health, safety and quiet enjoyment of the homes of regular tenants; and

Whereas, The City has seen recent losses in affordable housing due to withdrawals from the Mitchell-Lama and project-based Section 8 programs, and the loss of rent-regulated housing; and

Whereas, Funding for the construction of new affordable housing has not kept pace with New York City's needs; and

Whereas, Affordable housing programs keep neighborhoods economically diverse and vibrant by allowing low to middle-income New Yorkers to remain long residents of the City; and

Whereas, The City must ensure that the affordable housing stock is not further depleted by the illegal use of apartments as hotels; and

Whereas, Some of the City's efforts to enforce existing laws regarding these "illegal hotels" have been hampered by a lack of clear and concise language in the Multiple Dwelling Law; and

Whereas, A. 10008/S. 6873 would clarify ambiguous language in the Multiple Dwelling Law, which has allowed some owners to continue running "illegal hotels"; and

Whereas, A. 10008/S. 6873 would define the term "permanent residence purposes" as occupancy by a natural person or family for at least thirty consecutive days, not corporations or other entities; and

Whereas, A. 10008/S. 6873 would allow only permanent occupants of a dwelling unit to authorize occupancy in the dwelling unit for less than thirty days to lawful boarders, roomers, or house guests, not an owner; and

Whereas, The enactment of A. 10008/S. 6873 would help the City begin effective enforcement against illegal hotels and help end the illegal conversion of affordable rental housing to hotel use; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact A. 10008/S. 6873, an act to amend the multiple dwelling law and the administrative code of the city of New York, in relation to clarifying certain provisions relating to occupancy of class A multiple dwellings to make it more difficult to illegally convert a dwelling unit to hotel use.

Referred to the Committee on Housing and Buildings.

Int. No. 262

By Council Members Cabrera, Brewer, Foster, James, Lander, Palma, Reyna, Sanders and Mark-Viverito.

A Local Law to amend the administrative code of the city of New York, in relation to reducing unnecessary artificial lighting in lobbies and hallways.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. The Council finds that current egress illumination requirements for lobbies and hallways under the New York City Building Code result in the artificial lighting of egress spaces which are either sufficiently lit by natural lighting or which are unoccupied. The Council therefore finds that energy could be saved by reducing such excessive lighting requirements for such spaces.

§2. Sections 1006.1 and 1006.2 of the New York City building code are amended to read as follows:

1006.1 Illumination Required. Exits, exit discharges, and public corridors shall be illuminated at all times *by either natural light or electrical lighting fixtures.* Exit access components shall be illuminated *by either natural light or electrical lighting fixtures* at all times [during occupancy] *that the space served by the exit access component is occupied.*

Exceptions:

1. Occupancies in Group U.
2. Aisle accessways in Group A.
3. Dwelling units and sleeping units in Groups I-1, R-1, R-2 and R-3.
4. Sleeping units of Group I occupancies.

1006.2 Illumination level. The means of egress illumination level shall not be less than [2 foot-candles (22 lux) at the floor level in exits, at exit discharges, and in public corridors, and shall not be less than 1 foot-candle (11 lux) at the floor level in exit access components other than public corridors] *1 foot-candle (11 lux) at the walking surface level.*

Exceptions:

1. For auditoriums, theaters, concert or opera halls and similar assembly occupancies, the illumination at the floor level is permitted to be reduced during performances to not less than 0.5 foot-candle (5.38 lux) for aisles and cross aisles, and 0.2 foot-candle (2.15 lux) for other portions of the space, provided that the required illumination is automatically restored upon activation of a premise's fire alarm system where such system is provided. Step lights shall be provided in accordance with Section 1024.11.4.
2. Safe areas in assembly occupancies shall be illuminated in accordance with Section 1024.17.3.2.
3. Open exterior spaces used to receive occupants as Class 1 or 2 exits in assembly occupancies shall be illuminated in accordance with Section 1024.17.4.
4. *In exits in existing buildings that contain photoluminescent exit path markings tested in laboratory conditions with 2 foot-candles (22 lux) of activating illumination, the illumination level shall not be less than 2 foot-candles (22 lux).*

§3. Section 1006 of the New York city building code is amended by adding a new section 1006.2.1 to read as follows:

1006.2.1 Sensors and Controls. *Automatic, occupant sensor or photo-sensor lighting controls shall be permitted within means of egress, provided that the illumination level is not reduced to a level below the minimum requirements of section 1006.2.*

§4. This local law shall take effect on January 1, 2011, except that the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 263

By Council Members Dickens, Brewer, Comrie, Foster, James, Lander, Williams, Mark-Viverito and Lappin.

A Local Law to amend the New York city plumbing code, in relation to reducing the waste of drinking water for cooling.

Be it enacted by the Council as follows:

Section 1. Section PC 202 of the New York city plumbing code is amended by adding a certain definition to be placed in the appropriate alphabetical order to read as follows:

ONCE-THROUGH COOLING. *The use of potable water to cool a condenser, or other process equipment or building equipment, and then discharging the water to a sanitation drain. Once-through cooling also includes the use of potable water to temper hot water or steam before discharging to a sanitation drain.*

§2. Chapter 4 of the New York city plumbing code is amended by adding a new section PC 428 to read as follows:

**SECTION PC 428
PROHIBITED WATER USES**

428.1 Prohibited potable water uses. *Potable water shall not be permitted for those uses prohibited by this section.*

428.1.1 Potable water prohibited for once through cooling. *Potable water shall not be used for once-through cooling. Equipment such as ice-making machines, walk-in coolers, refrigerated walk-in boxes, or environmental air conditioning equipment shall be provided with air cooled condensers or recirculating condenser water systems, or supplied with non-potable water as permitted by Appendix C of this code.*

Exception:

Once-through water-cooled ice makers producing less than 500 pounds of ice per day at Standard Rating Conditions as specified in ARI Standard 810-2006 shall be exempt.

§3. This local law shall take effect on January 1, 2011, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 264

By Council Members Eugene, Foster, James, Lander, Palma, Mark-Viverito and Nelson.

A Local Law to amend the New York city plumbing code, in relation to drinking fountains.

Be it enacted by the Council as follows:

Section 1. Section 410.1 of the New York city plumbing code, as added by local law number 33 for the year 2007, is amended to read as follows:

**SECTION PC 410
DRINKING FOUNTAINS**

410.1 Approval. *Drinking fountains shall dispense potable water that may be drunk without using a cup, and which shall be dispensed at such an angle so as to prevent the mouths and noses of persons drinking from such fountains from coming into contact with the water outlet, and which shall also contain a separate faucet or other outlet suitable for filling a bottle that is at least 10 inches high with potable water.* Drinking fountains shall conform to ASME A112.19.1M, ASME A112.19.2M or ASME A112.19.9M, and water coolers shall conform to ARI 1010. Drinking fountains and water coolers shall conform to NSF 61, Section 9. Where water is served in restaurants, drinking fountains shall not be required. In other occupancies, where drinking fountains are required, [bottled water dispensers] *where potable water is readily available to all users of a space and may be dispensed for filling cups, or bottles which are at least 10 inches high, through water coolers or faucets, equipment or devices providing purified water, other than such faucets, equipment or devices located in restrooms and equipment or devices that dispense water in individual bottles, one bottle at a time, such water coolers, faucets, equipment or devices shall be permitted to be substituted for not more than 50 percent of the required drinking fountains.*

§2. This local law shall take effect on January 1, 2011, except that the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 267

Resolution in support of pending legislation in the New York State Legislature, which would amend the Penal Law by creating the crimes of criminal obstruction of breathing or blood circulation and strangulation in the first and second degrees.

By Council Members Ferreras, Vallone Jr., the Speaker (Council Member Quinn) and Council Members Garodnick, Rodriguez, Chin, Comrie, Dromm, Gentile, Jackson, Koppell, Lander, Reyna, Sanders, Van Bramer and Williams.

Whereas, Domestic violence is a serious problem in New York City; and

Whereas, In fact, in 2009, the NYPD responded to 250,349 domestic violence incidents, an average of over 650 incidents per day; and

Whereas, Domestic violence can manifest itself in a number of ways; and

Whereas, Domestic violence batterers, for instance, may strike, kick, shove, or strangle their victims in order to assert their control and power; and

Whereas, Strangulation is a form of asphyxia and occurs when external pressure is applied to the neck causing closure of the blood vessels and/or air passages of the neck; and

Whereas, According to the U.S. Department of Justice's Institute of Justice, up to 68 percent of victims of domestic violence report being strangled at least once by their partner; and

Whereas, Despite the prevalence of intentional strangulation, which is considered by many to be more dangerous than punching, shoving and other kinds of abuse, the New York Penal Law does not classify strangulation as a separate crime; and

Whereas, Prosecutors often have trouble finding an appropriate Penal Law charge in strangulation cases because the conduct is intentional, and thus not considered reckless endangerment, yet does not cause physical injury in the manner required to make out an assault charge; and

Whereas, Under the current law, it is therefore likely that a batterer will only be charged with harassment in the second degree; and

Whereas, Harassment in the second degree is only a violation, and it is therefore likely under current law that intentional strangulation will be punished by no more than up to 15 days in jail and a fine of up to \$250; and

Whereas, Close to half the states in the country have laws specifically addressing intentional strangulation in order to close this loophole and offer tougher penalties for this conduct; and

Whereas, Senator Eric Schneiderman and Assemblyman Joe Lentol are the sponsors of S.6987-A and A.10161-A, respectively, which would amend the Penal Law by creating the crimes of criminal obstruction of breathing or blood circulation and strangulation in the first and second degrees; and

Whereas, These bills would create the crime of criminal obstruction of breathing or blood circulation, a class A misdemeanor, which would occur when a batterer intentionally impedes normal breathing or blood circulation by suffocating or strangling a victim; and

Whereas, The bills would further create the crime of strangulation in the second degree, a class D felony, which would occur when a batterer commits the crime of criminal obstruction of breathing or blood circulation, which causes the victim to suffer either stupor, loss of consciousness for any period of time, or any other physical injury or impairment; and

Whereas, Strangulation in the first degree, a class C felony, would also be created by these bills, and would occur when a batterer commits the crime of criminal obstruction of breathing or blood circulation, which causes serious physical injury to a victim; and

Whereas, S.6987-A and A.10161-A would safeguard individuals who need to compress an airway for health reasons by creating an affirmative defense that would exclude conduct performed for valid medical or dental purposes from criminal liability; and

Whereas, The New York State Legislature should pass these bills in order to close the strangulation loophole and hold batterers accountable for the harm they inflict on their victims; and

Whereas, Many batterers who cause victims significant injury escape punishment due to the present loophole in the law; now, therefore, be it

Resolved, That the Council of the City of New York supports pending legislation in the New York State Legislature, which would amend the Penal Law by creating the crimes of criminal obstruction of breathing or blood circulation and strangulation in the first and second degrees.

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

Int. No. 265

By Council Members Fidler, Barron, Brewer, Chin, Dickens, Foster, Gentile, Gonzalez, James, Koppell, Nelson, Palma, Sanders, Williams, Mark-Viverito and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to comprehensive tracking of emergency medical service response times.

Be it enacted by the Council as follows:

Section 1. The Fire Department currently tracks and reports on the duration of time between when an emergency call is received and when emergency medical service arrives at the street address of a suspected medical emergency. This data, however, presents an incomplete picture of the city's emergency medical service because there may be considerable delay between arrival at a building and arrival at a particular apartment or floor where a medical emergency may be occurring, particularly in high-rise buildings.

The Council finds that more comprehensive tracking of emergency medical service response times will permit the City to better plan for and respond to medical emergencies. Accordingly, the Council declares that it is reasonable and necessary to require the tracking of the response times to the actual location of medical emergencies.

§2. Chapter one of title 15 of the administrative code of the city of New York is amended by adding a new section 15-129 to read as follows:

§15-129 Tracking of emergency medical service response times. The department shall track the duration of time between a request to a 911 operator for an emergency medical response and the arrival of the first responding emergency medical service personnel at the required location. For purposes of this section, required location shall mean the actual location of the individual in need of emergency medical assistance. The commissioner shall submit a quarterly report to the council, detailing the average response times for such medical emergencies, for the city and for each borough.

§3. This local law shall take effect 90 days after enactment.

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 268

Resolution supporting H.R. 2410, the Foreign Relations Authorization Act, which calls upon the United States government to work with Russia and the former republics of the Soviet Union to facilitate payment of unpaid pensions to former Soviet Union émigrés now living in the United States.

By Council Members Fidler, Greenfield, Nelson, Recchia, Brewer, Chin, Gentile, Koslowitz, Lander, Williams and Halloran.

Whereas, In 2006, *The New York Times* reported that there were about 700,000 people living in the United States who were born in Russia and the former republics of the Soviet Union; and

Whereas, Over 250,000 people living in New York City are of Russian ancestry, according to recent statistical data from the U.S. Census Bureau; and

Whereas, The current pension laws of Russia preclude the vast majority of émigrés from receiving pension payments, and remain unchanged despite a decision by the Constitutional Court of the Russian Federation that these laws are unconstitutional and discriminatory; and

Whereas, Furthermore, none of the other former Soviet republics pay pensions to retired workers living in the United States; and

Whereas, For several years, Congressman Jerrold Nadler (D-NY) and the New York City Comptroller's Office have reached out to the Russian Federation and other former republics of the Soviet Union to address the issue of unpaid pensions to retirees that live in New York City and other areas throughout the United States; and

Whereas, On June 10, 2009, the U.S. House of Representatives passed H.R. 2410, the Foreign Relations Authorization Act, which includes a provision by Congressman Nadler that calls upon the United States to work with the nations of the former Soviet Union in order to facilitate payment of pensions to former Soviet Union émigrés now living in the United States; and

Whereas, Section 1128 of H.R. 2410 states that "It is the sense of Congress that the United States should continue working with the states of the former Soviet Union to come to an agreement whereby each state of the former Soviet Union would pay the tens of thousands of beneficiaries who have immigrated to the United States the pensions for which they are eligible and entitled;" and

Whereas, On June 22, 2009, H.R. 2410 was referred to the House Committee on Foreign Relations for consideration, but currently, there is no Senate companion bill; and

Whereas, The withholding of pension payments has been perceived as a socio-economic injustice upon former residents of Russia and the former Soviet Republics currently residing in the City of New York and throughout the United States, many of whom rely heavily on the modest monthly Supplemental Security Income; and

Whereas, The failure of Russia and the other former Soviet republics to pay the pensions is tantamount to a violation of basic human rights, according to the Association of New Immigrants for the State of Israel and Social Justice, a Brooklyn-based organization; now, therefore, be it

Resolved, That the Council of the City of New York supports H.R. 2410, the Foreign Relations Authorization Act, which calls upon the United States government to work with Russia and the former republics of the Soviet Union to facilitate payment of unpaid pensions to former Soviet Union émigrés now living in the United States.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Res. No. 269

Resolution calling upon the New York State Legislature to introduce and pass legislation that would reduce the threshold amount of child support arrears due and owing before drivers, professional, occupational, business, and recreational licenses of a child support obligee can be suspended from the equivalent of four months of arrears to the equivalent of two months of arrears.

