

SUPPLEMENT TO  
**THE CITY RECORD**

THE COUNCIL —STATED MEETING OF  
**WEDNESDAY, FEBRUARY 2, 2011**

**THE COUNCIL**

*Minutes of the  
STATED MEETING  
of*

Wednesday, February 2, 2011, 2:55 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Barron, Palma and Rivera.

The Deputy Majority Leader (Council Member Comrie) 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 Comrie).

*There were 48 Council Members present at this Stated Meeting held in the lobby of the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y. 10007.*

**INVOCATION**

The Invocation was delivered by Reverend Dr. John C.H. Chang, The Grace Christian Church, Flushing, 137-70 Northern Blvd., Flushing, N.Y. 11354.

Before I say any word of prayer,  
I just want to say thank you

for inviting me here  
to give me this privilege.  
And you have heard that tomorrow  
is Chinese New Year.  
And it is not only celebrated by Chinese  
but also by most of the Asian people.  
Therefore allow me to say on behalf  
of the Asian community in New York City  
to wish you all [a] prosperous future  
and healthy body and spirit  
to serve well for this wonderful, great City.  
Could you please join me in prayer?

Oh Mighty God, we thank You for this time  
that we can gather together  
as the Council of the City of New York.  
Thank you for electing us  
to represent this great City.  
Lord, we are here to make decisions  
for the welfare and the benefit of the City.  
And we need You to grant us Your wisdom.  
We know that all wisdom comes from You  
without wisdom we cannot make right decisions.  
Without Your guidance we cannot know  
what is the right way to move.  
Therefore we are here,  
we humbly ask You to be with us.  
Lord, we know that you are the Almighty God.  
You are the creator of the universe.  
You are the sustainer of this world.  
And You are the redeemer of we humankind.  
And we beseech You, we need You to be with us,  
Especially now, we pray  
that You grant Your wisdom to all Council People.  
Give them the courage to pursue  
for the truth and righteousness.  
And we pray that decisions Your love and Your grace  
will be manifest to all City of New York.  
Lord we pray that You be with them and keep them well.  
And through them our City will become a City of peace,  
a City of joy, of peace,  
a City of righteousness and a City of prosperity.  
We thank You for everything  
that You have given to us.  
We honor You and we love You  
because You are the ultimate authority and power.  
And we all hold accountable to You.  
We praise You and we honor You.  
We pray in the name of our Lord, Jesus Christ, Amen.

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

ADOPTION OF MINUTES

Council Member Nelson moved that the Minutes of the Stated Meeting of December 20, 2010 and the Minutes of the Charter Meeting of January 5, 2011 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-344

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license 77 Express Car & Limo. Service, Inc., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.



David Yassky Commissioner  
 Licensing and Standards  
 32-02 Queens Boulevard  
 Long Island City, NY 11101  
 +1 212 227 8324 tel  
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January 21, 2011

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 January 20, 2011 the Taxi & Limousine Commission voted to approve the following for-hire-vehicle base license applications:

NEW (4):	LICENSE #	COUNCIL DISTRICT
77 Express Car & Limo. Service, Inc.	B02423	43
Ola Car Service, Inc.	B02396	38
Ozone Park Car Services, Inc.	B02425	32
Viamax Service Station & Car Service Corp.	B02432	34
RENEWALS (27):	LICENSE #	COUNCIL DISTRICT
Active Express Car & Limo. Service, Inc.	B01552	46
Adam's Car & Limo. Service	B01934	43
Alpha Car & Limo., Inc.	B01638	45
Apollo Radio Dispatch Inc.	B02107	16
Arecibo Car Service, Inc.	B01346	33

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Big King Car & Limo.	B02048	47
Catch Ah Ride Limo. Inc.	B02045	36
Church Avenue Car Service Inc.	B01146	39
Commack, Inc.	B01328	26
Empire Transportation Service Inc.	B01821	48
Five Star	B01466	40
Freedom Limo. & Car Service	B01454	41
Grand Limo. & Car Service Inc.	B01848	26
Heights Car & Limo. Inc.	B01636	33
International Car Service, Inc.	B01118	35
Jerusalem Car.Com, Inc.	B01608	44
La Mexicana Express, Inc.	B01606	38
Los Andes Limo., Inc.	B01514	22
Mega Car Service, Corp.	B01498	38
Mex Service Inc. D/b/a Mex Express Car Service	B02058	40
Mobil Car Service Inc.	B01492	34
Natashas Group Car Corp.	B00932	34
New Enrico's Car Service Corp.	B01131	22
New Mexicana Car Service Inc.	B01697	44
Prospect Car & Limo. Inc.	B02049	33
Santo Domingo Car Service Inc.	B01176	21
Skyway Car Service Express Inc.	B01332	24
RENEWAL & OWNERSHIP CHANGE (2):	LICENSE #	COUNCIL DISTRICT
Guadalupe Car & Limo., Inc.	B02138	44
Malcolm Limo. Express Corp.	B01380	9

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RELOCATION (2):	LICENSE #	COUNCIL DISTRICT
A Kings Highway Car Service, Inc.	B00449	48
Caprice Car Service #2, Inc.	B01045	20
RELOCATION, OWNERSHIP CHANGE & NAME CHANGE(1):	LICENSE #	COUNCIL DISTRICT
West End Cars & Limousines Inc.	B02316	28

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  
 Assistant Commissioner  
 Licensing & Standards  
 Taxi & Limousine Commission

DIAL 311 – Government Services and Information for NYC  
[www.nyc.gov/311](http://www.nyc.gov/311)  
 Printed on paper containing 30% post-consumer material.

Referred to the Committee on Transportation.

M-345

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Ola 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 the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-346

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Ozone Park Car Services, Inc., Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-347

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-348

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-349

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-350

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

Limo., Inc., Council District 45, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-351

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Apollo Radio Dispatch Inc., Council District 16, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-352

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Arecibo 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 the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-353

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Big King Car & Limo., Council District 47, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-354

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-355

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Church Avenue 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 the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-356

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-357

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-358

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-359

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Freedom Limo. & Car Service., Council District 41, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-360

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-361

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-362

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license International Car Service, Inc., Council District 35, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-363

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-364

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-365

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-366

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-367

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-368

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Mobil 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 the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-369

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-370

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-371

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

Car Service Inc., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-372

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-373

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-374

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-375

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-376

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Malcolm Limo. Express Corp., Council District 9, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-377

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

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-378

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation base station license Caprice Car Service #2, Inc., Council District 20, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-379

**Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a relocation, ownership and name change base station license West End Cars & Limousines Inc., Council District 28, pursuant to Section 19-511(i), of the administrative code of the city of New York.**

(For text of the TLC Letter, please see M-344 printed in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

#### LAND USE CALL UPS

M-380

By Council Member Jackson:

**Pursuant to Rule 11.20(b) of the Council and Section 20-2269(g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 233 Dyckman Street, Community Board 12, Application 20115231 TCM shall be subject to review by the Council.**

Coupled on Call-Up Vote

M-381

By Council Member Reyna:

**Pursuant to Rule 11.20(b) of the Council and Section 20-2269(g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 152 Metropolitan Avenue, Community Board 1, Application 20115294 TCK shall be subject to review by the Council.**

Coupled on Call-Up Vote

M-382

By Council Member Reyna:

**Pursuant to Rule 11.20(b) of the Council and Section 20-2269(g) or Section 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 85 Broadway, Community Board 1, Application 20115165 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 Comrie) 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, 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, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, and the Speaker (Council Member Quinn) – **48**.

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

#### REPORTS OF THE STANDING COMMITTEES

##### 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 L.U. No. 304

**Report of the Committee on Finance in favor of approving Metro North Gardens, Block 1654, Lot 29, Manhattan, Council District No. 8.**

The Committee on Finance, to which the annexed Land Use resolution was referred on February 2, 2011, respectfully

#### REPORTS:

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

February 2, 2011

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

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of February 2, 2011-Resolution approving tax exemptions for five preconsidered Land Use Items (Council District's 2, 8, 36 and 39).

HPD has submitted requests to the Council to approve property tax exemptions for the following properties: Haven Plaza located in Council Member Mendez's District, Concord Senior Residence in Council Member Vann's District, Metro North Gardens and 105<sup>th</sup> Street Homesteaders Housing in Council Member Viverito's District. And finally the Culver El Project in Council Member Lander's District.

Haven Plaza contains 4 building that provides 371 units of rental housing for low income families. The Sponsor, Haven Plaza Housing Development Fund Company plans to finance significant rehabilitation work with a combination of an Article 8 mortgage loan from HPD and a loan from New York City Housing Development Corporation (HDC). The owner plans to request a new Article XI tax exemption to be coterminous with the term of the new mortgage. The original Article XI exemption expired on July 1, 1992, and the original project is now experiencing operating deficits and real property tax arrearages. On March 11, 2009 the Council granted an interim tax exemption pursuant to Private Housing Finance Law 577 that would expire on December 31, 2009. When this exemption was granted it was anticipated that the owner would be financing the Article 8 mortgage loan simultaneously with the private bank loan, tax exempt bond financing and tax credits. Due to the delay from these financing sources, HPD requested and the Council approved an extension of the interim exemption to December 31, 2010 which allowed the sponsor to provide affordable rents until all the financing sources were secured. It was anticipated that financing of the second phase of rehabilitation work will occur sometime in 2011, therefore HPD and the Sponsor requested and received in December, 2010 a further extension of the interim exemption that would last through December 31, 2011. The Sponsor has secured financing sources for the project and is now ready to receive a permanent 40 year tax exemption that would be coterminous with the HDC loan and regulatory agreement.

The Concord Senior Residence is a multiple dwelling that provides thirty units of rental housing for elderly persons of low income. The sponsor, Concord Senior Citizens Housing Development Fund Corporation, developed the project under the Section 202 Supportive Housing for the Elderly Program with financing and operating subsidies from the United States Department of Housing and Urban Development ("HUD") and a tax exemption from the City which was expired in 2005. In order to keep the project financially viable and provide affordable housing to low-income seniors, HPD is requesting a new tax exemption pursuant to Section 577 of the Private Housing Finance Law commencing on July 1, 2005 and terminating with the expiration of the HUD regulatory agreement and mortgage which would be in October 2, 2024.

Metro North Gardens contains one multiple dwelling that provide 48 units of rental housing for low income families. The sponsor, Metro North Gardens Housing Development Fund Company, will finance the rehabilitation of the project with a loan from the New York City Housing Development Corporation (HDC). The Sponsor and HDC will enter in a 30 year regulatory agreement that maintains affordability for the project. In order to keep the project financially viable and provide affordable housing, HPD is requesting an Article XI tax exemption pursuant to Section 577 of the Private Housing Finance Law.

105<sup>th</sup> Street Homesteaders contains 7 multiple dwellings that provides 44 units of cooperative housing for low income families. Due to high increases in assessed values and the expiration of a J-51 tax abatement the sponsor, 105<sup>th</sup> Street Homesteaders Housing Development Fund Corporation, is now requesting a partial 30-year tax exemption pursuant to Section 577 of the Private Housing Finance Law in order to ensure affordability to low income families. The Sponsor and HPD will enter into a 30 year regulatory agreement that maintains affordability for the project by providing that upon vacancy dwelling units must be rented or sold to families whose incomes do not exceed 120% of area median income.

The Culver El will be a new construction project that will consist of 68 condominium units for sale to low income purchasers and the development of 48 parking spaces for existing community facilities adjacent to the proposed housing development. This project will be developed under HPD's New Foundation Program, which would allow a yet to be determined Sponsor to purchase City-owned land and construct affordable 1-4 family homes or condominiums. The City provides federal funds as a form of down payment assistance and is also requesting a 20-year tax exemption pursuant to Section 696 of the General Municipal Law.

These items have the approval of Council Members Lander, Mendez, Mark-Viverito and Vann.

Accordingly, this Committee recommended the adoptions of LU Nos. 304, 305, 306, 307, and 308 along with their respective coupled resolutions.

**(For text of the coupled resolution of LU Nos. 305, 306, 307, and 308, please see, respectively, the Reports of the Committee on Finance for LU Nos. 305, 306, 307, and 308; for the text of the coupled resolution of LU No. 304, please see immediately below:)**

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

Res. No. 653

**Resolution approving an exemption from real property taxes for property located at (Block 1654, Lot 29) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 304).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated December 20, 2010 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 1654, Lot 29) Manhattan ("Exemption Area"):

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

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

**WHEREAS**, the Council held a hearing on the Project on February 2, 2011;

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

**RESOLVED:**

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

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Effective Date" shall mean the earlier of the date that the Owner enters into either the HPD Regulatory Agreement or the HDC Regulatory Agreement.
  - (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - (c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1654, Lot 29, on the Tax Map of the City of New York.
  - (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or the termination of the HDC Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (e) "HDC" shall mean the New York City Housing Development Corporation.
  - (f) "HDFC" shall mean Metro North Gardens Housing Development Fund Company Inc.
  - (g) "HDC Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term commencing upon the execution thereof and terminating 30 years after the completion of the rehabilitation, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 80% of area median income.
  - (h) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.



- (i) "HPD Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
  - (j) "Owner" shall mean the HDFC or any future owner of the Exemption Area.
  - (k) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
  - (l) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
  4. Notwithstanding any provision hereof to the contrary:
    - (a) The Exemption shall terminate if HPD determines (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HPD Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of the HDC Regulatory Agreement, (iv) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - (b) The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
    - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, JR., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, 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, February 2, 2011.

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

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. 305

**Report of the Committee on Finance in favor of approving 200,202,204,206,208,210,214, West 105th Street, Block 1876, Lots 34,134,35,135,36,37,39, Manhattan, Council District No. 8**

The Committee on Finance, to which the annexed Land Use resolution was referred on February 2, 2011, respectfully

**REPORTS:**

**(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 304 printed in these Minutes).**

Accordingly, this Committee recommends its adoption.

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

Res. No. 654

**Resolution approving a partial exemption from real property taxes for property located at 200, 202, 204, 206, 208, 210, 214, West 105 Street (Block 1876, Lots 34, 134, 35, 135, 36, 37, 39) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 305).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated January 28, 2011 that the Council take the following action regarding a housing project (the "Project") to be located at 200, 202, 204, 206, 208, 210, 214, West 105 Street (Block 1876, Lots 34, 134, 35, 135, 36, 37, 39) Manhattan ("Exemption Area"):

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

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

**WHEREAS**, the Council held a hearing on the Project on February 2, 2011;

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

**RESOLVED:**

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

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Commercial Property" shall mean those portions of the Exemption Area devoted to business or commercial use.



- (b) "Effective Date" shall mean July 1, 2010.
- (c) "Exemption" shall mean the partial exemption from real property taxes provided hereunder with respect to the Exemption Area.
- (d) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, and identified as Block 1876, Lots 34, 134, 35, 135, 36, 37, 39 on the Tax Map of the City of New York.
- (e) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (f) "HDFC" shall mean 105<sup>th</sup> Street Homesteaders Housing Development Fund Corporation.
- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) "Partial Annual Real Estate Tax Payment" shall mean an annual real estate tax payment for the period commencing on July 1, 2010, in an amount based 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 \$7,693 times the number of residential units included in the Exemption Area and increasing such product by six percent (6%) on July 1, 2011 and on July 1 of each successive year, but not by more than twenty percent (20%) in any five-year period.
- (j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and Sponsor establishing certain controls upon the operation of the Disposition Area during the term of the Exemption.
- (j) "Residential Property" shall mean all of the real property, other than the Commercial Property, included in the Exemption Area.
2. All of the value of the Residential Property in the Exemption Area, including both the land and improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the HDFC shall make real property tax payments in the sum of the Partial Annual Real Estate Tax Payment. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines that (i) the housing project is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the owner of the Exemption Area has failed to execute the Regulatory Agreement within thirty (30) days after the date of approval of the Exemption, (iii) the housing project is not being operated in accordance with the requirements of the Regulatory Agreement, (iv) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- b. The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.

- c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid by or on behalf of the HDFC or any other owner of the Exemption Area prior to July 1, 2010.

5. In consideration of the Exemption, the owner of the Exemption Area shall (i) execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state or federal law, rule or regulation except for an exemption from and/or abatement of real property taxation pursuant to Section 489 of the Real Property Tax Law.

DOMENIC M. RECCHIA, JR., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, 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, February 2, 2011.

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

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. 306

**Report of the Committee on Finance in favor of approving Concord Senior Residence, Block 1824, Lot 70, Brooklyn, Council District No. 36.**

The Committee on Finance, to which the annexed Land Use resolution was referred on February 2, 2011, respectfully

**REPORTS:**

**(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 304 printed in these Minutes).**

Accordingly, this Committee recommends its adoption.

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

Res. No. 655

**Resolution approving an exemption from real property taxes for property located at (Block 1824, Lot 70) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 306).**

By Council Members Recchia and Vann.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated December 6, 2010 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 1824, Lot 70) Brooklyn ("Exemption Area"):

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

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

**WHEREAS**, the Council held a hearing on the Project on February 2, 2011;

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

**RESOLVED:**

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

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Effective Date" shall mean July 1, 2005.
  - (b) "Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - (c) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1824, Lot 70 on the Tax Map of the City of New York.
  - (d) "Expiration Date" shall mean the earlier to occur of (i) October 1, 2024, (ii) the date of the expiration or termination of the HUD Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (e) "HDFC" shall mean Concord Senior Citizens Housing Development Fund Company, Inc.
  - (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (g) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.
  - (h) "HUD Mortgage" shall mean the loan made by HUD to the HDFC in connection with the Section 202 Supportive Housing Program for the Elderly, which loan was secured by a mortgage on the Exemption Area.
  - (i) "HUD Regulatory Agreement" shall mean a regulatory agreement by and between the HDFC and HUD which requires, inter alia, that until October 1, 2024, public occupancy of the Exemption Area be limited to elderly and handicapped persons and families as defined in Section 202 of the Housing Act of 1959 and HUD regulations, and that the criteria governing eligibility of tenants for admission to Section 8 units and the conditions of continued occupancy be in accordance with the housing assistance payments contract.
  - (j) "Rental Subsidy" shall mean Section 8 rental assistance and any similar form of rental assistance from any governmental entity.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the HDFC shall make real property tax payments in the sum of (i) \$41,872, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
4. Notwithstanding any provision hereof to the contrary:
  - (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HUD Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the

requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- (b) The Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
  - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the HDFC shall waive, for so long as the Exemption shall remain in effect, the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, JR., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, 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, February 2, 2011.