By Council Members Fidler, Brewer, Chin, James, Palma and Reyna.

Whereas, Child support helps parents promote the well being and development of their children; and

Whereas, The federal government enacted a Child Support Enforcement program in 1975 as a federal/state/local partnership to strengthen families by securing financial support from non-custodial parents and to lower government costs of providing cash welfare to families with absent parents; and

Whereas, According to the latest numbers available, the Federal Office of Child Support Enforcement reports that during Fiscal Year (FY) 2008 the total amount of support due was over \$31 billion of which \$19 billion was collected and distributed leaving a total of \$12 billion due for FY 2008; and

Whereas, In total there are over \$105 billion in arrearages reported for all fiscal years and of these \$8 billion was collected and distributed during FY 2008, which represents an increase of over 13 percent from distributions in FY 2007; and

Whereas, According to the same report, in the State of New York \$1,745,959,524 of child support was due in FY 2008 of which \$1,156,873,413 was collected and distributed; and

Whereas, A total of \$4,667,659,400 in arrears are due in New York State alone; and

Whereas, The New York City Human Resources Administration reports that in January 2010, \$54,506,000 was collected in child support payments; and

Whereas, Non-payment of child support obligations is generally detrimental to children; and

Whereas, Punitive measures such as garnishing of wages, unemployment compensation interception, and state or federal income tax refund offsets were created to increase the likelihood that non-custodial parents would comply with child support orders issued by the courts; and

Whereas, Additional consequences include the suspension of drivers, professional, occupational, business, and recreational licenses; and

Whereas, Current New York State Domestic Relations Law allows for the suspension of these licenses if the equivalent of four months of arrears is outstanding; and

Whereas, If the threshold amount of arrears accrual before licenses can be revoked is reduced from the equivalent of four months of arrears to the equivalent of two months of arrears, it will help to ensure that custodial parents have the financial support to provide for their children by providing an additional incentive for non-custodial parents to pay their obligations promptly; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to introduce and pass legislation that would reduce the threshold amount of child support arrears due and owing before drivers, professional, occupational, business, and recreational licenses of a child support obligee can be suspended from the equivalent of four months of arrears to the equivalent of two months of arrears.

Referred to the Committee on General Welfare.

Res. No. 270

Resolution calling upon the Governor and State Legislature to augment the state's welfare policies with both a wage supplement program, which would provide cash payments on top of earnings from wages, and an increase in the earned income disregard, which would allow welfare participants with earnings to keep more of their wages.

By Council Members Foster, Barron, James, Palma, Sanders, Vann and Williams.

Whereas, As of January 2010, the City's Human Resources Administration

("HRA") had 353,330 individuals on public assistance; and

Whereas, Presently, public assistance recipients in New York City are faced with disincentives to obtain employment, as many of those who leave public assistance for full-time work earn low wages that keep them at or below the poverty guidelines, and many of those who remain on public assistance but work part time see their welfare grants reduced considerably due to their increased income; and

Whereas, According to HRA, the average wage earned by a person placed into a job through HRA in April 2010 was between \$8 to \$9 per hour, which amounts to an annual salary of between \$14,560 and \$16,380 before taxes; and

Whereas, The 2010 national poverty guideline for a family of two is \$14,570 and is \$18,310 for a family of three; and

Whereas, Comparing the income levels of those placed into jobs through HRA to the poverty guidelines reveals that these income levels are below the poverty level; even without taking household composition into account these numbers demonstrate that significant needs will arise for individuals and families without a wage supplement program and an increase in the earned income disregard; and

Whereas, Individuals who leave public assistance for low-paying jobs, and family members who depend on them, are liable to suffer an income vacuum if new salaries fail to match previous public assistance benefits; and

Whereas, Wage supplement programs, which supplement workers' earnings to raise household incomes, provide necessary financial relief for individuals who leave public assistance for work; and

Whereas, A wage supplement program could be funded through the use of federal Temporary Assistance for Needy Families dollars; and

Whereas, Many individuals who obtain part time employment and remain on public assistance do not see their incomes increase significantly because their public assistance benefits are reduced to account for the additional income; and

Whereas, While the state does allow for an "earned income disregard," which is a formula to disregard a percentage of earnings, based on the Consumer Price Index, New York's current earned income disregard is insufficient because it permits welfare grant reductions before a recipient's total income reaches the national poverty level; and

Whereas, Revising New York's earned income disregard formula so that 100 percent of earned income is disregarded when calculating public assistance grant amounts until the recipient's total income reaches the poverty level would benefit many low income New Yorkers; and

Whereas, Wage supplements and an increased earned income disregard, whether implemented separately or concurrently, would encourage employment, effect higher wages, and contribute to reductions in poverty; now, therefore, be it

Resolved, That Council of the City of New York calls upon the Governor and State Legislature to augment the state's welfare policies with both a wage supplement program, which would provide cash payments on top of earnings from wages, and an increase in the earned income disregard, which would allow welfare participants with earnings to keep more of their wages.

Referred to the Committee on General Welfare.

State Legislation Res. No. 4

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Krueger, S.8083, and the Committee on Rules (at request of Assembly Member Farrell), A.11376, "AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2011".

By Council Members Foster, Comrie, James and Palma.

Whereas, bills have been introduced in the New York State Legislature by Senator Krueger, S.8083, and Committee on Rules (at request of Assembly Member Farrell), A.11376, "AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2011"; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation.)

State Legislation Res. No. 5

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Onorato, S.2768-B, and Assembly Member Gianaris, A.4317-B, “AN ACT to authorize the city of New York to discontinue use of and convey certain park land”.

By Council Members Foster, Comrie and Palma.

Whereas, bills have been introduced in the New York State Legislature by Senator Onorato, S.2768-B, Assembly Member Gianaris, A.4317-B, “AN ACT to authorize the city of New York to discontinue use of and convey certain park land”; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation.)

State Legislation Res. No. 6

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Klein, Addabbo, Diaz, Hassell-Thompson, Huntley, Krueger, Onorato, and Savino, S.1861-D and Assembly Member Benedetto, A.8804-B, “AN ACT to amend the administrative code of the city of New York and the vehicle and traffic law, in relation to increasing the fine for commercial vehicles that park on residential streets overnight”.

By Council Members Foster, Vacca, Recchia, Fidler, Chin, Comrie, Koppell, Palma, Williams and Halloran.

Whereas, bills have been introduced in the New York State Legislature by Senators Klein, Addabbo, Diaz, Hassell-Thompson, Huntley, Krueger, Onorato, and Savino, S.1861-D, and Assembly Member Benedetto, A.8804-B, “AN ACT to amend the administrative code of the city of New York and the vehicle and traffic law, in relation to increasing the fine for commercial vehicles that park on residential streets overnight”; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation.)

State Legislation Res. No. 7

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Squadron, S.7858-A, and Assembly Member Millman, A.11099-A, “AN ACT to amend the New York city charter, in relation to imposing civil penalties for violations of the rules of the Brooklyn bridge park development corporation relating to the government and protection of park and recreational property held by such corporation, providing for the adjudication of such violations by the environmental control board and clarifying the authority of the New York city department of parks and recreation with respect to such property”.

By Council Members Foster, Comrie, James and Palma.

Whereas, bills have been introduced in the New York State Legislature by Senator Squadron, S.7858-A, and Assembly Member Millman, A.11099-A, “AN ACT to amend the New York city charter, in relation to imposing civil penalties for violations of the rules of the Brooklyn bridge park development corporation relating to the government and protection of park and recreational property held by such corporation, providing for the adjudication of such violations by the environmental control board and clarifying the authority of the New York city department of parks and recreation with respect to such property”.; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation.)

State Legislation Res. No. 8

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Lanza, S.3004-A, and Assembly Members Cusick, Boyland, Castro, Pheffer, Perry, Aubry, Hyer-Spencer, M. Miller, Millman, Colton, Titone, Spano, DenDekker, and O'Donnell, A.7383-A, “AN ACT to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving spouses or domestic partners of members of the New York city department of correction or sanitation who are enrolled in a health insurance plan”.

By Council Members Foster, Comrie, James, Palma, Williams and Halloran.

Whereas, bills have been introduced in the New York State Legislature by Senator Lanza, S.3004-A, and Assembly Members Cusick, Boyland, Castro, Pheffer, Perry, Aubry, Hyer-Spencer, M. Miller, Millman, Colton, Titone, Spano, DenDekker, and O'Donnell, A.7383-A “AN ACT to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving spouses or domestic partners of members of the New York city department of correction or sanitation who are enrolled in a health insurance plan”.; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation.)

State Legislation Res. No. 9

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Savino, S.5631-A, and Assembly Member Abbate, A.10154, “AN ACT to amend the administrative code of the city of New York, in relation to the effect of discharge or dismissal of a police officer or firefighter with twenty years of creditable retirement service”.

By Council Members Foster, Crowley, Comrie, James, Levin, Palma and Halloran.

Whereas, bills have been introduced in the New York State Legislature by Senator Savino, S.5631-A, and Assembly Member Abbate, A.10154, “AN ACT to amend the administrative code of the city of New York, in relation to the effect of discharge or dismissal of a police officer or firefighter with twenty years of creditable retirement service”.; and

Whereas, the enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, that the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation.)

Int. No. 266

By Council Members Garodnick, Barron, Brewer, Gonzalez, James, Lander, Palma, Vann, Williams, Mark-Viverito and Lappin.

A Local Law to amend the administrative code of the city of new York, in relation to energy efficiency in commercial buildings.

Be it enacted by the Council as follows:

Section 1. Section 28-1001.2 of the administrative code of the city of new York is amended to read as follows:

Add at the end of chapter five

Chapter 5 - Commercial Energy Efficiency

501.1 Add the following phrase between the words "Residential Buildings" and "or the requirements": , as modified for New York City by Appendix A of this code

505.2.2.2 After the Exception, add a new paragraph to read as follows:

In addition to the above requirements, for the following spaces, an occupant sensor shall be installed that turns lighting on by manual control, and such occupant sensor shall not have an override switch that converts from manual-on to automatic-on functionality; however, the occupant sensor may have a grace period of up to 30 seconds to turn on the lighting automatically after the sensor has turned off the lighting if occupancy is detected:

1. classrooms (not including shop classrooms, laboratory classrooms, and preschool classrooms),
2. conference/meeting rooms,
3. employee lunch and break rooms, and
4. offices smaller than 200 square feet.

Add at the end of chapter six

Chapter 6 - Referenced Standards

Add at end of the first paragraph the following:

Refer to the rules of the department for any subsequent modifications that may have been made to the referenced national standards set forth herein in accordance with the exception contained in Section 28-103.19 of the Administrative Code. The application of the referenced standards shall be as specified in Section 102.8.

Add to section titled, "ASHRAE," after the row heading "90.1-2007" an asterisk.

Add at end of section titled, "ASHRAE" a footnote to read as follows: * as modified in Appendix A

Appendix A - Modified Energy Standard

Add a new Appendix A after chapter 6 and before the Index to read as follows:

APPENDIX A

MODIFIED ENERGY STANDARD FOR BUILDINGS, EXCEPT FOR LOW-RISE RESIDENTIAL BUILDINGS

SECTION ECC A101

SCOPE

A101.1 Scope. This appendix provides the modifications to the nationally recognized standard ASHRAE/IESNA Standard 90.1 Energy Standard for Buildings Except for Low-Rise Residential Buildings, governing commercial energy efficiency. Where a referenced publication has been modified for the City of New York as by the New York City Construction Codes and the New York City Energy Conservation Code, every reference to such publication shall be deemed to include all such modifications.

SECTION ECC A102

ENERGY STANDARD FOR COMMERCIAL BUILDINGS

A102.1 General. The standards for energy efficiency in commercial buildings as defined in Section 202 of this code shall be in accordance with Chapter 5 of this code or in accordance with ASHRAE/IESNA Standard 90.1 Energy Standard for Buildings Except for Low-Rise Residential Buildings, 2007 edition, modified for New York City as follows. Refer to the rules of the department for any subsequent additions, modifications or deletions that may have been made to this standard in accordance with Section 28-103.19 of the Administrative Code.

Add to the end of chapter 9

Chapter 9 - Lighting

9.4.1.2 Delete paragraph (a) of Section 9.4.1.2 and replace with the following:

- a. An occupant sensor shall be installed that turns lighting on by manual control and automatically turns lighting off within 30 minutes of all occupants leaving a space or by manual control in the following spaces:

1. classrooms (not including shop classrooms, laboratory classrooms, and preschool classrooms),
2. conference/meeting rooms,
3. employee lunch and break rooms, and
4. offices less than 200 square feet (18.5 m²) in area.

Such occupant sensor shall not have an override switch that converts from manual-on to automatic-on functionality, and the occupant sensor may have a grace period of up to 30 seconds to turn on the lighting automatically after the sensor has turned off the lighting if occupancy is detected.

Exception: offices less than 200 square feet (18.5 m²) in area equipped with lighting controls activated by photosensor.

§2. this local law shall take effect on January 1, 2011, except that the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 267

By Council Members Gennaro, Barron, Brewer, Chin, Gentile, Gonzalez, James, Lander, Recchia, Sanders, Mark-Viverito and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to including environmental concerns as an interest of the New York City Building Code.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. The importance of environmental concerns is currently not expressly recognized under the New York City Building Code, despite the fact that environmental risks are frequently likely to affect New York City buildings and their occupants. The Council therefore finds that environmental concerns should be included as a guiding principle and interest in the New York City Building Code.

§2. Section 28-101 of the administrative code of the city of New York is amended to read as follows:

§28-101.2 Intent. The purpose of this code is to provide reasonable minimum requirements and standards, based upon current scientific and engineering knowledge, experience and techniques, and the utilization of modern machinery, equipment, materials, and forms and methods of construction, for the regulation of building construction in the city of New York in the interest of public safety, health [and], welfare, and the environment, and with due regard for building construction and maintenance costs.

§3. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 271

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.10790/S. 7254, to extend the sunset date of Kendra's Law from June 30, 2010 to June 30, 2015.

By Council Members Koppell, Brewer, Fidler, Gentile, James, Palma, Seabrook, Vann and Nelson.

Whereas, New York State's Assisted Outpatient Treatment (AOT) law, also known as Kendra's Law, was enacted as chapter 408 in August of 1999 and created a statutory framework for court-ordered Assisted Outpatient Treatment, in order to ensure that individuals with a mental illness, who have a history of hospitalizations or violence, participate in community-based services that are appropriate to their needs; and

Whereas, Before a mentally ill person can be issued an order to undergo AOT, a court must find that the mentally ill person is at least 18 years of age, suffering from a mental illness, unable to survive safely in the community without supervision, unlikely to voluntarily participate in the outpatient treatment, likely to benefit from outpatient treatment, and in need of AOT in order to prevent a relapse or deterioration that could result in serious harm; and

Whereas, A court must also find that a person has a history showing a lack of compliance with mental health treatment that has resulted in either psychiatric hospitalization or incarceration at least twice in the past 36 months or the commitment of serious acts or threats of violence to self or others in the past 48

months; and

Whereas, Since the inception of Kendra's Law in 1999 to mid-year 2007, a total of 8,752 initial AOT orders and 5,684 renewal orders were granted; and

Whereas, A 2009 study found that during treatment, AOT participants experienced a reduction in the number of psychiatric hospitalizations and arrests, an increase in the likelihood of receiving medication, and an increase in the level of service engagement; and

Whereas, The same study found that after treatment has been discontinued, AOT participants who remained in the program for at least six months were more likely to continue to experience improvement in receipt of medications and rates of hospitalizations, than participants who received only voluntary outpatient treatment; and

Whereas, Kendra's Law was amended in 2005 and is currently scheduled to sunset on June 30, 2010; and

Whereas, Assembly bill A.10790/Senate bill S.7254 would extend the sunset date of Kendra's Law to June 30, 2015; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.10790/S. 7254, to extend the sunset date of Kendra's Law from June 30, 2010 to June 30, 2015.

Referred to the Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse & Disability Services.

Res. No. 272

Resolution calling upon the New York State Legislature to pass A.7558-A/S.4398-A, the Consumer Credit Fairness Act.

By Council Members Koslowitz, Lander, Dromm, Fidler, Gonzalez, James, Koppell, Palma, Seabrook, Vann and Nelson.

Whereas, Every year, hundreds of thousands of New Yorkers are harmed by abusive debt collection lawsuits that are filed against them in New York City courts; and

Whereas, Most of these debt collection lawsuits are brought by third-party debt buyers who buy portfolios of old, defaulted debts from original creditors for pennies on the dollar; and

Whereas, Many of the debts that are the basis of these debt collection cases were paid or discharged in bankruptcy, are beyond the statute of limitations, or result from identity theft or mistaken identity, and are for amounts that have been grossly inflated with fees and interest; and

Whereas, Most defendants do not receive notice that they have been sued because of the prevalence of improper service of process; and

Whereas, Debt buyers routinely obtain default judgments on debts that are not owed or cannot be substantiated simply because the vast majority of defendants fail to show up in court; and

Whereas, Default judgments have devastating consequences for low- and moderate-income New Yorkers because these judgments are enforced by freezing bank accounts and garnishing wages; and

Whereas, Without access to their money, many debtors will be unable to pay for housing, utilities, food, medicine and other basic necessities; and

Whereas, Over 99 percent of defendants in debt collection lawsuits are not represented by an attorney; and

Whereas, Debt buyers routinely file boilerplate pleadings that are so vague that defendants are unable to identify the debts on which they are being sued and often unintentionally waive many valid defenses, including improper service and statute of limitations; and

Whereas, A.7558-A/S.4398-A, also known as the Consumer Credit Fairness Act ("CCFA"), seeks to protect consumers from abusive debt collection practices; and

Whereas, To minimize unexpected debt collection lawsuits, the CCFA would reduce the statute of limitations for consumer credit actions from six years to three years, and would eliminate the right to collect a debt at any point thereafter; and

Whereas, The CCFA would also require that debt collection notices include basic information so that an alleged debtor is able to easily identify the account in question, a requirement that currently exists in New York City but would be expanded statewide; and

Whereas, To reduce the number of default judgments on unsubstantiated debts, the CCFA would require any debt collection lawsuit filed in New York State to submit proof of the debt along with the filing; and

Whereas, The CCFA would also require that applications for default judgments include a statement expressing the creditor's belief that the collection attempt is still within the statute of limitations; and

Whereas, Passage of the CCFA would greatly empower those New Yorkers who have been unfairly targeted by erroneous and fraudulent debt collection lawsuits; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass A.7558-A/S.4398-A, the Consumer Credit Fairness Act.

Referred to the Committee on Consumer Affairs.

Int. No. 268

By Council Members Lander, Barron, Brewer, Chin, Vann, Williams, Mark-Viverito, Lappin and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to preventing water waste in buildings.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. Leaks and equipment malfunctions have the potential to waste a tremendous amount of water in New York City buildings and they can persist undetected for years. The Council therefore finds that sub-meters attached to major water-using equipment will help building managers quickly detect such leaks and malfunctions, and save significant amounts of water from being wasted.

§2. Section 606.5.4.1 of the New York city plumbing code, as added by local law number 33 for the year 2007, is amended to read as follows:

606.5.4.1 Water piping control and location. Water inlets to gravity house tanks shall be controlled by a ball cock or other automatic supply valve or emergency electrical cut-off so installed as to prevent the overflow of the tank in the event that the pumps filling the tanks do not shut off at the predetermined level or the street pressure rises to a point where it can fill the tank. The water inlet to a suction tank shall be controlled by a ball cock or other automatic supply valve. The inlet shall be terminated so as to provide an accepted air gap but in no case shall it be less than 4 inches (102 mm) above the top of the overflow. The outlet from a gravity tank to the distribution system shall be equipped with a strainer located at least 2 inches (51 mm) above the tank bottom to prevent solids from entering the piping system. All down-feed supplies from a tank cross connected in any manner with distribution supply piping in a building supplied by direct street or pump pressure, shall be equipped with a check valve on the main cold water down supply to prevent backflow of water into the roof tank. *All roof tanks shall be provided with a high water level alarm, at or slightly below the overflow, designed to activate when the ball cock, automatic supply valve, or emergency electrical cut-off fails.*

§3. Section 606 of the New York city plumbing code, as added by local law number 33 for the year 2007, is amended by adding a new section 606.7 to read as follows:

606.7 Equipment and area sub-meters. *Water sub-meters from a list promulgated by the department of environmental protection shall be installed on the makeup water lines for the following:*

1. *evaporative cooling towers*
2. *commercial cooking facilities*
3. *commercial laundry facilities*
4. *commercial gyms and spas*
5. *swimming pools*

Exception: Swimming pools accessory to Group R-3 occupancies

§4. Section 608.16.2 of the New York city plumbing code, as added by local law number 33 for the year 2007, is amended to read as follows:

608.16.2 Connections to boilers. The potable supply to the boiler shall be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CAN/CSA B64.3. Where conditioning chemicals are introduced into the system, the potable water connection shall be protected by an air gap or a reduced pressure principle backflow preventer, complying with ASSE 1013, CAN/CSA B64.4 or AWWA C511. *Makeup water supplies to boilers serving buildings greater than six stories shall be equipped with a water sub-meter from a list promulgated by the department of environmental protection along with inlet and outlet isolation valves.*

§5. This local law shall take effect on January 1, 2011, except that the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 269

By Council Members Lander, Brewer, Comrie and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the removal of motor vehicles to satisfy parking violations.

Be it enacted by the Council as follows:

Section 1. Section 19-212 of the administrative code of the city of New

York is amended to read as follows:

§19-212 Limitation on removal of motor vehicles for purposes of satisfying parking violation judgments. Notwithstanding any other provision of law, a motor vehicle shall not be removed from any street or other public area solely for the purpose of satisfying an outstanding judgment or judgments for parking violations against the owner unless the total amount of such judgment or judgments, including interest, is greater than [three hundred fifty] five hundred dollars, or such judgments exceed five parking violations. The provisions of this section shall not be construed to prohibit the removal of a motor vehicle which is illegally parked, stopped or standing.

§2. This local law shall take effect thirty days after it is enacted into law.

Referred to the Committee on Transportation.

Int. No. 270

By Council Members Lappin, Arroyo, Barron, Brewer, Chin, Comrie, Dickens, Fidler, Gennaro, Gonzalez, Koppell, Koslowitz, Palma, Recchia, Reyna, Seabrook, Vann, Williams, Rose, Mark-Viverito and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a silver alert program to provide public notification for missing senior citizens with cognitive impairments.

Be it enacted by the Council as follows:

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

**CHAPTER 8
SILVER ALERT SYSTEM**

§10-801 Definitions. a. "Administering agency" shall mean any city agency, office, department, division, bureau or institution of government, the expenses of which are paid in whole or in part from the city treasury, as the mayor shall designate.

b. "Senior Citizen" shall mean any person who is sixty five years of age or older.

c. "Silver Alert" shall mean the communication of information to the public by a city agency that provides identifying information for a senior citizen with cognitive impairments who is reported missing to a law enforcement agency.

§10-802 Silver alert system. The administering agency shall establish a silver alert system that will provide rapid notification to the public when a senior citizen who suffers from any cognitive impairment, including but not limited to Alzheimer's disease or dementia, is reported missing to a law enforcement agency.

§10-803 Procedures. a. The administering agency shall maintain a database of organizations including, but not limited to media organizations, senior service providers, medical facilities and community organizations to be notified when a silver alert is issued.

b. The administering agency shall consult with other city agencies, including, but not limited to the police department, fire department, office of emergency management, human resources administration, the department for the aging, department of health and mental hygiene and department of transportation to collect and disseminate information regarding the missing senior citizen.

c. The administering agency will issue a silver alert within twenty four hours of receiving information that a senior citizen with cognitive impairments is reported missing. The silver alert may be issued by any appropriate means, including but not limited to email notifications, telephone calls, television broadcasts or radio broadcasts. The silver alert shall be issued repeatedly until the missing senior citizen is found or until the administering agency determines that the issuance of a silver alert is no longer appropriate.

d. The information about the missing senior citizen in the silver alert shall include, but not be limited to (1) the missing person's name; (2) the missing person's age; (3) a physical description of the missing person; (4) the last known location where the missing person was seen; and (5) a description of any motor vehicle the missing person may have been driving.

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

Referred to the Committee on Aging.

Int. No. 271

By Council Members Lappin, Brewer, Gonzalez, Lander, Recchia, Van Bramer, Vann and Williams.

A Local Law to amend the New York city plumbing code and the administrative code of the city of new York, in relation to enhancing water efficiency standards.

Be it enacted by the Council as follows:

Section 1. Section PC 202 of the New York city plumbing code is amended by adding certain definitions to be placed in appropriate alphabetical order to read as follows:

DUAL FLUSH TOILET. A toilet that enables the user to select a high flush for solid waste or a reduced volume, low flush for liquid waste.

NON-WATER URINAL. A urinal that discharges into the sanitary drainage system but is not supplied by a water distribution system.

§2. Section 419.1 of the New York city plumbing code is amended to read as follows:

419.1 Approval. Urinals shall conform to ASME A112.19.2M, CSA B45.1 or CSA B45.5. Urinals shall conform to the water consumption requirements of Section 604.4. Urinals shall conform to the hydraulic performance requirements of ASME A112.19.6, CSA B45.1 or CSA B45.5. Non-water urinals shall conform to ANSI/ASME A112.19.19.

§3. Section 604.4 of the New York city plumbing code is amended to read as follows:

604.4 Maximum flow and water consumption. The maximum water consumption flow rates and quantities for all plumbing fixtures and fixture fittings shall be in accordance with Table 604.4.

Exceptions:

1. Blowout design toilets [3.5 gallons (13 L) per flushing cycle].
2. Vegetable sprays.
3. Clinical sinks [4.5 gallons (17 L) per flushing cycle].
4. Service sinks.
5. Emergency showers.

§4. Table 604.4 of the New York city plumbing code is amended to read as follows:

TABLE 604.4
MAXIMUM FLOW RATES AND CONSUMPTION FOR PLUMBING
FIXTURES AND FIXTURE FITTINGS

PLUMBING FIXTURE OR FIXTURE FITTING	OR	MAXIMUM FLOW RATE OR QUANTITY ^b	OR
Lavatory, private		[2.2]1.5 gmp at 60 psi	
Lavatory, public (metering)		0.25 gallon per metering cycle	
Lavatory, public (other than metering)		0.5 gpm at 60 psi	
Shower head ^a		[2.5]2.0 gpm at 80 psi	
Sink faucet		[2.2]1.5 gpm at 60 psi	
Service sink		2.5 gpm at 60 psi	
Urinal		[1.0]0.5 gallon per flushing cycle	
Toilet		[1.6]1.28U gallons per flushing cycle or equivalent dual flush ^c	

For SI: 1 gallon = 3.785 L, 1 gallon per minute = 3.785 L/m,
1 pound per square inch = 6.895 kPa.

- a. A hand-held shower spray is a shower head.
- b. Consumption tolerances shall be determined from referenced standards.
- c. A dual flush toilet where the average of the high flush and the low flush is less than or equal to 1.28 gallons per flush.

§5. Chapter 13 of the New York city plumbing code is amended by adding a reference to ASME standard A112.19.19 to immediately follow the reference to ASME standard A112.19.14 to read as follows:

A112.19.19-2006 Vitreous China Nonwater Urinals.....419.1

§6. Section C102 (Waterless Urinals) of the New York city plumbing code is deleted.

§7. Subdivision 1 of section 20-689 of the administrative code of the city of New York is amended to read as follows:

(1) It shall be unlawful for any person to distribute, sell, offer for sale, buy, offer to buy, cause any person to buy or sell or import any plumbing fixture which does not [meet the standards of subdivision P.104.2 of section P.104.0 of reference standard RS-16 of the appendix to chapter one of title twenty-seven of this code] comply with the water consumption requirements of section 604.4 of the New York city plumbing code.