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

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. 307

**Report of the Committee on Finance in favor of approving New Foundations Program, Culver El, 1284 37th Street, 1300 37th Street, Brooklyn, Council District No. 39.**

The Committee on Finance, to which the annexed Land Use resolution was referred on February 2, 2011, respectfully

**REPORTS:**

**(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 304 printed in these Minutes).**

Accordingly, this Committee recommends its adoption.

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

Res. No. 656

**Resolution approving an exemption from real property taxes for property located at 1284 37<sup>th</sup> Street, 1300 37<sup>th</sup> Street, Brooklyn, pursuant to Section 696 of the General Municipal Law (Preconsidered L.U. No. 307).**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated August 16, 2010 that the Council take the following action regarding property located at 1284 37<sup>th</sup> Street, 1300 37<sup>th</sup> Street, Borough of Brooklyn (the "Project"):

Approve an exemption of the Project from real property taxes pursuant to Section 696 of the General Municipal Law (the "Tax Exemption");

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

**WHEREAS**, the Council held a hearing on the Project on February 2, 2011;

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

**RESOLVED:**

The Council hereby approves, pursuant to Section 696 of the General Municipal Law, a tax exemption for the Project as follows:

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;
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 portion of the project within the Exemption Area from real property taxes pursuant to Section 696 of the General Municipal Law as follows:
  - a. All of the value of the buildings, structures, and other improvements situated on the Exemption 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 date of issuance of the first temporary or permanent Certificate of Occupancy for a building located on the Exemption 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 Exemption 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.

DOMENIC M. RECCHIA, JR., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, 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, February 2, 2011.

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

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. 308

**Report of the Committee on Finance in favor of approving Haven Plaza, Block 382, Lot 1, Manhattan, Council District No. 2.**

The Committee on Finance, to which the annexed Land Use resolution was referred on February 2, 2011, respectfully

**REPORTS:**

**(For text of the Finance Memo, please see the Report of the Committee on Finance for LU No. 304 printed in these Minutes).**

Accordingly, this Committee recommends its adoption.

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

Res. No. 657

**Resolution approving an exemption from real property taxes for property located at 188-198 Avenue C, 200 Avenue C, 726 East 13<sup>th</sup> Street, 700-722 East 13<sup>th</sup> Street (Block 382, Lot 1) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. 308)**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated January 28, 2011 that the Council take the following action regarding a housing project to be located at 188-198 Avenue C, 200 Avenue C, 726 East 13<sup>th</sup> Street, 700-722 East 13<sup>th</sup> Street (Block 382, Lot 1) Manhattan ("Exemption Area"):

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

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

**WHEREAS**, the Council held a hearing on the Project on February 2, 2011;

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

**RESOLVED:**

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

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Company" shall mean Haven Plaza Square LLC.
  - (b) "Effective Date" shall mean the later of (i) the date of the financing of the New Mortgage, and (ii) the date that HDC and the Owner enter into the Regulatory Agreement.
  - (c) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 382, Lot 1 on the Tax Map of the City of New York.
  - (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (e) "HDC" shall mean the New York City Housing Development Corporation.
  - (f) "HDFC" shall mean Haven Plaza Housing Development Fund Company, Inc.

- (g) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (h) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (i) "New Mortgage" shall mean the loan from HDC.
- (j) "Owner" shall mean, collectively, the HDFC and the Company.
- (k) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on March 11, 2009 (Cal. No. 1856), as amended on November 30, 2009 (Cal. No. 2274) and December 8, 2010 (Cal. No. 599).
- (l) "Regulatory Agreement" shall mean the regulatory agreement between HDC and the Owner providing that, for a term of 40 years, approximately 57% of the dwelling units must be rented to families whose incomes do not exceed 60% of area median income and the remaining dwelling units must be rented to families whose incomes do not exceed 165% of area median income.
- (m) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- (n) "Shelter Rent Tax" shall mean an amount equal to five percent (5%) of Shelter Rent.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.
5. Notwithstanding any provision hereof to the contrary:
- The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
  - The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
  - Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.

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

DOMENIC M. RECCHIA, JR., Chairperson; DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, 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, February 2, 2011.

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

### Report of the Committee on Health

Report for Int. No. 332-A

**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking in pedestrian plazas and public parks and to repeal subdivision b of section 17-513 of the administrative code of the city of New York, in relation to requiring a study regarding the prevention of second-hand smoke circulation in restaurants.**

The Committee on Health, to which the annexed amended proposed local law was referred on September 16, 2010 (Minutes, page 3892), respectfully

### REPORTS:

### INTRODUCTION

On February 2, 2011, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will vote on Int. No. 332-A, a local law in relation to prohibiting smoking in pedestrian plazas and public parks. The Committee previously held a hearing on Intro No. 332 on October 14, 2010 at which the New York City Department of Health and Mental Hygiene, the New York City Department of Parks and Recreation, the American Cancer Society, the American Heart Association, the American Lung Association and other interested members of the community testified.

### BACKGROUND

In 1988, New York City passed its first Smoke-Free Air Act.<sup>1</sup> The law was amended in 1995 and major new protections were added in 2002.<sup>2</sup> The Smoke-Free Air Act bans smoking in indoor areas including restaurants, movie theaters and health care facilities, and outdoor areas including sports arenas, zoos and playgrounds.<sup>3</sup> The Act was amended in 2009 to include hospitals grounds and the area within 15 feet of the entrance or exit to a hospital or hospital grounds.<sup>4</sup>

Despite these efforts, people in New York City continue to smoke and be exposed to smoke in a variety of environments. In 2009, 964,000 people in New York City reported being current smokers.<sup>5</sup> Moreover, a study found that 57 percent of non-smoking adults in the City (2.5 million people) had been exposed to high enough levels of second-hand smoke (SHS) to leave measurable residue in their bodies.<sup>6</sup> This percentage was higher than the national average, despite New York City's lower overall rate of smoking.<sup>7</sup>

### PROBLEMS ASSOCIATED WITH SMOKING OUTDOORS

#### Outdoor Tobacco Smoke

A number of studies have investigated the impact of smoking outside. These studies measured outdoor tobacco smoke (OTS) concentrations in various

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<sup>1</sup> N.Y. City Admin. Code §§ 17-501-17-514 (2010).

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

<sup>3</sup> N.Y. City Admin. Code § 17-503.

<sup>4</sup> N.Y. City Admin. Code § 17-503(c)(6).

<sup>5</sup> N.Y. City Dep't of Health & Mental Hygiene, *Community Health Survey 2009: Smoking Status*, [https://a816-healthpsi.nyc.gov/epiquery/SASStoredProcess/guest?\\_PROGRAM=%2FEpiQuery%2FCHS%2Fchs2009a&var=rsmoke3&crude=uncrude](https://a816-healthpsi.nyc.gov/epiquery/SASStoredProcess/guest?_PROGRAM=%2FEpiQuery%2FCHS%2Fchs2009a&var=rsmoke3&crude=uncrude) (last visited Oct. 10, 2010).

<sup>6</sup> Jennifer A. Ellis, *et al.*, *Secondhand Smoke Exposure among Nonsmokers Nationally and in New York City* 11 NICOTINE & TOBACCO RES. 362 (2009).

<sup>7</sup> *Id.*

locations including parks,<sup>8</sup> outdoor cafes and bars,<sup>9</sup> airports,<sup>10</sup> college campuses,<sup>11</sup> a cruise ship<sup>12</sup> and an amusement park.<sup>13</sup> Results of at least one study showed that OTS levels can be very high during periods of active smoking, although they diminish after smoke sources are extinguished.<sup>14</sup> The California Air Resources Board, in an analysis of outdoor tobacco smoke that was part of the process of concluding that environmental tobacco smoke is a toxic air contaminant, determined that concentrations of nicotine correspond to the number of smokers in the smoking areas, the size of smoking areas and wind speed.<sup>15</sup> In fact, wind often leads to extremely high OTS levels.<sup>16</sup>

All of the studies cited determined that OTS can be high where people are smoking. For example, an Athens, Georgia investigation of outdoor standing and seating areas of bars and restaurants where indoor smoking was prohibited found that people tested outside showed significantly higher levels of exposure to tobacco smoke.<sup>17</sup> A study on a cruise ship sailing at 20 knots (23 mph) in the Caribbean found that OTS in outdoor areas where smoking was permitted on the ship tripled the level of carcinogens to which nonsmokers were exposed compared to both indoor and outdoor areas where there was no smoking.<sup>18</sup> An analysis conducted in Finland found that air pollution levels in outdoor cafes with many smokers were five to 20 times higher than on the sidewalks of busy streets that were polluted by bus, truck and car traffic.<sup>19</sup>

Some studies found that OTS levels were similar to SHS levels indoors. In the study of smoke exposure in New York City discussed above, study authors hypothesized that urban density could be part of the explanation for the high level of exposure of people in New York City compared with those nationally:

Exposure to SHS at building and public transportation entrances may be more intensive in NYC compared with other urban areas and may have an effect on SHS exposure, particularly given evidence suggesting detectable levels of SHS in outdoor areas and given that proximity to the source of smoke outdoors can produce SHS levels equal to or exceeding those associated with indoor SHS exposure.<sup>20</sup>

Similarly, the California Air Resources Board concluded that OTS concentrations are sometimes comparable to indoor SHS concentrations.<sup>21</sup> Additionally, a Stanford University study that measured OTS concentrations in a park, bar and restaurant outdoor patios, cafes, airport sidewalks and inside and outside a private residence found average OTS levels similar to indoor SHS levels.<sup>22</sup>

Studies found OTS detectable at various distances. The Stanford analysis determined that the average OTS levels within 1.6 feet from a single cigarette was very high.<sup>23</sup> OTS levels at distances greater than 3.3 to 6.6 feet were much lower, but OTS was still detectable at distances of between 9.8 and 13.1 feet.<sup>24</sup> Another study, conducted in various outdoor locations at the University of Maryland at Baltimore including a plaza and near building entrances, concluded that “[s]tudents or faculty passing through the cloud of smoke would encounter detectable levels at about [ ]23 feet [ ] from a smoker, and irritated levels at [ ]13 feet [ ],” therefore, “tobacco smoke pollution outdoors at significant distances from smokers must be considered significantly unhealthy.”<sup>25</sup>

#### Second-Hand Smoke

Since OTS levels can be similar to SHS, understanding the impact of SHS on health is important to understanding the impact of OTS. There is no safe exposure

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<sup>8</sup> Neil E. Klepeis, et al., *Real-Time Measurement of Outdoor Tobacco Smoke Particles* 57 J. AIR & WASTE MANAGEMENT ASS'N 522 (2007).

<sup>9</sup> Klepeis, *supra* note 8; J.C. Hall, et al., *Assessment of Exposure to Secondhand Smoke at Outdoor Bars and Family Restaurants in Athens, Georgia, Using Salivary Cotinine* 6 J. OCCUPATIONAL & ENVTL. HYGIENE 698 (2009); James L. Repace, *Benefits of Smoke-Free Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios, and in Motor Vehicles* 34 WM. MITCHELL L. REV. 1621, 1625 (2008) [hereinafter Repace, *Benefits of Smoke-Free Regulations*].

<sup>10</sup> Air Resources Bd., State of Ca., *Proposed Identification of Environmental Tobacco Smoke as a Toxic Air Contaminant: Executive Summary, Appendix III:Part A—Exposure Assessment* (2005); Klepeis, *supra* note 8.

<sup>11</sup> Air Resources Bd., *supra* note 10; James Repace, Repace Assocs., *Measurements of Outdoor Air Pollution from Secondhand Smoke on the UMBC Campus 9-10* (2005) [hereinafter Repace, *Measurements of Outdoor Air Pollution*].

<sup>12</sup> Repace, *Benefits of Smoke-Free Regulations, supra* note 9 at 1626.

<sup>13</sup> Air Resources Bd., *supra* note 10.

<sup>14</sup> Klepeis, *supra* note 8.

<sup>15</sup> Air Resources Bd., *supra* note 10 at ES-7.

<sup>16</sup> Klepeis, *supra* note 8.

<sup>17</sup> J.C. Hall, et al., *Assessment of Exposure to Secondhand Smoke at Outdoor Bars and Family Restaurants in Athens, Georgia, Using Salivary Cotinine* 6 J. OCCUPATIONAL & ENVTL. HYGIENE 698 (2009).

<sup>18</sup> Repace, *Benefits of Smoke-Free Regulations, supra* note 9 at 1626.

<sup>19</sup> *Id.* at 1625.

<sup>20</sup> Ellis, *supra* note 6 at 367-68.

<sup>21</sup> Repace, *Benefits of Smoke-Free Regulations, supra* note 9 at 1624.

<sup>22</sup> Klepeis, *supra* note 8.

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

<sup>24</sup> *Id.*

<sup>25</sup> Repace, *Measurements of Outdoor Air Pollution, supra* note 11 at 9-10.

to SHS<sup>26</sup> because “[t]obacco smoke contains at least 172 toxic substances, including: [three] regulated outdoor air pollutants, 33 hazardous air pollutants, 47 chemicals restricted as hazardous waste, and 67 known human or animal carcinogens.”<sup>27</sup> These substances cause a range of diseases. SHS has a similar level of impact on the cardiovascular system to chronic active smoking.<sup>28</sup> SHS causes heart disease, including fatal cases, in both men and women and increases the risk of death from heart disease by about 30 percent.<sup>29</sup> This is further demonstrated by a review of 11 studies showing decreased heart attacks after the implementation of smoking prohibitions that included two studies demonstrating a reduced risk of heart attack in nonsmokers due to a decrease in SHS exposure because of smoking bans.<sup>30</sup> SHS has been proven to cause lung cancer in nonsmokers, regardless of the location of their exposure.<sup>31</sup> SHS also causes a variety of respiratory problems and causes and exacerbates asthma in children and adults.<sup>32</sup>

Second-hand smoke results in an array of health problems for infants and children. Exposure to SHS during pregnancy for nonsmoking women may result in premature delivery and low birth weight babies.<sup>33</sup> Babies who are exposed to SHS are at an increased risk for sudden infant death syndrome.<sup>34</sup> During childhood, SHS reduces the growth of lung function.<sup>35</sup> Finally, exposure to SHS causes middle ear disease, a childhood illness that, if left untreated, can lead to hearing impairment.<sup>36</sup>

#### Litter

In addition to the health impact, outdoor smoking results in a significant amount of litter which can be costly – to both the environment and local governments. Approximately 60 to 80 percent of marine garbage comes from sources on land.<sup>37</sup> Cigarettes and cigarette filters are the largest source of marine garbage in the world and 37.2 percent of marine garbage in North America are smoking-related items.<sup>38</sup> In 2009, Ocean Conservancy, a not-for-profit group advocating healthy and diverse ocean ecosystems, removed 1,526,251 smoking-related items from United States beaches, waterways and inland areas including 1,388,050 cigarettes and cigarette filters, 19,941 cigarette lighters, 79,039 cigar tips and 39,221 tobacco packaging and wrappers.<sup>39</sup>

Every night, the New York City Department of Parks and Recreation uses hand-towed and tractor-towed rakes and sifters to clean the City’s beaches of such items.<sup>40</sup> Other cities across the nation experience similar problems with cigarette litter. In 2009, a San Francisco litter assessment found that cigarette butts and other small tobacco litter (e.g., matches and filters) accounted for 24.6 percent of all litter observed.<sup>41</sup> San Francisco estimated that it spent approximately \$7.5 million to remove tobacco product litter from streets, sidewalks and other areas.<sup>42</sup>

#### NEW YORK CITY PARKS

The Department of Parks and Recreation (DPR) maintains the City’s park system of more than 29,000 acres, including 1,700 parks, approximately 2,100 Greenstreet sites, 990 playgrounds, over 800 athletic fields, 550 tennis courts, 66 public pools, 48 recreational facilities, over 600 comfort stations, 14 miles of beaches, 13 golf courses, six ice rinks, five major stadiums, 17 nature centers, 13 marinas and four zoos. In addition, DPR is responsible for more than 600,000 street trees and two million park trees, 22 historic house museums and over 1,200 monuments, sculptures and historic markers.

#### PEDESTRIAN PLAZAS IN NEW YORK CITY

A pedestrian plaza is a temporary or permanent space located within a roadway and designated by the New York City Department of Transportation for use by pedestrians.<sup>43</sup> It may be physically separated from the roadway and/or may be distinguished from the roadway through painting or other markings.<sup>44</sup> In addition, pedestrian plazas may contain various amenities for pedestrian use such as benches or tables.<sup>45</sup> Current pedestrian plazas exist at Fordham Plaza in the Bronx; Willoughby Street and Albee Square in Brooklyn; and Times Square, Herald Square

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<sup>26</sup> Office of the Surgeon Gen., Pub. Health Serv., U.S. Dep’t of Health & Human Servs., *The Health Consequences of Involuntary Exposure to Tobacco Smoke* 9 (2006); World Health Org., *Protection from Exposure to Second-Hand Tobacco Smoke: Policy Recommendations* 7 (2007).

<sup>27</sup> Repace, *Benefits of Smoke-Free Regulations, supra* note 9.

<sup>28</sup> Christian Heiss, *Brief Secondhand Smoke Exposure Depresses Endothelial Progenitor Cells Activity and Endothelial Function* 51 J. AM. COLL. CARDIOLOGY 1772 (2008).

<sup>29</sup> Office of Surgeon General, *supra* note 26 at 13; World Health Org., *supra* note 26 at 5.

<sup>30</sup> Instit. of Med., *Secondhand Smoke Exposure and Cardiovascular Effects: Making Sense of the Evidence* (2009).

<sup>31</sup> Office of Surgeon General, *supra* note 26 at 13; World Health Org., *supra* note 26 at 5.