§8. This local law shall take effect on January 1, 2011, except that the commissioner of buildings and the commissioner of consumer affairs shall each take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 272

By Council Members Lappin, Koslowitz, Comrie and Vallone Jr.

A Local Law to amend the administrative code of the city of New York, in relation to revoking food vendor permits for parking violations.

Be it enacted by the Council as follows:

Section 1. Section 17-317 of the administrative code of the city of New York is amended by adding a new subsection g to read as follows:

g. 1. After due notice and opportunity to be heard, the commissioner shall suspend a food cart permit required under this subchapter upon the occurrence of any one or more of the following conditions:

(a) A permittee is found to have committed two violations within a twelve month period of paragraph 5 of subsection h or paragraph 4 of subsection n of section 4-08 of title 34 of the Rules of the City of New York, or any rules and regulations promulgated thereunder;

(b) A permittee is found to have committed two violations within a twelve month period of subsection a or subsection f of section 24-163 of this code or any rules and regulations promulgated thereunder.

2. After due notice and opportunity to be heard, the commissioner shall revoke or refuse to renew a food cart permit required under this subchapter, upon the occurrence of any one or more of the following conditions:

a) A permittee is found to have committed three violations within a twelve month period of paragraph 5 of subsection h or paragraph 4 of subsection n of section 4-08 of title 34 of the Rules of the City of New York, or any rules and regulations promulgated thereunder, provided, however that no permit shall be revoked or not renewed that was not previously suspended pursuant to paragraph one of this subsection;

(b) A permittee is found to have committed three violations within a twelve month period of subsection a or subsection f of section 24-163 of this code or any rules and regulations promulgated thereunder, provided, however that no permit shall be revoked or not renewed that was not previously suspended pursuant to paragraph one of this subsection.

§2. This local law shall take effect one hundred twenty days after it shall have been enacted into law; provided that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

Referred to the Committee on Consumer Affairs.

Int. No. 273

By Council Members Levin, Barron, Ferreras, Fidler, Gentile, Gonzalez, James, Lander, Nelson, Palma, Recchia, Van Bramer, Williams.

A Local Law to amend the New York city building code, in relation to lighting of temporary walkways at construction sites.

Be it enacted by the Council as follows:

Section 1. Section BC 3302.1 of the New York city building code, as enacted by local law number 33 for the year 2007, is amended by adding a certain definition to be placed in appropriate alphabetical order to read as follows:

PHOTOSENSOR. *A device that detects light and varies the electricity provided to a lamp or ballast according to ambient illumination. All photosensors shall [fail on] operate in a manner such that if a photosensor stops working then lamps will receive electricity by default.*

§2. Section BC 3307.2.1 of the New York city building code shall be amended by amending the second unnumbered paragraph of such section to read as follows:

All temporary walkways shall be illuminated at all times either by natural or artificial light. The level of illumination shall be [the equivalent of that produced by 200 watt, 3400 lumen minimum, standard incandescent lamps enclosed in vandal-proof fixtures and spaced 15 feet (4572 mm) apart and 8 feet (2438 mm) above the floor level] *a minimum of 1 foot-candle (11 lux) measured at the level of the walking surface. All lamps shall have a minimum luminous efficacy of 45 lumens per watt or greater, be instant start, and be rated to operate at temperatures of 5 degrees Fahrenheit and higher.* Artificial lighting units shall be inspected [nightly] *daily*; and burned out or inoperative units shall be replaced or repaired immediately. *Photosensors may be used to control artificial lighting according to the amount of natural light available.*

§3. Section BC 3307.2.2 of the New York city building code is amended by amending the second unnumbered paragraph to read as follows:

All foot bridges shall be illuminated at all times either by natural or artificial light. The level of illumination shall be [the equivalent of that produced by 200 watt, 3400 lumen minimum, standard incandescent lamps enclosed in vandal-proof fixtures and spaced 15 feet (4572 mm) apart and 8 feet (2438 mm) above the floor level] *a minimum of 1 foot-candle (11 lux) measured at the level of the sidewalk walking surface. All lamps shall have a minimum luminous efficacy of 45 lumens per watt or greater, be instant start, and be rated to operate at temperatures of 5 degrees Fahrenheit and higher.* Artificial lighting units shall be inspected [nightly] *daily*; and burned out or inoperative units shall be replaced or repaired immediately. *Photosensors may be used to control artificial lighting according to the amount of natural light available.*

§4. Section BC 3307.6.5 of the New York city building code is amended by amending item 2 to read as follows:

2. The underside of sidewalk sheds shall be illuminated at all times either by natural or artificial light. The level of illumination shall be [the equivalent of that produced by 200 watt, 3400 lumen minimum, standard incandescent lamps enclosed in vandal-proof fixtures and spaced 15 feet (4572 mm) apart and 8 feet (2438 mm) above the floor level] *a minimum of 1 foot-candle (11 lux) measured at the level of the sidewalk walking surface. All lamps shall have a minimum luminous efficacy of 45 lumens per watt or greater, be instant start, and be rated to operate at temperatures of 5 degrees Fahrenheit and higher.* Artificial lighting units shall be inspected [nightly] *daily*; and burned out or inoperative units shall be replaced or repaired immediately. *Photosensors may be used to control artificial lighting according to the amount of natural light available.*

§5. This local law shall take effect on January 1, 2011, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 274

By Council Members Mendez, Barron, Brewer, Chin, Dromm, James, Koppell, Koslowitz, Lander, Palma, Recchia, Reyna, Sanders, Vann, Williams and Nelson.

A Local Law to amend the administrative code of the city of New York, in relation to notification of intent to demolish certain rent regulated housing accommodations.

Be it enacted by the Council as follows:

Section 1. Article 4 of subchapter one of chapter one of title 27 of the administrative code of the city of New York is amended by adding a new section 27-114.1 to read as follows:

§27-114.1 Alteration application, statement of intent to demolish rent regulated housing. In addition to all other requirements of this article, an applicant intending to file an application with the New York state division of housing and community renewal for permission to terminate the tenancy rights of the occupants of any housing accommodation subject to rent control based upon the alteration of said housing accommodation pursuant to paragraph three of subdivision b of section 26-408 of the administrative code, must indicate such intent in writing on the application filed with the department. The department shall, within five business days of granting any permit pursuant to such application, notify in writing the community board and the council members in whose respective districts any such housing accommodation in question is located.

§2. Article 4 of subchapter one of chapter one of title 27 of the administrative code of the city of New York is amended by adding a new section 27-114.2 to read as follows:

§27-114.2 Demolition or removal application, statement of intent to demolish rent regulated housing. In addition to all other requirements of this article, an applicant intending to file an application with the New York state division of housing and community renewal for permission to terminate the tenancy rights of the occupants of any housing accommodation subject to rent stabilization or rent control due to the demolition of said housing accommodation pursuant to paragraph four of subdivision b of section 26-408 of the administrative code or pursuant to subparagraph a of paragraph nine of subdivision c of section 26-511 of the administrative code must indicate such intent in writing on the application filed with the department. The department shall, within five business days of granting any permit pursuant to such application, notify in writing the community board and the council members in whose respective districts such housing accommodation in question is located.

§3. This local law shall take effect immediately upon its enactment into law.

Referred to the Committee on Housing and Buildings.

Int. No. 275

By Council Members Nelson, Brewer, Ferreras, James, Koppell, Seabrook, Van Bramer and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the placement of two-way radios, cellular phones and tracking devices on school buses.

Be it enacted by the Council as follows:

Section 1. Legislative findings. Approximately 180,000 children travel to and from school on school buses or other motor vehicles that are operated pursuant to contracts with the New York City Department of Education or the New York City Department of Transportation. Based upon several hearings concerning school bus safety and the operation of school buses generally, the Council finds that the lack of real-time communication with certain of these vehicles while they are in the process of transporting children to and from school is a significant operational problem for the Departments of Education and Transportation, and a significant source of frustration to parents. Currently, no one can determine the location of a bus or other motor vehicle that lacks communication equipment. Therefore, when such vehicles are late, neither parents nor school administrators can determine why, or where they are located or when they might arrive at their destinations. The drivers of such vehicles, in turn, cannot communicate with anyone regarding conditions en route, if a pick-up or drop-off cannot occur as scheduled, or if the vehicle suffers a mechanical or other problem. Moreover, in the event of an emergency, such lack of communication could be life-threatening.

The Council finds that these problems could be solved if all school buses and other motor vehicles used to transport children to and from school pursuant to a contract with the Department of Education or the Department of Transportation were equipped with two-way radios or cell phones, as well as with a tracking system, such as a global positioning tracking system, that would enable an individual not inside the vehicle to determine the vehicle's location.

§2. Section 19-607 of the administrative code of the city of New York is renumbered as section 19-608, and a new section 19-607 is added to read as follows:

§19-607 Two-way radios, cellular phones and tracking devices. Each bus or other motor vehicle used to transport children to and from schools in the city pursuant to a contract with the New York city department of education or the New York city department of transportation shall, at all times that children are present aboard such vehicle, be equipped with an operational two-way radio or cellular phone capable of allowing communication with the operator of such vehicle. All such vehicles shall also be equipped with a tracking device, such as a global positioning tracking system, that enables an individual not inside the vehicle to determine its location to within one hundred linear feet of the nearest intersection.

§3. This local law shall take effect 180 days after enactment..

Referred to the Committee on Transportation.

Res. No. 273

Resolution calling upon the United States Congress to pass H.R. 4193, the "Guaranteed 3% COLA for Seniors Act of 2009," which would require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act and to provide, in the case of elderly beneficiaries under such title, for an annual cost-of-living increase which is not less than 3 percent.

By Council Members Nelson, Barron, Dickens, Fidler, Gentile, James and Vann.

Whereas, In 2010 there was no automatic Cost of Living Adjustment (COLA) for Social Security Beneficiaries for the first time since the automatic COLA went into effect in 1975; and

Whereas, Social Security was established in 1935 to protect American workers from the total loss of wages when they retired and provides benefits to retirees, survivors of workers that have died, and persons with disabilities; and

Whereas, Currently the Social Security Act provides that Social Security and SSI benefits receive an automatic COLA each year if there is an increase in the Bureau of Labor Statistics' Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) from the third quarter of the last year to the third quarter of the current year; and

Whereas, Some advocates point out that the spending patterns measured by the CPI-W don't match those of seniors and that the establishment of a new pricing index that focuses specifically on seniors and their spending habits would be beneficial; and

Whereas, H.R. 4193 would require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act and to provide, in the case of elderly

beneficiaries under such title, for an annual cost-of-living increase which is not less than 3 percent; and

Whereas, H.R. 4193 directs the Bureau of Labor Statistics of the Department of Labor to prepare and publish a monthly Consumer Price Index for Elderly Consumers that indicates changes over time in expenditures for consumption which are typical for individuals in the United States who are age 62 or older; and

Whereas, This bill would amend title II, Old Age, Survivors and Disability Insurance (OASDI) of the Social Security Act to require the use of such index to compute cost-of-living increases for Social Security benefits; and to provide, in the case of individuals who have attained age 62, for an annual cost-of-living increase of at least 3%; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass H.R. 4193, the "Guaranteed 3% COLA for Seniors Act of 2009," which would require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act and to provide, in the case of elderly beneficiaries under such title, for an annual cost-of-living increase which is not less than 3 percent.

Referred to the Committee on Aging.

Int. No. 276

By Council Members Oddo, Ignizio, Ulrich, Halloran, Koo, Fidler, Nelson and Vacca.

A Local Law to amend the New York City Charter, in relation to requiring an affirmative vote of at least two-thirds of all council members for the passage of any local law or resolution that raises taxes.

Be it enacted by the Council as follows:

Section 1. Section 34 of Chapter 2 of the New York City Charter is amended to read as follows:

§34 Vote required for local law or resolution. *a.* Except as otherwise provided by law, no local law or resolution shall be passed except by at least the majority affirmative vote of all the council members.

b. A local law or resolution shall not be passed except by an affirmative vote of at least two-thirds of all council members if such local law, as determined by the council's director of finance or his or her designee, provides for a net increase in city revenues in the form of:

1. The imposition of any new tax.
2. An increase in a tax rate or rates.
3. A reduction or elimination of a tax deduction, exemption, exclusion, credit or other tax exemption feature in computing tax liability.
4. An increase in a statutorily prescribed city fee or assessment or an increase in a statutorily prescribed maximum limit for an administratively set fee.
5. The imposition of any new city fee or assessment or the authorization of any new administratively set fee.
6. The elimination of an exemption from a statutorily prescribed city fee or assessment.

c. The requirements contained in paragraph b shall not apply to:

1. The effects of inflation, increasing assessed valuation or any other similar effect that increases city revenue but is not caused by an affirmative act of the council.
2. Fees and assessments that are authorized by law, but are not prescribed by formula, amount or limit, and are set by a city officer or agency.

§ 2. This local law shall take effect immediately upon approval by the electorate at the next succeeding general election.

Referred to the Committee on Governmental Operations.

Res. No. 274

Resolution to establish that the discount percentage for early payment of real estate taxes be set at one percent (1.0%) per annum for Fiscal Year 2011.

By Council Members Recchia, Barron and Gentile.

Whereas, Section 1519-a(7)(c) of the New York City charter provides that the council may adopt a discount percentage for early payment of real estate taxes on the fifth day of June preceding such ensuing fiscal year, or at any time thereafter; and

Whereas, This Resolution, dated June 9, 2010, provides that the discount percentage for early payment of real estate taxes shall be set at one percent (1.0%) per annum for Fiscal Year 2011; now, therefore, be it

Resolved, That the Council establishes that the discount percentage for early payment of real estate taxes shall be set at one percent (1.0%) per annum for Fiscal Year 2011.

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

Res. No. 275

Resolution to establish that the interest rate be 9% per annum for Fiscal Year 2011 for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.

By Council Member Recchia.

Whereas, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission is required to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"); and

Whereas, The Banking Commission notes that as of May 17, 2010, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, It is in the City's best interest to encourage the prompt payment of taxes on real estate by all taxpayers; and

Whereas, The Banking Commission recommended to the City Council that the interest rate to be charged for non-payment of taxes on properties where the assessed value on a parcel is not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments, be nine percent (9%) per annum for Fiscal 2011; now, therefore, be it

Resolved, That the Council establishes that the interest rate be nine percent (9%) per annum for Fiscal Year 2011 for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments.

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

Res. No. 276

Resolution to establish that the interest rate be 18% per annum for Fiscal Year 2011 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

By Council Member Recchia.

Whereas, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission is required to propose a rate of at least six percent (6%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"); and

Whereas, The Banking Commission notes that as of May 17, 2010, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, It is in the best interest of the City to encourage the prompt payment of taxes on real estate by all large taxpayers; and

Whereas, The Banking Commission recommended to the City Council that the interest rate to be charged for non-payment of taxes on properties where the assessed value on a parcel is over two hundred fifty thousand dollars (\$250,000), or over two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments, be eighteen percent (18%) per annum for Fiscal 2011; now, therefore, be

it

Resolved, That the Council establishes that the interest rate be 18% per annum for Fiscal Year 2011 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

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

Res. No. 277

Resolution to establish that the interest rate to be charged for Fiscal Year 2011 for non-payment of water rents and sewer rents be 9% per annum for real property where the assessed value is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

By Council Member Recchia.

Whereas, Pursuant to sections 11-312(c) and 11-313(e) of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of water rents and sewer rents; and

Whereas, Sections 11-312 and 11-313 of the Administrative Code of the City of New York, as amended by Local Law No. 62 of 2005, allow the Council to adopt interest rates to be charged for non-payment of water rents and sewer rents that become due and payable on or after July 1, 2005 pursuant to section 11-224.1 of the Administrative Code of the City of New York; and

Whereas, Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"), to be charged for non-payment of taxes on properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission notes that as of May 17, 2010, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, The Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents be nine percent (9%) per annum for Fiscal Year 2011 where the assessed value of the property is not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; now, therefore, be it

Resolved, That the Council establishes that the interest rate to be charged for Fiscal Year 2011 for non-payment of water rents and sewer rents be nine percent (9%) per annum for real property where the assessed value is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

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

Res. No. 278

Resolution to establish that the interest rate to be charged for Fiscal Year 2011 for non-payment of water rents and sewer rents be 18% per annum for real property where the assessed value is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

By Council Members Recchia and Koslowitz.

Whereas, Pursuant to sections 11-312(c) and 11-313(e) of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 25th of May of each year, the proposed interest rate to be charged for non-payment of water rents and sewer rents; and

Whereas, Sections 11-312 and 11-313 of the Administrative Code of the City of New York, as amended by Local Law No. 62 of 2005, allow the Council to adopt interest rates to be charged for non-payment of water rents and sewer rents that become due and payable on or after July 1, 2005 pursuant to section 11-224.1 of the Administrative Code of the City of New York; and

Whereas, Section 11-224.1 of the Administrative Code of the City of New York, as amended by Local Law No. 66 of 2008, requires the Banking Commission to propose a rate at least six percent (6%) per annum greater than the prevailing

interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "Prime Rate"), to be charged for non-payment of taxes on properties with an assessed value of more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; and

Whereas, The Banking Commission notes that as of May 17, 2010, the Prime Rate stands at three and one-quarter percent (3.25%) as published by the Federal Reserve Board of Governors; and

Whereas, The Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of water rents and sewer rents be eighteen percent (18%) per annum for Fiscal Year 2011 where the assessed value of the property is more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for cooperative apartments; now, therefore, be it

Resolved, That the Council establishes that the interest rate to be charged be eighteen percent (18%) per annum for Fiscal Year 2011 for non-payment of water rents and sewer rents on properties where the assessed value of the property is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

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

Int. No. 277

By Council Members Ulrich, Oddo, Brewer, James, Lander, Van Bramer, Williams and Lappin.

A Local Law to amend the administrative code of the city of New York, in relation to improving lighting efficiency in dwellings.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. Certain current lighting requirements of the New York City's Housing Maintenance Code are outdated and do not conform with other New York City codes, in particular the New York City Energy Conservation Code. In addition, certain of the lighting requirements in the Housing Maintenance Code also imply that lights in certain parts of apartment buildings, including hallways, stairs and common laundry facilities, be fully on continuously. The Council therefore finds that these requirements should be updated and revised in order to improve lighting efficiency in New York City apartment buildings.

§2. Section 27-2038 of the administrative code of the city of New York is amended to read as follows:

§ 27-2038 Electric lighting fixtures in certain public parts of dwellings; fixtures and lights required. a. In every multiple dwelling and tenant-occupied two-family dwelling, the owner shall provide electric lighting fixtures for every public [hall, stair, fire stair and fire tower] *part of such dwellings* on every floor, in accordance with the following requirements:

[(1) If an incandescent lighting fixture is provided, it shall be capable of providing illumination of at least ten watts per twenty-five square feet of floor area or fraction thereof. Each lighting fixture shall be provided with one or more lights of a total of not less than sixty watts. Where, under this requirement, the number of watts per fixture would exceed one hundred, one or more additional fixtures shall be provided and shall be located as may be prescribed by the department, except where the distance from the fixture to the farthest intersecting wall does not exceed twenty feet.] *Lighting fixtures and natural light shall in the aggregate provide an illumination level of no less than one foot-candle measured at the floor level in public parts of dwellings.*

[(2) If a fluorescent lighting fixture is provided, it shall be capable of providing illumination of at least four watts cool white fluorescent light per twenty-five square feet of floor area or fraction thereof. Each lighting fixture shall be provided with one or more lights of a total of not less than twenty watts. Where, under this requirement, the number of watts per fixture would exceed forty, one or more additional fixtures shall be provided and shall be located as may be prescribed by the department, except where the distance from the fixture to the farthest intersecting wall does not exceed twenty feet.

(3) In every multiple dwelling hereafter erected, in addition to other lighting requirements, a sufficient number of incandescent or fluorescent fixtures shall be provided so that the distance between fixtures is not more than thirty feet and so that no wall is more than fifteen feet distant from a fixture.

b. The department may approve electric lighting for public halls, stairs, fire stairs and fire towers other than the incandescent and fluorescent lighting required in subdivision a of this section if such other method of electric lighting provides equivalent illumination, and meets the requirements of the electrical code.

c] *b.* Notwithstanding any other requirement of this section, the department may require fixtures to be so located, and additional fixtures to be installed, in order to assure that every part of every public hall, stair, fire stair or fire tower is adequately lighted.

§3. Section 27-2039 of the administrative code of the city of New York is

amended to read as follows:

§ 27-2039 [Lighting] *Illumination* to be provided [at] *day and night*; owner's responsibility. a. The owner of a multiple dwelling shall turn on all required lights in every public hall and stair at sunset every day and shall keep them on until sunrise the day following.

b. [The] *Notwithstanding the provisions of subdivision a of this section*, the owner of a multiple dwelling shall keep all required lights [burning] *on* continuously (1) in every fire stair and fire tower; (2) in every stair and public hall where there is no window opening on a street, court, yard, space above a setback, or on a shaft; and (3) in every stair and public hall where there is a window which in the opinion of the department does not provide adequate natural light in accordance with section 27-2038 of this subchapter.

c. [The owner of a multiple dwelling shall provide electric light at all hours of the day and night in rooms or spaces in multiple dwellings in which laundry equipment is provided for the common use of the occupants whenever natural light is insufficient in the opinion of the department.] *Automatic, occupant sensor or photo-sensor lighting controls may be installed to operate lighting fixtures in mechanical equipment rooms, storage rooms, and laundry rooms, provided that all of the following conditions are satisfied:*

1. *the switch controllers are equipped for fail-safe operation ensuring that if the sensor or control fails, the lighting levels will be at the levels required by section 27-2038, and*

2. *for occupant sensors, the illumination times are set for a minimum 30-minute duration, and*

3. *for occupant sensors, the sensor is activated by any occupant movement in the area served by the lighting fixtures.*

§4. This local law will take effect on January 1, 2011, except that the commissioner of housing preservation and development shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 278

By Council Members Ulrich, Oddo, Cabrera, Comrie, Ferreras, James, Lander, Reyna, Van Bramer, Williams, Koslowitz, Halloran and Koo.

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

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-227.3, to read as follows:

§24-227.3 *Residential Activity. (a) Definitions. For the purposes of this section the following terms shall have the following definitions. 1. "Residential property" shall mean a dwelling or any private property adjacent to such dwelling. 2. "Willful violator" shall mean a person who has received a summons or notice of violation within seventy-two hours of receiving a warning to cease and desist pursuant to this section or a person as described in subdivision d. 3. "Persistent violator" shall mean a person found to be in violation of this section and has on two or more other occasions within the preceding year been found to be in violation of this section.*

(b) Sound reproduction devices and sound sources. 1. Between the hours of 10:00 pm and 7:00 am, no person shall operate or permit to be operated a sound reproduction device or use a sound source in such a manner as to create a sound level in excess of 35 dB(A) emanating from a residential property when the sound attributed to such device or sound source is measured at a distance of fifteen feet or more from the source on a public right-of-way or at any point within a receiving property.

2. Between the hours of 7:00 am and 10:00 pm, no person shall operate or permit to be operated a sound reproduction device or use a sound source in such a manner as to create a sound level in excess of 42 dB(A) emanating from a residential property when the sound attributed to such device or sound source is measured at a distance of fifteen feet or more from the source on a public right-of-way or at any point within a receiving property.

(c) Any violation of subdivisions b of this section where the sound level is in excess of 75 dB(A) shall be deemed a willful violation of such subdivisions.

(d) Enforcement. (i) Warning. Where a sound level is in excess of that allowed by subdivision b of this section and such sound level is less than 50 dB(A), an authorized employee of the department or a member of the police department may issue a warning to cease and desist from any activity which causes or is conducted so as to cause a violation of subdivision b or c. Any warning to cease and desist shall be in writing, shall indicate the recorded level of the sound which was in violation of subdivision b the maximum permissible levels, a warning that any subsequent violations of subdivision b within seventy-two hours of the instant violation shall result in a minimum civil penalty of five hundred dollars, and shall qualify as a violation subject to a persistent violator classification, and may result in the person being determined to be a willful violator.

(ii) *Willful violation.* An authorized employee of the department or a member of the police department may seize and impound any sound reproduction device or any other device producing the sound created, maintained or permitted to cause a violation of this section by a willful violator of this section. Where such sound reproduction device or device is seized, there shall be a presumption that the owner of such sound recording device or device authorized its use. A sound reproduction device or other device seized and impounded pursuant to this section shall be released to the owner upon payment of the costs of removal and storage as set forth in the rules of the department and proof of payment of any fine or civil penalty imposed for the violation or, if a proceeding in connection with the violation is pending before a court or the environmental control board, upon the posting of a bond or other form of security acceptable to the department in an amount which will secure the payment of such costs and any fine or civil penalty which may be imposed for the violation. If a court or the environmental control board finds in favor of the respondent, the owner shall be entitled forthwith to possession of the sound reproduction device without charge and to the extent that any amount has been previously paid for release of the sound reproduction device, such amount shall be refunded. The owner of a sound reproduction device shall be given the opportunity for a post seizure hearing within five business days before the environmental control board regarding the seizure. The environmental control board shall render a determination within three business days after the conclusion of the hearing. Where the environmental control board finds that there was no basis for the seizure, the owner shall be entitled forthwith to possession of the sound reproduction device without charge and to the extent that any amount has been previously paid for release of the sound reproduction device, such amount shall be refunded. Upon the seizure of a sound reproduction device pursuant to this section, the owner shall be given written notice of the procedure for redemption of the sound reproduction device and the procedure for requesting a post seizure hearing. Where the owner is not the owner thereof, such notice provided to the lawful occupant of the dwelling unit shall be deemed to be notice to the owner. Where the owner is less than eighteen years old, such notice shall also be either personally served upon the owner's parent or guardian or mailed to the owner's parent or guardian if the name and address of such person is reasonably ascertainable.

(iii) *Persistent violator.* A persistent violator shall be fined no less than twice the minimum civil penalty set forth in the table of civil penalties in section 24-257 of this chapter.

(iv) *Criminal sanctions.* A fourth violation of this section by the same person within one year shall be a misdemeanor.

§2. The civil penalty table I following paragraph 5 of subdivision b of section 24-257 of such code is amended to read as follows:

TABLE I

Violations related to section and subdivision	Civil Penalties					
	First Violation		Second Violation*		Third and Subsequent Violations*	
	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum
24-216 (d)	2,625	650	5,250	1,300	7,875	1,950
24-218	1,000	350	2,000	700	3,000	1,050
24-218.1	50	50	50	50	50	50
24-220	1,400	440	2,800	880	4,200	1,320
24-222	3,500	875	7,000	1,750	10,500	2,625
24-223	3,500	875	7,000	1,750	10,500	2,625
24-224	3,500	875	7,000	1,750	10,500	2,625
24-225	1,400	440	2,800	880	4,200	1,320
24-226	1,400	440	2,800	880	4,200	1,320
24-227	875	220	1,750	440	2,625	660
24-227.3	1,000	250	2,000	500	5,000	750
24-228	1,400	440	2,800	880	4,200	1,320
24-229	1,400	440	2,800	880	4,200	1,320
24-230	1,400	440	2,800	880	4,200	1,320
24-231 (a)	8,000	2,000	16,000	4,000	24,000	6,000
24-231 (b)	1,750	440	3,500	880	5,250	1,320
24-231 (c)	875	350	1,750	700	2,625	1,050
24-232	1,400	440	2,800	880	4,200	1,320
24-233 (a)	175	50	350	100	525	150
24-233 (b) (1)	175	50	350	100	525	150
24-233 (b) (2)	350	100	700	200	1,050	300
24-234	175	50	350	100	525	150
24-235	175	50	350	100	525	150
24-236 (a)	525	150	1,050	300	1,575	450
24-236 (b) (c) (d)	1,440	440	2,800	880	4,200	1,320
24-237 (a)	1,000	150	2,000	300	3,000	450
24-237 (b)	875	220	1,750	440	2,625	660
24-237 (c)	875	220	1,750	440	2,625	660
24-237 (d)	1,000	350	2,000	700	3,000	1,050
24-238	875	220	1,750	440	2,625	660
24-239 (b)	350	100	700	200	1,050	300
24-241	1,400	440	2,800	880	4,200	1,320

24-242	875	220	1,750	440	2,625	660
24-244	1,750	440	3,500	880	5,250	1,320
24-245	2,625	660	5,250	1,320	7,875	1,980
All remaining sections and subdivisions	875	220	1,750	440	2,625	660

* By the same respondent of the same provision of law, order, rule or regulation and, if the respondent is the owner, agent, lessee or other person in control of the premises with respect to which the violation occurred, at the same premises (all violations committed within two years).