<sup>32</sup> Office of Surgeon General, *supra* note 26 at 12; World Health Org., *supra* note 26 at 5-6.

<sup>33</sup> World Health Org., *supra* note 26 at 6.

<sup>34</sup> Office of Surgeon General, *supra* note 26 at 9.

<sup>35</sup> Office of Surgeon General, *supra* note 26 at 12; World Health Org., *supra* note 26 at 6.

<sup>36</sup> World Health Org., *supra* note 26 at 6.

<sup>37</sup> Ocean Conservancy, *Trash Travels* 17 (2010).

<sup>38</sup> *Id.* at 5.

<sup>39</sup> *Id.* at 48.

<sup>40</sup> Mark Morales & Katie Nelson, *Stop Turning the Beach into a ‘Giant Ashtray,’ Cigarette Smokers Told*, THE DAILY NEWS, July 6, 2010.

<sup>41</sup> John E. Schneider, Health Economics Consulting Group LLC, *Estimates of the Costs of Tobacco Litter in San Francisco and Calculations of Maximum Permissible Per-Pack Fees* 7 (2009).

<sup>42</sup> *Id.* at 3.

<sup>43</sup> N.Y. City Dep’t of Transportation, *Street Design Manual: Glossary and Appendices* (2009) available at [http://www.nyc.gov/html/dot/downloads/pdf/nycdot\\_streetdesignmanual\\_append.pdf](http://www.nyc.gov/html/dot/downloads/pdf/nycdot_streetdesignmanual_append.pdf).

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*



and Broad Street in Manhattan.

#### LAWS IN OTHER JURISDICTIONS

In the United States, the Commonwealth of Puerto Rico and 470 municipalities in 42<sup>46</sup> states prohibit smoking in parks.<sup>47</sup> This includes bans in San Francisco, California; Des Moines, Iowa; Cambridge, Massachusetts; Portland, Maine; Albuquerque, New Mexico; Salt Lake City, Utah; 11 localities in New York State, 56 in New Jersey and two in Connecticut.<sup>48</sup> In addition to smoke-free parks, the State of Maine, the Commonwealth of Puerto Rico and 100 municipalities in 16 states<sup>49</sup> have banned smoking on beaches.<sup>50</sup> Localities with smoke-free beaches include Los Angeles, California; Chicago, Illinois; Portland, Maine; Minneapolis, Minnesota; Seattle, Washington; three localities in New York State and 10 in New Jersey.<sup>51</sup>

Several international jurisdictions also have taken action against smoking in outdoor areas. The City of Vancouver, British Columbia has restricted smoking in their parks and beaches,<sup>52</sup> as has Hong Kong.<sup>53</sup> Similarly, in Queensland, Australia, smoking is restricted on their patrolled beaches and other public outdoor areas including children's playgrounds.<sup>54</sup>

#### PROPOSED INT. NO. 332-A

Section 1 of Proposed Int. No. 332-A would amend section 17-502 of the Administrative Code of the City of New York by adding new subdivisions oo and pp with the following definitions:

oo. "Park or other property under the jurisdiction of the department of parks and recreation" means public parks, beaches, waters and land under water, pools, boardwalks, marinas, playgrounds, recreation centers and all other property, equipment, buildings and facilities now or hereafter under the jurisdiction, charge or control of the department of parks and recreation.

pp. "Pedestrian plaza" means an area designated by the department of transportation for use as a plaza located within the bed of a roadway, which may contain benches, tables or other facilities for pedestrian use.

Section 2 of Proposed Int. No. 332-A would add pedestrian plazas to the list of outdoor places where smoking is prohibited by adding a new paragraph 7 to subdivision c of section 17-503 of the Administrative Code. Prohibiting smoking in pedestrian plazas seeks to achieve the goal of protecting New Yorkers and visitors to the City from exposure to smoke in areas intended to be used mainly for sitting or other types of outdoor recreation. The aim is not to prohibit pedestrians from smoking as they are moving through City streets.

Section 3 of Proposed Int. No. 332-A would amend subdivision d of section 17-503 of the Administrative Code by adding a new paragraph 3. New paragraph 3 would add "any park or other property under the jurisdiction of the department of parks and recreation" to the list of public places where smoking is prohibited both indoors and outdoors. Section 3 would also create four exemptions from the smoking prohibition in parks and property under the jurisdiction of the Parks Department, meaning that smoking would be permitted in these locations: 1) sidewalks immediately adjoining parks, squares and public places; 2) any pedestrian route through any park strip, median, or mall that is adjacent to vehicular traffic; 3) parking lots and 4) theatrical productions. The exemptions are designed to allow pedestrians to continue smoking while moving through City streets while ensuring that areas intended to be used mainly for sitting or other types of outdoor recreation would be smoke free. Pedestrians would be permitted to continue smoking while traversing routes through park strips, medians or malls, but smoking would be prohibited when using such areas for recreation. Examples of exempted areas would include the park malls located on Broadway between Columbus Circle and West 122<sup>nd</sup> Street in Manhattan. Proposed Int. No. 332-A would also permit smoking in parking lots and by actors performing in theatrical productions.

Section 4 of Proposed Int. No. 332-A would add a new subdivision g to section 17-507 of the Administrative Code which would provide that the Department of Parks and Recreation shall have exclusive power to enforce the smoking prohibition as it relates to property under its jurisdiction.

Section 5 of Proposed Int. No. 332-A would amend section 17-508 of the Administrative Code to mandate that any person who violates the smoking prohibition in pedestrian plazas and parks would be liable for a civil penalty of \$50

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<sup>46</sup> Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Iowa, Idaho, Illinois, Indiana, Kansas, Louisiana, Massachusetts, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, North Carolina, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington, Wisconsin, West Virginia, Wyoming. Am. Nonsmokers' Rights Found., *Municipalities with Smokefree Park Laws* (2010), <http://www.no-smoke.org/pdf/SmokefreeParks.pdf>.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> California, Hawaii, Iowa, Illinois, Massachusetts, Maine, Michigan, Minnesota, New Hampshire, New Jersey, New York, Oregon, Rhode Island, South Carolina, Utah and Washington. Am. Nonsmokers' Rights Found., *Municipalities with Smokefree Beach Laws* (2010), <http://www.no-smoke.org/pdf/SmokefreeBeaches.pdf>.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> City of Vancouver, Vancouver Bd. of Parks & Recreation, *Smokefree Parks FAQ* (2010), [http://vancouver.ca/parks/info/smokefreeparks\\_faq.htm](http://vancouver.ca/parks/info/smokefreeparks_faq.htm).

<sup>53</sup> Hong Kong Council on Smoking & Health, *Legislation in Hong Kong: Progress* (2010), <http://www.smokefree.hk/en/content/web.do?page=Progress>.

<sup>54</sup> Queensland Health, *Summary of Tobacco Laws*, [http://www.health.qld.gov.au/tobaccolaws/existing\\_laws.asp](http://www.health.qld.gov.au/tobaccolaws/existing_laws.asp) (2009).

for each violation. Such notices of violation would be returnable to the environmental control board.

Section 6 of Proposed Int. No. 332-A would amend section 17-513 of the Administrative Code by deleting the words "and report" from the title of such section to more accurately reflect the content of section 17-513.

Section 7 of Proposed Int. No. 332-A would repeal current subdivision b of section 17-513 of the Administrative Code, which is currently obsolete, and would add a new subdivision b to section 17-513 allowing the Department of Parks and Recreation and the Department of Transportation to promulgate rules as may be necessary for the purpose of implementing and carrying out the provisions of Chapter 5 of Title 17 of the Administrative Code.

Section 8 of Proposed Int. No. 332-A would make the local law effective 90 days after its enactment.

**(The following is the text of the Fiscal Impact Statement for Int No. 332-A:)**



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

PROPOSED INTRO. NO. 332-A

COMMITTEE: Health

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking in pedestrian plazas and public parks and to repeal subdivision b of section 17-513 of the administrative code of the city of New York, in relation to requiring a study regarding the prevention of second-hand smoke circulation in restaurants.

**SPONSORS:** Council Members Brewer, the Speaker (Council Member Quinn), Arroyo, Mark-Viverito, Recchia, Cabrera, Chin, Dromm, Foster, Gennaro, Rivera, Rodriguez, Reyna, Nelson and Koo (in conjunction with the Mayor)

**SUMMARY OF LEGISLATION:** Proposed Int. No. 332-A would prohibit smoking in areas under the jurisdiction of the Department of Parks and Recreation including public parks, beaches, waters and land under water, pools, boardwalks, marinas, playgrounds, recreation centers and all other property, equipment, buildings and facilities now or in the future under the jurisdiction of the Department of Parks and Recreation.

The bill also prohibits smoking in pedestrian plazas, which are areas designated by the Department of Transportation for use as a plaza and are located within the bed of a roadway and may contain benches, tables or other facilities for pedestrian use.

The bill exempts from this smoking prohibition - thus people can smoke in - the following locations under the jurisdiction of the Department of Parks and Recreation:

- the sidewalks immediately adjoining parks, squares and public places;
- any pedestrian route through any park strip, median or mall that is adjacent to vehicular traffic;
- parking lots; and
- theatrical productions.

The Department of Parks and Recreation can enforce these prohibitions on property under its jurisdiction. Violators would be liable for civil penalties of \$50 for each violation. These violations will be brought before the Environmental Control Board for adjudication.

**EFFECTIVE DATE:** This legislation would take effect 90 days after enactment.

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

**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 is no impact on revenues because the fee is a penalty that will be used to enforce compliance, not to generate revenue.

**IMPACT ON EXPENDITURES:** There is no impact on expenditures in Fiscal 2011 or Fiscal 2012 resulting from the enactment of this legislation.

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

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

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

**HISTORY:** Int. 332 was introduced on September 16, 2010, and referred to the Committee on Health. On

October 14, 2010, the Committee on Health held a joint hearing with the Committee on Parks and Recreation on Int. 332, which was laid over. On February 2, 2011, the Committee on Health will consider an amended version, Proposed Int. 332-A, and the legislation will be voted on by the Full Council on February 2, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 332-A:)

Int. No. 332-A

By Council Members Brewer, the Speaker (Council Member Quinn), Arroyo, Mark-Viverito, Recchia, Cabrera, Chin, Dromm, Foster, Gennaro, Rivera, Rodriguez, Reyna, Barron, Koppell and Koo (in conjunction with the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking in pedestrian plazas and public parks and to repeal subdivision b of section 17-513 of the administrative code of the city of New York, in relation to requiring a study regarding the prevention of second-hand smoke circulation in restaurants.**

Be it enacted by the Council as follows:

Section 1. Section 17-502 of the administrative code of the city of New York is amended by adding new subdivisions oo and pp to read as follows:

oo. "Park or other property under the jurisdiction of the department of parks and recreation" means public parks, beaches, waters and land under water, pools, boardwalks, marinas, playgrounds, recreation centers and all other property, equipment, buildings and facilities now or hereafter under the jurisdiction, charge or control of the department of parks and recreation.

pp. "Pedestrian plaza" means an area designated by the department of transportation for use as a plaza located within the bed of a roadway, which may contain benches, tables or other facilities for pedestrian use.

§2. Subdivision c of section 17-503 of the administrative code of the city of New York is amended by adding a new paragraph 7 to read as follows:

7. Pedestrian plazas.

§3. Subdivision d of section 17-503 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. Any park or other property under the jurisdiction of the department of parks and recreation; provided, however, that this paragraph shall not apply to: (a) the sidewalks immediately adjoining parks, squares and public places; (b) any pedestrian route through any park strip, median or mall that is adjacent to vehicular traffic; (c) parking lots; and (d) theatrical productions.

§4. Section 17-507 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. The department of parks and recreation shall have the power to enforce section 17-503 as it relates to property under its jurisdiction.

§5. Subdivisions e, f, h and i of section 17-508 of the administrative code

of the city of New York, subdivision e as amended by local law number 47 for the year 2002 and subdivisions f, h and i as added by local law number 2 for the year 1988, are amended to read as follows:

e. Every person who violates subdivisions a or b of this section shall, for a first violation thereof, be liable for a civil penalty of not less than two hundred dollars nor more than four hundred dollars; for a second violation, both of which were committed within a period of twelve months, be liable for a civil penalty of not less than five hundred dollars nor more than one thousand dollars; and for a third or subsequent violation, all of which were committed within a period of twelve months, be liable for a civil penalty of not less than one thousand dollars nor more than two thousand dollars. Every person who violates subdivision d of this section shall be liable for a civil penalty of one hundred dollars for each violation, *except that every person who violates subdivision d of this section by smoking in a pedestrian plaza as prohibited by paragraph seven of subdivision c of section 17-503 or in a park or other property under the jurisdiction of the department of parks and recreation as prohibited by paragraph three of subdivision d of section 17-503 shall be liable for a civil penalty of fifty dollars for each violation.*

f. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision e of this section shall be commenced by the service of a notice of violation which shall be returnable to the administrative tribunal established by the board of health, *except that a proceeding to recover a civil penalty authorized pursuant to subdivision e for violation of subdivision d by smoking in a pedestrian plaza or in a park or other property under the jurisdiction of the department of parks and recreation, as prohibited by paragraph seven of subdivision c and by paragraph three of subdivision d of section 17-503 respectively, shall be commenced by the service of a notice of violation which shall be returnable to the environmental control board.* The board of health's administrative tribunal and the environmental control board shall have the power to impose the civil penalties prescribed by subdivision e of this section.

h. If the administrative tribunal established by the board of health or the environmental control board finds, upon good cause shown, that the respondent cannot correct the violation specified in subdivision g of this section, it may postpone the period for compliance with such order upon such terms and conditions and for such period of time as shall be appropriate under the circumstances.

i. In any proceeding before the administrative tribunal established by the board of health or the environmental control board, if the tribunal finds that the department or other agency issuing the notice of violation has failed to prove the violation charged, it shall notify the department or other agency issuing the notice of violation, and the order requiring the respondent to correct the condition constituting the violation shall be deemed to be revoked.

§6. The title of section 17-513 of the administrative code of the city of New York, as amended by local law number 5 for the year 1995, is amended to read as follows:

§ 17-513 Rules [and report].

§7. Subdivision b of section 17-513 of the administrative code of the city of New York is REPEALED and a new subdivision b is added to read as follows:

b. The department of parks and recreation and the department of transportation may promulgate rules as may be necessary for the purpose of implementing and carrying out the provisions of this chapter.

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

MARIA DEL CARMEN ARROYO, Chairperson; HELEN D. FOSTER, PETER F. VALLONE JR., ALBERT VANN, INEZ E. DICKENS, MATHIEU EUGENE, JULISSA FERRERAS, DEBORAH L. ROSE, JAMES G. VAN BRAMER, Committee on Health, February 2, 2011.

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

**Reports of the Committee on Land Use**

Report for L.U. No. 280

**Report of the Committee on Land Use in favor of approving Application no. 20115171 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 149 Broadway Restaurant LLC d.b.a Dressler to continue to maintain and operate an unenclosed sidewalk café located at 149 Broadway, Borough of Brooklyn, Council District no. 34. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on December 20, 2010 (Minutes, page 5265), respectfully

**REPORTS:**



**SUBJECT**

**BROOKLYN CB - 1**

**20115171 TCK**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 149 Broadway Restaurant, LLC, d/b/a Dressler, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 149 Broadway.

**INTENT**

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

**PUBLIC HEARING**

**DATE:** January 25, 2011

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 25, 2011

**The Subcommittee recommends that the Land Use Committee approve the Petition.**

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Weprin	None	None
Reyna		
Comrie		
Jackson		
Seabrook		
Lappin		
Vacca		
Ignizio		

**COMMITTEE ACTION**

**DATE:** January 31, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Reyna		
Jackson		
Sanders, Jr.		
Vann		
Gonzalez		
Arroyo		
Dickens		
Lappin		
Lander		
Levin		
Weprin		
Williams		
Koo		

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

Res. No. 658

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 149 Broadway, Borough of Brooklyn (20115171 TCK; L.U. No. 280).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on December 15, 2010 its approval dated December 14, 2010 of the petition of 149 Broadway Restaurant, LLC, d/b/a Dressler, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 149 Broadway, 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(g) of the Administrative Code;

**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on January 25, 2011; and

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., ALBERT VANN, SARA M. GONZALEZ, INEZ E. DICKENS, JESSICA S. LAPPIN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, PETER A. KOO, Committee on Land Use, January 31, 2011.

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

Report for L.U. No. 291

**Report of the Committee on Land Use in favor of approving Application no. 20115311 HKM, pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 435, LP-2411) by the Landmarks Preservation Commission of the 190 Grand Street House located at 190 Grand Street, Council District no.1, Borough of Manhattan.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 18, 2011 (Minutes, page 162), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2      20115311 HKM (N 110147 HKM)**

Designation by the Landmarks Preservation Commission (List No. 435/LP-2411) pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the 190 Grand Street House, located at 190 Grand Street (Tax Map Block 471, Lot 58), as an historic landmark.

**PUBLIC HEARING**

**DATE:** January 25, 2011

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 25, 2011

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

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

**COMMITTEE ACTION**

**DATE:** January 31, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Reyna		
Jackson		
Sanders, Jr.		
Vann		
Gonzalez		
Arroyo		
Dickens		
Lappin		
Lander		
Levin		
Weprin		
Williams		
Koo		

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

Res. No. 659

**Resolution affirming the designation by the Landmarks Preservation Commission of the 190 Grand Street House, located at 190 Grand Street (Tax Map Block 471, Lot 58), Borough of Manhattan, Designation List No. 435, LP-2411 (L.U. No. 291; 20115311 HKM; N 110147 HKM).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on November 22, 2010 a copy of its designation dated November 16, 2010 (the "Designation"), of the 190 Grand Street House, located at 190 Grand Street, Community District 2, Borough of Manhattan as a landmark, and Tax Map Block 471, Lot 58, 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 January 10, 2011, its report on the Designation dated January 5, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on January 25, 2011; and

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., ALBERT VANN, SARA M. GONZALEZ, INEZ E. DICKENS, JESSICA S. LAPPIN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, PETER A. KOO, Committee on Land Use, January 31, 2011.