§3. Subdivision e of section 24-269 of such code is amended to read as follows:

(e) Any person convicted of violating any of the provisions of this code or any regulation of the board not otherwise provided for by this section or section 24-227.3 shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars for the first offense, or by imprisonment for twenty days, or both; and by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for not more than thirty days, or both, for a second offense; and by a fine of not less than four hundred dollars nor more than five thousand dollars, or by imprisonment for not more than four months or both for a third or subsequent offense.

§4. This local law shall take effect one hundred eighty days after enactment, except that the commissioner of environmental protection in conjunction with the police commissioner shall take all actions necessary for the implementation, including the promulgation of rules prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 279

By Council Members Vacca, Barron, Brewer, Chin, Comrie, Dromm, Ferreras, James, Koppell, Koslowitz, Lander, Nelson, Palma, Recchia, Sanders, Seabrook and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring dry cleaning establishments to accept hangers for reuse.

Be it enacted by the Council as follows:

Section 1. Title sixteen of the administrative code of the city of New York is amended by adding a new chapter four-c to read as follows:

CHAPTER 4-C

§16-470 Definitions.

§16-471 Used hanger return and reuse program.

§16-472 Penalties.

§16-470 Definitions. When used in this chapter the following terms shall have the following meanings:

a. "Dry cleaning establishment" shall mean any place of business that is subject to the licensing requirements set forth in section 20-292 of this code, and which, as any portion of its business, accepts and returns garments or other articles from the general public or from other dry cleaning establishments for purposes of cleaning, altering or otherwise processing those items.

b. "Customer" shall mean any person or entity that delivers garments or other articles to a dry cleaning establishment for cleaning, altering or otherwise processing.

§16-471 Used hanger return and reuse program. a. A dry cleaning establishment that distributes hangers to its customers shall accept for reuse or recycling up to fifteen hangers from each customer each week, provided that the hangers delivered for reuse are made of metal wire or of a similar composition to those that such dry cleaning establishment uses in returning garments to its customers. Dry cleaning establishments shall not be required to accept hangers which are either significantly bent or contain cardboard or other paper material.

b. The commissioner of consumer affairs shall promulgate rules establishing acceptable methods for cleaning, sanitizing or otherwise treating used hangers accepted for reuse pursuant to this chapter prior to their reuse. Prior to reusing any hangers accepted from customers pursuant to this chapter, a dry cleaning establishment shall clean, sanitize or otherwise treat such hangers in a manner consistent with the methods established by the department of consumer affairs pursuant to this section.

c. Every dry cleaning establishment shall conspicuously post and maintain, at or near the point of entry to such establishment, a sign, not less than 8 1/2 inches by 11 inches in size, stating in legible writing that hangers of a similar composition to the hangers used by such dry cleaning establishment to return garments to its customers may be returned to such dry cleaning establishment for reuse. Such sign shall state the following in letters at least one-inch in height: "Used hangers should be reused or recycled. We accept them for reuse here. You can recycle them at

home.”

§16-472 Penalties. Any person who violates the provisions of section 16-471 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board in the amount of fifty dollars for the first violation, and one hundred dollars for a second or subsequent violation committed within any twelve-month period.

§2. This local law shall take effect six months after it is enacted.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 280

By Council Members Vallone Jr., Comrie, Gentile, James, Koslowitz, Nelson and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending vehicles or pushcarts from being placed over any ventilation grill, cellar door, manhole, transformer vault, or subway access grating.

Be it enacted by the Council as follows:

Section 1. Section 17-315 of the administrative code of the city of New York is hereby amended by adding a new subdivision m, to read as follows:

m. No vending vehicle or pushcart shall be placed over any ventilation grill, cellar door, manhole, transformer vault, or subway access grating.

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

Referred to the Committee on Consumer Affairs.

Int. No. 281

By Council Members Vallone, Gentile, Greenfield, Foster, James, Levin, Nelson, Williams, Halloran and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to permissible double parking of vehicles.

Be it enacted by the Council as follows:

Section 1. Section 19-162 of title nineteen of the administrative code of the city of New York is amended by adding a new subdivision 3 to read as follows:

3. (a) For the purposes of this section, the term “double park” shall mean to stop, stand or park a vehicle on the roadway side of any vehicle lawfully stopped, standing or parked at the edge or curb of a street.

(b) Notwithstanding any contradictory law or rule, it shall be permissible to double park a vehicle temporarily while actually engaged in receiving or discharging passengers or while waiting for a parking space occupied by a vehicle which is in the process of leaving such parking space; provided, however, that there is no unoccupied parking space within one hundred feet on the same side of the street that can be used for such standing or parking.

§2. This local law shall take effect sixty days after it is enacted into law.

Referred to the Committee on Transportation.

Res. No. 279

Resolution in support of S.2377, which is pending in the New York State Senate, and seeks to amend the Penal Law to increase penalties for the offenses of making graffiti and possession of graffiti instruments.

By Council Members Vallone, Jr., Fidler, Gentile, Nelson, Van Bramer, Halloran and Koo.

Whereas, Graffiti vandalism continues to plague many communities in the United States and in New York City; and

Whereas, Graffiti is a destructive offense that communicates a message of disorder and lawlessness in all neighborhoods throughout New York State; and

Whereas, In addition to graffiti’s negative visual and aesthetic impacts, graffiti causes economic damage due to its negative effect on property value and the

costs of cleaning and repairing vandalized surfaces; and

Whereas, The New York City Police Department (NYPD) is making significant efforts to address and prevent graffiti, including taking enforcement action against violators and working with the Mayor’s Anti-Graffiti Task Force to facilitate graffiti removal; and

Whereas, According to the New York Daily News, in 2008, the NYPD made 4,120 arrests for tagging and other graffiti-related crimes, representing a 10 percent increase from 2007 when 3,743 arrests were made; and

Whereas, To curb this increase in gang related activity, Senator Frank Padavan introduced S.2377, which seeks to amend the New York State Penal Law by significantly increasing criminal penalties for graffiti related offenses; and

Whereas, S.2377 would amend section 145.60 of the Penal Law, “making graffiti,” by renaming the section “making graffiti in the second degree;” and

Whereas, If enacted, S.2377 would create a new section 145.61 in the Penal Law entitled “making graffiti in the first degree”-occurring when an individual commits the crime of making graffiti in the second degree and has been previously convicted, within the past 10 years, of one of the following crimes: criminal mischief, cemetery desecration, making graffiti, reckless endangerment of property, possession of graffiti instruments, aggravated harassment in the first degree, or any violation of local laws relating to graffiti; and

Whereas, Making graffiti in the first degree would constitute a class E felony; and

Whereas, S.2377 would amend section 145.65 of the Penal Law to make possession of graffiti instruments a class A misdemeanor instead of a class B misdemeanor; and

Whereas, S.2377 would not only increase the penalties associated with graffiti related convictions, but it would also serve as a strong deterrent and help keep New York’s neighborhoods free from graffiti; now, therefore, be it

Resolved, That the Council of the City of New York supports S.2377, which is pending in the New York State Senate, and seeks to amend the Penal Law to increase penalties for the offenses of making graffiti and possession of graffiti instruments.

Referred to the Committee on Public Safety

Res. No. 280

Resolution calling upon the New York State Legislature to pass legislation requiring that all persons convicted of misdemeanors provide law enforcement with a DNA sample.

By Council Members Vallone, Jr. and Koo.

Whereas, Current law specifies that a DNA sample may only be taken post-sentence and only from those convicted of certain designated offenses; specifically, any felony, any attempt to commit a felony, or one of 35 specified misdemeanor offenses; and

Whereas, DNA evidence can exonerate the innocent and implicate the guilty, and therefore creating a database from as many offenders as possible is crucial; and

Whereas, DNA is infinitely more accurate than fingerprints because it can be matched to body tissue, hair, blood and other fluids or particles left at the scene of a crime; and

Whereas, According to the Innocence Project, a non-profit legal clinic and criminal justice resource center, as of April 2010, DNA evidence has enabled the exoneration of over 250 people in our nation’s prisons, some of whom served time on death row; and

Whereas, DNA evidence is also crucial to solving so-called “cold cases;” and

Whereas, A DNA database is particularly useful in investigating past sex crimes, as a high rate of recidivism exists among sex offenders; and

Whereas, During the New York City Council Committee on Public Safety’s hearing on November 26, 2002, Lisa Friel, Chief of the Sex Crimes Unit of the New York County District Attorney’s Office, testified that rapes in Manhattan and the other boroughs could have been prevented had a DNA sample been taken from a defendant for a previous misdemeanor offense; and

Whereas, In a 2002 study in Virginia, it was revealed that when DNA evidence collected at rape scenes was compared with all convicted felons in the state’s DNA database, approximately 40% of the matches were from felons who were entered into the system because of a non-violent crime; and

Whereas, In New York, the sampling process is simple as DNA samples are taken with a cotton swab inside the mouth; and

Whereas, Increasing the samples in a DNA database enhances the ability of law enforcement officials to solve crimes; and

Whereas, It is imperative that New York adopt the common sense law enforcement tool of requiring anyone convicted of a misdemeanor to provide a DNA sample; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass legislation requiring that all persons convicted of

misdemeanors provide law enforcement with a DNA sample.

Referred to the Committee on Public Safety.

Res. No. 281

Resolution calling upon the New York State Legislature and the appropriate State regulatory agencies to provide reduced energy rates for individuals living in the immediate vicinity of a power plant, and further calling upon the Mayor to propose a memorandum of understanding to be entered into between the City and those energy companies operating power plants within the City that would provide for reduced energy rates for such individuals.

By Council Members Vallone Jr. and James.

Whereas, Many of the power plants currently operating in New York City are located in, or in close proximity to, residential areas, parks and schools; and

Whereas, The recent deregulation of the energy industry in New York has resulted in a proliferation of proposed new power plants in the City, as well as the expansion of many existing power plants; and

Whereas, If approved, many of the proposed new power plants and expansions would also be constructed in close proximity to residential areas; and

Whereas, Although the City is in need of new sources of energy, the sites of the City's current and proposed power plants raise serious health concerns, especially for those living in close proximity to these sites; and

Whereas, Even though new power plants are considerably less polluting than the older plants, communities surrounding and abutting power plants are still exposed daily to a host of pollutants and there has been little testing to determine the cumulative effect on communities that neighbor a cluster of power plants, such as Long Island City; and

Whereas, In addition, power plants affect the aesthetics of a community and decrease property values in the immediate area; and

Whereas, For these reasons, individuals living in the vicinity of power plants deserve, at the very least, reduced energy rates; and

Whereas, It is important for the State government to recognize the hardship of living near a power plant and provide a small benefit for such individuals; and

Whereas, It is equally important that the Mayor recognize this hardship and propose that a memorandum of understanding be entered into between the City and those energy providers operating within the City to offer lower energy rates to individuals who have power plants in their communities; and

Whereas, In exchange for the privilege of operating in New York City, energy companies should be willing to offer lower rates for residents who live in the immediate vicinity of their plants, and, moreover, such a gesture would go a long way toward developing positive community relations; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature and the appropriate State regulatory agencies to provide reduced energy rates for individuals living in the immediate vicinity of a power plant, and further calls upon the Mayor to propose a memorandum of understanding to be entered into between the City and those energy companies operating power plants within the City that would provide for reduced energy rates for such individuals.

Referred to the Committee on Environmental Protection.

Res. No. 282

Resolution calling upon the New York State Legislature to enact A. 7823, "Nixzmary's Law," which would provide for police officers to enter a home without a search warrant for the purposes of investigating severe and repeated child abuse and maltreatment, or to investigate whether the welfare of a child is endangered.

By Council Members Vallone Jr., Koslowitz, Recchia and Reyna.

Whereas, Nixzmary Brown, a seven year-old girl, died in January 2006 at the home where she lived with her family, and was allegedly sexually abused, malnourished, and beaten to death by her stepfather; after a second report was made to the State Central Registry (SCR) in December 2005 by the school social worker regarding alleged physical abuse to Nixzmary, ACS Child Protective Services (CPS) caseworkers made four unsuccessful attempts to conduct home visits between December 2005 and January 2006; and

Whereas, The tragic death of Nixzmary Brown might have been prevented if ACS caseworkers, accompanied by members of the NYPD, had been able to enter her home without obtaining a warrant; and

Whereas, ACS caseworkers are deployed to investigate homes where child abuse allegations are reported and are often escorted by police officers; and

Whereas, The current Criminal Procedure Law requires the New York City

Police Department (NYPD) to obtain a warrant prior to entering a home to investigate allegations of child abuse; and

Whereas, If police officers had the authority to enter homes without warrants when severe and repeated child abuse allegations are reported, ACS caseworkers would have an easier time conducting their investigations; and

Whereas, Requiring that officers first obtain a warrant before entering homes requires more time to pass before ACS caseworkers are able to enter a home to make determinations about whether or not a child's life is at risk; and

Whereas, Allowing more time to pass before investigations can be conducted poses a serious threat to children; *USA Today* reports that since the recession began there has been an increase shaken baby syndrome, the deadliest form of child abuse; and

Whereas, In the wake of the Nixzmary Brown tragedy, New York State Assembly Member Darryl Towns introduced a bill that was reintroduced this session as A. 7823, also known as "Nixzmary's Law," to prevent another child from suffering abuse, maltreatment, and possible death, as in the case of Nixzmary Brown; this legislation would amend the Criminal Procedure Law to eliminate the need to undergo the lengthy process of acquiring a search warrant in serious cases of alleged child abuse; and

Whereas, Passing this legislation would enhance the ability of ACS caseworkers and NYPD officers to fulfill their mission of ensuring the safety and well-being of New York City children, thus improving the protection of children from abuse and neglect and increasing the prevention of resultant child fatalities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact A. 7823, "Nixzmary's Law," which would provide for police officers to enter a home without a search warrant for the purposes of investigating severe and repeated child abuse and maltreatment, or to investigate whether the welfare of a child is endangered.

Referred to the Committee on General Welfare.

Res. No. 283

Resolution in support of pending legislation in the New York State Legislature that would amend the Penal Law to criminalize assaults on retired police officers that are in connection with their former service to the police department.

By Council Members Vallone, Jr., Chin, Fidler, Gentile, Nelson and Halloran.