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

Report for L.U. No. 292

**Report of the Committee on Land Use in favor of approving Application no. 20115312 HKM, pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 435, LP-2412) by the Landmarks Preservation Commission of the 192 Grand Street House located at 190 Grand Street, Council District no.1, Borough of Manhattan.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 18, 2011 (Minutes, page 165), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 2      20115312 HKM (N 110148 HKM)**

Designation by the Landmarks Preservation Commission (List No. 435/LP-2412) pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the 192 Grand Street House, located at 192 Grand Street (Tax Map Block 471, Lot 57), as an historic landmark.

**PUBLIC HEARING**

**DATE:** January 25, 2011

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 25, 2011

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

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

**COMMITTEE ACTION**

**DATE:** January 31, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Reyna		
Jackson		
Sanders, Jr.		
Vann		
Gonzalez		
Arroyo		
Dickens		

Lappin  
 Lander  
 Levin  
 Weprin  
 Williams  
 Koo

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

Res. No. 660

**Resolution affirming the designation by the Landmarks Preservation Commission of the 192 Grand Street House, located at 192 Grand Street (Tax Map Block 471, Lot 57), Borough of Manhattan, Designation List No. 435, LP-2412 (L.U. No. 292; 20115312 HKM; N 110148 HKM).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on November 22, 2010 a copy of its designation dated November 16, 2010 (the "Designation"), of the 192 Grand Street House, located at 192 Grand Street, Community District 2, Borough of Manhattan as a landmark, and Tax Map Block 471, Lot 57, 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 January 10, 2011, its report on the Designation dated January 5, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on January 25, 2011; and

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., ALBERT VANN, SARA M. GONZALEZ, INEZ E. DICKENS, JESSICA S. LAPPIN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, PETER A. KOO, Committee on Land Use, January 31, 2011.

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

Report for L.U. No. 293

**Report of the Committee on Land Use in favor of approving Application no. 20115313 HKM, pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 435, LP-2390) by the Landmarks Preservation Commission of the Paul Rudolph Penthouse and Apartments located at 23 Beekman Place, Council District no. 5, Borough of Manhattan.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 18, 2011 (Minutes, page 165), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 6      20115313 HKM (N 110150 HKM)**

Designation by the Landmarks Preservation Commission (List No. 435/LP-2390) pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Paul Rudolph Penthouse & Apartments, located at 23 Beekman Place (Tax Map Block 1361, Lot 118), as an historic landmark.

**PUBLIC HEARING**

DATE: January 25, 2011

Witnesses in Favor: Two

Witnesses Against: None

**SUBCOMMITTEE RECOMMENDATION**

DATE: January 25, 2011

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

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

**COMMITTEE ACTION**

DATE: January 31, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Reyna		
Jackson		
Sanders, Jr.		
Vann		
Gonzalez		
Arroyo		
Dickens		
Lappin		
Lander		
Levin		
Weprin		
Williams		
Koo		

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

Res. No. 661

**Resolution affirming the designation by the Landmarks Preservation Commission of the Paul Rudolph Penthouse & Apartments located at 23 Beekman Place (Tax Map Block 1361, Lot 118), Borough of Manhattan, Designation List No. 435, LP-2390 (L.U. No. 293; 20115313 HKM; N 110150 HKM).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on November 22, 2010 a copy of its designation dated November 16, 2010 (the "Designation"), of the Paul Rudolph Penthouse & Apartments located at 23 Beekman Place, Community District 6, Borough of Manhattan as a landmark, and Tax Map Block 1361, Lot 118, 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 January 10, 2011, its report on the Designation dated January 5, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on January 25, 2011; and

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., ALBERT VANN, SARA M. GONZALEZ, INEZ E. DICKENS, JESSICA S. LAPPIN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, PETER A. KOO, Committee on Land Use, January 31, 2011.

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

Report for L.U. No. 294

**Report of the Committee on Land Use in favor of approving Application no. 20115314 HKX, pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No. 435, LP-2401) by the Landmarks Preservation Commission of the Union Reformed Church located at 1272 Ogden 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 January 18, 2011 (Minutes, page 165), respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 4      20115314 HKX (N 110149 HKX)**

Designation by the Landmarks Preservation Commission (List No. 435/LP-2401) pursuant to Section 3020 of the New York City Charter regarding the landmark designation of the Union Reformed Church of Highbridge (now Highbridge Community Church) located at 1272 Ogden Avenue (Tax Map Block 2518, Lot 14 in part), as an historic landmark.

**PUBLIC HEARING**

**DATE:** January 25, 2011

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 25, 2011

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

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Lander	None	None

Sanders, Jr.  
Palma  
Arroyo  
Mendez  
Williams  
Halloran

**COMMITTEE ACTION**

**DATE:** January 31, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Reyna		
Jackson		
Sanders, Jr.		
Vann		
Gonzalez		
Arroyo		
Dickens		
Lappin		
Lander		
Levin		
Weprin		
Williams		
Koo		

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

Res. No. 662

**Resolution affirming the designation by the Landmarks Preservation Commission of the Union Reformed Church of Highbridge (now Highbridge Community Church) located at 1272 Ogden Avenue (Tax Map Block 2518, Lot 14 in part), Borough of the Bronx, Designation List No. 435, LP-2401 (L.U. No. 294; 20115314 HKX; N 110149 HKX).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on November 22, 2010 a copy of its designation dated November 16, 2010 (the "Designation"), of the Union Reformed Church of Highbridge (now Highbridge Community Church) located at 1272 Ogden Avenue, Community District 4, Borough of the Bronx as a landmark, and Tax Map Block 2518, Lot 14 in part, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

**WHEREAS**, the City Planning Commission submitted to the Council on January 10, 2011, its report on the Designation dated January 5, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on January 25, 2011; and

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

**RESOLVED:**

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

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., ALBERT VANN, SARA M. GONZALEZ, INEZ E. DICKENS, JESSICA S. LAPPIN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, PETER A. KOO, Committee on Land Use, January 31, 2011.

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

Report for L.U. No. 302

**Report of the Committee on Land Use in favor of approving Zoning Resolution Amendment application no. N 110090 (A) ZRY, pursuant to Sections 197-d and 201 of the New York City Charter, for an amendment pertaining to the clarification of key terms including “development” and “building” and the clarification of other regulations throughout the Zoning Resolution.**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on January 18, 2011 (Minutes, page 168), respectfully

**REPORTS:**

**SUBJECT**

**CITYWIDE** **N 110090(A) ZRY**

City Planning Commission decision approving an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, pertaining to the clarification of key terms including “development” and “building” and the clarification of other regulations throughout the Zoning Resolution.

**INTENT**

To clarify key terms and the applicability of regulations, to resolve potentially conflicting regulations, to change regulations so that their original intent is restored and to revise out dated language.

**PUBLIC HEARING**

**DATE:** January 25, 2011

Witnesses in Favor: Two Witnesses Against: None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** January 25, 2011

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Weprin	None	None
Reyna		
Comrie		
Jackson		
Seabrook		
Lappin		
Vacca		
Ignizio		

**COMMITTEE ACTION**

**DATE:** January 31, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Reyna		
Jackson		

Sanders, Jr.  
Vann  
Gonzalez  
Arroyo  
Dickens  
Lappin  
Lander  
Levin  
Weprin  
Williams  
Koo

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

Res. No. 663

**Resolution approving the decision of the City Planning Commission on Application No. N 110090 (A) ZRY, for an amendment of the Zoning Resolution of the City of New York, pertaining to the clarification of key terms including “development” and “building” and the clarification of other regulations throughout the Zoning Resolution (L.U. No. 302).**

By Council Members Comrie and Weprin.

**WHEREAS**, the City Planning Commission filed with the Council on January 7, 2011 its decision dated January 5, 2011 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the Zoning Resolution of the City of New York, pertaining to the clarification of key terms including “development” and “building” and the clarification of other regulations throughout the Zoning Resolution to clarify and preserve the intent of the zoning regulations in relation to the terms “development” and “building,” as they are defined in the Zoning Resolution. In addition to rules relating to the terms “development” and “building,” the Department proposes other text modifications that are necessary to clarify the intent of the Zoning Resolution, resolve conflicting regulations, or bring a regulation into accordance with current Department of Buildings practice. (Application No. N 110090 (A) ZRY), Citywide (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 January 25, 2011;

**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 Negative Declaration, issued on January 5, 2011 (CEQR No. 11DCP030Y);

**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, N 110090 (A) ZRY, 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 as follows:

The complete text is on the attached CD.

LEROY G. COMRIE, Chairperson; DIANA REYNA, ROBERT JACKSON, JAMES S. SANDERS JR., ALBERT VANN, SARA M. GONZALEZ, INEZ E. DICKENS, JESSICA S. LAPPIN, BRADFORD S. LANDER, STEPHEN T. LEVIN, MARK S. WEPRIN, JUMAANE D. WILLIAMS, PETER A. KOO, Committee on Land Use, January 31, 2011.

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

#### Reports 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 & Elections and had been favorably reported for adoption.

Report for M-383

#### Report of the Committee on Rules, Privileges and Elections in favor of approving the re-designation by the Council of Reverend Diane Lacey as a member of the New York City Health and Hospitals Corporation Board of Directors.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on February 2, 2011, respectfully

#### REPORTS:

#### *New York City Health and Hospitals Corporation – (Council candidates for re-designation)*

- Reverend Diane E. Lacey [Preconsidered M-383]
- Josephine Bolus [Preconsidered M-384]

The New York City Health and Hospitals Corporation (“HHC”) was constituted pursuant to Chapter 1016 of the laws of 1969, thereafter codified §7381 *et seq.* of the *Unconsolidated Laws of the State of New York*. HHC is a public benefit corporation whose purpose is to: (a) provide and deliver high quality, dignified and comprehensive care and treatment for the ill and infirm, both physical and mental, particularly to those who can least afford such services; (b) extend equally to all served, comprehensive health services of the highest quality, in an atmosphere of human care and respect; (c) promote and protect, as both innovator and advocate, the health, welfare and safety of the people of the State of New York and of the City of New York; and (d) join with other health workers and communities in a partnership to promote and protect health in its fullest sense—the total physical, mental and social well being of the people. *HHC By Laws Article II*.

As provided by law, a Board of Directors consisting of sixteen members administers HHC. As specified in HHC By Laws Article IV, §3, the Administrator of the Health Services Administration, the Commissioner of Health,<sup>1</sup> the Commissioner of Mental Health, Mental Retardation and Alcoholism Services,<sup>2</sup> the Administrator of the Human Resources Administration and the Deputy Mayor/City Administrator, or their successors shall be directors *ex-officio*. Ten additional directors are appointed by the Mayor, five of whom are designated by the City Council.<sup>3</sup> The President of HHC serves as the sixteenth director.<sup>4</sup>

Under current HHC By-Laws,<sup>5</sup> the Board of Directors has established the following standing committees: Executive Committee, Finance Committee, Capital Committee, Medical and Professional Affairs Committee, Quality Assurance Committee, Audit Committee, Community Relations Committee, Strategic Planning Committee, and the Equal Employment Opportunity Committee. Each of the standing committees, except the Audit Committee,<sup>6</sup> shall be composed of the Chair of the Board with approval of a majority of the Board. In addition to standing committees, the Board, by resolution passed by a majority of the whole number of directors, may designate special committees, each to consist of three or more directors, one of whom shall be the Chair of the Board. The Chair of each committee, both standing and special, shall be designated by a majority vote of the Board.

The term of a director, other than those serving *ex-officio* and/or at the pleasure of the Board, is for five years. The Mayor shall fill any vacancy which may occur by reason of death, resignation, or otherwise, in a manner consistent with the original appointment. The directors do not receive compensation for their services, but are reimbursed for actual and necessary expenses incurred by them in the performance of their official duties.

Rev. Lacey is scheduled to appear before the Committee on Rules, Privileges and Elections on Wednesday, February 2, 2011. If Rev. Lacey, a resident of Manhattan is re-designated by the Council, and subsequently re-appointed to HHC by the Mayor, she will be eligible to serve for the remainder of a five-year term that will expire on March 20, 2014. Rev. Lacey has been serving as a holdover since March 20, 2009. A copy of Rev. Lacey’s résumé and report/resolution is

annexed to this briefing paper.

Ms. Bolus is scheduled to appear before the Committee on Rules, Privileges and Elections on Wednesday, February 2, 2011. If Ms. Bolus, a resident of Brooklyn is re-designated by the Council, and subsequently re-appointed to HHC by the Mayor, she will be eligible to serve for the remainder of a five-year term that will expire on March 20, 2013. Ms. Bolus has been serving as a holdover since March 20, 2008. A copy of Ms. Bolus’ résumé and report/resolution is annexed to this briefing paper.

#### Attachments

<sup>1</sup> This agency is now known as the Department of Health and Mental Hygiene. The Commissioner of the Department of Health and Mental Hygiene fills the seat for the Commissioner of the Department of Health.

<sup>2</sup> In 2002, the Department of Mental Health, Mental Retardation and Alcoholism Services was merged with the Department of Health. The merged agency has been named the Department of Health and Mental Hygiene. HHC’s *By Laws* have not been amended to reflect this name change. The Director of Community Mental Health Services at the merged agency occupies the seat specified in the *By-Laws* for the Commissioner of the Department of Mental Health, Mental Retardation and Alcoholism Services.

<sup>3</sup> The Mayor must confirm the Council’s designees in order for these individuals to serve on the Board of Directors.

<sup>4</sup> The President of HHC is also referred to as the Chief Executive Officer. This individual is chosen by the other fifteen directors and serves at the pleasure of the Board of Directors. According to HHC *By-Laws* Article VII, §4(A), the President shall have general charge of the business and affairs of HHC and shall have the direction of all other officers, agents and employees. He or she shall, if present, and in absence of the Chair of the Board and Vice chair of the Board, preside at all meetings of the Board. The President may assign such duties to the other officers of HHC, as he or she deem appropriate. In HHC *By-Laws* Article VIII, §1, it is noted that the President appoints an Executive Director for each HHC facility. This individual serves at the pleasure of the President. Other duties of the President include the establishment of Community Advisory Boards for each HHC facility. Community Advisory Boards consider and advise HHC with respect to the plans and programs of HHC. See *HHC By-Laws*, Article XI.

<sup>5</sup> As amended through May 31, 2001.

<sup>6</sup> The Audit Committee consists of members designated by the Board of Directors other than those serving *ex-officio*.

**(After interviewing the candidates and reviewing the relevant material, this Committee decided to approve the re-designations of the nominees; for nominee Josephine Bolus, please see the Report of the Committee on Rules, Privileges and Elections for M-384 printed in these Minutes; for nominee Reverend Diane Lacey, please see immediately below:)**

Pursuant to the *Unconsolidated Laws of the State of New York*, § 7384, paragraph 1, the Committee on Rules, Privileges and Elections, hereby approves the re-designation by the Council of Reverend Diane Lacey as a member of the New York City Health and Hospitals Corporation Board of Directors to serve for the remainder of a five year term that will expire on March 20, 2014.

The matter was referred to the Committee on February 2, 2011.

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

Res. No. 664

**Resolution approving the re-designation by the Council of Reverend Diane Lacey as a member of the New York City Health and Hospitals Corporation Board of Directors.**

By Council Member Rivera

**RESOLVED**, that pursuant to the *Unconsolidated Laws of the State of New York*, § 7384, paragraph 1, the Council does hereby approve the re-designation of Reverend Diane Lacey as a candidate for re-appointment by the Mayor as a member of the New York City Health and Hospitals Corporation Board of Directors to serve for the remainder of a five-year term that will expire on March 20, 2014.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, ELIZABETH CROWLEY, KAREN KOSLOWITZ, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, February 2, 2011.

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

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

Report for M-384

**Report of the Committee on Rules, Privileges and Elections in favor of approving the re-designation by the Council of Josephine Bolus as a member of the New York City Health and Hospitals Corporation Board of Directors.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on February 2, 2011, respectfully

#### REPORTS:

**(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-383 printed in these Minutes)**

Pursuant to the *Unconsolidated Laws of the State of New York*, § 7384, paragraph 1, the Committee on Rules, Privileges and Elections, hereby approves the re-designation by the Council of Josephine Bolus as a member of the New York City Health and Hospitals Corporation Board of Directors to serve for the remainder of a five year term that will expire on March 20, 2013.

The matter was referred to the Committee on February 2, 2011.

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

Res. No. 665

**Resolution approving the re-designation by the Council of Josephine Bolus as a member of the New York City Health and Hospitals Corporation Board of Directors.**

By Council Member Rivera.

**RESOLVED**, that pursuant to the *Unconsolidated Laws of the State of New York*, § 7384, paragraph 1, the Council does hereby approve the re-designation of Josephine Bolus as a candidate for re-appointment by the Mayor as a member of the New York City Health and Hospitals Corporation Board of Directors to serve for the remainder of a five-year term that will expire on March 20, 2013.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, ELIZABETH CROWLEY, KAREN KOSLOWITZ, CHRISTINE C. QUINN, Committee on Rules, Privileges and Elections, February 2, 2011.