Whereas, Police officers in New York face continual threats to their personal safety while performing their duties to protect the public; and

Whereas, Retired police officers, although no longer engaged daily with criminals, may be confronted with the danger of individuals seeking revenge for past arrests; and

Whereas, On June 26, 2007, retired New York Police Department (NYPD) Captain Charles Stravalle was savagely attacked on Woodhaven Boulevard in Queens by Joseph Manzi after the retired NYPD Captain was recognized as the police officer that arrested him in April 2002; and

Whereas, Joseph Manzi, whose criminal record includes 13 arrests for assaults, drugs and thefts, cornered the retired Captain Stravalle and beat him viciously in the head, legs, chest, and arms before leaving him in a semi-conscious state; and

Whereas, As the assailant continued beating retired Captain Stravalle, he said "Do you know who I am? I am the person you arrested when you were the Captain at the 112 Precinct. I'm gonna kill you!"; and

Whereas, Under the current law, it is likely that an offender like Mr. Manzi could be charged with assault in the third degree, a class A misdemeanor; and

Whereas, Criminals must be made aware that assaulting a police officer, active or retired, carries a stringent punishment; and

Whereas, Senator Diane Savino and Assemblyman Peter Abbate, Jr. are the sponsors of S.5242/A.7138 which seeks to amend the New York State Penal Law by creating a new crime for assaulting a retired police officer that previously was involved in the arrest of the assailant; and

Whereas, These bills would create a new subdivision of Penal Law Section 120.10, and establish that assaulting a retired police officer with the intent to cause serious physical injury and with the intent to seek retribution for a prior arrest constitutes assault in the first degree, a class B felony; and

Whereas, Retired police officers should not fear the prospect of retaliation, at any point in their lives, from the people they arrest; and

Whereas, Retired police officers should be given extended protection by New York State for their tireless contributions towards public safety; now, therefore, be it

Resolved, That the Council of the City of New York supports pending legislation in the New York State Legislature that would amend the Penal Law to criminalize assaults on retired police officers that are in connection with their former service to the police department.

Referred to the Committee on Public Safety.

Res. No. 284

Resolution urging the ownership of the Empire State Building to honor Mother Teresa by having her colors of blue and white shine from the building's tower on August 26, 2010, in recognition of her great humanitarian work, and on the day that the U.S. Postal Service will be commemorating her 100th birthday.

By Council Members Vallone Jr., Rodriguez, Ferreras, Fidler, Foster, Gentile, Jackson, James, Koppell, Koslowitz, Lander, Nelson, Reyna, Seabrook, Vacca, Van Bramer, Chin, Comrie, Eugene, Halloran, Ignizio, Oddo and Ulrich.

Whereas, Mother Teresa, founder of the Missionaries of Charity, has received worldwide recognition for her service to humanity; and

Whereas, At the time of her death, the organization was operating 610 missions in 123 countries, including soup kitchens, children's and family counseling programs, orphanages, schools, hospices and homes for people with HIV/AIDS, tuberculosis and other diseases; and

Whereas, Her outstanding humanitarian efforts and charitable activities on behalf of the sick and disadvantaged earned her approximately 124 prestigious awards, including the Padmashree Award from the President of India in 1962, the John F. Kennedy International Award and the Pope John XXIII Peace Prize in 1971, the Order of Merit from Queen Elizabeth II in 1983, the Nobel Peace Prize in 1979, the Bharat Ratna (The Jewel of India), India's highest civilian award in 1980, the Presidential Medal of Freedom by President Ronald Reagan in 1985, and the U.S. Congressional Gold Medal in 1997, which are two of the highest U.S. civilian awards; and

Whereas, Mother Teresa also received honorary U.S. citizenship in 1996 from the U.S. Congress and President Bill Clinton, and was among five other distinguished individuals to receive such honor; and

Whereas, After her death, Pope John Paul II beatified Mother Teresa on October 19, 2003, which marked the first step in her candidacy for sainthood; and

Whereas, Mother Teresa continues to be recognized for her significant contributions; and

Whereas, The U.S. Postal Service will honor Mother Teresa with a stamp on August 26, 2010, the anniversary of her 100th birthday; and

Whereas, The Catholic League submitted an application to the Empire State Building Lighting Partners to have the skyscraper feature blue and white lights (the color of Mother Teresa's congregation) in conjunction with the U.S. Postal Service commemorating her centennial; and

Whereas, The request was denied for reasons unknown; and

Whereas, Since 1964, the Empire State Building has illuminated various colors to honor notable figures, such as Frank Sinatra and Queen Elizabeth II, as well as events, including holidays, historic, religious, cultural, sporting and world events; and

Whereas, As an honorary U.S. citizen and as one of the most revered figures in history, Mother Teresa should be honored by having white and blue lights shine at the top of the Empire State Building on her 100th birthday; and

Whereas, The Empire State Building is one of the most recognizable buildings in the world and honoring Mother Teresa at this building would be one of the most prestigious honors in New York City; and

Whereas, Mother Teresa touched the lives of many people around the world, and stood as the icon of peace, love and compassion; now, therefore, be it

Resolved, That the Council of the City of New York urges the ownership of the Empire State Building to honor Mother Teresa by having her colors of blue and white shine from the building's tower on August 26, 2010, in recognition of her great humanitarian work, and on the day that the U.S. Postal Service will be commemorating her 100th birthday.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Res. No. 285

Resolution calling upon the United States Congress to immediately repeal the ban on federal funding of ACORN and any subsidiaries, affiliates or allies of ACORN, supporting the ruling of the district court in the ACORN v. United States case that the aforementioned legislation constitutes an unconstitutional bill of attainder and urging the Department of Justice to discontinue its appeal in this case.

By Council Members Williams, Barron, Chin, Foster, James, Lander, Seabrook, Mendez, Jackson, Reyna, Rodriguez, and Mark-Viverito.

Whereas, The Association of Community Organizations for Reform Now, Inc., otherwise known as ACORN, stands as one of the nation's largest and most successful community organizations servicing both middle and lower income families; and

Whereas, This organization has recently experienced a congressional funding ban due to the discovery of undercover videos that seemed to show the organization's employees offering advice on how to break the law; and

Whereas, ACORN initiated a lawsuit to challenge this ban, ACORN v. United States; and

Whereas, United States District Judge Nina Gershon found that the congressional ban on funding for ACORN was an unconstitutional bill of attainder; and

Whereas, This ban on federal funding has already adversely affected ACORN financially, and it has also and will continue to impact the organization's image and standing even if their opportunity to apply for federal funding is restored in the future, and

Whereas, Because of the loss of federal funding, many ACORN state affiliates were forced to close their offices at the time that the federal district court was reviewing the organization's request for injunctive relief; and

Whereas, Some local and state ACORN affiliates subsequently decided to dissolve their affiliation with ACORN and some of the organizers involved with those local organizations formed new organizations to continue their work; and

Whereas, As a result of these actions, at its meeting on March 21, 2010, the ACORN Board decided to shut down and dissolve all remaining state and local ACORN affiliates as of April 1, 2010; and

Whereas, Currently, national ACORN has decided not to dissolve or declare bankruptcy; and

Whereas, A new ACORN Board of Directors will make a final decision on the future of the organization in the coming months; and

Whereas, The aforementioned Congressional ban on funding to ACORN and affiliated organizations has had a harmful effect on New York City residents, particularly its poor residents, in that ACORN and affiliated or allied organizations performed valuable services for residents in the City; and

Whereas, In order for ACORN to have a chance at surviving its financial troubles, the court order issued by the district court judge that requires the federal Office of Management and Budget to instruct agencies to inform subcontractors that the ban on ACORN was unconstitutional, requires the defendants to remove the Congressionally imposed bar to ACORN funding, rescinds the Congressional suspension of ACORN contracts and funding and requires paying ACORN the federal funds they would have been entitled to, must be enforced immediately; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to immediately repeal the ban on federal funding of ACORN and any subsidiaries, affiliates or allies of ACORN, and, be it further

Resolved, That the Council of the City of New York supports the ruling of the district court in the case of ACORN v. United States that the aforementioned legislation constitutes an unconstitutional Bill of Attainder and urges the Department of Justice to discontinue its appeal in this case.

Referred to the Committee on State and Federal Legislation.

L.U. No. 114

By Council Member Recchia:

Bryant Mews, Block 3002, Lots 13,16, 20, Bronx, Council District No. 15. Mid-Bronx Plaza, Block 2938, Lot 49, Bronx, Council District No. 16

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

L.U. No. 115

By Council Member Comrie:

Application no. 20105712 HAK, an amendment to an Urban Development Action Area Project located at 433-441 De Witt Avenue, Council District no. 42, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions).

L.U. No. 116

By Council Member Comrie:

Application no. 20105441 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of BHRC Corp. d/b/a Café Buon Gusto, to establish maintain and operate an unenclosed sidewalk café located at 151 Montague Street, Borough of Brooklyn, Council District no. 33. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 117

By Council Member Comrie:

Application no. 20105393 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Cieli Partners LP d/b/a Trattoria Dell'Arte, to establish maintain and operate an unenclosed sidewalk café located at 900 Seventh Avenue, Borough of Brooklyn, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 118

By Council Member Comrie:

Application no. 20105514 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Vida Mexicana d/b/a Papisito, to establish maintain and operate an unenclosed sidewalk café located at 223 Dyckman Street, Borough of Brooklyn, Council District no. 7. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 119

By Council Member Comrie:

Application no. 20105495 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Bar Giacosa Corp. d/b/a Bar Pitti, to establish maintain and operate an unenclosed sidewalk café located at 268 Sixth Avenue, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 120

By Council Member Comrie:

Application no. C 090143 ZMX submitted by 625 Fordham, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3c, changing from a C8-1 District to an R6 District and establishing within an existing and proposed R6 District a C2-4 District..

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 121

By Council Member Comrie:

Application no. N 100217 ZRM submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 3 and Article XII, Chapter 1, Borough of Manhattan, Community District 4.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 122

By Council Member Comrie

Application no. N 100262 ZRM submitted by the New York City Housing Authority (NYCHA) and 25thStreet Chelsea Equities LLC the pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Article II, Chapter 3 (Height and Setback Regulations), Borough of Manhattan, Community District 4.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 123

By Council Member Comrie

Application no. 20105519 HKM (N 100279 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.427, LP-2354) by the Landmarks Preservation Commission of the Germania Fire Insurance Company Bowery Building, located at 357 Bowery (Block 459, Lot 7), as a historic landmark, Council District no.2.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 124

By Council Member Comrie

Application no. 20105402 SCQ, a proposed site for a new, approximately 600 seat Primary School Facility, to be located at 55-20 Metropolitan Avenue (Block 3365, Lot 27), Council District No. 30, Borough of Queens. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Use.

L.U. No. 125

By Council Member Comrie:

Application no. 20105362 SCQ, a proposed site for a new, approximately 380 seat Primary School Facility, to be located at 110-02 to 110-20 Northern

Boulevard (Block 1725, Lot 1, 3, 4, 7, 8, 11, 12, and 13), Council District No. 21, Borough of Queens. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Use.

L.U. No. 126

By Council Member Comrie:

Application no. 20105483 SCQ, a proposed site for a new, approximately 1,100 seat Intermediate/High School Facility, on the block bounded by 2nd Street and mapped but as yet unbuilt rights of way for 51st Ave., Center Boulevard and Borden Avenue, Council District No. 26, Borough of Queens. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Use.

L.U. No. 127

By Council Member Comrie

Application no. 20105366 SCX, a proposed site for a new, approximately 390 seat Intermediate School Facility, to be located on the west side of West 167th Street between West 168th Street and Dr. Martin Luther King, Jr. Boulevard (Block 2527, Lot 32, portion), Council District No. 17, Borough of Queens. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Use.

L.U. No. 128

By Council Member Comrie:

Application no. 20105713 SCM, a proposed site for a new, approximately 630 seat replacement facility for P.S. 51, to be located on the north side of West 44th Street between Tenth and Eleventh Avenues (Block 1073, Lot 1, portion), Council District No. 3, Borough of Manhattan. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Use.

L.U. No. 129

By Council Member Comrie:

Application no. 20105590 SCM, a proposed site for a new, approximately 850 seat Intermediate/High School Facility, to be located on the south side of East 15th Street between Fifth Avenue and Union Square West (Block 842, Lot 34), Council District No. 2, Borough of Manhattan. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Use.

L.U. No. 130

By Council Member Comrie:

Uniform Land Use Review Procedure application no. C 100185 ZMK pursuant to §197-c and §197-d of the New York City Charter, concerning changes to

the zoning map Section Nos 12c and 12d, Borough of Brooklyn, Council District no. 33.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 131

By Council Member Comrie:

Zoning Resolution Amendment application no. N 100186 ZRK, pursuant to Sections 197-d and 200 of the New York City Charter, respecting changes in the text of the Zoning Resolution, relating to Sections 23-953, 62-35, 62-352, 52-83, and Appendix F (Inclusionary Housing Designated Areas), Borough of Brooklyn, Community Board 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 132

By Council Member Comrie:

Uniform Land Use Review Procedure application no. C 100187 ZSK, pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Brooklyn, Council District no. 33 to facilitate a mixed use development. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 133

By Council Member Comrie:

Uniform Land Use Review Procedure application no. C 100188 ZSK pursuant to §197-c and §197-d of the Charter of the City of New York concerning a special permit under the Zoning Resolution in the Borough of Brooklyn, Council District no. 33 to facilitate a mixed use development. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Due To The Exigencies Of The Budget Adoption, Meetings of the Finance and State and Federal Legislation Committees and the Stated Meeting Of The Council Are Recessed Subject To Call We Will Keep You Advised Accordingly

Thursday, June 10, 2010

Committee on GENERAL WELFARE.....10:00 A.M.

Oversight - DHS' Procedures for Locating Transitional Housing for the Homeless
Int 79 - By Council Members Koppell, Vann, Vacca, Brewer, Dickens, Ferreras, Fidler, James, Koslowitz, Mark-Viverito, Nelson, Sanders Jr., Rodriguez 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 to notify the affected community prior to locating transitional housing for the homeless.

Council Chambers – City Hall Annabel Palma, Chairperson

Committee on **HEALTH**..... **1:00 P.M.**

Int 175 - By Council Members Vallone, Gennaro, Gentile, Fidler, James, Koppell, Rose, Sanders Jr., Van Bramer, Vann, Foster and Halloran - A Local Law to amend the administrative code of the city of New York, in relation to the sale of toys and child care products that contain bisphenol A or phthalates.

Hearing Room – 250 Broadway, 14th Floor . Maria del Carmen Arroyo, Chairperson

★ *Deferred*

~~Committee on **TRANSPORTATION**.....**1:00 P.M.**~~

~~Agenda to be announced~~

~~Council Chambers – City Hall James Vacca, Chairperson~~

Friday, June 11, 2010

Committee on **TECHNOLOGY**.....**10:00 A.M.**

Int 214 - By Council Members Garodnick and Vann (by request of the Mayor) - A Local Law to amend the administrative code of the city of New York, in relation to the enhanced 911 emergency telephone system surcharge.

Hearing Room – 250 Broadway, 14th Floor..... Daniel Garodnick, Chairperson

Monday, June 14, 2010

★ *Deferred*

~~Committee on **CONSUMER AFFAIRS**.....**10:00 A.M.**~~

~~Agenda to be announced~~

~~Council Chambers – City..... Karen Koslowitz, Chairperson~~

★ *Addition*

Committee on **TRANSPORTATION** jointly with the

Committee on **SMALL BUSINESS** **12:00 P.M.**

Oversight - The 2nd Avenue Subway and the East Side – Is there light at the end of the tunnel?

Council Chambers – City Hall James Vacca, Chairperson

..... Diana Reyna, Chairperson

Tuesday, June 15, 2010

Subcommittee on **ZONING & FRANCHISES****9:30 A.M.**

See Land Use Calendar Available Thursday, June 10, 2010, in Room 5 City Hall

Hearing Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING &**

MARITIME USES.....**11:00 A.M.**

See Land Use Calendar Available Thursday, June 10, 2010, in Room 5 City Hall

Hearing Room – 250 Broadway, 16th Floor Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... **1:00 P.M.**
 See Land Use Calendar Available Thursday, June 10, 2010, in Room 5 City Hall
 Hearing Room – 250 Broadway, 16th Floor..... Stephen Levin, Chairperson

Committee on **CIVIL SERVICE AND LABOR**..... **1:00 P.M.**
 Oversight - An Update of the Department of Citywide Administrative Services' Implementation of the Provisional Employee Reduction Plan: Is it Working?
 Hearing Room – 250 Broadway, 14th Floor James Sanders, Chairperson

Wednesday, June 16, 2010

Committee on **WOMEN'S ISSUES** **10:00 A.M.**
 Oversight - Closing the Gender Wage Gap
 Hearing Room – 250 Broadway, 14th Floor Julissa Ferreras, Chairperson

Committee on **HOUSING AND BUILDINGS**.....**10:00 A.M.**
 Int 224 - By Council Member Mendez, The Speaker (Council Member Quinn), and Council Members Brewer, Chin, Dromm, Fidler, Foster, Koppell, Koslowitz, Lander, Lappin, Mark-Viverito, Nelson, Rodriguez, Sanders Jr., Vann, Williams, Gennaro and Koo - A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a pilot program for the remediation of mold and vermin conditions in certain multiple dwellings.
 Council Chambers – City Hall Erik Martin-Dilan, Chairperson

★ *Addition*
 Committee on **CONSUMER AFFAIRS****10:00 A.M.**
 Int 272 - By Council Members Lappin and Koslowitz - A Local Law - To amend the administrative code of the city of New York, in relation to revoking food vendor permits for parking violations.
 Hearing Room – 250 Broadway, 16th Floor..... Karen Koslowitz, Chairperson

★ *Deferred*
~~Committee on **WATERFRONTS**.....**1:00 P.M.**
 Oversight - Clearing the Air: Greening New York City's Working Waterfront
 Hearing Room – 250 Broadway, 14th Floor Michael Nelson, Chairperson~~

Committee on **IMMIGRATION** **1:00 P.M.**
 Oversight - A Review of Governor Paterson's Immigrant Pardon Board and its Potential Impact on Immigrant New Yorkers Facing Deportation
 Hearing Room – 250 Broadway, 16th Floor Daniel Dromm, Chairperson

Committee on **GOVERNMENTAL OPERATIONS** **1:00 P.M.**
 Int 260 - By The Speaker (Council Member Quinn) - A Local Law - To amend the administrative code of the city of New York, in relation to requiring the City Clerk to provide the public with certain information regarding same sex marriages.
 Council Chambers – City Hall Gale Brewer, Chairperson

Thursday, June 17, 2010

Committee on **LAND USE**.....**10:00 A.M.**
 All items reported out of the subcommittees
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Hearing Room – 250 Broadway, 16th Floor Leroy Comrie, Chairperson

Committee on **YOUTH SERVICES****10:00 A.M.**
 Oversight - Teen Fatherhood Initiatives
 Council Chambers – City Hall Lewis A. Fidler, Chairperson

★ *Deferred*
~~Committee on **SMALL BUSINESS****10:00 A.M.**
 Agenda to be announced
 Hearing Room – 250 Broadway, 14th Floor Diana Reyna, Chairperson~~

★ *Deferred*
~~Committee on **EDUCATION****1:00 P.M.**
 Agenda to be announced
 Council Chambers – City Hall Robert Jackson, Chairperson~~

★ *Addition*
 Committee on **FINANCE**..... **1:00 P.M.**
 Int 172 - By Council Members Vacca, Gentile and Crowley - A Local Law to repeal Local Law 41 for the year 2009.
 Council Chambers – City Hall Domenic M. Recchia, Chairperson

★ *Addition*
 Committee on **WATERFRONTS**..... **1:00 P.M.**
 Oversight - Clearing the Air: Greening New York City's Working Waterfront
 Hearing Room – 250 Broadway, 14th Floor Michael Nelson, Chairperson

Monday, June 21, 2010

★ *Addition*
 Subcommittee on **ZONING & FRANCHISES****10:00 A.M.**
 See Land Use Calendar Available in Room 5 City Hall
 Council Chambers – City Hall Mark Weprin, Chairperson

★ *Note Location Change*
 Committee on **TECHNOLOGY**.....**10:00 A.M.**
 Int 29 - By Council Members Brewer, Fidler, Gentile, Gonzalez, James, Lander, Palma, Nelson, Lappin and Dromm - A Local Law to amend the administrative code of the city of New York, in relation to creating open data standards.
 ★ Hearing Room – 250 Broadway, 16th Floor Daniel Garodnick, Chairperson

★ *Deferred*
~~Committee on **GOVERNMENTAL OPERATIONS****10:00 A.M.**
 Agenda to be announced
 Hearing Room – 250 Broadway, 14th Floor Gale Brewer, Chairperson~~

Committee on **CONTRACTS**..... **1:00P.M.**
 Agenda to be announced
 Hearing Room – 250 Broadway, 14th Floor..... Darlene Mealy, Chairperson

★ *Addition*
 Committee on **EDUCATION** **1:00 P.M.**
 Oversight - DOE Admissions Policies and Procedures
 Hearing Room – 250 Broadway, 16th Floor Robert Jackson, Chairperson

★ *Addition*
 Subcommittee on **DRUG ABUSE** **1:30 P.M.**
 Tour: Exponents Drug Treatment Outpatient Program
 Location: 151 West 26th Street, 3rd Floor
 New York, NY 10001
 Details Attached..... Fernando Cabrera, Chairperson

Tuesday, June 22, 2010

Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS**.....**10:00 A.M.**
 Agenda to be announced
 Council Chambers – City Hall James Van Bramer, Chairperson

Committee on **COMMUNITY DEVELOPMENT****10:00 A.M.**
 Agenda to be announced
 Hearing Room – 250 Broadway, 14th Floor Albert Vann, Chairperson

Committee on **PARKS AND RECREATION**.....**10:00 A.M.**
 Agenda to be announced
 Hearing Room – 250 Broadway, 16th Floor Melissa Mark-Viverito, Chairperson

Committee on **HOUSING AND BUILDINGS**..... **1:00 P.M.**
 Proposed Int 87-A - By Council Members Mark-Viverito, Reyna, Brewer, Chin, James, Lander, Williams, Vacca, Foster and Dromm - A Local Law - To amend the administrative code of the city of New York, in relation to the filing of registration statements by owners of dwellings.

Int 262 - By Council Member Cabrera - A Local Law to amend the administrative code of the city of New York, in relation to reducing unnecessary artificial lighting in lobbies and hallways.

Int 263 - By Council Member Dickens - A Local Law to amend the New York city plumbing code, in relation to reducing the waste of drinking water for cooling.

Int 264 - By Council Member Eugene - A Local Law to amend the administrative code of the city of New York, in relation to drinking fountains.

Int 266 - By Council Member Garodnick - A Local Law to amend the administrative code of the city of new York, in relation to energy efficiency in commercial buildings.

Int 267 - By Council Member Gennaro - A Local Law to amend the administrative code of the city of New York, in relation to including environmental concerns as an interest of the New York City Building Code.

Int 268 - By Council Member Lander - A Local Law to amend the administrative code of the city of New York, in relation to preventing water waste in buildings.

Int 271 - By Council Member Lappin - A Local Law to amend the New York city plumbing code and the administrative code of the city of new York, in relation to enhancing water efficiency standards.

Int 273 - By Council Member Levin - A Local Law to amend the New York city building code, in relation to lighting of temporary walkways at construction sites.

Int 277 - By Council Member Ulrich - A Local Law to amend the administrative code of the city of New York, in relation to improving lighting efficiency in dwellings.

Hearing Room – 250 Broadway, 14th Floor..... Erik Martin-Dilan, Chairperson

Committee on HIGHER EDUCATION..... 1:00 P.M. Oversight - Examining the Impact of CUNY’s Record High Enrollment Council Chambers – City Hall Ydanis Rodriguez, Chairperson

★ Addition

Committee on GOVERNMENTAL OPERATIONS 1:00 P.M. Agenda to be announced Hearing Room – 250 Broadway, 16th FloorGale Brewer, Chairperson

Wednesday, June 23, 2010

Committee on ENVIRONMENTAL PROTECTION.....10:00 A.M. Agenda to be announced Council Chambers – City..... James F. Gennaro, Chairperson

Committee on LOWER MANHATTAN REDEVELOPMENT10:00 A.M. Agenda to be announced Hearing Room – 250 Broadway, 14th Floor Margaret Chin, Chairperson

Committee on AGING 1:00 P.M. Agenda to be announced Hearing Room – 250 Broadway, 16th Floor Jessica Lappin, Chairperson

Committee on JUVENILE JUSTICE..... 1:00 P.M. Agenda to be announced Hearing Room – 250 Broadway, 14th Floor Sara M. Gonzalez, Chairperson

Committee on CIVIL RIGHTS..... 1:00 P.M. Agenda to be announced Council Chambers – City Hall Deborah Rose, Chairperson

Thursday, June 24, 2010

★ Deferred

Committee on EDUCATION10:00 A.M. Agenda to be announced Council Chambers – City Hall Robert Jackson, Chairperson

Committee on FIRE AND CRIMINAL JUSTICE SERVICES.....10:00 A.M. Agenda to be announced Hearing Room – 250 Broadway, 14th Floor Elizabeth Crowley, Chairperson

Committee on HEALTH..... 1:00 P.M. Agenda to be announced Hearing Room – 250 Broadway, 14th Floor Maria del Carmen Arroyo, Chairperson

Committee on VETERANS 1:00 P.M. Agenda to be announced Hearing Room – 250 Broadway, 16th Floor Mathieu Eugene, Chairperson

Monday, June 28, 2010

Committee on ECONOMIC DEVELOPMENT10:00 A.M. Agenda to be announced Council Chambers – City HallThomas White, Chairperson

Tuesday, June 29, 2010

Committee on PUBLIC HOUSING10:00 A.M. Agenda to be announced Hearing Room – 250 Broadway, 14th Floor..... Rosie Mendez, Chairperson

Committee on PARKS AND RECREATION..... 1:00 P.M. Agenda to be announced Council Chambers – City Hall Melissa Mark-Viverito, Chairperson

Committee on CIVIL SERVICE AND LABOR..... 1:00 P.M. Agenda to be announced Hearing Room – 250 Broadway, 14th Floor..... James Sanders, Chairperson

Wednesday, June 30, 2010

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m. Agenda – 1:30 p.m.

MEMORANDUM

June 7, 2010

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE SUBCOMMITTEE ON DRUG ABUSE

Please be advised that all Council Members are invited to attend a tour:

Exponents Drug Treatment Outpatient Program

151 West 26th Street, 3rd Floor

New York, NY 10001

The tour will be on Monday, June 21, 2010 beginning at 1:30 p.m. A van will be leaving City Hall at 1:00 p.m. sharp.

Council Members interested in riding in the van should call Matthew Carlin, at 212-788-9110.

Fernando Cabrera, Chairperson Subcommittee on Drug Abuse

Christine C. Quinn Speaker of the Council

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) declared the Meeting in recess.

Editor’s Note: The Stated Council Meeting scheduled for June 30, 2010 was subsequently deferred; a Stated Council Meeting was scheduled for June 29, 2010 instead.

THE COUNCIL*Minutes of the*
RECESSED MEETING*of*
Wednesday, June 9, 2010
held on
Tuesday, June 29, 2010, 5:06 p.m.The President Pro Tempore (Council Member Rivera)
*Acting Presiding Officer*Council Members

Christine C. Quinn, Speaker

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

Excused on June 29, 2010: Council Members Seabrook and White.

*There were 49 Council Members present at this Recessed Meeting held on June 29, 2010.**Editor's Note re: Attendance for the Stated Council Meeting of June 9, 2010 and the Recessed Council Meeting held on June 29, 2010: The Stated Council Meeting of June 9, 2010 was opened and subsequently recessed on June 9, 2010 before being re-opened and adjourned on June 29, 2010. This Recessed Meeting held on June 29, 2010, therefore, is considered the continuation and conclusion of the Stated Meeting that opened on June 9, 2010. Both meetings together constitute the proceedings collectively known as the Stated Council Meeting of June 9, 2010. For attendance purposes, therefore, any Council Member who was present at either one of these meetings will be considered present for the proceedings collectively known as the Stated Council Meeting of June 9, 2010.*

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these brief proceedings to immediately open and meet again for the scheduled Stated Council Meeting of June 29, 2010.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council*Editor's Local Law Note: Int No. 66 (adopted by the Council at the May 12, 2010 Stated Council Meeting), Int No. 68-A (adopted by the Council at the May 25, 2010 Stated Council Meeting), Int Nos. 118-A and 123-A, (adopted by the Council at the May 12, 2010 Stated Council Meeting) and Int Nos. 206, 207, and 226-A, (adopted by the Council at the May 25, 2010 Stated Council Meeting), were signed by the Mayor into law on June 1, 2010 as, respectively, Local Law Nos. 16, 17, 18, 19, 20, 21, and 22.*