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

#### GENERAL ORDER CALENDAR

**Resolution approving various persons Commissioners of Deeds**

**By the Presiding Officer –**

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

**(For the Commissioner of Deeds listing, please see the Commissioner of Deeds section printed in the Minutes of the Stated Council Meeting of February 16, 2011).**

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

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

- |      |   |   |
|------|---|---|
| (1)  | <b>M 383 &amp; Res 664 --</b>                                       | Reverend Diane Lacey - As a member of the New York City Health and Hospitals Corporation Board of Directors.  |
| (2)  | <b>M 384 &amp; Res 665 --</b>                                       | Josephine Bolus - As a member of the New York City Health and Hospitals Corporation Board of Directors.   |
| (3)  | <b>Int 332-A --</b>   | Prohibiting smoking in pedestrian plazas and public parks.  |
| (4)  | <b>L.U. 280 &amp; Res 658 --</b>                                    | App. <b>20115171 TCK</b> , unenclosed sidewalk café 149 Broadway, Borough of Brooklyn, Council District no. 34.   |
| (5)  | <b>L.U. 291 &amp; Res 659 --</b>                                    | App. <b>20115311 HKM</b> , 190 Grand Street House located at 190 Grand Street, Council District no.1, Borough of Manhattan.   |
| (6)  | <b>L.U. 292 &amp; Res 660 --</b>                                    | App. <b>20115312 HKM</b> , 192 Grand Street House located at 190 Grand Street, Council District no.1, Borough of Manhattan.   |
| (7)  | <b>L.U. 293 &amp; Res 661 --</b>                                    | App. <b>20115313 HKM</b> , 23 Beekman Place, Council District no. 5, Borough of Manhattan.  |
| (8)  | <b>L.U. 294 &amp; Res 662 --</b>                                    | App. <b>20115314 HKX</b> , 1272 Ogden Avenue, Council District no.16, Borough of the Bronx.   |
| (9)  | <b>L.U. 302 &amp; Res 663 --</b>                                    | App. <b>N 110090 (A) ZRY</b> , pursuant to Sections 197-d and 201 of the New York City Charter, for an amendment pertaining to the clarification of key terms including "development" and "building" and the clarification of other regulations throughout the Zoning Resolution. |
| (10) | <b>L.U. 304 &amp; Res 653 --</b>                                    | Metro North Gardens, Block 1654, Lot 29, Manhattan, Council District No. 8  |
| (11) | <b>L.U. 305 &amp; Res 654 --</b>                                    | 200,202,204,206,208,210,214, West 105 <sup>th</sup> Street, Block 1876, Lots 34,134,35,135,36,37,39, Manhattan, Council District No. 8  |
| (12) | <b>L.U. 306 &amp; Res 655 --</b>                                    | Concord Senior Residence, Block 1824, Lot 70, Brooklyn, Council District No. 36   |
| (13) | <b>L.U. 307 &amp; Res 656 --</b>                                    | New Foundations Program, Culver El, 1284 37 <sup>th</sup> Street, 1300 37 <sup>th</sup> Street, Brooklyn, Council District No. 39   |
| (14) | <b>L.U. 308 &amp; Res 657 --</b>                                    | Haven Plaza, Block 382, Lot 1, Manhattan, Council District No. 2  |
| (15) | <b>Resolution approving various persons Commissioners of Deeds.</b> |   |

The President Pro Tempore (Council Member Comrie) 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, 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, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, and the Speaker (Council Member Quinn) – **48**.



The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for Int No. 332-A:

**Affirmative** – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dromm, Eugene, Ferreras, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, James, Koo, Koppell, Koslowitz, Lappin, Levin, Mark-Viverito, Nelson, Recchia, Reyna, Rodriguez, Rose, Seabrook, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Wills, and the Speaker (Council Member Quinn) – 36.

**Negative** – Dilan, Fidler, Halloran, Ignizio, Jackson, Lander, Mealy, Mendez, Oddo, Sanders, Ulrich, and Williams – 12.

The following was the vote recorded for LU No. 292 & Res No. 660:

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

**Negative** – Ignizio – 1.

The following Introduction was to the Mayor for his consideration and approval: Int No. 332-A.

#### INTRODUCTION AND READING OF BILLS

Res. No. 646

**Resolution authorizing the Council to join in an amicus brief to be filed with the United States Supreme Court in support of the Respondents in the litigation captioned *McComish v. Bennett*, for the purpose of supporting the Respondents' position that the Court should uphold the trigger funds provision of Arizona's campaign finance law.**

By Council Member Brewer, The Speaker (Council Member Quinn) and Council Members Dromm, Cabrera, Ferreras, James, Koppell, Lander, Mendez, Williams, Rodriguez, Gennaro, Recchia, Van Bramer, Jackson, Gonzalez, Reyna, Garodnick and Greenfield.

**Whereas**, New York City's Campaign Finance Act (the "Act") constitutes one of the nation's most robust public campaign financing systems; and

**Whereas**, The Act amplifies the impact of New Yorkers' small contributions by matching them with public funds, reducing the possibility and the perception of corruption associated with large contributions; and

**Whereas**, The Act also contains trigger funds provisions, located in Administrative Code Sections 3-706(3)(a) and (b), which provide for additional funds for participating candidates facing non-participating opponents who spend above a certain percentage of the participating candidates' expenditure limit; and

**Whereas**, By giving candidates assurance that they will, in competitive races, have enough funds to run viable campaigns, trigger funds encourage participation in the public-funding system, thereby reducing the potential for corruption while increasing the amount of speech in New York City campaigns; and

**Whereas**, In 1998, after seeing state legislators caught on tape exchanging campaign contributions for legislative votes, Arizona passed the Arizona Citizens Clean Elections Act; and

**Whereas**, Arizona's law also contains a trigger funds provision, A.R.S. § 16-952, which operates as follows: Initially, publicly-funded candidates receive a base grant equal to one-third of the maximum per-candidate funding; and, if a traditionally-funded opponent's expenditures exceed that amount, or if the publicly-funded candidate is targeted by independent expenditures, the publicly-funded candidate receives additional funds up to 200% of the amount of the initial grant; and

**Whereas**, Section 16-952 was challenged by two lawsuits, *McComish v. Bennett* and *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett*, which have been consolidated into a single case; and

**Whereas**, The plaintiffs allege that Section 16-952 deters and penalizes free speech in violation of the First and Fourteenth Amendments to the U.S.

Constitution; however the defendants argue that the provision does not burden the speech of non-participating candidates but rather, by encouraging candidates to participate in public financing, is substantially related to the State's important interest in reducing *quid pro quo* political corruption; and

**Whereas**, On January 20, 2010, U.S. District Court Judge Roslyn Silver struck down the provision and issued an injunction against it; and

**Whereas**, The Citizens Clean Elections Commission appealed this decision to the Ninth Circuit Court of Appeals, which reversed Judge Silver's decision in May 2010 and declared the trigger provision constitutional; and

**Whereas**, On November 29, 2010, the U.S. Supreme Court granted certiorari, agreeing to hear the appeal of the Ninth Circuit's decision; and

**Whereas**, The Supreme Court is scheduled to hear oral argument in *McComish v. Bennett* on March 28, 2011; and

**Whereas**, The Corporation Counsel for New York City is filing a brief as *amicus curiae* with the U.S. Supreme Court in support of Arizona's trigger funds provision; and

**Whereas**, While there are differences between Arizona's trigger funds provision and the trigger provisions of the New York City Campaign Finance Act, the Council supports Section 16-952 as reasonably advancing the government's interest in avoiding corruption in campaign finance activities; now, therefore, be it

**Resolved**, That the Council of the City of New York is authorized to join in an amicus brief to be filed with the United States Supreme Court in support of the Respondents in the litigation captioned *McComish v. Bennett*, for the purpose of supporting the Respondents' position that the Court should uphold the trigger funds provision of Arizona's campaign finance law.

Referred to the Committee on Governmental Operations.

Res. No. 647

**Resolution calling upon the New York State Legislature to pass legislation to permit New York City to enact a local law to provide applicants who pass the firefighter civil service exam with a five point credit on their exam score if they received a diploma from a high school in the City of New York or obtained their General Educational Development credential in City of New York after attending a New York City high school for at least three years, and to eliminate the current credit for New York City residents.**

By Council Members Comrie, Greenfield, Arroyo, Brewer, Cabrera, Chin, Gonzalez, James, Koppell, Koslowitz, Lander, Mealy, Mendez, Rose, Seabrook, Vann, Williams and Jackson.

**Whereas**, The New York City Fire Department ("FDNY") responds to more than 276,000 fire and non-fire related emergencies and more than 1.2 million medical emergencies each year; and

**Whereas**, The FDNY has approximately 11,200 uniformed fire personnel representing the Department; and

**Whereas**, The FDNY is the least racially diverse fire department in any major city in the United States and the least diverse agency in the City; and

**Whereas**, Although more than half of New York City's 8.2 million residents belong to a racial or ethnic minority, the FDNY's representation of Black and Hispanic personnel constitutes only nine percent; and

**Whereas**, In other major U.S. cities, such as Los Angeles and Philadelphia, the representation of Black and Hispanic firefighters are 44% and 29%, respectively; and

**Whereas**, Despite minority recruitment drives dating back to 1994, the FDNY is still approximately 87% White; and

**Whereas**, The current racial minority composition of the FDNY is 3.8% Black, 7.8% Hispanic, 0.9% Asian; and

**Whereas**, Notwithstanding the FDNY's efforts to increase minority recruitment, the number of Black firefighters has actually decreased from approximately 6% of the force roughly two decades ago; and

**Whereas**, The current racial composition of the FDNY fails to come close to reflecting the diversity of New York City, which as of the last available U.S. Census data had a population that is approximately 27% Black, 27% Hispanic and 10% Asian; and

**Whereas**, The New York City Department of Administrative Services ("DCAS") is charged with administering all civil service exams for New York City agencies by New York State law and the New York City Charter; and

**Whereas**, Currently DCAS offers bonus points to applicants of the firefighter civil service exam based on residency; and

**Whereas**, Unlike the residency requirement, which is subject to potential fraud or change of circumstances, a point credit based on graduating or obtaining a General Educational Development ("GED") credential in New York after attending a New York City high school for three years is easy to verify; and

**Whereas**, Unlike the residency point credit, FDNY applicants who graduated from New York City high schools or obtained their GED credential in New York City have a high likelihood of having a bona fide connection to New York City; and

**Whereas**, The scope of New York City's land area encompasses approximately

322 square miles and contains 578 miles of shoreline; and

**Whereas**, Living in New York City and attending high school within the five boroughs helps individuals familiarize themselves with, among other things, the city's neighborhoods, topography, infrastructure, and layout; and

**Whereas**, If publicized, the New York City high school or GED point credit will be a useful tool for recruiting minorities to take the firefighter civil service exam; and

**Whereas**, Instead of awarding points based on New York City residency as is the current practice, the awarding of a five point credit for applicants with a New York City high school diploma or GED credential after attending a New York City high school for three years would help to make the FDNY more diverse because graduates of New York City high schools and those with GED credentials from New York City are representative of the racial diversity of the city; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass legislation to permit New York City to enact a local law to provide applicants who pass the firefighter civil service exam with a five point credit on their exam score if they received a diploma from a high school in the City of New York or obtained their General Educational Development credential in City of New York after attending a New York City high school for at least three years, and to eliminate the current credit for New York City residents.

Referred to the Committee on Civil Service and Labor.

Res. No. 648

**Resolution calling upon the Secretary of the Department of Homeland Security to extend the Temporary Protected Status designation of Haiti and eligible Haitians, which is now set to expire on July 22, 2011.**

By Council Members Eugene, Brewer, Cabrera, Chin, Dickens, Dromm, Ferreras, Fidler, James, Koppell, Koslowitz, Lander, Mealy, Mendez, Rose, Seabrook, Vann, Williams, Rodriguez, Jackson and Koo.

**Whereas**, Temporary Protected Status (TPS) is a temporary immigration status granted to eligible nationals of designated countries; and

**Whereas**, On January 12, 2010, Haiti was struck by a 7.0 magnitude earthquake, which caused extensive damage to the capital city of Port-au-Prince and surrounding areas; and

**Whereas**, In the wake of the earthquake, approximately 230,000 people died, more than 300,000 people were injured and in need of medical attention, and more than one million people were left homeless with limited access to potable water and food; and

**Whereas**, In an effort to provide humanitarian relief to Haiti, on January 21<sup>st</sup> of 2010 President Barack Obama issued an executive order published in the Federal Register that granted Temporary Protected Status (TPS) to Haiti and eligible nationals of Haiti; and

**Whereas**, Under section 244 of the Immigration and Nationality Act, the Secretary of the Department of Homeland Security may grant TPS to aliens in the United States who are momentarily unable to securely return to their home country due to ongoing armed conflict, the temporary effects of an environmental disaster, or other extraordinary and temporary conditions, and such aliens may not be removed from the United States during the period in which such status is in effect; and

**Whereas**, An alien is only eligible for TPS benefits if he or she (i) establishes a continuous physical presence and continuous residence in the U.S.; (ii) is not subject to one of the criminal, security-related, or other bars to TPS; and (iii) applies for TPS benefits in a timely manner; and

**Whereas**, An alien is not eligible for TPS if he or she (i) has been convicted of any felony or two or more misdemeanors committed in the U.S.; (ii) is a persecutor or subject to one of the bars to asylum; or (iii) is subject to criminal related or terrorism related grounds of inadmissibility for which waiver is not available; and

**Whereas**, TPS is a critical resource for nationals of Haiti who are unable to return to Haiti due to the impact of the earthquake as it permits them to stay temporarily in the United States until Haiti recovers; and

**Whereas**, According to the United States Census Bureau, there are nearly 800,000 Haitians living in the United States and New York City is home to the second largest Haitian population in the nation; and

**Whereas**, The Secretary of the Department of Homeland Security has the authority to extend the designation of TPS to a country that continues to be affected by a natural disaster or armed conflict; and

**Whereas**, The Department of State is currently urging U.S. citizens to avoid all nonessential travel to Haiti because of the nature of the circumstances in Haiti; the advisory is meant to protect U.S. citizens and also to prevent the overburdening of recovery efforts that additional people needing shelter, food, and assistance would cause; and

**Whereas**, Haitians living in the United States are unable to safely return to their home country; and

**Whereas**, A large percentage of residents of Port-au-Prince and other areas affected by the earthquake live on campsites, often under tents and tarpaulins in overcrowded and unsanitary spaces because only 5% of buildings have been

reconstructed; and

**Whereas**, In October of 2010, an outbreak of cholera occurred in Haiti, which has subsequently spread to different regions of the country, including the earthquake-stricken area of Port-au-Prince; and

**Whereas**, The scope of the devastation caused by the earthquake will require a long-term rebuilding and redevelopment plan with support from the United States and the international community; and

**Whereas**, Extending the TPS designation is necessary to avoid hindering Haiti's recovery efforts and to prevent harm to Haitian nationals both in Haiti and in the United States; and

**Whereas**, Due to the slow pace of recovery, Haiti fully meets the criteria for a country entitled to TPS; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Secretary of the Department of Homeland Security to extend the Temporary Protected Status designation of Haiti and eligible Haitians, which is now set to expire on July 22, 2011.

Referred to the Committee on Immigration.

Int. No. 464

By Council Members Fidler, Cabrera, Dickens, James, Koslowitz, Recchia, Seabrook, Vann and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to licensing and regulating furniture retail stores.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is hereby amended by adding a new subchapter 9, to read as follows:

**SUBCHAPTER 9  
FURNITURE RETAIL STORES**

**§ 20-250 Definitions.**

**§ 20-251 License required.**

**§ 20-252 Application; fee; term.**

**§ 20-253 Issuance of license.**

**§ 20-254 Renewal, suspension and revocation of licenses.**

**§ 20-255 Transferability.**

**§ 20-256 Duties of licensees.**

**§ 20-257 Violations.**

**§ 20-258 Exemptions.**

**§ 20-259 Construction.**

**§ 20-260 Powers of the commissioner.**

**§ 20-250 Definitions.** a. "Custom ordered furniture" shall mean items of furniture that are manufactured in accordance with customer selected options and in the exact quantity ordered by such customer.

b. "Damaged or defective" shall mean a flawed or blemished appearance, or other inadequacy resulting in the loss of value or impairment in the usefulness of an item of furniture.

c. "Door to door" shall mean a sale, lease or rental of furniture in which the seller or his or her representative personally solicits the sale, including those sales made in response to or following an invitation by the buyer, where the buyer's agreement or offer to purchase is made at a place other than the main or permanent branch office or local address of the seller. The term "door to door sale" does not include a transaction:

1. made pursuant to prior negotiations in the course of a visit by the buyer to a commercial establishment having a fixed permanent location where furniture is exhibited or offered for sale on a continuing basis; or

2. conducted and consummated entirely by mail or telephone, and without any other contact between the buyer and the seller or its representative, other than at the main or permanent branch office or local address of the seller, prior to the delivery of the

furniture; or

3. in which the buyer has initiated the contact and specifically requested the seller to visit his or her home for the purpose of repairing or performing maintenance upon the buyer's personal property. If in the course of such a visit, the seller offers the buyer the

right to receive additional furniture other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of the additional furniture shall not fall within this exclusion.

d. "Display space" shall mean the area of a commercial establishment in which merchandise is publicly exhibited and offered for sale.

e. "Estimated delivery date" shall mean the specific date, or range of dates, that furniture is scheduled to be delivered.

f. "Fixtures" shall mean pieces of physical property, including, but not

limited to, counters, cabinets, shelving, sinks and built in appliances that are permanently attached to real property and would damage the real property if removed.

g. "Furniture" shall mean any article used to furnish a house, apartment or place of business or accommodation, including but not limited to chairs, tables, cabinets, sofas, carpets, rugs, curtains, bedsteads and chests; provided, however, that such term shall not mean any article which is in substantial part custom-made or custom finished. Furniture shall not include lamps or lighting fixtures, nor shall it include fixtures as defined in section 20-250(e) of this subchapter.

h. "Furniture retail store" shall mean a commercial establishment that sells or leases, or offers to sell or lease, furniture to the general public, and shall include any business that engages in any door to door sale of furniture in the city of New York.

i. "In line goods" shall mean items of furniture regularly produced pursuant to a schedule determined by the manufacturer and in quantities that are determined by such manufacturer which are in excess of any specific customer orders.

j. "Materially dissimilar" shall mean failing to correspond, in a relevant and significant manner, with the description provided on the sales receipt required by paragraph 6 of subsection c of section 20-556 of this subchapter.

k. "Seller" shall mean any person, partnership, corporation or association engaged in the door to door sale of furniture.

l. "Stock merchandise furniture" shall mean furniture available for immediate delivery from a furniture store or warehouse or available at the factory of a manufacturer that supplies furniture to such furniture store.

§ 20-251 **License required.** No person shall maintain or operate a furniture retail store without first having obtained a license therefore issued pursuant to section 20-253 of this subchapter.

§ 20-252 **Application; fee; term.** a. An application for a license required under this subchapter or for any renewal thereof shall be made to the commissioner in such form and manner as he or she shall prescribe by rule.

b. There shall be a biennial fee for a license to maintain or operate a furniture retail store. The fee for such license shall be three hundred and fifty dollars.

§ 20-253 **Issuance of license.** A license to maintain or operate a furniture store shall be granted in accordance with the provisions of this subchapter and any rules promulgated by the commissioner thereunder. The commissioner may refuse to issue to an applicant any license required under this subchapter based upon a determination made after due notice and opportunity to be heard that such applicant has engaged in conduct that would constitute a basis for license suspension or revocation as set forth in section

20-254 of this subchapter.

§ 20-254 **Renewal, suspension and revocation of licenses.** In addition to any powers of the commissioner, and not in limitation thereof, the commissioner may refuse to renew any license required under this subchapter and may suspend or revoke any such license, after due notice and opportunity to be heard, when the person holding a license to maintain or operate a furniture retail store or, where applicable, any of its officers, principals, directors, employees, or stockholders owning more than ten percent of the outstanding stock of the corporation:

a. has been found to have violated any provision of this title, or any rules promulgated thereunder, or any orders of the commissioner issued pursuant thereto, or to have knowingly caused, permitted, aided, or abetted another in committing such violation; or

b. has made a material false statement or concealed a material fact in connection with the filing of any application pursuant to this subchapter or has been found to have committed fraud or misrepresentation upon a customer; or

c. has been found to have engaged in untrue, misleading or deceptive advertising, or deceptive or unconscionable trade practices as described in chapter five of this title and any rules promulgated thereunder; or

d. has not paid, within the time permitted by law, any civil penalty or judgment duly imposed pursuant to the provisions of this title or any rule promulgated thereunder; or

e. has been adjudged by a court of competent jurisdiction to have failed to perform his or her obligations under any express, implied, or written warranty for furniture made as part of his or her contract with a consumer; or

f. has failed to pay or satisfy any final judgment secured against him or her by anyone who purchased furniture from a furniture retail store licensed hereunder, provided that such final judgment was secured in a court of competent jurisdiction against the licensee for acts of commission or omission with regard to the business maintained, operated or conducted by him or her pursuant to the license issued hereunder.

§ 20-555 **Transferability.** No license issued pursuant to this subchapter shall be transferred or assigned to any person or used by any person other than the licensee to whom it was issued.

§ 20-556 **Duties of Licensee.** a. Posting of license. Every person holding a license to maintain or operate a furniture retail store shall conspicuously post such license in such store.

b. Disclosure of selling price. 1. All furniture displayed or offered for sale at retail in a store licensed under this subchapter shall conspicuously display, at the point of exposure or offering for sale, the total selling price, exclusive of sales tax, by means of a stamp, tag or label attached to the item, or a sign at the point of display which indicates the item to which the price refers, provided, however, that such stamp, tag, label or sign must be plainly visible. This paragraph shall not apply to furniture displayed in the window of a furniture retail store.

2. Every store licensed pursuant to this subchapter shall make available for viewing upon request a list, or other written or printed material including, but not limited to, fliers, posters, catalogs, books or brochures, that indicates in a clear and conspicuous manner the current total selling price, exclusive of sales tax, of any furniture offered for sale in such store that is not publicly displayed.

3. Notwithstanding the provisions of section 20-257 of this subchapter, the civil penalties imposed for a violation of this subsection shall be the same as those provided for violations of section 20-708 of this title.

c. Written receipt to be provided. A store licensed pursuant to this subchapter shall provide a written receipt to the customer for the retail purchase of any furniture at the time of purchase. Such written receipt shall clearly state the following information:

1. the amount of money paid for each item;

2. the total amount of money paid, including a separate statement of tax;

3. the date of the purchase;

4. the name and address of the furniture retail store as listed on such store's license;

5. the license number of such store;

6. a full and accurate description of each item purchased, including, where applicable, (i) the type of material, such as whether an item is made wholly or partially of authentic wood or a composite material and finished with a veneer simulating the appearance of authentic wood; (ii) the fabric, such as whether the item is made of cloth, leather, suede or a type of material simulating the appearance of such fabric and the texture of the fabric; (iii) the color and size of the item; (iv) the style or model number and year; (v) the brand name and manufacturer's name; and (vi) any other information reasonably necessary to accurately identify the item;

7. the estimated delivery date; and

8. whether the item purchased is stock merchandise furniture, in line goods, or custom ordered furniture, with each such description initialed by the customer, provided, however, that furniture not so designated or initialed shall be deemed to be stock merchandise furniture.

d. Late or partial delivery of goods. 1. If a licensee is unable, or reasonably expects to be unable, to deliver stock merchandise furniture by the latest estimated delivery date the licensee shall immediately notify the customer in writing of the delay and the customer's rights and options as set forth in paragraph (2) of this subsection.

2. When a licensee is unable to deliver stock merchandise furniture by the latest estimated delivery date the customer shall have the right, at the customer's option, to:

(i) cancel the entire order and if such request is made in writing, receive, at the customer's option, a refund or credit for the full amount paid; or

(ii) negotiate a new estimated delivery date as defined by paragraph 3 of subsection g of this section; or

(iii) accept as a partial delivery any items which the licensee will be able to deliver by the latest estimated delivery date and either: (A) negotiate a new delivery date or range of delivery dates for the remaining items at no additional charge; or (B) cancel the order with regard to the remaining items and if such request is made in writing, receive a full refund for any amounts paid for such undelivered items; or

(iv) select new merchandise of equal value to replace those items which the licensee will be unable to deliver by the latest estimated delivery date and receive delivery of those items at no additional charge.

3. The customer shall not have the rights and options enumerated in paragraph 2 of this subsection when the delay in delivery is caused entirely by the customer.

4. If the customer accepts a partial delivery of goods itemized on a written receipt or in a written confirmation issued pursuant to paragraph 3 of subsection g of this section, and the customer subsequently receives notice from the licensee that such licensee will be unable to deliver, or if the licensee fails to deliver, any or all of the remaining goods itemized on the written receipt or written confirmation by the estimated delivery date, the customer shall have the right upon request, to return the items accepted as a partial delivery, cancel the entire order, and receive a full refund. Such request shall be made in writing.

5. If the customer exercises his or her right to cancel an undelivered order and receive a refund or credit of the amount paid, the licensee shall give the customer such refund or credit within fourteen business days of the date of the customer's written request.

e. Late delivery of in line goods. 1. If a manufacturer notifies a licensee within fifteen days of the order date of in line goods that one or more items of in line goods cannot be delivered to the licensee by the latest estimated delivery date, the licensee shall notify the customer within fifteen days of the order date of such in line goods that such delivery is delayed.

2. If the delayed in line goods can be delivered to the customer within fifteen days of the latest estimated delivery date, the licensee may extend the estimated delivery date for up to fifteen days without consequence, provided the licensee provides the customer with the written confirmation required by paragraph 3 of subsection g of this section.

3. If the delayed in line goods cannot be delivered to the customer within fifteen days of the latest estimated delivery date, the licensee shall notify the customer in writing that he or she has the right to cancel the order and receive, at the customer's option, a refund or credit for the full amount paid, provided the customer cancels his or her order and requests such refund or credit in writing within fourteen days of the date of such notification. The licensee shall state in such notification that if the customer fails to cancel within the time allowed, such licensee may extend the estimated delivery date by up to six weeks from the latest estimated delivery date, provided that the licensee provides the customer with the written confirmation

required by paragraph 3 of subsection g of this section

4. If the licensee will be unable to deliver in line goods to the customer by the latest estimated delivery date, the provisions contained in paragraph two of subsection d of this section shall apply.

f. Late delivery of custom ordered furniture. 1. Except as otherwise provided in paragraph 2 of this subsection, if the licensee is unable to deliver custom ordered furniture by the latest estimated delivery date, the provisions in subsection e of this section shall apply.

2. A licensee may notify a customer up to fifteen days before the latest estimated delivery date that the licensee will be unable to deliver one or more items of custom ordered furniture by the estimated delivery date and may extend the estimated delivery date for up to fifteen days without consequence, provided that the licensee furnishes the customer with the written confirmation required by paragraph 3 of subsection g of this section.

3. If a licensee does not or is unable to notify the customer more than fifteen days in advance of the latest estimated delivery date that one or more items of custom ordered furniture cannot be delivered by the estimated delivery date, the licensee shall notify the customer, in writing: (i) of the customer's right to cancel the order and receive, at the customer's option, a refund or credit for the full amount paid; (ii) of the fact that such request to cancel the order and receive a refund or credit shall be made by the customer in writing within fourteen days of the date of the licensee's notification of the right to cancel the order; (iii) that if the customer fails to cancel within the time allowed, the licensee may extend the estimated delivery by up to eight weeks, provided that the licensee supplies the customer with the written confirmation required by paragraph 3 of subsection g of this section.

g. General provisions pertaining to delayed delivery of furniture. 1. The licensee is not required to notify the customer of a delay in delivery of furniture if the delay is caused entirely by the customer.

2. When a delay in delivery of furniture is caused by a strike, the latest estimated delivery date shall be extended by an amount of time equal to the duration of the strike or thirty days, whichever is less.

3. If a customer negotiates a new estimated delivery date for any items that are not delivered by the latest estimated delivery date, the licensee shall furnish the customer with a written confirmation that contains the following information with respect to each item that is to be delivered:

- (i.) the number of the original receipt or order;
- (ii.) a full and complete description of each of the undelivered items;
- (iii.) the price of each undelivered item; and
- (iv.) the new estimated delivery date for the undelivered items.

h. Damaged or defective merchandise. 1. At the time of delivery, a customer may refuse delivery of any item or items that are damaged, defective, or in a form as to be materially dissimilar from the item or items ordered.

2. Upon the refusal of any customer to accept delivery of any item or items for the reasons specified in paragraph 1 of this subsection, the licensee shall notify the customer within ten days of such refusal of the customer's right to choose, at the customer's option, either a full refund of the purchase price of the item or items, including any applicable taxes and delivery charges, or a suitable replacement item or items at no additional cost to the customer. Such replacement shall be delivered at no additional cost to the customer.

i. Failure to provide refund or credit. The commissioner may order any licensee under this subchapter who has been found by the commissioner to have failed to provide, in the prescribed manner and within the prescribed time, any refund or credit to which

a customer is entitled under this subchapter, to pay to the customer the full amount of the refund or credit that was due plus an amount equal to the lesser of: (i) twice the amount of the full refund or credit that was due; or (ii) one thousand dollars. The remedies in this

subsection are in addition to any other remedies to which the customer may be entitled under applicable law.

j. Records. Every licensee shall maintain records, ledgers, receipts, bills and such other written records as the commissioner may prescribe by rule. Such records shall be made available for inspection by the commissioner at his or her request during reasonable business hours at either the licensee's place of business or at the offices of the department.

§ 20-557 **Violations.** a. The civil penalties imposed pursuant to this section shall be in addition to any other sanctions and orders which may be imposed by the commissioner pursuant to this title including, but not limited to, such sanctions and orders which may be imposed pursuant to section 20-105 of this code.

b. Notwithstanding the provisions of subsections a and b of section 20-106 of this code, any person who violates any provision of this subchapter or any rules promulgated thereunder shall be subject to a civil penalty of not less than two hundred and fifty dollars nor more than two thousand dollars for each violation, to be recovered in a civil action or in an administrative tribunal with jurisdiction.

§ 20-258 **Exemptions.** a. The provisions of this subchapter shall not apply to any store which uses less than twenty percent of its display space, as measured by linear feet and not square feet, for the display of furniture, provided, however, that this exemption shall not apply to any business that engages in any door to door sale in the city of New York.

b. The burden of proof that the provisions of this subchapter do not apply pursuant to subsection a of this section shall be upon the store asserting the same.

§ 20-259 **Construction.** The provisions of this subchapter shall not be construed to affect, alter or amend the provisions of article 10-A of the personal property law, except that to the extent that any of the provisions contained in this subchapter relating to refund policies afford the buyer greater protection than the provisions

contained in article 10-A of the personal property law, such provisions shall supersede the provisions contained in article 10-A of the personal property law.

§ 20-260 **Powers of the commissioner.** The authority and power of the commissioner pursuant to this subchapter and chapter one of this title shall extend to all sales and advertising activities of a furniture retail store and shall not be limited to sales and advertising activities relating to the merchandise described in subsection f of section 20-250 of this subchapter or to merchandise described in any rules of the commissioner promulgated under this subchapter.

§ 2. This local law shall take effect one hundred twenty days after it shall have been enacted into law; provided, however, that the commissioner of consumer affairs may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, establishing guidelines and promulgating rules.

Referred to the Committee on Consumer Affairs.

Int. No. 465

By Council Members Garodnick, Chin, Brewer, Cabrera, Dromm, Fidler, Greenfield, James, Lander, Mendez, Williams, Foster, Rodriguez, Gennaro, Comrie, Jackson and Koo.

**A Local Law to amend the New York city charter, in relation to requiring parking placards to have a barcode which would allow traffic enforcement agents to confirm their validity.**

Be it enacted by the Council as follows:

Section 1. Section 434 of the New York city charter is amended by adding a new subdivision c to read as follows:

c. The commissioner shall require that all parking placards issued by the department have a barcode which would allow traffic enforcement agents to confirm their validity.

§2. Subdivision a of section 2903 of the New York city charter is amended by adding a new paragraph 19 to read as follows:

(19) require that all parking placards issued by the department have a barcode which would allow traffic enforcement agents to confirm their validity.

§3. This local law shall take effect one year after its enactment into law; provided, however, that the commissioner of transportation shall take any necessary actions to implement this law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 466

By Council Members Garodnick, Foster, James, Mealy, Seabrook, Williams, Comrie, Gennaro, Koslowitz, Van Bramer, Gentile, Jackson, Cabrera and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to suspending and/or revoking pedicab licenses for certain violations.**

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 261 of title 20 of the administrative code of the city of New York is amended to read as follows:

e. 1. Any pedicab driver who has been found to have committed two violations of section 20-259 within any twelve month period shall have his or her pedicab drivers license suspended by the commissioner for a period of not less than one month. Any pedicab driver who has been found to have committed three or more violations of section 20-259 within any twelve month period shall have his or her pedicab drivers license revoked by the commissioner.

2. Notwithstanding paragraph one of this subdivision, [A] any pedicab driver who has been found to have committed one violation of paragraph 7 of subdivision b of section 20-259 within any twelve-month period shall have his or her license suspended by the commissioner for a period of not less than three months. Any pedicab driver who has been found to have committed two violations of paragraph 7 of subdivision b of section 20-259 within any twelve-month period shall have his or her pedicab drivers license revoked by the commissioner.

3. Notwithstanding paragraph one of this subdivision[A] any pedicab driver who has been found to have committed one violation of paragraph 6 of subdivision b of section 20-259 within any twelve-month period shall have his or her license revoked by the commissioner.

4. For purposes of this subdivision only, all violations committed on any one day by any one pedicab shall constitute a single violation.

§2. Section 261 of title 20 of the administrative code of the city of New York is amended by adding a new subsection i to read as follows:

*i. Any pedicab that is found in violation of section 20-254 two times within any twelve month period shall have its registration suspended by the commissioner for a period of not less than one month and such pedicab shall not be operated during such period. Any pedicab business that is found to own or be in control of a pedicab that has been found in violation of section 20-254 three times or more within any twelve month period shall have its business license suspended by the commissioner for a period of not less than one year. For purposes of this subdivision only, all violations committed on any one day by any one pedicab shall constitute a single violation.*

§3. This local law shall take effect one hundred twenty days after its enactment provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on Consumer Affairs.

Int. No. 467

By Council Members Garodnick, James, Seabrook, Williams, Comrie, Gennaro, Koslowitz, Gentile, Jackson, Cabrera and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to the permitted number of pedicab registration plates.**

*Be it enacted by the Council as follows:*

Section 1. Section 6 of Local Law 53 of 2009 is amended to read as follows:

§6. This local law shall take effect immediately, except that section five of this local law shall take effect one hundred days after it shall have become a law, and provided that pedicab businesses may continue to operate without a pedicab business license, and pedicab drivers may continue to operate pedicabs without a registration plate and without a pedicab driver's license, until the expiration of one hundred days of the effective date of this local law[, and provided that subdivisions a, b, and d of section 20-251 of the administrative code of the city of New York, as added by section four of this local law, shall be deemed repealed eighteen months after the sixtieth day of the application period for registration plates].

§2. This local law shall take effect immediately.

Referred to the Committee on Consumer Affairs.

Res. No. 649

**Resolution calling on the United States Congress to pass, and the President to sign into law H.R. 3501 amending the Internal Revenue Service Code to permit a deduction of up to \$3,500 in a taxable year for qualified pet care expenses.**

By Council Members Gonzalez, Dromm, Ferreras, Foster, Koppell, Mendez, Recchia, Williams and Rodriguez.

**Whereas**, According to the American Pet Products Manufacturers Association 2009-2010 National Pet Owners Survey, thirty-three percent of U.S. households (or 38.2 million households) own at least one cat, and thirty-nine percent of U.S. households own at least one dog; and

**Whereas**, According to a recent article in the New York Times, *Exploring the Health Benefits of Pets*, many organizations believe that pets have therapeutic and public-health benefits, and many are researching the interaction between humans and animals to see how these interactions affect typical development and health; and

**Whereas**, For at least two decades, mental health organizations have studied the effects of human-pet interaction and human health, with the National Institute of Health finding in a 1987 study that pet owners have improved cardiovascular health and immunity to diseases; and

**Whereas**, Despite the many benefits of owning a pet, the cost of pet ownership is expensive; and

**Whereas**, According to the American Society for the Prevention of Cruelty to Animals, dog owners spend approximately \$1,500 on pet care expenses during the pet's first year with the owner, and cat owners spend approximately \$1,000 for food, veterinary care and other costs; and

**Whereas**, Currently there are no tax exemptions permitting individual tax

deductions for pet care expenses; and

**Whereas**, On July 31, 2009, the United States Congress introduced H.R. 3501, commonly referred to as the Humanity and Pets Partnered Through the Years Act ("HAPPY Act"), which allows individuals to deduct up to \$3,500 in a taxable year for the taxpayer's qualified pet care expenses, defined as "amounts paid in connection with providing care (including veterinary care) for a qualified pet other than any expense in connection with the acquisition of the qualified pet"; and

**Whereas**, According to the Pet Industry Joint Advisory Council, offering pet owners the opportunity to deduct pet care expenses would encourage responsible ownership and reduce the abandonment of pets by people struggling as a result of the economic downturn; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign into law H.R. 3501 amending the Internal Revenue Service Code to permit a deduction of up to \$3,500 in a taxable year for qualified pet care expenses.

Referred to the Committee on State and Federal Legislation.

Int. No. 468

By Council Members Greenfield, Recchia, Rose, Vann, Williams, Rodriguez, Foster, Halloran and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to creating a new parking permit for expectant mothers experiencing a difficult or complicated pregnancy.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.3 to read as follows:

§ 19-162.3 *Permissible parking for expectant mothers experiencing a difficult or complicated pregnancy.* a. *For the purposes of this section, the following term shall be defined as follows:*

*"Difficult or complicated pregnancy" shall be defined as any pregnancy which results in impaired mobility.*

*b. The commissioner shall issue a parking permit for a vehicle owned or operated by an individual who has been certified by a physician as experiencing a difficult or complicated pregnancy. Such parking permit shall be issued within thirty days of the department receiving an application and shall expire thirty days after the expected delivery date.*

*c. Such parking permit shall only be used for the purpose of parking a vehicle where parking is prohibited by sign or rule or allowing a vehicle to stand where standing is prohibited by sign or rule.*

*d. Notwithstanding any other provision of law, such parking permit shall not authorize the parking of a vehicle in a bus stop, a taxi-stand, within fifteen feet of a fire hydrant, a fire zone, a driveway, a crosswalk, a no stopping zone, a no standing zone, or where the vehicle would be double-parked.*

*e. Any misuse of a parking permit issued pursuant to this section shall be sufficient cause for revocation of such parking permit.*

*f. Notwithstanding any other provision of law, no vehicle bearing a permit issued pursuant to this section may be towed when such vehicle is being used in accordance with the purpose for which such permit was issued, except in public safety emergencies to be determined by the police department.*

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

Referred to the Committee on Transportation.

Int. No. 469

By Council Members James, Cabrera, Dromm, Foster, Gonzalez, Koppell, Koslowitz, Lander, Mendez, Rose, Seabrook, Williams, Rodriguez and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a Road Salt Task Force.**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative findings and intent. The use of road salt (sodium chloride) in the United States has increased eightfold since 1980. More than 22 million tons of road salts are used annually nationwide. The New York State



Department of Transportation requires a road salt application rate of 225 pounds per lane-mile for light snow and 270 pounds per lane-mile during a heavy snow storm. This results in New York State dumping 500,000 tons of road salt per year.

Over the years, concerns have grown about the effects of dumping salt on roadways. Studies have shown that road salt accumulates in ground water and pollutes freshwater sources. In New York, freshwater salinity, the proportion of salt in freshwater, reaches levels equivalent to 25% of the concentration of seawater. As freshwater salinity levels continue to rise, freshwater sources may become toxic to aquatic life and unfit for human consumption. Salt also destroys soil structure which leads to soil erosion and can kill trees and other roadside plants. It is estimated that 50% of vehicle corrosion can be attributed to road-salt, which annually costs vehicle owners \$11.7 billion nationwide. The annual cost of corrosion damage on automobile parts, highway components, steel reinforcement bars, and concrete has been estimated to be as high as \$26 billion nationwide.

The Council finds that the use of salt to clear roads is damaging to the environment. Based on this finding, the Council determines that it is necessary to create a task force to study this issue further and draft recommendations for alternate methods of melting snow and ice.

§2. Road Salt Task Force. a. There shall be a task force to study the effect of road salt on streets, groundwater, and the environment and to make specific recommendations to the mayor and council on alternative methods of melting snow and ice.

b. This task force shall be comprised of eleven members, six of whom shall be appointed by the speaker of the council and five of whom shall be appointed by the mayor. The speaker shall designate one member as the chairperson. The task force must be comprised of at least one member from the department of transportation, two members representing environmental groups, two transportation planning experts, one animal rights advocate and five members representing civic groups, one from each borough. Each appointed task force member may be removed for cause by the appointing authority and any vacancy shall be filled in the same manner as the original appointment was made. The task force shall be deemed established upon appointment of six of its members.

c. Members of the task force shall serve without compensation and shall meet when deemed necessary by the chairperson, but in no event shall the task force meet less than six times in a calendar year.

d. The department of transportation may provide staff to assist the task force.

e. The task force shall examine the use of road salt in the city of New York, with a focus on the effect of road salt on streets, groundwater, and the environment.

f. The task force shall issue a report to the speaker and the mayor within twelve months from its establishment. The report shall include recommendations for alternative methods of melting snow and ice and evaluate any environmental impact of these alternatives. This report shall be posted on the city's website within seven days from its submission to the speaker and mayor. The task force shall cease operation after the submission of its report.

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 470

By Council Members James, Cabrera, Dromm, Foster, Koppell, Mealy, Mendez, Rose, Seabrook, Williams, and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring property owners and the Department of Sanitation to use a salt substitute to remove snow or ice from streets, roadways and sidewalks.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 16-123 of the administrative code of the city of New York is amended to read as follows:

b. In case the snow and ice on the sidewalk shall be frozen so hard that it cannot be removed without injury to the pavement, the owner, lessee, tenant, occupant or other person having charge of any building or lot of ground as aforesaid, may, within the time specified in the preceding subdivision, cause the sidewalk abutting on such premises to be strewed with *a salt substitute such as* ashes, sand, sawdust, or some similar suitable material, and shall, as soon thereafter as the weather shall permit, thoroughly clean such sidewalks.

§2. Section 16-124 of the administrative code of the city of New York is amended to read as follows:

§ 16-124 Removal of snow and ice from the streets. The commissioner, immediately after every snowfall or the formation of ice on the streets, shall forthwith cause the removal of the same *by plow and/or the use of a material other than salt such as* ashes, sand, sawdust, or similar suitable material, and shall keep all streets clean and free from obstruction.

§3. This local law shall take effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 650

**Resolution calling upon the Department of Education to encourage eligible teen parents to enroll in the Living for the Young Family through Education (LYFE) program and to partner with the Administration for Children's Services to develop additional parenting skills programs.**

By Council Members James, Brewer, Cabrera, Chin, Dromm, Ferreras, Foster, Mealy, Mendez, Rose, Seabrook, Vann, Williams and Rodriguez.

**Whereas**, The Department of Education (DOE) currently serves approximately 1 million school children in New York City; and

**Whereas**, Federal law requires that schools shall not discriminate against any student, or exclude any student from its education program on the basis of such student's pregnancy or childbirth; and

**Whereas**, Insufficient support services create an environment that pushes pregnant and parenting teens out of New York City public schools; and

**Whereas**, The DOE Living for the Young Family through Education program supports pregnant and parenting students that are enrolled in a DOE school by providing childcare and referral services; and

**Whereas**, Each LYFE program center has a childcare center and is linked to social services and health referral services; and

**Whereas**, The LYFE childcare centers are under the direction of a licensed early childhood teacher who is assisted and supported by two or three paraprofessional care givers; and

**Whereas**, The DOE operates 38 LYFE childcare centers throughout the five boroughs; and

**Whereas**, Any DOE student can access referral services or enroll their child in any LYFE center, space permitting; and

**Whereas**, In most cases, LYFE childcare is free and never more than 3 dollars per week; and

**Whereas**, According to the New York Civil Liberties Union (NYCLU), LYFE programs have been underfunded, underutilized and unavailable to many teens; and

**Whereas**, Since January 2009, at least nine children in New York City, have died as a result of abuse they endured while in the care of someone known to their parents; and

**Whereas**, Mayor Michael R. Bloomberg and ACS Commissioner John B. Mattingly recently launched an educational campaign titled "Be Careful About Who Cares for Your Child" urging parents to be cautious when leaving children with caregivers; and

**Whereas**, The Teenage Services Act of 1984 (TASA) established a case management requirement directed to local social services districts' pregnant and parenting teenagers, who are recipients of public assistance; and

**Whereas**, ACS administers services in accordance with TASA for New York City parents under the age of twenty-two; and

**Whereas**, The services provided by ACS under TASA help young parents obtain public benefits, health services, parenting skills, education, and job skills training; and

**Whereas**, Young parents in New York City would benefit from a partnership between the DOE and the ACS that focuses on supporting pregnant and parenting students; and

**Whereas**, Ensuring that parenting teens have access to childcare services while they attend school will improve educational outcomes; and

**Whereas**, Increasing access and the availability of parenting resources for teens will help keep their children safe; now, therefore, be it

**Resolved**, That the Council of the city of New York calls upon the Department of Education to encourage eligible teen parents to enroll in the Living for the Young Family through Education (LYFE) program and to partner with the Administration for Children's Services to develop additional parenting skills programs.

Referred to the Committee on Education.

Int. No. 471

By Council Members Lappin, James, Rose and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to eliminating the prearrangement and passenger manifest requirements for commuter vans.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision q of section 19-502 of chapter 5 of title 19 of the administrative code of the city of New York is amended to read as follows:

q. "Commuter van service" means a subclassification of common carriers of passengers by motor vehicles as such term is defined in subdivision seven of section two of the transportation law, that provides a transportation service through the use of one or more commuter vans [on a prearranged regular daily basis], over [non-

specified or irregular routes] a fixed route, with designated stops for picking up and discharging passengers, between a zone in a residential neighborhood and a location which shall be a work related central location, a mass transit or mass transportation facility, a shopping center, recreational facility or airport. A “commuter van service” shall not include any person who exclusively provides: (1) any one or more of the forms of transportation that are specifically exempted from article seven of the transportation law; or (2) any one or more of the forms of transportation regulated under this chapter other than transportation by commuter vans.

§2. Paragraph 2 of subdivision e of section 19-504.2 of chapter 5 of title 19 of the administrative code of the city of New York is amended to read as follows:

(2) When such determination by the commissioner of transportation is required by this subdivision, the application for authorization to operate a commuter van service shall set forth the geographic area proposed to be served by the applicant, the fixed route and proposed stops to pick up and discharge passengers within such geographic area and the maximum number of vehicles to be operated and the capacity of each such vehicle, and the commission shall forward a copy of such application to the commissioner of transportation.

§3. Paragraph 7 of subdivision a of section 19-504.3 of chapter 5 of title 19 of the administrative code of the city of New York is amended to read as follows:

(7) A commuter van service and an owner of a commuter van shall maintain such records as the commission shall prescribe by rule [including, but not limited to, records of requests for service and trips]. Such records shall be subject to inspection by authorized officers or employees of the commission during regular business hours.

§4. Subdivision b of section 19-516 of chapter 5 of title 19 of the administrative code of the city of New York is amended to read as follows:

b. No commuter van service and no person who owns, operates or drives a commuter van, shall provide, permit or authorize the provision of transportation service to a passenger unless such [service to a] passenger is [on the basis of a telephone contract or other prearrangement and such prearrangement is evidenced by such records as are required by the commission to be maintained] picked up or discharged at a designated stop set forth in the authorization to operate a commuter van service issued pursuant to section 19-504.2 of this chapter. Where a violation of this subdivision has been committed by a driver of a commuter van, the commuter van service and the owner of such vehicle shall also be liable for a violation of this subdivision.

§5. Subdivision d of section 19-529.4 of chapter 5 of title 19 of the administrative code of the city of New York is amended to read as follows:

d. All commuter vans shall at all times carry inside the vehicle and the operator shall produce upon demand of any officer or employee designated by the commission, any police officer or any authorized officers or employees of the department of transportation or the New York city transit authority:

- 1.the commuter van license;
- 2.the driver’s commuter van driver’s license;
- 3.the authorization to operate a commuter van service, or copy thereof reproduced in accordance with the specifications set forth in the rules of the commission; and
- 4.the vehicle registration and evidence of current liability insurance; and
- 5.[a passenger manifest, and such records evidencing prearrangement as are prescribed by rule of the commission] a map of such commuter van’s fixed route.

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

Referred to the Committee on Transportation.

Int. No. 472

By Council Members Levin, Cabrera, Dromm, Fidler, Gonzalez, James, Koppell, Mendez, Rose, Vann, Williams Rodriguez, Rivera, Mark-Viverito, Wills, Eugene, Lander and Arroyo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit reports concerning cardiopulmonary resuscitation and automated external defibrillator certification to the council.**

Be it enacted by the Council as follows:

Section 1. Section 14-150 of the administrative code of the city of New York is amended by adding a new subdivision c, by relettering subdivision c as subdivision d, and by amending the new subdivision d to read as follows:

c. The department shall submit to the council on an annual basis the following materials, data and reports:

1. A cardiopulmonary resuscitation (CPR) report, which shall include, at a minimum: (i) the total number of department employees certified in CPR in the past calendar year, disaggregated by the number of uniformed officers certified, the number of school safety agents certified, and the number of other civilian employees certified; and (ii) the total number of department employees re-certified in CPR in the past calendar year, disaggregated by the number of uniformed officers re-certified, the number of school safety agents re-certified, and the number of other civilian employees re-certified.

2. A automated external defibrillator (AED) report, which shall include, at a minimum: (i) the total number of department employees certified in AED in the past calendar year, disaggregated by the number of uniformed officers certified, the number of school safety agents certified, and the number of other civilian employees certified; and (ii) the total number of department employees re-certified in AED in the past calendar year, disaggregated by the number of uniformed officers re-certified, the number of school safety agents re-certified, and the number of other civilian employees re-certified.

[c]d. The information, data and reports requested in subdivisions a,[ and] b, and c shall be provided to the council except where disclosure of such material could compromise the safety of the public or police officers or could otherwise compromise law enforcement operations. Notwithstanding any other provision of law, the information, data and reports requested in subdivisions a,[ and] b, and c are not required to be transmitted in electronic format to the department of records and information services, or its successor agency, and are not required to be made available to the public on or through the department of records and information services’ web site, or its successor’s web site. These reports shall be provided to the council within 30 days of the end of the reporting period to which the reports correspond or for which the relevant data may be collected, whichever is later. Where necessary, the department may use preliminary data to prepare the required reports and may include an acknowledgment that such preliminary data is non-final and subject to change.

§2. This local law shall become effective sixty days after its enactment into law.

Referred to the Committee on Public Safety.

Res. No. 651

**Resolution calling upon the New York State Legislature to amend Section 156 of the Public Housing Law to grant priority status to all veterans of the United States military and their immediate families for admittance to public housing developments.**

By Council Members Mendez, Fidler, Arroyo, Brewer, Cabrera, Chin, Dickens, Dromm, Eugene, Foster, Gentile, Gonzalez, James, Koslowitz, Lander, Mealy, Rose, Sanders, Seabrook, Vann, Williams, Rodriguez and Halloran.

**Whereas**, According to statistics from the United States Department of Veterans Affairs (VA), New York City is home to approximately 348,722 veterans; and

**Whereas**, Many veterans in New York City are unable to secure affordable housing for themselves and their families; and

**Whereas**, The New York City Housing Authority (NYCHA) is a public housing agency (PHA) organized and funded primarily through federal and state programs; and

**Whereas**, The requirements for income eligibility and admission preferences for PHAs are based on federal and state law; and

**Whereas**, NYCHA does have priority admission preferences for certain groups, such as working families, victims of domestic violence, intimidated witnesses and those with health emergencies; and

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

**Whereas**, Veterans are disproportionately represented in the homeless population with the VA estimating that one-third of the nation’s homeless population has served in the military; and

**Whereas**, An already difficult transition to civilian life can be exacerbated by New York City’s scarcity of affordable rental apartments, which may add to the risk of veteran homelessness; and

**Whereas**, The financial welfare of New York State residents serving in the military and their immediate families would be advanced by the enactment of laws designed to ease the transition from military to civilian life; and

**Whereas**, Public housing can serve as a stable transition to civilian life by providing affordable housing and social services;

**Whereas**, Currently veterans of the United States military and their immediate families receive no priority admission or preference to public housing development under any existing statutes; and

**Whereas**, At this time of a general economic downturn, it is more crucial than ever that assistance be provided to grant veterans and their immediate families priority access to affordable housing, in such NYCHA developments, so that returning veterans, as well as veterans who served in recent prior conflicts, may avoid financial hardship; and

**Whereas**, The men and women who sacrifice so much for this nation should be afforded every opportunity to receive access to affordable housing; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to amend Section 156 of the Public Housing Law to grant priority status to all veterans of the United States military and their immediate families for



admittance to public housing developments.

Referred to the Committee on Public Housing.

Int. No. 473

By Council Members Recchia and Seabrook (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to certain fees charged by the taxi and limousine commission.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision f of section 19-504 of the administrative code of the city of New York, as amended by local law number 115 for the year 1993, is amended to read as follows:

f. All taxicabs now or hereafter licensed pursuant to the provisions of this chapter shall be inspected at an inspection facility operated by the commission at least once every four months, in accordance with a procedure to be established by the commission. All other vehicles now or hereafter licensed pursuant to the provisions of this chapter other than commuter vans shall be inspected at official inspection stations licensed by the commissioner of motor vehicles pursuant to section three hundred three of the vehicle and traffic law at least once every four months in accordance with the regulations of the commissioner of motor vehicles, codified in part seventy-nine of title fifteen of the official compilation of codes, rules and regulations of the state of New York (15 N.Y.C.R.R. part 79). All commuter vans now or hereafter licensed pursuant to the provisions of this chapter shall be inspected and shall meet safety standards as provided in paragraph two of subdivision a of section 19-504.3 of this chapter. If any taxicab fails to pass its inspection for any reason relating to the requirements established by the New York state department of motor vehicles, it shall be reinspected. The fee payable to the commission for each inspection and each reinspection required for the issuance of a certificate of inspection for a taxicab, inclusive of the issuance of such certificate, shall not exceed [fifty] *ninety dollars for the first inspection and fifty dollars for each reinspection*. The fees payable to the official inspection station for the inspection and the issuance of a certificate of inspection for all other licensed vehicles other than commuter vans shall be the fees charged and collected pursuant to section three hundred five of the vehicle and traffic law. The commission or any other agency authorized by law may conduct on-street inspections of vehicles licensed pursuant to the provisions of this chapter. The date of the inspection of a taxicab and the signature of the persons making the inspection shall be recorded upon the rate card in the space provided therefor. An owner shall be ordered by the commission to repair or replace his or her licensed vehicle where it appears that it no longer meets the reasonable standards for safe operation prescribed by the commission. Upon failure of such owner to have his or her vehicle inspected or to comply with any such order within ten days after service thereof, the license shall be suspended; upon failure of such owner to comply with any such order within one hundred twenty days after service thereof, the license may, at the discretion of the commission, be deemed to have been abandoned by nonuser.

Section 2. Subdivision j of section 19-505 of the administrative code of the city of New York, as amended by local law number 57 for the year 1991, is amended to read as follows:

j. Fees shall be paid by each applicant for a driver's license, as determined by the commission, but not to exceed the following: For each original one-year license \$[60.00] *84.00*. For renewal of a one year period \$[60.00] *84.00*. The fee for an original license or a renewal thereof shall be paid at the time of filing the applications and shall not be refunded in the event of disapproval of the application. An additional fee not exceeding twenty-five dollars shall be paid for each license issued to replace a lost or mutilated license. There shall be an additional fee of twenty-five dollars for late filing of a license renewal application where such late filing is permitted by the commission.

Section 3. This local law shall take effect immediately.

Referred to the Committee on Finance.

Res. No. 652

**Resolution calling upon the New York State Legislature to pass legislation that would bring early voting to the state.**

By Council Members Reyna, Cabrera, Dromm, Foster, Lander, Mealy, Rose, Seabrook, Williams, Rodriguez and Ulrich.

**Whereas**, According to American University's Center for the Study of the American Electorate, only 7.46 percent of eligible New Yorkers voted in the 2010 Primary Election; and

**Whereas**, New York State's turnout did not substantially improve in the subsequent 2010 General Election, when its turnout was ranked lowest among all fifty states; and

**Whereas**, Some have attributed New York's low voter turnout to the state's

lack of an early voting option; and

**Whereas**, Thirty-one states currently offer voters the option of no-excuse, in-person voting before Election Day; and

**Whereas**, In New York, a voter must visit his or her assigned polling location between 6 A.M. and 9 P.M. on Election Day in order to cast a vote; and

**Whereas**, A voter may only vote prior to Election Day in New York if he or she votes via absentee ballot and, even then, only if he or she articulates an acceptable reason for being unable to physically visit a polling site on Election Day; and

**Whereas**, In the 2008 presidential election, over 30 percent of the votes cast nationally were done so via early voting; and

**Whereas**, In that same election, only five percent of New Yorkers voted via absentee ballot; and

**Whereas**, New Yorkers cite their busy schedules as a primary reason for failing to vote on election day; and

**Whereas**, Allowing voters more than a single day to vote would accommodate those who are otherwise be too busy or physically unable to vote on Election Day; and

**Whereas**, A 15-hour window of opportunity in which to vote can result in disenfranchisement when there are unintended delays, as was the case in New York City during the 2010 Primary Election when numerous polling locations were plagued by late openings, broken voting machines and long lines; and

**Whereas**, A recent study published by the University of Wisconsin-Madison found that when combined with same-day registration, early voting has a significant and positive effect on voter turnout; and

**Whereas**, If passed, A.293 (Lancman) would address the need for early voting by enabling registered voters to vote up to fourteen business days in advance of any primary, general or special election; and

**Whereas**, A.293, also known as the Early Voting Act, would bring New York State in line with nearly two-thirds of the country and contribute to more representative elections in the future; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass legislation that would bring early voting to the state.

Referred to the Committee on Governmental Operations.

Int. No. 474

By Council Members Williams, Chin, Dromm, James, Koppell, Lander, Mendez, Rose, Seabrook, Vann, Rodriguez and Jackson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a cost benefit analysis prior to contracting out professional and standard services.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision a of section 312 of the New York city charter, as added by local law number 35 of the year 1994, is amended to read as follows:

§312. Procurement; general rule and exceptions. a. Prior to entering into or renewing a contract valued at more than one hundred thousand dollars to provide, *professional*, [technical, consultant, or personal] *or standard* services, an agency shall follow the procedure established herein.

1. Prior to issuing an invitation for bids, request for proposals, or other solicitation, the agency [shall determine whether such contract will directly result in the displacement of any city employee. If the agency determines that such result would not occur, it shall include a certification to that effect, signed by the agency head, in any invitation for bids, request for proposals, or other solicitation. If the agency determines that such result would occur, the agency] shall determine the costs incurred and the benefits derived in performing the service, consistent with the scope and specifications within the solicitation, with city employees, and shall submit such analysis, with all supporting documentation, prior to issuance of any solicitation, to the comptroller.

2. Immediately upon receipt of bids and proposals, the agency shall submit such determination, analysis, and supporting documentation to the council and to the appropriate collective bargaining representatives representing employees who would be affected pursuant to paragraph 1 of subdivision a of this section.

3. Prior to award of a contract, the agency shall perform a comparative analysis of the costs expected to be incurred and the benefits expected to be derived from entering into a contract with the proposed vendor, based on such vendor's best and final offer, and such agency's analysis of the costs incurred and the benefits derived from providing the service with city employees. If the agency head intends to award the contract, he or she shall submit the reasons therefor, together with such analysis, and all supporting documentation, to the comptroller, the council, and the appropriate collective bargaining representatives representing employees who would be affected pursuant to paragraph 1 of paragraph a of this section.

4. The council may, within thirty days after receipt of such reasons, analysis, and supporting documentation hold a hearing on this matter. No contract award shall be made prior to the expiration of this thirty-day period or a council hearing, whichever is sooner.

5. a. All cost and comparative analyses required under this section shall be conducted in accordance with standard methodology of the office of management and budget, and consistent with the rules of the procurement policy board, as both are modified herein, subject to further modification by local law. Such analyses shall include all reasonable costs associated with performing the service using city employees and all reasonable costs associated with performing the service under the proposed contract.

b. Such analyses shall further include, the total number, qualifications, job descriptions, and titles of all personnel to be employed by the vendor under the proposed contract, as well as the nature and cost of salaries and benefits to be provided to such personnel.

c. Such analyses shall further include, but not be limited to, the cost of employee supervision directly related to the provision of the service, vendor solicitation, contract preparation, contract administration, monitoring and evaluating the contractor, capitalization of equipment over the period such equipment shall be in use, supplies; the cost of providing the equivalent quantity and quality of service by city employees compared to the cost of providing such service by contract, based upon the best and final offer of the proposed vendor, and such other factors as will assist in arriving at full and accurate cost determinations and comparisons.

6. The reasons given to award the contract shall include all factors that have been considered in determining whether contracting for this service is in the best interest of the city, whether or not such reasons are contained within the cost or comparative analyses. Such factors shall include, but not be limited to, the potential for contractor default, the time required to perform the service, and the quality of the service to be delivered.

7. The mayor or his or her designee may prepare and implement a plan of assistance for displaced city employees, which may include, but need not be limited to, training to place such employees in comparable positions within the contracting agency or any other agency. The cost of such assistance plan may be included within the cost of contracting-out in the cost and comparative analyses.

8. For the purpose of this section, "displacement" shall mean any employment action that results in a reduction in the number of funded positions, including but not limited to, those resulting from the layoff; demotion; bumping; involuntary transfer to a new class, title, or location; time-based reductions, or reductions in customary hours of work, wages, or benefits of any city employee.

9. For the purpose of this section, "professional" services shall mean services that require specialized skill and the exercise of judgment, including but not limited to accountants, lawyers, doctors, computer programmers and consultants, architectural and engineering services, technical services and construction management services.

10. For the purpose of this section, "standard" services shall mean services other than professional services.

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

Referred to the Committee on Contracts.

L.U. No. 304

By Council Member Recchia:

**Metro North Gardens, Block 1654, Lot 29, Manhattan, Council District No. 8**

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

L.U. No. 305

By Council Member Recchia:

**200,202,204,206,208,210,214, West 105<sup>th</sup> Street, Block 1876, Lots 34,134,35,135,36,37,39, Manhattan, Council District No. 8**

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

L.U. No. 306

By Council Member Recchia:

**Concord Senior Residence, Block 1824, Lot 70, Brooklyn, Council District No. 36.**

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

L.U. No. 307

By Council Member Recchia:

**New Foundations Program, Culver El, 1284 37<sup>th</sup> Street, 1300 37<sup>th</sup> Street, Brooklyn, Council District No. 39.**

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

L.U. No. 308

By Council Member Recchia:

**Haven Plaza, Block 382, Lot 1, Manhattan, Council District No. 2.**

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

L.U. No. 309

By Council Member Comrie:

**Uniform land use review procedure application no. C 100228 MMQ, pursuant to §197-c and §199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code concerning an amendment to the City Map, Borough of Queens, Council District no. 24. 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 Planning, Dispositions and Concessions.

L.U. No. 310

By Council Member Comrie:

**Uniform land use review procedure application no. C 100229 HAQ, an Urban Development Action Area Designation and Project, located at 161-79 86<sup>th</sup> Avenue, and the disposition of such property, Borough of Queens, Council District no. 24. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 311

By Council Member Comrie:

**Uniform land use review procedure application no. C 110140 HAM, an Urban Development Action Area Designation and Project, located at 9-17 Second Avenue, and the disposition of such property, Borough of Manhattan, Council District no. 1. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 312

By Council Member Comrie:

**Uniform land use review procedure application no. C 110141 PQM, pursuant to §197-c and §197-d of the New York City Charter concerning the acquisition of property, located at 9, 11-17 Second Avenue, Borough of Manhattan, Council District no. 1.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 313

By Council Member Comrie:

Application no. N 110162 HAX, an Urban Development Action Area Designation and Project, located at 12 East Clarke Place and 27 East 169<sup>th</sup> Street, Borough of the Bronx, Council District no. 16.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 314

By Council Member Comrie:

Application no. 20115418 HAM, approval of a modification to a plan and project located at Block 1736/Lot 1, Council District no. 9, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article V of the New York Private Housing Finance Law, at the request of the New York City Department of Housing Preservation and Development.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 315

By Council Member Comrie:

Application no. 20115419 HAM, approval of a conveyance from the current owner to the new owner for property located at Block 1736/part of Lot 1, Council District no. 9, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article V of the New York Private Housing Finance Law, at the request of the New York City Department of Housing Preservation and Development.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 316

By Council Member Comrie:

Application no. 20115231 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Sol's Restaurant, Inc., d/b/a II Sole, to continue to maintain and operate an unenclosed sidewalk café located at 233 Dyckman Street, Borough of Manhattan, Council District no. 7.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 317

By Council Member Comrie:

Application no. 20115165 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Marlow, Inc., d/b/a Diner, to continue to maintain and operate an unenclosed sidewalk café located at 85 Broadway, Borough of Brooklyn, Council District no. 34.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 318

By Council Member Comrie:

Application no. 20115294 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Agora, Inc., d/b/a Barberry, to continue to maintain and operate an unenclosed sidewalk café located at 152 metropolitan Avenue, Borough of Brooklyn, Council District no. 34.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

At this point the Speaker (Council Member Quinn) made the following announcements:

**ANNOUNCEMENTS:**

**Thursday, February 3, 2011**

**★ Addition**

Committee on **SMALL BUSINESS** jointly with the Committee on **COMMUNITY DEVELOPMENT** and Committee on **ECONOMIC DEVELOPMENT** ..... **1:00 P.M.**  
Oversight - When Walmart Comes to Town: The Effect on Small Businesses and Communities: A Historical and Prospective View  
Emigrant Savings Bank ~ 49-51 Chambers Street.....Diana Reyna, Chairperson  
..... Albert Vann, Chairperson  
..... Karen Koslowitz, Chairperson

**Tuesday, February 8, 2011**

Subcommittee on **ZONING & FRANCHISES** .....**9:30 A.M.**  
See Land Use Calendar Available Thursday, February 3, 2011  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor .....Mark Weprin, Chairperson

Committee on **HOUSING AND BUILDINGS** .....**10:00 A.M.**  
Int 291 - By The Public Advocate (Mr. de Blasio) and Council Members Brewer, Chin, Lander, Mealy, Foster, Vann, Rodriguez, Garodnick, Williams, Weprin, Mendez, Levin, Mark-Viverito, Lappin, Sanders Jr., Rose, Palma, James, Van Bramer, Ferreras, Dromm and Jackson - A Local Law to amend the building code of the city of New York, in relation to penalties for violating the housing maintenance code by failing to provide adequate heat and hot water.

Int 439 - By Council Members Dilan, Arroyo, Cabrera, Foster, Gentile, Koppell, Palma, Vann, Williams and Nelson - A Local Law to amend the administrative code of the city of New York, in relation to the required installation of indoor thermometers in multiple dwellings.  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor  
..... Erik Martin-Dilan, Chairperson

**★ Deferred**

Subcommittee on ~~LANDMARKS, PUBLIC SITING & MARITIME USES~~ .....**11:00 A.M.**  
See Land Use Calendar Available Thursday, February 3, 2011  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**. **1:00 P.M.**  
See Land Use Calendar Available Thursday, February 3, 2011  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Stephen Levin, Chairperson

**★ Note Committee Addition**

Committee on **EDUCATION** jointly with the  
★ Committee on **CONTRACTS** ..... **1:00 P.M.**  
Oversight - The Department of Education's School Food Policies and Procedures  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Robert Jackson, Chairperson  
..... ★ Darlene Mealy, Chairperson

**Wednesday, February 9, 2011**

★ Addition

Committee on SANITATION AND SOLID WASTE MANAGEMENT jointly with the Committee on FIRE AND CRIMINAL JUSTICE SERVICES and Committee on PUBLIC SAFETY and Committee on OVERSIGHT AND INVESTIGATIONS..... 6:00 P.M. Oversight – The December Blizzard of 2010: Evaluating the City’s response Location: .....Marine Park Intermediate School 278 1925 Stuart Street Brooklyn, New York 11229 ..... Letitia James, Chairperson ..... Elizabeth Crowley, Chairperson ..... Peter Vallone, Chairperson ..... Jumaane Williams, Chairperson

Thursday, February 10, 2011

★ Addition

Committee on CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS.....10:00 A.M. Res 626 - By Council Members Mark-Viverito, Arroyo, Brewer, Cabrera, Dromm, James, Koppell, Lander, Mendez, Palma, Rose, Sanders Jr., Seabrook and Williams - Resolution calling upon the United States Congress to reinstate the privileges, formerly held by the Puerto Rican Resident Commissioner and other delegates, allowing them to vote on amendments and procedures in the Committee of the Whole. Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... James Van Bramer, Chairperson

Committee on LAND USE.....10:00 A.M. All items reported out of the subcommittees AND SUCH OTHER BUSINESS AS MAY BE NECESSARY Committee Room – 250 Broadway, 16<sup>th</sup> Floor .....Leroy Comrie, Chairperson

Committee on GENERAL WELFARE jointly with the Committee on JUVENILE JUSTICE and Committee on CIVIL RIGHTS and Committee on YOUTH SERVICES ..... 1:00 P.M. Oversight - ACS’ LGBTQ Policies Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Annabel Palma, Chairperson ..... Sara Gonzalez, Chairperson ..... Deborah Rose, Chairperson ..... Lewis A. Fidler, Chairperson

Friday, February 11, 2011

★ Addition

Committee on GOVERNMENTAL OPERATIONS ..... 10:00 A.M. Res 646 - By Council Member Brewer and the Speaker (Council Member Quinn) - Resolution authorizing the Council to join in an amicus brief to be filed with the United States Supreme Court in support of the Respondents in the litigation captioned *McComish v. Bennett*, for the purpose of supporting the Respondents’ position that the Court should uphold the trigger funds provision of Arizona’s campaign finance law. Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Gale Brewer, Chairperson

Monday, February 14, 2011

Committee on IMMIGRATION ..... 10:00 A.M. Agenda to be announced Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Daniel Dromm, Chairperson

★ Deferred

Committee on YOUTH SERVICES .....10:00 A.M. Agenda to be announced Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Lewis A. Fidler, Chairperson

★ Addition

Committee on TRANSPORTATION .....10:00 A.M.

Agenda to be announced Committee Room – 250 Broadway, 14<sup>th</sup> Floor .....James Vacca, Chairperson

Committee on SANITATION AND SOLID WASTE MANAGEMENT1:00 P.M. Agenda to be announced Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Letitia James, Chairperson

Committee on PARKS AND RECREATION jointly with the Committee on HEALTH..... 1:00 P.M. Oversight - The Department of Parks and Recreation’s Compliance with Local Law 20 - Public Access to Automated External Defibrillators Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Melissa Mark-Viverito, Chairperson ..... Maria del Carmen Arroyo, Chairperson

Committee on MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES jointly with the Committee on CIVIL SERVICE AND LABOR and Committee on LOWER MANHATTAN REDEVELOPMENT ..... 1:00 P.M. Oversight - Examining the NYC World Trade Center Medical Working Group 2010 Annual Report on 9/11 Health Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... G. Oliver Koppell, Chairperson ..... James Sanders, Chairperson ..... Margaret Chin, Chairperson

Wednesday, February 16, 2011

★ Addition

Committee on FINANCE..... 10:00 A.M. Preconsidered Res \_\_\_\_ - By Council Member Recchia - Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget. AND SUCH OTHER BUSINESS AS MAY BE NECESSARY Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Domenic M. Recchia, Chairperson

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m. ..... Agenda – 1:30 p.m. Location ..... ~ Emigrant Savings Bank ~ 49-51 Chambers Street.....

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Comrie) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, February 16, 2011.

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council

Editor’s Local Law Note: Int Nos. 328-A and 425-A, both adopted at the January 18, 2011 Stated Council Meeting, were signed by the Mayor into law on February 1, 2011 as, respectively, Local Law Nos. 9 and 10 of 2011.





